



# MINUTES FOR THE ORDINARY COUNCIL MEETING

17 JUNE 2020

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS  
AT 21 VICTORIA STREET, MINGENEW ON 17 JUNE 2020 COMMENCING AT 4.30PM**

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

The Presiding Member declared the meeting open at 4:30pm.

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

**COUNCILLORS**

JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Town Ward
CV Farr	Councillor	Town Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward

**APOLOGIES**

Nil.

**STAFF**

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer
B Bow	Governance Officer

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

Nil.

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

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr CV Farr advised that she would be an apology for the 15 July 2020 Ordinary Council meeting.

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

Nil.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 20 MAY 2020**

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 – RESOLUTION 17062001**

**MOVED: Cr AR Smyth**

**SECONDED: Cr JD Bagley**

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 20 May 2020 be confirmed as a true and accurate record of proceedings.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil.

**9.0 DECLARATIONS OF INTEREST**

The CEO advised of an impartiality interest relating to the proposed late item 14.1 Bridge 3019 (Coalseam Rd Bridge) Alignment.

**10.0 RECOMMENDATIONS OF COMMITTEES**

Nil.

## 11.0 CHIEF EXECUTIVE OFFICER REPORTS

### 11.1 NATIONAL REDRESS SCHEME

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0523
Date:	9 June 2020
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

This report aims to formally clarify Council's position with regard to participation in the National Redress Scheme.

#### Key Points

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Mingenew to participate in the National Redress Scheme;
- Formally endorse the Shire of Mingenew's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION 17062002**

**MOVED: Cr HM Newton**

**SECONDED: Cr AR Smyth**

#### **That Council:**

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
- 2) Notes that the Shire of Mingenew will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Mingenew makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Mingenew in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 4) Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Mingenew.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

#### Attachment

11.1.1 Local Government Information Paper (December 2019).

#### Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Mingenew) will be required to consider leading practice approaches to child safeguarding separately in the future.

#### National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

### Comment

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Mingenew's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Mingenew formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Mingenew will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Mingenew to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Mingenew formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Mingenew include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Mingenew having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Mingenew.

Considerations for the Shire of Mingenew

Detailed below is a list of considerations for the Shire of Mingenew to participate in the Scheme:

### **1. Executing a Service Agreement**

All Royal Commission information is confidential, and it is not known if the Shire of Mingenew will receive a Redress application. A Service Agreement will only be executed if the Shire of Mingenew receives a Redress application.

The Shire of Mingenew needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

### **2. Reporting to Council if / when an application is received**

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

### **3. Application Processing / Staffing and Confidentiality**

Administratively the Shire of Mingenew will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;

- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

#### **4. Record Keeping**

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Mingenew's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.

#### **5. Redress Decisions**

The Shire of Mingenew should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Mingenew do not have any influence on the decision made and there is no right of appeal.

### **Consultation**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

### **Statutory Environment**

The Shire of Mingenew in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*.

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

### **Policy Implications**

The Shire may wish to establish policies and procedures to support the legal obligations and resourcing arrangements once local government responsibilities have been clarified.

### **Financial Implications**

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

### **Strategic Implications**

Strategic Community Plan 2019-2029

Strategy 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.

## 11.2 WARD BOUNDARIES AND REPRESENTATION REVIEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0360
Disclosure of Interest:	Nil
Date:	8 May 2020
Author:	Belinda Bow Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

The purpose of this report is to seek Council approval to initiate a review of wards and representation under the provisions of the Local Government Act 1995 and approve the discussion paper for public dissemination.

### Key Points

- Section 2.2 cl. 6 of the Local Government Act 1995 (the Act) requires local governments with wards to carry out reviews of ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapses between successive reviews.
- The Shire of Mingenew last undertook a formal review of its ward boundaries and representation in September 2012.
- Council must now formally resolve to undertake the review so that the process can commence.
- A six-week community consultation period must be completed prior to Council proposing a course of action to the Local Government Advisory Board (LGAB).
- To assist with the facilitation of community consultation, a discussion paper has been prepared which requires approval by Council prior to distribution. It contains alternative options for the community to consider in regard to ward boundaries, these being
  1. Abolish the ward system;
  2. Retain the ward system with minor amendments.

