



# MINUTES OF THE ORDINARY COUNCIL MEETING

21 JUNE 2023

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
21 JUNE 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 AT Pearse	Councillor
Cr AR Smyth	Councillor

**Staff**

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

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

Nil.

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

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 19 APRIL 2023**

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 – RESOLUTION# 01210623  
MOVED: Cr JD Bagley                      SECONDED: Cr AT Pearse**

**That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on  
19 April 2023 be confirmed as a true and accurate record of proceedings.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**  
Nil.

**9.0 DECLARATIONS OF INTEREST**  
Nil.

**10.0 RECOMMENDATIONS OF COMMITTEES**  
Nil.

11.0 CHIEF EXECUTIVE OFFICER

11.1 PROPERTY DEEMED UNINHABITABLE – 19 IKEWA STREET, MINGENEW

Location/Address: 19 Ikewa Street, Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: DB.BDA  
Date: 2 June 2023  
Author: Allan Ramsay, Environmental Health Consultant  
Authorising Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

**Summary**

This report is to consider the condition of property at 19 Ikewa Street, Mingenew. Not only is the condition of the house a health and safety issue but also has a detrimental effect on the image of the town as it is located in view of the main road from the south heading into the town.

**Key Points**

- Severe termite damage to the timber roof structure.
- Roof and ceiling falling in.
- Debris and disused material scattered throughout the property.
- Power is cut off the house.
- Small children live next door.
- Remainder of the roof sheeting and other material not secure and may be a danger during a weather event.
- Council has received five (5) written complaints from the neighbouring properties voicing safety concerns.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION# 02210623**

**MOVED: Cr CV Farr                      SECONDED: Cr HR McTaggart**

**Council:**

1. **Authorises the issue of Notices under s.3.25 of the *Local Government Act 1995* and s.137 of the *Health (Miscellaneous Provisions) Act 1911* directing the owner of 19 Ikewa Street, Mingenew to clean up the property and demolish the house to the satisfaction of the Environmental Health Officer within three months from the date of this resolution.**
2. **Should the owner default on cleaning up the property and demolishing the house by the specified date the matter be referred back to the Council.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

**Background**

A complaint was initially received regarding the poor condition of the house following the loss of its roof in a windstorm around December 2022.

Council wrote in December 2022 to the owner requesting that various issues be addressed on the property by 16 January 2023. The owner removed some fibrous cement/ asbestos sheeting from the front yard and arranged for the roof to be tarped by a builder from Geraldton in anticipation that the Builder would be back to rectify the poor condition of the house. Since then, the tarp has ripped off and a large portion of the roof and ceiling have caved in. No one is living in the house and some of the furniture in the house has been removed.

Photos of the property are provided below:



### Comment

The house is in a very poor state and is dangerous to nearby residents as children live next door and the remaining part of the roof may blow off in a severe weather event risking adjacent property and persons.

Due to the poor condition of the house with the roof falling and the severe termite damage the author of this report suggests it would not be viable to repair the house to a habitable state and the best option would be for the house to be demolished.

In addition, the Council has received five (5) letters of complaint regarding the state of the building and risk to surrounding properties and public safety.

Council may resolve to issue a notice under s.3.25 of the Local Government Act 1995 and s.137 of the *Health (Miscellaneous Provisions) Act 1911* to clean up the property and demolish the house giving a specific time to achieve this notice. The owner may refuse to clean up the property and remove the house in the time specified. In this case Council would need to consider whether to do the work themselves and try to recover the cost from the owner.

Under s.135 of the *Health (Miscellaneous Provisions) Act 1911* the house can be declared unfit for habitation. However, this option would not solve the problem of the dangerous condition of the house and only stop its habitation.

### Consultation

Letter issued 16 December 2022 from Shire to owner.  
Email response from owner 4 January 2023  
Requested further information has not been received

### **Statutory Environment**

#### *Local Government Act 1995*

#### **3.25. Notices requiring certain things to be done by owner or occupier of land**

- (1) *A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —*
  - (a) *is prescribed in Schedule 3.1, Division 1; or*
  - (b) *is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.*
- (2) *Schedule 3.1 may be amended by regulations.*
- (3) *If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.*
- (4) *A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.*
- (5) *A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.*
- (6) *A person who fails to comply with a notice under subsection (1) commits an offence.*

#### **3.26. Additional powers when notices given**

- (1) *This section applies when a notice is given under section 3.25(1).*
- (2) *If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.*
- (3) *The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.*
- (4) *If a notice recipient —*
  - (a) *incurs expense in complying with any requirement of the notice; or*
  - (b) *fails to comply with such a requirement and, as a consequence, is fined or has to pay to a local government the cost it incurs in doing anything under subsection (2), the notice recipient may apply to a court for an order under subsection (6).*
- (5) *In subsection (4) — court means a court that would have jurisdiction to hear an action to recover a debt of the amount of the expense, fine or cost sought to be recovered by the notice recipient.*
- (6) *On an application under subsection (4) the court may order —*
  - (a) *if the notice recipient is the owner, the occupier; or*
  - (b) *if the notice recipient is the occupier, the owner, to pay to the notice recipient so much of that expense, fine or cost as the court considers fair and reasonable in the circumstances.*
- (7) *In determining what is fair and reasonable the court is to have regard to —*
  - (a) *the type of land involved; and*
  - (b) *the terms on which the occupier is occupying the land; and*
  - © *any other matter the court considers to be relevant.*

#### *Health (Miscellaneous Provisions) Act*

#### **135. Dwellings unfit for habitation**

- (1) *Any local government may, of its own motion, and shall, when required by order of the Chief Health Officer by notice in writing, declare that any house, or any specified part thereof, is unfit for human habitation.*
- (2) *The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.*
- (3) *The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.*

#### **136. Such house not to be let or occupied**

*Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.*

**137. Condemned building to be amended or removed**

*A notice may be served by the local government upon the owner of such house directing him, within a time limited by such notice, either to amend the same in some specified manner or take down and remove the same. Provided that —*

- (i) the notice may direct the owner to take down and remove the house, without giving him the alternative of amending the same; and*
- (ii) any person aggrieved by any notice under this section may apply to the State Administrative Tribunal for a review of the decision.*

**138. Land to be cleaned up after removal of house or building therefrom**

*Any person who dismantles any house, building, or other structure, whether in pursuance of a notice from the local government or not, shall forthwith clean the land to the satisfaction of the local government, and remove all rubbish to a place appointed by the local government.*

**139. Owner may be required to clean or repair house**

*In addition to the powers contained in the preceding sections of this Part, a local government may, if in its opinion any house is unfit for human habitation by reason of uncleanness or want of repair, require the owner of such house by a notice served on such owner to render clean or to repair such house within the time and in the manner specified in such notice.*

**140. Local government may act in default of owner**

- (1) Whenever any owner fails to comply with a notice served upon him under any of the foregoing provisions of this Part, within a time therein specified, he commits an offence, and the local government may carry out the terms of the notice and recover all expenses from the owner: Provided that the local government may sell or dispose of the material taken from a demolished or amended building, but the proceeds of sale shall be applied towards the expense of carrying out the terms of the notice — the surplus (if any) to be paid to the owner.*
- (2) Where, pursuant to subsection (1), a local government is empowered and has resolved to take down and remove a house, any person or authority that supplies electricity, gas or water to the house may, and shall if so requested by the local government, take such action as is necessary to ensure that all equipment, fixtures and fittings on or about the house for the purposes of the supply thereto of electricity, gas or water, as the case may be, are removed or are left in such a state as will not interfere with the taking down and removal of the house.*

*Building Act 2011*

**Policy Implications**

Nil

**Financial Implications**

Legal fees would be required to compose a notice to be served upon the owners of the property.

