



MINUTES OF THE ORDINARY COUNCIL MEETING

15 FEBRUARY 2023

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON
15 FEBRUARY 2023 COMMENCING AT 5.00PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5:00pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

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

Apologies

Cr AT Pearse	Councillor
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Staff

Mr Matt Fanning	Chief Executive Officer
Mr Jeremy Clapham	Finance and Administration Manager
Ms Erin Greaves	Governance and Community Manager

Gallery

Mr Sean Daniels, Energy Resources Ltd

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

5.1 LEAVE OF ABSENCE – CR AR SMYTH AND CR HR MCTAGGART

MOTION AND COUNCIL DECISION – ITEM 5.1 – RESOLUTION# 01150223

MOVED: Cr JD Bagley

SECONDED: Cr CV Farr

Council grants Cr AR Smyth a Leave of Absence for 28 June 2023 and Cr HR McTaggart for 19 April 2023, in accordance with s2.25 of the *Local Government Act 1995*.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 14 DECEMBER 2022

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 – RESOLUTION# 02150223

MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 14 December 2022 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 RECOMMENDATIONS OF COMMITTEES

Nil.

appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the satisfaction of the local government).

- 9 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
- 10 The development shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 11 The applicant must obtain any/all necessary consents of the landowners relevant to the site and the access to the sites.

Advice Notes:

- (a) In relation to condition 3 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management, Noise/Light/Dust Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government. In the event that the camp is sited within an area identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas the Fire Management Plan must be submitted as a separate document and prepared and implemented to the requirements of the Department of Fire & Emergency Services.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation, and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (c) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (d) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachments

- 11.1.1 Drill Site Camp application
- 11.1.2 Copy of received submissions
- 11.1.3 Schedule of Submissions

Background

The applicant has been issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin.

Council previously approved an application for a temporary workforce accommodation camp from the same applicant (Energy Resources Limited) upon Lot 686 Watson Road, Lockier (owned by BF Kelly & Sons Pty Ltd) at its 16 June 2021 meeting. This previous camp site was 2.6km south-east of the proposed Lot 2385 Strawberry North East Road drill camp site.

Council also approved the following temporary workforce accommodation camps at its 19 October 2022 meeting:

- main camp – Lot 435 Mooriary Road, Mooriary;
- drill site camp – Lot 433 Mooriary Road, Mooriary; &
- drill site camp – Lot 5 Strawberry North East Road, Lockier.

The application for a drill camp site upon Lot 2385 Strawberry North East Road was not considered with the 2022 application as the applicant had not obtained the signature of the landowner upon the planning application form that is necessary for a local government to receive an application. This consent has now been obtained and the application has been advertised for comment and is now presented to Council for its consideration of the received submissions and determination.

Figure 11.1(a) – Overall Development Layout



Lot 2385 is a 301.6563ha property used for agricultural purposes owned by BF Kelly & Sons Pty Ltd. The property is largely cleared excepting for pockets of remnant vegetation along tributary lines and in the north-western corner. The drill site camp would be located in a cleared area towards the northern boundary.

of Lot 2385 and would be approximately 950m west of Strawberry North East Road and 600m north-east of Burma Road.

Figure 11.1(b) – Aerial Photo of Lot 2385 Strawberry North East Road, Yarragadee



The drill site camp would consist of 2 x 3 person transportable accommodation buildings and other modular buildings (typically 12m x 2.72, 32.64m²) associated with the drill operations delivered to the site by truck.

The drill site would have drilling activities conducted continuously on a 24-hour basis with 2 crews (6 personnel operating the drill and up to 22 additional personnel) working on 12-hour shifts necessitating a workforce accommodation camp at the drill site.

The drill site camp would be in place for approximately 60 days at each site before being transferred to the next drill site, with some potential returning to the site for further exploration, maintenance and testing work over the subsequent 2 year period.

Food preparation will be undertaken off-site at the main camp upon Lot 435 Moorriary Road, Moorriary, approximately 1.5km to the south-east that will be accommodating an average of 52 personnel to support the drilling operations, with a maximum of 72 personnel at full main camp occupancy to support other well operations in the area.

The drill camp would be serviced by a mobile wastewater system.