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION 17062003**  
**MOVED: Cr HR McTaggart**  
**SECONDED: Cr JD Bagley**

That Council by Simple Majority pursuant to Schedule 2.2 of the Local Government Act 1995 resolves to:

1. INITIATE a review of the Shire of Mingenew's ward system and representation in accordance with clause 6 of Schedule 2.2 of the Local Government Act 1995;
2. GIVE local public notice of the intention to carry out a review of wards and representation and invite submissions as required by clause 7(1) of Schedule 2.2; and
3. APPROVES for release for community consultation the discussion paper as titled "Shire of Mingenew Ward and Representation Review Discussion Paper" (Attachment 1) for the purposes of public discussion.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

### Attachments

11.2.1 Shire of Mingenew Ward and Representation Review Discussion Paper

### **Background**

Section 2.2 cl. 6 of the Local Government Act 1995 (the Act) requires local governments with wards to carry out reviews of ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapses between successive reviews. The purpose of the review is to find the system of representation that best reflects the characteristics of the district and its people.

Any of the following may be considered by Council upon completion of community consultation:

- Creation of new wards;
- Changing of ward boundaries;
- Abolishing any or all wards;
- Changing of the name of a district or a ward;
- Changing of the number of Councillors; and/or
- Specifying or changing of the number of offices of Councillor for a ward.

The review process is highly prescribed by the Act and involves the following steps:

1. Council resolves to undertake a review and prepares a discussion paper for electors
2. A public submission period of 6 weeks opens
3. Public submission period closes
4. The Shire assesses options against the prescribed criteria (detailed in Schedule 2 of the Act)
5. Council submits a report to the Local Government Advisory Board (the Board) for consideration
6. (If a change is proposed) the Board makes a recommendation to the Minister for Local Government
7. The Minister makes a decision and any changes are to be implemented at the next council elections. The next council elections are scheduled for October 2021.

The Shire of Mingenew last undertook a formal review of its ward boundaries and representation in September 2012. The outcomes of the 2012 review were:

1. The retention of the existing two Wards; being Town and Rural, and
2. The retention of the existing number of offices of councillor for each ward [being 3 Rural and 4 Town].

### **COMMENT**

Given the length of time since the last review, it is proposed that Council now resolve to undertake further ward review to ensure compliance with the provisions of the Act it. If resolved, the review process will be carried out in accordance with the following timeline:

<b>Date</b>	<b>Action</b>
20 May 2020	Concept Forum- Discussion paper put to councillors for feedback
17 June 2020	Council meeting – advise Council that the Shire will conduct the review following the provision of local public notice as required by the Act
27 June 2020	State-wide notice provided and the community consultation period opens – Shire provides six weeks local public notice of review, and invites submissions
08 August 2020	Public consultation closes.
11 August 2020	Review conducted - GO reviews statutory requirements and submissions / public comments and provides a discussion paper recommending ward and representation changes (if any)
19 August 2020	Council meeting – Council considers recommendations and may, by absolute majority, propose changes to the LGAB in writing
21 August	Notify LGAB of outcome of review – if changes recommended the LGAB makes recommendation to Minister

To assist with the facilitation of community consultation, a discussion paper has been prepared (see Attachment 1) detailing the review process, the current ward boundaries and representation system and possible alternatives to the current system to facilitate a thorough review (as per the Dept of LG&C guidelines).

The alternatives to retaining the status quo that have been included in the paper are:

- 1) Abolish the ward system and revert to a "one district" structure;
- 2) Amend the existing ward boundary to align the peri-urban electors with the town ward.

The options for change are provided only as suggestions to provoke discussion and are not intended to be all encompassing. Council can choose to use the options included in the discussion paper 'as is' or refined subject to discussion and feedback.

In providing public notice of the review and circulating a discussion paper to assist with community consultation, the public will be able to consider the appropriateness and effectiveness of the current and proposed ward and representation structures and comment on, or suggest, any alternative options for change that they consider to have merit.

**Whilst Council may have a preferred option, the public notice must not limit the possible responses and suggestions from the community.** Councillors are advised to read the attached Discussion Paper carefully as community members may contact them for advice during the public submission stage and will be required to make a decision on the review in the coming months.

