



MINUTES ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

19 October 2022 at 5:00pm

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MINUTES OF THE ORDINARY COUNCIL MEETING

17 AUGUST 2022

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
17 AUGUST 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 JR Holmes	Councillor
Cr HR McTaggart	Councillor
Cr AT Pearse	Councillor
Cr AR Smyth	Councillor

Staff

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

Leave of Absence

Cr CV Farr	Councillor (approved at this meeting)
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Members of the Gallery

Mr Trevor Nitschke
Mr Mark Conway

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

4.1 Mr Mark Conway – Addressed Council on Agenda Item 11.1 without any specific questions

Response – As there was no specific questions the President responded stating the matter will be dealt with at the meeting.

Mr Conway left meeting at 5:04pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

A written request from Cr CV Farr was received Tuesday, 16 August 2022 for a leave of absence for up to 6 ordinary meetings from June.

Section 2.25(2) and (3) of the Local Government Act 1995 states that a leave of absence cannot be granted for more than 6 consecutive ordinary council meetings, and it cannot be retrospective.

COUNCIL DECISION - ITEM 5.0 – RESOLUTION# 01170822

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

Council grants Cr CV Farr a Leave of Absence commencing from 16 August 2022 for up to 6 consecutive meetings, in accordance with s.2.25 of the *Local Government Act 1995*.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 15 JUNE 2022

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 June 2022 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 5 JULY 2022

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 5 July 2022 be confirmed as a true and accurate record of proceedings.

7.3 SPECIAL COUNCIL MEETING HELD 20 JULY 2022

OFFICER RECOMMENDATION - ITEM 7.2

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

OFFICER RECOMMENDATION AND COUNCIL DECISION EN BLOCK - ITEM 7.1-7.3 – RESOLUTION# 02170822

MOVED: Cr AR Smyth

SECONDED: Cr JR Holmes

1. That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 June 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 5 July 2022 be confirmed as a true and accurate record of proceedings.
3. That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 20 July 2022 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Cr Holmes disclosed a Proximity Interest in Item 12.4 which includes a proposed Budget amendment relating to a project at Mingenew for which he is the owner of neighbouring property. Similarly, Cr Holmes is also a landowner with proximity to the proposed residential development around Mingenew Hill, which is also presented for a budget amendment.

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
11 JULY 2022**

COMMITTEE RECOMMENDATION - 10.1.1

That the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 11 July 2022 be received.

10.1.2 ADOPTION OF DRAFT LOCAL OPERATIONAL RECOVERY PLAN

COMMITTEE RECOMMENDATION - 10.1.2

Council adopts the Draft Local Operational Recovery Plan as presented.

**COMMITTEE RECOMMENDATION AND COUNCIL DECISION EN BLOCK - ITEM 10.1.1 & 10.1.2 –
RESOLUTION# 03170822**

MOVED: Cr JD Bagley

SECONDED: Cr AR Smyth

1. That the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 11 July 2022 be received.
2. Council adopts the Draft Local Operational Recovery Plan as presented.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

11.0 CHIEF EXECUTIVE OFFICER

11.1 PROPOSED OUTBUILDING, IKEWA STREET

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

Summary

Council resolved at its 15 June 2022 meeting to advertise the application to construct a 247.25m² outbuilding in place of the previous cyclone damaged 160m² shed upon 10 (Lot 87) Ikewa Street, Mingenew. At the conclusion of the advertising period 5 submissions had been received, 4 in support of the application, and 1 in objection.

Council also considered at its 15 June 2022 meeting that in the event that the outbuilding application was approved the applicant's 2 lots should be amalgamated as a condition of approval. The applicant has submitted correspondence seeking Council's reconsideration of this amalgamation condition.

The matter is returned to Council for consideration and this report recommends that the proposed outbuilding be approved subject to conditions. Alternative resolution wording, in the event that Council instead consider that the application should be refused has also been provided at the end of the Comment section.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 04170822
MOVED: Cr HR McTaggart SECONDED: Cr JR Holmes

Council approves 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 11.1 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) This planning consent does not constitute a building permit, which must be sought and obtained from the Shire's Building Department and will require the applicant's demonstration of compliance with the requirements of the *Building Act 2011* and Building Code of Australia. Also, other separate approvals to undertake certain activities may be required from other government agencies under separate legislation of which it is the applicant's responsibility to investigate and address.
- (c) 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

Attachment 11.1(a) - Submitted application & Shire of Mingenew Outbuildings Local Planning Policy.

Attachment 11.1(b) - Received Submissions.

Attachment 11.3(c) - Applicant's Response to issues raised during advertising period and request for reconsideration of amalgamation condition.

Background

Lot 87 is an 850m² property fronting Ikewa Street to the north that contained a 160m² outbuilding that was damaged by Cyclone Seroja. Lot 87 also contains a portion of the residence that is primarily located upon adjoining 847m² Lot 88 which is located on the corner of Ikewa and Wattle Streets.

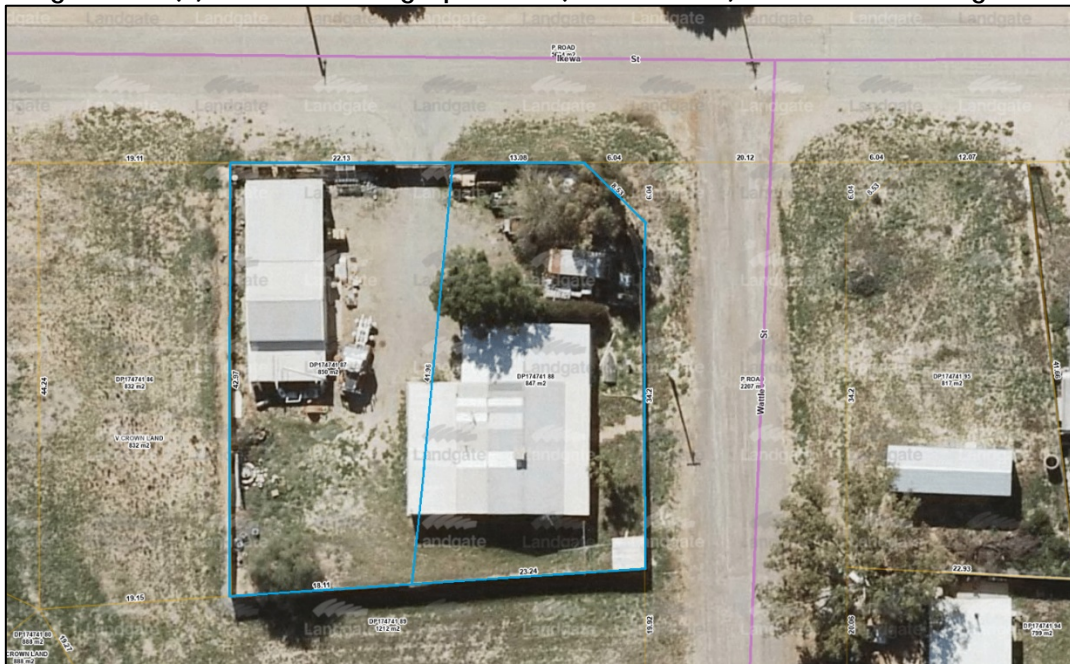
Figure 11.1(a) – Location Plan for 10 (Lots 87 & 88) Ikewa Street, Mingenew



Lots 87 and 88 are owned by the applicant and appear on-ground to form one overall 1,697m² 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(b) – Aerial Photograph of 10 (Lots 87 & 88) Ikewa Street, Mingenew



The applicant is seeking approval to construct an 11.1m x 21.5m (247.25m²) 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 (160m²) 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 was presented to the 15 June 2022 Council meeting as it exceeded the 200m² 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 Street 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(a)** along with plans illustrating the former outbuilding prior to part demolition.

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

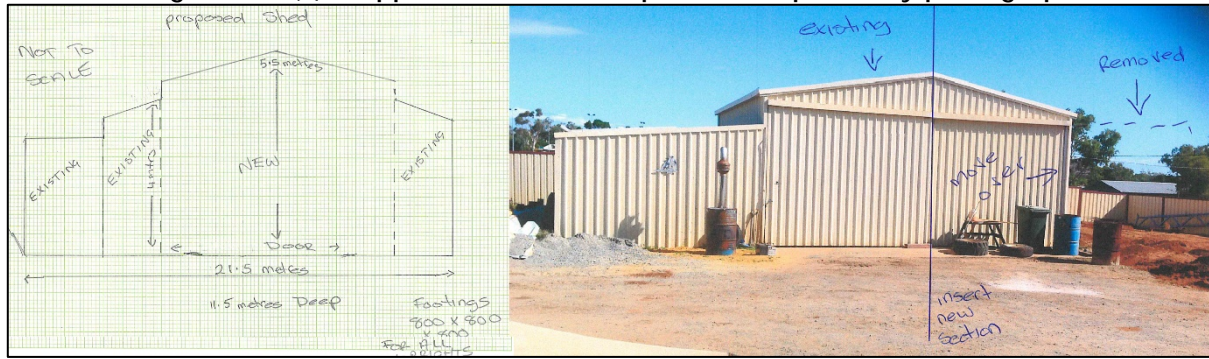


Figure 11.1(d) – Pre-Cyclone (left) and post-cyclone (right) view of outbuilding on Lot 87 looking south-west from Ikewa Street



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



A copy of the minutes from the 15 June 2022 Council meeting that contains Council’s resolution can be viewed at the following link:

<https://mingenew.wa.gov.au/minutes/>

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 247.25m² total outbuilding area exceeds the 200m² Outbuildings Policy requirement (for lots above 1,500m²) 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 11.1m 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 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.

The application was advertised for comment from 22 June 2022 until 22 July 2022 with the Shire writing to the landowners of the 23 surrounding properties, placing an advisory sign on-site, placing a copy of the application on the Shire website, and making the application for viewing at the Shire office.

At the conclusion of the advertising period 5 submissions had been received, 4 in support of the application, and 1 in objection. A copy of the received submissions, with the identities of the respondents redacted, is provided as **separate Attachment 11.1(b)**.

The objection raised the following issues and perceptions:

- the structural engineering for the existing shed will be invalid if cut in half;
- the outbuilding would be sited on a lot that does not contain a residence;
- where other lots on Ikewa Street have outbuildings without residences they are in-line with the established building setback;
- fail to see how the established setback line of 10.5m on Ikewa Street should be varied, in particular for a further oversized outbuilding;
- the proposal is for an industrial sized shed;
- even if the applicant's lots are amalgamated the proposal is still over-sized both in area and height;
- in the Ikewa, Wattle, View and Yandanooka Street precinct there are 14 or 15 residential lots that will be sold as prime real estate between \$25,000-\$35,000;
- the proposed outbuilding should be to the rear of the lot and subject to title amalgamation of the 2 lots.

The applicant was provided with a copy of the received submissions, with the identities of the respondents redacted as per standard Shire practice, and invited to make comment in regards to the issues raised.

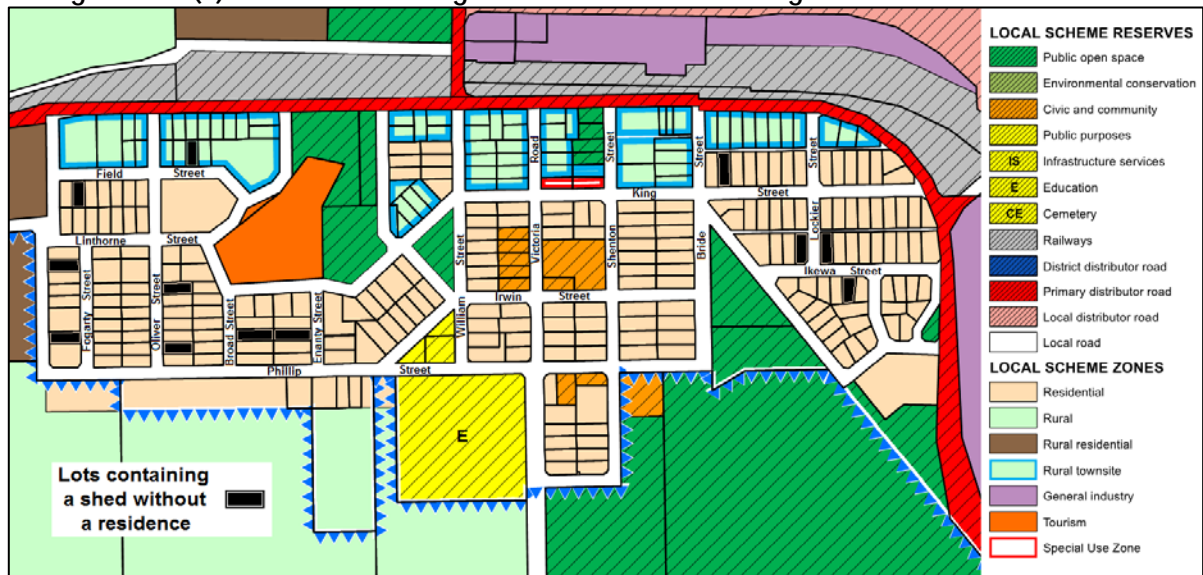
A copy of the applicant's 2 responses are provided as **separate Attachment 11.1(c)**. The first correspondence addresses their reasons for wanting the outbuilding in the proposed location, and the second requests that a condition not be applied (in the event their application is approved) that they must amalgamate their 2 lots due to the cost involved.

Shire staff have obtained quotes from two Geraldton based surveying firms for the cost of amalgamating Lots 87 & 88 Ikewa Street to be able to provide Council with independent verification. These quotes confirm that the cost of amalgamating the 2 townsite lots would be \$7,731.35 GST inclusive. It should be noted that of this figure \$3,493.75 is State Government fees charged by the Western Australian Planning Commission and Landgate and it is the remainder that represents the surveyor cost of preparation of the amalgamation application and preparation of the actual survey diagram. This quote does not include the cost of the settlement agent/conveyancing costs which are estimated to be an additional \$1,000.

In the event that Council were accept that the cost of amalgamation of the lots is disproportionate and approve the outbuilding application upon Lot 87 it is noted that there is limited ability for the landowner to sell the lots independently as the existing residence is built across the lot boundary of Lots 87 & 88.

It is noted that the Mingenew townsite does already contain 12 lots that have a shed without a residence upon the property (including the one subject of this application) and were Council to approve the application it would not therefore be setting a precedent.

Figure 11.1(e) – Lots in the Mingenew townsite containing a shed without a residence



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(a)**.

The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m² for Mingenew townsite lots that are less than 1,500m² and 200m² for lots greater than 1,500m². Whilst Lot 87 is 850m² in area it has been assessed under the 200m² outbuilding size/1,500m²+ lot size criteria, due it being owned in common with neighbouring 847m² Lot 88 creating a 1,697m² landholding. The reason for this assessment is that the landholding appears on-ground to be one property and due to the existing residence 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 9m² 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.”

Mr Nitschke left the meeting at 5:11pm.

11.2 APPOINTMENTS TO SHIRE COMMITTEE & EXTERNAL ORGANISATION DELEGATES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: GV.CMT.5
Disclosure of Interest: Nil
Date: 17 August 2022
Author: Maurice Battilana, Temporary CEO
Voting Requirements: Absolute Majority

Summary

Consideration of:

- ~ Cr Alex Pearse appointment to Committees, Working Groups, External Organisations, etc.
- ~ Cr Hellene McTaggart's request to be the Shire's representative on the Community Builders Program

Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only Committee of Council with delegated authority.
- The Audit & Risk Committee has statutory functions under the Local Government Act 1995
- The list of Committees and groups are based on previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary

OFFICER RECOMMENDATION – ITEM 11.2

Council:

1. By Absolute Majority, appoints Cr Alex Pearse as a member to the Shire of Mingenew's Committees of Council:

_____;
2. Appoints Cr Alex Pearse as Shire delegate to the following external committees and groups:

_____; and
3. Appoints Cr HR McTaggart as the Shire delegate to the Community Builders Program.

NOTE: Cr McTaggart advised of a correction to the 'Community Builders Program' and the motion was amended accordingly. The Committee appointments for Cr Pearse will be revisited at the next Ordinary Council meeting.

