



AGENDA FOR THE SPECIAL COUNCIL MEETING

20 JULY 2022



Special Council Meeting Notice Paper

20 July 2022

A Special Meeting of Council is called for Wednesday 20 July 2022, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.00 pm.

Maurice Battilana
Acting Chief Executive Officer
15 July 2022

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

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

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

PROCEDURE FOR PETITIONS

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 20 July 2022

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MINGENEW SHIRE COUNCIL SPECIAL MEETING AGENDA – 20 July 2022



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

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 4.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 5.0 DECLARATIONS OF INTEREST

6.0 CHIEF EXECUTIVE OFFICER

6.1 ELECTED MEMBER APPOINTMENT

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

Summary

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

MOVED: Cr JR Holmes SECONDED: Cr CV Farr

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

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

Key Points

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

OFFICER RECOMMENDATION – ITEM 6.1

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

Background

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

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

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

Comment

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

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

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

Statutory Environment

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

4.9. *Election day for extraordinary election*

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

4.57. *Less candidates than vacancies*

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

at the election, the council may appoint to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

** Absolute majority required.*

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

4.17 *Cases in which vacant offices can remain unfilled*

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

- (2) *If a member's office becomes vacant under section 2.32 —*

- (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
(b) *before the third Saturday in July in that election year,*

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

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

** Absolute majority required.*

- (4A) *Subsection (3) applies —*

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

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

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

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

- (a) *dies; or*

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2019-29

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

6.2 RFT10 2021/22 – LOCAL SUPPLIER PANEL

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

Summary

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

Key Points

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

OFFICER RECOMMENDATION – ITEM 6.2

That Council:

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

Wet hire of plant & equipment:

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

Electrical Services:

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

Plumbing Services:

1. Irwin Plumbing Services
2. Midwest Solar & Water

Airconditioning and Refrigeration Services:

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

Mechanical services:

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

Auto electrician services:

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

Pest Control:

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

Fire Management:

1. Protector Fire Services

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

Attachments

6.2.1 Request for Tender Specification and Tender Response Summary

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

Background

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

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

Comment

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

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

The Tender panels ranking of providers is as follows:

Wet hire of plant & equipment:

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

Electrical Services:

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

Plumbing Services:

1. Irwin Plumbing Services
2. Midwest Solar & Water

Airconditioning and Refrigeration Services:

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

Mechanical services:

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

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Auto electrician services:

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

Pest Control:

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

Fire Management:

1. Protector Fire Services

Consultation

WALGA

Statutory Environment

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

Policy Implications

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

Financial Implications

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

Strategic Implications

Strategic Community Plan 2019-2029:

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

6.3 RFT1 2022/23 – MINGENEW TENNIS CLUBHOUSE REPLACEMENT

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

Summary

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

Key Points

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

OFFICER RECOMMENDATION 1– ITEM 6.3 (Simple Majority)

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

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

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

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

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

ALTERNATIVE OFFICER RECOMMENDATION:

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

Attachment

6.3.1 RFT Draft Building Design Documentation

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

Background

Reconstruction of the Mingenew Tennis Club facility (which was irreparably damaged by TC Seroja) was initially an estimated \$200k to \$250k project. As part of the process the Shire has secured CSRFF funding for 1/3 of the project, Mingenew Tennis Club will put in 1/3 and the Shire was to put in \$50k cash (LRCI Phase 3) and \$35k in kind for our third. The Shire has already contributed \$6,000 in 2021/2022 on the project, which leaves an amount of \$44,000 cash (plus the in-kind amount) for carry over into the 2022/2023 Budget (as presented later in this Agenda) as the Shire’s contribution.

Therefore, current confirmed funding is as follows:

	Cash	In-Kind
CSRFF	\$87,000	
Tennis Club	\$84,000	
Shire	\$44,000	\$36,000
Total Cash	\$221,390	

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

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

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

Comment

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

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

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

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

Also attached is a copy of the Draft Design Plan upon which the tenders were called (see Attachment 11.3.1) During discussion with TP Drafting, I enquired into whether they had provided the Shire with an estimated cost (based on floor area of building) at the time of submitting grant applications and calling tenders. They advised they had, and this was based on approximately \$2,000/m2, with the total floor area of 66m2.

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Therefore, an estimated overall cost of approximately \$150,000 (which include a contingency for possible overruns).

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

Based on the lowest (and preferred tender) the floor area price equates to approximately \$6,650/m². This is excessively higher than the initial estimate, hence the significant shortfall in available funds to complete the project on tendered prices.