### Consultation

Nils Hay, Chief Executive Officer

Simon Lancaster, Shire of Chapman Valley (Planning advice)

Department of Local Government, Sport and Cultural Industries- A Guide for Local Governments "How to conduct a review of wards and representation for local governments with and without a ward system, October 2017".

### Statutory Environment

*Local Government Act 1995*

Part 2 - Constitution of local government

Part 4 - Elections and other polls

Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts

Schedule 2.2 – Provisions about names, wards and representation

### ***Schedule 2.2 – Provisions about names, wards and representation***

#### **6. *Local government with wards to review periodically***

(1) *A local government the district of which is divided into wards is to carry out reviews of —*

(a) *its ward boundaries; and*

(b) *the number of offices of councillor for each ward,*

*from time to time so that not more than 8 years elapse between successive reviews.*

(2) *A local government the district of which is not divided into wards may carry out reviews as to*

—  
(a) *whether or not the district should be divided into wards; and*

(b) *if so —*

(i) *what the ward boundaries should be; and*

(ii) *the number of offices of councillor there should be for each ward,*

*from time to time so that not more than 8 years elapse between successive reviews.*

- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*  
*[Clause 6 amended: No. 49 of 2004 s. 68(5) and (6).]*

## **7. Reviews**

- (1) *Before carrying out a review a local government has to give local public notice advising —*
- (a) *that the review is to be carried out; and*
  - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

## **8. Matters to be considered in respect of wards**

- Before a local government proposes that an order be made —*
- (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
  - (b) *to specify or change the number of offices of councillor for a ward,*  
*or proposes under clause 4(2) that a submission be rejected, its council is to have regard,*  
*where applicable, to —*
  - (c) *community of interests; and*
  - (d) *physical and topographic features; and*
  - (e) *demographic trends; and*
  - (f) *economic factors; and*
  - (g) *the ratio of councillors to electors in the various wards.*
- [Clause 8 amended: No. 49 of 2004 s. 68(7).]*

## **9. Proposal by local government**

*On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

*\* Absolute majority required.*

## **10. Recommendation by Advisory Board**

- (1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*
- (a) *one of a minor nature; and*
  - (b) *not one about which public submissions need be invited,*  
*the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*
- (2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*
- (3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*
- (a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*
  - (b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend\* the making*

*of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.*

*\* Absolute majority required.*

*(4) Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

*\* Absolute majority required.*

### **Policy Implications**

There are no perceived policy implications arising from the officer's recommendation.

### **Financial Implications**

Statutory advertising costs, which will be absorbed within the current and forthcoming year budgets

### **Strategic Implications**

The officer's recommendation is consistent with the Shire's Strategic Community Plan priority areas:

1.3.1- Provide a high level of compliance with external regulators;

1.2.2- Enhance open and trusting communication between council and the community.

### 11.3 REVIEW OF PROPOSED LOCAL GOVERNMENT REGULATIONS AMENDMENT (CONSEQUENTIAL) REGULATIONS 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0120  
**Date:** 9 June 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

To provide Council with the opportunity to provide feedback on the proposed Local Government Regulations Amendment (Consequential) Regulations 2020.

#### Key Points

- The Department of Local Government, Sport and Cultural Industries is seeking feedback on the Draft Local Government Regulations Amendment (Consequential) Regulations 2020
- The key changes relate to the harmonisation of appointing authorised persons (across various statuses relevant to local government); the requirements for local and state-wide public notice; and availability of information on local government websites.
- Feedback submissions to the Department of Local Government, Sport and Cultural Industries (DLGSC) is due 13 July 2020
- Feedback submissions to WALGA close 3 July 2020

