



## MINUTES ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

17 August 2022 at 5:00pm

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# MINUTES OF THE ORDINARY COUNCIL MEETING

15 JUNE 2022

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
15 JUNE 2022 COMMENCING AT 5.00PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 5:00pm.

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

**Councillors**

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Deputy President
Cr CV Farr	Councillor
Cr JR Holmes	Councillor
Cr HR McTaggart	Councillor
Cr AR Smyth	Councillor

**Staff**

Mr Nils Hay	Chief Executive Officer
Mr Jeremy Clapham	Manager Finance and Administration
Ms Erin Greaves	Manager Governance and Community

**Members of the Gallery**

Nil

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 20 APRIL 2022

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 April 2022 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 2 MAY 2022

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 2 May 2022 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 9 MAY 2022

OFFICER RECOMMENDATION - 10.1.1

That the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 9 May 2022 be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION EN BLOC - ITEM 7.1, 7.2 & 10.1.1 – RESOLUTION# 01150622

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

1. That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 April 2022 be confirmed as a true and accurate record of proceedings.
2. That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 2 May 2022 be confirmed as a true and accurate record of proceedings.
3. That the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 9 May 2022 be received.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

## 11.0 CHIEF EXECUTIVE OFFICER

### 11.1 PROPOSED OUTBUILDING, 10 (LOT 87) IKEWA STREET, MINGENEW

**Location/Address:** 10 (Lot 87) Ikewa Street, Mingenew  
**Name of Applicant:** M. Western  
**Disclosure of Interest:** Nil  
**File Reference:** A424  
**Date:** 3 June 2022  
**Author:** Simon Lancaster, Planning Advisor  
**Senior Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Council is in receipt of an application to construct a 247.25m<sup>2</sup> outbuilding in place of the previous cyclone damaged 160m<sup>2</sup> shed upon 10 (Lot 87) Ikewa Street, Mingenew. The application has been presented to Council for its consideration as it exceeds the maximum outbuilding size set by the Shire of Mingenew 'Outbuildings' Local Planning Policy that can be determined under delegated authority by Shire staff.

This report recommends that Council advertise the application, and in the event of no objections being received that it be approved. Alternative resolution wording should Council wish to approve the application (without advertising) or refuse the application are provided at the end of the Comment section should Council consider an alternative resolution to the recommendation.

#### **OFFICER RECOMMENDATION – ITEM 11.1**

**MOVED:** Cr HR McTaggart                      **SECONDED:** Cr AR Smyth

#### **That Council:**

- 1 Advertise the application for an outbuilding to be constructed upon 10 (Lot 87) Ikewa Street, Mingenew to surrounding landowners inviting comment.**
- 2 At the conclusion of the 14-day adverting period, in the event that any written, author-identified objections have been received, return the matter to the August Council meeting for further deliberation.**
- 3 At the conclusion of the 14-day adverting period, in the event that no written, author-identified objections have been received, grant delegated authority to the Chief Executive to approve the application for an outbuilding to be constructed upon 10 (Lot 87) Ikewa Street, Mingenew subject to the following:**

#### **Conditions**

- (a) Development shall be in accordance with the plans included within Attachment 11.5 to the June 2022 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.**
- (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Shire CEO to represent significant variation from the approved development plan may require further application and planning approval for that use/addition.**
- (c) The walls and roof of the outbuilding must be of materials, finish and colours that are non-reflective (i.e. not zinalume) and complementary to the existing development upon the property to the approval of the local government.**

- (d) 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, commercial or industrial purposes.
- (e) All stormwater is to be disposed of on-site to the approval of the local government.
- (f) Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.
- (g) The applicant is responsible to ensure that no parking of vehicles associated with the development/property occurs within the road reserve, including the road verge.
- (h) 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:

- (i) 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.
- (ii) If an applicant is 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.

AMENDMENT TO THE MOTION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 02150622

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council includes an additional condition requiring the applicant to amalgamate Lot 87 and Lot 88 Ikewa Street, Mingenew, as Condition (i) as follows:

“ (i) The two lots (87 & 88 Ikewa Street, Mingenew) be amalgamated. ”

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

AMENDED MOTION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 03150622

MOVED: Cr CV Farr

SECONDED: Cr JD Bagley

That Council:

- 1 Advertise the application for an outbuilding to be constructed upon 10 (Lot 87) Ikewa Street, Mingenew to surrounding landowners inviting comment.
- 2 At the conclusion of the 14-day advertising period, in the event that any written, author-identified objections have been received, return the matter to the August Council meeting for further deliberation.
- 3 At the conclusion of the 14-day advertising period, in the event that no written, author-identified objections have been received, grant delegated authority to the Chief Executive to approve the application for an outbuilding to be constructed upon 10 (Lot 87) Ikewa Street, Mingenew subject to the following:

Conditions

- (a) Development shall be in accordance with the plans included within Attachment 11.5 to the June 2022 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.
- (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Shire CEO to represent significant variation from



the approved development plan may require further application and planning approval for that use/addition.

- (c) The walls and roof of the outbuilding must be of materials, finish and colours that are non-reflective (i.e. not zincalume) and complementary to the existing development upon the property to the approval of the local government.
- (d) 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, commercial or industrial purposes.
- (e) All stormwater is to be disposed of on-site to the approval of the local government.
- (f) Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.
- (g) The applicant is responsible to ensure that no parking of vehicles associated with the development/property occurs within the road reserve, including the road verge.
- (h) 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.
- (i) The two lots (87 & 88 Ikewa Street, Mingenew) be amalgamated.

**Notes:**

- (i) 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.
- (ii) If an applicant is 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 REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

**Attachment**

11.1.1 Submitted application & Shire of Mingenew Outbuildings Local Planning Policy

**Background**

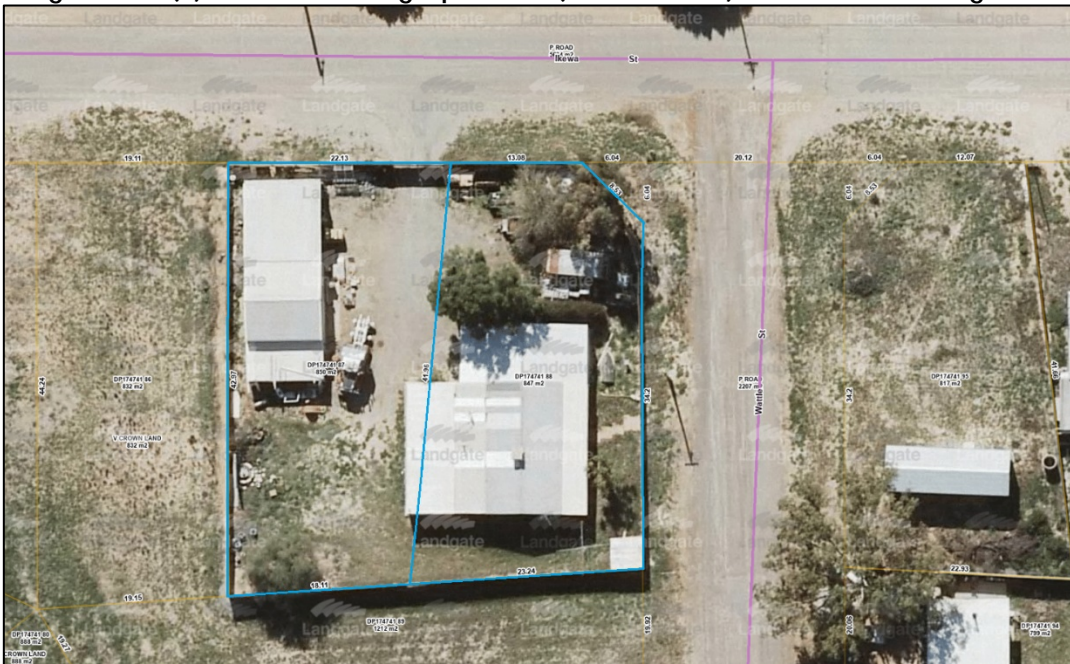
Lot 87 is an 850m<sup>2</sup> property fronting Ikewa Street to the north that contained a 160m<sup>2</sup> outbuilding that was damaged by Cyclone Seroja. Lot 87 also contains a portion of the residence that is primarily located upon adjoining 847m<sup>2</sup> Lot 88 which is located on the corner of Ikewa and Wattle Streets.

Lots 87 and 88 are owned by the applicant and appear on-ground to form one overall 1,697m<sup>2</sup> landholding. It is not uncommon in the Mingenew townsite for neighbouring properties to be owned by one landowner and have buildings across boundaries and the oldest available Department of Lands aerial photography indicates that the built form upon Lots 87 & 88 has been in place since at least 1998, and it is suggested that the actual site development pre-dates this by some way.

Figure 11.1(a) – Location Plan for 10 (Lots 87 & 88) Ikewa Street, Mingenew



Figure 11.1(b) – Aerial Photograph of 10 (Lots 87 & 88) Ikewa Street, Mingenew



The applicant is seeking approval to construct an 11.5m x 21.5m (247.25m<sup>2</sup>) outbuilding with a wall height of 4m and total/gable height of 5.5m.

The method of construction would involve splitting the existing enclosed portion of the shed into 2 sections and moving the northern half further northwards and inserting into the gap a new section of shed to create a larger and higher gabled outbuilding.

The new outbuilding would replace the cyclone damaged 8m x 20m (160m<sup>2</sup>) outbuilding that has a total/gable height of 4m, with the damaged lean-to section to the north of the existing shed having to have been demolished.



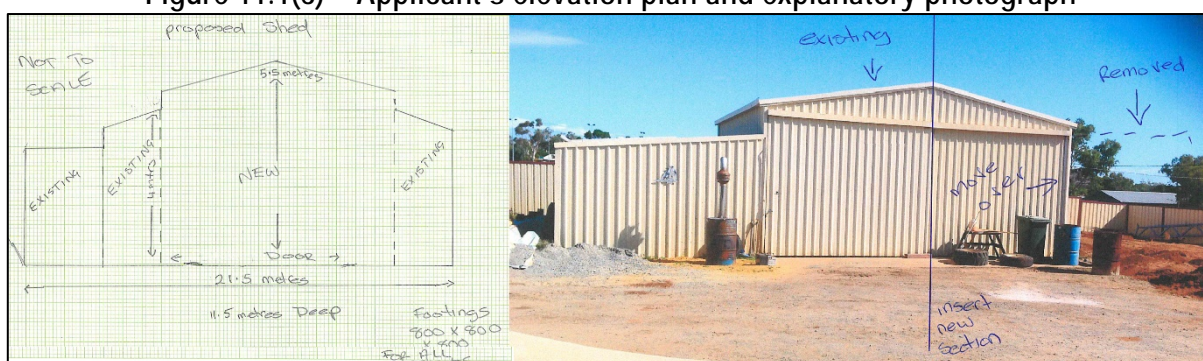
The applicant has been presented to Council for its consideration as it exceeds the 200m<sup>2</sup> maximum outbuilding area set by the Shire of Mingenew 'Outbuildings' Local Planning Policy that can be determined under delegated authority by Shire staff.

The applicant is also proposing to site the new outbuilding 0.3m from the Ikewa Steet property boundary and 0.3m from the side property boundary that abuts Vacant Crown Land to the west.

This would be closer than the current outbuilding setback which is 1.5m from the western side property boundary and the now demolished lean-to section of the former outbuilding that was located 1.5m from the Ikewa Street property boundary.

The applicant's submitted site, elevation and floor plans and supporting correspondence are provided as **separate Attachment 11.1.1** along with plans illustrating the former outbuilding prior to part demolition.

**Figure 11.1(c) – Applicant's elevation plan and explanatory photograph**



**Figure 11.1(d) – Pre-Cyclone (left) and post-cyclone (right) view of outbuilding on Lot 87 looking south-west from Ikewa Street**



**Figure 11.1(e) – Pre-Cyclone (left) and post-cyclone (right) view of outbuilding on Lot 87 looking south-east from Ikewa Street**



**Comment**

Consideration of the applicant's sought variation to the outbuilding area policy requirements may be warranted in this instance, based upon the following:

- whilst the proposed 247.25m<sup>2</sup> total outbuilding area exceeds the 200m<sup>2</sup> Outbuildings Policy requirement (for lots above 1,500m<sup>2</sup>) it is noted that the outbuilding would be partially obscured from the neighbouring vacant lot and Ikewa Street by the matching colorbond fence.
- the proposed shed would take up 14.57% of the property and this can be considered a reasonable level of site coverage, and provides sufficient non-impervious surface area upon the property to ensure stormwater runoff is captured and managed within the property boundaries rather than discharged onto Ikewa Street or Wattle Street, and requirement to retain stormwater runoff can be applied as a condition of approval by Council.
- the outbuilding would accommodate the applicant's caravan, camper trailer and vintage truck (which is the reason for the raised gable height) and it is considered preferable for these items to be secured out of the weather rather than about the property, not just for the applicant but also for general amenity and appearance.
- the outbuilding would be clad in colorbond complementary to the existing fencing and outbuilding.
- whilst the new shed would be sited forward of its existing position as viewed from Ikewa Street it would present the same length/elevation as currently can be seen on-site (now that the cyclone damaged lean-to has been demolished) once it has been attached to north of the new larger central portion.

The new location for the shed also introduces a further variation that exceeds the delegated authority of Shire staff, this being the proposed 0.3m boundary setback to Ikewa Street.

In this instance Ikewa Street is being considered the secondary street for assessment purposes as the residence fronts Wattle Street.

Table 1 of the Residential Design Codes of Western Australia ('R-Codes') recommends a 2m boundary setback for secondary streets in the R12.5 zone. On this basis the outbuilding does not meet the deemed-to-comply setback provisions under Section 5.4.3.C3 of the R-Codes and cannot be determined by Shire staff under delegated authority and requires determination by Council in regards to this aspect also.

The R-Codes Explanatory Guidelines provides the following guidance in relation to assessing matters relating to street setbacks and secondary streets:

**"Street Setback**

*The urban design presumption is for the street setback area to be free from buildings and structures, enabling a clear view to and from the street. This provides a comfortable and secure relationship and transition between public and private space.*

*From a social point of view, the street setback area and how it is developed and managed allows for comfortable communication and interaction between residents, neighbours and passers-by or callers who may not be known to the occupants. This creates the opportunity for casual and safe interaction to enhance a sense of community and safety.*

*At the same time, an open setback area provides for mutual surveillance between the street and building, enhancing security for the building (and its occupants) and for people passing by.*

*From a visual point of view, an open setback area provides a more attractive setting for the building. The street setback should also provide, depending on the location of essential services, adequate clearances from, and access to, essential services for reasons of safety and utility.*

*The same principles apply to communal streets and rights-of-way that provide the frontage to dwellings.*

*There will, of course, be exceptions, principally where the street is an arterial road carrying significant volumes of traffic.*

### Frontage streets

*Street setback areas are an integral part of the streetscape and are fundamental to the amenity and particular character of residential localities. They may perform a number of different, but complementary roles:*

- *continuity of the streetscape;*
- *a visual setting for the dwelling;*
- *a buffer against noise and general activity on the public street;*
- *privacy for the dwelling;*
- *visual connection to the street, its users and to neighbours;*
- *space for car parking and access; and*
- *a transition zone between the public street and private dwelling.*

*These considerations apply particularly to public streets to influence orientation of the main frontage to dwellings as it presents to the street. Similar principles apply to communal streets, and rights-of-way used to provide frontage to dwellings. Secondary or side streets may also function in this way.*

### Side or secondary streets

*Different streetscape characteristics usually occur on secondary or side streets, with the street alignments formed by the long side boundaries of corner lots. These are characterised by side fences or walls rather than open gardens, and a small setback to the building.*

*In many cases these streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to the side street. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.*

*The setback area should be open but with a reduced setback for practical and streetscape reasons. Private open space may be located to one side of the building rather than a narrow strip along the rear.” (Section 4.1, pages 16-17)*

### “Appropriate street setback distances

*In the case of new residential areas, the desirable street setback distance is often fixed as an integral part of the subdivision, for example as part of structure plan(s) or local development plan(s).*

*In the case of established residential areas with valued streetscapes, it will usually be the case that there is a consistent pattern of street setbacks. In these cases, new development should closely conform to the established pattern. Where the pattern varies, a setback mid-way between that of the buildings on either side may be appropriate.” (Section 4.1.1, page 18)*

Consideration of the applicant's sought variation to the secondary street setback R-Code requirements may be warranted in this instance, based upon the following:

- the shed at a 0.3m setback would be located approximately 7m from the edge of the roadway which would still provide reasonable sightlines to vehicles exiting Lot 87 onto the roadway and for vehicles travelling along Ikewa Street.
- the shed would be located 35m from the Ikewa Street and Wattle Street intersection and would not interfere with vehicle sightlines.
- the shed would present its shorter 11.5m elevation to Ikewa Street rather than the larger 21.5m elevation.
- the vehicles exiting/entering the outbuilding would gain access via the (eastern) elevation facing into Lot 87 rather than directly from Ikewa Street.
- there is ability through guttering and installation of rainwater tanks/soakwells to ensure stormwater runoff is captured and managed within the property boundaries rather than discharged onto Ikewa

Street or Wattle Street, and requirement to retain stormwater runoff can be applied as a condition of approval by Council.

- there are precedents of outbuildings with nil and reduced secondary street setbacks in the Mingenew townsite on Enanty Street, Ikewa Street, Irwin Street, King Street, Lockier Street, Moore Street, Oliver Street and Phillip Street.

In the event that Council consider that the application meets with its requirements and should be APPROVED WITHOUT ADVERTISING then it may find the following wording appropriate:

*"That Council approve the application for an outbuilding to be constructed upon 10 (Lot 87) Ikewa Street, Mingenew subject to the following:*

*Conditions:*

- 1 Development shall be in accordance with the plans included within Attachment 11.5 to the June 2022 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 building or land (not the subject of this consent/approval) considered by the Shire CEO to represent significant variation from the approved development plan may require further application and planning approval for that use/addition.*
- 3 The walls and roof of the outbuilding must be of materials, finish and colours that are non-reflective (i.e. not zincalume) and complementary to the existing development 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, commercial or industrial purposes.*
- 5 All stormwater is to be disposed of on-site to the approval of the local government.*
- 6 Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.*
- 7 The applicant is responsible to ensure that no parking of vehicles associated with the development/property occurs within the road reserve, including the road verge.*
- 8 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) If an applicant is 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."*

In the event that Council consider that the application does not meet its requirements and that it should be REFUSED then it may find the following wording appropriate:

*"That Council refuse the application for an outbuilding upon 10 (Lot 87) Ikewa Street, Mingenew for the following reasons:*

- 1 The development is considered contrary to Sections 16 & Schedule 1(5) & Schedule 2 of the Shire of Mingenew Local Planning Scheme No.4.*
- 2 The development is considered contrary to Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 3 The development is considered contrary to the objectives of the Shire of Mingenew Outbuildings Local Planning Policy.*

- 4 *Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and strategic planning requirements.*

*Advice Note:*

*If an applicant is 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."*

### **Consultation**

The Shire of Mingenew Outbuildings Local Planning Policy states that:

*"Applications that propose variation to any part of the Policy may require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 14 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.*

Council may therefore wish to write to the landowners inviting comment upon the application. In the event Council wishes to advertise the application the Shire would also place an advisory sign inviting comment on-site and place advisory/explanatory information on its website.

### **Statutory Environment**

Lots 87 & 88 are zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.4. Table 2 of the Scheme lists the objectives of the 'Residential' zone as being:

- "• To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development."*

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting, including –*
  - (i) the compatibility of the development with the desired future character of its setting; and*
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- (s) the adequacy of –*

- (i) *the proposed means of access to and egress from the site; and*
- (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

### **Policy Implications**

The Shire of Mingenew 'Outbuildings' Local Planning Policy was adopted by Council at its 17 April 2019 meeting and reviewed at its 21 August 2019 meeting. A copy of the policy has been included within **separate Attachment 11.1.1**.

The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m<sup>2</sup> for Mingenew townsite lots that are less than 1,500m<sup>2</sup> and 200m<sup>2</sup> for lots greater than 1,500m<sup>2</sup>. Whilst Lot 87 is 850m<sup>2</sup> in area it has been assessed under the 200m<sup>2</sup> outbuilding size/1,500m<sup>2</sup>+ lot size criteria, due it being owned in common with neighbouring 847m<sup>2</sup> Lot 88 creating a 1,697m<sup>2</sup> landholding. The reason for this assessment is that the landholding appears on-ground to be one property and due to the existing residence and effluent disposal system straddling the Lot 87/88 boundary line and the co-dependence of the residence and outbuilding there is very limited scope for their being sold into separate ownership.

The proposed shed would not comply with the 4m maximum wall height and 5m maximum total roof height set by the Outbuildings Policy with the proposed new outbuilding having a 5.5m gable apex height, although the proposed 4m outbuilding walls would meet with the maximum wall height policy requirement.