If the owners of the property refuse to remove the house and clean up the property, the Shire can demolish and clean up and recover the costs. Costs could be as high as \$20,000.00 to \$30,000 depending on the materials to be removed and market response.

**Strategic Implications**

Strategic Community Plan 2019-2029

Strategy 1.3.2 Provide services and processes to enhance public safety



## 11.2 VOTING DELEGATES - WALGA STATE COUNCIL AGM 2023

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** GR.LRL.4  
**Disclosure of Interest:** Nil  
**Date:** 16 June 2023  
**Author:** Erin Greaves, Governance & Community Manager  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Minority

### Summary

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

### Key Points

- All WALGA member Councils are entitled to be represented by two voting delegates at the AGM
- The Annual General Meeting 2023 is to be held on Monday, 18 September, in conjunction with the 2023 Local Government Convention at Crown Perth.
- Elected Members and senior officers are welcome to attend as observers
- Registrations for voting delegates close 8 September 2023

### **OFFICER RECOMMENDATION – ITEM 11.2**

Council appoints Cr GJ Cosgrove and Mr Matt Fanning as voting delegates for the Shire of Mingenew at the 2022 WALGA State Council AGM on Monday, 18 September 2023.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 – RESOLUTION# 03210623**

**MOVED:** Cr CV Farr                      **SECONDED:** Cr JR Holmes

Council appoints Cr JD Bagley and Mr Matt Fanning as voting delegates for the Shire of Mingenew at the 2022 WALGA State Council AGM on Monday, 18 September 2023.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

**NOTE:** Cr GJ Cosgrove indicated he would not be attending the AGM.

### Attachment

11.2.1 2023 WA Local Government Convention Program

### Background

The WALGA State Council AGM is commonly held the week of the Local Government Convention and this year it will be held at 9am on Monday 18 September 2023 at Crown Perth, marking the start of the Convention for 2023.

The closing date for any submissions of motions is Friday, 4 August. Any matters relevant to the State Council have gone through the Northern Country Zone of WALGA. No motion shall be accepted for debate at the Annual General Meeting after the closing date unless the Association President determines that it is of an urgent nature, sufficient to warrant immediate debate, and delegates resolve accordingly at the meeting.

### Comment

It has been previous practice to appoint the Shire President and Chief Executive Officer as Shire representative voting delegates. Only registered delegates or proxy registered delegates will be permitted to

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 June 2023

exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. Council may wish to nominate two proxy delegates.

The Agenda for the meeting was not available at the time of preparing this report but a copy of the Minutes from the 2022 AGM can be viewed at <https://walga.asn.au/who-we-are/about-walga/annual-general-meeting>. A copy of the Agenda will be provided to Councillors once released.

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

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

### **Consultation**

WALGA

### **Statutory Environment**

Local Government Act 1995

WALGA State Council Constitution

### **Policy Implications**

1.1.1 Elected Member entitlements Policy

1.1.5 Elected Member Training and Professional Development Policy

*"All Elected Members shall be entitled to attend the annual Western Australian Local Government Association (WALGA) Conference, with estimated costs to be included in the annual budget each year."*

The Draft Budget for 2023/24 currently makes provision for up to 4 attendees at the conference (as per 2022/23). Should any more than 4 elected members wish to attend, Council will need to consider an amendment to the motion to nominate 4 candidates to attend or increase the Budget and number of Elected Members authorised to attend.

### **Financial Implications**

Nil.

### **Strategic Implications**

Strategic Community Plan 2019-2029

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



Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 30 April 2023	
Municipal Funds – Corporate cheque account	\$1,251,828
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$585,556

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

## 12.2 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2023

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – May 2023
Disclosure of Interest:	Nil
Date:	13 June 2023
Author:	Helen Sternick, Senior Finance Officer
Approved by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

### Summary

This report recommends that the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 May 2023 as presented to the Council be received.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.2 – RESOLUTION# 05210623**  
**MOVED: Cr AR Smyth                      SECONDED: Cr AT Pearse**

That with respect to the Monthly Financial Report (containing the Statement of Financial Activity), Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity, and associated documentation for the period 1 July 2022 to 31 May 2023, as included at Attachment 12.2.1.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

### Attachment

12.2.1 Monthly Financial Report for period ending 31 May 2023

### Background

The Monthly Financial Report to 31 May 2023 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Nature or Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Reserve Accounts
- Other Current Liabilities
- Operating Grants, Subsidies and Contributions
- Non-operating Grants, Subsidies and Contributions
- Bonds and Deposits Held
- Budget Amendments
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 May 2023	
Municipal Funds – Corporate cheque account	\$1,427,484
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$588,944

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



### 12.3 LIST OF PAYMENTS FOR THE PERIOD 1 APRIL 2023 TO 31 MAY 2023

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.CRD  
**Attachment/s:** List of Payments – April and May 2023  
**Disclosure of Interest:** Nil  
**Date:** 13 June 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 April to 31 May 2023 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.3 – RESOLUTION# 06210623**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr JD Bagley**

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

    \$1,308,481.43 Municipal EFTs.  
    \$53,614.50 Municipal Direct Debit Department of Transport (Licencing) Payments.  
    \$72,903.18 Municipal Direct Debit Other.  
    \$157,658.36 Net Salaries  
    \$1,592,657.47 Total Payments

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

#### Attachment

12.3.1 List of Payments – April and May 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.

#### Consultation

Nil

#### Statutory Environment

Local Government Act 1996, Section 6.4

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

#### Policy Implications

Payments have been made under delegation.

#### Financial Implications

Funds available to meet expenditure.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

## 12.4 ADOPTION OF 2023/24 BUDGET

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.BUD
Date:	21 June 2023
Author:	Jeremy Clapham, Finance & Admin Manager
Voting Requirement:	Absolute Majority

### Summary

This report seeks Council's adoption of the Shire of Mingenew 2023/24 Budget.

### Key Points

- In order to start projects early in the financial year, the budget is proposed to be adopted prior to commencement of the financial year for the first time.
- Due to the proposed adoption of the budget in June it is difficult to estimate the closing surplus for 2022/23.
- A balanced budget has been prepared based on the estimation of the opening surplus for 2023/24 (closing surplus for 2022/23).
- A proposed increase in general rates of 10% (5% general increase and 5% for Roads Improvement Program), resulting in a reduction in the rate in the dollar for UV rates of 10.6% and a reduction in the rate in the dollar of GRV rates of 2.2%
- Increase in GRV minimum rates of 10% and in UV minimum rates of 10%.
- New loan from WATC in the amount of \$400,000 for the purchase of the 2 x Karara Houses, financed over 10 years should the sale proceed
- Fees & Charges increased by 5% (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 increased to 11% and interest on rates instalments remains at 5.5%

### OFFICER RECOMMENDATION - ITEM 12.4

#### PART A – MUNICIPAL FUND BUDGET FOR 2023/24 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 12.4.1 of this Agenda for the Shire of Mingenew for the 2023/24 financial year which includes the following:

- Statement of Comprehensive Income
- Statement of Cash Flows
- Statement of Financial Activity
- Index of Notes to the Budget
- Schedule of Fees and Charges

and the following Attachments:

- 12.4.2 – Budget 2023-24 Capital Works Program
- 12.4.3 – Budget 2023-24 Road Program
- 12.4.4 – Budget 2023-24 Plant Replacement Program
- 12.4.5 – Budget 2023-24 Fees and Charges
- 12.4.6 – Budget 2023-24 Rates Summary

**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 2023.
  - 1.1 General Rates
    - Mingenew & Yandanooka (GRV) 15.5660 cents in the dollar
    - Rural & Mining (UV) 0.9676 cents in the dollar
  - 1.2 Minimum Payments
    - Mingenew & Yandanooka (GRV) \$840
    - Rural & Mining (UV) \$1,263
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 25 August 2023
  - 2nd instalment due date 20 October 2023
  - 3rd instalment due date 15 December 2023
  - 4th instalment due date 16 February 2024
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 \$17 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 11% 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	\$6,775
Councillors	\$3,956

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 \$7,724

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 \$1,931

#### 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 \$431 per annum

##### 3.2 Commercial Premises

- 240 Litre bin per weekly collection \$431 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.