The drill camp application is provided as **separate Attachment 11.1.1**.

Figure 11.1(c) - Proposed Drill Camp Layout - Lot 2385 Strawberry North East Road

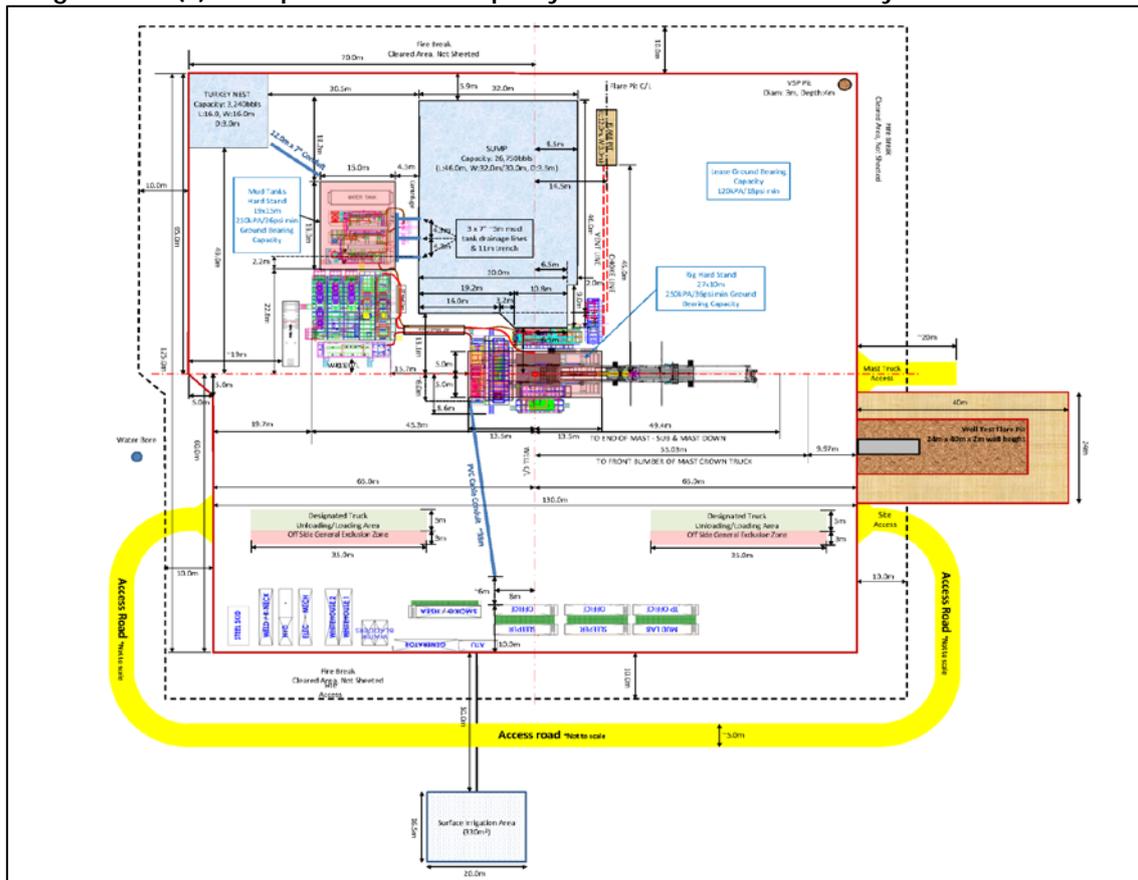


Figure 11.1(d) – Aerial photo of previous camp site upon Lot 686 Watson Road, Lockier



Comment

The applicant is also seeking to site a drill camp at 1 other location of Lot 428 Midlands Road, Moorriary which is a 639ha property owned by Clancy Michael Nominees Pty Ltd.

However, at this time the applicant has not obtained the necessary consent of this landowner and the Shire is therefore unable to accept the application as it relates to Lot 428, and the applicant will be required to lodge this as a separate application should they obtain the agreeance of the relevant landowner.