COUNCILLOR AMENDED MOTION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION# 05170822

MOVED: Cr AR Smyth SECONDED: Cr JR Holmes

Council appoints Cr HR McTaggart as the Shire delegate to the RDAMG Community / Stakeholder Reference Group (Community Capability and Capacity Building).

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Reason for Deviation from Officer Recommendation – Councillor Pearse requested more time to determine which Committees, organisation he may want to nominate for. The CEO was requested to present this item back to the October 2022 Ordinary Council Meeting for further consideration.

Attachments

- 11.2.1 Audit Terms of Reference
- 11.2.2 Behaviour Complaints Committee Terms of Reference
- 11.2.3 Bush Fire Advisory Committee Terms of Reference
- 11.2.4 Local Emergency Management Committee Terms of Reference
- 11.2.5 Terms of Reference for Elected Member Representation on External Committees/Groups

Background

At a Special Meeting of Council held on 20 October 2021 the following was resolved:

That Council:

1. *By Absolute Majority, appoints the following members to the Shire of Mingenew's Committees of Council:*

SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

Cr HR McTaggart, Cr AR Smyth and Cr GF Pearse, Cr GJ Cosgrove and an Independent Member (to be appointed following the recently instigated recruitment process for filling the vacancy).

SHIRE OF MINGENEW BEHAVIOUR COMPLAINTS COMMITTEE

Cr JD Bagley, Cr AR Smyth and Cr CV Farr, and Cr GF Pearse, Cr HR McTaggart and Cr GJ Cosgrove, as proxy delegates.

SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

Cr JD Bagley, and Cr GF Pearse as proxy delegate.

SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

Cr GJ Cosgrove, Cr HR McTaggart and Cr JD Bagley, and Cr AR Smyth as proxy delegate.

SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE / LOCAL RECOVERY COORDINATION GROUP

Cr AR Smyth, the Chief Executive Officer (or his/her nominee), and Cr CV Farr as proxy delegate.

2. *Delegates the following members to represent Council on community-run committees:*

MINGENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

Cr HR McTaggart and the Community Development Officer, and Cr CV Farr as proxy delegate.

*MINGENEW SILVER CHAIN BRANCH COMMITTEE (Councillor delegate considered not required)
Community Development Officer*

*MINGENEW TOURIST AND PROMOTIONS COMMITTEE (Councillor delegate considered not required)
Community Development Officer*

3. *Delegates the following members to represent the Shire of Mingenew on external committees and groups:*

JOINT DEVELOPMENT ASSESSMENT PANEL

Cr GJ Cosgrove and Cr JD Bagley, and Cr GF Pearse and Cr CV Farr as proxy delegates.

MID-WEST REGIONAL ROAD GROUP

Cr GJ Cosgrove and Cr JD Bagley, and Cr AR Smyth as proxy delegate.

NORTHERN COUNTRY ZONE OF WALGA

Cr GJ Cosgrove and Cr HR McTaggart, and Cr GF Pearse as proxy delegate.

WILDFLOWER COUNTRY INC.

Cr CV Farr and the Community Development Officer, and the Chief Executive Officer as proxy delegate.

4. a) *Establishes a CBH Expansion Project Working Group for the purpose of reviewing information and liaising with CBH on expansion plans of the Mingenew's CBH facility including the future layout, associated road / traffic matters and design and development processes that impact the Mingenew community; and*
- b) *Appoints the following members to the Working Group:*

SHIRE OF MINGENEW CBH EXPANSION PROJECT WORKING GROUP

Cr JD Bagley, Cr GJ Cosgrove, the Chief Executive Officer and Cr AR Smyth as proxy delegate.

Then at the June 2022 Ordinary Meeting of Council, the following was subsequently resolved to replace resigned Elected Member GF Pearse:

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.*

Therefore, the current membership of the Shire committees and external organisation is as follows:

Audit & Risk Committee

Cr HR McTaggart, Cr AR Smyth, Cr JR Holmes, Cr GJ Cosgrove and Independent Member

Behaviour Complaints Committee

Cr JD Bagley, Cr AR Smyth and Cr CV Farr

Cr JR Holmes, Cr HR McTaggart and Cr Cosgrove proxy delegates

Bush Fire Advisory Committee

Cr JD Bagley

Cr GF Pearse proxy delegate

Executive Management Committee

Cr GJ Cosgrove, Cr HR McTaggart and Cr JD Bagley

Cr AR Smyth proxy delegate

LEMC / LRCG

Cr AR Smyth and Chief Executive Officer (or nominee)

Cr CV Farr proxy delegate

Community Assistance Scheme Panel

Cr HR McTaggart and Cr JR Holmes (16 Feb 2022 meeting)

Community Resource Centre Management Committee

Cr HR McTaggart and CDO

Cr CV Farr proxy delegate

Silver Chain Branch Committee

CDO

Tourist and Promotions Committee

CDO

Joint Development Assessment Panel

Cr GJ Cosgrove and Cr JD Bagley

Cr JR Holmes and Cr CV Farr proxy delegates

Midwest Regional Road Group

Cr GJ Cosgrove and Cr JD Bagley

Cr AR Smyth proxy delegate

Northern Country Zone of WALGA

Cr GJ Cosgrove and Cr HR McTaggart

Cr JR Holmes proxy delegate

Wildflower Country Inc.

Cr CV Farr and CDO

Chief Executive Officer proxy delegate

CBH Expansion Project Working Group

Cr JD Bagley, Cr GJ Cosgrove and Chief Executive Officer

Cr AR Smyth proxy delegate

Comment

A summary of the purpose of each Committee and any additional information that may be pertinent is provided below:

Audit & Risk Committee (ARC)

The primary objective of the Audit and Risk Committee “the Committee” is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its statutory and fiscal affairs.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies, and overseeing the allocation of the local government's finances and resources. The Committee will ensure transparency in the Local Government's reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's systems and processes.

The 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.

Behaviour Complaints Committee (BCC)

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Local Government Act 1995 (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Mingenew's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The Terms of Reference for this Committee require at least three Council Members to be appointed and at least 3 proxy members. This ensures flexibility in Council Member attendance should the Committee be required to meet, as it will depend on who the complaint refers.

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year. This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to "Review the performance of the Chief Executive Officer at least once in relation to every year of employment.". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- Determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

Local Emergency Management Committee (LEMC)

The LEMC has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response, and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details.

Voting membership consists of one Councillor representative endorsed by Council.

The LEMC was suspended in 2021 in lieu of holding Local Recovery Coordination Group meetings for the purposes of recovery following Cyclone Seroja. Council may wish to make the delegates for each committee the same.

CBH Expansion Project Working Group

This is a new group, included to enable Council to review and keep informed of any plans and information relevant to the future expansion of the Mingenew CBH facility to ensure that community impacts and priorities are considered and communicated.

This is not a formal Council Committee, but a working group which will report back to Council as required.

Mingenew Community Resource Centre Management Committee (CRCMC)

The Mingenew Community Resource Centre (CRC) Management Committee oversees the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Silver Chain Branch Committee (MSCBC)

The Mingenev Silver Chain Branch Committee supports the local Silver Chain through in-kind and financial assistance to improve and renew equipment and services of the local branch.

Council have provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Tourist and Promotions Committee

The Mingenev Tourist and Promotions (T&P) Committee are a *"not-for-profit organisation comprised of community-minded volunteers who take pride in the appearance of our town and work to ensure that it is an appealing place to live, work and visit."* The T&P have not had Committee numbers to hold regular meetings this year, but Council representative is sought on the presumption that the Committee may resume in the near future.

This Committee has previously outlined a desire to work with the Shire to meet its strategic objectives and achieve its aim: *"to put our Shire on the map by giving visitors a memorable experience while here and showcasing Mingenev as an appealing place to live. First impressions are the most lasting impressions, so the town's appearance has to be a top priority. We aim to promote our natural and manmade environment to attract visitors all year round not just during the wildflower season"*. The Committee have requested that a Councillor representative be appointed to the Committee to facilitate discussion at a Council level on projects and ideas.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Joint Development Assessment Panel (JDAP)

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are 8 JDAPs in Western Australia with the Shire of Mingenev being members of the Mid-west/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The

regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

Mid-West Regional Road Group

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

Northern Country Zone of WALGA

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment. Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, but they are also a key player in developing policy and legislative initiatives for Local Government.

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues. There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

Wildflower Country Inc.

Western Australia's Wildflower Country is the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs.

The purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative.

Community Builders Program – Request for Shire Representative

Below is an email received from *Regional Development Australia - Mid West Gascoyne & Murchison* requesting a Shire representative for the Mid West Community Builders Program:

From: Karin – RDAMWG <engage@rdamwg.com.au>
Sent: Wednesday, 20 July 2022 4:48 PM
To: Karin – RDAMWG <engage@rdamwg.com.au>
Subject: Confidential: Community Builder Program - Further Update

Caution: This email originated from outside the organization. Be cautious with links and attachments.

Good afternoon

The following email is an update on the progress of the Community Builders Program and a request for your assistance. You will recall that Mark (EO, RDAMWG) emailed you on 20 May 2022 providing an update on community response to the proposed program, formation of a reference group, and funding. I have attached the letter for your convenience.

Following the presentation by Bank of Ideas to the WALGA Northern Zone, RDAMWG were asked to provide support and facilitation for a group of interested community representatives, thereby reducing the impact on Council resources.

A meeting was held on 6 June with the community reference group comprising Councillor representatives, Cr Kirralee Warr, Shire of Chapman Valley, Cr Liz Sudlow and Cr Robert Horstman, Shire of Northampton, Cr Hellene McTaggart Mingenew, representatives from the Foundation for Rural and Regional Renewal and a member of staff from the City of Greater Geraldton. Peter Kenyon from the Bank of Ideas was also in attendance. As an action of the meeting, a formal request for a proposal was made to Bank of Ideas to enable a clearer understanding of Community Builder Program elements, responsibility areas, and potential funding partners. This was seen as imperative by the reference group to ensure transparency and to reduce conflicts of interest for local governments should they participate or choose to contribute funding to the program. Unfortunately, Bank of Ideas have declined the opportunity to provide a brief and we understand have reverted to their original 'grassroots' approach.

Over the past month, we have learnt that the Regional Australia Institute, Australian Rural Leadership Foundation and Leadership Australia have been successful in receiving funding from the Australian Government for ten regional leadership development programs under the Building Resilient Regional Leaders Initiative (Pilot). The program in Western Australia will be led by Leadership WA and focusses on the areas of the Mid West and Goldfields. Program development is underway with commencement expected in early 2023 and Leadership WA have asked for input from the community reference group to inform program planning.

We are seeking your recommendation for a representative who may wish to provide input into the key areas of focus for the region to ensure broad participation in the discussion, this could be the Councillor attending WALGA North Zone meetings or a community member. Some of the key points already raised include building resilience, community connection, collaboration in and between towns, and networking.

Further updates will be provided as we have more information, in the meantime, please do not hesitate to contact me should you have any questions.

Regards
Karin

Karin Grima
Project Manager
Regional Development Australia - Mid West Gascoyne & Murchison GeoRegion

p 08 9964-5757
m 0409 527 468



email: engage@rdamwg.com.au



Cr McTaggart has requested Council appoint her as the Shire representative for the Community Builders Program.

Statutory Environment

Local Government Act 1995

Local Government (Administration) Regulations 1996

Emergency Management Act 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan:

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

Strategy 1.3.2 Provide services and processes to enhance public safety

11.3 SHIRE OF MINGENEW 10 YEAR SHARED PATHWAYS PLAN

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: TT.DSC.1
Date: 11 August 2022
Author: Margaret Rowe, Community Development Officer
Authorising Officer: Erin Greaves, Governance and Community Manager
Voting Requirement: Simple Majority

Summary

A 10 Year Shared Pathways Plan has been developed for the Shire of Mingenew townsite to improve its path network for cyclists and pedestrians, and the Plan is presented for Council endorsement.

Key Points

The 10 Year Shared Pathways Plan (the Plan):

- identifies and reviews the existing pathway network within the townsite boundaries
- identifies key facilities, locations and areas within the Mingenew townsite that warrant pathway connectivity
- identifies any gaps in the existing pathway network with respect to providing connectivity to key families, locations and areas within the townsite
- provides high-level details on a possible implementation strategy for the pathway network upgrade.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 – RESOLUTION# 06170822

MOVED: Cr AR Smyth **SECONDED:** Cr JD Bagley

Council:

1. Endorses the Shire of Mingenew 10 Year Shared Pathways Plan, as presented;
2. Reallocates the Shire cash component of \$15,000 from the ROADC – Footpaths & Cycleways (Capital) account (4120170) provided for in the 2022/23 Adopted Budget to the relevant footpath maintenance account ROADM – Ancillary Maintenance – Built Up Areas (2120217);
3. Notes the grant income provided for in ROADC – Other Grants – Footpaths (3120114) will not be received for footpath infrastructure works in 2022/23 and is to be removed from the Budget; and
4. Removes the remaining \$15,000 from the expenditure account ROADC – Footpaths & Cycleways (Capital) (4120170) that was anticipated to be grant funded.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachments

11.3.1 Shire of Mingenew 10 Year Shared Pathways Plan

11.3.2 Mingenew Townsite Cycling network Hierarchy

Background

The Shire was granted \$7,500 in funding assistance (50% of the project cost) through the Department of Transport's (DOT) WA Bicycle Network grant program to develop a 10-year plan that will guide infrastructure improvements in the Shire's walking and bicycle network in the Mingenew townsite. This funding allowed the Shire to engage Greenfield Technical Services to prepare the Plan in consultation with the Shire and the Department of Transport.

As part of the preparation of this 10-year plan, the following high-level process was followed in order to assist in identifying the scope of work and the associated priority of the works:

1. Identification of the existing pathway network and associated gaps in the network.
2. Review of the key areas of interest throughout the townsite in the context of how the existing pathway network provides connectivity to these areas.
3. Identification of the key gaps in the existing network that restrict or prevent an appropriate level of connectivity to key areas of interest.
4. Review of Shire-provided community consultation information.
5. Consideration of constructability issues including grouping proposed works by geographical location where possible for construction synergies.

In assessing the current infrastructure, it was identified that a majority of the pathway network is a combination of insitu concrete, brick paving, concrete slabs, asphalt and gravel mediums and is generally considered to be in average to good condition. The Plan gives suggestions as to the construction of any new paths or interconnections with existing infrastructure.

Whilst the existing network is approx. 4,850m long, a significant length of this pathway is on roads with pathways both sides and therefore due to this duplication there is still a significant proportion of the townsite that lacks suitable pathway infrastructure.

Comment

The Plan was originally developed to commence in 2022/23, however there were a number of delays in receiving feedback from the Department of Transport (DOT), implementing changes and gaining their endorsement. As a result, the DOT extended the grant acquittal deadline to 30 September 2022 and the Plan has been amended to commence from 2023/24.

The Plan has identified a number of gaps in the existing pathway infrastructure throughout the townsite and includes a priority list for upgrades and ancillary activities to value-add to public amenities around this infrastructure.

One of the main aims of the Plan is to increase cycling and pathway use throughout the Mingenew townsite. Riding of bicycles is the quickest and most efficient mode of transport over short distances in country towns. Bike riding has been proven to reduce traffic, improve air quality, and provide significant health benefits. With the growing obesity levels of our children, cycling to school and other destinations can help achieve satisfactory amounts of exercise. Using bicycles instead of vehicles can cut greenhouse gas emissions which have increased by 60% since 1990. Socially, cycling can give people more places to go, enabling greater participation in learning, culture and recreation. These areas are critical for attracting and retaining people in regional areas such as Mingenew.

In delivering this program, ongoing consideration must be given to potential environmental impacts and respecting traditional owners. A future aim of the strategy is to help inform future investment through the Regional Bicycle Network, Grants Program, local government capital works programs, as well as other funding sources.

Adopting this Plan significantly increases the Shire's likelihood of receiving grant funding towards pathway infrastructure projects, with DOT typically covering 50% of costs.

Consultation

Department of Transport
Greenfields Technical Services

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

The Shire has received partial payments of the grant in 2021/22 (totalling \$6,000), with \$1,500 remaining to be paid following endorsement of the plan. Initially the project was due to be completed and acquitted by 30 June 2022 however, due to delays in receiving feedback from DOT and negotiating and implementing any changes, the project was extended to 30 September 2022.