#### NOTE CHANGES TO OFFICER RECOMMENDATION AND ATTACHMENTS (advised at the meeting):

- Budget 2023-24 Statutory Budget – Note 12 (a) within the FAM Attachment Booklet – June 2023 (page 83), the interest rate referred to should be 5.5% not 5%. [Part A of the Officer Recommendation]
- Budget 2023-24 Fees and Charges – in the FAM Attachments Booklet – June 2023, under the section for Bonds, the line for Projector and/or Screen has been removed as the Shire no longer has a screen or projector (page 94). Under the section for Commodities Charges, the charges for Truck Loads and Cartage have been changed to remove specific prices and be listed as Price on Application (POA) at Cost to Shire + 20% to allow for variations in material cost, travel etc (pages 93-94). [Part A and Part D of the Officer Recommendation].
- Budget 2023-24 Detailed Budget – in the FAM Attachments Booklet – June 2023, on Schedule 13 – Economic Services line 139, the detail has been changed from Lateral Aspect Contract to Shire Marketing (line 139, page 173). [Does not affect the Officer Recommendation, only for information purposes].

#### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.4 – RESOLUTION# 07210623

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

#### PART A – MUNICIPAL FUND BUDGET FOR 2023/24 FINANCIAL YEAR

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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 2023.
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  - Full payment and 1st instalment due date 25 August 2023
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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.

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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	\$6,775
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#### PART D – GENERAL FEES AND CHARGES FOR 2023/24

Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges as presented forming part of the 2023/24 Budget included as Attachment 7.1.5.

NOTE: In the Fees and Charges 2023/24, under the section for Bonds, the line for Projector and/or Screen be removed as the Shire no longer has a screen or projector and under the section for Commodities Charges, the charges for Truck Loads and Cartage has been changed to remove specific prices and be listed as Price on Application (POA) at Cost to Shire + 20% to allow for variations in material cost, travel etc.

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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 \$431 per annum

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#### PART F – MATERIAL VARIANCE REPORTING FOR 2023/24

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 2023/24 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTELY MAJORITY 7/0

#### NOTES

- Prime Minister’s recent announcement that the prepayment of the Financial Assistance Grant (FAG) funding is now anticipated to be paid in 2022/23 (funds accounted for being received in 2023/24 in the presented Budget 2023/24)
- The inclusion of the Water Park project is subject to consideration of maintenance costs and capacity to resource

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 June 2023

- **Methodology for determining sporting club and community group annual fees (in the annual Fees & Charges for 2024/25) will be reassessed through more thorough accounting of resourcing and expenditure over this financial year)**
- **Marketing and communication requirements to be reviewed through the Strategic Community Plan review process currently underway, to determine strategy direction**

### Attached

- 12.4.1 Budget 2023-24 Annual Budget
- 12.4.2 Budget 2023-24 Capital Works Program
- 12.4.3 Budget 2023-24 Road Program
- 12.4.4 Budget 2023-24 Plant Replacement Program
- 12.4.5 Budget 2023-24 Fees and Charges
- 12.4.6 Budget 2023-24 Rates Summary
- 12.4.7 Budget 2023-24 Detailed Budget
- 12.4.8 Budget 2023-24 Budget Summary Information

### 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 2023/24 Budget for the Shire of Mingenew includes the following:

- Rates and Minimum Payments for 2023/24
- 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 \$571,055 as at 30 June 2024. It should be noted that the 2022/23 Budget column in the statutory documents refers to the 2022/23 budget as adopted in July 2022, 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 (2023/24):

The proposed rates model is based on the following:

- Annual UV & Mining valuations applied
- Increase in general rates of 10% (5% general increase and 5% for Roads Improvement Program)
- GRV Rate in the \$ - 15.5660c (2022/23: 15.9209c)
- UV Rate in the \$ - 0.9676c (2022/23: 1.0824c)
- Minimum Payments – UV - \$1,263 (2022/23: \$1,148)
- Minimum Payments – GRV - \$840 (2022/23: \$764)
- 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 2023 will be \$197,168. It is proposed to apply for another loan from WATC for the amount of \$400,000 (to be paid back over 10 years at an estimated interest rate of 5% per annum) in order to purchase the 2 x Karara houses should they become available.

### **Reserve Accounts**

Due to FAG (Financial Assistance Grants) not being paid in advance for the 2023/24 financial year, it is proposed that there will be limited transfers to Reserves for 2023/24, being \$28,253 to the Plant Reserve, \$1,000 to the Age Persons Reserve and interest accruing of \$35,249 on the Term Deposit where the Reserve Funds are held.

### **Brought Forward Value and Surplus**

There is an estimated surplus of \$350,000 shown in the Budget as the brought forward amount from 30 June 2023. 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 \$5,920,000 are proposed in the 2023/24 financial year and these projects (together with the relevant funding) are itemised in the supplementary budget information.

A total of \$2,608,000 (including maintenance) is budgeted for the Road Programme.

### **Elected Members Fees & Allowances**

President Allowance	\$7,724
Deputy President Allowance	\$1,931
Annual Meeting Fee – President	\$6,775
Annual Meeting Fee – Councillors	\$3,956

### **Consultation**

The Budget for 2023/24 is based on the Community Strategic Plan, which includes input from the community. 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 2023/24.

**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 2023/24 Budget as presented is considered to meet statutory requirements.

**Voting Requirements:**

Part A - Municipal Fund Budget for the 2023/24 Financial Year - Absolute Majority

Part B - General and Minimal Rates and Instalment Payment Arrangements - Absolute Majority

Part C – Elected Members’ Fees and Allowances for 2023/24 – Absolute Majority

Part D - General Fees and Charges for 2023/24 - Absolute Majority

Part E - Other Statutory Fees for 2023/24 - Simple Majority

Part F - Material Variance Reporting for 2023/24 - Simple Majority

**Policy Implications**

The 2023/24 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 2023/24 Budget documentation.

**Strategic Implications**

The 2023/24 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.

## 13.0 GOVERNANCE AND COMMUNITY

### 13.1 ANNUAL REVIEW OF DELEGATIONS AND UPDATE OF REGISTER

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	GV.AUT.2
Disclosure of Interest:	Nil
Date:	31 May 2023
Author:	Erin Greaves, Governance and Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

#### Summary

In order to meet the local government's statutory obligation to review its delegations at least once a year to facilitate effective and efficient decision making.

#### Key Points

- Local governments are required to review its delegations at least once every financial year
- The last review was undertaken by Council in June 2022
- The Register provided, lists all delegations made from the state government to the local government, Council to Committees and Council to the Chief Executive Officer or other personnel
- The CEO may delegate to any employee a power or discharge where appropriate

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION# 08210623**

**MOVED: Cr CV Farr                      SECONDED: Cr AT Pearse**

Council adopts, by Absolute Majority, the updated Delegations Register as presented in Attachment Booklet – June 2023, satisfying the requirement under s5.18 of the *Local Government Act 1995* to undertake an annual review at least once every financial year.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

#### Attachment

13.1.1 Proposed Updated Delegations Register v.1.9 (NLM232303)

#### Background

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per *Local Government Act 1995* s5.18 and s5.46. The Act requires a review by Council of delegations from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council last reviewed the Register in June 2022.

The purpose of a Delegations Register is to transfer Council's decision making function to a Committee or the CEO, as provided for under s.5.42 and s5.43 of the Act. This ensures that the Shire is able to respond effectively and efficiently, without referral of these matters to Council. There may be times where a matter is deemed in the public interest or at a level requiring Council oversight, and the CEO may refer the matter back to Council where it is deemed appropriate.

