



MINUTES OF THE ORDINARY COUNCIL MEETING

16 FEBRUARY 2022

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 February 2022

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
16 FEBRUARY 2022 COMMENCING AT 5.00PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr GJ Cosgrove, Presiding Member declared the meeting open at 5.00pm.

Prior to proceeding with the meeting, the Shire President announced the tragic loss of a Shire employee in a workplace incident earlier today. Council issued its heartfelt condolences to family, colleagues and friends.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 1.0 – RESOLUTION# 01160222

MOVED: Cr GJ Cosgrove

SECONDED: Cr AR Smyth

That Council issues its heartfelt condolences to Bill Flynn, family and colleagues following the passing of Mary-Terese Flynn today.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

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 AR Smyth	Councillor

Staff

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

Apologies

Cr GF Pearse	Councillor
Cr CV Farr	Councillor
Mr Peter Wood	Manager Works

Members of the Gallery

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 15 DECEMBER 2021

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 – RESOLUTION# 02160222

MOVED: Cr JD Bagley

SECONDED: Cr JR Holmes

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 December 2021 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Cr JR Holmes disclosed a financial interest in Confidential Item 15.1 Mingenew Hill Land (Lot 11976 on Plan 218480) Acquisition.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 AUDIT & RISK COMMITTEE MEETING HELD 10 FEBRUARY 2022

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 10.1.1 – 10.2.4

EN BLOC RESOLUTION# 03160222

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

10.1.1 MINUTES OF THE AUDIT & RISK COMMITTEE – 10 FEBRUARY 2022

That Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee meeting held 10 February 2022.

10.1.2 COMPLIANCE AUDIT RETURN 2021

That Council:

1. Adopts the 2021 Compliance Audit Return (CAR) for the period 1 January to 31 December 2021 as presented in the Attachment Booklet;
2. Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required.

10.1.3 UPDATED INTERNAL AUDIT PLAN 2021-2025

That Council endorses the reviewed Internal Audit Plan 2021-2025 as attached.

10.1.4 WORKFORCE PLAN 2021-2025 – KEY ACTIONS REVIEW

That Council endorses the Shire of Mingenew Workforce Plan 2021-2025 Key Actions for 2022/23, as outlined below:

2022/23 Key Actions	Timeline	Key stakeholders / Sources
Attraction and Retention Plan	April 2022	Internal Resources
Implement the Shire's Safety Action Plan	June 2022	Internal Resources LGIS (RRC Coordinator)
Conduct a biennial Workforce Survey	June 2022	Internal Resources
Prepare a Succession Plan	September 2022	Internal Resources
Develop a Housing Upgrade and Maintenance Plan	February 2023	Internal Resources
Induction Day	June 2023	Internal Workforce Elected Members

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

11.0 CHIEF EXECUTIVE OFFICER

11.1 EXTRA-BUDGETARY EXPENDITURE – PURCHASE OF TEMPORARY WORKER ACCOMMODATION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.TEN.21.22
Date: 10 February 2022
Author: Nils Hay, CEO
Voting Requirement: Simple Majority

Summary

Under s6.8 of the Local Government Act, Council has commenced with the purchase of two caravans (of a maximum of four) for the purpose of providing temporary worker accommodation as part of the TC Seroja recovery process.

Key Points

- Council was eligible to purchase caravans for temporary worker accommodation to support TC Seroja recovery
- As purchase was not in Council's budget, but emergency-related, Shire President approval was sought, and received, to proceed with procurement
- Purchase will be reimbursed by the Disaster Recovery Funding Arrangements (DRFA) and therefore cost-neutral to Council
- Procurement and acquittal process is being managed by external consultants, GFG Consulting, whose time will also be reimbursed by DRFA

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 04160222

MOVED: Cr JD Bagley

SECONDED: Cr JR Holmes

That Council:

1. Notes the exercise of s6.8 (1)(c) of the *Local Government Act 1995* (emergency expenditure from municipal fund not included in annual budget, authorised by the Shire President) for the purpose of procuring caravans for temporary worker accommodation to support disaster recovery from Tropical Cyclone Seroja; and
2. Notes that the budget adjustment for the purchase of the caravans under s6.8(1)(c) of the *Local Government Act 1995* is addressed in Item 12.4 Budget Review 2021/22.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

11.1.1 Written authorization from Shire President to undertake emergency purchase

Background

As raised at Council's 15 December Concept Forum, Council became eligible to access DRFA funds for temporary worker accommodation.

As per the attachment, as it was extra-budgetary expenditure Council or President authorization was required prior to engaging with this process. Authorisation from the Shire President was sought, and granted, under s6.8(1)(c) of the *Local Government Act 1995* on 6 January 2022.

Subsequent to this authorization being received, all Councillors were also notified of the situation by email from the CEO.

Comment

As noted in the attachment, best practice in this situation is a Special Meeting to gain full Council endorsement. Because the purchase is 'emergency-related' it is a grey area with regard to the use of s6.8 of the Act, with discretion resting with the President regarding the use of this function.

The first two (of a maximum of four) caravans have been purchased, with one already mobilized to the Mingenew Caravan Park and the second on its way.