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 – RESOLUTION 17062004**

**MOVED:** Cr AR Smyth

**SECONDED:** Cr JD Bagley

#### **That Council:**

1. Notes the Consultation Draft – Local Government Regulations Amendment (Consequential) Regulations 2020 and Explanatory Notes released by the Department of Local Government, Sport and Cultural Industries (DLGSC);
2. Notes the feedback submission from LG Professionals WA and concurs with the points raised in the relation to:
  - Clarification required regarding the responsibility to publish materials on the official website of the Department or State Agency;
  - Clarification on the appropriateness of including Accounts of Payment as an attachment to the minutes due to security and fraud risk;
  - The justification for current reporting thresholds for salaries in the annual report
  - The requirement to publish previous versions of policies that relate to the deciding of applications made to the local government under new Regulation 29C;
  - Clarification regarding the timeliness for updating and maintaining the tender register on the local government's website
3. Submits feedback to the DLGSC, WALGA and LG Professionals indicating general support for the proposed legislation and requests that the matters above be considered.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/1**

### **Attachment**

- 11.1.1 Consultation Draft – Local Government Regulations Amendment (Consequential) Regulations 2020
- 11.3.2 Explanatory Notes - Local Government Regulations Amendment (Consequential) Regulations 2020
- 11.3.3 LG Professionals WA – Copy of Feedback Submission
- 11.3.4 WALGA Infopage

### **Background**

In 2017 the State Government announced a review of the Local Government Act 1995. The objective of the review is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. With some significant changes implemented in the *Local Government Legislation Amendment Act 2019*, there are number of amendments yet to be implemented, including provision for its affect within relevant Regulations. The *Local Government Regulations Amendment (Consequential) Regulations 2020* will bring into effect measures relating to:

- the harmonisation of the appointment of authorised persons across multiple pieces of legislation in the local government portfolio;
- local and statewide public notices; and
- improved access to information, including through publication on the local government's website.

A consultation draft and explanatory notes have been prepared to facilitate feedback from local governments.

The harmonisation of appointed persons provides a clearer and more streamlined process for appointing authorised persons across varying statutes including:

- Caravan Parks and Camping Grounds Act 1995
- Cat Act 2011
- Cemeteries Act 1986
- Control of Vehicles (Off-road Areas) Act 1978
- Dog Act 1976; and
- their respective Regulations

Streamlining is facilitated through consistency in terminology, such as using "authorised person" rather than "authorised officer" and reducing the requirements for certificates and ID cards where an authorised person is appointed by the local government.

The *Local Government Legislation Amendment Act 2019* amends section 1.7 of the *Local Government Act* so that local public notice will be given when notice is published on the official website of the local government and in at least three of the ways set out in r3A of the *Local Government (Administration) Regulations 1996*. The new forms of communicating a local public notice include publication in a newspaper or newsletters circulating generally in the district or a newspaper in the State, publication on the official website of a relevant State Government Department, circulation by email or text or posting on a local government's social media account. This would allow, for example, a tender to be posted on TendersWA, or an election notice on the WAEC website as one of the three ways. Notices that are posted electronically need to remain available for at least the time specified in the Act or 7 days if no time is specified.

The new state-wide public notice provisions incorporate all of those methods that are available as a local public notice. In addition to the requirement to publish the notice on the local government's own website, regulation 3B states that the notice must be published either in a newspaper circulating generally throughout the State or on the official website of a State government agency.

The use of "special majority" decisions are removed from the requirement to revoke or change a decision made at a Council or Committee meeting as outlined in the *Local Government (Administration) Regulations 1996*. This decision is to be made by absolute majority.

There are increased requirements for inclusion in the local government's Annual report, including:

- the amount of money the local government has paid in Standards Panel costs for hearing a complaint regarding one of its council members and any amount that the Standards Panel orders to be reimbursed to the local government by the council member;
- the remuneration paid or provided to the CEO;
- the number of council and committee meetings attended by each council member; and
- diversity data, including age ranges for council members.

Regulation 27 sets out a list of notes to be included with the annual budget of a local government. Point (l) is being amended to clarify that itemised information in relation to the fees, expenses and allowances paid to each council member and mayor or president is required. Regulation 44 also requires that these details be included in the annual financial report.