The Outbuildings Policy lists the following:

#### *"Objectives*

- 1 *To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 *To provide a clear definition of what constitutes an "outbuilding".*
- 3 *To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 *To limit the visual impact of outbuildings.*
- 5 *To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

#### *"Policy Provisions*

##### *General*

- 1 *Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.*
- 2 *Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.*



- 3     *The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.*

*Height, Size and Setbacks*

*Outbuildings within the Residential, Rural Townsite or Tourism zones shall;*

- (a) be single storey;*
- (b) be located behind any dwelling on site;*
- (c) meet all setback requirements set out in the Local Planning Scheme and this policy;*
- (d) not be approved by the local government on a lot not containing a dwelling;*
- (e) be attached to, or setback 1.8m from any dwelling and 1.2m from any septic tank."*

A Local Planning Policy does not bind the local government in respect of any application for planning approval, but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

**Financial Implications**

The application would not have a budgetary impact to Council.

**Strategic Implications**

The Mingenew Townsite Local Planning Strategy notes in Section 4.26 'Architectural Style' that:

*"In keeping with the rural nature of the community many homes have open style fencing, larger sheds and outbuildings, rain water tanks and other modern improvements."*

Lots 87 & 88 fall within the area at the eastern end of the townsite identified on the Mingenew Townsite Local Planning Strategy Map as being suitable for rezoning to 'Special Use' to allow for the development of a Live-Work Area.

Section 4.3.9 'Amenity Impacts of Existing Industrial Development' of the Mingenew Townsite Local Planning Strategy notes that:

*"Existing industrial development in proximity to the Mingenew townsite, particularly the CBH grain receival point, is considered by residents to have some off-site amenity impacts, such as noise and dust. As a result the vacant residential land south of Ikewa Street and north of View Street is not seen locally as being attractive for development.*

*There may be an opportunity to consider a live/work investigation area (i.e. for home based businesses and workshops) in this section of Mingenew."*

*"Objective 5.1 - Allow for a mixture of residential and small scale mixed business/light industrial uses to provide work-live options.*

*Planning Provision 5.1 - Rezone the area between Ikewa and View Streets to a Special Use zone, with small scale light industrial uses to be permitted in association with a residence."*

## 11.2 2022 COUNCIL MEETING DATES REVIEW

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GV.CMT  
**Date:** 20 May 2022  
**Author:** Nils Hay, Chief Executive Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

As committed to at the December 2021 Ordinary Council Meeting, which introduced two-monthly Ordinary Council Meetings, Council is required to review this decision.

### Key Points

- Some reduction in workload on months without Ordinary Council Meetings has been noticed
- There do not appear to have been any impacts on public comment or attendance at Council meetings (either positive or negative)
- It is proposed that the two-monthly meeting schedule be maintained for the remainder of 2022

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION# 04150622**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr AR Smyth

That Council maintain the meeting schedule adopted at the December 15 2021 Ordinary Council Meeting. Specifically:

Council Meeting Dates 2022
January 2022 – Nil
16 February 2022
March 2022 – Nil
20 April 2022
May 2022 - Nil
15 June 2022
July 2022 - Nil
17 August 2022
September 2022 - Nil
19 October 2022
November 2022 - Nil
14 December 2022

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

### Background

At the 17 November 2021 Ordinary Council meeting, a Councillor motion was presented requesting a direction to the CEO to prepare a meeting schedule for 2022 to be based upon an intent to hold Ordinary Council meetings every two months. The motion was carried, and an extract of the resolution is provided below:

**COUNCILLOR MOTION AND COUNCIL DECISION - ITEM 13.1 – RESOLUTION# 10171121**

**MOVED:** Cr AR Smyth

**SECONDED:** Cr JD Bagley

That Council directs the Chief Executive Officer to prepare a meeting schedule for 2022 based upon an intent to hold an Ordinary Council Meeting every two months.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/1**

Cr JR Holmes requested that his name be recorded as voting against this item

At the 15 December Ordinary Council Meeting, Council made the following resolution:

**AMENDED MOTION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 05151221**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr GF Pearse

**That Council**

1. Sets the 2022 Ordinary Council meeting dates to commence at 5:00pm, in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, as per the below schedule:

<b>Council Meeting Dates 2022</b>
January 2022 – Nil
16 February 2022
March 2022 – Nil
20 April 2022
May 2022 - Nil
15 June 2022
July 2022 - Nil
17 August 2022
September 2022 - Nil
19 October 2022
November 2022 - Nil
14 December 2022

Unless local public notice is provided to the contrary, all Council meetings are to be held in Council Chambers located at 21 Victoria Street, Mingenew.

2. Resolves that the meeting schedule be reviewed at the 15 June 2022 meeting.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

To ensure that there was still capacity for the public to engage with Council in months with no Ordinary Council Meeting, Council has implemented and advertised a public question time session between 5.00pm and 5.30pm at its Concept Forum meetings during those months. So far in 2022 no members of the public have attended either a Council Meeting or Concept Forum to observe or participate in public question time.

No feedback has been reported as received by either Shire staff or Councillors in relation to the change.

### Comment

This motion was initially proposed with the intent of reducing some of the burden of agenda preparation on Council staff, as well as out of recognition for Councillor time spent preparing for, travelling to and attending meetings. The workload for staff on the 'off' months has been reduced, as expected, and the commensurate increase on the 'on' months has not been significant. To that end, one of the aims has been achieved.

At the time of the original decision, advice was sought from WALGA on the proposal, with several potential risk areas identified and risk mitigation developed, as outlined below.

*Accessibility and Transparency:*

Less frequent meetings provide less opportunity for the public to attend meetings and be heard on issues.

As noted above, there remain monthly opportunities for the public to engage with Council. To date for 2022 the public have utilised other means (letters, email, direct contact) to engage with Councillor and Council staff.

*Decisions with Statutory Timeframes:*

Some decisions, particularly those related to planning matters, have statutory timeframes that Council is required to meet.

Only one Special Council Meeting (SCM) has taken place in 2022, and this was to commence the CEO Recruitment process. The current schedule has not caused any challenges with regard to decision-making timeframes thus far.

It is noted that there will likely be a SCM to adopt the budget at some stage in July. Even with monthly meetings, both 2020 and 2021 saw SCMs for budget adoption.

*Lead-time on Decisions:*

There may be some items, without statutory timeframes, that could take longer to be resolved (especially where decisions are required at consecutive meetings).

These types of issues have not emerged. Again, important matters can be managed through a Special Council Meeting if required. It is probable that the CEO appointment process may require some such meetings. This would likely be the case regardless of Council meeting schedule.

*Community Perception of Councillor Workload:*

There is a reputational risk that such a move could be seen as Councillors attempting to abrogate their responsibilities (whilst still collecting their annual fees).

To date, no evidence of this has taken place.

*Council Agenda Length and Councillor Workload:*

In contrast to the item above, there is a risk that two-monthly meetings could result in unreasonably large agendas for Council to consider.

Again, to date this has not yet been an issue. There have been some large Concept Forum agendas, but this has not yet translated into unmanageable workloads on Ordinary Council Meeting months. If anything it simply reflects the broad array of projects and initiatives that Council is currently discussing. Some of this will, no doubt, translate into decision-making at future Ordinary Meetings.

*Loss of Connection Between Council and the Administration:*

Council meetings are an opportunity for Councillors and senior staff to check in and maintain positive working relationships, which are important to the effective operation of the Shire.

Monthly Concept Forum meetings ensure that this connection continues to be fostered.

*Summary:*

To date there appear to have been few negative impacts as a result of the change, and some reduction in administrative workload. To that end, it has been proposed that the two-monthly frequency continue until the end of 2022. In late 2022 Council will be required to adopt meeting dates for 2023 and can revisit this decision.

**Consultation**

WALGA

**Statutory Environment**

Local Government Act 1995

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

Local Government (Financial Management) Regulations 1996

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

- (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.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2019-29

1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness.

### 11.3 CORPORATE BUSINESS PLAN ANNUAL REVIEW

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: CM.PL.1  
Date: 1 June 2022  
Author: Nils Hay, CEO  
Voting Requirement: Absolute Majority

#### Summary

We are required to review the Shire's Corporate Business Plan 2019-23 on an annual basis, this report proposes an updated version of the CBP for the 22/23 Financial Year, being the final year of the current plan.

#### Key Points

- Annual review has seen few significant changes, with a view to keeping project load manageable for incoming CEO
- Document updated to reflect FY20/21 financials
- Updated organizational chart also added

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 – RESOLUTION# 05150622**

**MOVED: Cr CV Farr                      SECONDED: Cr HR McTaggart**

**That Council, by Absolute Majority, endorses the content of the reviewed version of the Corporate Business Plan 2019-2023, as presented in attachment 11.3.1.**

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

#### Attachment

11.3.1      CBP Excerpt with tracked changes

11.3.2      CBP Review Document Final for Adoption (Unformatted)

#### Background

Council adopted the Corporate Business Plan 2019-23 at the July 2019 Ordinary Council Meeting and last reviewed it at the June 2021 Ordinary Council Meeting.

A proposed review document was discussed at the May 2022 Concept Forum and updated to following that discussion. A tracked changes version is attached (as not all areas required changes), as is a final version for adoption with those changes incorporated.

#### Comment

The following changes were made in reviewing the document for the 22-23 Financial Year:

#### Review Cycle

- Note regarding likely impact of legislative reform process on integrated planning and future reviews
- Removal of documents from previous review cycle
- Update of timing for future reviews of Long Term Finance Plan

#### Strategic Direction

- Removed tables as they duplicate content included in later sections of the document

Minor Review of the Strategic Community Plan

- Updated to reflect 2021 minor review

2022 Review of the Corporate Business Plan

- New section to provide context, particularly around TC Seroja, COVID-19 and the recruitment of a new Shire CEO

Four Year Priorities

- Fix typos

Key Assumptions

- Added CEO changeover
- Added line item around COVID-19

Unforeseen Impacts

- Updated section on TC Seroja impacts

Organisational Structure and Functional Responsibilities:

- Updated in line with current workforce structure (minor changes only)

Key projects:

- Added:
  - 1.1.1g Delivery of upgrades at Mingenew Airstrip
  - 5.2.2d Support local small businesses to enable ongoing delivery of key services
- Amended:
  - 2.2.1 to reference REED, rather than the Mingenew CRC

Financial Profile:

- Updated reference to ongoing development of new Long Term Financial Plan
- Updated to reflect FY20/21 Annual Report figures

Resourcing Requirements:

- Updated comments for all
- Updated 1.1.1e (Completion of town street sealing) from 'Deliver' to 'Maintain' and updated resourcing accordingly
- Updated 1.1.1f (Investigation of CBH road realignment) from 'Deliver' to 'Plan/Fund' and updated resourcing accordingly
- Added 1.1.1g (Delivery of upgrades at Mingenew Airstrip)
- Updated d 1.1.2a (Mingenew Railway Station Restoration) from 'Maintain' to 'Activate' and updated resourcing accordingly
- Updated 1.1.2g (Public Noticeboard in town centre) from 'Maintain' to 'Plan/Deliver' and updated resourcing accordingly
- Updated 1.2.3f (Update Shire Local Laws) from 'Review' to 'Hold – pending LG Act Reform'
- Updated 1.3.2c (Upgrade of Mingenew Fire Shed) from 'Deliver/Maintain' to 'Fund/Deliver' and updated resourcing accordingly
- Updated 1.4.2b (Removal of asbestos from Mingenew Common) from 'Deliver' to 'Plan' and updated resourcing accordingly
- Updated 2.1.1b (Telehealth Lobbying) from 'Maintain' to 'Deliver' and updated resourcing accordingly
- 2.2.1a (Support improvement of childcare delivery) amended to include REED and LRCI funding contribution
- 2.3.2a (Delivery of tourist information services) Replaced T&P Committee with CRC and added funding

contribution

- Updated 2.3.2b (Engage in Wildflower Country projects) from 'Deliver' to 'Plan'
- Updated 2.3.2c (Development of new local tourism products) from 'Lobby' to 'Lobby/Deliver' in light of Astrotourism event funding
- Updated 2.4.2c (Walking trails on Mingenew Hill) from 'Maintain' to 'Plan/Deliver' given ongoing delivery of project and additional BBRF funding
- Updated 2.4.2g (Tennis Facilities Upgrade) to include addition of new funding sources for project
- Updated 3.2.2a (light industrial incubator project) from 'Delivery' to 'Plan' given ongoing delays awaiting response from State Government
- Updated 5.2.2c (Audit of local home-based/micro-businesses) to push the work back into 22/23 given that it will not be undertaken in FY21/22
- Added 5.2.2d (Support local small businesses to enable ongoing delivery of key services)

Workforce Plan:

- Removed repeated text

Long Term Financial Plan:

- Updated to reflect current project development status
- Ratios removed given current state of review

Asset Management Plan:

- Fixed typo
- Referenced 22/23 review of the AMP

Risk Management:

- Updated to reflect updated Risk Registers

Measuring performance:

- Community satisfaction survey item updated to reflect June 2022 delivery timeframe
- Staff turnover KPI updated
- Comments added/updated

Completed items:

- Items added following completion:
  - 1.1.1b Coalseam Bridge upgrade
  - 1.1.1d Phillip Street Parking upgrading
  - 1.1.1e Completion of town street sealing
  - 1.1.2c Audit and reseal of town carparks
  - 1.1.2f Upgrade of Shire depo shedding
  - 5.1.1a Plan, fund and install Wi-Fi in Mingenew town centre

It should be noted that – as with many of our planning documents – the CBP remains an ambitious set of targets for an organization our size to hit. This is reflected in the number of items that have had timeframes pushed out. As has been the case over FY21-22, an update on this progress will be provided as part of the Concept Forum reporting each month.

Upon endorsement the attached document will be appropriately formatted.

Consultation

- Councillors
- Leadership team



### **Statutory Environment**

Local Government Act 1995:

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulation 1996:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

### **Policy Implications**

Nil

### **Financial Implications**

The Plan is the key driver for the annual budget and the long-term financial plan. This linkage ensures that community priorities are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

### **Strategic Implications**

This is a key strategic document; each item has been identified in terms of its links to the Strategic Community Plan 2019-29. It also has links to:

- Annual Budget
- Long Term Financial Plan
- Workforce Plan
- Asset Management Plan

#### 11.4 METHOD TO FILL ELECTED MEMBER VACANCY FOLLOWING EXTRAORDINARY ELECTION

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GV.ELE.6  
**Date:** 5 June 2022  
**Author:** Erin Greaves, Governance & Community Manager  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

##### Summary

With the resignation of Cr GF Pearse, there are a number of Committee positions vacant that Council will need to consider filling either from existing Councillors or by waiting for an outcome on the vacancy.

##### Key Points

- Cr GF Pearse resigned 1 April 2022 and an Extraordinary Election was to be held to fill the vacancy
- At the close of Nominations at 4pm Tuesday, 7 June 2022, no nominations had been received.
- Section 4.57 of the Local Government Act 1995 indicates the next steps if less candidates than vacancies are received
- Council may identify a suitable person for the role and nominate them for the position. Subject to their approval, Council may appoint a person by Absolute Majority

##### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 – RESOLUTION# 06150622**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr CV Farr

1. That Council seeks to identify a suitable candidate for the current vacancy in accordance with s.4.57(3) of the *Local Government Act 1995* (an appointment will require an Absolute Majority decision of Council).
2. If no appointment is made by 17 August 2022, by Absolute Majority, Council seeks approval from the Electoral Commissioner for the vacancy to remain vacant until the next Ordinary Local Government Election as per s.4.17(3) of the *Local Government Act 1995*.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

##### Background

At the 20 April 2022 Ordinary Council meeting, Council decided to hold an Extraordinary Election to fill the vacancy left by former Cr Pearse's resignation. The Election date was set for 13 July 2022, which meant nominations opened Monday, 30 May 2022 and closed at 4pm, Tuesday, 7 June 2022 (to account for the Public Holiday on the Monday).

The Chief Executive Officer received no nominations as of 4pm, 7 June 2022.

##### Comment

Council may have more success in identifying a suitable candidate and approaching them directly, as is provided for under s.4.57(3) of the Local Government Act 1995.

Should Council not be successful in making an appointment in accordance with s.4.57(3), it may be able to seek permission from the Electoral Commissioner for the vacancy to remain unfilled until the next ordinary Election (October 2023).

## **Statutory Environment**

Local Government Act 1995

### **4.17. Cases in which vacant offices can remain unfilled**

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member's office becomes vacant under section 2.32 —*
  - (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
  - (b) *before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

#### **(4A) Subsection (3) applies —**

- (a) *if —*
  - (i) *the office is for a district that has no wards; and*
  - (ii) *at least 80% of the number of offices of member of the council in the district are still filled;**or*
- (b) *if —*
  - (i) *the office is for a ward for which there are 5 or more offices of councillor; and*
  - (ii) *at least 80% of the number of offices of councillor for the ward are still filled.*
- (4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

### **4.57. Less candidates than vacancies**

- (1) *If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*
- (2) *If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —*
  - (a) *the candidate or candidates is or are elected; and*
  - (b) *an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.*
- (3) *If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint\* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

*\* Absolute majority required.*

- (4) *A person appointed under subsection (3) is to be regarded as having been elected.*

## **Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2019-29

1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

## 11.5 ANNUAL REVIEW OF DELEGATIONS AND UPDATE OF REGISTER

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
File Reference: GV.AUT.2  
Disclosure of Interest: Nil  
Date: 1 June 2022  
Author: Erin Greaves, Governance Officer  
Authorising Author: Nils Hay, Chief Executive Officer  
Voting Requirements: Absolute Majority

### Summary

In order to meet the local government's statutory obligation to review its delegations at least once a year to facilitate effective and efficient decision making.

### Key Points

- Local governments are required to review its delegations at least once every financial year
- The last review was undertaken by Council in June 2021
- The Register provided, lists all delegations made from the state government to the local government, Council to Committees and Council to the Chief Executive Officer or other personnel
- The CEO may delegate to any employee a power or discharge where appropriate

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 – RESOLUTION# 07150622**

**MOVED: Cr JD Bagley**

**SECONDED: Cr CV Farr**

That Council adopts, by Absolute Majority, the updated Delegations Register as presented in Attachment Booklet – June 2022, satisfying the requirement under s5.18 of the *Local Government Act 1995* to undertake an annual review at least once every financial year.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

### Attachments

11.5.1 Proposed Updated Delegations Register v1.7 (NLM211586)

### Background

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per *Local Government Act 1995* s5.18 and s5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council has not yet reviewed the Register this financial year.

### Comment

A significant review process was undertaken prior to the Delegations Review in June 2021 and there have been no legislation changes identified that impact existing delegations. Therefore, no changes have been proposed.

A review of Delegations (sub-delegations i.e. from the Chief Executive Officer to employees) and Authorisations will be undertaken internally, following Council's review to ensure alignment with the delegations.

### Statutory Environment

*Local Government Act 1995*

**5.16. Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**5.17. Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority of the council; and
    - (ii) any other power or duty that is prescribed; and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

**5.18. Register of delegations to committees**

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;

- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

**5.45. Other matters relevant to delegations under this Division**

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
  - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
  - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
  - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
  - (b) *a CEO from performing any of his or her functions by acting through another person.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- 1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- 2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- 3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

*Specific statutory requirements are outlined within the Register for each delegation made.*

**Policy Implications**

The Delegations Register will link with and guide some Council and internal policies. Reference to the relevant Council Policy for each delegation is listed within the register.

**Financial Implications**

Delegations allow for a more streamlined and timely service for its ratepayers and stakeholders creating resourcing efficiencies, where Council oversight is not required as direction has been provided through the delegation, policy or other instrument, or an employee is suitably qualified and/or experienced to undertake the power/duty.

**Strategic Implications**

Strategic Community Plan 2019-2029

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner



## 11.6 JOINT VENTURE AGREEMENT FOR AGED PERSONS UNITS

**Location/Address:** 12 Victoria Street, Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** CP.LSO.1  
**Date:** 8 June 2022  
**Author:** Erin Greaves, Governance & Community Manager  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

The Shire's Joint Venture Agreement (JVA) with "Homeswest" (now Department of Communities) is due to expire 20 August 2022 and Council are presented with the options to extend, renew or terminate the Agreement.

### Key Points

- The Shire has a Joint Venture Agreement with Homeswest that was established to formalise the financing and management of the Aged Persons Units (APUs)
- The JVA is due to expire in August 2022
- Council is presented with options available upon expiry of the Agreement
- The recommendation is for the Agreement to be extended

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 – RESOLUTION# 08150622**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr AR Smyth

**That Council:**

1. Agrees in principle, to extend the Term of the Joint Venture Agreement (JVA) with "Homeswest" for the four Aged Persons Units at 12 (Lot 66) Victoria Street, Mingenew in accordance with Clause 7.1 of the JVA; and
2. Obtains a valuation for the property to determine the Current Market Value of the Land and Units, and revised project equities.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

### Attachment

11.6.1 Joint Venture Agreement (original) – August 1997

### Background

In August 1997, Council entered into a Joint Venture Agreement (JVA) with "Homeswest" (now Department of Communities) to fund and construct the four aged persons units at 12 Victoria Street, Mingenew.

The Agreement sets out the

The total project cost at the time was \$357,130, with the Shire contributing \$54,777 and holding an equity percentage of 15.37% (OEI) and Homeswest contributing \$302,353 with 84.66% (HEI) equity.