Consultation

WALGA

Shire President

Statutory Environment

The Local Government Act 1995 s6.8 states:

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*
 - (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*
 - (2) *Where expenditure has been incurred by a local government*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*
- * Absolute majority required*

Policy Implications

In undertaking the purchase, the Shire's purchasing policy has been followed.

Financial Implications

The financial implications will largely impact cashflow as the caravan purchases take place and are reimbursed through DRFA. Council is able to spend up to \$200,000 on up to four caravans for this initiative. Council's cash position is strong enough that this will not have any adverse impact on organizational operations.

As noted in the resolution, the implications will be reflected in the Budget Review documentation, which will be brought to this meeting for Council consideration. The initiative will be overall cost neutral to Council.

Strategic Implications

Strategic Community Plan 2019-2029:

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

11.2 DISPOSAL OF PROPERTY – TOURIST CENTRE AND SERVICES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: CP.LSO.5 / ED.PRG.1
Disclosure of Interest: Nil
Date: 8 February 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

For Council to consider applications received for the Expression of Interest to lease the “Tourist Centre” building at 50 Midlands Road, Mingenew and provide tourist information services.

Key Points

- Expressions of Interest were sought through public advertisement and the Shire’s website, social media and Mingenew Matters, which closed 9 February 2022
- Two submissions were received by the closing date; one for tourist and visitor information services, and the other for leasing the portion of 50 Midlands Road, which has served as the Tourist Centre recently
- The recommendation proposes that Council accept both submissions which allow for the building to be managed through a lease and the services run by a separate organisation and location

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION# 05160222
MOVED: Cr HR McTaggart SECONDED: Cr AR Smyth

That Council:

1. Receives the Mingenew Visitors Centre Report 2021 provided by the Mingenew Community Resources Centre (CRC);
2. Accepts the proposal from the Mingenew CRC to provide tourist and visitor information services from the ‘Old Bank Building’ for the 2022 tourist season and terminates the existing lease for the ‘Tourist Centre’ effective 25 February 2022;
3. Commits to contributing up to \$22,000 to the CRC to support resources for the provision of tourist and visitor information services in 2022/23 (for the 2022 tourist season).
4. Accepts the proposal from the Mingenew Midwest Expo Inc to lease the ‘Tourist Centre’ building on a peppercorn lease of \$1 per annum (in acknowledgement of the Mingenew Expo’s operations being non-for-profit) commencing on 1 March 2022 and expiring 28 February 2023; and
5. Authorises the Chief Executive Officer to negotiate and enter into a lease/agreement with the above parties based on the specified terms and conditions and the submissions received.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

11.2.1 Mingenew CRC 2021 Tourist Season Report

11.2.2 Mingenew CRC EOI Submission (*estimated employee costs provided as a separate, confidential attachment*)

11.2.3 Mingenew Midwest Expo Inc EOI Submission

Background

In August 2021, the Mingenew CRC was granted the lease for the Tourist Centre at 50 Midlands Road, Mingenew and were provided with financial support from Council to run visitor information services for the

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2021 tourist season. A requirement of that arrangement was that the CRC would provide Council with a report on the season's outcomes and activities. A copy of that Report is presented with this Agenda report.

Through the Expression on Interest (Eoi) process for the lease of the Old NAB building in December 2021 (property disposal process) the Mingenew Community Resource Centre (CRC) proposed to offer tourism services at that location and relinquish the lease on the current Tourist Centre building. This proposal included a proposed partnership with the North Midlands Project.

In order for Council to consider all potential interests for the Tourist Centre and services, a separate Eoi process was advertised over December 2021 to February 2022. The Eoi included provision for leasing the Mingenew Tourist Centre with a view to offering visitor services from that facility, the option to lease the building for an alternative purpose, and a third option to consider delivering visitor services at another location.

Subsequently, two submissions were received. The CRC put forward a proposal to offer visitor services at an alternative location (Old NAB building) as per their proposal from 2021. The Mingenew Midwest Expo outlined an interest in using the space for running Expo operations.

Comment

Mingenew CRC Proposal

With the declining volunteer pool and their capacity to provide visitor information and services during the tourist season, Council is presented with an opportunity to reshape how this service is resourced. The Expression of Interest for the Tourist Centre in 2021 and again recently, has demonstrated that there is no appetite from other community groups or not-for-profit organisations to coordinate this service, even with the precedent of Council contributing financially to the CRC in August 2021. The Mingenew CRC also demonstrated their capacity to deliver an effective service in 2021, and their intention to maximise community partnerships to enhance the services and benefits to the local community strengthens their proposal and capacity to deliver positive outcomes.

The alternative to contributing to the CRC for tourist services is for Council to employ someone to manage the service and facility. The Shire does not have the internal capacity for any existing employees to dedicate the required time to manage this service or the facility.

The CRC's report on the tourist season 2021 indicates that a shared model of paid employee and volunteer hours worked successfully and the collaboration with the North Midlands Project will further enhance visitor services to the season.