The requirement to publish a number of local government documents on their website has been proposed in the legislation, including:

- local government and electoral gift register
- tenders register
- regional price preference policy
- unconfirmed minutes (including attachments)
- all notice papers, agendas, reports and other documentation produced for a local government or committee meeting
- details of a disposal of property that is exempt from the requirements of s3.58 of the Act as it has been disposed of within 6 months of a public tender or auction process, is to be made available for at least 12 months under Regulation 30(2)(a)
- Any adverse recommendation from an inquiry by an authorised person under section 8.13 of the Act;
- Any adverse finding or recommendation made by an oversight body being the Corruption and Crime Commission, Public Sector Commissioner, State Administrative Tribunal, an Inquiry Panel, the standards panel or a Royal Commission, against the local government, the council, a council member or the CEO, once this is made available to the public;
- Current and previous versions of policies that relate to the deciding of applications made to the local government;
- The name of each council member who has lodged a primary or annual return for the financial year;
- The position of each employee who has lodged a primary or annual return for the financial year (the returns themselves will not be published); and
- The type and amount or value of fees, expenses and allowances paid to each council member, mayor or president during the financial year. These will need to be detailed by person and type.

New Regulation 29D also stipulates that documents required to be made available on the local government's website must be made available for a period no less than 5 years from the day the information is first published.

### Comment

The proposed amendments have a minimal strategic impact, other than anticipated productivity and efficiency improvements which aligns with Council's Strategic Community Plan strategy 1.3.1 *"Provide a high level of compliance with external regulation, in a resource-efficient manner"*.

Operationally, the benefits include:

- improved and efficient communication with relevant audience
- greater transparency and accountability in local government processes

- consistency with regard to authorised persons across the relevant legislation thereby providing a clearer and efficient process for local governments to implement systems for appointing and monitoring

From a community perspective, the changes ensure that new technologies are considered and recognised for public notices and local government information can be made available to the intended audience quickly and in a range of contemporary formats, including websites, social media and local newsletters.

### **Consultation**

WALGA have prepared an information page and encouraged feedback to be shared by local governments  
Local Government Professionals WA have prepared a feedback submission which has been attached (11.3.3) to this report.

### **Statutory Environment**

*Local Government Act 1995*

*Local Government Regulations Amendment (Consequential) Regulations 2020*

*Local Government Legislation Amendment Act 2019*

*Caravan Parks and Camping Grounds Act 1995*

*Cat Act 2011*

*Cemeteries Act 1986*

*Control of Vehicles (Off-road Areas) Act 1978*

*Dog Act 1976; and*

*their respective Regulations*

### **Policy Implications**

Nil.

### **Financial Implications**

There are no significant financial impacts, although the reduced requirements for newspaper advertising may provide the Shire with some minor savings.

### **Strategic Implications**

Strategic Community Plan 2019-2029

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

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

**12.0 FINANCE AND ADMINISTRATION MANAGER REPORTS**  
**12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2020**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0304  
**Attachment/s:** Monthly Financial Report – May 2020  
**Disclosure of Interest:** Nil  
**Date:** 11 May 2020  
**Author:** Helen Sternick, Senior Finance Officer  
**Authorising Officer:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

**Summary**

This report recommends that the Monthly Financial Report for the period ending 31 May 2020 as presented to the Council be received.

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 – RESOLUTION 17062005**  
**MOVED: Cr HR McTaggart**  
**SECONDED: Cr JD Bagley**

**That the Monthly Financial Report for the period 1 July 2019 to 31 May 2020 be received.**

**VOTING DETAILS: CARRIED BY SIMPLE MAJORITY: 7/0**

**Attachment**

Monthly Financial Report for period ending 31 May 2020

**Background**

The Monthly Financial Report to 31 May 2020 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
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 May 2020	
Municipal Funds	\$532,922
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 1.35%	\$164,067
Trust Fund	\$1
Reserve fund - 3 Month Term Deposit @ 1.35%	\$312,663

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 2019/20 financial year.

On page 7, the variance between YTD Budget and Actual for Employee Costs is approximately \$40,000. The reason for this is not to do with how many pay periods there are in a particular month, but rather it is due to the fact that Shire staff were used on more operational work than capital work as per the budget. The Employee Costs on page 7 is only related to operations, and is only a part of the total Employee Costs.