The 2022/23 Budget includes \$15,000 of Shire funds and \$15,000 anticipated grant funding however, the Shire will not be eligible for funding this year to implement the Plan given the final payment of DOT funding will be received this financial year. Therefore, it is proposed that the \$15,000 provision for footpath capital be reallocated to footpath maintenance to address some of the concerns raised by the community for existing infrastructure.

Funding and works in 2023/24 onwards will be dependent upon a number of factors, including:

- Success (or otherwise) of funding applications
- Available Council funds for future path network program
- Changes in priority for various pathways

The Shire will consider the Plan in developing its Annual Budget for walking / bicycle paths each year and may need to review the Plan to consider achievements and changing priorities based on community need, financial resources, and project feasibility. The Plan serves as a guide and can be reviewed as part of the integrated planning and budgetary process.

Strategic Implications

Strategic Community Plan 2019-2029:

- 1.1.1 Provide and support cost effective transport networks.
- 2.1.2 Develop healthcare and recreation services for all the community to ensure the well-being and health of all age groups within the community
- 2.2.2 Support planning for access to quality education services, including transport planning

Corporate Business Plan

2.4.2b Audit and upgrade of footpaths

11.4 VOTING DELEGATES - WALGA STATE COUNCIL AGM 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: GR.LRL.4
Disclosure of Interest: Nil
Date: 9 August 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Maurice Battilana, Temporary Chief Executive Officer
Voting Requirements: Simple Minority

Summary

To consider, and to appoint Council's voting delegates for the meeting.

Key Points

- All WALGA member Councils are entitled to be represented by two voting delegates at the AGM
- The Annual General Meeting 2022 is to be held 9am-1pm on Monday, 3 October, in conjunction with the 2022 Local Government Convention at Crown Perth.
- Elected Members and senior officers are welcome to attend as observers
- Registrations for voting delegates close 23 September 2022

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 – RESOLUTION# 07170822

MOVED: Cr JR Holmes

SECONDED: Cr JD Bagley

That Council appoints Cr GJ Cosgrove and the Chief Executive Officer as voting delegates for the Shire of Mingenew at the 2022 WALGA State Council AGM on Monday, 3 October 2022.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

11.4.1 WALGA State Council AGM Minutes 2021

Background

The WALGA State Council AGM is commonly held the week of the Local Government Convention and this year it will be held at 9am on Monday 3 October 2022 at Crown Perth, marking the start of the Convention for 2022.

The closing date for any submissions of motions was 12 August. Any matters relevant to the State Council have gone through the Northern Country Zone of WALGA. No motion shall be accepted for debate at the Annual General Meeting after the closing date unless the Association President determines that it is of an urgent nature, sufficient to warrant immediate debate, and delegates resolve accordingly at the meeting.

Comment

It has been previous practice to appoint the Shire President and Chief Executive Officer as Shire representative voting delegates. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. Council may wish to nominate two proxy delegates.

The Shire's newly appointed CEO, Mr Matt Fanning is hoping to attend but is yet to confirm. Mr Fanning is not scheduled to commence in the CEO role until after the AGM therefore, it may be more appropriate for another Elected Member to serve as voting member. To-date only Cr Gary Cosgrove has confirmed attendance at the convention and AGM.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 17 August 2022

The Agenda for the meeting was not available at the time of preparing this report but a copy of the Minutes from the 2021 AGM have been included as an attachment.

All Voting Delegates will need to present at the WALGA Delegate Service Desk prior to the AGM to collect their electronic voting device (keypad) for voting and identification tag to gain entry into the Annual General Meeting.

The appointment does not preclude other Councillors or officers from attending the AGM.

Consultation

WALGA

Statutory Environment

Local Government Act 1995

WALGA State Council Constitution

Policy Implications

Nil.

Financial Implications

Nil.

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.

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2022

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – June 2022
Disclosure of Interest:	Nil
Date:	4 August 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 June 2022 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 – RESOLUTION# 08170822

MOVED: Cr HR McTaggart SECONDED: Cr AR Smyth

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

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.1.1 Monthly Financial Report for period ending 30 June 2022

Background

The Monthly Financial Report to 30 June 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 June 2022	
Municipal Funds – Corporate cheque account	\$94,894
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,525,630
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 Council's 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. There have been adjustments made to the Monthly Financial Report for the period ended 30 June 2022 that was presented at the July Concept Forum. There may be further adjustments before the Annual Financial Report for the year ended 30 June 2022 is finalised, pending final processing and audit finalisation.

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

12.2 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2022

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – July 2022
Disclosure of Interest:	Nil
Date:	11 August 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 July 2022 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION# 09170822
MOVED: Cr JR Holmes SECONDED: Cr AT Pearse

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

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.2.1 Monthly Financial Report for period ending 31 July 2022

Background

The Monthly Financial Report to 31 July 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 Nature or Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Reserve Accounts
- Other Current Liabilities
- Operating Grants, Subsidies and Contributions
- Non-operating Grants, Subsidies and Contributions
- Bonds and Deposits Held
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 July 2022	
Municipal Funds – Corporate cheque account	\$454,474
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$825,999
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 2022/23 financial year.

The 2021/22 Annual Financial Report has not been audited and is subject to change, this may alter the opening surplus for the 2021/22 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and

- (c) such other supporting information as is considered relevant by the local government.
- (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 SUNDRY DEBTOR WRITE OFF

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.DBT.2
Date: 5 August 2022
Author: Jeremy Clapham - Finance & Administration Manager
Authorising Officer: Maurice Battilana – Temporary Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

Council is requested to approve the following Sundry Debtor write offs, totalling \$3,811.30 (exc GST):

- DM16 – Mingenew Cricket Club - \$3,252 (inc GST)
- DP01 – Mingenew Roadhouse - \$181.88 (inc GST and interest)
- DW73 – Walter Wicker - \$695.85 (no GST)

Key points

- Mingenew Cricket Club did not operate during the 2021/22 season.
- Mingenew Roadhouse is currently not operational.
- Walter Wicker was employed by the Shire as part of the Road Crew and was renting a house from the Shire, where this debt arose, being for water usage charges. Up to \$500 of this debt could potentially be recovered from the Rental Bond paid by Mr Wicker.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.3 – RESOLUTION# 10170822

MOVED: Cr JR Holmes

SECONDED: Cr AR Smyth

That Council, by Absolute Majority, authorises the amount of \$3,811.30 (exc GST) to be written off.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background

There are three debtor accounts that have unrecoverable debit balances.

Comment

The Mingenew Cricket Club had a reduced season in 2020/21, where Council agreed to write off 50% of their debt. For 2021/22 they have not had a season at all, therefore it is requested that Council write off the full debt. It is likely that they will not have a season for 2022/23, therefore no charge to them has been included in the budget for 2022/23.

The Mingenew Roadhouse has not been operating fully for the last 2 years. The debt owing relates to a Food Premises Surveillance Fee for 2020/21. The current owner has been difficult to track down and has not paid this fee. The person who was running the shop for a few months did not believe she should pay the fee and has also now stopped running the shop.

Walter Wicker was employed on the Road Crew and rented a house from the Shire, where he was responsible for paying the utilities. The outstanding debt is for water charges. He left the Shire without a forwarding address and has been difficult to track down. There is a Rental Bond of \$500 which is due to him. It may be possible to access this Bond to offset part of the outstanding debt. If this is the case, it will be brought back into revenue.

Consultation

Temporary CEO
Governance and Community Manager
Senior Finance Officer

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Policy Implications

Policy 2.3.2 – Debt Collection Policy – Appropriate reports detailing outstanding debts and collection action will be provided to Council on a monthly basis.

Financial Implications

There will be a reduction in income of \$3,811.30 (less potential use of Rental Bond of \$500).

Strategic Implications

Nil

Prior to discussion on Item 12.4, Cr JR Holmes disclosed a Proximity Interest and left the meeting at 5:21pm and did not participate in discussion or vote on the matter.

12.4 BUDGET AMENDMENT – AUGUST 2022

Location/Address: Shire of Mingenew – 21 Victoria Street Mingenew 6522
Name of Applicant: Shire of Mingenew
File Reference: FM.BU.22.23
Disclosure of Interest: Nil
Date: 10 August 2022
Author: Jeremy Clapham – Finance & Administration Manager
Approved by: Maurice Battilana – Temporary Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

As discussed at the Special Council Meeting held on 20 July 2022 and since then, there are a few budget amendments required to be made and adopted.

Key Points

- There is approximately \$26,500 extra in Operating Surplus at 30 June 2022 due to the processing of some year-end adjustments.
- There is approximately \$143,000 of grant funds, being a mixture of DCP and LRCI, brought forward from 2021/22, that relates to projects that have been completed and can be used to fund the budget amendments mentioned below.
- There is approximately \$75,000 of grant funds, being a mixture of DCP and LRCI, brought forward from 2021/22 for the Skate Park Project that can be utilised in 2022/23.
- Increase the expenditure for the Skate Park project by \$61,774.
- Increase the Shire portion of the Tennis Clubhouse Redevelopment (BC030) by \$7,000.
- Increase the income and expenditure for the Airstrip Upgrade (OC010) by \$50,561.
- Increase the expenditure for the Information Bay Sign (PC007) by \$44,000.
- Transfer \$5,364 to the Environmental Reserve to back up the provision of \$25,000 for the rehabilitation of the Waste Management Site/Transfer Station.
- Increase the amount for completion of the Yandanooka NE Rd Mingenew/Morawa Rd intersection realignment project (BS002) by \$57,000.
- Reduce the amount for the purchase of the Rural Residential Land near Mingenew Hill (LC999) by \$20,000 and in turn increase the Shire portion of this project.
- Increase the expense for the Railway project (BC016) by \$5,000.
- Increase the expense for the Public Wi-fi project (OC005) by \$6,000.
- Increase the expense for the Post Office Building painting project by \$2,000.
- Reallocate \$15,000 expenditure on Footpath construction from capital to operating and reduce grant funding for Footpath construction by \$15,000.

OFFICER RECOMMENDATION - ITEM 12.4

That Council, by Absolute Majority, adopts the Budget amendments for 2022/23 as presented in the Attachment Booklet – August 2022.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.4 – RESOLUTION# 11170822
MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

That Council, by Absolute Majority, adopts the Budget amendments for 2022/23 as presented in the Attachment Booklet – August 2022, excluding the increase in expenditure for the information sign (PC007).

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 5/0

Attachments

12.4.1 List of Budget amendments for the year ended 30 June 2023.

12.4.2 Skate Park precinct design.

Background

Adjustments to the year-end accounts for 2021/22 have so far resulted in an increase in the surplus of \$26,500. There may be further adjustments as a result of the annual audit which is due to take place in October 2022. Accounting for the completion of capital projects for 2021/22 has resulted in DCP and LRCI grant funds being available to cover for the increase of all of the budget amendments (unless other funding is mentioned). Details of these changes are listed below.

Comment

- All of the expenditure required to fund the budget amendments can be taken from the excess grant funding that is available from DCP and LRCI (as previously mentioned) from projects that have been completed.
- There is still some work to be done to complete the Skate Park project that has not been included in the 2022/23 budget. This includes supply and lay of turf, retic, fencing, concrete for seating, line marking, plants, shade shelter, sand and labour. Please see attached diagram of the completed Skate park precinct.
- At the Concept Forum in July 2022 Council wished to increase the Shire portion of the contribution to the Tennis Clubhouse Redevelopment by \$7,000.
- There is a grant of \$50,561 from DFES for the water tank at the Airstrip that has not yet been brought into account. This will increase the expense and the income of this project.
- There is only \$10,000 in the current budget for the Information Bay sign, funded by LRCI. The quotes that have been received are in the region of \$54,000, therefore it is proposed to increase this project by \$44,000.
- The Office of the Auditor General (OAG) is requiring Local Government to create a provision in their financial statements for the rehabilitation of Refuse Sites. At 30 June 2022 the Shire has a provision of \$25,000. There is currently \$19,636 in the Environmental Reserve (this Reserve is to be used for rehabilitation of sites such as gravel pits, refuse and contaminated sites). It is proposed to transfer \$5,364 to this Reserve, to total \$25,000 and match the provision amount.
- Increase the expenditure of the Yandanooka North East Rd Mingenew Morawa Rd intersection realignment project by \$172,500. The reason for this increase in cost is due to the preferred tenderer withdrawing from the project due to increased costs and the difficulty in complying with the initial start date (1 January 2023). The next preferred tender was significantly higher, which did not warrant referring the project to them. The CEO undertook discussions and negotiations with the original preferred tenderer with the result being: the price increase/adjustment was determined, the start date was deferred to early March 2023 and the completion date would still be before 30 June 2023. Based on these negotiations the CEO contacted MRWA seeking additional funding from the State Black Spot Program to cover the shortfall with the result being matching funding with MRWA contributing 2/3 (\$115,000) and the Shire 1/3 (\$57,500).
- The amount of \$72,000 in the budget for the Rural Residential Land Purchase is considered too much. It is proposed to decrease the expenditure by \$20,000 and in turn increase the Shire funded portion by \$16,000 due to the lack of a specific grant for this project.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 17 August 2022

- There are a few minor expenses required to complete the Railway Project, therefore expenditure is to be increased by \$5,000.
- In order to complete the Public Wifi project a further \$6,000 is required.
- The painting of the Post Office Building has gone over budget slightly, there expenditure to be increased by \$2,000.
- Reallocate \$15,000 expenditure on Footpath construction from capital to operating and reduce grant funding for Footpath construction by \$15,000. See Council Report 11.3 for further detail on this item.
- It is estimated that there will still be approximately \$34,415 surplus left over after these amendments have been made.

Consultation

Leadership Team
Community Development Officer
Senior Finance Officer

Statutory Environment

Local Government Act 1995, Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

It is estimated that there will be a surplus of \$34,415 after all of the budget amendments have been made. There will be Budget Review carried out in the second half of the Financial Year.

Strategic Implications

Community Strategic Plan

- Strategy 1.2.1 Manage organisation in a financially sustainable manner
- Strategy 1.2.4 Seek innovating ways to improve organisational efficiency and effectiveness.

Cr JR Holmes returned to the meeting at 5:34pm, prior to the commencement of Item 12.5.

12.5 LIST OF PAYMENTS FOR THE PERIOD 1 JUNE 2022 TO 31 JULY 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.CRD
Attachment/s: List of Payments – June 2022 and July 2022
Disclosure of Interest: Nil
Date: 11 August 2022
Author: Helen Sternick Senior Finance 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 June 2022 to 31 July 2022 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.5 – RESOLUTION# 12170822

MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

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

 \$2,281,912.81 Municipal EFTs;
 \$53,804.05 Municipal Direct Debit Department of Transport (Licencing) Payments;
 \$108,825.05 Municipal Direct Debit Other;
 \$1,561.18 Municipal Other Charges;
 \$192,138.65 Net Salaries
 \$2,638,241.74 Total Payments

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.3.1 List of Payments – June 2022 and July 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.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

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

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

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

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 14.0 – RESOLUTION# 13170822

MOVED: Cr JD Bagley SECONDED: Cr AR Smyth

Council accepts the Late Item – Proposed Siting of Ice Cream Van for consideration at the meeting.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

14.1 PROPOSED SITING OF ICE CREAM VAN

Location/Address: Reserve 47995 Midlands Road, Mingenew
Reserve 20735 Bride Street, Mingenew
Depot Hill Road car park, Yarragadee
Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park)

Name of Applicant: S. Hollands

Disclosure of Interest: Nil

File Reference: LE.LIC.2

Date: 16 August 2022

Author: Simon Lancaster, Planning Advisor

Senior Officer: Maurice Battilana, Acting Chief Executive Officer

Voting Requirements: Simple Majority

Summary

Council is in receipt of an application seeking to operate an ice cream van within the Shire of Mingenew at the following locations:

- Reserve 47995 Midlands Road, Mingenew (car parking bay opposite Mingenew Bakery & Mingenew Hotel);
- Reserve 20735 Bride Street, Mingenew (adjacent to Bowling Club car park);
- Depot Hill Road car park.
-

This report recommends that Council conditionally approve the operation of the ice cream van for a 12 month trial period at locations outside of the Mingenew townsite and advertise for comment the locations within the Mingenew townsite.