Mingenew Expo Proposal

The Mingenew Midwest Expo proposes to use the Tourist Centre for office space to run and manage operations for the Expo. They have identified that the current space they use at the CRC is not adequate and a more accessible facility with a more visual presence would be more appropriate for interacting with members of the public, visitors, exhibitors, media and other stakeholders.

As the Mingenew Midwest Expo is a not-for-profit organisation that commits all revenue to local community groups/projects and reinvests funds into future events (Expo), they have requested a peppercorn lease arrangement for a 12-month period.

Statutory Environment

The Local Government Act 1995

3.58. Disposing of property

- (1) *In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Section 3.58 5(d) outlines that the above requirements do not apply to “any other disposition that is excluded by regulations from the application of this section.”

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

Policy Implications

Nil.

Financial Implications

If Council are to accept the proposals as presented, the contribution to the CRC for visitor services for 2022/23 (2022 season) is proposed as up to \$22,000 which supports the provision of a paid employee to run services 3 days during the week and both weekend days or 38 hours per week (see confidential attachment provided separately to Councillors – Visitor Centre Wage Costing). The real cost to Council to provide this service is expected to much more (overheads, potential training costs, oversight and performance management from existing employees) therefore there is value in supporting this proposal.

Council contributed \$14,000 to the CRC in 2021/22 for visitor services based on 28 hours per week for a paid employee for a reduced season.

Strategic Implications

Strategic Community Plan:

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

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

the applications in accordance with the listed criteria. As the criteria has been established within a Council Policy (2.4.1) the applications do not need to be approved by Council.

The Panel will have an opportunity to review the current CAS structure, policy and allocations following the Round 2 application process with a view to informing the process for 2022/23.

It is noted that the current Council Policy 1.4.2 Supporting the Community makes reference to the Panel including the "Community Services Coordinator" which is considered the equivalent of the Community Development Officer position. This can be amended at the next Policy review.

Consultation

Chief Executive Officer
Governance & Community Manager

Statutory Environment

Local Government Act 1995

Policy Implications

The provision of the Community Assistance Scheme and the establishment of a Panel is guided by Council Policy 1.4.2 Supporting the Community. The appointment is in accordance with this Policy.

A copy of the Policy can be downloaded from the Shire's website at <https://mingenew.wa.gov.au/wp-content/uploads/2022/01/1.4.2-Supporting-the-Community.pdf>.

Financial Implications

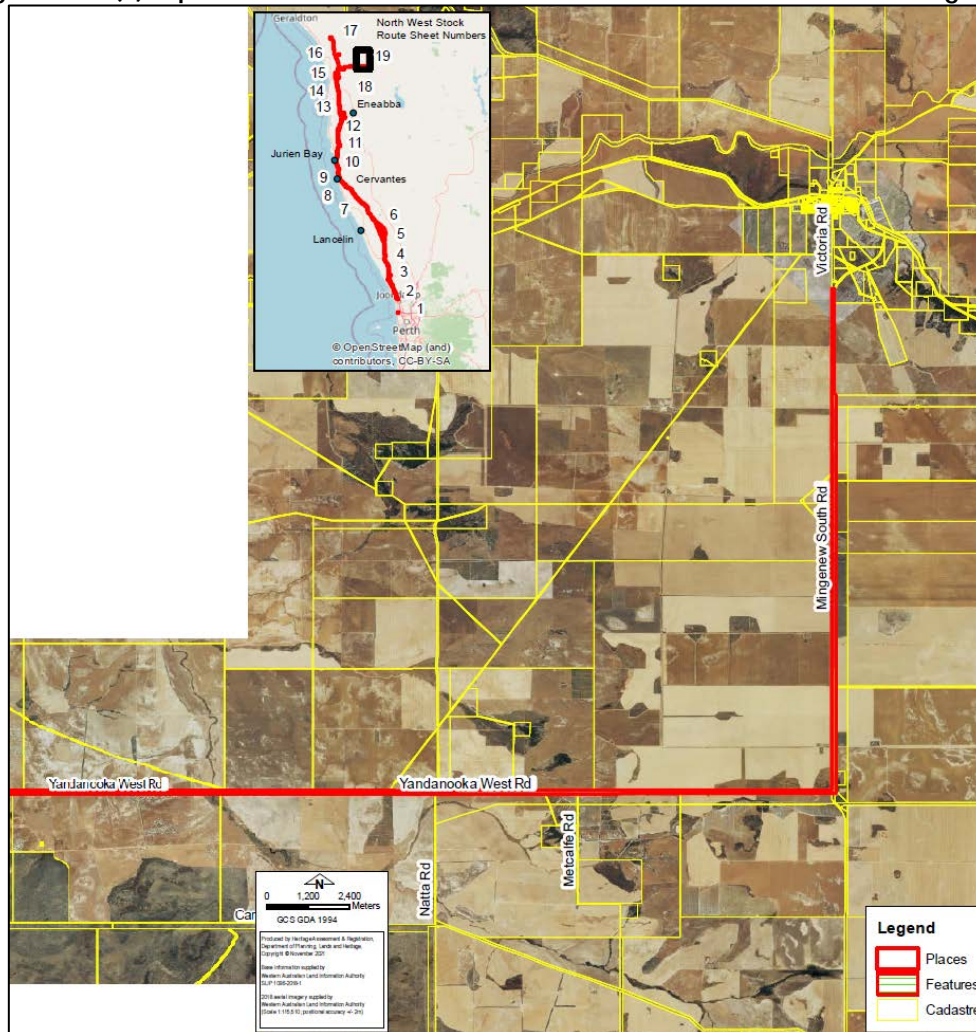
As per Council's Policy, 1.5% of the calculated rates value is allocated for CAS applications in a given financial year.