In regard to expiration of the Agreement, Clause 7 provides:

*"7.1 At least six months before the expiration of the Term, but not earlier than 18 months*

*before the expiration of the Term, the Parties shall agree to one of the following courses of action:*

- a) to enter into a new joint venture agreement between the Parties on new terms and conditions with a view to continuing the Project;*
- b) to extend the Term of the existing Agreement for a further period as agreed between the Parties;*
- c) to assign or transfer the Organisation's Interest in the Joint Venture Property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement for a new term or is willing to negotiate a new Joint Venture agreement with Homeswest;*
- d) the Organisation to buy out Homeswest's equitable Interest in the Joint Venture at its Current Market Value;*
- e) Homeswest to purchase the Organisation's equitable Interests in the Joint Venture Property at its Current Market Value, and thereby transfer proprietorship of the Land to Homeswest ;*
- f) to sell the Joint Venture Property at its Current Market Value and divide the proceeds of the sale between the Parties based on each Party's percentage equitable Interest in the Joint Venture as identified in Item 3 of the Schedule.*

*7.2 In the event that the Parties agree to renew or extend the Agreement pursuant to clauses 7. 1a) & 7. 1b), or agree to transfer the Organisation's Interest pursuant to clause 7. 1c), then the equitable Interests in the Joint Venture of each Party shall be revalued at their Current Market Values in accordance with the formula stated in Annexure C of this Agreement. The revised project equities shall be entered into Item 5 of the Schedule.*

*7.3 In the event that the Parties agree to pursue the options identified in Clauses 7 .1 d), 7 .1 e) or 7. 1 f), then the percentage equitable Interests in the Joint Venture of each of the Parties shall be as stated in Item 3 of the Schedule.*

*7.4 The Current Market Value of the Land and the other Joint Venture Property shall be determined by a Valuer approved by Homeswest. In the event of a disagreement between the Parties about the valuation, the Current Market Value of the Land and the other Joint Venture Property shall be determined by taking the average of 2 valuations thereof by 2 Valuers, one nominated by Homeswest and the other nominated by the Organisation, and this determination shall be final and binding upon the Parties."*

The Department of Communities contacted the Shire in April 2022 to discuss the impending Agreement expiration and a virtual meeting with representatives from the Property Management team. During this meeting, representatives indicated that the option to renew was their preferred option. No term length was proposed but would be negotiated based on condition and expected useful life. The Shire's asset management system estimates the "useful life" of the Aged Person Units to be 32 years (from construction), which would be 2029.

### Comment

A comment regarding each of the options are provided below:

#### New JVA

- would allow the Shire to seek advice on the contractual requirements to ensure it is structured in the Shire's interest and reflects contemporary contract management practice;
- provides an opportunity to consider changes to the arrangements and the structure of each of the parties, with a focus on management of the Aged Persons Units (APUs) and current social housing policies;
- would attract legal costs for the development of a new Agreement

#### Extend the JVA

- would require minimal costs (valuation) and resourcing to execute
- The Shire's equity may change - Annexure C of the JVA (page 28 of Attachment 11.6.1) outlines how the equity under renewal or extension is calculated and an example is provided under Financial Implications

- Department of Communities preferred option

Assign or Transfer the Shire's Interest

- No appropriate party has been identified
- The Shire would be relieved of responsibility to maintain and manage the property and there would be savings to the Shire
- Reputational risk to Shire in not supporting housing for seniors and vulnerable members of the community
- Have two Independent Living Units adjacent to the units that the Shire would still manage

Buy Out Homeswest's Interest

- An indicative valuation was sought from Harcourts Dongara but to-date no response has been received
- Council would need to fund the buy out, the current Budget does not provide for this

Homeswest to Buy Out the Shire's Interest

- Not likely given the Department's feedback
- Valuation would be required

Sell the Property and Divide Proceeds

- Selling the property would reduce affordability and availability of suitable housing for seniors within the Shire
- Valuation would be required

It is the Officer's Recommendation that an extension to the existing agreement be sought and a valuation obtained to determine the revised equity interests. Given the estimated useful life, it is suggested that a 5 year term plus option to extend yearly for 2 years be used as a starting point for negotiations.

Once a valuation has been obtained and the revised equitable interests determined, the Shire can commence negotiations with the Department and return to Council for a final determination.

Consultation

Department of Communities

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

If the option to extend or renew is agreed, the JVA requires that a revaluation to be done which would cost approximately \$1,000 (cost shared with Department based on equity).

The following is an example of how the revaluation would impact the equitable interests as per Annexure C (Revaluation of Equities Formula):

Step 1 – Equitable interest in Land

Total of Land Costs = Land Costs contributed by Shire + Land Costs contributed by Homeswest

\$22,946 = \$22,946 + \$0

Shire's Equitable Interest in Land = 100%

Homeswest's Equitable Interest in Land = 0%

Step 2 – Equitable Interest in Units

Total of Construction Costs = Construction Costs\* contributed by Shire + Construction Costs contributed by Homeswest

\*Construction Costs plus any subsequent agreed improvements (no value for improvements provided for this exercise)

$$\$334,184 = \$31,831 + \$302,353$$

Shire's Equitable Interest in Units = 9.52%

Homeswest's Equitable Interest in Units = 90.47%

Step 3 – Revaluation of Equitable Interests in Joint Venture

Current Market Value of Land (L) = \$20,000

Current Market Value of Units (U) = \$300,000

Shire's Equitable Interest in Land = \$20,000 x 100% = \$20,000

Homeswest's Equitable Interest in Land = \$20,000 x 0% = \$0

Shire's Equitable Interest in Units = \$300,000 x 9.52% = \$28,560

Homeswest's Equitable Interest in Units = \$300,000 x 90.47% = \$271,410

Total Project Value (TPV) = \$20,000 + \$0 + \$28,560 + \$271,410 = \$319,970

***Shire's revised equitable interest =***

$$\$20,000 + \$28,560 / \$319,970 \times 100 = 15.18\%$$

***Homeswest revised equitable interest***

$$\$0 + \$271,410 / \$319,970 \times 100 = 84.82\%$$

In this scenario, the Shire's equitable interest has decreased, although this does not factor any improvements made since construction and is not based on an actual valuation.

Strategic Implications

Strategic Community Plan 2019-29

3.1.2 Develop local housing market (support new business model)

## 11.7 APPOINTMENT TO COMMITTEES FOLLOWING COUNCILLOR RESIGNATION

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GV.CMT.4  
**Date:** 9 June 2022  
**Author:** Erin Greaves, Governance & Community Manager  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

### Summary

With the resignation of Cr GF Pearse, there are a number of Committee positions vacant that Council will need to consider filling either from existing Councillors or by waiting for an outcome on the vacancy.

### Key Points

- A vacancy exists on the Audit & Risk Committee for a Council member following the resignation of Cr GF Pearse. The Committee's Terms of Reference require that the Committee consist of at least four members, including one external member. It has been Council's preference to operate with four Elected Members and one Independent Member, but the position could remain vacant.
- Former Cr GF Pearse also held a number of proxy delegate positions, but it is not considered urgent that these be filled until there is an outcome on how of if the current Elected Member vacancy is to be filled.
- Elected Member Committee appointments are generally reviewed following each ordinary local government election but may be amended by Council by Absolute Majority decision at any time.

### OFFICER RECOMMENDATION – ITEM 11.7

That Council, by Absolute Majority, appoints:

1. Cr \_\_\_\_\_ to the Shire of Mingenew Audit & Risk Committee;
2. Cr \_\_\_\_\_ as proxy delegate to the Behaviour Complaints Committee;
3. Cr \_\_\_\_\_ as proxy delegate to the Regional Joint Development Assessment Panel; and
4. Cr \_\_\_\_\_ as proxy delegate to the Northern Country Zone of WALGA.

### OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.7 – RESOLUTION# 09150622

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council, by Absolute Majority, appoints:

1. Cr JR Holmes to the Shire of Mingenew Audit & Risk Committee;
2. Cr JR Holmes as proxy delegate to the Behaviour Complaints Committee;
3. Cr JR Holmes as proxy delegate to the Regional Joint Development Assessment Panel; and
4. Cr JR Holmes as proxy delegate to the Northern Country Zone of WALGA.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/0

### Attachment

- 11.7.1 Audit & Risk Committee Terms of Reference
- 11.7.2 Behaviour Complaints Committee Terms of Reference
- 11.7.3 Northern Country Zone of WALGA Information Pack

### **Background**

The Shire recently called for nominations for Council through an Extraordinary Election process to fill the vacant position left by the resignation of former Cr GF Pearse. At the close of nominations, no nominations had been received. A separate report is presented for Council to consider its options with regard to the vacancy.

As the vacancy may not be filled immediately, Council should consider whether to fill the existing vacancies on Council Committees and external organisations.

Former Cr Pearse held the following Council representative positions:

- Audit & Risk Committee Member
- Behaviour Complaints Committee – proxy delegate
- Joint Development Assessment Panel – proxy delegate
- Northern Country Zone – proxy delegate

Current Membership of the Committees impacted by the vacancy are:

#### **Shire of Mingenew Audit & Risk Committee**

Cr HR McTaggart (Chairperson)

Cr GJ Cosgrove

Cr AR Smyth

*Vacant*

Ms Jane Bagshaw – Independent Member

#### **Shire of Mingenew Behaviour Complaints Committee**

Cr JD Bagley

Cr AR Smyth

Cr CV Farr

Proxy delegates – Cr HR McTaggart, Cr GJ Cosgrove and *vacant*

#### **Joint Development Assessment Panel**

Cr GJ Cosgrove

Cr JD Bagley

Proxy delegates – Cr CV Farr and *vacant*

#### **Northern Country Zone of WALGA**

Cr GJ Cosgrove

Cr HR McTaggart

Proxy delegates - *vacant*

### **Comment**

There is no urgency to fill the vacancies, and Council does have the option to operate without a fourth Council member on its Audit & Risk Committee however, the timeframe for Council filling the vacancy is currently unknown therefore, it is suggested that Council fill the current vacancies now and a review can be undertaken if/when the Council vacancy is filled.

The Audit & Risk Committee Terms of Reference require that the Committee consist of at least four members, including an independent member although it has been Council's past practice to have four Elected Members on the Committee plus an independent member. It is anticipated that the Committee will next be meeting in late June / July.

The Behaviour Complaints Committee (BCC) has three proxy delegates to ensure that, should a member of Council receive a complaint against them, and the matter is presented before the BCC, then that member or members do not form part of the sitting Committee and proxies can be used. The BCC meets only as required.

A Development Assessment Panel (DAP) is an independent decision-making body comprised of technical experts and elected local government members. These panels determine development applications made under local and region planning schemes, in the place of the original decision maker (where certain criteria is met). All Development Assessment Panel (DAP) members are appointed by the Minister for Planning and are based on recommendation from local governments. The Regional Joint Development Assessment Panel (JDAP) has not yet had cause to meet. If there is likely to be a matter for the DAP to consider, all nominated Panel members would be required to undertake specialist training.

The Northern Country Zone of WALGA provide the opportunity for local and regional issues to be discussed and matters shared between the local and State Council level. The next Northern Country Zone of WALGA meeting is to be held on 27 June 2022 and hosted in Mingenew.

#### **Statutory Environment**

Local Government Act 1995

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Strategic Community Plan 2019-29

1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

## 11.8 NORTH WEST STOCK ROUTE

**Location/Address:** Yandanooka West Road, Mingenew South Road & Victoria Road reserves  
**Name of Applicant:** Department of Planning, Land & Heritage  
**Disclosure of Interest:** Nil  
**File Reference:** GR.STL 8 / OCR225476  
**Date:** 30 May 2022  
**Author:** Simon Lancaster, Planning Advisor  
**Senior Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

The Department of Planning, Lands & Heritage ('DPLH') are considering entry of the former North West Stock Route alignment onto the State Register of Heritage Places. This report recommends that Council request the DPLH remove the alignment as it relates to the Shire of Mingenew from the area under consideration for entry onto the State Register of Heritage Places.

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.8 – RESOLUTION# 10150622**  
**MOVED: Cr JD Bagley**                      **SECONDED: Cr AR Smyth**

**That Council request that the Department of Planning, Lands & Heritage remove the former North West Stock Route alignment as it relates to the Shire of Mingenew local government area from the area under consideration for entry onto the State Register of Heritage Places.**

**VOTING REQUIREMENTS:**                      **CARRIED BY SIMPLE MAJORITY 6/0**

### Background

The DPLH initially wrote to the Shire on 21/12/21 advising that it considered that the former North West Stock Route alignment, commencing at Star Swamp in North Beach and extending for approximately 335km to Allanooka Swamp in Allanooka, had cultural heritage significance and should be entered onto the State Register of Heritage Places ('State Register').

The DPLH have also included a 48km spur alignment, running 40km east from Mount Adams before heading north for 8km to terminate south of Mingenew townsite and it this spur alignment that impacts the Shire of Mingenew.

The DPLH considered that the North West Stock Route (also known as the Old North Road) being one of the earliest gazetted stock routes in the state was instrumental in the development of the pastoral industry north of Perth and the resulting settlement and expansion of towns along the route.

A copy of the DPLH's 21/12/21 correspondence was provided as an attachment with the 16/2/22 Council Agenda and the supporting information prepared by the DPLH can be accessed at the following link:

<https://consultation.dplh.wa.gov.au/heritage/north-west-stock-route/>

The Shire raised several queries and concerns in relation to the proposal with the DPLH, particularly in relation to the affected privately owned land within the Shire of Mingenew, and a copy of this 5/1/22 Shire correspondence was also provided as an attachment with the 16/2/22 Council Agenda.

The DPLH responded on 27/1/22 answering some of the Shire's queries and also advising that the DPLH had removed privately owned land (as it related to the Shire of Mingenew local government area) from the area under consideration upon the consultation maps and updated its website consultation hub accordingly. A copy of this DPLH correspondence was also provided as an attachment with the 16/2/22 Council Agenda.



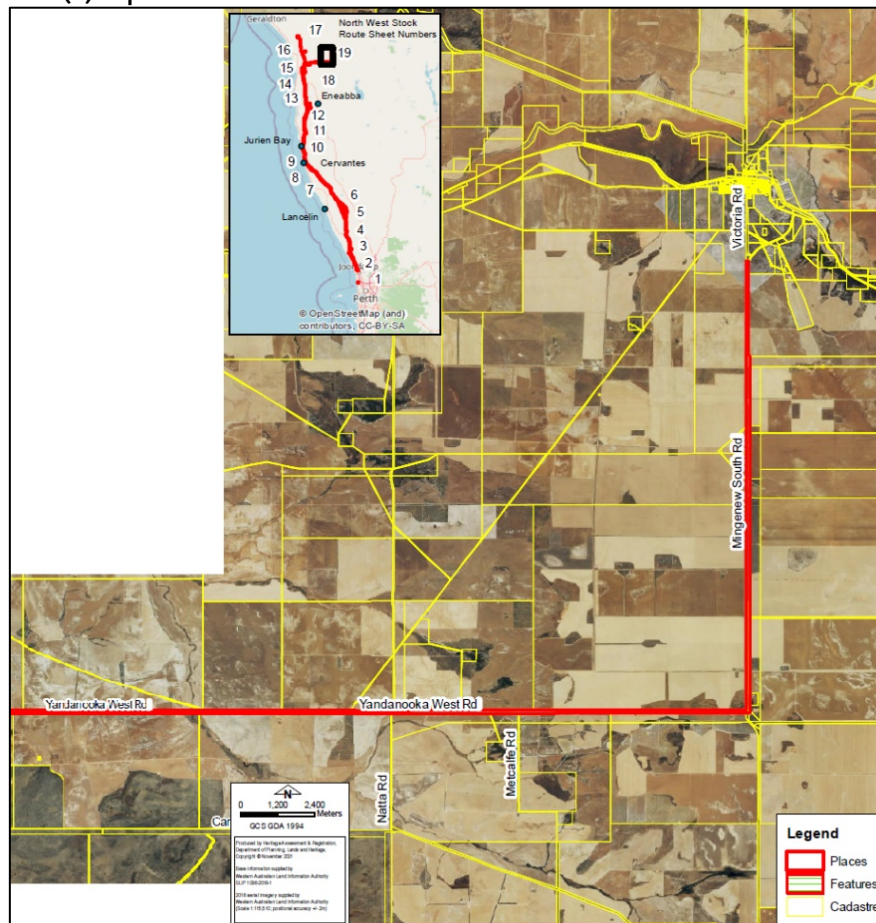
Council resolved at its 16/2/22 meeting as follows:

*"That Council advise the Department of Planning, Lands & Heritage that it does not support the registration of the former North West Stock Route alignment as it relates to the Shire of Mingenew local government area upon the State Register of Heritage Places."*

Since that time the DPLH have been in contact with the Shire to provide further information in support of their proposed inclusion of the North West Stock Route on the State Register. These discussions have included suggestion that the Shire could seek exemption and/or delegations for certain works within the curtilage of the North West Stock Route within the Shire of Mingenew.

It is not considered, given the prescriptive nature of the *Heritage Regulations 2019*, that exemptions capable of satisfying the requirements of the Shire of Mingenew (or other local governments along the route) could be granted. Even in the event that exemptions were provided this would still provide an unnecessary additional layer of bureaucracy to applicants and additional unjustified administrative burden to the Shire. On this basis the previous Council resolution to oppose the inclusion of the North West Stock Route on the State Register should be maintained, and the DPLH be requested to remove the section as it relates to the Shire of Mingenew from any further consideration.

**Figure 11.8(a) – portion of North West Stock Route relevant to Shire of Mingenew**



### Comment

Entry of the North West Stock Route on the State Register would require that works within the alignment must be referred to the DPLH for assessment and advice.

The North West Stock Route, as it relates to the Shire of Mingenew now relates only to the Yandanooka West Road, Mingenew South Road & Victoria Road reserves (the initially advertised alignment included privately owned land and this was removed following query made by the Shire). This would mean that the only types of works anticipated to occur within the North West Stock Route area, as it relates to the Shire of Mingenew, would be Shire works and some service provider/utility works, this is not the case further south along the alignment in other local government areas where other forms of tenure become involved.

The *Heritage Regulations 2019* allows for some exemptions where referral is not required such as minor repair/maintenance involving like-for-like materials and these are addressed in more detail in the Statutory Environment section of this report.

More significant local government works within the road reserve, such as sealing, grading, gravel resheeting, installation of culverts, reforming roadside drainage, realignment, intersection widening/improvements, earthworks, firefighting equipment (e.g. tanks, standpipes, bores, radio masts etc.) and erection of bulky structures would require referral to DPLH.

New and upgrading servicing works would also require referral e.g. installation of overhead or underground powerlines, above or below ground water pipelines, pumping stations, transformer/padmounts, private/public telecommunications lines, telecommunications/internet infrastructure (e.g. masts, aerials, dishes), gas pipelines etc.

The classification of the alignment as either primary or secondary significance does not reduce the referral process for works within these areas, rather is taken into account during the assessment of proposed works.

There is not a requirement under the *Heritage Act 2018* to refer works proposed on land adjacent to a site upon the State Register. However, the *Planning and Development (Local Planning Schemes) Regulations 2015* requires, where an application for development approval is required, that the local government consider the heritage conservation of any place that is of cultural significance, and the effect of the proposal on the cultural heritage significance of the area in which the development is located. On this basis the Shire would be required, where it is considered that a proposed works on adjacent land may impact the cultural heritage significance of the North West Stock Route, to refer the matter to the DPLH for their comment.

Where the works are required to be referred, the *Heritage Act 2018* states that the Shire must not make a decision that would be likely to adversely affect a significant component of the place unless the decision made is consistent with the advice received from the DPLH. This requirement does not apply if the Shire considers that there is '*no feasible and prudent alternative*' to the decision made. There is no further guidance as to what would fit within the definition of '*no feasible or prudent alternative*'.

One area of concern for the Shire is that the North West Stock Route alignment being considered by the DPLH includes part of the airstrip infrastructure. The initially advertised alignment included Reserve 27425 i.e. the entire airstrip reserve (as shown in red outline in Figure 116(b) below). Following the Shire's correspondence Reserve 27425 has been removed by the DPLH. so that the alignment is now just the Mingenew South Road reserve. However this will still mean that any Shire (or other party) works between the airstrip and the carriageway will require referral to the DPLH e.g. airstrip works, associated infrastructure works including buildings, landing lights, signage, access works, fencing, gates etc.

Figure 11.8(b) – Reserve 27425 Mingenew Airstrip



On this basis it is not considered that amendment to Council's previous stance in relation to this matter be made, and that Council should request that the DPLH remove the section of the alignment relevant to the North West Stock Route from further consideration onto the State Register.

It is noted that the section relevant to the Shire of Mingenew is a 48km spur of the main coastal route and its removal from the DPLH's ongoing consideration would not impact the continuity of the alignment or the broader discussion on the 335km North West Stock Route.

### Consultation

The DPLH website originally advised that submissions in relation to this matter must be received by 28/3/22 whilst the Fast Facts Sheet on the website advises that the comment period closed on 28/2/22. The DPH advised the Shire on 11/4/22 that it had extended the stakeholder comment period until 28/10/22.

DPLH are consulting with the 8 local governments along the former North West Stock Route, being the City of Stirling, City of Wanneroo, Shire of Gingin, Shire of Dandaragan, Shire of Coorow, Shire of Carnamah, Shire of Irwin and Shire of Mingenew.