In the event that Council considers that the application should be approved without advertising any of the locations alternate wording has been provided at the end of this report for Council's discussion.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 14.1 – RESOLUTION# 14170822

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council:

- 1 Advertise the proposed siting of an ice cream van at the following locations within the Mingenew townsite:**
 - Reserve 47995 Midlands Road, Mingenew (car parking bay opposite Mingenew Bakery & Mingenew Hotel);
 - Reserve 20735 Bride Street, Mingenew (adjacent to Bowling Club car park);
- 2 Grant formal planning approval for the siting of an ice cream van at the following locations subject to the below conditions:**
 - Depot Hill Road car park;
 - Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park) – subject to the applicant obtaining the necessary consent of the Department of Biodiversity, Conservation & Attractions.

Conditions:

- (a) The approval is valid for a period of 12 months (until 17 August 2023) after which time the application shall be reconsidered by the Shire Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the local government's determination on whether to grant any extension to the approval period.**

- (b) Any additions to or change of use of any part of the development (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development requires further application and planning approval for that use/addition.
- (c) The applicant is required to obtain the necessary consent from the management authority for Reserve 900 Coalseam Road, Holmwood (Department of Biodiversity, Conservation & Attractions) before the commencement of operations.
- (d) The location of the ice cream van, and maintenance of public access about the ice cream van, being to the approval of the local government.
- (e) The applicant shall ensure that the ice cream van and immediate surrounding area is kept clean and tidy to the approval of the local government.
- (f) The applicant shall ensure that rubbish associated with the operation of the ice cream van is managed to the approval of the local government.
- (g) No freestanding signs or hoardings advertising the operation of the ice cream van are permitted to be erected whether temporary or permanent in nature without the approval of the local government.
- (h) The use of mechanical chimes or amplified music at the approved locations which could cause a noise nuisance is not permitted. The ice cream van shall at all times comply with the *Environmental Protection (Noise) Regulations 1997*.
- (i) The ice cream van shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- (j) The applicant shall obtain the written approval of the local government that the ice cream van meets the required food, health, waste management and access standards before the commencement of operations.
- (k) The applicant must possess (and provide copy to the local government) public liability insurance cover of not less than \$10 million.
- (l) This approval is issued only to the applicant and is not transferable to any other party.

Notes:

- (i) The applicant is advised that this approval is only issued for a trial period of 12 months and the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then it should not be construed that further approval would be granted.
- (ii) That Council delegate authority to the Shire Chief Executive Officer for the annual renewal of the approval should no written, author-identified complaints be received during the preceding 12 month period, and there being no change in the circumstances under which the previous approval was granted. In the event that written, author-identified complaints are received in relation to the development this matter is to be returned to Council for further consideration.
- (iii) In relation to conditions (i) & (j) the applicant is advised that they are required to liaise with the Shire's Environmental Health Officer to ensure compliance before the commencement of the operations (and as required by legislation thereafter to continue operations).
- (iv) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation and it is the applicant's responsibility to obtain any additional approvals required before the development commences.
- (v) This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities.
- (vi) 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

Attachments

Attachment 13.1 - Copy of submitted application (provided as **separate attachment**)

Background

The applicant is seeking approval to site their ice cream van at 5 locations in the Shire of Mingenew, 4 of which are on Crown Land under the management of the Shire of Mingenew, these being:

- Reserve 47995 Midlands Road, Mingenew (car parking bay opposite Mingenew Bakery & Mingenew Hotel);
- Reserve 20735 Bride Street, Mingenew (adjacent to Bowling Club car park);
- Depot Hill Road car park.

The 5th proposed location is on the vacant Lot 108 to the west of the Mingenew Roadhouse site which is owned by Ridge Star Pty Ltd. As the applicant has not obtained the necessary consent of the landowner the Shire has advised the applicant that it is unable to accept the application as it relates to this property.

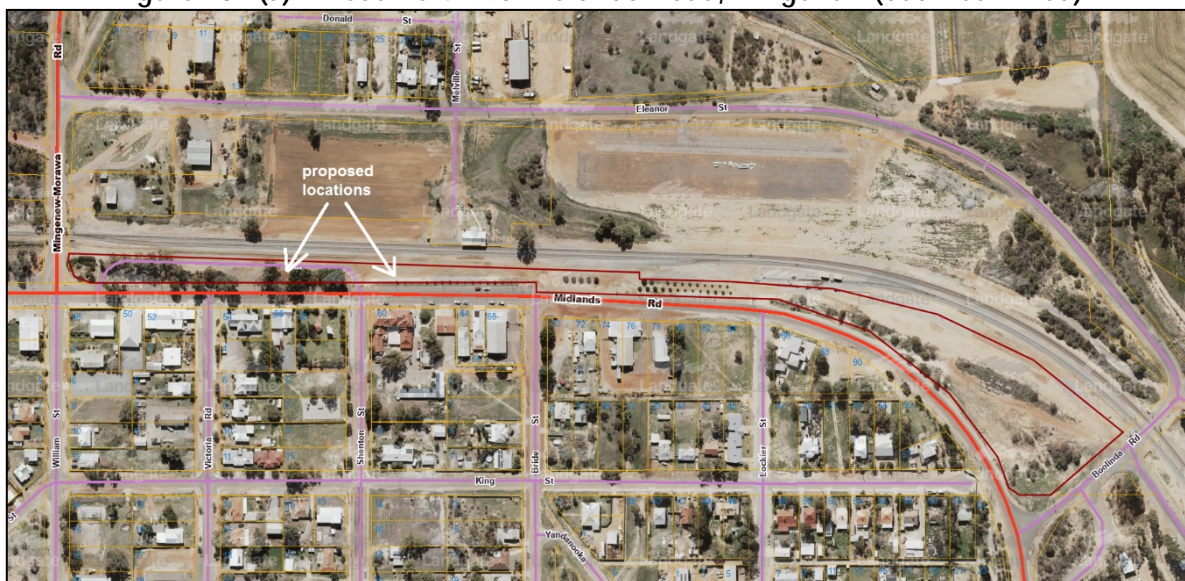
The applicant is seeking approval to sell ice creams from their van with the intended hours of operation being between 11:00am-4:00pm Thursday to Sunday on any given day. The submitted application that provides further background information is provided as **separate Attachment 13.1**.

When not in use the ice cream van would be parked at the applicant's residential address of 39 (Lot 12) King Street in the Mingenew townsite.

Comment

Reserve 47995 Midlands Road, Mingenew is a 2.3493ha Crown Reserve that contains a car parking area with a management order for 'Civic Purposes' issued to the Shire of Mingenew. The applicant is proposing to site the ice cream van at 2 locations in this reserve, opposite the Mingenew Bakery and opposite the Mingenew Hotel.

Figure 13.1(a) – Reserve 47995 Midlands Road, Mingenew (outlined in red)



Reserve 20735 Bride Street, Mingenew is an 81.957ha Crown Reserve that contains the Mingenew Recreation Grounds and has a management order for 'Recreation, Racecourse, Showground & Aerial landing Ground' issued to the Shire of Mingenew. The applicant is proposing to site the ice cream van adjacent to Bowling Club car park.

Figure 13.1(b) – Reserve 20735 Bride Street, Mingenew (outlined in red)



The Depot Hill Road car park is located within a Shire managed road reserve.

Figure 13.1(c) – Depot Hill Road Car Park

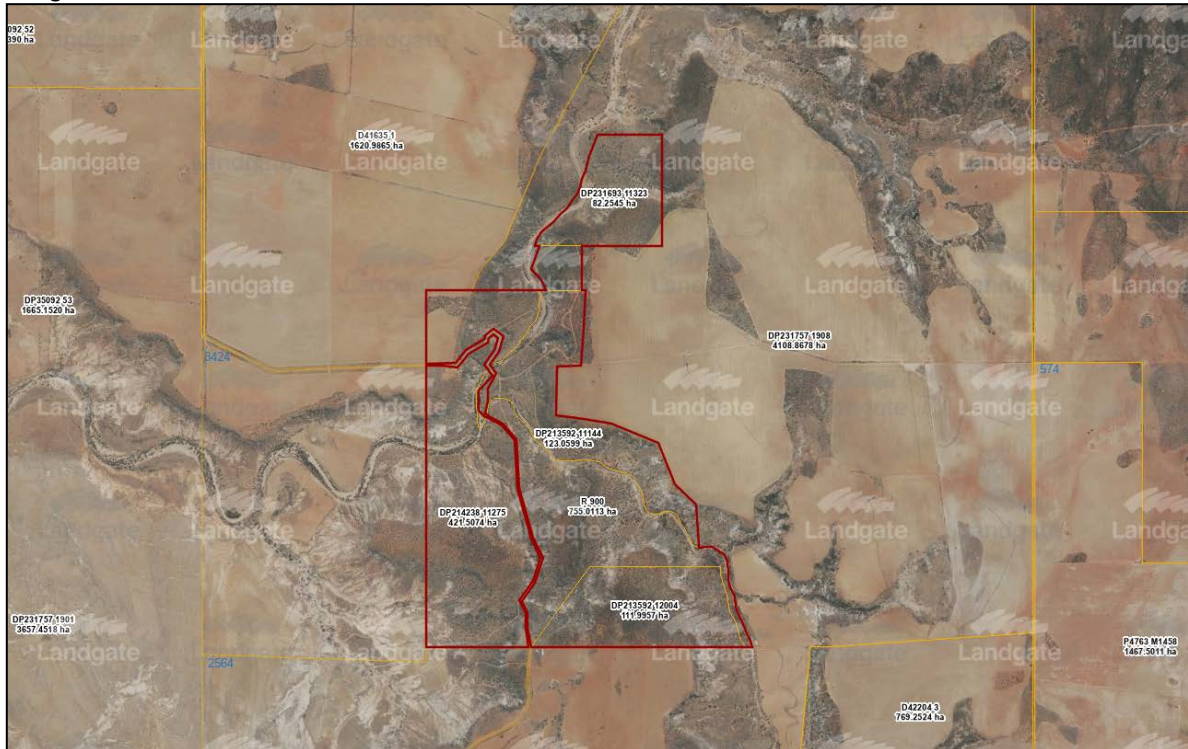


The applicant has not requested to operate their ice cream van at the Coalseam Conservation Park, however, it is suggested that Council may wish to support this additional site, subject to the applicant obtaining the necessary prior consent of the Department of Biodiversity, Conservation & Attractions ('DBCA').

Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park) is a 753.8343ha Crown Reserve with a management order for 'Conservation Park' issued to DBCA.

DBCA have previously advised the Shire in relation to a food and coffee van application that it was supportive subject to the applicant agreeing to its standard commercial operations licence.

Figure 13.1(d) – Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park)



Consultation

The application has not been advertised for public comment.

Given that the last application for a mobile food & coffee van led to some local business owner complaint, Council may wish to invite comment upon the application for the proposed locations within the Mingenew townsite. It is not considered that the Depot Hill Road car park or Coalseam Conservation Park location, being some way out of town, present the proximity issues that led to business owner complaint previously.

Should Council wish to defer determination upon this application to allow for the undertaking of a formal advertising period inviting submissions it may do so under Clause 18(4)(b) of the Scheme.

However, Council may alternatively consider that this ice cream application is not comparable to the previous application, which was for a food & coffee van, and that this application is much more specialised in nature being for the sale of ice creams only and offers a point of difference to the existing businesses.

Statutory Environment

Part 1 Section 4 of the *Planning & Development Act 2005* ('the Act') defines development as follows:

"development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;

- (c) *in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
 - (i) *is likely to change the character of that place or the external appearance of any building; or*
 - (ii) *would constitute an irreversible alteration of the fabric of any building.”*

Whilst the proposed siting of an ice cream van does not constitute a development as defined within parts (a)-(c) it should still be considered a development as by operating a commercial/retail activity from the land it does constitute the “*use of any land*”.

The proposal is further considered to constitute the use of land as it would be established for extended periods, and should therefore be viewed differently to a more transitory operation such as when an ice cream van is generally in motion and might typically only be stationary when hailed by customers, that might be able to be considered under the exemption provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Schedule 2 Part 7 Clause 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations') provides for exemption from the requirement to obtain development approval for a temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period. This application is not considered to meet this requirement as whilst the ice cream van would be sited for periods of less than 48 hours, it would be sited in any of the proposed locations for a period of greater than 48 hours across a 12 month period.

Mobile Food Van is not a listed use in the Shire of Mingenew Local Planning Scheme No.4 ('the Scheme'), and it is not considered that the proposed land use would meet with the following Regulations definitions as it does not involve a premises:

“fast food outlet/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) *without further preparation; and*
- (b) *primarily off the premises”*

“restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988”

On this basis Clause 18(4) of the Scheme is therefore considered to apply in this instance:

“The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

- (a) *determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) *determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) *determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.”*

Clause 9 of the Scheme includes the following aims of the scheme:

- “(a) to preserve, protect and enhance the amenity and character of Mingenew Townsite, and areas of cultural, heritage and natural and biodiversity significance across the Shire; and”*
- “(d) provide opportunities for the ongoing use and potential expansion of commercial areas, and tourist facilities to serve the needs of the residents and visitors”*

Reserve 47995 Midlands Road, Mingenew (car parking bay) is zoned ‘Railways’ and Clause 14 of the Scheme lists the objectives for this zone as being:

- “• To set aside land required for passenger rail and rail freight services.”*

Reserve 20735 Bride Street, Mingenew is zoned ‘Public Open Space’ and Clause 14 of the Scheme lists the objectives for this zone as being:

- “• To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

Depot Hill Road is zoned ‘Primary Distributor Road’ and Clause 14 of the Scheme lists the objectives for this zone as being:

- “To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.”*

Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park) is zoned ‘Environmental Conservation’ and Clause 14 of the Scheme lists the objectives for this zone as being:

- “• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.*
- To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.”*

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;...*
- ...(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*
- ...(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;...*
- ...(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;...*
- ...(v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (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;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

Policy Implications

Nil

Financial Implications

The application would not have a budgetary impact to Council.

Strategic Implications

The Shire of Mingenew Strategic Community Plan 2019 sets the following strategic objective:

"Strategy 5: Making Business Easy in Mingenew

Goal: Ensure Mingenew is supporting local businesses to grow and maintain employment within the community"

It may be considered that an ice cream van whilst offering a new service to the residents of, and visitors to, the Shire of Mingenew also has the potential to impact upon existing Mingenew businesses and may be considered contrary to this Strategic Community Plan Strategy.

Competition and impact on existing local businesses is an issue that local governments have often been forced to grapple with, particularly where arguments have been mounted that an existing retailing operation offers multiple services and employment to a local community, and when faced with an arriving (sometimes mobile, or unmanned, or non-locally employing) competitor that offers a more limited service (in terms of products or hours of operation) that undermines their profitability, this can result in the existing service provider no longer being viable and the local community resultantly losing those associated services and employment. Existing businesses might also note that they are required to pay local government rates and service authority charges (e.g. power and water) and these are not required of mobile food outlets who might seek to park in the most advantageous locations and only in periods of high activity whereas permanent business support local communities all year round.

Council can have some regard for this issue under Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* including the requirements of orderly and proper planning, having regard for the amenity of the locality including social impacts of the development, the amount of traffic likely to be generated by the development particularly in relation to the capacity of the local road system in the locality, the impact of the development on the community as a whole, and any submissions received on the application. However, it is noted that the Clause 67 of the Regulations also lists the following matter to be considered by local government:

- "(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses."*

This is also an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

"The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community."

*This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:
"economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter".*

Stephen J at [687] noted that:

"...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."

However, it is also noted that Section 2.10 of the *Local Government Act 1995* lists one of the roles of a Councillor as being:

"A councillor —

(a) represents the interests of electors, ratepayers and residents of the district;"

In the event that Council considers supporting this application it is recommended that it be for a trial period of 12 months to provide it with the opportunity to review the development's operation.