Consultation

Consultation has occurred between the A/CEO and:

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

Statutory Environment

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

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

Policy Implications

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

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

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

Financial Implications

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

Strategic Implications

Strategic Community Plan 2019-2029:

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

Corporate Business Plan 2019-2023:

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

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

6.4 REGIONAL WASTE COLLECTION & MANAGEMENT SERVICES TENDER

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

Summary

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

Key Points

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

OFFICER RECOMMENDATION 1– ITEM 6.4 (Simple Majority)

Council:

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

Attachment

6.4.1 Existing Contract

6.4.2 Confidential – Schedule of Fees & Charges Tendered

Background

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

The following LGAs participated in the regional tender process:

- City of Geraldton
- Shire of Carnamah
- Shire of Chapman Valley
- Shire of Irwin
- Shire of Mingenew
- Shire of Morawa
- Shire of Northampton

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- Shire of Perenjori
- Shire of Three Springs
- Shire of Yalgoo

Comment

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

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

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

Consultation

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

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

Statutory Environment

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

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

Policy Implications

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

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

Financial Implications

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

Strategic Implications

Strategic Community Plan 2019-2029:

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

Corporate Business Plan 2019-2023:

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

7.0 FINANCE AND ADMINISTRATION MANAGER

7.1 ADOPTION OF 2021/22 BUDGET (AMENDED)

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

Summary

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

Key Points

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

OFFICER RECOMMENDATION - ITEM 7.1

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

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in Attachment 7.1.1 of this Agenda for the Shire of Mingenew for the 2022/23 financial year which includes the following:

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

and the following Attachments:

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

PART B – GENERAL AND MINIMUM RATES AND INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values, as supplied by Landgate (as amended) as at 1 July 2022.

1.1 General Rates

- Mingenew & Yandanooka (GRV) 15.9209 cents in the dollar

- Rural & Mining (UV) 1.0824 cents in the dollar

1.2 Minimum Payments

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

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council provides the option for ratepayers to pay their rates as a single payment, **by 2 equal instalments** or by 4 equal instalments; and, in accordance with Section 6.50 of the Act nominates the following due dates for the payment in full or by instalments:
 - Full payment and 1st instalment due date 2 September 2022
 - 2nd **quarterly** instalment due date 4 November 2022
 - 3rd **quarterly** instalment due date 13 January 2023
 - 4th **quarterly** instalment due date 17 March 2023
3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$16 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
6. Pursuant to section 6.47 of the Local Government Act 1995, Council grants a 50% concession on rates assessments issued to all properties rateable on the basis of Gross Rental Valuation in the Yandanooka Townsite with the object of recognising the reduced level of service provided to properties in Yandanooka Townsite as compared to Mingenew Townsite. Rates for A219 (Charitable property) are exempt and subject to a 20% voluntary contribution by the ratepayer.

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

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

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

Shire President	\$7,608
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3. Pursuant to Section 5.98A of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Shire President	\$1,904
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PART D – GENERAL FEES AND CHARGES FOR 2022/23

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

PART E – OTHER STATUTORY FEES FOR 2022/23

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

3.1 Residential Premises

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

3.2 Commercial Premises

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

PART F – MATERIAL VARIANCE REPORTING FOR 2022/23

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/23 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

Attached

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

Background

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

Consistent with sections 6.2(4) of the Local Government Act 1995, the 2022/23 Budget for the Shire of Mingenew includes the following:

- Rates and Minimum Payments for 2022/23
- Capital Works
- Fees and Charges
- Concessions
- Allowances
- Borrowings
- Reserves
- Budget Estimates for Adoption

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The budget results in an estimated Unrestricted Cash balance of **\$197,463**, as at 30 June 2022. It should be noted that the 2021/22 Budget column in the statutory documents refers to the 2021/22 Budget as adopted in July 2021, not any of the subsequently reviewed versions.

Rating & Minimum Payments

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

Rate Modelling (2022/23):

The proposed rates model is based on the following:

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

Fees and Charges

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

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

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

Concessions

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

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

Borrowings

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

Reserve Accounts

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

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

Brought Forward Value and Surplus

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

The budget has been prepared as a balanced budget.

Capital Works and Funding

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

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

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

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

Elected Members Fees & Allowances

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

Consultation

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

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

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

Statutory Environment

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

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

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

Voting Requirements:

- Part A - Municipal Fund Budget for the 2022/23 Financial Year - Absolute Majority
- Part B - General and Minimal Rates and Instalment Payment Arrangements - Absolute Majority
- Part C – Elected Members’ Fees and Allowances for 2022/23 – Absolute Majority
- Part D - General Fees and Charges for 2022/23 - Absolute Majority
- Part E - Other Statutory Fees for 2022/23 - Simple Majority
- Part F - Material Variance Reporting for 2022/23 - Simple Majority

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Policy Implications

The 2022/23 Budget is prepared on the principles outlined within the Corporate Business Plan and other related documents.

Financial Implications

As detailed within the report and as per the attached 2022/23 Budget documentation.

Strategic Implications

The 2022/23 Budget will address Council's capacity to deliver on projects identified in the Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan and other associated plans.

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8.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

9.0 CONFIDENTIAL ITEMS

10.0 TIME AND DATE OF NEXT MEETING

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

11.0 CLOSURE

The meeting was closed at ____pm.

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

Signed _____
Presiding Officer

Date: _____