#### Comment

WALGA's Delegations Register template has been used to form the Shire's updated Delegations Register and there have been a number of changes (including the overall formatting of the document). An update was undertaken by WALGA in April 2023, therefore there are a number of changes. A summary of any proposed changes are outlined below (noting that if there are no changes to a delegation, it is not listed):

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 June 2023

Delegation	Description of Changes
<b>DELEGATIONS TO COMMITTEES</b>	
1.1.2 Recruitment, Performance and Termination of the Chief Executive Officer (page 3)	<ul style="list-style-type: none"> <li>- Amendment to CDC01 CEO's Performance Appraisal</li> <li>- No WALGA template</li> <li>- Assist Council to implement Model Standards for CEO Recruitment, Performance and Termination (previously just addressed CEO Performance)</li> </ul>
<b>DELEGATIONS TO THE CEO – Local Government Act 1995</b>	
1.2.1 Authorise Persons to Perform Specified functions under the Local Government Act 1995 (page 5)	<ul style="list-style-type: none"> <li>- Replaces and combines Delegations CD06 and CD11</li> <li>- no additional functions delegated, just wording amended to comply with Act and WALGA template</li> </ul>
1.2.2 Performing Functions Outside the District (page 7)	<ul style="list-style-type: none"> <li>- New delegation to comply with s.3.20 of the Act</li> <li>- may have implications for the Shire in negotiating roadworks for example on shared boundaries</li> </ul>
1.2.3 Powers of Entry (page 8)	<ul style="list-style-type: none"> <li>- Amendments to conditions under which the delegation may be used (to align with WALGA template changes)</li> <li>- Replaces CD10</li> </ul>
1.2.4 Declare Vehicle is Abandoned Vehicle Wreck (page 10)	<ul style="list-style-type: none"> <li>- Replaces CD11 Remove, Impound and Dispose of Uncollected Goods or Animals</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.5 Confiscated or uncollected Goods (page 11)	<ul style="list-style-type: none"> <li>- Replaces CD11 Remove, Impound and Dispose of Uncollected Goods or Animals</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.6 Disposal of Sick or Injured Animal (page 13)	<ul style="list-style-type: none"> <li>- Replaces CD11 Remove, Impound and Dispose of Uncollected Goods or Animals</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> <li>- this enables the CEO to instruct staff to enact or contract out the function as appropriate</li> </ul>
1.2.8 Control Reserves and Certain Unvested functions (Page 16)	<ul style="list-style-type: none"> <li>- Replaces CD07 Reserves under Control of Local Government</li> <li>- minor wording changes to align with WALGA template</li> </ul>
1.2.9 Obstruction of Footpaths and Thoroughfares (page 17)	<ul style="list-style-type: none"> <li>- Replaces CD08 Thoroughfares</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.10 Gates Across Public Thoroughfares (page 19)	<ul style="list-style-type: none"> <li>- Replaces CD08 Thoroughfares</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.11 Public thoroughfare – Dangerous Excavations (page 21)	<ul style="list-style-type: none"> <li>- Replaces CD08 Thoroughfares</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.13 Private works on, over or under Public Places (page 25)	<ul style="list-style-type: none"> <li>- Replaces CD08 Thoroughfares</li> <li>- no changes, WALGA's advice was to separate out the functions previously combined for legal purposes</li> </ul>
1.2.16 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (page 30)	<ul style="list-style-type: none"> <li>- Provides a tender value limit of \$250,000 for determining that a tender is the most advantageous and to accept that tender (value was omitted in CD25)</li> <li>- Maximum contract value for authority to vary a contract has been changed from \$25,000 to \$50,000, as \$25,000 is the same as 10%</li> </ul>
1.2.17 Tenders for Goods and Services – Exempt Procedures (page 30)	<ul style="list-style-type: none"> <li>- Provides a value limit of \$250,000 for the CEO to determine a Tender Exempt Process (was previously omitted in CD26)</li> </ul>
1.2.18 Panels of Pre-Qualified Suppliers for Goods and Services (page 35)	<ul style="list-style-type: none"> <li>- the value of a contract to be established under a panel of pre-qualified suppliers stated \$10,000 or less. This has been amended to \$250,000 to align with standard practice.</li> </ul>
1.2.20 Renewal or Extension of Contracts during a State of Emergency (page 38)	<ul style="list-style-type: none"> <li>- New delegation</li> <li>- to support responsive and effective decision making in an emergency</li> </ul>
1.2.21 Procurement of Goods or Services required to address a State of Emergency (page 40)	<ul style="list-style-type: none"> <li>- New delegation</li> <li>- to support responsive and effective decision making in an emergency</li> </ul>
1.2.22 Disposing of Property (page 42)	<ul style="list-style-type: none"> <li>- places CD05 Disposal of Land (including Buildings) via Lease or License to Disposal of Property</li> <li>- wording amended to better clarify interpretation of Regulations</li> </ul>
1.2.23 Acquisition of Interest in Land by Lease or other Short Term Instrument	<ul style="list-style-type: none"> <li>- New delegation</li> <li>- includes value limit of \$50,000 to comply with purchasing Policy limits to seek additional quotes</li> </ul>

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 June 2023

1.2.25 Defer, Grant Discounts, Waive or Write Off Debts (page 49)	- minor wording changes to align with WALGA template
1.2.27 Agreement as to Payment of Rates and Service Charges (page 53)	- minor wording amendments to align with WALGA template and Council's Financial Hardship Policy - Replaced CD03 Rates Recovery
1.2.28 Determine Due date for Rates or Service Charges (page 54)	- new delegation - applies to interim rating due dates only
1.2.29 Recovery of Rates or Service Charges (page 55)	- minor wording amendments - replaces CD03 Rates Recovery
1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent (page 56)	- minor wording amendments - replaces CD03 Rates Recovery
1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land (page 57)	- New delegation
1.2.32 Rate Record – Objections (page 59)	- minor wording amendments - replaces CD03 Rates Recovery
<b>DELEGATIONS TO THE CEO – Building Act 2011</b>	
2.1.1 Grant a Building Permit (page 60)	- removed requirement to report the granting a Building Permit to Concept Forums (replacing CD12 Building and Demolition Permits)
2.1.2 Demolition Permits (page 62)	- separated out function from previous CD12 Building and Demolition Permits, as recommended by WALGA - removed requirement to report the granting a Building Permit to Concept Forums
2.1.3 Occupancy Permits or Building Approval Certificates (page 64)	- separated out function from previous CD12 Building and Demolition Permits, as recommended by WALGA - removed requirement to report the granting a Building Permit to Concept Forums
2.1.4 Designate Employees as Authorised Persons (page 66)	- Removed condition for authorised person to have identity card as applies to sub-delegation (not CEO) - Removed condition to maintain register of authorised persons, this applies to all authorised persons under any legislation and is reviewed annually by the CEO, with a register being maintained
2.1.5 Building Orders (page 67)	- Additional provision to initiate prosecution for non-compliance - removal of requirement to report to Concept Forums (as per CD33 Building Orders)
2.1.7 Referrals and issuing Certificates (page 70)	- remove condition to comply with record keeping requirements – applies to all delegations
2.1.8 Private Pool Barrier – Alternative and Performance Solutions (page 71)	- New delegation - provides flexibility in approving appropriate pool barriers but is conditional on appropriate advice being sought prior to approval being issued
<b>DELEGATIONS TO CEO, PRESIDENT AND BUSHFIRE CONTROL OFFICER – Bush Fires Act 1954</b>	
3.1.2 Prohibited Burning Times – Vary (page 74)	- New delegation - allows flexibility to respond to seasonal conditions that may warrant a change to prohibited burning times
3.1.3 Prohibited Burning Times – Control Activities (page 75)	- additional provision for CEO to permit burning where a BFCO may have refused or amend conditions as provided for under r.15 of Bush Fires Regulations 1954 - ability for CEO to prohibit burning during prohibited period on a Sunday or Public Holiday in accordance with r.38C - ability for CEO to make a determination and issuing directions in relation aeroplane landing grounds Removed condition to report exercise of delegation to Concept Forums (as per CD38)
3.1.4 Restricted Burning Times – Vary and Control Activities (page 77)	Same for 3.1.3 but in reference to Restricted Burning Times
3.1.5 Burning Garden Refuse / Open Air Fires (page 79)	- removal of condition to report exercise of delegation to Concept Forum
3.1.6 Firebreaks (page 81)	- addition of authority to determine that firebreak requirements have been acted on to the satisfaction of the Shire - removal of condition to report exercise of delegation to Concept Forum
3.1.7 Recovery of Expenses Incurred through Contraventions of this Act (page 82)	- removal of condition to report exercise of delegation to Concept Forum
<b>COUNCIL TO CEO – Cat Act 2011</b>	
4.1.1 Cat Registrations (page 83)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording

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4.1.2 Cat Control Notices (page 85)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording
4.1.3 Approval to Breed Cats (page 86)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording
4.1.4 Recovery of Costs – Destruction of Cats (page 87)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording
4.1.5 Applications to Keep Additional Cats (page 88)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording
4.1.6 Reduce or Waiver Registration Fee (page 89)	- separated out function from previous CD19 Certain duties under the Cat Act 2011, as recommended by WALGA - no changes to wording
<b>COUNCIL TO CEO – Dog Act 1976</b>	
5.1.1 Appoint Registration Officer (page 90)	- new delegation - authority to appoint Registration Officers
5.1.2 Refuse or Cancel Registration (page 91)	- separated out function from previous CD18 Certain Duties under the Dog Act 1976, as recommended by WALGA
5.1.3 Recovery of Moneys Due Under this Act (page 93)	- new delegation - authority to recover monies owed in court without requirement
5.1.4 Dispose of or Sell Dogs Liable to be Destroyed (page 94)	- new delegation - provides the ability for the CEO to action efficiently to destroy a dog
5.1.5 Declare Dangerous Dog (page 95)	- new delegation - ability to determine a dog is considered dangerous under the Dog Act 1976
5.1.6 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke (page 96)	- new delegation - Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog (5.1.5).
5.1.7 Determine Recoverable Expenses for Dangerous Dog Declaration (page 97)	- new delegation - Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995.
<b>COUNCIL TO CEO / OTHER PERSONS – Food Act 2008</b> (Note: the CEO does not have authority to sub-delegate under the Food Act and Regulations 2008)	
6.1.1 Prohibition Orders and Certificates of Clearance (page 98)	- separated out function from previous CD16 Perform Certain Duties under the - Food Act 2008, as recommended by WALGA - condition added to refer to Department of Health Guidelines
6.1.2 Food Business Registrations (page 99)	- separated out function from previous CD16 Perform Certain Duties under the - Food Act 2008, as recommended by WALGA - minor amendments to conditions
<b>COUNCIL TO CEO – Public Health Act 2016</b>	
7.1.1 Enforcement Agency Reports to the Chief Health Officer (page 101)	- new delegations - prepare reporting to Chief Health Officer - s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.
7.1.2 Designate Authorised Officers (page 102)	- as per CD15 Designated Authorised Officers – Public Health Act 2016 - s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.
<b>COUNCIL TO CEO – Planning and Development Act 2005</b>	
8.1.1 Dealing with and Approving Development Applications (page 104)	- as per CD14 Dealing with and Approving Development Applications - removal of condition to refer exercise of this delegation to a Concept Forum
8.1.2 Illegal development (page 106)	- removal of condition to refer exercise of this delegation to a Concept Forum
8.1.3 Subdivision Applications (page 108)	- removal of condition to refer exercise of this delegation to a Concept Forum
<b>OTHER AMENDMENTS</b>	
CDA1 Authorised Persons under the Caravan Parks and Camping Grounds Act 1995	- Removed as authorisation in Act refers to Department CEO appointing authorised persons

The new formatted document groups together delegations in reference to the Act that applies.

A review of Delegations (sub-delegations i.e. from the Chief Executive Officer to employees) and Authorisations will be undertaken internally, following Council's review to ensure alignment with the delegations. Sub-delegations are not listed in the proposed Delegations Register for Council adoption, this is a decision of the CEO.

### **Statutory Environment**

*Local Government Act 1995*

#### **5.16. Delegation of some powers and duties to certain committees**

(1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

#### **5.17. Limits on delegation of powers and duties to certain committees**

(1) *A local government can delegate —*

(a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*

(i) *any power or duty that requires a decision of an absolute majority of the council; and*

(ii) *any other power or duty that is prescribed; and*

(b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

(c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

(i) *the local government's property; or*

(ii) *an event in which the local government is involved.*

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

#### **5.18. Register of delegations to committees**

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

#### **5.42. Delegation of some powers and duties to CEO**

(1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43; or*

(b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

#### **5.43. Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties —*

(a) *any power or duty that requires a decision of an absolute majority of the council;*

(b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

(c) *appointing an auditor;*

(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

(e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*

- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

**5.45. Other matters relevant to delegations under this Division**

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
  - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
  - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
  - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
  - (b) *a CEO from performing any of his or her functions by acting through another person.*

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- 1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- 2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- 3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

*Specific statutory requirements are outlined within the Register for each delegation made.*

**Policy Implications**

The Delegations Register will link with and guide some Council and internal policies. Reference to the relevant Council Policy for each delegation is listed within the register.

**Financial Implications**

Delegations allow for a more streamlined and timely service for its ratepayers and stakeholders creating resourcing efficiencies, where Council oversight is not required as direction has been provided through the delegation, policy or other instrument, or an employee is suitably qualified and/or experienced to undertake the power/duty.

**Strategic Implications**

Strategic Community Plan 2019-2029

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



### 13.2 FUTURE OF WILDFLOWER COUNTRY INC.

Location/Address: Shire of Mingenew  
Name of Applicant: Wildflower Country Inc.  
File Reference: ED.PRG.1  
Disclosure of Interest: Nil  
Date: 1 June 2023  
Author: Erin Greaves, Governance and Community Manager  
Authorising Author: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

#### Summary

To consider the future of Wildflower Country Inc. which has failed to form a quorum for its AGM (attempted in December 2022 and February 2023).

#### Key Points

- In response to a letter received from the Wildflower Country Inc.'s Chairperson, Council are asked to consider the disbanding of the association in light of not being able to form a quorum for the last general meeting
- The Shire has received indications from relevant stakeholders that there may be interest in the WFC continuing under a new model
- The recommendation proposes that a special general meeting be called for more information be gathered on the options for the future of WFC and committing Council to nominating representatives to attend

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.2 – RESOLUTION# 09210623**

**MOVED: Cr HR McTaggart**

**SECONDED: Cr AR Smyth**

#### **Council:**

1. Does not support the recommendations of the Wildflower Country Inc.'s (WFC) Chairperson, Mia Maxfield, as outlined in the attached letter, proposing that:
  - 1) *"The Wildflower Country Committee should be disbanded, and the funds associated with it should be redirected back to the local governments in a manner to be determined.*
  - 2) *The contract with Flash Marketing should be terminated immediately, and the Facebook and the Wildflower website should be cancelled as it is futile to maintain an online presence for an inactive committee."*
2. Authorises the Chief Executive Officer (CEO) to write a letter to the Wildflower Country Inc.'s (WFC) Chairperson, Mia Maxfield, requesting a special general meeting of the WFC to be held prior to 31 July 2023 to discuss the potential winding up of the existing incorporation in its current form;
3. Nominates Cr CV Farr and Mrs Margaret Rowe, Community Development Officer to represent Council in the resolution of this outcome and to attend the recommended special general meeting as per part 2 of this resolution.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

#### Attachments

13.2.1 Letter from Chairperson of Wildflower Country Inc.

#### Background

Wildflower Country Inc. is an organisation established to collectively promote and develop tourism experiences in the region, representing the following local governments: Carnamah, Coorow, Dalwallinu, Dandaragan, Greater Geraldton (including Mullewa), Moora, Morawa, Mingenew, Perenjori, and Three Springs.