Should Council wish to approve the application without advertising any of the locations it may consider the following wording appropriate:

"That Council grant formal planning approval for the siting of an ice cream van at the following locations subject to the below conditions:

- Reserve 47995 Midlands Road, Mingenew (car parking bay opposite Mingenew Bakery & Mingenew Hotel);*
- Reserve 20735 Bride Street, Mingenew (adjacent to Bowling Club car park);*
- Depot Hill Road car park;*
- Reserve 900 Coalseam Road, Holmwood (Coalseam Conservation Park) – subject to the applicant obtaining the necessary consent of the Department of Biodiversity, Conservation & Attractions.*

Conditions

- 1 The approval is valid for a period of 12 months (until 17 August 2023) after which time the application shall be reconsidered by the Shire Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the local government's determination on whether to grant any extension to the approval period.*
- 2 Any additions to or change of use of any part of the development (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development requires further application and planning approval for that use/addition.*
- 3 The applicant is required to obtain the necessary consent from the management authority for Reserve 900 Coalseam Road, Holmwood (Department of Biodiversity, Conservation & Attractions) before the commencement of operations.*
- 4 The location of the ice cream van, and maintenance of public access about the ice cream van, being to the approval of the local government.*

- 5 *The applicant shall ensure that the ice cream van and immediate surrounding area is kept clean and tidy to the approval of the local government.*
- 6 *The applicant shall ensure that rubbish associated with the operation of the ice cream van is managed to the approval of the local government.*
- 7 *No freestanding signs or hoardings advertising the operation of the ice cream van are permitted to be erected whether temporary or permanent in nature without the approval of the local government.*
- 8 *The use of mechanical chimes or amplified music at the approved locations which could cause a noise nuisance is not permitted. The ice cream van shall at all times comply with the Environmental Protection (Noise) Regulations 1997.*
- 9 *The ice cream van shall comply with the requirements of the Food Act 2008 and Food Regulations 2009.*
- 10 *The applicant shall obtain the written approval of the local government that the ice cream van meets the required food, health, waste management and access standards before the commencement of operations.*
- 11 *The applicant must possess (and provide copy to the local government) public liability insurance cover of not less than \$10 million.*
- 12 *This approval is issued only to the applicant and is not transferable to any other party.*

Notes:

- (a) *The applicant is advised that this approval is only issued for a trial period of 12 months and the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then it should not be construed that further approval would be granted.*
- (b) *That Council delegate authority to the Shire Chief Executive Officer for the annual renewal of the approval should no written, author-identified complaints be received during the preceding 12 month period, and there being no change in the circumstances under which the previous approval was granted. In the event that written, author-identified complaints are received in relation to the development this matter is to be returned to Council for further consideration.*
- (c) *In relation to conditions 9 & 10 the applicant is advised that they are required to liaise with the Shire's Environmental Health Officer to ensure compliance before the commencement of the operations (and as required by legislation thereafter to continue operations).*
- (d) *The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation and it is the applicant's responsibility to obtain any additional approvals required before the development commences.*
- (e) *This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities.*
- (f) *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."*

MINGENSHIRE COUNCIL ORDINARY MEETING MINUTES – 17 August 2022

13.0 CONFIDENTIAL ITEMS

Nil.

14.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 19 October 2022 commencing at 5.00pm.

15.0 CLOSURE

The meeting was closed at 5:44pm.

These minutes were confirmed at an Ordinary Council meeting on 19 October 2022.

Signed _____
Presiding Officer

Date: _____



MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING

21 SEPTEMBER 2022

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MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF THE SHIRE OF MINGENEW HELD IN COUNCIL CHAMBERS ON 21 SEPTEMBER 2022 COMMENCING AT 3:00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Committee Members

Cr HR McTaggart (Chairperson)

Cr GJ Cosgrove

Cr JR Holmes

Cr AR Smyth

Ms J Bagshaw (Independent Member) *attended via Microsoft Teams in accordance with directions set by the State Government's during the COVID19 Pandemic State of Emergency*

Staff

Maurice Battilana, Temporary Chief Executive Officer

Jeremy Clapham, Finance and Administration Manager

Erin Greaves, Governance and Community Manager

3.0 DECLARATIONS OF INTEREST

Nil.

4.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

4.1 AUDIT & RISK COMMITTEE MEETING HELD 10 FEBRUARY 2022

OFFICER RECOMMENDATION- ITEM 4.1

That the Minutes of the Audit & Risk Committee Meeting of the Shire of Mingenew held in the Council Chambers on 10 February 2022 be confirmed as a true and accurate record of proceedings.

It was also noted that the following Audit & Risk Committee members attended an Audit Entrance meeting on 18 May 2022:

Cr HR McTaggart (Chairperson)

Cr JR Holmes

Cr AR Smyth

Ms J Bagshaw (Independent Member)

Maurice Battilana, Temporary Chief Executive Officer

Jeremy Clapham, Finance and Administration Manager

Erin Greaves, Governance and Community Manager

Cr GJ Cosgrove – apology

Liang Wong, OAG via Microsoft Teams

Justin Mulhair & Eoin Condon, Nexia Australia via Microsoft Teams

The purpose of the meeting was:

- To receive an overview of the Audit Strategy Memorandum for the year ending 30 June 2022 by the OAG and Nexia
- To note that the Final Audit visit is scheduled to commence from 3 October, with preliminary testing in July and August

5.0 OFFICERS' REPORTS

5.1 INTERIM AUDIT 2021/22

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.AUD.20.21
Disclosure of Interest: Nil
Date: 16 July 2022
Author: Erin Greaves, Governance Officer
Authorising Author: Maurice Battilana, Temporary Chief Executive Officer
Voting Requirements: Simple Majority

Summary

This report outlines findings from the Auditor General from the Interim Audit conducted by Nexia Australia for 2021/22 and recommends that Council receives the Management Letter and Audit Report.

Key Points

- Annual interim audit for financial year ended 30 June 2022

OFFICER RECOMMENDATION - ITEM 5.1

MOVED: Cr GA Cosgrove **SECONDED:** Ms Jane Bagshaw

That the Audit & Risk Committee recommends to Council that the Interim Audit Report and Management Letter from the Auditor General be received, noting that the following recommendations were made as a management control for risks identified from the Audit:

- Review of new creditors (moderate risk)
- Purchases Cut-off Error (minor risk)

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

5.1.1 Management Letter to Shire President / CEO from Auditor General

5.1.2 Attachment to Management Letter

Background

The interim audit for the financial year ending 30 June 2022 took place in June 2022 and was conducted by Nexia Australia, on behalf of the Office of the Auditor General (OAG).

Comment

The interim audit that was carried out in June 2022 found that control environment of the Shire was effective for the purposes of the required audit and it is expected that reliance can be placed on selected internal controls in completion of the final audit in October 2022.

The Interim Audit identified two findings that were rated moderate and minor risks (key to ratings provided below). The findings relate to control issues in reviewing new supplier details (moderate rating) and the cut-off or accrual of purchases at the end of financial year.

Significant

Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating may be reported as a matter of non-

compliance in the audit report in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.

Moderate

Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor

Those findings that are not of primary concern but still warrant action being taken.

The Management Letter provides an overview of the issues and comments from management regarding proposed actions to improve practice and mitigate the risks identified.

Consultation

Nexia Australia
Office of the Auditor General
Nils Hay, (former) CEO
Jeremy Clapham, Finance and Administration Manager
Peter Wood, Works Manager

Statutory Environment

Local Government Act 1995
Local Government (Audit) Regulations 1996

Policy Implications

There are no direct policy implications to be considered as part of this report.

Financial Implications

There are no financial implications to be considered as part of this report.

Strategic Implications

Strategic Community Plan
Strategy 1.2.1 Manage organisation in a financially sustainable manner
Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner



Our Ref: 8340

Mr Gary Cosgrove
President
Shire of Mingenew
PO Box 120
MINGENEW WA 6522

7th Floor, Albert Facey House
469 Wellington Street, Perth

Mail to: Perth BC
PO Box 8489
PERTH WA 6849

Tel: 08 6557 7500
Email: info@audit.wa.gov.au

Dear President

**ANNUAL FINANCIAL REPORT
INTERIM AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2022**

We have completed the interim audit for the year ending 30 June 2022. We performed this phase of the audit in accordance with our audit plan. The focus of our interim audit was to evaluate the overall control environment, but not for the purpose of expressing an opinion on the effectiveness of internal control, and to obtain an understanding of the key business processes, risks and internal controls relevant to our audit of the annual financial report.

Management Control Issues

We would like to draw your attention to the attached listing of deficiencies in internal control and other matters that were identified during the course of the interim audit. These matters have been discussed with management and their comments have been included on the attachment. The matters reported are limited to those deficiencies that were identified during the interim audit that we have concluded are of sufficient importance to merit being reported to management. Some of the matters may be included in our auditor's report in accordance with section 7.9(2) of the *Local Government Act 1995* or regulation 10(3)(a) and (b) of the Local Government (Audit) Regulations 1996. If so, we will inform you before we finalise the report.

An audit is not designed to identify all internal control deficiencies that may require management attention. It is possible that irregularities and deficiencies may have occurred and not been identified as a result of our audit.

This letter has been provided for the purposes of your local government and may not be suitable for other purposes.

We have forwarded a copy of this letter to the CEO. A copy will also be forwarded to the Minister for Local Government when we forward our auditor's report on the annual financial report to the Minister on completion of the audit.

Feel free to contact me on 6557 7542 if you would like to discuss these matters further.

Yours faithfully

Liang Wong
Assistant Director
Financial Audit
17 June 2022

Attach

SHIRE OF MINGENEW

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022

FINDING IDENTIFIED DURING THE INTERIM AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Review of New Supplier Details		✓	
2. Purchases Cut-Off Error			✓

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating may be reported as a matter of non-compliance in the audit report in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

SHIRE OF MINGENOW

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022

FINDING IDENTIFIED DURING THE INTERIM AUDIT

1. Review of New Supplier Details

Finding

We noted that while the new supplier forms were completed correctly and details entered into the system were accurate, there was no secondary review of the new supplier bank details for new suppliers set up in the accounting system during the year.

Rating: Moderate

Implication

There is an increased risk of misappropriation of assets (cash) as there is no review process in place to ensure that no fictitious bank details are entered into the system.

Recommendation

We recommend that management implement a review process of the new supplier details entered into the accounting system.

Management Comment

Past practise has been for Management to review supplier changes on an annual basis, done in July for the preceding Financial Year. Based on this finding, Management has implemented a process to carry out a supplier review every fortnight when a creditor run is processed.

Responsible Person:

Finance and Admin Manager

Completion Date:

May 2022

SHIRE OF MINGENUE**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022****FINDING IDENTIFIED DURING THE INTERIM AUDIT****2. Purchases Cut-Off Error****Finding**

We noted a purchase cut-off error in our expenditure control testing. The good purchased was received in June 2021 but the invoice (dated 10 June 2021) was only received in July 2021. There was no accrual made in respect of this purchase in the prior year.

Rating: Moderate**Implication**

There is an increased risk of misstatement of expenses/property, plant and equipment and liability when cut-off is not properly performed which could potentially result in a material misstatement to the financial statements.

Recommendation

We recommended that management implement a process to review purchase invoices received after the year end to ensure all expenditure is being recorded in the appropriate financial reporting period.

Management Comment

Management will ensure that all expenditure for the relevant financial year is brought into account in the correct period.

Responsible Person:**Finance and Admin Manager****Completion Date:****June 2022**

5.2 RISK MANAGEMENT POLICY AND PROCEDURE REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: CM.PLN.2
Disclosure of Interest: Nil
Date: 14 September 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Author: Maurice Battilana, Temporary Chief Executive Officer
Voting Requirements: Simple Majority

Summary

A review of the Shire Risk Management Policy and Procedure has been undertaken and is presented to the Committee for consideration.

Key Points

- The Risk Management Policy was last reviewed 16 December 2022
- There are certain requirements within the Policy and Management Procedure that are more suitable to a larger local government and have therefore been scaled back

OFFICER RECOMMENDATION - ITEM 5.2

MOVED: Cr GA Cosgrove **SECONDED:** Cr JR Holmes

The Audit & Risk Committee recommends that Council endorses the proposed amendments to Council Policy 1.4.1 Risk Management and notes the updated Risk Management Procedures.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

5.2.1 Council Policy 1.2.1 Risk Management (tracked changes)

5.2.2 Management Procedure 1.2.1 Risk Management (tracked changes)

Background

Council's Risk Management Policy was last reviewed on 16 December 2020. At this meeting only, minor amendments were adopted.

Whilst a full review of Council's Administration policies is scheduled, it was specifically identified that the Shire has not been preparing and reviewing an Annual Control Assurance Plan, as required under the current policy.

A Control Assurance Plan (CAP) is a plan that demonstrates controls are designed and operating adequately. The Shire's Risk Register provides comment with regard to control assurance and is managed/reviewed as the Risk Register is reviewed – see extract from current Risk Register below:

[Lack of trained staff Poor use of check sheets / FAQs]		[Work pressure / stress Lack of understanding]	
Key Controls	Type	Date	Rating
Staff Training and interaction	Preventative	Ongoing	Adequate
Information sheets / FAQs	Preventative	Ongoing	Adequate
Use of specialised professional consultants	Preventative	Ongoing	Effective
Regular meetings between various segments of employees	Preventative	Ongoing	Effective
Management oversight	Preventative	Ongoing	Effective
Documented Procedures / Checklists	Preventative	Ongoing	Effective
Complaints Register	Detective	Ongoing	Adequate
Competitive wage and package levels	Preventative	Ongoing	Adequate
Complaints Procedure	Preventative	Ongoing	Adequate
Customer Service Charter	Preventative	Ongoing	Effective

Control Assurance						Comments
Control Owner	Control Documented	Completeness	Accuracy	Timeliness	Fraud	
GCM / CEO	Partial	Partial	Partial	Partial	Yes	Analysis required on current staff competencies
FAM	Yes	Yes	Yes	Yes	Yes	Will be reviewed and adjusted as required
CEO	Yes	Yes	Yes	Yes	Yes	Consultants engaged as required
CEO	Yes	Yes	Yes	Yes	Yes	Leadership Team, Staff Meetings and Toolbox meetings
LT	Yes	Yes	Yes	Yes	Yes	Leadership Team meetings
CEO	Yes	Yes	Yes	Yes	Yes	Generally, procedures and documents developed
CEO	Yes	Partial	Yes	Yes	Yes	Formal procedure to be developed
GCM / CEO	Yes	Yes	Yes	Yes	Yes	Reviewed as vacancies arise, refer Workforce Plan
GCM / CEO	Yes	Partial	Yes	Yes	Yes	Formal procedure to be developed
FAM	Yes	Yes	Yes	Yes	Yes	Reviewed annually

Comments

A summary of the proposed amendments to the Policy are listed below:

- Removal of requirement to set an annual Control Assurance Plan
- Removal of requirement to review the Control Assurance Plan

A summary of the proposed amendments to the Management Procedure are listed below:

- Updated personnel and team titles
- Removal of Annual Control Assurance Plan

Consultation

Leadership Team

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

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



COUNCIL POLICY

1.2.2

Administration

Title:	1.2.2 RISK MANAGEMENT
Adopted:	20 February 2019
Reviewed:	16 December 2020
Associated Legislation:	Local Government Act 1995 Local Government (Audit) Regulations 1996 Risk Management Standard AS/NZS ISO 31000:2018
Associated Documents:	Risk Assessment and Acceptance Criteria Tables: Risk Management Framework
Review Responsibility:	Audit & Risk Committee; Chief Executive Officer & Governance Officer
Delegation:	Nil

Previous Policy Number/s 2013, 1.2.2

Objective:

To detail the Shire's level of commitment towards the concept and resourcing of risk management and define its risk appetite, risk acceptance and control evaluation criteria.

Policy Statement:

It is the Shire's Policy to aim for best practice (aligned with AS/NZS ISO 31000:2018 Risk Management Guidelines), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk management functions will be resourced appropriately to meet the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

The Shire is committed to:

- Utilising the principles and guidelines outlined in the standard AS/NZS ISO 31000:2018;
- Appointing and resourcing the Audit & Risk Committee.
- ~~Provide~~ Providing adequate budgetary provision for the financing of risk management including approved risk mitigation activities.
- Promoting a culture within the Shire of awareness and active management of risks;
- Providing regular education to its staff in risk management practices;
- Implementation of these principles in the Shire's operations through the Risk Management Framework and Procedures;
- Providing transparent and formal oversight of the risk and control environment to enable effective decision making.
- Embedding appropriate and effective controls to mitigate risk.
- Providing for the continuity of critical operations.
- Doing all the above to the best of our ability within the constraints imposed by resource availability.