Strategic Implications

Strategic Community Plan 2019-29

1.1.2 Provide buildings, facilities and services to meet community needs.

Figure 11.4(a) – portion of North West Stock Route relevant to Shire of Mingenew



Comment

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

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

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

More significant works within the road reserve, such as sealing, installation of culverts, realignment, intersection widening/improvements, earthworks and erection of bulky structures would require referral to DPLH.

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

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

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

One area of concern for the Shire is that the North West Stock Route alignment being considered by the DPLH includes part of the airstrip infrastructure. The initially advertised alignment included Reserve 27425 i.e. the entire airstrip reserve (as shown in red outline in Figure 11.4(b) below). Following the Shire's correspondence Reserve 27425 has been removed by the DPLH, so that the alignment is now just the Mingenew South Road reserve. However this will still mean that any Shire (or other party) works between the airstrip and the carriageway will require referral to the DPLH.

Figure 11.4(b) – Reserve 27425 Mingenew Airstrip



Consultation

The DPLH website advises that submissions in relation to this matter must be received by 28/3/22 whilst the Fast Facts Sheet on the website advise that the comment period closes on 28/2/22.

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

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

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

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

"42 Entry in register

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

and

 - (c) give statutory notification of the entry in the register; and*
 - (d) notify the Valuer-General of the entry in the register.*
- (3) The Council may publish, in accordance with the regulations, an advertisement in relation to the entry in the register."*

"163 Notices and statutory notification

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

Statutory Environment

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

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

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

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

“proposal means —

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

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

“Subdivision 1 — Proposals that must be referred

72 Proposals to which Subdivision applies

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

“73 Referral of certain proposals to Council

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

“75 Decision on referred proposal

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

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

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

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

- (iii) is temporarily located behind a shop window but is not internally illuminated or flashing;
or*
- (iv) advertises that a place is for sale or lease but does not remain on the place for more than
10 days after the place is sold or leased;*
- (k) digging a new grave or the erection of a monument or grave marker of materials, size and form
that are consistent with the character of the place."*

Policy Implications

There are no local planning policies relevant to this application.

Financial Implications

Nil.

Strategic Implications

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

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

11.5 PUBLIC INTEREST DISCLOSURES POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	GR.INQ.1
Date:	20 January 2022
Author:	Erin Greaves, Governance & Community Manager
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council are presented with a Policy that outlines its commitment to providing protection from reprisal for those who may wish to make a disclosure about wrongdoing within the Shire of Mingenew in accordance with the *Public Interest Disclosures Act 2003*.

Key Points

- The local government is required to designate an officer as a Public Interest Disclosure Officer
- The adoption of a PID policy demonstrates Council commitment to preventing fraud and misconduct and protecting those who may identify inappropriate behaviour within local government

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 – RESOLUTION# 08160222
MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

That Council:

1. Designates the Chief Executive Officer as a Public Interest Disclosure (PID) Officer; and
2. Adopts the 1.2.14 Public Interest Disclosures Policy as presented in the Attachment Booklet – February 2022.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

11.5 Proposed new Public Interest Disclosure Policy

Background

The *Public Interest Disclosure Act 2003* (PID Act) facilitates the disclosure of public interest information about improper conduct in public authorities including in local governments. All local governments are required to have in place a designated Public Interest Disclosure (PID) Officer, who a person wishing to make a disclosure can contact to discuss the proposed disclosure and to obtain more information about their rights and responsibilities. The Shire's PID Officer is the person holding the position of Chief Executive Officer.

The PID Act:

- aims to encourage and protect reporting of improper conduct within local government, state public sector and public universities
- disclosures relate to serious matters such as corruption, misuse of public resources, dishonest administration or criminal offences
- requires that at least one PID officer is appointed for the Shire of Mingenew, with the default PID Officer being the Chief Executive Officer. It is proposed that the CEO continue to be the Shire's appointed PID officer.

The PID Policy and internal procedures adopted by the Shire, outline its commitment and own process for dealing with PIDs.