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Each member Council, has the opportunity to nominate two voting delegates to represent them on the Wildflower Country Inc. Committee. The Shire of Mingenew's voting members are currently Cr Farr and the Shire's Community Development Officer (Margaret Rowe), with the CEO as the proxy delegate.

The last meeting held by the Committee was a General Meeting on 27 October 2022. The AGM was scheduled to be held 15 December 2022 however there was not sufficient attendance for a quorum to proceed. A second meeting was called for 16 February 2023 but, again, insufficient attendance prevented the meeting from proceeding. The WFC Constitution requires that there be at least five members present to constitute a quorum. Margaret Rowe attended both meetings.

Informal discussions were held by attending members in February and it was proposed that correspondence be issued to each member Council with options for the future of the WFC. The options included a 12 month recess, rebranding, winding up and/or reassessing memberships by member Council.

A letter was issued in April 2023 from Acting Chairperson, Mia Maxfield (CEO at the Shire of Coorow), with the following recommendations:

1. The Wildflower Country Committee should be disbanded, and the funds associated with it should be redirected back to the local governments in a manner to be determined.
2. The contract with Flash Marketing should be terminated immediately, and the Facebook and the Wildflower website should be cancelled as it is futile to maintain an online presence for an inactive committee.

A copy of the full letter is provided as Attachment 11.4.1.

It is noted that the Shire of Mingenew did not receive the correspondence until 7 June 2023.

The Shires of Carnamah, Coorow and Three Springs have supported the recommendations provided by the WFC Chairperson at their May Council meetings. At the time of preparing this report, it does not appear that the City of Greater Geraldton, and Shires of Dalwallinu, Moora, Morawa or Perenjori have declared their position at a Council meeting in regards to the WFC's future but we have been advised that Morawa, Dalwallinu and Perenjori have provided correspondence supporting the Chairperson's recommendations.

### Comment

It is the officer's view that, prior to making a decision to disband, a comprehensive understanding of the options, processes and impacts should be investigated and shared with member Councils in order for an informed decision to be made.

From its inception, the WFC has established a number of installations linking drive trails and features throughout the region, developed and maintained an interactive website and social media accounts and has a well-established, internationally renowned brand. The benefit of the WFC to local government is a consistent and coordinated approach to tourism, that is enhanced by bigger buying power and capacity to attract grants by working as a group, meaning there less onus on individual local governments to carry tourism objectives and activities.

Over time, the WFC has been more strongly represented by local government officer's rather than Elected Members so it may be appropriate to consider a new model, whilst not losing the benefits of the branding, established infrastructure, developed partnerships and reputation. Interest has been expressed by Australia's Coral Coast, Tourism WA and the WFC's current marketing contractor to support the continuation of the group but potentially in a different form and a broader focus on economic development and liveability.

Acting Chairperson, Mia Maxfield has advised that no action has been undertaken as yet with regard to the disbanding, as she is waiting for a response from all member Council's. Having reviewed the WFC's Constitution there are formal steps required prior to implementing any decision, including a decision of the WFC by special resolution.

It is understood that an association with assets can voluntarily cancel its incorporation by completing the following steps:

1. The management committee examines the affairs of the association and declares by resolution that it is of the opinion the association can meet its debts and liabilities.
2. Prepares a draft plan detailing how the surplus property will be distributed include the intended beneficiaries and an estimate of the value of the property.
3. Convene a general meeting of members and pass special resolutions confirming that members wish to apply for voluntary cancellation and approving the plan for the distribution of the surplus property to apply for voluntary cancellation (see Altering the Rules for information about special resolutions).
4. Within 28 days after the special resolution has been passed submit the application for voluntary cancellation to Consumer Protection using AssociationsOnline.
5. The distribution plan will be approved in writing by the Commissioner for Consumer Protection.
6. Once approved, implement the distribution plan and notify Consumer Protection when the process has been completed.

The cancellation of the association will take effect from the date determined by the Commissioner and is confirmed in writing.

It is the officer's recommendation that rather than accept the recommendations of the WFC Chairperson, Council commits their nominee to attending a meeting to consider the proposal to disband and any other options that are worth investigating. The outcomes of the meeting to then come back to Council for further consideration.

### **Statutory Environment**

*Associations Incorporation Act 2015*

#### **128. Term used: *distribution plan***

*In this Division —*

***distribution plan*** means a statement showing —

- (a) the intended recipients of surplus property of the incorporated association concerned; and
- (b) an estimate of the amount or value of the property that each intended recipient is to receive.

#### **129. Initiation of cancellation of incorporation under this Division**

*Before the incorporation of an incorporated association may be cancelled under this Division —*

- (a) the management committee of the association must examine the affairs of the association and by resolution declare that in its opinion the association is able to pay or meet its debts and liabilities; and
- (b) the association must then pass special resolutions —
  - (i) that its incorporation be cancelled under this Division; and
  - (ii) approving a distribution plan that complies with sections 133 and 134; and
- (c) the distribution plan must be approved by the Commissioner.

#### **134. Position where conditions attached to grant**

(1) *In this section —*

***body*** includes a public authority;

***public authority*** means —

- (a) Minister of the State or the Commonwealth; or
- (b) a government department, agency or organisation of the State or the Commonwealth; or
- (c) a body, corporate or unincorporated, that is established or continued for a public purpose by the State or the Commonwealth, regardless of the way it is established; or
- (d) a local government or regional local government;

***relevant contract*** means a contract as to the manner in which property referred to in subsection (2), or any part of the property, is to be dealt with if an incorporated association is wound up or its incorporation is cancelled.

- (2) *Where property has been provided to an incorporated association by any body, a distribution plan in respect of the association must give effect to any relevant contract that has been made between the association and the body.*
- (3) *Subsection (2) —*
  - (a) *applies only if, and to the extent that, the contract is binding on the association; and*
  - (b) *does not apply if, or to the extent that, the body concerned agrees otherwise.*
- (4) *Subject to subsection (2), property of the association consisting of property provided by a public authority, must be returned to —*
  - (a) *the public authority that provided the property; or*
  - (b) *a body nominated by that public authority.*

### **3. Terms used**

*property means any legal or equitable estate or interest in, or claim to, real or personal property of any description, whether present or future and whether vested or contingent, and includes —*

- (a) *a thing in action; and*
- (b) *money;*

*surplus property, in relation to an incorporated association, means property remaining after satisfaction of —*

- (a) *the debts and liabilities of the association; and*
- (b) *the costs, charges and expenses of winding up or cancelling the incorporation of the association, but does not include books pertaining to the management of the association;*

### **Policy Implications**

Nil.

### **Financial Implications**

In 2022/23 Council budgeted \$4,500 ex GST for membership contribution and an additional \$1,500 ex GST for an interactive map.

Membership is typically paid at the beginning of each financial year, and it is noted that the 2022/23 membership has not been paid, nor has the contribution to the map been paid for.

Membership has remained at \$4,500 consistently since its conception however there have been additional contributions requested for special projects over the years.

### **Strategic Implications**

Strategic Community Plan 2019-2029

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

### 13.3 CONTRACT FOR SERVICES – ENVIRONMENTAL HEALTH

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: CP.DSC.5  
Date: 23 May 2023  
Author: Erin Greaves, Governance & Community Manager  
Authorising Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

#### Summary

To consider resourcing of environmental health services for the Shire of Mingenew.