Risk Appetite

As a public authority the Shire has a natural and, in some cases, statutory predisposition to a conservative appetite for risk. In particular, the Shire has little or no appetite for risk which will;

- a) Have a moderate (or higher) negative impact on the Shire's long-term financial sustainability;
- b) Result in moderate (or higher) breaches of legislative requirements and/or successful litigation against the Shire;
- c) Compromise the safety and welfare of staff, contractors and/or members of the community.
- d) Cause significant and irreparable damage to the environment;
- e) Result in moderate (or higher) disruption to the delivery of key Shire's services;
- f) Result in any negative impact on the Shire's reputation;
- g) Result in the loss of, or otherwise unauthorised or accidental access or disclosure of confidential information.

Quantified Risk Assessment and Acceptance Criteria

The Shire's Risk Assessment and Acceptance criteria (fig1-5) has been developed to align with its conservative risk appetite. All organisational risks are to be assessed against these criteria to allow consistency and informed decision making.

For operational requirements such as projects, or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations risk acceptance criteria and are to be noted within the individual risk assessment.

Monitoring and Reporting of Organisational Risk

- a) The Shire will develop and maintain a Risk Profile (register), which will evaluate risk at an organisational level using the quantified Risk Assessment and Acceptance Criteria contained within this policy;
- b) The CEO will report to the Audit & Risk Committee on the status of the Risk Profile at least twice yearly, with the report to include:
 - I. A review of any risk escalation; and
 - II. Provide a summary of risk maturity;
- ~~c) The Audit & Risk Committee, in consultation with the CEO, will set an annual Control Assurance Plan informed by the Organisational Risk Profile and its priority rankings;~~
- ~~d) The CEO will report to the Audit & Risk Committee at least twice yearly on the progress and findings of the Control Assurance Plan;~~
- ~~e)c) The Audit & Risk Committee is to review this policy on a Biennial Basis;~~
- ~~f)d) The CEO will conduct a triennial review of financial management systems and submit to the Audit & Risk Committee as per Regulation 5 of the Local Government (Financial Management) Regulations 1996;~~
- ~~g)e) The CEO will conduct a triennial review on risk management, legislative compliance, and internal control and submit to the Audit & Risk Committee as per Regulation 17 of the Local Government (Audit) Regulations 1996.~~



Figure 1- Risk Assessment Criteria- Measures of Consequence

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Legal & Compliance	Reputational	Property	Environment
Insignificant (1)	First aid injuries	Less than \$5,000	No material service interruption	Compliance: No noticeable regulatory or statutory impact Legal: Threat of litigation requiring small compensation Contract: No effect on contract performance	Unsubstantiated, low impact, low profile or 'no news' item <i>Example: gossip, online post seen by limited persons</i>	Inconsequential damage	Contained, reversible impact managed by on site response <i>Example: pick up bag of rubbish</i>
Minor (2)	Medical type injuries	\$5,001 - \$15,000	Short term temporary interruption – backlog cleared < 1 day	Compliance: Some temporary non compliances Legal: Single minor litigation Contract: Results in meeting between parties in which contractor expresses concern	Substantiated, low impact, low news item <i>Example: online post seen by the community</i>	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response <i>Example: pick up trailer of rubbish</i>
Moderate (3)	Lost time injury <30 Days	\$15,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance: Short term non-compliance but with significant regulatory requirements imposed Legal: several minor litigations Contract: Receive verbal advice that if breaches continue, a default notice may be issued	Substantiated, public embarrassment, moderate impact, moderate news profile <i>Example: local paper article, online post taken up by people outside of Shire</i>	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies <i>Example: Contractor removal of asbestos sheets</i>
Major (4)	Lost time injury >30 Days	\$50,000 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Compliance: Non-compliance results in termination of services or imposed penalties Legal: Single moderate litigation Contract: Receive written notice from contractor threatening termination if not rectified	Substantiated, public embarrassment, high impact, high news profile, third party actions <i>Example: State wide paper, TV news story, significant online presence</i>	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies <i>Example: truck/train spill of diesel of oil on road reserve</i>
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance: Non-compliance results in litigation, criminal charges or significant damages or penalties Legal: Single major litigation or numerous moderate litigations Contract: Termination of contract for default	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions <i>Example: Au wide paper, TV news,</i>	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Figure 2- Evaluation of Controls Criteria

Existing Controls Ratings		
Rating	Detailed Description	Description and Action Required
Effective	No control gaps. The control is influencing the risk level and only continues monitoring is needed	Description: Control addresses risk, is officially documented, in operation and has been tested to confirm effectiveness
Moderately Effective	Few control gaps. The control is influencing the risk level however improvement is needed	Control addresses risk but documentation and/or operation of control could be improved
Partially Effective	Some control gaps that result in the control having limited influence on risk level	Description: Control addresses risk at least partially, but is not documented and/or operation of control needs to be improved Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'
Inadequate	Significant control gaps that result in the control not influencing the risk level.	Description: At best, control addresses risk, but is not documented or in operation, at worst, control does not address risk and is neither documented nor in operation. Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'



Figure 3- Risk Assessment Criteria- Measures of Likelihood

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Figure 4- Risk Assessment Criteria- Risk Matrix

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Figure 5- Risk Acceptance Criteria

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
EXTREME (16-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council



1.2.2 RISK MANAGEMENT FRAMEWORK/PROCEDURE

Relevant Council Policy

Relevant CEO Directive

1.2.2 Risk Management v1

N/A

Approval Date: 13 February 2019

Review Date: Biennial

Appendix: Nil

SHIRE OF MINGENEW

Risk Management Framework & Procedures ~~v1~~v2

September 2022 by ~~N. Hay~~M. Battilana

Approved ~~13/02/2019~~21



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1. Introduction

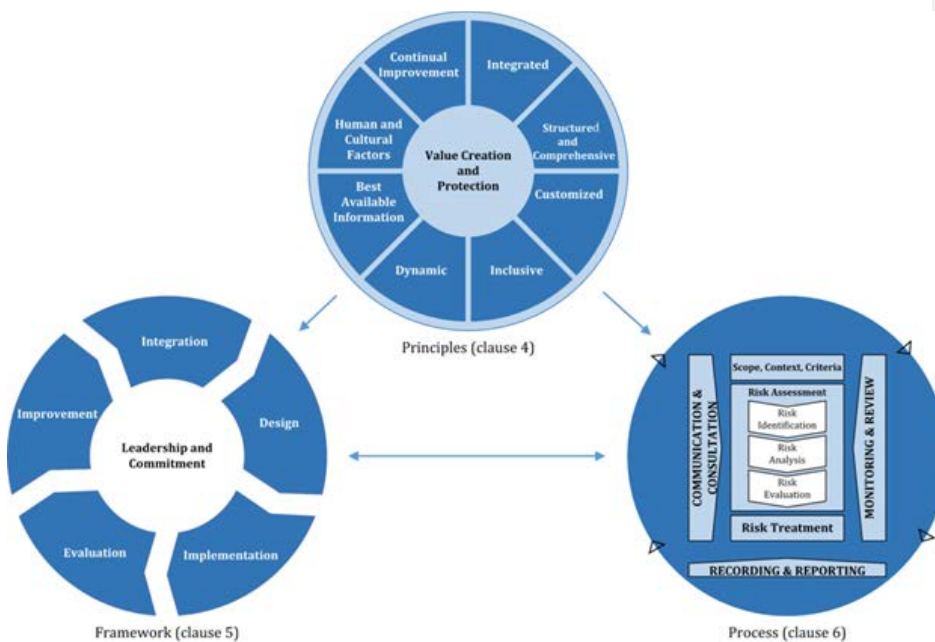
The Shire of Mingenew's (Shire) Risk Management Policy in conjunction with the components of this document encompasses the Shire's Risk Management Framework. It sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on AS ISO 31000:2018 Risk Management - Guidelines.

It is essential that all areas of the Shire adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty, and its effects, on objectives is understood.

This Framework aims to balance a documented, structured and systematic process with the current size and complexity of the Shire along with existing time, resource and workload pressures.

*Figure 1: Relationship between the risk management principles, framework and process
(Source: AS 31000:2018)*





1.1 Legislation

1. The Local Government Act 1995 ("the Act") requires Councils to adopt appropriate policies, practices and procedures that ensure their assets are protected through sound administrative management.
2. Section 5.56(1) and (2) of the Local Government Act 1995 - Planning for the Future; Regulation 17(1) (a) of the Local Government (Audit) Regulations: "The CEO is to review the appropriateness and effectiveness of a local government's system and procedures in relation to risk management".
3. Under regulation 17 (1) of the Local Government (Audit) Regulations 1996 the CEO is to review the appropriateness and effectiveness of a local government's system and procedures in relation to – (a) risk management; and (b) internal control; and (c) legislative compliance. 17 (2) the review may relate to any or all of the matters referred to in sub regulation (1) (a),(b) and (c), but each of those matters is to be the subject at least once every 3 financial years. 17 (3) The CEO is to report to the Audit & Risk Committee the results of that review.
4. Under Regulation 17 of the Local Government (Audit) Regulations 1996 it is a responsibility of the Audit & Risk Committee to receive the CEO reviews conducted on the appropriateness of systems and procedures in relation to risk management, internal control and legislative compliance

2. Governance

Appropriate governance of risk management within the Shire provides:

- Transparency of decision making.
- Clear identification of the roles and responsibilities of the risk management functions.
- An effective Governance Structure to support the risk framework.

2.1 Framework Review

The Risk Management Framework is to be reviewed for appropriateness and effectiveness biennially.

2.2 Operating Model

The Shire has adopted a 'Three Lines of Defence' model for the management of risk. -This model ensures roles; responsibilities and accountabilities for decision making are structured to demonstrate effective governance and assurance. -By operating within the approved risk appetite and framework, the Council, Management and Community will have assurance that risks are managed effectively to support the delivery of the Strategic, Corporate & Operational Plans.

First Line of Defence

All operational areas of the Shire are considered '1st Line'. They are responsible for ensuring that risks (within their scope of operations) are identified, assessed, managed, monitored and reported. -Ultimately, they bear ownership and responsibility for losses or opportunities from the realisation of risk. Associated responsibilities include:

- Establishing and implementing appropriate processes and controls for the management of risk (in line with these procedures).
- Undertaking adequate analysis (data capture) to support the decisioning of risk matters.
- Prepare risk acceptance proposals where necessary, based on level of residual risk.
- Retain primary accountability for the ongoing management of their risk and control environment.



Second Line of Defence

The Governance ~~Officer~~ & Community Manager, supported by the Chief Executive Officer, acts as the primary '2nd Line'. This position owns and manages the framework for risk management. They draft and implement the governance procedures and provide the necessary tools and training to support the 1st line process.

Maintaining oversight on the application of the framework provides a transparent view and level of assurance to the 1st & 3rd lines on the risk and control environment. Support can be provided by additional oversight functions completed by other 1st Line Teams (where applicable). Additional responsibilities include:

- Providing independent oversight of risk matters as required.
- Monitoring and reporting on emerging risks.
- Co-ordinating the Shire's risk reporting for Shire's Management Team and the Audit & Risk Committee.

Third Line of Defence

Internal & External Audit are the third line of defence, providing independent assurance to the Council, Audit & Risk Committee and Shire Management on the effectiveness of business operations and oversight frameworks (1st & 2nd Line).

Internal Audit – Appointed by the CEO to report on the adequacy and effectiveness of internal control processes and procedures. -The scope of which would be determined by the Audit & Risk Committee with input from the CEO.

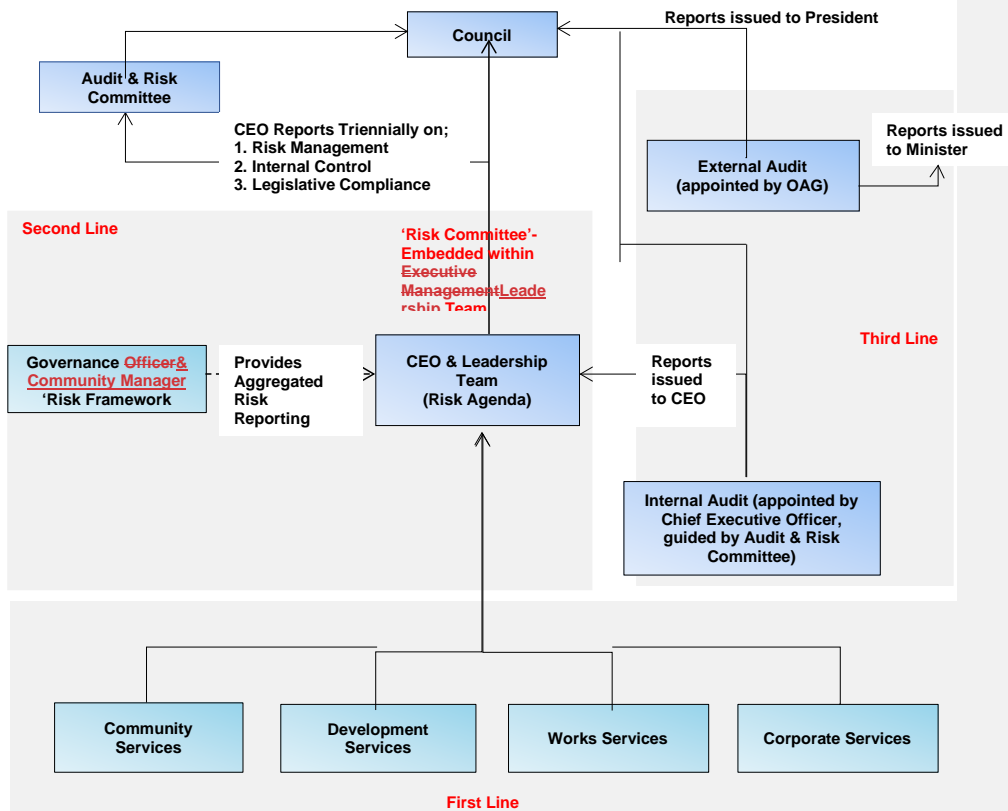
External Audit – Appointed by the Office of the Auditor General (OAG) to report independently to the President and CEO on the annual financial statements only.

2.3 Governance Structure

Diagram 2 depicts the current operating structure for risk management within the Shire.



Figure 2: Operating Model



2.4 Roles & Responsibilities

Council

- Review and approve the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Establish and maintain an Audit & Risk Committee in compliance with the Local Government Act.

Audit & Risk Committee

- Regularly review the appropriateness and effectiveness of the Framework.
- Support Council to provide effective corporate governance.
- Assist to develop and endorse the Internal Audit Plan.
- Oversight of all matters that relate to the conduct of Internal and External Audits.
- Must be independent, objective and autonomous in deliberations.



CEO / ~~Executive Management~~Leadership Team

- Appoint Internal Auditors as required under Local Government (Audit) regulations, based on Audit & Risk Committee guidance.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from 'risk matters'.
- Own and manage the Risk Profiles at Shire Level.

Governance ~~Officer~~& Community Manager

- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for Risk matters.