Consultation

The application was advertised for comment from 9 January 2023 until 3 February 2023 with the Shire undertaking the following actions:

- notice being placed on the Shire website;
- correspondence inviting comment being sent to the landowners of the 12 titles within 2½km of the proposed temporary workforce accommodation site;
- correspondence inviting comment being sent to the following government agencies and service authorities:
 - Australian Gas Infrastructure Group;
 - ATCO Gas
 - Department of Biodiversity, Conservation & Attractions
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power
- display of the application at the Shire office.

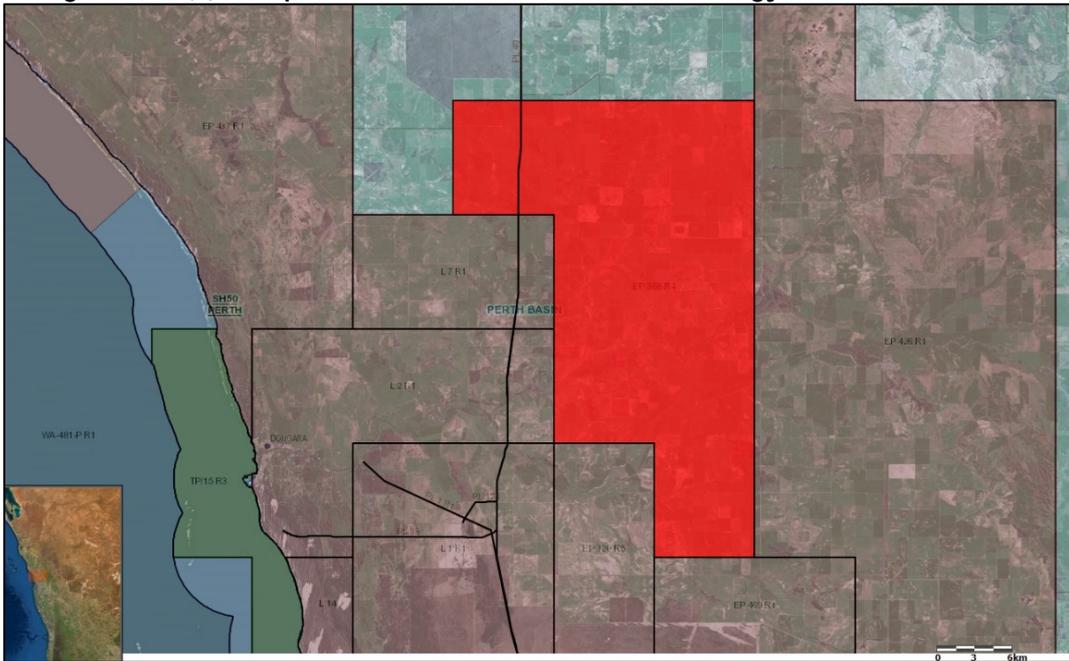
At the conclusion of the advertising period the Shire has received 10 submissions, with 9 of these being from government agencies either offering no objection or technical comment, and 1 objection from a nearby landowner. A copy of the received submissions has been included as **separate Attachment 11.1.2** and a Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 11.1.3**.

Statutory Environment

Section 38 of the *Petroleum and Geothermal Energy Resources Act 1967* allows the registered holder of a petroleum exploration permit to explore for petroleum and to carry on such operations and execute such works as are necessary for that purpose in the permit area. Under Section 5 of the Act petroleum is defined to include any naturally occurring hydrocarbon whether in gaseous, liquid or solid state.

The applicant has been issued with a petroleum exploration permit by the Department of Mines, Industry Regulation & Safety and the scope of this application to Council is limited to the matter of the temporary workforce accommodation camp and the access points onto, and use of the local road network, and not the ultimate purpose for which the camp is required to serve, as this is addressed by the overriding State approval.

Figure 11.1(e) – Exploration Permit 358 issued to Energy Resources Limited



Lot 2385 Strawberry North East Road, Lockier is zoned 'Rural' under the Shire of Mingenew Local Planning Scheme No 4 ('the Scheme').

The application would meet the definition of 'Workforce Accommodation' which is classified as an 'A' use within the 'Rural' Zone which is a use that must be advertised for comment prior to consideration.

'Workforce Accommodation' is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

"workforce accommodation means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors."*

The objectives for development within the 'Rural' zone are identified under Scheme Clause 16 as:

- To provide for the maintenance or enhancement of specific local rural character.*
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage."*

Section 9 – Aims of the Scheme notes the following:

"The aims of this Scheme are...