On page 16 under Infrastructure – Roads, account RC000 is under budget by 202k, this is due to staff working on other capital projects and on operational projects. The overall staff costs should still be under budget (even after the Budget Amendment is processed once approved)

### 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**

Nil

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 MAY 2020 TO 31 MAY 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – May 2020  
**Disclosure of Interest:** Nil  
**Date:** 10 June 2020  
**Author:** Helen Sternick, Senior Finance Officer  
**Authorising Officer:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 May 2020 to 31 May 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION 17062006**

**MOVED:** Cr HM Newton

**SECONDED:** Cr CV Farr

That Council receive the attached list of payments for the period of 1 May 2020 to 31 May 2020 as follows:

\$1,422.66	Municipal Cheques
\$312,600.46	Municipal EFT's;
\$35,254.85	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$41,381.51	Municipal Direct Debit Other;
\$1,343.74	Municipal Other Charges.

Totalling \$392,003.22 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$67,966.18

Total of all payments - \$459,969.40.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

### Background

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

### Comment

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

### Consultation

Nil

### Statutory Environment

Local Government Act 1996, Section 6.4

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

### Policy Implications

Payments have been made under delegation.

**Financial Implications**

Funds available to meet expenditure.

**Strategic Implications**

Nil

### 12.3 BUDGET AMENDMENT – JUNE 2020

Location/Address: Shire of Mingenew  
 Name of Applicant: Shire of Mingenew  
 File Reference:  
 Disclosure of Interest: Nil  
 Date: 10 June 2020  
 Author: Jeremy Clapham – Finance & Administration Manager  
 Approved by: Nils Hay – Chief Executive Officer  
 Voting Requirements: Absolute Majority

#### Summary

Consideration is requested to reallocate Shire funds to account for areas where there has been an overspend with areas where there has been an underspend (no additional funding required).

#### Key Points

- There has been an overspend on some of the roadwork projects
- There has been an underspend on Shire re-sheeting works
- There is a need for additional funding to replace the water tanker, which can be offset by other expenditure which has not occurred in the current financial year
- The final claim to MRWA for the February 2016 WANDRRA event has not been accepted
- There is an estimated overspend on road maintenance (maintenance grading)
- Cloud server costs have been included, but have already been approved by Council

#### OFFICER RECOMMENDATION - ITEM 12.3

That Council authorises the reallocation of funds between accounts as listed below to amend the Budget for 2019/20:

<u>Details</u>	<u>A/C #</u>	<u>Amount</u>
<b>Extra costs to be incurred:</b>		
Overspend - Mingenew Mullewa Rd upgrade	RRG080	-\$63,347
Overspend - Coalseam Rd (LGCFRF)	SF003	-\$25,754
Reversal of invoice 8746 to MRWA for WANDRRA event 743 (Claim 13) not approved	1312013	-\$66,889
Cloud server costs - approved by Council (Resolution S26032001) - Operational costs	2140221	-\$5,481
Cloud server costs - approved by Council (Resolution S26032001) - Capital costs	2140286	-\$2,900
Water tanker replacement - costs above estimated - Capital account	PE255	-\$30,000
Water tanker replacement - costs above estimated - Proceeds on asset disposal	5120350	-\$10,000
Increase in road maintenance general	RM000	-\$50,000
<b>Total</b>		<b>\$254,371</b>
<b>To be funded by:</b>		
WIFI project	OC005	\$10,000
Mingenew Hill - Walk Trail	OC002	\$18,000
Road layout feasibility study	2040152	\$30,000
Railway Station - capital	BC016	\$20,000
Transfer to Plant Reserve - from Budget Review	4120381	\$66,889
Road construction general	RC000	\$109,482
<b>Total</b>		<b>\$254,371</b>

VOTING DETAILS:

MOTION LAPSED

### **Background**

Since the Budget Review was approved in March 2020, there has been a need to reallocate Shire funds to account for over and under expenditure).

### **Comment**

There has been an overspend on two of the Roadwork Projects and on the General Road Maintenance (maintenance grading primarily), with funding being able to be offset by an underspend in General Road Construction (re-sheeting and related works).

The final claim for the February 2016 WANDRRA event has not been approved by MRWA. The Shire knew that there was no guarantee that this claim, which related to Shire wages costs from February and March 2016, would be allowed under the rules of WANDRRA – but it was included in the current year budget based on comments from the regional MRWA office that the funding could be reasonably expected. This write off can be offset by the amount set aside in the 19/20 Budget Review as a transfer to the Plant Reserve (which was contingent upon the WANDRRA funds being paid).