Work Areas

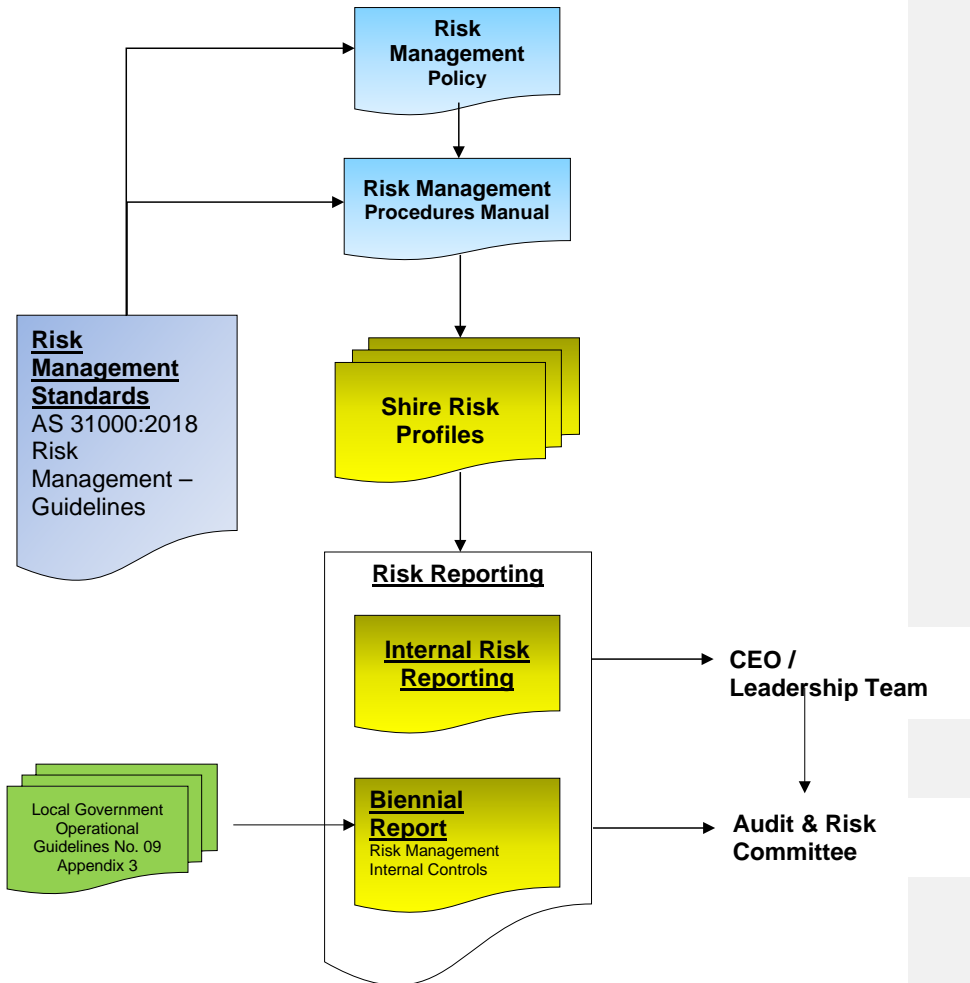
- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into team meetings, by incorporating the following agenda items;
 - New or emerging risks.
 - Review existing risks.
 - Control adequacy.
 - Outstanding issues and actions.

2.5 Document Structure (Framework)

Diagram 3 depicts the relationship between the Risk Management Policy, Procedures and supporting documentation and reports.



Figure 3: Document Structure





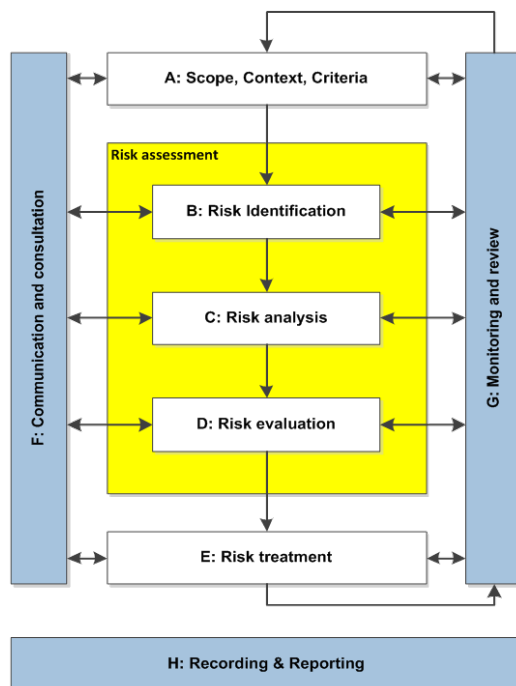
2. 3. Risk Management Procedures

All Work Areas of the Shire are required to assess and manage the Risk Profiles on an ongoing basis. Each Manager, in conjunction with the Governance Officer & Community Manager are accountable for ensuring that Risk Profiles are:

- Reflective of the material risk landscape of the Shire.
- Reviewed on at least a **six-monthly basis**, unless there has been a material restructure or change in the risk and control environment.
- Maintained in the standard format.

This process is supported using key data inputs, workshops and ongoing business engagement. The risk management process is standardised across all areas of the Shire. -The following diagram outlines that process with the following commentary providing broad descriptions of each step.

Figure 4: Risk Management Process AS 31000:2018



3.1 Scope, Context, Criteria

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

Organisational Criteria

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This includes the Risk Assessment and Acceptance Criteria (Fig 6-10) and any other tolerance tables as developed.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision-making processes.

Scope and Context

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process. Risk sources can be internal or external.

For specific risk assessment purposes, the Shire has three levels of risk assessment context:

I. Strategic Context

These risks are associated with achieving the organisation's long-term objectives. Inputs to establishing the strategic risk assessment context may include;

- Organisations Vision / Mission
- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Strategies / Objectives / Goals (Integrated Planning & Reporting)

II. Operational Context

The Shire's day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its key activities i.e. what is trying to be achieved.

Project Context

Project Risk has two main components:

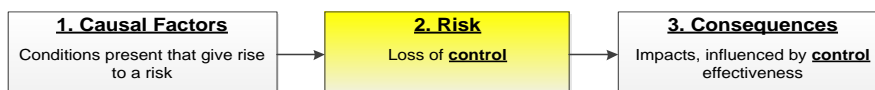
- Direct refers to the risks that may arise as a result of project activity (i.e. impacting on process, resources or IT systems) which may prevent the Shire from meeting its objectives.
- Indirect refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

3.2 Risk Identification

Once the context has been determined, the next step is to identify risks. This is the process of finding, recognising and describing risks. Risks are described as the point along an event sequence where control has been lost. An event sequence is shown below:

Figure 5: Event (risk) sequence



For the ease of management and recordkeeping, risks that are identified are to be classified into the following risk themes for collective risk analysis and documented into the Shire's Risk Profile:

- I. Misconduct



- II. Errors, Omissions and Delays
- III. Business Disruption
- IV. External Theft and Fraud
- V. IT & Communications Systems and Infrastructure
- VI. Compliance
- VII. Asset Management
- VIII. Document Management
- IX. Procedure / Contract Management
- X. Environment
- XI. Facilities and Events
- XII. Safety and Security
- XIII. Project Management
- XIV. Employment Practices

A new risk theme can be created if the risk cannot be grouped into an existing risk theme.

For each risk theme, or risk theme under review, using the specific risk assessment context as the foundation and in conjunction with relevant stakeholders, consider the below listed questions, capture and review the information. The objective is to identify potential risks that could stop the Shire from achieving its goals:

- I. *Risk What can go wrong? / What are areas of uncertainty?* (**Risk Description**- describe what the risk is and specifically where control may be lost. They can also be described as an event. They are not to be confused with outcomes following an event, or the consequences of an event).
- II. *How may this risk eventuate?* (**Potential Causes**- are the conditions that may present or the failures that may lead to the event or point in time when control is lost (risk)).
- III. *What are the current measurable activities that mitigate this risk from eventuating?* (**Controls**- are measures that modify risk. At this point in the process only existing controls should be considered).
- IV. *What are the potential consequential outcomes of the risk eventuating?* (**Consequences**- need to be impacts to the Shire. These can be health of staff, visitors or contractors; financial; interruption to services provided; non-compliance; damage to reputation or other assets or the environment. There is no need to determine the level of impact at this stage).

The reviewing of the following materials would assist in risk identification:

- 1. Internal and external audits
- 2. Insurance claims
- 3. Complaints and community feedback
- 4. Project planning
- 5. Performance reporting
- 6. Policy & procedure development
- 7. Incidents and systems analysis.

3.3 Risk Analysis

To analyse risk, the Shire's Risk Assessment and Acceptance Criteria is applied in the following steps:

Step 1 - Consider the effectiveness of the existing/identified key controls



Based on the documented controls, analyse the risk in terms of the Existing Control Ratings. To do this, the controls need to be reviewed from 3 perspectives:

- I. *Design Effectiveness- This process reviews the 'design' of the controls to understand their potential for mitigating the risk without any 'operating' influences. Controls that have inadequate designs will never be effective, no matter if it is performed perfectly every time.*

There are four components to be considered in reviewing existing controls or developing new ones:

1. Completeness – The ability to ensure the process is completed once. How will the control ensure that the process is not lost or forgotten, or potentially completed multiple times?
2. Accuracy – The ability to ensure the process is completed accurately, that no errors are made, or components of the process missed.
3. Timeliness – The ability to ensure that the process is completed within statutory timeframes or internal service level requirements.
4. Theft / Fraud – The ability to protect against internal misconduct or external theft / fraud-based activities.

It is very difficult to have a single control that meets all the above requirements when viewed against a Risk Theme. It is imperative that all controls are considered so that the above components can be met across several controls.

- II. *Operating Effectiveness- This process reviews how well the control design is being applied. Like above, the best designed control will have no impact if it is not applied correctly.*

As this generally relates to the human element of control application there are four main approaches that can be employed by management or the risk function to assist in determining the operating effectiveness and / or performance management.

1. Re-perform – this is only applicable for those short timeframe processes where they can be re-performed. The objective is to re-perform the same task, following the design to ensure that the same outcome is achieved.
2. Inspect – review the outcome of the task / process to provide assurance that the desired outcome was achieved.
3. Observe – physically watch the task / process being performed.
4. Inquire – through discussions with individuals / groups determine the relevant understanding of the process and how all components are required to mitigate any associated risk.

- III. *Overall Effectiveness- This is the value of the combined controls in mitigating the risk. All factors as detailed above are to be considered so that a considered qualitative value can be applied to the 'control' component of risk analysis.*



Figure 6- Overall Control Effectiveness (extracted from Shire of Mingenew Risk Management Policy-1.1)

Existing Controls Ratings		
Rating	Detailed Description	Description and Action Required
Effective	No control gaps. The control is influencing the risk level and only continues monitoring is needed	Description: Control addresses risk, is officially documented, in operation and has been tested to confirm effectiveness
Moderately Effective	Few control gaps. The control is influencing the risk level however improvement is needed	Control addresses risk but documentation and/or operation of control could be improved
Partially Effective	Some control gaps that result in the control having limited influence on risk level	Description: Control addresses risk at least partially, but is not documented and/or operation of control needs to be improved Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'
Inadequate	Significant control gaps that result in the control not influencing the risk level.	Description: At best, control addresses risk, but is not documented or in operation, at worst, control does not address risk and is neither documented nor in operation. Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'

Step 2 – Determine the Relevant Consequence

Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence). Use Figure 7 (below) to determine which risk rating best fits the risk's consequences.

Figure 7- Risk Consequence Matrix (extracted from Shire of Mingenew Risk Management Policy-1.1)

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Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Legal & Compliance	Reputational	Property	Environment
Insignificant (1)	First aid injuries	Less than \$5,000	No material service interruption	Compliance: No noticeable regulatory or statutory impact Legal: Threat of litigation requiring small compensation Contract: No effect on contract performance	Unsubstantiated, low impact, low profile or 'no news' item <i>Example:</i> gossip, online post seen by limited persons	Inconsequential damage	Contained, reversible impact managed by on site response <i>Example:</i> pick up bag of rubbish
Minor (2)	Medical type injuries	\$5,001 - \$15,000	Short term temporary interruption – backlog cleared < 1 day	Compliance: Some temporary non-compliance Legal: Single minor litigation Contract: Results in meeting between parties in which contractor expresses concern	Substantiated, low impact, low news item <i>Example:</i> online post seen by the community	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response <i>Example:</i> pick up trailer of rubbish
Moderate (3)	Lost time injury <30 Days	\$15,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance: Short term non-compliance but with significant regulatory requirements imposed Legal: several minor litigations Contract: Receive verbal advice that if breaches continue, a default notice may be issued	Substantiated, public embarrassment, moderate impact, moderate news profile <i>Example:</i> local paper article, online post taken up by people outside of Shire	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies <i>Example:</i> Contractor removal of asbestos sheets
Major (4)	Lost time injury >30 Days	\$50,000 - \$150,000	Prolonged interruption of services – additional resources, performance affected < 1 month	Compliance: Non-compliance results in termination of services or imposed penalties Legal: Single moderate litigation Contract: Receive written notice from contractor threatening termination if not rectified	Substantiated, public embarrassment, high impact, high news profile, third party actions <i>Example:</i> State wide paper, TV news story, significant online presence	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies <i>Example:</i> truck/train spill of diesel or oil on road reserve
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance: Non-compliance results in litigation, criminal charges or significant damages or penalties Legal: Single major litigation or numerous moderate litigations Contract: Termination of contract for default	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions <i>Example:</i> Au wide paper, TV news,	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Step 3 – Determine the Likelihood of Occurrence

Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)



Figure 8- Likelihood of Risk Occurrence (extracted from Shire of Mingenew Risk Management Policy-1.1)

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Step 4- Determine the Residual Risk Rating

By combining the measures of consequence and likelihood, determine the Residual Risk Rating (Level of Risk). The 'Risk Scores' from both the 'Risk Likelihood' and 'Risk Consequences' are to be multiplied to get the 'Residual Risk Rating' (RL x RX = RR). This is to be determined using Figure 9.

Figure 9- Residual Risk Matrix (extracted from Shire of Mingenew Risk Management Policy-1.1)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

3.4 Risk Evaluation

Risk evaluation takes the residual risk rating and applies it to the Shires risk acceptance criteria (Figure 10) to determine whether the risk is within acceptable levels to the Shire (Shire's risk tolerance), and what (if any) controls, high level actions or treatments need to be implemented.

The outcome of this evaluation will determine whether the risk is low; moderate; high or extreme.

The Residual Risk rating should be as close as possible to the Council's predetermined Risk Tolerance/Acceptance as defined in Fig 10 ('Acceptable Risk') for that Risk Category. If not, then Risk Treatment needs to occur as per the next step.

Note: Individual Risks or Issues may need to be escalated due to its urgency, level of risk or systemic nature.



Figure 10- Risk Acceptance Criteria (extracted from Shire of Mingenew Risk Management Policy- 1.1)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
EXTREME (16-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

3.5 Risk Treatment

If the Residual Risk is outside of Council's risk acceptance levels as quantified by figure 10, then Risk Treatment needs to occur. This involves 2 steps:

1. In all cases, regardless of the residual risk rating; controls that are rated 'Partly effective or Inadequate' in (Step 1 of Part C) must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'.
2. If the residual risk rating (Step 4 of Part C) is high or extreme, treatment plans must be implemented to either:
 - a. Reduce the consequence of the risk materialising.
 - b. Reduce the likelihood of occurrence.
 (Note: these should have the desired effect of reducing the risk rating to at least moderate)

Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on;

- I. Cost versus benefit
- II. Ease of implementation
- III. Alignment to organisational values / objectives

Once a treatment has been fully implemented, the Management Team is to review the risk information and acceptance decision with the treatment now noted as a control and those risks that are acceptable then become subject to the monitor and review process (discussed in 3.7)

3.6 Communication & Consultation

Effective communication and consultation are essential to ensure that those responsible for managing risk, and those with a vested interest, understand the basis on which decisions are made and why particular treatment / action options are selected or the reasons to accept risks have changed.

As risk is defined as the effect of uncertainty on objectives, consulting with relevant stakeholders assists in the reduction of components of uncertainty. Communicating these risks and the information surrounding the event sequence ensures decisions are based on the best available knowledge.

3.7 Monitoring, Review and Reporting

The Shire is to review all Risk Profiles at least six-monthly, or if triggered by one of the following;

- I. changes to context,



- II. a treatment is implemented,
- III. an incident occurs or due to audit/regulator findings.

The CEO (or as delegated) is to monitor the status of risk treatment implementation and report on as per the Risk Management Policy.

The CEO & Leadership Team will monitor significant risks and treatment implementation as part of their normal Team Meeting agenda item on a regular basis with specific attention given to risks that meet any of the following criteria:

- I. Risks with a Level of Risk of High or Extreme
- II. Risks with Inadequate or Partially Effective Existing Control Rating
- III. Risks with Consequence Rating of Major or Catastrophic
- IV. Risks with Likelihood Rating of Almost Certain

The design and focus of Risk Summary report will be determined from time to time on the direction of the CEO & Management Leadership Team. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Shire.