- ...(g) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate."*

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In this instance, given that the drill is required to be manned at all times and will be operating 24 hours a day for 30-60 days at each site it is considered appropriate that the workforce should be housed at the drill site rather than a remote location.

Schedule 1 Clause 11 of the Scheme notes the following in relation to the issue of 'Workforce Accommodation':

"The local government may only grant development approval for Workforce Accommodation where –

- (a) it is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;*
- (b) an operation is proposed and not yet operational, it can be adequately demonstrated that the operation will proceed prior to the approval for permanent Workforce Accommodation being issued;*
- (c) a management plan is prepared and submitted with the development application that outlines how the Workforce accommodation will be decommissioned should it no longer be required; and*
- (d) proposed within the Residential and Rural Townsite zones it is to be setback from boundaries in accordance with Part 5 of the R-Codes Volume 1 to the satisfaction of the local government."*

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...*
- ...(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ... (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

- (y) any submissions received on the application;...
 ...(zb) any other planning consideration the local government considers appropriate.”

Policy Implications

The Western Australian Planning Commission’s ‘Workforce Accommodation Position Statement provides guidance in relation to the assessment of this application.

The Position Statement notes that under the *Planning and Development Act 2005* planning decision-makers can:

Control	Not control
1) Where a planning application is required, the terms of an approval related to: (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location & appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	1) Any matters specified by a State Agreement Act. 2) The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite). 3) That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’. 4) That workforce accommodation be located in a town rather than a mine- site. 5) Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6) Requirements for ‘community contributions’ by workforce accommodation proponents. 7) Requirements for workforce accommodation to achieve ‘legacy benefits’.

A copy of the WAPC Position Statement can be viewed at the following link:

https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf

Financial Implications

In the event that the applicant’s operations have an impact on the condition of the local road network, it is considered reasonable that a contribution to maintenance be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

Strategic Implications

Section 8.8 of the Shire of Mingenew Local Planning Strategy (2006) notes the following:

“8.8 Mining Activity

General Industrial land will need to be identified for possible expansion of Mingenew.

Appropriate controls will also need to be put in place for mining activity in the Rural-Mining Zone. These include controls to ensure that the environmental and landscape qualities are not detrimentally affected, that adequate provision is made for any intensive use of rural roads, and that there is no conflict with existing rural activities undertaken in the area.

In determining an application for extractive industry Council shall have regard to and may impose conditions relating to the demand for additional services, facilities and infrastructure, the impact on surrounding land uses, and shall require a management plan to manage the impact of the extractive industry.”

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2023

The blocks in question are:

- 35 & 38 King Street (L14 and L19 on DP222813)
- 29, 36, 38 & 40 Oliver Street
- 5 & 7 Broad Street
- 4 Queen Street

Comment

Since the successful sale of the lots the Shire of Mingenew and its residents have been affected by Severe Tropical Cyclone Seroja, COVID-19 and building industry disruption resulting in the collapse of many building firms and resulting significant building cost increases.

Due to the above-mentioned disruptions, it is recommended that the Council extend the terms of the contracts to do what it can to still realise its strategic objective of increasing the housing stock in Mingenew.

It is recommended that Council extend the building conditions a further two years with an additional requirement that a building permit is issued within the first additional twelve months and that should the owner not wish to continue to participate in the scheme that they are required to pass the block back to the Council on the existing contract return conditions.

One of the risks with the proposed action is that prospective buyers which may have originally been excluded from bidding as they could not commit to the two-year time frame. If the original conditions of contract were as now suggested other vendors may have entered the auction.

Consultation

Leadership team

Civic Legal

Statutory Environment

The modification of the contracts of sale will require agreement by both parties to be effective.

Policy Implications

Nil

Financial Implications

A budget item exists for the legal services anticipated to support the process.

Strategic Implications

Growing Mingenew is a key strategic pillar under the 2019-29 Strategic Community Plan.

Item 3.1.1b of the 2019-23 Corporate Business Plan relates to the Investigation of promotional opportunities for local land.