#### Key Points

- Council have operated under an MOU with the Shire of Irwin since 2015 concluding 30 June 2023
- The Shire of Irwin has undertaken an appropriate procurement process to test the market around availability of contractors and/or internal resourcing
- The Shire has received a direct quote proposal from a suitably qualified contractor to provide environmental health services for the next 12 months

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.3 – RESOLUTION# 10210623**  
**MOVED: Cr Holmes                      SECONDED: Cr Bagley**

#### **Council:**

1. Authorises the Chief Executive Officer to negotiate and enter into a Contract for Services for Environmental Health Services with Ramsay Constructions Pty Ltd as per the proposal received (commercial in confidence as per s5.23(2)(c) and (e)(iii) of the *Local Government Act 1995*), for a period of 12 months from 1 July 2023 to 30 June 2024 at a contract value of up to \$10,000 ex GST (including accommodation, travel and other overheads) based on:
  - At least one in-person visit to the Shire of Mingenew per month for 10 of the 12 months
  - Additional site visits as required and approved by the CEO
  - Remote work as required and approved by the CEO
2. Advises the Shire of Irwin of its intention not to renew the Memorandum of Understanding for shared environmental health services in 2023/24.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

#### Attachment

*In accordance with s.5.23(2)(c) and (e)(iii) of the Local Government Act 1995, attachments for this item are provided under separate confidential cover as it refers to a contract that may be entered into that has commercial value.*

13.3.1 CONFIDENTIAL: Proposal from Ramsay Constructions Pty Ltd for EHO Services in 2023/24

13.3.2 CONFIDENTIAL: 2022/23 MOU with the Shire of Irwin for provision of Environment Health Services

#### Background

Since 2015, the Shire of Mingenew has been engaged in some form of resource sharing arrangement with the Shire of Irwin for environmental health services. The current Memorandum of Understanding (MOU) between the Shire of Irwin and the Shire of Mingenew concludes 30 June 2023. To enact this MOU, Ramsay Constructions Pty Ltd was engaged by the Shire of Irwin to provide shared services to the Shires of Mingenew, Three Springs and Carnamah.

Environmental health services include:

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- Carrying out mandatory food inspections of Food Businesses and Public Buildings, and any other food inspections, as required under the Food Act 2008
- Carry out assessments and inspections for the installation of septic systems and issue permits
- Provide advice and investigate complaints relating to health and building
- Reporting on compliance with regard to the Food Act 2008, Public Health Act 2016 and any other applicable legislation

The Shire has received notification from Ramsay Constructions Pty Ltd that they will not be continuing the arrangement with the Shire of Irwin as they do not have the capacity to provide services for all four and provided a proposal to provide these services directly to the three smaller local governments.

Council has the option to consider continuing the shared service arrangement with the Shire of Irwin. The Shire of Irwin have indicated they have been trying to recruit an internal resource to continue the provision of environmental health services but have not been able to secure a suitable candidate to-date. They have indicated a willingness to seek out suitable consultancy services to ensure continuity of service but this has not yet been confirmed.

### **Comment**

In consideration of the service being delivered satisfactorily by the current consultant to-date and that there is confidence in their capacity to deliver and uncertainty of any other current option, it is recommended that Council approve entering into a 12 month contract with Ramsay Constructions Pty Ltd.

It is recommended that a review be performed in 12 months time to establish the resourcing options and potential resource sharing.

### **Statutory Environment**

Local Government Act 1995  
Food Act 2008  
Public Health Act 2016  
Building Act 2011

### **Policy Implications**

Nil

### **Financial Implications**

The Shire budgeted \$5,000 for the consultancy service provided under the Shire of Irwin MOU in 2022/23. As at May 2023, Council have paid \$8,182 to the Shire of Irwin for this service, however this is simply a reflection of the demand for the service and is not possible to accurately estimate.

### **Strategic Implications**

Strategic Community Plan 2019-2029:

- 1.3.2 Provide services and processes to enhance public safety
- 2.1.2 Develop healthcare and recreation services for all the community to ensure the well-being and health of all age groups within the community

### 13.4 CONTRIBUTION TO MINGENEW CRC FOR TOURIST AND VISITOR SERVICES

Location/Address:	50 Midlands Road, Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.DSC.5
Date:	23 May 2023
Author:	Erin Greaves, Governance & Community Manager
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

To consider an annual contribution towards tourist and information services to the Mingenew Community Resource Centre for 3 years (2023-2025 inclusive).

#### Key Points

- Council have contributed funds to the Mingenew CRC for the provision of tourist and information services for the past two seasons
- A proposal is considered for the CRC to continue providing tourist and information services for the next 3 years, with financial support from Council
- Over the 3 year period, the proposed cost would be a maximum of \$66,000 (ex GST)

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.4 – RESOLUTION# 11210623 MOVED: Cr HR McTaggart                      SECONDED: Cr AR Smyth**

1. Commits to making a financial contribution to the Mingenew Community Resource Centre (CRC) of up to \$20,000 per annum (ex GST) for 3 years (2023 – 2025 inclusive), to support resources for the delivery of tourist and information services, commencing from 1 July 2023.
2. Authorises the Chief Executive Officer to enter into a Contract for Services – Tourist and Information Services, with the following terms and conditions:
  - a) Tourism and information services will operate from “The Exchange” building at 50 (Lot 73) Midlands Road, Mingenew;
  - b) Services will run, as a minimum, from July to September each year and will operate 5 days per week, including at least one weekend day (with 7 days per week the preference);
  - c) Payment to the CRC will be made based on the provision of an invoice to Shire detailing actual costs for the period;
  - d) Appropriate insurance must be held by the CRC (minimum \$20 million in Public Liability and any other applicable insurances).
3. Authorises a deviation from its Purchasing Policy – Purchase Value Threshold (value between \$50,000 and up to \$250,000 (ex GST)) Purchasing Practice, as Council has undertaken an Expression of Interest process in 2021/2022 and received no other interest. Given the suitability of the existing leased/managed facility by the CRC, this is considered an economically viable option, value for money and supporting local business and employment.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

#### Attachment

13.4.1 Mingenew CRC Tourist Services Report 2022

#### Background

Due to the declining volunteer numbers, a proposal was received from the Mingenew Community Resource Centre (CRC), in collaboration with the Mingenew Tourist & Promotions Committee, to provide tourist information services for the 2021 season. The proposal included financial support from the Shire for the CRC

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 June 2023

to operate the Visitors Centre and provide resourcing to fill the gap in volunteer numbers. This was supported by Council at a meeting in August 2021.

In late 2021, Council sought expressions of interest for leasing of the Mingenew Tourist Centre (at 54 Midlands Road, adjacent to the Mingenew Irwin Group office) and to provide tourist information services. In February 2022 Council accepted the proposal for the Mingenew CRC to operate tourist information services again in 2022 but from the Old Bank Building (now coined as "The Exchange"), with a contribution of up to \$22,000, and the Mingenew Expo to lease the existing Tourist Centre space.

The Mingenew CRC have successfully provided tourist and information services for two consecutive years. With the renovation and fit out of The Exchange, the Mingenew CRC have created a welcoming and fit-for-purpose space that is ideally located on the main street. Access and visibility to visitors is ideal and the CRC have demonstrated a responsible approach to Council's financial contribution in the past.

### Comment

The Mingenew CRC provided the Shire with a report on the 2022 Visitor Centre operations in February 2023 and outlined a desire to have a longer-term commitment from Council to assist with their own strategic and operational planning. A three-year commitment will give the CRC some continuity and enable them to gather data over the period to inform ongoing service provision.