It is considered that not all of the issues relevant to the Shire of Mingenew would be relevant to each of the local governments along the route, although it is likely that they would share many of them. It is also likely that the local governments where the former North West Stock Route passes through more built up areas or land subject to subdivision and development pressure may have additional concerns with the DPLH's proposal.

Following the DPLH's completion of the consultation process the Heritage Council of Western Australia will meet to consider whether the alignment is of State significance and should it be supported this matter will be forwarded to the Minister for Heritage for final determination.

Part 3 Division 2 Section 42 – Entry in register of the *Heritage Act 2018* states that:

"42 Entry in register

- (1) *As soon as practicable after receiving a direction under section 41(1)(a) in relation to a place, the Council must make an entry in the register in relation to the place in accordance with section 36(2).*
- (2) *The Council must —*
  - (a) *publish in the Gazette a notice in relation to the entry in the register setting out a land description of the place and any other prescribed particulars; and*
  - (b) *give notice in accordance with section 163 of the entry in the register to —*
    - (i) *each owner of the place; and*
    - (ii) *each person prescribed for the purposes of this subsection;**and*
  - (c) *give statutory notification of the entry in the register; and*
  - (d) *notify the Valuer-General of the entry in the register.*
- (3) *The Council may publish, in accordance with the regulations, an advertisement in relation to the entry in the register."*

*"163 Notices and statutory notification*

- (1) *Unless this Act provides otherwise, notice may be given to a person —*
  - (a) *by giving the person notice in writing; or*
  - (b) *if permitted under the regulations, by giving the person notice by means of an electronic communication (as defined in the Electronic Transactions Act 2011 section 5(1)); or*
  - (c) *if permitted under the regulations, by publishing an advertisement in accordance with the regulations; or*
  - (d) *in another prescribed way.*
- (2) *Notice must be given within the period, if any, specified in the regulations.*
- (3) *A requirement under this Act to give statutory notification of an event is satisfied, subject to and in accordance with regulations, by taking steps to have the event registered, recorded or noted by the Registrar of Titles, the Registrar of Deeds and Transfers, or another person or agency, as appropriate to the case, under —*
  - (a) *the Mining Act 1978; or*
  - (b) *the Registration of Deeds Act 1856; or*
  - (c) *the Transfer of Land Act 1893; or*
  - (d) *any other written law dealing with the registration of interests in or affecting land."*

### **Statutory Environment**

Section 45 of the now repealed *Heritage of Western Australia Act 1990* required every local government to compile a Municipal Inventory of places within its district which in its opinion are, or may become, of cultural heritage significance. The Shire of Mingenew Municipal Inventory of Heritage Places was prepared in 1996.

The *Heritage Act 2018* replaced the 1990 legislation and required that local governments update their Municipal Inventories into Local Heritage Surveys. The Shire of Mingenew has been awarded a grant by the DPLH to review its Municipal Inventory and it is anticipated it will take approximately 12 months to complete the statutory process.

The *Planning and Development (Local Planning Schemes) Regulations 2015* also introduced the requirement that local governments *"must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation"*. Upon conclusion of the Municipal Inventory review/Local Heritage Survey preparation process the Shire will be in position to formally consider its Heritage List.

Part 5 Division 1 of the *Heritage Act 2018* defines a proposal as follows:

*“proposal means —*

- (a) an application for development approval; or*
- (b) a proposal, project, plan, programme, policy, public work, operation or undertaking for or relating to the development of any land owned, occupied or managed by a public authority; or*
- (c) any other proposal by a public authority to exercise any of its powers in a way that would or might significantly affect the physical character of any land; or*
- (d) a submission or application relating to the development of land of a kind prescribed to be a proposal for the purposes of Division 2;”*

Part 5 Division 2 – Referral of proposals of the *Heritage Act 2018* states:

*“Subdivision 1 — Proposals that must be referred*

*72 Proposals to which Subdivision applies*

- (1) This Subdivision applies to a proposal that, if implemented, would, or would be likely to, affect —*
  - (a) a registered place; or*
  - (b) a place that is the subject of a heritage agreement to which the Council is a party; or*
  - (c) a place that is the subject of a protection order, if the terms of the order give the Council discretion to authorise works that the order would otherwise prohibit.*
- (2) For the purposes of subsection (1), a proposal may affect a place even if it is not directly related to that place.”*

*“73 Referral of certain proposals to Council*

- (1) A decision-maker considering a proposal to which this Subdivision applies must refer the proposal to the Council for its advice.*
- (2) The decision-maker must refer the proposal under subsection (1) as soon as practicable after it becomes aware of the proposal.”*

*“75 Decision on referred proposal*

- (1) In respect of a referred proposal, a decision-maker must not make a decision that would, or would be likely to, adversely affect to a significant extent a place mentioned in section 72(1) (even though the decision is not directly related to that place) unless —*
  - (a) the decision-maker has used its best endeavours to ensure that each person involved in the implementation of the proposal will take all measures to minimise any adverse effect that they can reasonably take; and*
  - (b) the decision-maker has complied with section 73; and*
  - (c) the decision-maker has either received advice on the referred proposal from the Council under section 74 or waited the prescribed period to receive advice; and*
  - (d) subject to subsection (2), the decision made is consistent with advice received from the Council.*
- (2) Subsection (1)(d) does not apply if the decision-maker finds that there is no feasible and prudent alternative to the decision made.”*

Note: References in the above extract from the *Heritage Act 2018* to ‘Council’ are to the Heritage Council of WA and not a local government Council.

If the North West Stock Route is listed on the State Register the impacted local governments must comply with the requirements of the *Heritage Act 2018* and the *Heritage Regulations 2019*. Whilst major works are required to be referred to the DPLH Regulation 41(1) of the *Heritage Regulations 2019* does provides exemption from referral for some minor works as follows:

- “(a) an application for a building permit or demolition permit under the Building Act 2011 if-
  - (i) the application arises from approval of a proposal that has already been referred under section 73(1) of the Act; and*
  - (ii) the Council has given its advice in relation to the referred proposal;**
- (b) building maintenance that does not involve-
  - (i) the removal of, or damage to, the existing fabric of the buildings; or*
  - (ii) the use of new materials;**
- (c) cleaning that is low pressure, non-abrasive and non-chemical;*
- (d) gardening or landscape maintenance that does not involve a major alteration of the layout, contours, structures, significant plant species or other significant features on the land;*
- (e) repairs, including replacing missing or deteriorated fabric with like for like fabric, that does not involve the removal of, or damage to, the significant fabric of the building;*
- (f) replacement of utility services using existing routes or voids that does not involve the removal of, or damage to, the fabric of the building;*
- (g) repainting of the surface of a building-
  - (i) in the same colour scheme and paint type if they are appropriate to the substrate and do not endanger the survival of earlier paint layers; and*
  - (ii) without disturbing or removing an earlier paint layer unless it is chalking, flaking or peeling;**
- (h) an excavation, that does not affect archaeological remains, for the purpose of exposing, inspecting, maintaining or replacing utility services;*
- (i) the erection or installation of a temporary security fence, scaffold, hoarding or surveillance system that does not affect the fabric of a building, the landscape or archaeological features of the land;*
- (j) signage that —
  - (i) does not obscure signage that has an integral relationship to the land; or*
  - (ii) is temporary and does not have a deleterious effect on the fabric of a building; or*
  - (iii) is temporarily located behind a shop window but is not internally illuminated or flashing;*or*
- (iv) advertises that a place is for sale or lease but does not remain on the place for more than 10 days after the place is sold or leased;*
- (k) digging a new grave or the erection of a monument or grave marker of materials, size and form that are consistent with the character of the place.”*

### **Policy Implications**

There are no local planning policies relevant to this application.

### **Financial Implications**

The inclusion of the North West Stock Route onto the State Register will create additional administrative burden for the Shire that will carry cost. Even in the event that DPLH could provide exemption for works beyond those listed in the *Heritage Regulations 2019* this would still create a new regulatory element for the Shire that it would be required to navigate. It is also noted that this would have a greater proportionate impact on the smaller, less resourced local governments along the alignment (Mingenew being the smallest of all).

### **Strategic Implications**

Entry of a place upon the State Register of Heritage Places is reserved for places of state cultural heritage significance and is the highest recognition afforded at the state level ensuring that proposed changes respect the heritage values of the place.

There is 1 site on the State Register within the Shire of Mingenew, this being the Mingenew Police Group (comprising the Police Station, former Courthouse and associated Police Residence) upon Reserves 7422 & 24354 William Street, Mingenew. Council resolved to advise the DPLH at its 20/9/17 meeting that it had no objection to the Police Group being entered onto the State Register of Heritage Places providing that this was supported by the relevant management authorities, being WA Police and Government Regional Officer Housing. The Mingenew Police Group was entered on the State Register by the DPLH on 2/11/18.

The draft Shire of Mingenew Local Heritage Survey that would replace the current Shire of Mingenew Municipal Inventory of Heritage Places was received by Council at its 20/4/22 meeting and advertised for comment until 23/5/22.

The Survey lists the North West Stock Route as being Category 4 (1 being the highest significance and 4 the lowest) and is therefore not recommended for inclusion on the Local Heritage List, let alone the State Register.



## 11.9 BUSH FIRE BRIGADE POSITION STATEMENT

Location/Address: Shire of Mingenew  
 Name of Applicant: Shire of Mingenew  
 Disclosure of Interest: Nil  
 File Reference: ES.VOL.1  
 Date: 31 May 2022  
 Author: Nils Hay, Chief Executive Officer  
 Authorising Officer: Nils Hay, Chief Executive Officer  
 Voting Requirements: Simple Majority

### Summary

WALGA is developing an advocacy position on arrangements for the management of volunteer bushfire brigades and this paper seeks to provide feedback to assist with future lobbying in this space.

### Key Points

- With introduction of new Work Health and Safety Act 2020, there has been renewed focus on resourcing requirements to compliantly manage Bush Fire Brigades (BFBs)
- The Shire of Mingenew, despite ongoing lobbying for several years, does not have a DFES-subsidised Community Emergency Services Manager (CESM) in place, who could potentially assist with BFB management, including improvement of WHS compliance
- It is proposed that the Shire support WALGA position to give local governments the option to transfer responsibility for BFBs to the DFES (a so-called "hybrid model")

### OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.9 – RESOLUTION# 11150622

MOVED: Cr AR Smyth                      SECONDED: Cr JR Holmes

That Council:

1. Supports WALGA's Advocacy Position for Arrangements for Management of Bush Fire Brigades:
  - A. "The Association advocates that the State Government must provide for:
    - a. A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;
    - b. The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;
    - c. Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and
    - d. The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.
  - B. That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).
  - C. Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility."
2. That, if DFES were appropriately resourced and the option was available, the Shire of Mingenew would seek to transfer responsibility for the management of its BFBs to the State Government.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0



### **Attachments**

- 11.9.1 WALGA Infopage Proposed Advocacy Position on Arrangements for Management of Volunteer Bush Fire Brigades
- 11.9.2 WALGA Proposed Advocacy Position: Arrangements for Management of Bush Fire Brigades May 2022

### **Background**

See the attached documents for information on the sector-wide background to this issue.

Council discussed this matter at its December 2021 Concept Forum, which specifically addressed the increased compliance workload that was emerging in this area.

Following that meeting, Council staff have continued to work with BFB Captains around the matter of the new WHS Act and seek to improve our WHS compliance. It remains an area that requires further resourcing which – in the absence of a CESM – is typically undertaken by the CEO or Government and Community Manager.

### **Comment**

It is important that Council is ensuring the safety of its BFB volunteers and meeting its compliance requirements under both the WHS Act, Bush Fires Act and other relevant legislation.

Arguably, this could be achieved more effectively by DFES, as the subject matter experts, should the Shire not have the necessary resources to do so. This is a necessary conversation for the sector to have, and it is reasonable to adopt a position which provides the option for those local governments for whom handing BFB responsibility to DFES would result in improved outcomes to at least have the option to do so.

Given the resourcing requirements, should the option be made available, it is recommended that the Shire of Mingenew seek to transfer management of BFBs to the State Government. If this is the eventual path that Council chooses to follow, it is likely that such a move will still be several years away due to ongoing legislative review processes and the – not insignificant – requirement for DFES to be able to resource such a change.

Whilst this resolution does not bind Council to any future action, it does provide both DFES and the sector with a better understanding of our position on this matter, and potentially allows for our position – and that of other local governments – to be factored in to the development of the Consolidated Emergency Services Act.

### **Consultation**

WALGA

### **Statutory Environment**

Bush Fires Act 1954

Work Health and Safety Act 2020

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Strategic Community Plan 2019-29

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

1.3.2 Provide services and processes to enhance public safety

## 11.10 NORTH MIDLANDS REGIONAL CLUB DEVELOPMENT PLAN

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** RS.LSN  
**Date:** 7 June 2022  
**Author:** Margaret Rowe, Community Development Officer  
**Authorising Officer:** Erin Greaves, Governance & Community Manager  
**Voting Requirements:** Simple Majority

### Summary

Six local governments in the North Midlands region secured funding for a consultant to develop a Regional Club Development Plan to assist the sporting clubs in the North Midlands. Mike Pforr from Gather Consultancy was appointed to carry out this work.

### Key Points

- Through the DLGSC's Every Club Grant, six local governments in the North Midlands region were able to develop a joint North Midlands Regional Club Development Plan.
- Mike Pforr from Gather Consultancy was appointed to carry out community consultation in each local government and develop the Plan
- The community consultation sessions and survey enabled the consultant to identify and review individual and shared issues faced by sporting clubs in the region to assist in developing high-level implementation strategies for local governments to support sporting clubs in the region.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.10 – RESOLUTION# 12150622**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr CV Farr

**That Council endorses the North Midlands Regional Club Development Plan 2022, as presented.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

### Attachment

11.10.1 North Midlands Regional Club Development Plan

### Background

A \$10,000 Every Club Grant from the Department of Local Government, Sport and Cultural Industries (DLGSC) was awarded jointly to develop a Regional Club Development Plan for the Shire of Morawa, Shire of Perenjori, Shire of Coorow, Shire of Carnamah, Shire of Three Springs and Shire of Mingenew. Grant funds were used to engage a consultant to undertake community consultation sessions and prepare the Plan.

The Consultant held community consultation sessions across the region, with Mingenew hosting a workshop on 30 March 2022. The aim of the workshops was to identify the key issues and themes consistent across the region to develop a Club Development Plan. Surveys were also issued during the consultation period.

The purpose of the Plan is to identify and develop a regional approach to meeting the club development aspirations and needs of sporting clubs in the North Midlands region. The plan will enable the Shires to work collaboratively, leverage regional funding for training, governance and opportunities as a regional cohort. Acquittal of the grant and therefore, adoption of this Plan needs to be completed by 30 June 2022.

### Comment

Findings from the survey results and community consultation sessions were analysed and relevant strategies were proposed:

#### 1. VOLUNTEERING

- 1.1 Reduce red tape and become more flexible with administration and coaching duties.
- 1.2 Share people resources across sporting clubs, such as joint committees.
- 1.3 Encourage opportunities for younger people to be involved.
- 1.4 Sports Associations and Department of Local Government, Sport and Cultural Industries to come to shires and upskill/run programs.

#### 2. FUNDING

- 2.1 Maintain contact with Department of Local Government, Sport and Cultural Industries Mid-West officer.
- 2.2 Communicate between clubs and share ideas for event funding and fixture scheduling.
- 2.3 Strengthen relationships and promotional opportunities with tourism/business/mining.

#### 3. COMMUNICATION AND INFORMATION

- 3.1 Work as regional focus and promote regional recreation.
- 3.2 Strong communication between the North Midlands local government Community Development Officers.
- 3.3 Strong relationship with Department of Local Government, Sport and Cultural Industries Mid-West Officer.
- 3.4 Synchronize game times.
- 3.5 Establish multi-sports committees.

#### 4. CONSIDER THE ENVIRONMENT

- 4.1 More flexible seasonal fixtures e.g., shorter or “bubble- like” games.
- 4.2 More summer sport options.
- 4.3 More hybrid models for younger and older (AFL 9's etc.).
- 4.4 Continue to reduce travel through fixturing and use of videoconferencing for meetings.

#### 5. INCREASE POPULATION (Acknowledging this strategy sits outside of traditional Recreation)

- 5.1 Activities and events that increase people working, living and staying in shire.
- 5.2 Increase opportunities for more accommodation.
- 5.3 Work with State and Federal departments to increase populations.

The Mingenew consultation session only had a small participation rate, with 4 attendees. A summary of the discussion at the session is outlined in the table below:

STRENGTHS	BARRIERS	GOALS
<ul style="list-style-type: none"> <li>Great Sports Culture.</li> <li>Winter sports on one day.</li> <li>Clubs allow 12-15 y.o. to train with adults.</li> <li>Flexible/progressive tennis club.</li> <li>Family oriented.</li> </ul>	<ul style="list-style-type: none"> <li>12-18 y.o. not in town.</li> <li>Increased distance from other North Midlands Towns.</li> <li>Volunteer burn-out.</li> <li>Population numbers.</li> <li>Funds for maintaining facility.</li> </ul>	<ul style="list-style-type: none"> <li>Increase Population.</li> <li>Increase presence in town of specialist skills &amp; coaches.</li> <li>More support for volunteers.</li> <li>Infrastructure maintenance funding.</li> </ul>

Whilst community representation was minimal, the information gleaned is consistent with feedback from other community consultation sessions and aligns with many of the outcomes of the Shire's Strategic Community

Plan. As the Shire is looking to undertake a major review of its Strategic Community Plan in the next 12 months, this will inform that document and decisions impacting sport and recreation.

This Plan also highlights the benefits of continuing to strengthen the Community Development network in the region so that communication and coordination of sport and recreation activities has a positive impact on the shared outcomes identified.

**Consultation**

Mike Pforr, Gather Consultancy  
North Midlands local governments  
Department of Local Government, Sport and Cultural Industries (DLGSC)

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2019-29

- 2.1.2 Develop healthcare and recreation services for all community to ensure the well-being and health of all age groups within the community.
- 2.4.1 Support community volunteers to maximise impact of their contributions.

## 12 FINANCE

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2022

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – April 2022
Disclosure of Interest:	Nil
Date:	12 May 2022
Author:	Helen Sternick, Senior Finance Officer
Approved by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

#### Summary

This report recommends that the Monthly Financial Report for the period ending 30 April 2022 as presented to the Council be received.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 – RESOLUTION# 13150622**

**MOVED: Cr CV Farr                      SECONDED: Cr AR Smyth**

**That the Monthly Financial Report for the period 1 July 2021 to 30 April 2022 be received.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

#### Attachment

12.1.1 Monthly Financial Report for period ending 30 April 2022

#### Background

The Monthly Financial Report to 30 April 2022 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Cash Reserves
- Other Current Liabilities
- Operating Grants and Contributions
- Non-operating Grants and Contributions
- Bonds and Deposits
- Budget Amendments

- Explanation of Material Variances

### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 30 April 2022	
Municipal Funds – Corporate cheque account	\$150,345
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,536,298
Term Deposit – Reserves	\$472,169

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2021/22 financial year.

The 2020/21 Annual Financial Report has been audited and the opening surplus for the 2021/22 financial year has been adjusted as per audit requirements.

### 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 —

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

No financial implications are indicated in this report.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

## 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2022

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.FRP  
**Attachment/s:** Monthly Financial Report – May 2022  
**Disclosure of Interest:** Nil  
**Date:** 8 June 2022  
**Author:** Helen Sternick, Senior Finance Officer  
**Approved by:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that the Monthly Financial Report for the period ending 31 May 2022 as presented to the Council be received.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION# 14150622**

**MOVED: Cr McTaggart**

**SECONDED: Cr Smyth**

**That the Monthly Financial Report for the period 1 July 2021 to 31 May 2022 be received.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

### Attachment

12.1.1 Monthly Financial Report for period ending 31 May 2022

### Background

The Monthly Financial Report to 31 May 2022 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Cash Reserves
- Other Current Liabilities
- Operating Grants and Contributions
- Non-operating Grants and Contributions
- Bonds and Deposits
- Budget Amendments
- Explanation of Material Variances



Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 May 2022	
Municipal Funds – Corporate cheque account	\$568,193
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,536,445
Term Deposit – Reserves	\$472,169

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2021/22 financial year.

The 2020/21 Annual Financial Report has been audited and the opening surplus for the 2021/22 financial year has been adjusted as per audit requirements.