11.3 RFT 2 2022/23 – YANDANOOKA NORTH EAST RD INTERSECTION CONSTRUCTION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.TEN.21.22
Date: 9 February 2023
Author: Matt Fanning, CEO
Voting Requirement: Absolute Majority

Summary

Following the withdrawal of the Dean Contracting from RFT1 2021/22 for the construction of the Yandanooka North East Road Intersection and Road Realignment, Council has gone back to the market and re-sought tenders for these works. This report makes recommendation for a preferred tenderer for these works subject to adequate additional financial contribution being sought from the Department of Main Roads Western Australia.

Key Points

- RFT issued with four responses
- All tenders were contractors scored well on qualitative considerations
- Preferred contractors offer is significantly higher than the current approved budget.

OFFICER RECOMMENDATION – ITEM 11.3

Council:

1. Seeks additional \$296,621 funding from Main Roads Western Australia for two thirds of the required funding for the construction of the Yandanooka Road Intersection and Road Realignment project.
2. By Absolute Majority, under section 6.8.(1)(b) of the *Local Government Act 1995*, allocates an additional \$143,811 from its municipal fund to match any additional black spot funding.
3. On acceptance of part (1) & (2) of this resolution
 - a) Notes the Tender Assessment and Evaluation report, as included in Confidential Attachment 11.1.1,
 - b) In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, accepts WCP Civil P/L as the preferred tenderer and authorises the Chief Executive Officer to successfully negotiate a contract for the delivery of the Yandanooka North East Road Intersection and Road Realignment project
 - c) 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 RFT 2 2021/22 Yandanooka North East Road Intersection Construction before and / or after its execution in accordance Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996*.

ALTERNATIVE MOTION AND COUNCIL DECISION – ITEM 11.3 – RESOLUTION# 05150223

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

Council

1. Notes the Evaluation Matrix, as included in Confidential Attachment 11.3.1,
2. In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, resolves to not accept any tenders as they are in excess of the project budget.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/0

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2023

The evaluation of the submissions received against the quantitative and qualitative criteria resulted in the rankings (in order of priority) as shown below –

Ranking	Tenderer
1	WCP Civil P/L
2	Red Dust Enterprises T/A Red Dust Holdings
3	Roadtech Civil & Construction
4	Hawthorn Civil and Mining Services

Consultation

- Main Roads WA
- GHD

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.

Regulation 18 – Rejecting and accepting tenders

18. Rejecting and accepting tenders

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.

Policy Implications

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met. Our Local Price Preference Policy was also applied in the attached tender assessment document.

Financial Implications

A total of \$991,500 was included in the FY22/23 budget for these work following an increase from Main Roads WA to meet the previous preferred tender amount. The current budget comprises the following allocations:

MRWA (Blackspot) - \$562,320 of an original \$642,320 of which \$80,000 has been claimed and spent.
Roads 2 Recovery (R2R) - \$204,556
Shire Municipal Funds - \$200,881 of an original \$224,624

Total Project Budget Remaining \$967,757

The estimate project expenditure to deliver the works is as follows:

RFT2 2022/23 – Preferred Tender sum ~ \$1,370,000
Project management fees ~ \$ 40,000
Legals and land (road) registration ~ \$ 5,000

Total estimated project costs ~ \$1,415,000

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As can be seen there is a **\$447,243** funding shortfall based on the current budget and market response.

Discussions have already commenced with the Main Roads Western Australia to determine whether there is a likelihood of any further additional funding and extension of time for the completion of the project.

Strategic Implications

Strategic Community Plan 2019-2029:

1.1.1 Provide and support cost effective transport networks

Thanks are given to Robert Newton, Helen Newton, Jill Thomas and Ian Thomas for their attendance and engagement at the meeting.

Key discussion points at the meeting included:

- Community Satisfaction Survey Results
- "Big Ears" restoration
- Communication methods
- Road verge clearing and firebreaks
- Day Care Centre Upgrade Project
- Update on development of land sold under Tender
- Coalseam Road works
- Dividing fence for lot at 32 William Street
- STAND emergency communications equipment
- Auditor Report clarification
- Industry development and housing
- Community Housing
- Fire shed renewal
- Staffing challenges
- Doctor services
- High Speed Internet

Whilst questions were raised and some general discussion provided around these matters, there were no motions received at the meeting. Council is therefore, asked to receive the Minutes from the meeting and note that the Annual Report 2021/22 was received. Notwithstanding this, the Shire will continue to address the matters as raised.