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

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

### Statutory Environment

Local Government Act 1995

### Policy Implications

#### 1.3.1 Purchasing Policy

The total contract value is \$60,000 ex GST and Council's policy requires that for any contract valued between \$50,000 and up to \$250,000 (ex GST), the following purchasing practice is required:

*"Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).*

*The purchasing decision is to be based upon assessment of the supplier's response to:*

- a detailed written specification for the goods, services or works required; and*
- pre-determined selection criteria that assesses all best and sustainable value considerations.*

*The procurement decision is to be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan."*



As this is a Council Policy position, it is open to Council to decide to deviate from the policy if sound practices have been followed to determine an alternative is appropriate.

**Financial Implications**

The contribution proposed is a 3 year commitment of an annual payment of \$20,000, totalling \$60,000 for the contract period (ex GST).

The Shire contributed \$18,706.39 to the CRC for tourist and information services in 2022.

**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.

## 14.0 WORKS

### 14.1 WORKS REPORT JUNE 2023

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GV.CMT  
**Date:** 16 June 2023  
**Author:** Shane Noon, Works Manager  
**Voting Requirements:** Simple Majority

#### Summary

The report is to provide Council with information regarding the performance by Council's Roads and Parks & Gardens operational teams over the month of June 2023 and may include proposed works for July 2023.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 14.1– RESOLUTION# 12210623**  
**MOVED: Cr AR Smyth                      SECONDED: Cr CV Farr**

Council receives and notes the Works report for the month of June 2023, as attached in Works Attachment Booklet – June 2023.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

#### Background

The report is to provide Council with information on Council's performance in relation to services supplied by Council's works area, roads, parks, gardens, open spaces and other operations and facilities.

#### Comment

##### Road Renewal and new Works

- Yandanooka widening and sealing works 1.7km completed.
- Coalseam stabilisation and sealing works 1.3km completed
- Yandanooka intersection realignment 1.5km works are well advanced and practical completion has been achieved. Line marking, sign installation and fencing programmed.



##### Maintenance Activities

Maintenance grading works has been undertaken on the following roads:

- Dry graded Colgate road
- Dry graded Depot Hill road

- Maintenance grading repairs to Yarragadee West road
- Maintenance grading repairs scroops road
- Gravel patching repair Yandanooka West Road.
- Edge repair on Mingenew South Road.

#### **Business improvement issues identified and being rectified**

- Insufficient moisture in the ground to provide a good finish for the dry grading
- Contractors entered land for turn around areas without permission.
  - This has been addressed with the personal involved and land holder spoken to ensure this does not occur in the future. Identified at toolbox meetings and addressed with all staff.
- Yandanooka intersection joint to the Mingenew Morawa Road has minor failure which was identified prior to seal.
  - Once the area has dried back this soft edge will be removed and replaced. Stabilised and cold mixed placed along the joint to seal the area of concern.



#### **Works ahead to end financial year.**

- Line marking, fencing and signage placement Yandanooka intersection realignment.
- Shoulder grading Allanooka Springs and Depot Hill Roads.
- Maintenance dry grading Yandanooka west road, Natta road, Yandanooka Melara road and Yandanooka Morawa, Moorriary, Strawberry North East and Burma Roads
- Bus signage to be placed in identified locations.

#### **Urban Services**

##### **Streetscape completed works**

- Sprayed the kerb around the streets for weeds and grass.
- Swept the main street and kerb with skid steer after the first flush rain.
- Maintaining the main street with push vacuum (billy goat) and blower.

##### **Works ahead to end financial year.**

- Routine maintenance

##### **Open spaces completed works**

- Big ears placement in Cecil Newton Park
- Sealing of the driveway at the bakery
- Preparation for the placement of the lights in Cecil Newton park
- Opening of the Spring water at the Springs in Mingenew.
- Liquid fertilizing of the Hockey field and football field.
- Wild flowers planting around Mingenew.

##### **Issues encountered**

- Long delivery time for ordered equipment
- Sufficient resources while doing significant road works and projects

##### **Works ahead to end financial year.**

- Installation of the lights in Cecil Newton Park and feature lighting.
- Stabilisation of big ears. (Weld struts to join the stems together to strengthen the feature.)
- Routine maintenance

## Infrastructure Projects

### Mingenew Airfield

- Air strip upgraded to meet compliance with required regulations.



- Shed and shelter ordered delivery time early August.
- Pipe work ordered
- Lighting, some lighting has arrived and is prepared for installation and still waiting on 10 lights to arrive from the supplier.

### Issues encountered

- Long delivery time for ordered equipment

### Works ahead to end financial year.

- Installation of the lights
- Installation of the shed and shade when it arrives
- Installation of the pipe work when the shed has arrived for safe storage.
- Routine maintenance

### Other Activities

- Budget and planning for the new financial year.
- Roads maintenance programming aligned with priority roads and budget allowances.
- Preparations for Coalseam road works.

### Statutory Environment

Local Government Act 1995

### Financial Implications

All works have been completed to Budget

### Strategic Implications

Strategic Community Plan 2019-29

- 1.1.1 Provide and support cost effective transport networks
- 1.1.2 Provide buildings, facilities and services to meet community needs
- 1.3.2 Provide services and processes to enhance public safety
- 2.4.2 Continue programs to improve the look and feel of the community public spaces, places and services to support an active and inclusive lifestyle

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

17.0 CONFIDENTIAL ITEMS

17.1 RATES – SALE OF LAND (A308)

*To be held in closed session under s5.23 (2)(b) of the Local Government Act 1995 as the matter to be considered relates to the personal affairs of a person.*

**PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 17.1– RESOLUTION# 13210623**

**MOVED: Cr JR Holmes**

**SECONDED: Cr JD Bagley**

That Council closes the meeting to the public at 5:34pm in order to discuss Confidential Item 15.1, in accordance with s.5.23(e)(iii) of the Local Government Act 1995, as the matter pertains to the business, professional, commercial or financial affairs of a person.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 17.1– RESOLUTION# 14210623**

**MOVED: Cr AR Smyth**

**SECONDED: Cr CV Farr**

Council, by Absolute Majority:

1. Agrees to re-purchase 35 (Lot 14 on DP222813) King Street Mingenew, and engross all necessary documentation required for the finalisation of the return of the land to the Council.
2. Under section 6.12 of the Local Government Act 1995, write off all rates and service charges, associated with 35 King Street for the 2022/23 financial year and the portion of 2023/24 up until settlement of Part 1 of this resolution.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**PROCEDURAL MOTION – ITEM 17.1 – RESOLUTION# 15210623**

**MOVED: Cr JD Bagley**

**SECONDED: Cr CV Farr**

Council reopens the meeting to the public at 5:37pm.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

18.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil.

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

19.1 MINGENEW TOWN HALL

COUNCILLOR MOTION – ITEM 19.1 – RESOLUTION# 16210623  
MOVED: Cr JR Holmes                      SECONDED: Cr AT Pearse

Council requests the CEO to prepare, by September 2023/24:

1. A report to establish the minimum works required to have the Mingenew Town Hall reopened and made available for performing arts, indoor recreational activities and community events; and
2. As part of this report provide refurbishment options and costings for the Mingenew Town Hall to be established as a multi-use facility, including the following activities:
  - Sporting activities'
  - Dance
  - Theatre
  - Blue light discos
  - Orchestra and pop-up shops

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

19.2 SKID STEER REPLACEMENT FROM PLANT RESERVE

COUNCILLOR MOTION – ITEM 17.3 – RESOLUTION# 18210623  
MOVED: Cr AR Smyth                      SECONDED: Cr JR Holmes

Council adds to the plant replacement program for the 2023/24 Budget, the replacement of its Skid Steer, including mulching head and profiler, to be funded from the Plant Reserve, up to the value of \$150,000.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/1

20.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 16 August 2023 commencing at 5.00pm.

21.0 CLOSURE

The meeting was closed at 5:53pm.

These minutes were confirmed at an Ordinary Council meeting on 16 August 2023.

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

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