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.
- (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**

No financial implications are indicated in this report.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

### 12.3 LIST OF PAYMENTS FOR THE PERIOD 1 APRIL 2022 TO 31 MAY 2022

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.CRD  
**Attachment/s:** List of Payments – April 2022 and May 2022  
**Disclosure of Interest:** Nil  
**Date:** 9 June 2022  
**Author:** Maria Snowden Giles, Finance/Payroll Officer  
**Approved by:** Jeremy Clapham Finance & Admin Manager  
**Voting Requirement:** Simple Majority

#### Summary

This report recommends that Council receive the list of payments for period 1 April 2022 to 31 May 2022 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.3 – RESOLUTION# 15150622**  
**MOVED: Cr AR Smyth                      SECONDED: Cr JD Bagley**

That Council receive the attached list of payments for the period of 1 April 2022 to 31 May 2022 as follows:

\$3,912,783.10 Municipal EFTs;  
\$129,056.65 Municipal Direct Debit Department of Transport (Licencing) Payments;  
\$137,876.28 Municipal Direct Debit Other;  
\$3651.53 Municipal Other Charges;  
\$304,918.42 Net Salaries  
\$4,384,513.66 Total Payments

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

#### Attachment

12.3.1 List of Payments – April 2022 and May 2022

#### Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

#### Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

#### Statutory Environment

Local Government Act 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**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

## 12.4 RATES – SALE OF LAND

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
File Reference: RV.RAT.1 / A152  
Attachment/s: Nil  
Disclosure of Interest: Nil  
Date: 8 June 2022  
Author: Megan Smith, Finance Officer  
Authorized By: Jeremy Clapham, Finance & Administration Manager  
Voting Requirement: Absolute Majority

### Summary

Council is requested to review and adopt the documentation tabled for the Sale of Land.

#### OFFICER RECOMMENDATION – ITEM 12.4

MOVED: Cr CV Farr                      SECONDED: Cr AR Smyth

That Council, by Absolute Majority:

1. Agrees to the sale of vacant land at Lot 5, 7 Bride Street, Mingenew via public auction with a reserve price of \$5,000  
OR
2. Agrees to Council taking possession of the land.

#### AMENDMENT TO THE MOTION AND COUNCIL DECISION - ITEM 12.4 – RESOLUTION# 16150622

MOVED: Cr JR Holmes                      SECONDED: Cr AR Smyth

That Council agrees to Point 1 of the Officer's recommendation and agrees to Point 2 should the reserve price not be met from the public auction. The resolution to read:

1. "...reserve price of \$5,000; and
2. Agrees to Council taking possession of the land, if the reserve is not met through public auction."

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

#### AMENDED MOTION AND COUNCIL DECISION - ITEM 12.4 – RESOLUTION# 17150622

MOVED: Cr JR Holmes                      SECONDED: Cr CV Farr

That Council, by Absolute Majority:

1. Agrees to the sale of vacant land at 7 (Lot 5) Bride Street, Mingenew via public auction with a reserve price of \$5,000; and
2. Agrees to Council taking possession of the land, if the reserve is not met through public auction.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/0

### Background

The property at 7 (Lot 5) Bride Street Mingenew has rates outstanding for more than three years. It has not been possible to enter an acceptable and successful arrangement for the payment of the balance owing. Numerous written notifications have been directed to the last known postal address of the ratepayer, both directly and by our nominated debt collection agency, leading to bailiff action which was unsuccessful due to inability to directly locate the ratepayer. Correspondence advised of a PSSO (property seizure) and that it will be the intention to refer the matter to Council with a recommendation to sell the property to recover the outstanding balance. Multiple legal avenues have been explored at a direct cost to Council.

### Comment

Council resolution 121108 MFA 11/12-01 approved the sale of this property when the debt was at \$2,750.24 in 2012, however it did not proceed due to the owner agreeing to a weekly payment arrangement on the basis that Council would write off legal costs of \$942.37 and the subsequent legal costs reduced by 50% to \$993.50. These fees were written off, but the owner did not adhere to the payment arrangement.

Council Resolution 19121810 agreed to waive the legal and penalty interest of \$7,118.81 in December 2018 on the basis that the owner agreed to a payment schedule. This waiver was undertaken however the owner did not adhere the agreement. Further interest calculations against this property ceased for approximately 18 months.

An attempt was made in March 2022 via a neutral intermediary to contact the owner to ascertain any interest in selling the property. A successful contact would have foregone the costs to Council of a forced sale including the advertising and auction/sale costs. Further, using the email address on record, an email was sent on 7 April 2022 advising of a party potentially interested in purchasing the land, however no response was received and there is no guarantee that the email reached the ratepayer.

The last known address of the owner was a property in Geraldton in which there was a half owner stake, however this property has recently been sold in what appears to be a forced sale via 'Mortgagee in Possession'.

Note needs to be taken of an issue whereby the boundary line has been encroached by a shed built on the property of 5 Bride Street, thereby slightly reducing the size of 7 Bride Street. This issue may need to be disclosed if and when the property is offered for sale. The owners of 5 Bride Street have been consulted on this matter and are aware of the encroachment.

2175/39

7 Bride Street, MINGENEW 6522

Title Details	Plan Details
<b>General Details</b>	Associated Documents   Ownership History
Certificate of Title	2175/39
Title Type	Certificate of title for regular Freehold Land
Parcel Identifier	<a href="#">Lot 5 On Plan 573</a>
Address Details	7 Bride Street, MINGENEW 6522
Dealing Status	Complete
Purchasers Caveat	N/A
Other Interests	N/A
Document Type	Transfer
Document Number	<a href="#">J538156</a>
Date of Execution	31/10/2005
Consideration	\$2,000
Proprietor(s)	<a href="#">WASLEY, MICHAEL JAMES</a>



### **Consultation**

- AMPAC Rates Management
- Price Sierakowski Solicitors
- WALGA
- Owners of 5 Bride Street, Mingenew

### **Statutory Environment**

Local Government (Financial Management) Regulations 1996

s6.64 of the Local Government Act 1995 states:

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -

(a) from time to time lease the land;

(b) sell the land;

(c) cause the land to be transferred to the Crown; or

(d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

### **Policy Implications**

Shire of Mingenew – Policy Manual – Debt Recovery

### **Financial Implications**

The potential outcome of the sale of the land could range between \$5,000 to \$20,000 (subject to whether a reserve is imposed) which would generate proceeds (after selling costs including advertising, auctioneer/sales agent & settlement fees of approximately \$3,000 - \$5,000) of between \$0.00 - \$15,000 which would be applied to decrease the level of outstanding debt of \$13,564.36.

### **Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil.

14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING  
Nil.

15.0 CONFIDENTIAL ITEMS

15.1 CONFIDENTIAL: APPOINTMENT OF TEMPORARY OR ACTING CHIEF EXECUTIVE OFFICER  
*Meeting to be closed in accordance with s5.23(2)(a) of the Local Government Act 1995*

PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 15.0 – RESOLUTION# 18150622

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

That Council closes the meeting to members of the public at 5.34pm, in accordance with s.5.23(2)(a) of the Local Government Act 1995, to discuss Item 15.1 Confidential: Appointment of Temporary or Acting Chief Executive Officer, as a matter affecting employees.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

*The Finance and Administration Manager and Governance and Community Manager left the meeting at 5:34pm.*

OFFICER RECOMMENDATION – ITEM 15.1

That Council:

1. Endorses \_\_\_\_\_ as a suitably qualified and experienced person to serve in the role of Temporary CEO of the Shire of Mingenew; and
2. Appoints:
  - a. Jeremy Clapham as interim Temporary CEO from 18 June 2022 to 24 June 2022; and
  - b. Erin Greaves as interim Temporary CEO from 25 June 2022 to 3 July 2022; and
  - c. \_\_\_\_\_ as Temporary CEO from 4 July 2022 until the commencement of the new permanent CEO, or 4 November 2022, whichever occurs first.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 15.1 – RESOLUTION# 19150622

MOVED: Cr JR Holmes

SECONDED: Cr CV Farr

That Council:

1. Endorses Maurice Battilana as a suitably qualified and experienced person to serve in the role of Temporary CEO of the Shire of Mingenew; and
2. Appoints:
  - a. Jeremy Clapham as interim Temporary CEO from 18 June 2022 to 24 June 2022; and
  - b. Erin Greaves as interim Temporary CEO from 25 June 2022 to 3 July 2022; and
  - c. Maurice Battilana as Temporary CEO from 4 July 2022 until the commencement of the new permanent CEO, or 4 November 2022, whichever occurs first.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0



**PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 15.0 – RESOLUTION# 20150622**

**MOVED: Cr HR McTaggart**

**SECONDED: Cr CV Farr**

That Council reopens the meeting to members of the public at 5.46pm.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

*The Finance and Administration Manager and Governance Community Manager returned to the meeting at 5:46pm.*

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 17 August 2022 commencing at 5.00pm.

**17.0 CLOSURE**

The meeting was closed at 5.47pm.

These minutes were confirmed at an Ordinary Council meeting on 17 August 2022.

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_



# MINUTES THE SPECIAL COUNCIL MEETING

5 JULY 2022

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON  
5 JULY 2022 COMMENCING AT 5.00PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 5:00pm.

**1.1 Cr HR McTaggart – Attendance by Instantaneous Communication**

The President advised the meeting that due to Cr Hellene McTaggart being isolated due to COVID he has approved Cr McTaggart's attendance at the meeting by instantaneous communication in accordance with directions set by the State Government's during the COVID19 Pandemic State of Emergency.

**COUNCIL DECISION - ITEM 1.1 – RESOLUTION# 01050722S**

**MOVED: Cr JR Holmes**

**SECONDED: Cr CV Farr**

That Council endorses the President's decision to allow Cr HR McTaggart's attendance at the meeting by instantaneous communication in accordance with conditions set by the State Government's COVID Pandemic State of Emergency directions.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 4/0**

**1.2 Cr JD Bagley – Attendance by Instantaneous Communication**

The Acting Chief Executive Officer advised he has received a written request from Cr Bagley seeking Council approval to attend the meeting by instantaneous communication from Darwin NT in accordance with the Local Government Act 1995, Section 5.25(1)(ba) and the Local Government (Administration) Regulations 1996, Clause 14A.

**COUNCIL DECISION - ITEM 1.2 – RESOLUTION# 02050722S**

**MOVED: Cr JR Holmes**

**SECONDED: Cr CV Farr**

That approve the Cr Bagley's attendance at the meeting by instantaneous communication in accordance with the *Local Government Act 1995*, Section 5.25(1)(ba) and the *Local Government(Administration) Regulations 1996*, Clause 14A.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

*Cr Bagley joined the meeting by Microsoft Teams at 5:02pm.*

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

**Councillors**

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Deputy President*
Cr CV Farr	Councillor
Cr JR Holmes	Councillor
Cr HR McTaggart	Councillor*

*\*attended by electronic means via Microsoft Teams*

**Staff**

Mr Maurice Battilana	Acting Chief Executive Officer
Ms Erin Greaves	Manager Governance and Community Manager

**Apologies**

Cr AR Smyth	Councillor
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**3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil.

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5.0 DECLARATIONS OF INTEREST**

Mr M Battilana declared a direct financial interest in Item 8.2, as the matter referred to his remuneration package and condition whilst acting in the position of Chief Executive Officer.

**6.0 CHIEF EXECUTIVE OFFICER**

Nil.

**7.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil.

**8.0 CONFIDENTIAL ITEMS**

**PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 8.0 – RESOLUTION# 03050722S**

**MOVED:** Cr CV Farr                      **SECONDED:** Cr JR Holmes

That Council closes the meeting to the public at 5:03pm in order to discuss Confidential Item 8.1, in accordance with s.5.23(a) of the *Local Government Act 1995*, as the item pertains to a matter affecting an employee or employees.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

## 8.1 CONFIDENTIAL: APPOINTMENT OF CHIEF EXECUTIVE OFFICER (CEO)

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: PE.RCR.3  
Date: 30 June 2022  
Author: Erin Greaves, Acting Chief Executive Officer  
Voting Requirements: Absolute Majority

### Summary

To consider the assessment and recommendations from the CEO Recruitment Panel with regard to the CEO Recruitment and Selection process, and to appoint a suitable person as CEO.

### Key Points

- Evaluations of each candidate was prepared by the CEO Recruitment Panel and a summary is submitted with this report, along with a recommendation to appoint a suitable person
- Council is required to consider the Panel's recommendations and may make an appointment as long as Council is satisfied the person is suitably qualified and the employment contract terms are accepted
- The Salaries and Allowances Tribunal sets out the parameters for the CEO remuneration package and the Contract has been developed under this guidance
- The local government must also certify that the process of recruitment complies with the CEO Standards for Recruitment in accordance with the Admin Regulations

### CEO RECRUITMENT PANEL RECOMMENDATION AND COUNCIL DECISION - ITEM 8.1 – RESOLUTION# 04050722S

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

That Council, by Absolute Majority:

1. Receives the CEO Recruitment Panel's assessment summary and recommendation as to which applicant or applicants are suitable to be employed as the Chief Executive Officer (CEO) for the Shire of Mingenew;
2. Makes an offer of employment for the position of CEO to Mr Matthew Fanning as the preferred candidate, with Council being satisfied that the candidate is suitably qualified and that the person's character, work history, competencies, performance and any other claims made by the applicant have been verified;
3. Authorises the Shire President to execute the CEO Employment Contract, as presented under separate confidential cover, based on a 3 (three) year term with a three month initial probation period and total remuneration package of \$200,046, commensurate with the Salaries and Allowances Tribunal's *Local Government Chief Executive Officers and Elected Members Determination No 1 of 7 April 2022* (SAT Determination) for a Band 4 local government;
4. Endorses provision for accommodation, utilities, private use of a motor vehicle and professional development as additional remuneration benefits as outlined in Schedule 3 of the Contract, exclusive from the Total Reward Package as per Part 5.1(2) of the SAT Determination, with an estimated value of;
  - a) \$15,000 per annum for accommodation and utilities
  - b) \$23,544 per annum for private use of motor vehicle (large SUV);
  - c) \$5,000 per annum for personal/professional development
5. Endorses the reimbursement of relocation expenses up to the value of \$5,000, upon receipt of supporting documentary evidence;
6. Certifies that Council has complied with the requirements of the Shire of Mingenew's adopted CEO Recruitment, Performance and Termination Standards and, within 14 days of this resolution,

provides a copy of the resolution as confirmation to the Department of Local Government, Sport and Cultural Industries [as per s.5.39B(7) of the *Local Government Act 1995* and r.18FB of the *Local Government (Administration) Regulations 1996*].

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

### Attachment

8.1.1 Confidential – CEO Recruitment Panel's Assessment Summary and Recommendation

8.1.2 Confidential – Proposed CEO Employment Contract

### Background

At the Ordinary Council meeting held 20 April 2022, Council established a CEO Recruitment Panel (as per clause 8 of the Shire's CEO Recruitment Standards) to oversee the recruitment and selection process for the Chief Executive Officer (CEO).

#### **SHIRE PRESIDENT RECOMMENDATION AND COUNCIL RESOLUTION – ITEM 14.1 – RESOLUTION# 16200422**

**That Council, by Absolute Majority:**

1. Formally accepts the resignation of Nils Hay as Chief Executive Officer, authorising the early termination of the CEO's Employment Contract 2021-2024 in accordance with Clause 11.5 and his final working day being accepted as 17 June 2022;
2. Accepts the quotation received from LO-GO Appointments as the most advantageous to undertake the CEO recruitment process for the lump sum of \$5,763 excluding GST;
3. Amends the 2021/22 Budget to include \$10,000 in 2140205 Admin - Recruitment account for CEO Recruitment expenses;
4. Establishes a CEO Recruitment Panel to oversee the recruitment and selection of the CEO and appoints Cr GA Cosgrove, Cr JD Bagley, and Cr HR McTaggart, and Mr Maurice Battilana as the Independent Member, with Terms of Reference to be developed in accordance with the Shire's 'CEO Standards for Recruitment, Performance and Termination' Policy (1.1.7).

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

A Special meeting of Council was held on 2 May 2022 to adopt a Position Description, the Selection Criteria and a Draft CEO Contract that was developed at a dedicated Workshop on 26 April 2022 attended by Councillors and CEO Recruitment Panel members. Satisfying the requirement to determine the selection criteria and approval of the job description form in accordance with the CEO Recruitment Standards.

#### **OFFICER RECOMMENDATION – ITEM 8.1**

**MOVED: Cr CV Farr**

**SECONDED: Cr JR Holmes**

1. That Council, by Simple Majority, endorse:
  - Attachment 8.1.2: 7.0.1 2022 CEO Recruitment Panel Terms of Reference; and
  - Attachment 8.1.3: Confidentiality Agreement.
2. That Council, by Absolute Majority, endorse:
  - Attachment 8.1.4: Proposed CEO Position Description; and
  - Attachment 8.1.5: Proposed CEO Selection Criteria; and
  - Attachment 8.1.6: Proposed Draft CEO Employment Contract.

**VOTING REQUIREMENTS**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

The Draft Employment Contract includes a proposed total remuneration package within the range of \$131,423 to \$206,141, as set out in the Salaries and Allowances Tribunal's *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2022* (SAT Determination) for a Band 4 local government.

Following the Special Meeting, LO-GO Appointments liaised with the Panel to develop a suitable Application Package and advertisement to meet the statutory obligations to advertise Statewide (in accordance with Admin Regulations) as well as a broader engagement process using digital media. Applications closed 30 May 2022.

Shortlisting of resumes and interviews provided the Panel.

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

Should the applicant negotiate terms that are different to the proposed terms approved by the Shire, Council must consider and approve the negotiated terms by Absolute Majority before the contract may be entered into.

### Comment

Should the selection panel or Council consider that none of the applicants are suitable to be employed in the position of CEO, the local government must consider:

- (a) if a new recruitment and selection process for the position is to be carried out in accordance with these standards; and
- (b) any changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

In this case, unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

Should the candidate / Shire President wish to make any amendments to the CEO contract, Council must consider

Council must have regard to, but is not bound to accept, a recommendation made by the selection panel.

At the June 2022 Ordinary Council meeting, Council resolved to appoint Mr Maurice Battilana as Temporary CEO, until the commencement of the new CEO or to 4 November, whichever occurs first. Mr Battilana served as the Independent Member of the CEO Recruitment Panel but has since tendered his resignation effective 29 June 2022. Should Council need to undergo a new recruitment and selection process, a new Independent Member must be appointed.

### Statutory Environment

*Local Government Act 1995*

#### **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and



(b) *is satisfied\* with the provisions of the proposed employment contract.*

\* Absolute majority required.

- (3) *A person is not to be employed by a local government in any other position unless the CEO —*  
(a) *believes that the person is suitably qualified for the position; and*  
(b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

### **5.39. Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

### **Local Government (Administration) Regulations 1996**

#### **18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))**

- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —*  
(a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*  
(b) *a person who will be acting in the position for a term not exceeding one year.*
- (2) *The Statewide public notice must contain —*  
(a) *the details of the remuneration and benefits offered; and*  
(b) *details of the place where applications for the position are to be submitted; and*  
(c) *the date and time for the closing of applications for the position; and*  
(d) *the duration of the proposed contract; and*  
(da) *a website address where the job description form for the position can be accessed; and*  
(e) *contact details for a person who can provide further information about the position; and*  
(f) *any other information that the local government considers is relevant.*

#### **18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))**

*For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —*

- (a) *the value of one year's remuneration under the contract; or*  
(b) *the value of the remuneration that the person would have been entitled to had the contract not been terminated.*

*Western Australia Salaries and Allowances Act 1975 – Determination for Local Government Chief Executive Officers*

### **Policy Implications**

Policy 1.1.7 CEO Standards for Recruitment, Performance and Termination

## ***DIVISION 2 — STANDARDS FOR RECRUITMENT OF CEOS***

### ***3. Overview of Division***

*This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.*

**4. Application of Division**

- (1) *Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.*
- (2) *This Division does not apply —*
  - (a) *if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or*
  - (b) *in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).*

**5. Determination of selection criteria and approval of job description form**

- (3) *The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.*
- (4) *The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —*
  - (a) *the duties and responsibilities of the position; and*
  - (b) *the selection criteria for the position determined in accordance with subclause (1).*

**6. Advertising requirements**

- (5) *If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.*
- (6) *If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.*

**7. Job description form to be made available by local government**

*If a person requests the local government to provide to the person a copy of the job description form, the local government must —*

- (a) *inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or*
- (b) *if the person advises the local government that the person is unable to access that website address —*
  - (i) *email a copy of the job description form to an email address provided by the person; or*
  - (ii) *mail a copy of the job description form to a postal address provided by the person.*

**8. Establishment of selection panel for employment of CEO**

- (7) *In this clause —*  
***independent person*** *means a person other than any of the following —*
  - (a) *a council member;*

- (b) *an employee of the local government;*
  - (c) *a human resources consultant engaged by the local government.*
- (8) *The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.*
- (9) *The selection panel must comprise —*
  - (a) *council members (the number of which must be determined by the local government); and*
  - (b) *at least 1 independent person.*

**9. Recommendation by selection panel**

- (10) *Each applicant's knowledge, experience, qualifications, and skills must be assessed against the selection criteria by or on behalf of the selection panel.*
- (11) *Following the assessment referred to in subclause (1), the selection panel must provide to the local government —*
  - (a) *a summary of the selection panel's assessment of each applicant; and*
  - (b) *unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.*
- (12) *If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —*
  - (a) *that a new recruitment and selection process for the position be carried out in accordance with these standards; and*
  - (b) *the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.*
- (13) *The selection panel must act under subclauses (1), (2) and (3) —*
  - (a) *in an impartial and transparent manner; and*
  - (b) *in accordance with the principles set out in section 5.40 of the Act.*
- (14) *The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —*
  - (a) *assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications, and skills meet the selection criteria; and*
  - (b) *verified any academic, or other tertiary level, qualifications the applicant claims to hold; and*
  - (c) *whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance, and any other claims made by the applicant.*
- (15) *The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.*

**10. Application of cl. 5 where new process carried out**

- (16) *This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.*
- (17) *Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —*
  - (a) *clause 5 does not apply to the new recruitment and selection process; and*

- (b) *the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.*

**11. Offer of employment in position of CEO**

*Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —*

- (a) *the making of the offer of employment to the applicant; and*  
(b) *the proposed terms of the contract of employment to be entered into by the local government and the applicant.*

**12. Variations to proposed terms of contract of employment**

- (a) *This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the **negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).*  
(b) *Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.*

**14. Confidentiality of information**

*The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.*

**Financial Implications**

Provision for the Temporary CEO and substantive CEO positions have been made in the Draft Budget 2022/23.