A PID must meet certain criteria in order for it to be valid; the infographic below provides a summary:

<p>You must believe on reasonable grounds your information is or may be true.</p> <p>It must be more than a mere suspicion, and show, or tend to show, that wrongdoing is occurring, has occurred or is about to occur. It is an offence to knowingly or recklessly make a false or misleading disclosure. The penalty for doing so is \$12 000 or imprisonment for one year (section 24 of the PID Act).</p>
<p>You must assist the investigator where you can.</p> <p>You need to supply information at the investigator's request where you can. If you do not, you may lose your protections (section 17(1)(a) of the PID Act). Remember, it is not your role to investigate the matter, as you may affect the integrity of any ongoing investigation.</p>
<p>You must keep your disclosure completely confidential otherwise you may forfeit your protections.</p> <p>You may speak with the PID Officer, or another person investigating the matter, but you cannot speak to anyone else about your disclosure. If you believe you need to speak to someone else about it, discuss this with your PID Officer first. You must also keep the information confidential after the process is complete, including information arising throughout the process and the outcome (section 17(1)(b) of the PID Act).</p>
<p>You must not reveal the identity of the person about whom your disclosure is made.</p> <p>Subject to some exceptions, you can speak about this only with the proper authority who is dealing with your disclosure or anyone investigating the matter. If you speak to others, you may commit an offence which carries a penalty of \$24 000 or imprisonment for two years (section 16(3) of the PID Act).</p>

The Public Sector Commission has a number of online resources available at <https://www.wa.gov.au/organisation/public-sector-commission/guide-public-interest-disclosures-wa-public-authorities>.

Comment

The adoption of a PID policy and procedures is a control measure for preventing fraud and misconduct, which is identified in the Shire's Risk Register. Providing clear guidance on what is considered misconduct, how it is to be dealt with and including the promotion of the documents in the Shire's induction is considered a good educational tool and strong deterrent to anyone operating in local government.

In introducing the concept of a PID policy to Council, a query was received as to how a PID is to be dealt with if the matter relates to the conduct of the CEO. The PID Act outlines that PIDs can be reported to an alternative "proper authority", which includes:

- Corruption and Crime Commission for serious misconduct
- Public Sector Commission for minor misconduct
- Western Australia Police for criminal matters
- Ombudsman Western Australia for matters governing administration affecting individuals Equal Opportunity Commission Western Australia for matters regarding discrimination

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The Shire's PID Policy and procedures will be available on the Shire's website to ensure members of the public have access to PID information. PID policy and procedures will also be incorporated into Council's Inductions (for elected Members and Employees).

Consultation

Public Sector Commission (PSC) – Guidelines

Statutory Environment

Public Interest Disclosures Act 2003 (PID Act)

Policy Implications

As indicated in this report.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2019-29

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

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

11.6 ANNUAL GENERAL MEETING OF ELECTORS 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: GV.CMT.1
Disclosure of Interest: Nil
Date: 8 February 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To receive the Minutes of the Annual General Meeting of Electors and consider any motions of the meeting.

Key Points

- The Annual General Meeting of Electors for 2021/22 was held on Monday, 7 February 2022
- The Annual Report 2020/21 was received with no questions raised
- No motions were presented or resolved at this meeting

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 – RESOLUTION# 09160222
MOVED: Cr HR McTaggart **SECONDED: Cr AR Smyth**

That Council receives the Minutes of the Annual General Meeting of Electors held 7 February 2022 and notes that the Annual Report 2020/21 was received. No further decisions were resolved at the meeting, in accordance with s5.33 of the *Local Government Act 1995*.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

Attachment 11.6.1 Minutes of the Annual General Meeting of Electors 7 February 2022

Background

The Local Government Act 1995 (the Act) requires a local government to accept an annual report by 31 December after the relevant financial year and no later than two months after the auditor's report becomes available. The Council accepted the Annual Report 2020/21 on 15 December 2021.

A local government is required to hold a general meeting of electors of the district once every financial year. This meeting is to be held no more than 56 days after the local government accepts the annual report for the previous financial year.

The Annual Meeting of Electors was held on Monday, 7 February 2022.

Section 5.33 of the Local Government Act 1995 requires all decisions made at an elector's meeting to be considered at the next Ordinary Council meeting or if that is not practicable at the first Ordinary Council meeting after that meeting.

Comment

Whilst no questions were raised, a discussion was held on the following topics:

- Regional Telecommunications
- Mingenew IGA
- Mingenew Roadhouse

A summary of the discussion is provided within the Minutes.

Statutory Environment

The Local Government Act 1995 Section 5.27 and 5.29 provides:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan:

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

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 31 DECEMBER 2021

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – December 2021
Disclosure of Interest:	Nil
Date:	12 January 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 December 2021 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 – RESOLUTION# 10160222

MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

That Council receives the Monthly Financial Report for the period 1 July 2021 to 31 December 2021.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

12.1.1 Monthly Financial Report for period ending 31 December 2021

Background

The Monthly Financial Report to 31 December 2021 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

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- Budget Amendments
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 December 2021	
Municipal Funds – Corporate cheque account	\$341,965
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$3,235,220
Term Deposit – Reserves	\$472,169

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

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

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

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

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

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

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

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- (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 JANUARY 2022

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – January 2022
Disclosure of Interest:	Nil
Date:	9 February 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 January 2022 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION# 1160222	
MOVED: Cr JD Bagley	SECONDED: Cr AR Smyth
That Council receives the Monthly Financial Report for the period 1 July 2021 to 31 January 2022.	
VOTING REQUIREMENTS:	CARRIED BY SIMPLE MAJORITY 5/0