Cloud Server costs have been included in this report (although they have been previously approved), to ensure all Budget Amendment amounts are included and to be able to show that there will be no requirement for extra funds due to this item.

Over the course of FY19/20 the Works Supervisor has been looking for a fit-for-purpose water tanker that falls within the budget parameters that were set. The vast majority of those within the price range that we were searching had existing defects and required work. It is felt that, given the extra cost, a new tanker would provide the benefits of a significantly longer life, far less risk of latent defects, and a warranty. Extra funds are required in order for a new tanker to be purchased. The extra funds required can be offset by savings on some projects that are not going ahead (see table above).

It is noted that the projects from which we are seeking to take funds are generally intended to be funded differently, or not at all, in FY20/21:

- The public WiFi project will be reassessed following completion of the fixed wireless link for Mingenew to be delivered through the Drought Communities Project (DCP)
- The Mingenew Hill Walk Trail project potentially has funding allocated through DCP.
- The road feasibility study will likely have to go on hold until Council has more information regarding CBH's traffic flow plans for their new site
- The Railway Station may still require a 20/21 budget allocation; it has secured 50% funding through the Building Better Regions Fund, with alternate funding sources being sought or confirmed for the co-contribution.

### **Consultation**

Senior Finance Officer  
Works Supervisor  
CEO

### **Statutory Environment**

Local Government Act 1995, Local Government (Financial Management) Regulations 1996, Australian Accounting Standards

### **Policy Implications**

Nil

**Financial Implications**

Funds will be reallocated between general ledger accounts, as outlined above, with the net effect on the budget bottom line being nil.

**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.

**14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING**

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

**PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 15.0 – RESOLUTION 17062007**

**MOVED:** Cr HM Newton

**SECONDED:** Cr AR Smyth

That Council accepts late item 15.1 Bridge 3019 (Coalseam Rd Bridge) Alignment.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**15.1 BRIDGE 3019 (COALSEAM RD BRIDGE) ALIGNMENT**

**Location/Address:** Shire of Mingenew

**Name of Applicant:** Shire of Mingenew

**Disclosure of Interest:** CEO declares an impartiality interest to due to his relationship with Ms. Pippin Holmes, whose family are the landholders being consulted for this project

**File Reference:** ADM0436

**Date:** 15 May 2020

**Author:** Nils Hay, CEO

**Voting Requirement:** Simple Majority

**Summary**

Main Roads (MRWA) have sought feedback from Council regarding their preferred alignment for the new Coalseam Road bridge (Bridge 3019).

**Key Points**

- Three options: Build to the west of the current bridge, replace current bridge whilst using a side track, or build to the east of the current bridge
- Western alignment opposed by landholder and would likely require compulsory acquisition of land, resulting in significant delays which would jeopardise secured federal funding
- Existing alignment whilst cheapest, is highest risk in terms of maintaining trafficability as build is due to take place February to September 2021 and a side track will be required
- Eastern option has MRWA's least preferred alignment due to tightening of curve, and may require movement of a power pole

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 15.0 – RESOLUTION 17062008**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr AR Smyth

That Council:

1. Endorse the use of the existing alignment for the reconstruction of the Bridge 3019 (Coalseam Road); and
2. Direct the Chief Executive Officer to notify Main Roads WA of Council's preference.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

## Attachment

14.1.1 MRWA options comparison document.

## Background

MRWA have been in communication with the Shire regarding the replacement of Bridge 3019 for some time, since an inspection in August 2018 found it to be structurally compromised and significant speed restrictions were introduced to prolong the structure's life.