As provided for in Part 4 and 5 of the SAT Determination, the Total Remuneration Package includes the base salary, superannuation, membership fees, annual leave loading etc, and excludes relation expenses, housing and utility expenses, private use of motor vehicle, phone and internet, professional development etc.

**Strategic Implications**

Strategic Community Plan 2019-29

- 1.2.3 Provide sound corporate governance of Shire and create an attractive work environment  
1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 5 July 2022

*Prior to consideration of Item 8.2, Mr Battilana declared a direct financial interest in Item 8.2 as the matter relates to his remuneration as Acting CEO and therefore left the meeting at 5:13pm and did not provide advice or participate in discussion.*

## 8.2 CONFIDENTIAL: APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE OFFICER

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	PE.RCR.3
<b>Date:</b>	30 June 2022
<b>Author:</b>	Erin Greaves, Acting Chief Executive Officer
<b>Voting Requirements:</b>	Simple Majority

## Summary

To confirm the agreed employment contract terms for the Temporary CEO, in support of Council's appointment on 15 June 2022.

### Key Points

- It has been mentioned the June 2022 OCM Resolution should have incorporated the agreed conditions and remuneration for the appointment of Maurice Battilana as Temporary CEO, though content of the Agenda Report did provide Councillors with the associated costs;
- The June OCM Agenda Report was accompanied by an email from Mr. Battilana detailing his quote for the role as Temporary CEO. This attachment has been provided again as part of this Report;
- The purpose of this item is to ensure the Council Resolution reflected the remuneration and conditions agreed to. Though it may have been intended to endorse these at the June 2022 OCM there was no mention of these in the actual resolution.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 8.2 – RESOLUTION# 05050722S  
MOVED: Cr CV Farr                      SECONDED: Cr JR Holmes

That Council add the following in support of Resolution 19150622 for the appointment of Maurice Battilana to the position of Temporary Chief Executive Officer with the Shire of Mingenew:

- Endorse the remuneration package and condition quoted by Mr. Battilana.

**VOTING REQUIREMENTS:** CARRIED BY SIMPLE MAJORITY 5/0

## Attachments

### 8.2.1 Temporary CEO Quotation

## Background

At the 15 June 2022 Ordinary Meeting, Council passed the below motion:

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 15.1 – RESOLUTION# 19150622</b>	
<b>MOVED: Cr JR Holmes</b>	<b>SECONDED: Cr CV Farr</b>
<b>That Council:</b>	
1. Endorses Maurice Battilana as a suitably qualified and experienced person to serve in the role of Temporary CEO of the Shire of Mingenew; and	
2. Appoints:	
a. Jeremy Clapham as interim Temporary CEO from 18 June 2022 to 24 June 2022; and	
b. Erin Greaves as interim Temporary CEO from 25 June 2022 to 3 July 2022; and	
c. Maurice Battilana as Temporary CEO from 4 July 2022 until the commencement of the new permanent CEO, or 4 November 2022, whichever occurs first.	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 6/0</b>

The Agenda item included a confidential email from Mr Battilana indicating his proposed employment contract conditions (Attachment 15.1.1).

### Comment

The proposed resolution provides clarity and will remove any ambiguities associated with the appointment of Mr. Battilana as Temporary CEO.

### Statutory Environment

#### **Local Government Act 1995**

#### **5.39C. Policy for temporary employment or appointment of CEO**

(1) A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following —

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

#### **5.40. Principles affecting employment by local governments**

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Work Health and Safety Act 2020; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

### Policy Implications

#### **1.2.4 Temporary Employment or Appointment of CEO**

### Financial Implications

As reported to the June 2022 OCM, the outgoing substantive CEO's salary has been budgeted for in FY21-22 and included as a baseline estimate in the FY22-23 draft budget (which is when these costs would be incurred).

Mr Battilana's proposal would see an equivalent annual salary rate of \$206,141 (as per the 7 April 2022 SAT determination) including superannuation (base rate of \$187,400), plus provision of accommodation and the CEO vehicle.

**Strategic Implications**

Strategic Community Plan 2019-29

1.2.3 Provide sound corporate governance of Shire and create an attractive work environment

*Mr Battilana returned to the meeting at 5:14pm.*

**PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 8.3 – RESOLUTION# 06050722S**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr JD Bagley

That Council reopens the meeting to the public at 5.14pm.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

**9.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 17 August 2022 commencing at 5.00pm.

**10.0 CLOSURE**

The meeting was closed at 5:15pm.

These minutes were confirmed at an Ordinary Council meeting on 17 August 2022.

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_





# MINUTES OF THE SPECIAL COUNCIL MEETING

20 JULY 2022

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
5 JULY 2022 COMMENCING AT 4.00PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 4:00pm.

**1.1 Cr JD Bagley – Attendance by Instantaneous Communication**

The President advised the meeting that due to Cr JD Bagley being isolated due to COVID he has approved Cr Bagley's attendance at the meeting by instantaneous communication in accordance with directions set by the State Government's during the COVID19 Pandemic State of Emergency.

**COUNCIL DECISION - ITEM 1.1 – RESOLUTION# 01200722S**

**MOVED: Cr McTaggart**

**SECONDED: Cr Smyth**

That Council endorses the President's decision to allow Cr JD Bagley's attendance at the meeting by instantaneous communication in accordance with conditions set by the State Government's COVID Pandemic State of Emergency directions.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 4/0**

Cr Bagley joined the meeting via Zoom at 4.00pm.

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

**Councillors**

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Deputy President*
Cr CV Farr	Councillor
Cr JR Holmes	Councillor
Cr HR McTaggart	Councillor
Cr AR Smyth	Councillor

*\*attended by electronic means via Microsoft Teams*

**Staff**

Mr Maurice Battilana	Acting Chief Executive Officer
Mr Jeremy Clapham	Manager Finance and Administration
Ms Erin Greaves	Manager Governance and Community Manager

**Apologies**

Cr CV Farr	Councillor
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**3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil.

**4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5.0 DECLARATIONS OF INTEREST**

Cr HR McTaggart, Cr AR Smyth and Cr JR Holmes each disclosed an impartiality interest in Item 6.3 RFT1 2022-23 Mingenew Tennis Clubhouse. The nature of the interests are:

- Cr HR McTaggart is the Deputy President of the Mingenew Tennis Club
- Cr AR Smyth is the President of the Mingenew Tennis Club
- Cr JR Holmes is a member of the Mingenew Tennis Club

In accordance with the Local Government Act 1995, the disclosing members are permitted to remain in the meeting to debate and vote on the matter.

## 6.0 CHIEF EXECUTIVE OFFICER

### 6.1 ELECTED MEMBER APPOINTMENT

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: GV.ELE.6  
Date: 20 July 2022  
Author: Maurice Battilana, Acting Chief Executive Officer  
Voting Requirements: Absolute Majority

#### Summary

With the resignation of Cr Gavin Pearse, Council resolved the following at the June 2022 Ordinary Council Meeting (OCM):

*MOVED: Cr JR Holmes                      SECONDED: Cr CV Farr*

*That Council seeks to identify a suitable candidate for the current vacancy in accordance with s.4.57(3) of the Local Government Act 1995 (an appointment will require an Absolute Majority decision of Council).*

*If no appointment is made by 17 August 2022, by Absolute Majority, Council seeks approval from the Electoral Commissioner for the vacancy to remain vacant until the next Ordinary Local Government Election as per s.4.17(3) of the Local Government Act 1995.*

#### Key Points

- Cr Gavin Pearse resigned 1 April 2022 and an Extraordinary Election was to be held to fill the vacancy
- At the close of Nominations at 4pm Tuesday, 7 June 2022, no nominations had been received.
- Section 4.57 of the Local Government Act 1995 indicates the next steps if less candidates than vacancies are received
- A suitable (and eligible) person has been identified for nomination by Council to fill the vacant Elected Member position.
- An appointment of a person to the position of an Elected Member must be by Absolute Majority

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 6.1 – RESOLUTION# 02200722S**

**MOVED: Cr JR Holmes                      SECONDED: Cr AR Smyth**

**Council, by Absolute Majority, endorses the appointment of Alexander Thomas Kennedy Pearse as an Elected Member with the Shire of Mingenew in accordance with Section 4.57(3) of the Local Government Act, 1995 under the condition all relevant eligibility requirements are met.**

**VOTING REQUIREMENTS:                      CARRIED BY ABSOLUTE MAJORITY 5/0**

#### Background

At the 20 April 2022 Ordinary Council meeting, Council decided to hold an Extraordinary Election to fill the vacancy left by former Cr Gavin Pearse's resignation. The Election date was set for 13 July 2022, which meant nominations opened Monday, 30 May 2022 and closed at 4pm, Tuesday, 7 June 2022 (to account for the Public Holiday on the Monday).

The Chief Executive Officer received no nominations as of 4pm, 7 June 2022. Therefore, at the June 2022 OCM the agreed path forward was to:

- Seeks to identify a suitable candidate to fill the current vacancy in accordance with s.4.57(3) of the Local Government Act 1995 (an appointment will require an Absolute Majority decision of Council).
- If no appointment is made by 17 August 2022, by Absolute Majority, Council seeks approval from the Electoral Commissioner for the vacancy to remain vacant until the next Ordinary Local Government Election as per s.4.17(3) of the Local Government Act 1995.

### Comment

A couple of suggested appointees have been made, with one not being eligible as they were not on the State Residents or Owner Occupiers Roll for the Shire of Mingenew.

The recommended appointee has been approached and is eligible in accordance with Section 4.57(3) of the Local Government Act 1995. This person has indicated a willingness to accept the appointment.

The candidate has also completed the Local Government Candidate Induction course on the Department's website, which must be completed to be eligible to nominate.

### Statutory Environment

The *Local Government Act 1995* notes the following in relation to extraordinary elections:

#### *4.9. Election day for extraordinary election*

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
  - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
  - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
  - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
  - (b) *advise the CEO of the day fixed.*

#### *4.57. Less candidates than vacancies*

- (1) *If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*
- (2) *If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —*
  - (a) *the candidate or candidates is or are elected; and*
  - (b) *an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.*

- (3) *If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint\* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

*\* Absolute majority required.*

- (4) *A person appointed under subsection (3) is to be regarded as having been elected.*

4.17 *Cases in which vacant offices can remain unfilled*

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member's office becomes vacant under section 2.32 —*
- (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
  - (b) before the third Saturday in July in that election year,*

*the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

- (3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

(4A) *Subsection (3) applies —*

- (a) if —*
  - (i) the office is for a district that has no wards; and*
  - (ii) at least 80% of the number of offices of member of the council in the district are still filled;*
- or*
- (b) if —*
  - (i) the office is for a ward for which there are 5 or more offices of councillor; and*
  - (ii) at least 80% of the number of offices of councillor for the ward are still filled.*

- (4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

2.32. *How extraordinary vacancies occur in offices elected by electors*

*The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*

- (a) dies; or*
- (b) resigns from the office; or*
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (db) is dismissed under section 8.15L or 8.25(2); or*
- (e) becomes the holder of any office or position in the employment of the local government; or*
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2019-29

1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders



## 6.2 RFT10 2021/22 – LOCAL SUPPLIER PANEL

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: FM.TEN.21.22  
Date: 27 June 2022  
Author: Erin Greaves, Governance & Community Manager  
Voting Requirement: Absolute Majority

### Summary

For Council to consider the submissions to RFT10 21-22 Pre-qualified panel of providers for a range of services.

### Key Points

- 46 Requests for tender documents received 15 bids submitted for 8 service categories.
- No bids received for Handyman Services, Arbor Services, Supply and laying of concrete, supply and installation of kerbing or painting services.

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 6.2 – RESOLUTION# 03200722S**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr JR Holmes**

That Council:

1. Appoints the following suppliers to a panel of pre-qualified providers for the provision of services listed, for an initial contract period of one year, commencing 1 August 2022 with three possible single year extensions (given at the discretion of the Shire of Mingenew) for a total maximum of five years:

Wet hire of plant & equipment:

1. Red Dust Holdings
2. Central Earthmoving Company Pty Ltd
3. Thurkle's Earthmoving & Maintenance Pty Ltd

Electrical Services:

1. S & K Electrical Contracting Pty Ltd
2. Dongara Drilling & Electrical

Plumbing Services:

1. Irwin Plumbing Services
2. Midwest Solar & Water

Airconditioning and Refrigeration Services:

1. Cramer & Neill Refrigeration
2. Apex Midwest Pty Ltd
3. S & K Electrical Pty Ltd
4. Goldcolt Pty Ltd T/A Ocean Air Solutions
5. Dongara Drilling & Electrical

Mechanical services:

1. Pemco Diesel
2. Thurkle's Earthmoving & Maintenance

Auto electrician services:

1. Pemco Diesel
2. Thurkle's Earthmoving & Maintenance

**Pest Control:**

1. Central Fumigation & Pest Management Services
2. Pest-A-Kill WA

**Fire Management:**

1. Protector Fire Services

2. Authorises the Chief Executive Officer to execute the supply contracts with the panel providers.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

**Attachments**

6.2.1 Request for Tender Specification and Tender Response Summary

6.2.2 CONFIDENTIAL - Tender Summary and Evaluation RFT10 2021/22 Local Supplier Panel; separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

**Background**

The Request for Tender was advertised in the West Australian Newspaper on 4 May 2022 and on the Shire's website. Previous suppliers were also notified by email. The tender closed on 8 June 2022.

Tenders were opened on 9 June 2022 in the presence of Nils Hay, Jeremy Clapham and Paul Owen (GFG Consulting).

**Comment**

Tenders were evaluated by the tender panel consisting of Paul Owen (GFG Consulting), Jeremy Clapham and Erin Greaves. Tenders were assessed against the compliance criteria and quantitative and qualitative criteria. Successful tenders were ranked based on the weighting as outlined in the tender specifications. All panel members ranked the tenders similarly.

One submission was considered non-compliant and was excluded from the evaluation. All other tenderers are recommended for inclusion on the panel with the distribution of work as per Council's policy and procedure.

The Tender panels ranking of providers is as follows:

Wet hire of plant & equipment:

1. Red Dust Holdings
2. Central Earthmoving Company Pty Ltd
3. Thurkle's Earthmoving & Maintenance Pty Ltd

Electrical Services:

1. S & K Electrical Contracting Pty Ltd
2. Dongara Drilling & Electrical

Plumbing Services:

1. Irwin Plumbing Services
2. Midwest Solar & Water

Airconditioning and Refrigeration Services:

1. Cramer & Neill Refrigeration
2. Apex Midwest Pty Ltd
3. S & K Electrical Pty Ltd
4. Goldcolt Pty Ltd T/A Ocean Air Solutions

5. Dongara Drilling & Electrical

Mechanical services:

1. Pemco Diesel
2. Thurkle's Earthmoving & Maintenance

Auto electrician services:

1. Pemco Diesel
2. Thurkle's Earthmoving & Maintenance

Pest Control:

1. Central Fumigation & Pest Management Services
2. Pest-A-Kill WA

Fire Management:

1. Protector Fire Services

**Consultation**

WALGA

**Statutory Environment**

Local Government (Functions and General) Regulations 1996, Part 4, Division 3, Sect 24.

**Policy Implications**

- 1.2.9 Prequalified Suppliers
- 1.3.1 Purchasing Policy
- 1.3.7 Regional Price Preference Policy

**Financial Implications**

Works and services with Pre-qualified Panel members will be conducted within ordinary budget allocations.

**Strategic Implications**

Strategic Community Plan 2019-2029:

- 1.1.1 Provide and support cost effective transport networks
- 1.2.1 Manage organisation in a financially sustainable manner

### 6.3 RFT1 2022/23 – MINGENEW TENNIS CLUBHOUSE REPLACEMENT

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: FM.TEN.22.23  
Date: 20 July 2022  
Author: Maurice Battilana, A/CEO  
Voting Requirement: Simple Majority

#### Summary

To award Request for Tender (RFT1 2022/23) – Mingenew Tennis Clubhouse Replacement.

#### Key Points

- Reason for tender - The Mingenew Tennis Club Clubhouse was damaged in STC Seroja with the Shire Insurers accessing the damage significant enough to declare the building be written off.
- The Shire received a lump sum payout for the Building from the Insurer for the amount of \$32,231 (GST Excl). These funds are to be used as part of the Shire contribution to the project
- Number of tenders received was three (all being fully compliant)
- Evaluation of the tenders received were undertaken independently by the Shire A/CEO and GCM.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 6.3 – RESOLUTION# 04200722S

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

Council suspends the Shire of Mingenew Standing Orders Local Law 2016 at 4:06pm.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

#### OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 6.3 – RESOLUTION# 05200722S

MOVED: Cr JR Holmes

SECONDED: Cr AR Smyth

Council reconvenes under the Shire of Mingenew Standing Orders Local Law 2016 at 4:18pm.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

#### OFFICER RECOMMENDATION 1– ITEM 6.3 (Simple Majority)

That Council accepts the tender submission for RFT1 2022/23 Mingenew Tennis Clubhouse Replacement, received from GBSC, named as 'Tender 2 in the Evaluation Panel Report recommendation detailed in Confidential Attachment {11.3.2} and identified as the most advantageous, for a lump sum value of \$439,390 (GST Exclusive) subject to the following condition:

- i. Shortfall of funds required be obtained from alternative sources;

OFFICER RECOMMENDATION 2 – ITEM 11.3 (Absolute Majority) – Only Required if previous resolution is carried

In the event Item 11.3 is carried and sub clause (i) of this resolution is achieved, Council:

- i. Delegates to the Acting CEO in accordance with s.5.42(1) of the Local Government Act 1995, by absolute majority, authority to negotiate minor variations to the contract for RFT1 2022/23 Mingenew Tennis Clubhouse Replacement before and/or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996.
- ii. Authorises the CEO to execute the contract for awarding RFT1 2022/23 Mingenew Tennis Clubhouse Replacement in accordance with s.9.49A of the Local Government Act 1995.

**ALTERNATIVE OFFICER RECOMMENDATION:**

Declines to accept any tenders received in response to RFT1 2022/23 Mingenew Tennis Clubhouse Replacement, in accordance with Functions and General Regulation 18(5).

**OFFICER ALTERNATIVE RECOMMENDATION AND COUNCIL DECISION - ITEM 6.3 – RESOLUTION# 06200722S**

MOVED: Cr JD Bagley

SECONDED: Cr GJ Cosgrove

Council:

1. Declines to accept any tenders received in response to RFT1 2022/23 Mingenew Tennis Clubhouse Replacement, in accordance with Functions and General Regulation 18(5).
2. Sets a maximum cash contribution of \$44,000 (GST Exclusive) by the Shire + \$36,000 (Shire In-Kind) for the Tennis Clubhouse project and authorise the CEO, in consultation with Mingenew Tennis Club representatives, to adjust the building design and associated landscaping works to fit this amount.
3. Seeks quotations under the Shire's Purchasing Policy for the project in accordance with Regulation 11(2)(c)(i) of the Local Government (Functions and General) Regulations, which provides a tender exemption opportunity in circumstances where the Shire's tender process did not result in a satisfactory outcome i.e.

"(c) *within the last 6 months:*

- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;"*

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

**Attachment**

6.3.1 RFT Draft Building Design Documentation

6.3.2 CONFIDENTIAL - Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

**Background**

Reconstruction of the Mingenew Tennis Club facility (which was irreparably damaged by TC Seroja) was initially an estimated \$200k to \$250k project. As part of the process the Shire has secured CSRFF funding for 1/3 of the project, Mingenew Tennis Club will put in 1/3 and the Shire was to put in \$50k cash (LRCI Phase 3) and \$35k in kind for our third. The Shire has already contributed \$6,000 in 2021/2022 on the project, which

## MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 July 2022

leaves an amount of \$44,000 cash (plus the in-kind amount) for carry over into the 2022/2023 Budget (as presented later in this Agenda) as the Shire's contribution.

Therefore, current confirmed funding is as follows:

	Cash	In-Kind
CSRFF	\$87,000	
Tennis Club	\$84,000	
Shire	\$44,000	\$36,000
<b>Total Cash</b>	<b>\$215,000</b>	

The Shire's in-kind contribution was to be for demolition, levelling, installation of sand-pad and correcting drainage at back of building (base of hill from Bowling Green – basically put in a trench with some blue metal to get the water to run towards Yandanooka St, and not down through the building/onto the courts).

There is an issue with the demolition of existing building as this building contains asbestos material. The Shire staff would not be able to undertake demolition until the site has been professionally cleared of asbestos materials and the site was determined to be clear of this material. The cost for removal of asbestos material will be in addition to the price tendered. The tender specifications were presented with a clean site for builders to commence work. An initial quote of \$7,920 was received by an external licensed asbestos contractor to undertake this work.