Attachment

12.2.1 Monthly Financial Report for period ending 31 January 2022

Background

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

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

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 January 2022	
Municipal Funds – Corporate cheque account	\$173,657
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,235,637
Term Deposit – Reserves	\$472,169

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

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

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

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

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

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

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

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and

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

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

12.3 LIST OF PAYMENTS FOR THE PERIOD 1 DECEMBER 2021 TO 31 JANUARY 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.CRD
Attachment/s: List of Payments – December 2021 and January 2022
Disclosure of Interest: Nil
Date: 8 February 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 December 2021 to 31 January 2022 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.3 – RESOLUTION# 12160222
MOVED: Cr HR McTaggart **SECONDED: Cr JR Holmes**

That Council receive the attached list of payments for the period of 1 December 2021 to 31 January 2022 as follows:

\$2,494,086.33 Municipal EFTs;
\$124,077.00 Municipal Direct Debit Department of Transport (Licencing) Payments;
\$98,794.59 Municipal Direct Debit Other;
\$2,649.25 Municipal Other Charges;
\$150,556.18 Net Salaries
\$2,569,050.99 Total Payments

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Attachment

12.3.1 List of Payments – December 2021 and January 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

12.4 BUDGET REVIEW – 2021/22

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.BU.21.22
Attachment/s: Budget Review
Disclosure of Interest: Nil
Date: 11 February 2022
Author: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Absolute Majority

Summary

Council is requested to review and adopt the documentation tabled for the 2021/22 Budget Review.

OFFICER RECOMMENDATION – ITEM 12.4

That Council, by Absolute Majority:

1. Adopts the 2021/22 Budget Review as tabled; and
2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes proposed in “Note 4” within the 2021/22 Budget Review document.

AMENDED OFFICER RECOMMENDATION ADVISED AT THE MEETING – ITEM 12.4

That Council, by Absolute Majority:

1. Adopts the 2021/22 Budget Review as tabled with the addition of \$537,863 being included in the relevant Capital Grant Income and Capital Expenditure account to reflect grant funds for the Regional Road Safety Program for the Mingenew Mullewa Road Project announced 16 February 2022; and
2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes proposed in “Note 4” within the 2021/22 Budget Review document.

AMENDED OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.4 – RESOLUTION# 13160222

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

That Council, by Absolute Majority:

1. Adopts the 2021/22 Budget Review as tabled with the addition of \$537,863 being included in the relevant Capital Grant Income and Capital Expenditure account to reflect grant funds for the Regional Road Safety Program for the Mingenew Mullewa Road Project announced 16 February 2022; and
2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes proposed in “Note 4” within the 2021/22 Budget Review document.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 5/0

Attachment

12.4.1 Budget Review

Background

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

Comment

The attached budget review is to comply with the Shire's statutory obligations.

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

This report provides information by program, and is based on the seven month period from 1 July 2021 to 31 January 2022.

The budget review reflects a view of the position of the Shire of Mingenew, projected full year revenue and expenditure against full year original budget.

The projected actuals are based on the information provided for each program, with an estimated zero increase/decrease in the closing funding surplus/(deficit) compared to original budget, other than an adjustment required to compensate for the audit adjustment of \$344,434 in regard to the Financial Assistance Grant funds received in June 2021.

When the initial budget was prepared for 2021/22, an estimated amount of \$81,424 for the Opening Surplus was used, due to the Annual Financial Report not yet having been finalised or audited. After the audit was completed, there were adjustments of \$544,434 required to be made. These adjustments related to the advance payment of the Financial Assistance Grants, \$344,434 and TC Seroja insurance advance payment of \$200,000 requiring to be receipted as income in the year they were received. The budget review process retains an overall balanced budget, despite these amendments.

This has been achieved after taking into account the following significant adjustments:

- Law, Order and Public Safety expenditure has increased by \$349,087. The bulk of this adjustment is related to the insurance expenditure of \$360,000. This expenditure (other than the excess of \$100,000) was not included in the budget, as it was not known how much it would be at the time the budget was prepared. \$200,000 was received prior to the year end, which was kept in a reserve account in order to fund the future expenditure. As per the auditor's requirements, the \$200,000 was transferred to income in June 2021, which increased the opening surplus by \$200,000. The total expenditure of \$360,000 incorporates the insurance excess of \$100,000, the advance payment of \$200,000 and \$60,000 which is still to be received from the insurers.
- Transport expenditure has increased by \$548,536, which consists largely of depreciation amendments totalling \$478,400. This adjustment is necessary due to the requirement to align the depreciation with the correct depreciation in relation to the error picked up by the auditors during the 2020/21 financial audit. Please note that the depreciation adjustments do not affect the cash position.
- Financing the replacement of the truck and water tanker that were written off is provided by utilising the funds received from the insurance claim, totalling \$136,505. If Council's position is to purchase a new truck, rather than a second hand truck, a budget amendment will need to be made, taking into account the preferred option as to how to finance the new truck.
- \$200,000 (income and expense) has been budgeted for caravans for worker accommodation.
- Part of the Daycare project (income and expense) has been carried forward to 2022/23 - \$75,636.