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 2019-2029:

- 1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders.
- 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner.

11.5 MINGENEW EXPO LEASE OF A PORTION OF 54 (LOT 430) MIDLANDS ROAD, MINGENEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CP.LSO.5 / ED.PRG.1
Date: 8 February 2023
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

For Council to consider extending the lease of the former “Tourist Centre” building at 54 Midlands, Road, Mingenew.

Key Points

- Expressions of Interest for the lease of the building were sought through public advertisement through to 9 February 2022 initially
- Council determined, at its February 2022 Ordinary Council meeting to lease the space to Mingenew Midwest Expo for the period 1 March 2022 to 28 February 2023 and an agreement was entered into at the time
- As the lease is due to expire, it is proposed that the same arrangement be considered for a longer term, providing continuity and stability in recognition of the enormous value this event provides for our community

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.5 – RESOLUTION# 07150223
MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

Council:

1. Agrees to extend the lease for the Mingenew Midwest Expo to use of a portion of the building at 54 Midlands Road, Mingenew for the administrative operation of the Mingenew Midwest Expo and uses reasonably ancillary thereto, in accordance with the following amended terms:
Term: Three (3) years
Further Term: Three (3) years (6 years total)
Commencement Date: 1 March 2023
Rent: \$1 plus GST per annum
2. Authorises the Chief Executive Officer to negotiate the terms of the amended lease agreement and sign on behalf of Council, in accordance with Council Policy 1.2.15 Use of Common Seal (Category 2 document).

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

11.5.1 Mingenew Midwest Expo Inc EOI Submission 2022

Background

In February 2022, the Mingenew Community Resource Centre (CRC) relinquished the lease for the former Tourist Centre at 50 Midlands Road Mingenew and were granted approval to provide tourist services from “Old NAB building” known now as “The Exchange”.

Through the Expression on Interest (EOI) at the time, the Mingenew Midwest Expo submitted an Expression of Interest to utilise the building as its administrative centre for a 12 month period (see Attachment 1).



Following the Council decision to lease the building to Expo, a lease agreement was established and signed, expiring 28 February 2023.

Comment

Consideration of an extension to the current lease is proposed for a longer term now that the Board has been successfully operating from this location for the past year.

Expo have invested in the location, installing fitting, furniture inside and signage to the front of the building.

Consultation

Mingenew Midwest Expo Board

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

Annual peppercorn lease fee

Strategic Implications

Strategic Community Plan 2019-2029

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

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

11.6 COMMUNITY SATISFACTION SURVEY 2022 RESULTS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.PLN.1
Date:	3 February 2023
Author:	Erin Greaves, Governance & Community Manager
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

The purpose of this report is to formally present the findings of the Community Satisfaction Survey from 2022.

Key Points

- Council is required to undertake a major review of its Strategic Community Plan every four years.
- The Community Satisfaction Survey is considered a vital tool for measuring Council's performance over time and to establish changing community expectations, aspirations and opinion.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.6 – RESOLUTION# 08150223
MOVED: Cr CV Farr SECONDED: Cr AR Smyth

Council:

1. Adopts the Community Satisfaction Survey (MARKYT Community Scorecard ©) conducted in 2022 by CATALYSE® Pty Ltd© and publishes the results on the Shire's website.
2. Utilises the Community Satisfaction Survey results in the Strategic Community Plan 2019-2029 Major Review.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

11.6.1 Community Satisfaction Survey Results Report

Background

In 2022 Council undertook its first Community Satisfaction Survey to commence the process of benchmarking community expectations, aspirations and opinion.

The results of the survey are commonly used to inform the development of the Strategic Community Plan.

The Strategic Community Plan outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities.

A full review of the Strategic Community Plan is required every four years with a desktop review recommended to be completed every two years. The Strategic Community Plan:

- Establishes the community's vision for the local government's future, including aspirations and service expectations.
- Drives the development of local government area/place/regional plans, resourcing and other informing strategies, for example workforce, asset management and services, and
- Is ultimately the driver behind all other planning.