The Shire originally undertook a Request for Quote (RFQ7 21-22) which closed on 28 March 2022. Only one quote was received which came in much too high so a new Request for Tender was undertaken (RFT1 2022/23) closing 4 July 2022.

### Comment

There is a significant shortfall between the preferred tender (Tender 2) and the current amount of pledged funds. It has been suggested the shortfall could be covered through the Disaster Recovery Funding Arrangement WA (known as DRFAWA) Category B Cyclone Recovery Funds administered by the Department of Fire & Emergency Services (DFES).

I have informally contacted DFES to discuss the possibility of obtaining the shortfall of cash fund required to accept the preferred tender (Tender 2) with no response provided at the time of compiling this report.

The Evaluation Panel comprised of the Shire's Acting Chief Executive Officer and Governance & Community Manager. Contact was made with the Draftsperson (TP Drafting) involved in compiling the drawings and building specification enquiring if they would be interested in being part of the evaluation panel, which they respectfully declined.

A copy of the combined Evaluation Panel Report has been provided at Attachment 11.3.2.

Also attached is a copy of the Draft Design Plan upon which the tenders were called (see Attachment 11.3.1) During discussion with TP Drafting, I enquired into whether they had provided the Shire with an estimated cost (based on floor area of building) at the time of submitting grant applications and calling tenders. They advised they had, and this was based on approximately \$2,000/m<sup>2</sup>, with the total floor area of 66m<sup>2</sup>. Therefore, an estimated overall cost of approximately \$150,000 (which include a contingency for possible overruns).

I was also advised the building cost since the initial estimate have increased by approximately 30%, which would result in an estimated total cost being in the vicinity of \$200,000. At worst \$225,000.

Based on the lowest (and preferred tender) the floor area price equates to approximately \$6,650/m<sup>2</sup>. This is excessively higher than the initial estimate, hence the significant shortfall in available funds to complete the project on tendered prices.

### **Consultation**

Consultation has occurred between the A/CEO and:

- Department of Local Government, Sport and Cultural Industries (CSRFF Grant Providers):
  - Confirmed Grant completion deadline has been extended to April 2023;
  - Further extension would be considered if necessary
- TP Drafting – Regarding designs and confirmation of estimated project costs.
- Department of Fire & Emergency Services (DRFAWA Grant Providers):
  - Discussion of possibility of obtaining additional funding through the DRFAWA Category B Program

### **Statutory Environment**

The *Local Government Act 1995 at S3.57(1)* (tenders for providing goods or services) requires, 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 Regulation 11A* (when tenders have to be publicly invited) clarifies tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000.

### **Policy Implications**

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met.

The Shire's Local Price Preference Policy (1.3.7) was also applied in the attached tender assessment document. Two of the tenders are based in the Mid-West so can receive a 2.5% weighting. One tender is based in Perth so no weighting is relevant.

The preferred tender (Tender 2) scored the highest evaluation level irrespective of the Regional Price Preference Policy weightings.

### **Financial Implications**

As previously report, there is a significant cash funding shortfall from available funds and the lowest (preferred) tender.

### **Strategic Implications**

Strategic Community Plan 2019-2029:

- 1.1.1 Provide buildings, facilities and services to meet community needs.
- 1.2.1 Manage organisation in a financially sustainable manner

Corporate Business Plan 2019-2023:

There is no actual reference to replacing the Mingenew Tennis Club building in the Corporate Business Plan. However, this could be simply due to the Plan not incorporating STC Seroja damaged buildings & facilities i.e

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 July 2022

1.1.2 Provide buildings, facilities and services to meet community needs	1.1.2a Mingenew Railway Station Restoration
	1.1.2b Mingenew Town Hall Redevelopment
	1.1.2c Audit and reseal of town carparks
	1.1.2d Installation of Solar Power system at Shire Office and Rec Centre
	1.1.2e Upgrade of water infrastructure at Rec Centre
	1.1.2f Upgrade of Shire depot shedding
	1.1.2g Public Noticeboard in town centre
1.2.1 Manage organisation in a financially sustainable manner	1.2.1a Long Term Financial Plan Update
	1.2.1b Update Asset Management Plan
	1.2.1c Maintain and Implement Internal Audit Plan
	1.2.1d Review Rural Rating Methodology

*Note: Cr HR McTaggart advised the ACEO prior to the meeting the Mingenew Tennis Club Clubhouse does form part of the CBP and the above statement is incorrect.*



#### 6.4 REGIONAL WASTE COLLECTION & MANAGEMENT SERVICES TENDER

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: FM.TEN.21.22  
Date: 20 July 2022  
Author: Maurice Battilana, A/CEO  
Voting Requirement: Simple Majority

##### Summary

To advise of outcome of the Regional Waste Collection & Management Services Tender conducted by the City of Greater Geraldton.

##### Key Points

- Reason for tender - The existing *Waste Collection & Disposal Service Contract* (the *Contract*) term expires 21 September 2022.
- City of Greater Geraldton invited surrounding LGAs to participate in a Regional Tender.
- Tenders have closed.
- Evaluation of the tenders received were undertaken independently by participating LGAs under the guidance/assistance of the Western Australian Local Government Association (WALGA).

##### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 6.4 – RESOLUTION# 07200722S**

**MOVED: Cr JR Holmes**

**SECONDED: Cr AR Smyth**

##### **Council:**

1. Reject tender received for supply of Waste Collection & Management Services and exercise its right under Clause 19 of the existing Contract to extend this Contract a further two (2) years until 21 September 2024;
2. Continue to work with the Midwest local government authorities to investigate the best possible outcome for the provision of Waste Collection & Management Service for the Shire.

##### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

##### Attachment

6.4.1 Existing Contract

6.4.2 Confidential – Schedule of Fees & Charges Tendered

##### Background

The City of Greater Geraldton, along with the Shires of Chapman Valley, Irwin and Northampton, established a Regional Waste Management Services Contract several years ago. These Local Government Authorities (LGAs) invited other LGAs in the North Midlands and Murchison to participate in the tender process for the provision of these services at the expiration of the existing contract.

The following LGAs participated in the regional tender process:

- City of Geraldton
- Shire of Carnamah
- Shire of Chapman Valley

- Shire of Irwin
- Shire of Mingenew
- Shire of Morawa
- Shire of Northampton
- Shire of Perenjori
- Shire of Three Springs
- Shire of Yalgoo

### Comment

There was only one tender received, which covered the Shire of Mingenew as part of a Regional Waste Management Service. This tender resulted in a significant increase in the service charges when compared to the existing Contract. The full prices tendered are provided as **CONFIDENTIAL ATTACHMENT 6.4.1**. Below are some examples of the increases i.e.

- 240ltr Mobile Garbage Bin (MGB) Collection – Increase between 33% & 56%
- 1.5m3 Bulk Bin Commercial – Increase between 828% & 985%
- 3.0m3 Bulk Bin Commercial – Increase between 936% & 1112%

The price increases are significant across all areas, which enforces the need to reject the tender received at this stage and take the time to revisit this matter with other participating LGAs.

### Consultation

Consultation has occurred between the A/CEO and the Finance & Admin Manager with:

- WALGA Consultant
- Participating LGAs
- Tender Company – Clarification on specific aspects of Tender submitted.

### Statutory Environment

The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires, 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 Regulation 11A (when tenders have to be publicly invited) clarifies tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000.

### Policy Implications

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met.

The Shire's Local Price Preference Policy (1.3.7) was also applied in the attached tender assessment document. Two of the tenders are based in the Mid-West so can receive a 2.5% weighting. Only one tender received so this Policy was not relevant.

### Financial Implications

As previously report, there are significant increases in the prices tendered when compared to the existing contract. Hence the recommendation to reject the tender received and reconsider options for the delivery of waste management services during the two-year extension allowed under Clause 19 of the existing contract.

### Strategic Implications

Strategic Community Plan 2019-2029:

- 1.1.1 Provide buildings, facilities and services to meet community needs.
- 1.2.1 Manage organisation in a financially sustainable manner

# MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 July 2022

Corporate Business Plan 2019-2023:

Strategy	Priority Area	Strategy/Action
Leading Mingenew	1.4 Resource Management	1.4.1 Manage and protect water resources and infrastructure
		1.4.2 Manage and reduce waste
		1.4.3 Adapt to and mitigate climate change drivers

## 7.0 FINANCE AND ADMINISTRATION MANAGER

### 7.1 ADOPTION OF 2022/23 BUDGET

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: FM.BUD  
Date: 18 July 2022  
Author: Jeremy Clapham, Finance & Admin Manager  
Voting Requirement: Absolute Majority

#### Summary

This report seeks Council's adoption of the Shire of Mingenew 2022/23 Budget.

#### Key Points

- A balanced budget has been prepared
- Increase in general rates of 6%, resulting in a reduction in the rate in the dollar for UV rates of 11.93% and an increase in the rate in the dollar of GRV rates of 3.46%
- Increase in GRV minimum rates of 4.95% and in UV minimum rates of 5.03%
- Only one loan with WATC remaining, being for the new grader, final payment in September 2026
- Fees & Charges increased by 5% in line with Rates increase (rounded to nearest \$5)
- Elected Members fees paid in line with Council Policy 1.1.1 and according to Section 6 and 7 of the LG CEO and Elected Members Determination No 1 of 2022
- Interest on outstanding rates remains at 7% and interest on rates instalments remains at 5.5%

#### **AMENDED OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 1.1 – RESOLUTION# 08200722S**

**MOVED: Cr JR Holmes**

**SECONDED: Cr HR McTaggart**

#### **PART A – MUNICIPAL FUND BUDGET FOR 2022/23 FINANCIAL YEAR**

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 7.1.1 of this Agenda for the Shire of Mingenew for the 2022/23 financial year which includes the following:

- Rates Setting Statement
- Statement of Cash Flows
- Statement of Comprehensive Income by Nature or Type
- Notes to and Forming Part of the Budget

and the following Attachments:

- 7.1.2 – Budget 2022-23 Capital Works Program
- 7.1.3 – Budget 2022-23 Road Program
- 7.1.4 – Budget 2022-23 Plant Replacement Program

#### **PART B – GENERAL AND MINIMUM RATES AND INSTALMENT PAYMENT ARRANGEMENTS**

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 2022.

1.1 General Rates

- Mingenew & Yandanooka (GRV) 15.9209 cents in the dollar
- Rural & Mining (UV) 1.0824 cents in the dollar

1.2 Minimum Payments

- Mingenew & Yandanooka (GRV) \$764
- Rural & Mining (UV) \$1,148

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, by 2 equal instalments or by 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 2 September 2022
  - 2nd instalment due date 4 November 2022
  - 3rd instalment due date 13 January 2023
  - 4th instalment due date 17 March 2023
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 \$16 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 7% for rates (and service charges) and costs of proceedings to recover such charges that remain 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. Rates for A219 (Charitable property) are exempt and subject to a 20% voluntary contribution by the ratepayer.

**PART C – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2022/23**

1. Pursuant to Section 5.99 of the Local Government Act 1995, and regulation 30 of the Local Government (Administration) Regulations 1996, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 

Shire President	\$6,608
Councillors	\$3,896
2. Pursuant to Section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 

Shire President	\$7,608
-----------------	---------

3. Pursuant to Section 5.98A of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Shire President                      \$1,904

**PART D – GENERAL FEES AND CHARGES FOR 2022/23**

Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges as presented forming part of the 2022/23 Budget included as Attachment 7.1.5.

**PART E – OTHER STATUTORY FEES FOR 2022/23**

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

**3.1 Residential Premises**

- 240 Litre bin per weekly collection \$410 per annum

**3.2 Commercial Premises**

- 240 Litre bin per weekly collection \$410 per annum

**PART F – MATERIAL VARIANCE REPORTING FOR 2022/23**

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 2022/23 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

**Attached**

- 7.1.1 2022-23 Annual Budget
- 7.1.2 2022-23 Capital Works Program
- 7.1.3 2022-23 Road Program
- 7.1.4 2022-23 Plant Replacement Program
- 7.1.5 2022-23 Fees and Charges
- 7.1.6 2022-23 Rates Modelling
- 7.1.7 2022-23 Detailed Budget

**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 2022/23 Budget for the Shire of Mingenew includes the following:

- Rates and Minimum Payments for 2022/23
- 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. The budget results in an estimated Unrestricted Cash balance of \$197,463, as at 30 June 2022. It should be noted that the 2021/22 Budget column in the statutory documents refers to the 2021/22 Budget as adopted in July 2021, not any of the subsequently reviewed versions.

### **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 (2022/23):**

The proposed rates model is based on the following:

- Annual UV & Mining valuations applied
- Increase in general rates of 6%
- GRV Rate in the \$ - 15.9209c (2021/22: 15.3878c)
- UV Rate in the \$ - 1.0824c (2021/22: 1.2290c)
- Minimum Payments – UV - \$1,148 (2021/22: \$1,093)
- Minimum Payments – GRV - \$764 (2021/22: \$728)
- 50% concessions applied to Yandanooka Townsite
- 80% concession applied to A219 – charitable property
- No differential rates

### **Fees and Charges**

The proposed fees and charges have increased by 5% (to the nearest \$5). Sports and Community Club fees have been increased by 5%.

Household and commercial waste removal charges have increased by 5%.

Statutory fees and charges associated with town planning, health and building have been increased/decreased 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.

As per Council's resolution, application for rates exemption (with a 20% voluntary contribution by the ratepayer) under the Local Government Act 1995 for property A219 (charitable property) is proposed.

### **Borrowings**

The Shire currently has one loan outstanding, with the final payment to be made in September 2026. The balance outstanding at June 2022 is \$252,500.

### **Reserve Accounts**

The following transfers to reserves for the financial year 2022/23 are proposed:

- Transfer to Plant Reserve – \$241,067 for plant replacement plus \$250,000 to Building and Land Reserve.

### **Brought Forward Value and Surplus**

There is an estimated surplus of \$592,467 shown in the Budget as the brought forward amount from 30 June 2022. This figure is unaudited and may change with any adjustments to the opening position to be addressed during the year end and audit process.

The budget has been prepared as a balanced budget.

### **Capital Works and Funding**

Capital Works of \$9,190,098 are proposed in the 2022/23 financial year and these projects (together with the relevant funding) are itemised in the supplementary budget information.

A total of \$6,170,922 (including maintenance) is budgeted for the Road Programme.

Funding sources (other than the Local Government Municipal or restricted funds) allocated to the 2022/23 Road Programme include;

- o \$ 575,000 – Main Roads Western Australia
- o \$ 206,086 – Roads to Recovery
- o \$ 396,000 – Financial Assistance Grants - Roads
- o \$ 91,600 – MRWA Direct Grant
- o \$ 527,320 – State Black Spot
- o \$ 250,000 – Local Roads & Community Infrastructure Program
- o \$ 800,000 – Special funding for bridges
- o \$3,161,000 – DRFAWA

### **Elected Members Fees & Allowances**

President Allowance	\$7,608
Deputy President Allowance	\$1,904
Annual Meeting Fee – President	\$6,608
Annual Meeting Fee – Councillors	\$3,896

### **Consultation**

While no specific community consultation has occurred during the compilation of the 2022/23 Budget, community consultation was previously undertaken during the development of the Community Strategic Plan.

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

The effects of COVID 19 have been taken into account in preparing the budget for 2021/22.

### **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 2022/23 Budget as presented is considered to meet statutory requirements.

### **Voting Requirements:**

Part A - Municipal Fund Budget for the 2022/23 Financial Year - Absolute Majority

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

Part C – Elected Members' Fees and Allowances for 2022/23 – Absolute Majority



## MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 July 2022

Part D - General Fees and Charges for 2022/23 - Absolute Majority

Part E - Other Statutory Fees for 2022/23 - Simple Majority

Part F - Material Variance Reporting for 2022/23 - Simple Majority

### **Policy Implications**

The 2022/23 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 2022/23 Budget documentation.

### **Strategic Implications**

The 2022/23 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.

MINGENSHIRE COUNCIL SPECIAL MEETING MINUTES – 20 July 2022

**8.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**  
Nil.

**9.0 CONFIDENTIAL ITEMS**  
Nil.

**10.0 TIME AND DATE OF NEXT MEETING**  
Next Ordinary Council Meeting to be held on Wednesday 17 August 2022 commencing at 5.00pm.

**11.0 CLOSURE**  
The meeting was closed at 4:50pm.

These minutes were confirmed at an Ordinary Council meeting on 17 August 2022.

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_



# MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

MINUTES OF THE MEETING HELD AT THE MINGENEW SHIRE COUNCIL CHAMBERS  
3:00PM MONDAY 11 JUNE 2022

## 1.0 DECLARATION OF OPENING

Cr Anthony Smyth (Presiding Member) declared the meeting open at 3.00 pm

## 2.0 RECORD OF ATTENDANCE / APOLOGIES

### 2.1 ATTENDEES

- Cr Anthony Smyth (Presiding Member - Shire of Mingenew)
- Maurice Battilana (Acting CEO – Shire of Mingenew)
- Andrea Davis (Dept of Communities)
- Dominic Donaldson (Silver Chain)
- Cathy Macartney (St John Ambulance)
- Deb Maley (DFES)
- Candy Hudson (NRRRA)
- Grant Pilgrim (Dept of Communities)
- Tim Rainer (WAPOL)
- Julia French (DBCA – Teleconference Attendance)

### 2.2 APOLOGIES

- Andrea Campbell (Silver Chain)
- Tess Robinson (Silver Chain)
- Dee McKeown (MIG)
- Tanya Grantham (Mingenew Primary School)
- Chris Zaicou-Kunesch (DPIRD)
- Taryn Winter (CRC)
- Peter Herbert (MRWA)
- Josh Gardner (DFES)

## 3.0 PREVIOUS MINUTES

### LOCAL EMERGENCY MANAGEMENT COMMITTEE DECISION – ITEM 3.0

Moved: Cathy Macartney

Seconded: Andrea Davis

That the Minutes of the Shire of Mingenew Local Emergency Management Committee dated 9 May 2022 be confirmed as a true and accurate record of proceedings.

Carried By Consensus

### 3.1 BUSINESS ARISING FROM PREVIOUS (LRCG) MINUTES

What	Who	By When	Status
Obtain report from ICA about visit	DFES	By next LEMC	Completed. Meetings scheduled at Mingenew for 20 July 2022.
Examine viability of secondary primary producer outreach	DoC/DFES	Harvest	Completed. Meetings scheduled at Mingenew for 20 July 2022.
Investigate revegetation opportunities; identify areas of concern	Shire	Next meeting	PACP Grant for Environmental Recovery successful; NACC to deliver.
Community Recovery Planning	CEO	ASAP	Completed. Draft Local Operational Recovery Plan presented to this meeting for endorsement and recommendation to Council for consideration.
Have moved back to LEMC format; recovery to remain standing agenda item	SoM	By next LEMC meeting	Completed.
Options for people with tarps still on rooves	DFES	By next LEMC	Still some properties under tarps. Check with Josh Gardiner (DFES) on what the situation is with these properties.

## 4.0 AGENCY REPORTS

### 4.1 Shire of Mingenew (Maurice Battilana)

- Shire A/CEO commenced in the role on 4 July 2022.
- Draft Local Operational Recovery Planning Workshop report presented to this LEMC meeting for consideration and recommendation to Council for adoption:

#### LOCAL EMERGENCY MANAGEMENT COMMITTEE DECISION – ITEM 4.1

Moved: Andrea Davis      Seconded: Tim Rainer

The Draft Local Operational Recovery Plan as presented be accepted without change (other than correction of some minor typographical errors) and presented to Council for consideration and adoption.

**Carried By Consensus**

### 4.2 DFES (Deborah Maley)

- Mingenew will host the Cyclone Seroja Recovery Team tour on Wednesday the 20<sup>th</sup> July, which will include representatives from DPIRD, DFES, ICA, Legal Aid, DPLH and SBDC and Rural West as well as others to assist in the recovery process. The local recovery team will be in attendance to assist.
- The recovery Hub will continue to operate each Monday in Mingenew, for face to face grant assistance or to speak to recovery staff, DFES, Red Cross and Dept of Communities.
- Outreach is ongoing with a focus on outlying properties prior to the harvest period.
- There is going to become more of a focus on “all hazards” preparedness workshops and information as well as wellbeing and ready plans, towards the beginning of next year.

#### 4.3 Red Cross

Covered in report given by Grant Pilgrim (Dept. Communities)

#### 4.4 WAPOL (Tim Rainer)

- No crime trends of concern.
- Less of a focus on COVID-19 and a return to core Policing within Mingenew and surrounding communities.
- Planning has begun in preparation for the Mingenew Expo.
- Continued focus on establishing the Mingenew Blue Light Unit to introduce more youth events into the community.
- First Blue Light Disco to be held on 22 July 2022.

#### 4.5 Department of Communities (Andrea Davis & Grant Pilgrim)

##### Grant Pilgrim

- The local Recovery Team, comprising DoC & Red Cross have been conducting targeted outreach in the community. We have been warmly embraced by the vast majority and the general response up until now has been very positive. There has been a couple of individuals where follow up visits were conducted and this too received a favourable response. Outreach will continue up until harvest begins and we will be in attendance at the Mingenew expo.