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- Part of the Railway Station project (income and expense) has been carried forward to 2022/23 - \$123,000
- The bulk of the Yandanooka NE Black Spot project is carried forward to 2022/23 - \$819,000.
- The Mingenew Mullewa Road specially funded project has received extra funding - \$375,000.
- The cyclone damage DRFAWA project is expected to only be 60% complete this financial year, with the balance carried forward to 2022/23 - \$1,680,000.
- A modest surplus, which remained after all other adjustments, of \$23,105 was allocated to the Plant and Equipment reserve to result in a balanced outcome

Consultation

Nils Hay; Chief Executive Officer

Peter Wood; Works Manager

Erin Greaves; Governance and Community Manager

Helen Sternick; Senior Finance Officer

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Australian Accounting Standards

Policy Implications

Nil

Financial Implications

While the proposed amended budget does re-allocate funds across several areas, the final result provides a balanced budget.

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

12.5 RFT 7 2021/22 – PRIME MOVER

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.TEN.21.22
Date:	10 February 2022
Author:	Nils Hay, CEO
Voting Requirement:	Absolute Majority

Summary

Following the write-off of one of the Shire's prime movers, Council is being asked to consider the preferred method for its replacement, with a tender process having been conducted to provide pricing information on new truck purchases.

Key Points

- Between the write-off of prime mover and water taken trailer, budget of approximately \$100,000 exists for the replacement of the truck
- Council has the option to replace with a secondhand truck (within the \$100,00 budget) or a new truck, which would require additional funds (from reserves, loan or other funds)
- There would be a lead time of approximately 3-10 months on any new truck purchase
- A tender process (through WALGA equotes) was undertaken for new vehicles, along with a marketplace search for second-hand vehicles

MOTION LAPSED – NO MOVER OR SECONDER FOR MOTION RECEIVED

OFFICER RECOMMENDATION – ITEM 12.5

OPTION 1: Purchase New

That Council:

1. Accepts the Tender submission for RFT7 2021/22 Prime Mover, received from {____}, named as Tender __ in the Tender Evaluation detailed in Confidential Attachment 11.2.4 and identified as the most advantageous for a lump sum of \${____} excluding GST; and
2. Delegates to the CEO in accordance with s.5.42(1) of the Local Government Act 1995, by absolute majority, authority to negotiate minor variations to the contract for RFT7 2021/22 Prime Mover before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996; and
3. By absolute majority authorizes a budget amendment to accommodate the increased cost of this purchase, with \$___ to be allocated from Council's Plant and Equipment Reserve; AND/OR
4. By absolute majority authorizes a budget amendment to accommodate the increased cost of this purchase, with \$___ to be secured through a WA Treasury Corporation Loan.

OPTION 2: Purchase Secondhand

That Council:

1. Chooses not to accept any of the Tender submissions for RFT7 2021/22 Prime Mover; and
2. Authorises the Chief Executive Officer to purchase a secondhand prime mover, within existing budgetary parameters.

Attachments

- 12.5.1 Request for Tender Specification and Tender Response Summary
- 12.5.2 Summary of Currently available secondhand prime movers
- 12.5.3 Confidential - Tender Summary RFT7 21-22 Prime Mover; separate confidential attachment as per s.5.23(2)(e)(ii)(iii)
- 12.5.4 Confidential – Tender Evaluation; to be circulated as a late separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

Background

Following the write-off of the Shire's prime mover and water tanker trailer in late 2021, the Shire elected to retain and repair the trailer, however a new prime mover is required. In light of this there are several options available:

1. Use part or all of the proceeds from the insurance write-off (less anticipated repair costs for the trailer) to purchase a second-hand prime mover, to hold the Shire over until a new truck is purchased
2. Purchase a new prime mover (which will require the use of the proceeds of the write-off, in addition to other funds from either the municipal account or a loan)
3. Choose not to replace the prime mover and, instead, dry or wet hire plant as required

As per Council's Plant Replacement Schedule, the written off Caterpillar Prime Mover (MI028) was due for turnover in FY23/24, with the remaining Caterpillar Prime Mover (MI027) due in FY22/23. To provide Council with information on the financial implications of a purchase, RFT7 21-22 Prime Mover was undertaken through WALGA e-Quotes (see attachments). Pricing of currently available second-hand prime movers was also obtained as part of this process.

In preparing the budget review for presentation at the February 16 Ordinary Council Meeting, the finance team have assumed a purchase utilizing the full value of the insurance proceeds – but no loan. This was done to provide a cost-neutral outcome in the absence of the Council direction that this paper seeks.