Each Work Area is responsible for ensuring:

- They continually provide updates in relation to new, emerging risks, control effectiveness and key indicator performance to the Governance Officer.
- Work through assigned actions and provide relevant updates to the Governance Officer.
- Risks / Issues reported to the CEO & Leadership Team are reflective of the current risk and control environment.

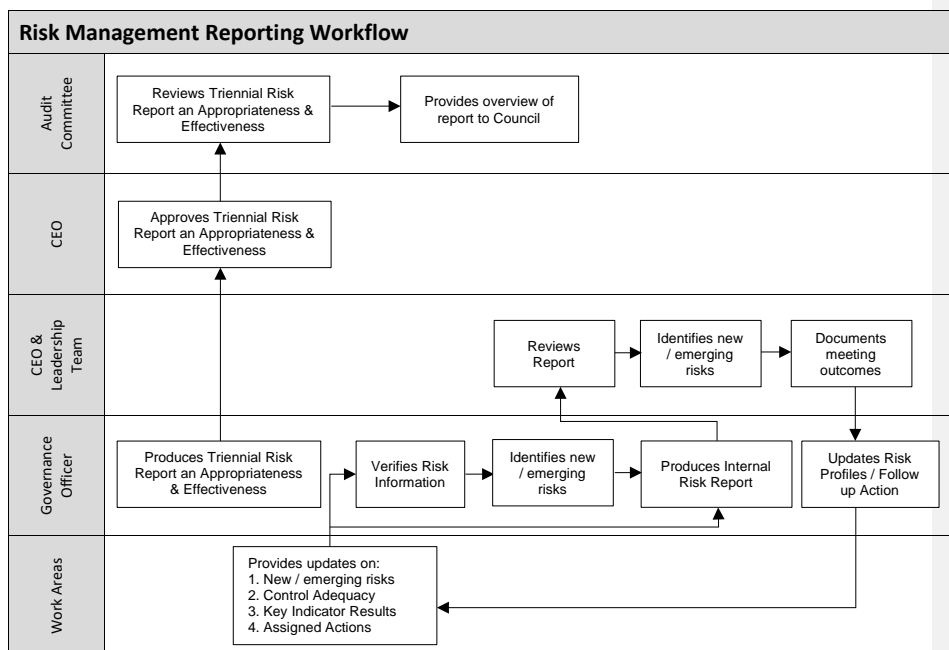
The Governance Officer & Community Manager is responsible for:

- Ensuring Shire Risk Profiles are formally reviewed and updated, at least on a six-monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Regular Risk Reporting for the CEO & Shire Management Team.
- Annual Compliance Audit Return completion and lodgement.

The following diagram provides a high-level view of the ongoing reporting process for Risk Management.



Figure 11- Risk Management Workflow



4. Annual Control Assurance Plan

The annual assurance plan is a monitoring schedule prepared by the CEO (or as delegated) that sets out the control assurance activities to be conducted over the next 12 months. This plan is to consider the following components:

- I. Existing control adequacy ratings across the Shire's Risk Profiles: Ideally the risk themes that have a Residual Risk Rating of 'Moderately Effective' or above are to be reviewed to ensure effectiveness and adequacy of the controls.
- II. Consider control coverage across a range of risk themes (where commonality exists).
- III. Building profiles around material controls to assist in design and operating effectiveness reviews.
- IV. Consideration to significant incidents.
- V. Nature of operations
- VI. Additional or existing 2nd line assurance information / reviews (e.g. HR, Financial Services, IT)
- VII. Frequency of monitoring / checks being performed
- VIII. Review and development of Key Indicators
- IX. Timetable for assurance activities
- X. Reporting requirements



Control assurance data is gained by sampling select controls within a risk theme and analysing their effectiveness as per section 3.3 steps 1-3. Data gained is then to be entered into the Shire of Mingenew Risk Profile as evidence of review and is to be presented to the Audit & Risk Committee to reassure that Management is assessing the adequacy of risk management processes.

Whilst this document and subsequent actions are owned by the CEO (or as delegated) input and consultation will be sought from individual Directorates.

6.0 CLOSURE

The meeting was closed at 3:29pm.



MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

MINUTES OF THE MEETING HELD AT THE SHIRE OF MINGENEW COUNCIL CHAMBERS
3:00PM MONDAY 10 OCTOBER 2022

1.0 DECLARATION OF OPENING

The meeting was declared open at 3:00pm.

Chairperson, Anthony Smyth welcomed new Shire CEO Matt Fanning.

2.0 RECORD OF ATTENDANCE / APOLOGIES

2.1 ATTENDEES

Cr Anthony Smyth, Shire of Mingenew
Deborah Maley, Department of Fire & Emergency Services (DFES)
Grant Pilgrim, Department of Communities (DoC)
Nev Blackburn, Department of Communities (DoC)
Candy Hudson, National Emergency Management Agency (NEMA)
Tim Rainer, WA Police (Mingenew)
Matt Fanning, Shire of Mingenew
Catherine Buchholz, Silver Chain *joined via Microsoft Teams at 3:06pm*

2.2 APOLOGIES

Christine Zaicou-Kunesch, Department of Primary Industries & Regional Development (DPIRD)
Julia French, Department of Biodiversity, Conservation and Attractions (DBCA)
Cr Carol Farr, Shire of Mingenew
Cathy McCartney, St John WA
Sue Bumbak, Red Cross
Andrea Campbell, Silver Chain
Helen Kent, Department of Primary Industries & Regional Development (DPIRD)
Matthew Dadd, Department of Fire & Emergency Services (DFES)

3.0 PREVIOUS MINUTES

LOCAL EMERGENCY MANAGEMENT COMMITTEE DECISION – ITEM 3.0

Moved: Tim Rainer

Seconded: Candy Hudson

That the Minutes of the Shire of Mingenew Local Emergency Management Committee dated 11 July 2022 be confirmed as a true and accurate record of proceedings.

CARRIED

3.1 BUSINESS ARISING FROM PREVIOUS LEMC / LRCG MINUTES

What	Who	By When	Status
Examine viability of secondary primary producer outreach	DoC/DFES	Harvest	ONGOING
Investigate revegetation opportunities; identify areas of concern	Shire	Next meeting	PACP Grant for Environmental Recovery successful; NACC to deliver. Shire and NEMA meeting with NACC next week
Community Recovery Planning	CEO	ASAP	Completed and endorsed by LEMC at July meeting. Adopted by Council in August. Shire
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

- AWARE funding application successful due conduct a full review of the LEMA
- Bush Fire Advisory Committee (BFAC) meeting to be held 12 October 2022, with Fire Awareness training prior to for all Bushfire volunteers.

4.2 DFES

- Local disaster recovery hub open at the Mingenew CRC 3 days per week
- Melissa Pexton attending Recovery meeting in Morawa tomorrow
- 1 person remains displaced and delays with new home build. This community member has been housed at Mingenew Hotel but funding will cease in approx. 3 weeks. Engagement continues to ensure his welfare and explore options until his home is ready for occupancy.
- BOM/DFES have issued a notice anticipating increased cyclone risk this season
- Attended Health & Wellness forum today, run by Mingenew CRC
- Information shared by Matt Dadd via email on contact protocol for 2022 Grain Harvest Aerial Firefighting Service commencing 19 October 2022. Contact to be directed through Regional Duty Coordinator on 1800 317 555.
- Airstrip upgrade anticipated to be complete by the end of this week

4.3 Red Cross

- Not in attendance but Deborah Maley advised they are continuing to implement 'Ready Plan'

4.4 WAPOL

- No crime trends or interagency incidents
- Focus on road/traffic safety and patrols
- Future focus on events i.e. Races in March 2023
- Continuing with community engagement activities such as Blue Light Discos, Trivia night planned in early 2023 in partnership with CRC

4.5 Department of Communities

- Focus on preparing personnel to operate evacuation centres
- Review Local Welfare Plans

4.6 DBCA

- Email update forwarded by Julie French (read by Cr Smyth)

4.7 St. John Ambulance

- Cathy unable to attend due to emergency call outs today

4.8 Main Roads WA

- Not in attendance but Matt outlined that Main Roads are reintroducing maintenance activities internally

4.9 Silver Chain

- Catherine advised that the new Mingenew Remote Area Nurse (RAN) is due to commence in November in a full-time capacity – Joanne Stevenson
- Andrea Campbell has resigned

4.10 Mingenew Irwin Group

- Nil

4.11 Mingenew CRC

- Nil

4.12 Mingenew Primary School

- Nil

4.13 DPIRD

- Email forwarded by Christine Zaicou-Kunesch (prepared by Helen Kent, Emergency Preparedness Coordinator – Incident & Emergency Management Branch) and attached.

4.14 National Emergency Management Agency

- Recovery focus, as requiring significant time and resources
- Name change of agency from National Recovery & Resilience

5.0 GENERAL BUSINESS

- Update to LEMA Contact list is required. Full review as part of LEMA review in new year however attendees updated some details as required.

6.0 FUTURE MEETING DATE AND TIME

Two-monthly meetings to take place - next meeting 12 December 2022 (TBC)

7.0 CLOSURE

The meeting was closed at 3:14pm.



BUSH FIRE ADVISORY COMMITTEE MEETING

MINUTES OF THE SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE MEETING HELD IN COUNCIL CHAMBERS ON 12 OCTOBER 2022 COMMENCING AT 6PM.

1.0 DECLARATION OF OPENING

Murray Thomas, Chief Bushfire Control Officer opened the meeting at 6:07pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES (as per Attendance Sheet)

Murray Thomas, Chief Bushfire Control Officer
Andrew Green, Deputy Chief Bushfire Control Officer
Ian Comben, Area Officer Midwest, DFES
Sarah Conlin, Bushfire Planning Coordinator, DFES
Josh Gardner, District Emergency Management Advisor – Midwest Gascoyne, DFES
Matt Fanning, Chief Executive Officer, Shire of Mingenew
Erin Greaves, Governance & Community Manager, Shire of Mingenew
Paul Flanders
Brodie & Bonnie Stokes
Phil Soullier
Brenton Mudge
Alex Pearce
Jamie McTaggart
Rob Holmes
Ben McTaggart
Justin Bagley
Jon Holmes
Daniel Michael
Alex Longford
Peter Horwood
Jack Millar
Jeremy Blair

Apologies

Jared Heitman

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

3.1 Bush Fire Advisory Committee AGM held 14 March 2022

BUSH FIRE ADVISORY COMMITTEE DECISION – ITEM 3.1

Moved: Daniel Michael

Seconded: Justin Bagley

That the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Annual General Meeting held 14 March 2022 be confirmed as a true and accurate record of proceedings.

CARRIED

4.0 OFFICERS REPORTS

4.1 Chief Bush Fire Control Officer Report- Murray Thomas

- Preview of the 22/23 Fire Season – high fuel load
- Presented Fire Protocol (procedure)
 - suggestion to include location pin of any fire in notification
 - identify water source locations/tanks
 - fire assistance request alert to go out via WhatsApp, response to indicate ETA and resource available e.g. “farm tanker, 2 pp, 10 mins”
 - BART notification system to be investigated for next season (subscription based with cost not covered by LGGS)
ACTION: Shire to investigate BART communication system for bushfire volunteers for 2023/24.
 - All fires should still be reported through ‘000’ to allow preparation to be done in the event fire needs escalate and the response can be as efficient as possible.

4.2 Captains Reports-

4.2.1 Yandanooka

- Nick Duane - receiving calls regarding car rollover emergencies. ‘000’ Agreement means 3 contacts are notified (CBFCO, Deputy and Shire CEO) and the DFES Duty Manager. Not required to attend accidents unless fire response – usually these are allocated to Fire & Emergencies units in Morawa and/or Dongara.

4.2.2 Guranu

- Nil

4.2.3 Mingenew North

- Nil

4.2.4 Mingenew Town

- Nil

The Lockier Brigade is now registered as a Farmer Response Unit.

4.3 Shire CEO Report

- Airstrip Upgrade
 - Will need to provide relevant personnel with instruction to operate tanks
 - Gravel strip to be completed within the month, including solar lighting
 - Water tank to be filled by Shire carting water from town (other options not financially feasible)
 - Ian Comben advised will need to formally request DBCA to assess the site (no guarantee that water bombers will be approved, although DBCA were consulted on design). DBCA controls logistics of water bombing service.
- New Fire Shed Project
 - Unfunded in 2022/23. Retry in 2023/24.
- AWARE Grant for LEMA review
 - Discussed at LEMC on Monday
- Service Medals
 - To be issued to individuals personally
- Vehicle Stickers
 - Vehicle stickers identify vehicles pre-approved to attend fire ground so if blocked they can be identified for access easily
 - Erin to notify bushfire members when stickers are available for adding to register

4.4 DFES Report

- Thanks to those who attended the training this afternoon, there were 40+ attendees. This course is the minimum training requirement and assist to confirm competency of those attending fires. Shire / DFES will maintain on training register.
- DFES have 12 appliances available over high fire season to assist, Captains encouraged to call if these resources may be required.
- Ground Controller Course in Geraldton 17 or 19 Oct (6-8 hour course) to qualify as Ground Controller.
- Suggest calling Harvest & Vehicle Movement Ban whenever there is a fire so resources can focus on the one event (can call off if under control quickly)
- ESL claim to replace 340 truck with new 44 Broadacre (4,000L capacity with 4x4 capability) proposed
- QR scan code available to access new Fire Danger rating system – suggest using 'CSIRO grassland' setting. Weather district now 'Midwest Inland' (previously Central Midlands)
- DFES Permit books now out of date – need replacing to reflect new Fire Danger ratings
- Aerial firefighting service available by request by contacting 1800 317 555. Water bombing response time approximately 20mins to get off the ground and then around 10 mins fly time. Generally activated to combat fast moving fire.

4.5 Other Agency Reports

Nil.

5.0 GENERAL BUSINESS

5.1 Bushfire Risk Management Plan

- Sarah Conlin, Bushfire Risk Planning Coordinator (BRPC) advises final editing is being done on Bushfire Risk Management Plan
- The Plan will help to identify priority treatment areas and methods and support funding applications
- Draft Plan should be available by the end of the month.

5.2 New Fire Danger Ratings System

Fire Danger rating Flyer provided by Ian Comben. Rating implications discussed. 50+ enforces a Total Fire Ban and 40+ a Harvest & Vehicle Movement Ban should be implemented.

Note: burning is not permitted between "High" or "Catastrophic" fire danger periods.

A copy of the Minister's circular regarding the changes is attached (**Attachment 5.3.1**).

5.3 'Permit to Set Fire to the Bush' books to be updated

Permit books to be updated – Shire arranging replacements.

5.4 Training, PPE & Equipment Needs

Murray Thomas provided Erin with a list of PPE requirements for ordering.

Foam is available in the Fire Shed if farm units wish to use (note foam is corrosive so tanks should be cleaned following use)

5.5 Infrared Imaging Device

DFES have provided an Infrared Imaging device to be installed in the Fire truck. These devices are being provided to most local governments and serves as a tool for determining fire hot spots where visibility is low. The Shire is arranging for an auto-electrician to install the device.

5.6 Coles Gift Card

A reminder that the Mingenew Town Volunteer Bush Fire Brigade has a \$500 Coles Gift Card to use before 19 December 2023.

5.7 Other Matters

- CEO raised concern regarding spontaneous volunteers entering the fire ground – Shire is liable for volunteers and unregistered volunteer competency cannot be confirmed. Need to ensure ongoing training program so Shire can be satisfied (and there is evidence of) volunteers being deemed competent.
- CEO liable for any incident on fireground under new Work Health and Safety Act and Regulations. Captains and volunteers have no personal liability. State Government employees also exempt.
- DBCA do have training available for Fire Line Operators (those attending a fire and operating machinery). Private operators and vehicles covered by Shire insurance for Shire-controlled events. DFES can reimburse expenses if control.
- Enquiry if there is any feedback from the Corrigin fire. Ian Comben confirmed no learnings have been shared to-date.
- Daniel Michael and Paul Flanders agreed to renominate for Lockier Brigade.

6.0 TIME AND DATE OF NEXT MEETING

Next Bush Fire Advisory Committee Meeting to be held on Monday, 13 March 2023 commencing at 6pm.

7.0 CLOSURE

The meeting is closed at 7:43pm.