##### Andrea Davis

- Incoming District Emergency Services Officer – Neville Blackburn, [Neville.blackburn@communities.wa.gov.au](mailto:Neville.blackburn@communities.wa.gov.au) Phone number – 0438934827, he will be starting in this position as of 01/08/2022.
- No activations for Dept. of Communities.

#### 4.6 DBCA (Julia French)

- Brodie Selby has moved out of the District Fire Coordinator role, and I (Julia French) am currently acting in the role for at least the next 6 months. Richie Boykett remains the Midwest Regional Leader Fire Management.
- Richie Boykett provided general information to Nils regarding the Mingenew airfield to be upgraded to become a suitable waterbombing facility – this comes with significant ongoing costs and maintenance requirements. No further update.
- Local recovery plan comments
  - Coalseam & Depot Hill identified as a high priority to keep walk trails maintained and opened. Our Parks and Visitor Services team will work to ensure this is the case and the visitor risks are mitigated.
  - Coalseam & Depot Hill identified as areas to reduce fuel loads by cold burning. These areas have not been identified as priorities for the 2022-23 prescribed burn program but can look at this for the future. These areas are unlikely to receive Nature Conservation endorsement due to them being under 1000ha.
- Fire access track maintenance
  - Coalseam, Depot Hill & Mingenew Nature Reserves identified as priorities for maintenance of existing fire access tracks.

#### 4.7 St. John Ambulance (Cathy Macartney)

- Medical Operation Plan for Mingenew EXPO will shortly be completed. This will be distributed to Shire/WAPOL/Silver Chain/Client/SJA State Operations Ctr.
- Sub Centre Generator is ready for use.

- Information sort from DBCA in regards to new mobile tower at Breakaway in Coalseam- Est. August, once in place SJA will liaise with DBCA in regards to placing an AED for visitor use at Breakaway.
- Tennis Club AED can be moved to Shire building if wished due to close proximity of another Community AED outside the Autumn Ctr. Shire to inform myself if AED is moved.
- Dongara SJA base have recently started to send to all new home owners/rentals a welcome letter containing information on Benefit Funds & payment locations, First Aid courses, Officer hours, volunteering opportunities & they receive a free first aid kit too. SC would like to extend this concept to the Mingenew Community. We will await to hear back from the Shire prior to commencing this.
- No new potential volunteers applying.

**4.8 Main Roads WA**  
No Report Provided

**4.9 Silver Chain (Dominic Donaldson)**

- GP recommencing Wednesday clinics as of 13/07/22.
- Child health Nurse looking to start clinics in Mingenew shortly, dependant on COVID.
- Silver chain will hopefully be facilitating Telehealth appointments. Working on IT requirements.

**4.10 Mingenew Irwin Group**  
No Report Provided

**4.11 Mingenew CRC**  
No Report Provided

**4.12 Mingenew Primary School**  
No Report Provided

**4.13 DPIRD (Helen Kent – Not in Attendance – Report Emailed)**

- Declared incidents – DPIRD is managing:
  - ~ 7 plant pest/disease Level 1 & 2 Incidents
  - ~ 0 animal pest/disease Incidents
- State alerts and investigations – DPIRD currently investigating a further 3 pests and diseases.
- National alerts & investigations - DPIRD and other State jurisdictions continue to monitor reported outbreaks of African Swine Fever – Republic of Korea, Thailand, Vietnam, Malaysia Philippines and India, Lumpy Skin Disease – Vietnam, Thailand, Malaysia and Indonesia, and Foot and Mouth Disease – Indonesia, noting that there is no known incidence of the three in Australia currently. 4. Severe Tropical Cyclone Seroja (Recovery) – DPIRD's Rural Business Develop Unit continues to administer reimbursement grants (Commonwealth funding) and assist growers through the process where required.
- COVID 19 – DPIRD continues to support COVID awareness activities in accordance with Department of Health advices.
- DPIRD District Recovery Coordinator (Rob Cossart) continues to support communities recovering from the aftermath of the catastrophic bushfires experienced in early February in the Southwest Land Division.

**4.14 National Recovery & Resilience (Candy Hudson)**

- National Recovery and Resilience Agency (NRRRA) is transitioning into Dept of Home Affairs to be amalgamated with Emergency Management Australia. Will be called National Emergency, Recovery and Resilience Agency (NEMRRA)

- Is there the potential to encompass a “pocket guide” for community members to incorporate all natural disasters that have the potential to impact the region? A quick go to guide?

**4.15 Roadwise**  
No Report Provided

**5.0 RECOVERY PLAN**

Dealt with at Agenda Item 4.1

**6.0 RECOVERY FOCUS AREAS**

*For these items, refer to the Recovery Planning Workshop document*

**6.1 Built Environment**

**6.1.1 Current Issues**  
None raised

**6.1.2 Emerging/Future Concerns**  
None raised

**6.1.3 Actions**  
None raised

What	Who	By When

**6.2 Social Environment**

**6.2.1 Current Issues**  
None raised

**6.2.2 Emerging/Future Concerns**  
None raised

**6.2.3 Actions**  
None raised

What	Who	By When

**6.3 Economic Environment**

**6.3.1 Current Issues**  
None raised

**6.3.2 Emerging/Future Concerns**  
None raised

**6.3.3 Actions**  
None raised

What	Who	By When

**6.4 Natural Environment**

**6.4.1 Current Issues**

None raised

**6.4.2 Emerging/Future Concerns**

None raised

**6.4.3 Actions**

None raised

What	Who	By When

**7.0 GENERAL BUSINESS**

**7.1 Candy Hudson (NRRA) – Mingenew Expo Presence**

It was agreed to best form of presence at the Mingenew Expo by NRRA is by simply mingling with the crowd, rather than establishing a specific marque site.

**8.0 FUTURE MEETING DATE AND TIME**

Quarterly meetings to take place.

Next meeting 10 October 2022, 3.00pm at Shire Council Chambers.

**9.0 CLOSURE**

The meeting was closed at 3:52pm.



# LOCAL OPERATIONAL RECOVERY PLAN

## Shire of Mingenew



### RECOVERY NARRATIVE

#### About our community

Mingenew describes itself as an agricultural powerhouse and is the southern hemisphere's largest grain facilitator. Surrounded by breakaway country, with fantastic flat-top ridges Mingenew is a sought after wildflower destination. Mingenew has many supporting industries, facilities, and employment opportunities, and is home to around 470 people. The main industry is agriculture, and others work in local government, small business, ag support companies and essential support services.

Mingenew loves its sport and has a strong focus on its sporting community facilities. Mingenew has a caravan park with a variety of accommodation options from suites through to open-air camping and some of the best nights under the stars in WA.

Mingenew is a proud and passionate community, home to many volunteers and community groups dedicated to making our district the best possible place to live. It's a great place for families too, with a local long day-care centre, highly regarded primary school and easy bus access to two local high schools.

In addition to the largest on-shore grain receival facility in the southern hemisphere, and a space and satellite communications industry established by NASA over 40 years ago, Mingenew is also home to one of Australia's leading producer-driven organisations in the Mingenew Irwin Group, a collaborative, connected and capable Community Resource Centre, a Silver Chain nursing post, the famous Mingenew Bakery and a host of successful small businesses.

The Shire of Mingenew had a Total Revenue of \$7.03m (including operating and capital grants) for the 2020/21 financial year. A total of 46% (\$3.26m) of the Shire's revenue for 2020/21 were Non-Operating Grants which helped to fund a number of key capital projects, in particular the beginning of the construction of the new Coalseam Road Bridge, drainage upgrades on Milo Road and widening on part of Mingenew Mullewa Road. Operating Grants and Contributions account for 11% of total revenue, while Rates (28%) and Fees & Charges (4%) are also significant contributing factors to the total revenue figure.

#### About the disaster event

Severe Tropical Cyclone (STC) Seroja crossed the Western Australian coast south of Kalbarri on 11 April 2021, as a Category 3 system, bringing wind gusts of up to 170 kilometres per hour. STC Seroja is the strongest system recorded to have impacted the Midwest Gascoyne Region. The cyclone impacted a population of almost 50,000 people and an area of more than 170,000 square kilometres and more than 16 local government areas.

The Shire of Mingenew experienced widespread damage across built and natural assets including significant impact on the townsite. A total of 24 farm properties were impacted and 39 residentials have been deemed uninhabitable following Seroja.

#### Local Recovery Coordination Group (LRCG)

The Shire of Mingenew Local Emergency Management Committee (LEMC) has organised the Local Recovery Planning Workshop. This was held on the 4th of April 2022.

#### Key recovery stakeholders in attendance:

- Shire of Mingenew
- Department of Fire and Emergency Services
- Department of Communities
- Department of Education
- St John Ambulance
- Red Cross
- Rural Aid
- WAPOL
- Industry / local businesses
- Community members / groups

The Western Australian Minister for Emergency Services, the Hon Stephen Dawson MLC, also attended the workshop briefly on a scheduled visit to the Seroja impacted communities, and met with community members.

SHORT TERM

MEDIUM /LONG

ONGOING

SOCIAL

Emergency preparedness training

Streamline recovery and governance groups

Recruitment program new community volunteers

Host one-off community spirit lifting event

Connect community with psychosocial support services

Connect services for Elderly residents, and activities for young people

ECONOMIC

Develop a housing business model (and investment framework)

Investigate model of community ownership of key assets and businesses

Develop economic development strategy and prospectus to attract investment and labour supply

Develop a Welcome to Town resource and process

Town Beautification campaign

NATURAL

Source "how to guide" for on farm plantings

Develop Masterplan for Cecil Newton Park and replant trees

Audit town trees, organise community and school planting days

Regenerate Coal Seam and Depot Hill Trails by moving fallen trees and reducing fire load

BUILT

Provide workers accommodation through verflow options and or CBH

Seek additional funding to repair and upgrade Tennis Club

Free standing power supply to be organised for Mingenew Recreation Centre

Assess resilience of utilities and seek support from programs

Advocacy on insurance challenges



# LOCAL OPERATIONAL RECOVERY PLAN

## Shire of Mingenew

Human and Social Environment	KEY DAMAGE AND IMPACTS	RECOVERY OBJECTIVES	PRIORITY	RECOVERY TASKS/ACTIVITIES	ACTIVITY STAKEHOLDERS	MEASURES OF SUCCESS
	<b>Groups, Institutions and Social Connection</b> <ul style="list-style-type: none"> <li>Damage to community infrastructure prevented use eg Tennis Courts.</li> </ul> <b>Psychosocial and Wellbeing</b> <ul style="list-style-type: none"> <li>Concern for other vulnerable groups in the community including elderly residents, children and farmers.</li> <li>Access for services for mental health and psychosocial support services is challenging as they are under-resourced and are over-committed.</li> </ul> <b>Health and Medical</b> <ul style="list-style-type: none"> <li>Lack of telecommunications and damage to infrastructure prevented Silver Chain Nursing Post and St Johns Ambulance from resuming services.</li> </ul> <b>Cultural / Heritage</b> <ul style="list-style-type: none"> <li>A number of heritage buildings have been damaged</li> </ul>	<b>Building Resilience</b> <ul style="list-style-type: none"> <li>Improved emergency preparedness of households and businesses</li> </ul>		<b>S1</b> Develop and implement a community resilience and preparedness resource/training to support the community to develop personal/household/business disaster plans.	SoM DFES ARC	<b>S1</b> Resources and training funded and delivery commenced by Oct 2022. No. attended, no. of personal disaster plans developed as a result.
		<b>Supporting volunteers and community groups</b>	2	<b>S2</b> Support community groups to streamline administration and governance functions of community groups to reduce volunteer fatigue and to better manage community expectations.	Local Community groups  DLGSCI (support and funding)	<b>S2</b> Mingenew clubs and associations are supported to develop a model constitution/template to allow clubs to reduce the number of constitutions and administrative requirements, without losing their autonomy.
				<b>S3</b> Develop and implement a recruitment program for new community volunteers and support with training.	SoM CRC Communities (funding)	<b>S3</b> Establish volunteer development program by Jan 2023.
			5	<b>S4</b> Host a one off event to lift community spirits.	CRC	<b>S4</b> 2022 event delivered. Consideration given to an event in 2023.
		<b>Mental Health and wellbeing</b> <ul style="list-style-type: none"> <li>Increased social connection for vulnerable community members</li> <li>Actively encourage and support positive culture of community engagement</li> </ul>		<b>S5</b> Recovery Hub to provide connections to psychosocial support for community members. Work with support providers, community and government to assess, plan for and implement long-term community psychosocial support.	SoM, CRC, DoC, ARC	<b>S5</b> Continued community engagement with services. no. of new clients, no. of community events.
		<b>Support for Vulnerable Community Members</b> <ul style="list-style-type: none"> <li>Connect two key cohorts with activities</li> </ul>		<b>S6</b> Connect services for elderly residents and support their redi-plan training. Connect: <ul style="list-style-type: none"> <li>Red Cross door knocking</li> <li>Bowling Club social outings</li> <li>CRC Monday morning sessions</li> </ul> Develop activities for 12 to 24 yr olds.	Red Cross, Bowling Club, CRC  PCYC North Midlands	<b>S6</b> Services successfully network and identify priority elderly residents by Dec 2022. <b>S7</b> One activity identified and implemented in 2022.

Recovery related activities highlighted

# LOCAL OPERATIONAL RECOVERY PLAN

## Shire of Mingenew

Economic Environment	KEY DAMAGE AND IMPACTS	RECOVERY OBJECTIVES	PRIORITY	RECOVERY TASKS/ACTIVITIES	ACTIVITY STAKEHOLDERS	MEASURES OF SUCCESS
	<b>Residential and Household</b> <ul style="list-style-type: none"> <li>Availability and rising prices of trades and materials causing frustration and hold-ups in recovery.</li> <li>Many residents and businesses found it too time consuming to negotiate the insurance claim process.</li> <li>Whether people were insured or not seems to be a leading factor in the level of financial impact.</li> </ul> <b>Local and State Government Infrastructure / Resources</b> <ul style="list-style-type: none"> <li>Lack of access to workforce and accommodating employees.</li> <li>Limited LG resources and fatigue levels of LG employees.</li> </ul> <b>Primary Production</b> <ul style="list-style-type: none"> <li>22/24 primary producers in Mingenew were impacted.</li> <li>Impact of the cyclone on stock and crop programming/rotation.</li> <li>Balancing clean-up and farming activities as competing priorities (initially and ongoing).</li> <li>Significant loss and damage to critical infrastructure (sheds, equipment, stock, rural water infrastructure).</li> <li>Ongoing concerns about finding and accommodating workers.</li> </ul> <b>Tourism, Industry and Small Business</b> <ul style="list-style-type: none"> <li>Contractors using accommodation impacted availability for tourism.</li> <li>Difficulty obtaining goods and services (fuel, food etc.) due to availability, impact to roads and extended power outages.</li> </ul>	<b>Economic infrastructure and planning</b>	1	<b>E1</b> Investigate a housing business model (and investment framework) to address housing crisis and enable construction of variety of suitable accommodation options.	SoM	<b>E1</b> Research on innovative housing options identified by Sept 2022.
			3	<b>E2</b> Investigate model of community ownership of key assets and businesses.	SoM	<b>E2</b> Community ownership models identified by Sept 2022.
				<b>E3</b> Develop economic development strategy and prospectus to attract investment and labour supply.	SoM	<b>E3</b> SoM to commence development of an economic development strategy and prospectus by June 2023. Linked to E4 and E5.
		<b>Attraction and Retention Strategy</b>		<b>E4</b> Support local businesses to develop reward packages to attract and retain staff.	SoM, SBDC, MWDC/RDA	<b>E4</b> Engagement strategy for support to business owners to be developed by June 2023. Linked to E3 and E5.
				<b>E5</b> Develop a Welcome to Town resource and process.	CRC SoM	<b>E5</b> CRC and SoM to develop a welcome to town resource by June 2023. Linked to E3 and E4.
			4	<b>E6</b> Town Beautification campaign.	SoM, Community	<b>E6</b> Identify key projects for implementation + include in community/shire planning.

Recovery related activities highlighted



# LOCAL OPERATIONAL RECOVERY PLAN

## Shire of Mingenew



Natural Environment	KEY DAMAGE AND IMPACTS	RECOVERY OBJECTIVES	PRIORITY	RECOVERY TASKS/ACTIVITIES	ACTIVITY STAKEHOLDERS	MEASURES OF SUCCESS
	<b>Plants and animals</b> • Damage to some trees in public spaces. <b>Hazardous vegetation</b> • Perceived and actual increase to fuel loads because of defoliation. • Perceived and actual increase to risk of structurally compromised (uprooted/defoliated) trees and widespread debris. <b>Public Land/Recreation</b> • Debris and fallen trees affecting creek lines, reserves and parks and reduction in shade for public. • Damage to public infrastructure in reserves and parks (signage, carparks, drainage, walk trails) which impact public access and enjoyment. • Impact to Coalseam Reserve.	<b>Recovery of Biodiversity</b>		<b>N1</b> Source “how to guide” for on farm plantings with species list and where to buy seedlings.	LEMC NACC	<b>N1</b> NACC to develop regional resource for Seroja recovery.
				<b>N2</b> Audit town trees to determine best actions, organise community and school planting days and replant with wind resistant species.	SoM, Community NACC	<b>N2</b> Trees audited by Dec 2022, 1 tree planting day to be conducted in 2023.
		<b>Access and enjoyment of natural spaces</b> • Restore nature-based tourism assets		<b>N3</b> Regenerate Coal Seam and Depot Hill Trails by moving fallen trees and reducing fire load.	DBCA	<b>N3</b> Coordinate rehabilitation works with relevant stakeholders by Dec 2022.
				<b>N4</b> Implement Masterplan for Cecil Newton Park and replant trees.	SoM	<b>N4</b> Masterplan implementation commenced by 2023.
				<b>N5</b> Develop lookout/picnic area on Mingenew Hill to build sense of place.	SoM	<b>N5</b> Include for consideration in Strategic Community Plan consultation
		<b>Management of Pests, Hazards and Diseases</b>		<b>N6</b> Explore possible training options for different fuel mitigation techniques (i.e., cool burns). Encourage fire breaks on Crown Land.	SoM DFES	<b>N6</b> Training to be considered as part of the development and implementation of the Bushfire Risk Management Plan.
				<b>N7</b> Develop information on waste disposal, safe burning, greenwaste collection, information on tarp management and maintenance.	SoM DFES	<b>N7</b> Ongoing information provision until 2023.

Recovery related activities highlighted



The development of this plan was jointly funded through the Commonwealth-State Disaster Recovery Funding Arrangements



# LOCAL OPERATIONAL RECOVERY PLAN

## Shire of Mingenew

Built Environment	KEY DAMAGE AND IMPACTS	RECOVERY OBJECTIVES	PRIORITY	RECOVERY TASKS/ACTIVITIES	ACTIVITY STAKEHOLDERS	MEASURES OF SUCCESS
	<b>Public and Private infrastructure</b> <ul style="list-style-type: none"> <li>Damage to private and public infrastructure.</li> <li>Damage in town and on farms, 39 residences deemed uninhabitable.</li> <li>Some properties still tarped, possibly with uncleared cyclone debris.</li> <li>Difficulty accessing building contractors, engineers, materials and an inflation of costs associated with rebuild.</li> </ul> <b>Essential services</b> <ul style="list-style-type: none"> <li>Debris on roads and damage to road signs in weeks following the cyclone.</li> <li>Significant damage to utility infrastructure with ongoing supply and reliability issues to some utilities.</li> </ul> <b>Clean up</b> <ul style="list-style-type: none"> <li>Damage to buildings with asbestos containing materials on private property.</li> </ul> <b>Rapid Damage Assessments</b> <ul style="list-style-type: none"> <li>Completed Rapid Damage Assessments. Further assessments are ongoing to validate and identify additional needs.</li> </ul> <b>Insurance</b> <ul style="list-style-type: none"> <li>Issues include forced pay-outs, increase in work costs, and additional financing needs.</li> </ul>	<b>Rebuild support</b>	6	<b>B1</b> Provide workers accommodation through overflow options and or CBH.	SoM	<b>B1</b> Innovative housing model developed –link to <b>E1</b> .
				<b>B2</b> Provide support to Mingenew Hotel to enable their recovery process.	SoM	<b>B2</b> Ongoing check-ins with Hotel Owners to give support.
		<b>Recreation Facilities</b>	8	<b>B3</b> Seek additional funding to repair and upgrade Tennis Club.	SoM Mingenew Tennis Club	<b>B3</b> Additional funding identified and funding processes commenced by Sept 2022.
		<b>Utilities</b>	7	<b>B4</b> Develop a plan for assessing the resilience of utilities and seek support from relevant providers to increase resilience.	SoM Western Power Telstra	<b>B4</b> Baseline information sought from utility providers by 2023.
				<b>B5</b> Investigate free standing power supply for Mingenew Recreation Centre.	SoM	<b>B5</b> Determine feasibility of potential project by December 2023.
		<b>Insurance advocacy</b>		<b>B6</b> Continue regional advocacy for reported insurance challenges and issues (e.g forced pay-outs, increase in works costs, additional financing needs).	LEMC	<b>B6</b> Targeted and timely communications to relevant agencies and regulatory bodies.

Recovery related activities highlighted