Comment

There are several considerations in the replacement of the prime mover:

- Lead time for purchase of any new trucks (this may necessitate some hire/contractor utilization in the interim)
 - o This ranges from 3-10 months based upon the tender responses received
- Any new truck will require AdBlue (currently no Shire vehicles utilize it); so appropriate storage and delivery of this will also be required
 - o Any modern/new truck will have this requirement, so it will remain a consideration when the current old truck is turned over in the coming years
- Not all second-hand trucks will have a suitable hydraulic set-up for our use (this will be an additional expense)
- It is possible that some of the second-hand trucks will require higher levels of maintenance, and this should be budgeted for
- Council generally seeks to hold items like the prime movers for 10 year or 7,000 hours, so any significant operational changes in the near term would need to be considered when undertaking a new truck purchase
- It is expected that any second-hand truck will need to be turned over in the next 2 years or so, but this window would provide time for Council to either modify work practices or order and take delivery of a new truck

Whilst Council will manage its funded roadworks (completion of town street sealing and carpark sealing and Mingenew-Mullewa Road widening) with current plant and some assistance from contractors, utilizing this same methodology would add additional unbudgeted expense to the delivery of (Shire-funded) gravel

resheeting works which is scheduled to take place from mid-March through until mid-May (weather dependent), and restarting around September.

Consultation

Works Manager

Statutory Environment

The Local Government Act 1995 at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Local Government (Functions and General) Regulations 1996 at Regulation 11A (when tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000.

Policy Implications

In obtaining a public tender, the Shire's Purchasing Policy requirements for a new vehicle have been met. Our Local Price Preference Policy was also applied in the attached tender assessment document.

In purchasing a second-hand vehicle for a purchase of up to \$100,000 three quotes are required, for a purchase of \$100,000 to \$250,000 a formal RFQ, seeking three quotes, would be required. A compliant process will be undertaken should Council elect this option.

Financial Implications

The financial implications will depend upon Council's preferred methodology.

Council received a total of \$136,505 for the write off of the truck and water tanker trailer. Of this, approximately \$35,000 will be utilized to repair and re-licence the trailer (leaving approximately \$100,000 for the purchase of a replacement truck).

Buying new:

The purchase of a new vehicle will incur the cost of that vehicle and will require a budget amendment to cover the amount above and beyond the insurance payout (as per Option 1 in the Officer Recommendation).

Loans:

The interest rate on a new loan from the WA Treasury Corporation would be approximately 0.8% per annum. For a \$200,000 loan over 10 years this would mean biannual repayments of around \$10,500 (\$21,000 per annum total).

Second-hand:

The purchase of a second-hand vehicle is achievable within the reviewed budget, as presented to the February meeting.

Hire:

Wet hire of a truck (typically also hired with trailers) costs between \$5,000 and \$6,000 per week. Dry hire of a prime mover only is cheaper (pending availability); in the range of \$2,500 to \$3,500 per week. This is not viewed as an option which would deliver value in the medium-long term.

Reserves:

Currently there is \$194,640 in the plant replacement reserve which could also be utilized for the purchase of a new prime mover. Council could combine reserve funds with debt if it wished to purchase a new truck.

Strategic Implications

Strategic Community Plan 2019-2029:

1.1.1 Provide and support cost effective transport networks

1.2.1 Manage organisation in a financially sustainable manner

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

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

15.0 CONFIDENTIAL ITEMS

15.1 CONFIDENTIAL - MINGENEW HILL LAND (LOT 11976 ON PLAN 218480) ACQUISITION

To be held in closed session under s5.23 (e) (iii) of the Local Government Act 1995 due to discussion of information about the business, professional, commercial or financial affairs of a person. (Specifically, the current leasing arrangements between the State and Holmwood Pty Ltd).

PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 15.1 – RESOLUTION# 14160222

MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

That Council closes the meeting to the public in order to discuss Confidential Item 15.1, in accordance with s.5.23(e)(iii) of the Local Government Act 1995, as the matter pertains to the business, professional, commercial or financial affairs of a person.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Prior to discussion on Item 15.1, Cr JR Holmes disclosed a financial interest in the item, as the Director of the entity that owns the land. Cr JR Holmes left the meeting at 5:51pm and did not participate in the discussions or vote on the matter.

The CEO also disclosed a potential perception of conflict (impartiality interest), noting his relationship with the daughter of the directors of Holmwood Pty Ltd. However, the CEO remained in the meeting.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 15.1 – RESOLUTION# 15160222

MOVED: Cr JD Bagley SECONDED: Cr AR Smyth

That Council:

1. Confirms its intent to purchase Lot 11976 on 218480 from the State Government; and
2. Commits to a purchase of the land, to take place between 1 July 2022 and 31 December 2022; and
3. Directs the Chief Executive Officer to prepare and lodge a business case with the Department of Planning, Lands and Heritage seeking a reduction of the purchase price; and
4. Should the business case be unsuccessful, accepts the valuation of \$52,000 plus GST for the purchase of Lot 11976 on 218480 from the State Government; and
5. Commits to a budgetary commitment for the land purchase in the 2022-23 Budget to cover the cost of the land purchase and associated purchase expenses.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/0

PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 15.1 – RESOLUTION# 16160222

MOVED: Cr JD Bagley

SECONDED: Cr AR Smyth

That Council reopens the meeting to the public at 5:59pm.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

Cr JR Holmes returned to the meeting at 6:00pm.

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 20 April 2022 commencing at 5.00pm.

17.0 CLOSURE

The meeting was closed at 6:01pm.

These minutes were confirmed at an Ordinary Council meeting on 20 April 2022.

Signed _____
Presiding Officer

Date: _____