Comment

As the Strategic Community Plan is a key document in the integrated planning suite, it is important that community feedback forms part of the consultation process. The International Association for Public Participation (IAP2) has guided the development of the Shire's Community Engagement Policy and procedures, which indicates this type of activity would "Involve" the community. Involve is a level of community engagement in which an organisation works with the community to ensure that their concerns and aspirations are directly reflected in the alternatives developed.

It is recommended in this report that the community satisfaction survey be adopted and further form part of the Strategic Community Plan Major Review and associated community consultation process.

Consultation

Leadership Team

Statutory Environment

Local Government Act 1995

Policy Implications

1.4.1 Community Engagement Policy

1.4.1 Community Engagement Management Procedure

Financial Implications

The works in undertaking the Community Satisfaction Survey are completed and require no further budget allocation.

Strategic Implications

Strategic Community Plan 2019-2029

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

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 December 2022	
Municipal Funds – Corporate cheque account	\$1,817,945
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$563,254

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

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2022/23 financial year.

Audit of the 2021/22 Annual Financial Report was completed on 9 December 2022 with no further adjustments to the opening surplus.

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

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2023

- Budget Amendments
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 January 2023	
Municipal Funds – Corporate cheque account	\$1,652,060
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$563,254

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

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2022/23 financial year.

Audit of the 2021/22 Annual Financial Report was completed on 9 December 2022 with no further adjustments to the opening surplus.

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 —

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2023

- (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 2022 TO 31 JANUARY 2023

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.CRD
Attachment/s: List of Payments – December 2022 and January 2023
Disclosure of Interest: Nil
Date: 31 January 2023
Author: Maria Snowden-Giles Payroll/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 2022 to 31 January 2023 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.3 – RESOLUTION# 11150223
MOVED: Cr AR Smyth SECONDED: Cr JR Holmes

Council, in accordance with *Local Government (Financial Management) Regulations 1996 Regulation 13*, confirms the list of payments for the period of 1 December 2022 to 31 January 2023, as included at Attachment 12.3.1. as follows:

 \$781,998.84 Municipal EFTs.
 \$38,110.83 Municipal Direct Debit Department of Transport (Licencing) Payments.
 \$69,523.90 Municipal Direct Debit Other.
 \$148,958.19 Net Salaries
 \$1,038,591.76 Total Payments

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.3.1 List of Payments – December 2022 and January 2023

Background

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

Comment

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

Statutory Environment

Local Government Act 1996, Section 6.4

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

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

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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 MINGENEW MIDWEST EXPO DEBT WAIVER – FEBRUARY 2023

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.DBT.2
Date: 1 February 2023
Author: Jeremy Clapham, Finance and Admin Manager
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirement: Absolute Majority

Summary

Council is asked to consider the request made by the Mingenew Midwest Expo (DM21), for a waiver of part of the annual lease payment for the 2022/23 financial year.

Key Points

- The Mingenew Midwest Expo was billed for the 2022/23 financial year for the use of the Shire Recreation Centre (and other Shire related expenditure such as garbage collection and event set up) for the 2022 Expo held in August 2022.
- The amount billed was \$4,312 (inc GST). It was billed in September 2022 and paid by the Expo in November 2022.
- A decision was made by the Board of the Expo to hold the event at the Irwin Polocrosse Club grounds and not at the Recreation Centre. The main reasons being the event was to be held over only 1 day, it was to be a smaller scale event and the event would not interfere with football finals being held over that period.
- It is estimated that the Shire still incurred approximately 40% of the costs for the year in regard to services provided to the Expo.
- The Expo has asked for a waiver of 60% of the annual lease fee, totalling \$2,587.20 (inc GST).

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.4 – RESOLUTION# 12150223

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

Council:

- **Waives 60% (\$2,587.20) of the 2022/23 annual lease fee paid by the Mingenew Midwest Expo and;**
- **Authorises the Shire to pay the money back to the Mingenew Midwest Expo.**

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

Attachments

- 12.4.1 Email exchange between Shire of Mingenew Finance and Admin Manager and Mingenew Midwest Expo Event Co-ordinator.
- 12.4.2 Debtors Statement for Mingenew Midwest Expo.