Once the decision to replace the structure was made, funding was sought, and approximately \$4m of Federal funding has been secured to fund the delivery of the project over FYs 20/21-21/22. The imminent need to expend the funding has placed some pressure on MRWA to finalise the scope of works so that design and procurement processes can take place to allow for construction to commence within FY20/21. Initial approaches to the Federal Government regarding the viability of pushing the funding back received the following response:

*"The funding is allocated as per the original schedule. I cannot guarantee anything other than that.*

*The first batch is 2020-21 the remainder in 2021-22. The funding is to be used in the year allocated as it is part of our appropriation which does not carry into the following year.*

*Funds not used in any one year move to 2023-24.*

*I would suggest that you have a start date between April and June 2021 to draw down the first part in the April 2021 quarterly report. If the dates slip as at 1 July 2021 you would have till December 2021 to spend that component. The remainder as required in 2021-22."*

On 11 June 2020 MRWA provided the attached correspondence and requested that Council provide guidance regarding a preferred alignment.

Both MRWA and the CEO have met with the Holmes family who own the land either side of the relevant section of Coalseam Road. Due to the siting of their current homestead (and soon-to-be-constructed new homestead) to the north-west of the Coalseam Bridge, they have indicated that they would not willingly support Option 1, which would situate the bridge closer to their house.

## Comment

As per the attachment, each of the three options have points for and against.

Option 1 - Western Alignment:

This alignment provides the best option in terms of road design and safety (it will be rated for 80k/h) but is opposed by the landholder due to the proximity to their residence. The practical result of that opposition is that MRWA or the Shire would have to compulsorily acquire the land required for the bridge – a process which would take significant time and likely require the current secured funding to be foregone and a new application made. As a result, Option 1 is not recommended.

Option 2 - Existing Alignment:

Whilst the cheapest of the three, it does have some risk, as the proposed side track could potentially be overtopped in a large rain event (as opposed to the existing bridge, which would be the 'side track' for options 1 and 3).

Due to the fact that the build will take approximately six months, and take in (potentially) the wettest part of the year, a robust (possibly even overly robust) side track has been scoped. The proposed costing is for a sealed, two lane side track on an appropriate culvert structure rated for RAV5 vehicles (in keeping with the remainder of Coalseam Road). MRWA are considering a single lane track alternative, which would be cheaper to construct but potentially carry some traffic management costs.

This option provides a relatively neutral outcome in terms of safety and design (70k/h rating), and the landholder is indifferent as it effectively represents no change from the current situation, and would require the smallest amount of land resumption of the three alternatives.

For the reasons of cost, safety and deliverability, Option 2 is the recommended option.

Option 3: Eastern Alignment:

This option would be similar in cost to Option 1 but is most preferred by the landholder as it moves the bridge further from their residence. Of the three options it provides the tightest curve and therefore is least favoured in terms of design and safety (70k/h rating). It may also require shifting a power pole (between Mingenew-Morawa Road and the bridge) to accommodate it, which has the potential to add cost and time to the project.

Due to the additional complexity of moving power infrastructure, lower safety outcomes and higher costs, Option 3 would be recommended ahead of Option 1, but behind Option 2.

### **Consultation**

Main Roads WA  
Jon and Robert Holmes  
Federal Government, Roads to Recovery funding office

### **Statutory Environment**

As noted above, should Option 1 be selected, it is likely that the land in question will need to be compulsorily acquired in line with *Land Administrative Act 1997 (WA)* due to lack of landholder support. Given the time involved and potential impact on project funding, this option is the least preferred of the three.

### **Policy Implications**

Nil

### **Financial Implications**

Council is not required to contribute funding to this project, with \$4m of Federal funding secured over FY20/21 and 21/22. However, it's noted that MRWA's current estimates (which are necessarily conservative, and include a 25% contingency, as they are still at very early design stage) are around \$5m (i.e. \$4m + 25%).

Firmer costs should be confirmed around the 15% design stage (approximately August 2020). Any additional funding, if required, will be sought from both State and Federal sources as the Shire of Mingenew lacks the financial capacity to support bridge replacement works such as this. Given the contingency currently built in, no significant additional funds are currently anticipated.

### **Strategic Implications**

Corporate Business Plan 2019-23 item 1.1.1b: Coalseam Bridge upgrade

**16.0 CONFIDENTIAL ITEMS**

Nil

**17.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 15 July 2020 commencing at 4.30pm.

**18.0 CLOSURE**

The meeting was closed at 4.52pm.

These minutes were confirmed at an Ordinary Council meeting on 15 July 2020.

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

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