Background

The Mingenew Midwest Expo is one of a number of community/sporting clubs that pay an annual lease fee to the Shire for a partial recovery of costs paid by the Shire to maintain the community/sporting facilities in the town. The Expo is typically held annually over 2 days in August each year at the Shire of Mingenew Recreation Centre. In 2022 the Expo Board decided to hold the Expo over 1 day at the Irwin Polocrosse Grounds.

Comment

All community and sporting clubs pay an annual lease fee to the Shire to compensate for the upkeep of the community and sporting facilities by the Shire. These fees vary from club to club and are dependent on a number

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of factors (such as: if the clubs activities are in summer or winter, whether it's facilities require watering or mowing, whether there is more than one facility per club and whether the club activities occur during the day or at night). The fee charged to the Mingenew Midwest Expo for the 2022/23 financial year was \$4,312 (inc GST). This fee was paid in full in November 2022. Due to the fact that the Expo was not held at the Recreation Centre and that the Shire has only spent approximately 40% of the cost it would normally spend in connection with the running of the Expo (including garbage services during the Expo, transporting chairs and tables to and from the Expo, mowing the lawn at the Polocrosse grounds and other sundry assistance), it is proposed that the Shire waive 60% of the lease fee and refund it to the Expo.

Consultation

Rikki Smith – Mingenew Midwest Expo Event Co-ordinator (on behalf of the Board)

Statutory Environment

Local Government Act 1995 Section 6.12 – Power to defer, grant discounts, waive or write off debts

(1) *Subject to subsection (2) and any other written law, a local government may —*

- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy Implications

Policy 1.3.9 – Debt Collection Policy.

Delegations to CEO and staff CD02 - Debts, Waivers, Concessions, Write Offs and Recovery.

The Chief Executive Officer as delegated authority to

- 1. *Waive a debt which is owed to the Shire of Mingenew [s6.12(1)(b)].*
- 2. *Grant a concession in relation to money which is owed to the Shire of Mingenew [s6.12(3)].*
- 3. *Write off an amount of money which is owed to the Shire of Mingenew [s6.12(1)(c)]*
- 4. *Recover debts*

Under the following conditions:

- 1. *Debts for rates and service charges may be written off up to the value of \$30 in accordance with s6.12(1)(c) and applicable Council Policies and procedures.*
- 2. *The power to waive a debt or grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge.*
- 3. *A debt may only be waived where:*

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2023

- a) *in accordance with the Supporting the Community Policy, a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and*
 - b) *Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.*
4. *A concession may only be granted where:*
- a) *In accordance with the Supporting the Community Policy a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and*
 - b) *Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.*
5. *A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mingenew.*
6. *Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$100. Write off of debts greater than these values must be referred for Council decision.*
7. *Debt recovery is to be in accordance with the Shire's Internal Debt Recovery Policy and Procedures and subject to the provisions of the Local Government Act 1995.*
8. *Subject to the reporting of the exercise of this delegation to the Concept Forum each month.*
9. ** During a State-declared emergency, the CEO may waive, grant a concession or write off individual debts valued below \$500 or cumulative debts of a debtor valued below \$500 (excluding rates and rate interest), and, in the case of outstanding rates, write off up to the value of the total interest on rates incurred in the current year, provided the applicant satisfies the definition of financial hardship in accordance with Council's Financial Hardship Policy. Debts greater than these values must be referred for Council decision.*

Financial Implications

There will be a reduction in income of \$2,352 (exc GST) for the 2022/23 financial year.

Strategic Implications

Strategic Community Plan 2019-29

- 1.2.1 Manage organisation in a financially sustainable manner.
- 2.4.1 Support community volunteers to maximise impact of their contributions

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

CONFIDENTIAL: ORGANISATIONAL STRUCTURE AMENDMENT – WORKS MANAGER ROLE

To be held in closed session, under s5.23 (2)(a) of the Local Government Act 1995, as the item for consideration relates to a matter affecting an employee or employees.

PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 15.0 – RESOLUTION# 13150223

MOVED: Cr HR McTaggart

SECONDED: Cr CV Farr

Council closes the meeting at 5:32pm to the public in order to discuss Confidential Item 15.1, in accordance with s.5.23(2)(a) of the *Local Government Act 1995*, as the item relates to a matter affecting an employee or employees.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

