



## PREVIOUS MINUTES ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

17 April 2024 at 5:00pm

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# MINUTES OF THE ORDINARY COUNCIL MEETING

21 FEBRUARY 2024

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 21 FEBRUARY 2024 COMMENCING AT 5:00PM.**

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

The Shire President 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	Councillor
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr RA Starick	Councillor

**Leave of Absence**

Cr HR McTaggart	Deputy President
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**Apologies**

Cr AR Smyth	Councillor
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**Staff**

Mr Matt Fanning	Chief Executive Officer
Mrs Helen Sternick	Manager Corporate Services
Mr Shane Noon	Works Manager
Ms Erin Greaves	Governance and Community Manager

**Members of the Public**

Mrs Michelle Bagley, Mingenew Arts & Crafts Collective (MACC)

**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**

Mrs Michelle Bagley made a Deputation on behalf of the Mingenew Arts & Crafts Collective (MACC). MACC has been very successful in bringing community members together for Arts & Crafts and social connection each Wednesday, having two successful Pop Up shops (in 2022 and 2023), taking over the Tourist & Promotions Committee (as a sub-committee) and now running monthly workshops, such as Paint n Sip and Macrame.

MACC has utilised Community Assistance Scheme (CAS) funding to purchase essential storage equipment and thanks are extended to Council for support for this project.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

Going forward, MACC is interested in taking on management of the Railway Station, with full-time access to the facility and coordination for other users. As part of this arrangement, MACC requests that permanent signage is installed, a shower be installed in the bathroom (with MACC offering to fund any required hardware), lighting to be installed outside and sprinklers be available to facilitate regular watering by members to encourage lawn growth and reduce sand blowing into the building.

**Response:** The Shire President indicated the proposal could be considered and suggested meeting with Shire staff to discuss. It was noted that the Midlands Railway were going to provide storyboards / interpretive signage – staff would follow this up. Mrs Bagley was thanked for her attendance and left the meeting at 5:11pm.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 6 DECEMBER 2023**

**OFFICER RECOMMENDATION - ITEM 7.1**

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 6 December 2023 be confirmed as a true and accurate record of proceedings.

**7.2 SPECIAL COUNCIL MEETING HELD 15 DECEMBER 2023**

**OFFICER RECOMMENDATION - ITEM 7.2**

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 15 December 2023 be confirmed as a true and accurate record of proceedings.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 & 7.2 ENBLOC – RESOLUTION# 01210224**

**MOVED:** Cr AT Pearse

**SECONDED:** Cr JD Bagley

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 6 December 2023 be confirmed as a true and accurate record of proceedings.

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 15 December 2023 be confirmed as a true and accurate record of proceedings.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil.

**9.0 DECLARATIONS OF INTEREST**

Nil.

## 11.0 CHIEF EXECUTIVE OFFICER

### 11.1 MINGENEW TOWN HALL - OPTIONS REPORT

<b>Location/Address:</b>	Victoria Road Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	CP.USE.2
<b>Date:</b>	29 February 2024
<b>Author:</b>	Matt Fanning, Chief Executive Officer
<b>Voting Requirements:</b>	Simple Majority

#### Summary

A comprehensive report identifying the required repairs and recommended alterations to the Mingenew Town Hall has been completed as Phase 1 and 2 of the Mingenew Town Hall – Options Report. This report recommends that the Council progress to the next phase of the project, being the detailed costing of the recommended repairs and alterations followed by a final report to the Council identifying the full project costings and options.

#### Key Points

- The Town Hall Options report has been scoped to assist the Council in gaining a full understanding of the works and associated costs required to reopen the Hall.
- Condition assessment, document review and concept development phases have been completed
- The final phases of the report will be completed by 30 March 2024

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION# 02210224**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr RA Starick

Council receives and endorses the recommended concept for the potential restoration of the Mingenew Town Hall and instructs the Chief Executive Officer to continue with the options report scope in seeking builders quotes for the recommended works and that once completed the final report be brought before the Council for further consideration.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

#### Attachments

11.1.1 Mingenew Town Hall – Options Report

#### Background

The Mingenew Town Hall was built in 1959 and has served the Mingenew community for many years. In about 2012 asbestos was identified in the Hall and along with other deficiencies a decision was made to close the Hall. Since this time many reports and discussions have been held regarding the future of the Hall. At no time has there been a comprehensive options report which has enabled the Council to make a fully informed decision as to its future.

The works will be completed in four (4) parts being:

#### Part 1 - Condition/Safety/Compliance Assessment

The Consultant will review the current reports and determine what additional reports will be necessary to inform the development of an options report for the future of the Hall. It is suggested as a minimum that an Electrical compliance and hazop Report may be required.

Part 2 – Concept Options Development

The consultant will review the survey data from the 2021 and 2023 community surveys and the community scorecard report and in consideration of all other Shire of Mingenew infrastructure provide concept options for the restoration of the Hall to include as a minimum the following:

- Stage area
- Rear Stage rooms not required can be partitions.
- Kitchenette
- All abilities access
- Bar
- Infrastructure to host Movie nights and remove the need to the upper old projection room access.  
Suggest this area is removed
- Rear Stage Access
- Mural on Northern Wall to stay
- Polished floors to remain
- Infrastructure to host blue light discos
- The hall needs to be renovated to be able to host the following suggested functions as a minimum:
  - End of year school concerts
  - School theatrical events
  - Blue light disco
  - Movie Nights
  - Balls or function dinners
  - Pop Up shops
  - Town Hall Meetings

Part 3 – Whole of life cost analysis / Concept Options

Based on the findings and work produced from the Part 1 and Part 2, the Consultant will prepare a whole of life cost analysis which will include:

- Full estimates for the delivery of the concept options prepared by a regional WA builder or Quantity Surveyor
- Whole of life cost assessment for each concept options to include annual maintenance schedule, annual operational costs and long term component renewal schedule.

As Part of part 3, the Consultant shall produce concept designs that presents the space layout, space needs and operational requirements (current and future) for the alternative options which are of a standard required to present to the community.

At the completion of the Part 3, the Consultant shall deliver an interim report on findings and work completed to-date. Council will then provide direction to the Consultant on which of the alternative concept options is chosen to be the focus for the plans to be produced under the Pre-Design Report.

Part 4 - Pre-Design Report:

This element of the Services shall include:

- Development of detailed conceptual designs for the chosen option (as directed by Council upon completion of part 3).
- Detailed conceptual designs should show design standards, floors plans, quantity and quality of the space, exterior design, building efficiencies and service level outcomes.
- The detailed design concepts should be accompanied by a detailed bill of quantities construction cost estimate.
- Energy Efficiency is important, and the Pre-Design report must articulate a clear and Sustainable Design Strategy that aim to meet modern energy efficiency standards.

- The Pre-Design Report should contain suitable standards, specifications, drawings and scope information which will enable the Council to tender out the preferred option works.

### **Comment**

The report presented has identified the works required to bring the Hall back to an operational condition and in addition the report makes recommendations and suggestions which if incorporated would improve the functionality of the facility. Some of these suggestions are in substitution of replacing some of the existing infrastructure such as external stairs.

Even though the scope of works states that phase 1 to 3 will be presented to the Council, it was thought necessary to bring the concept design back to the Council prior to moving to phase 3 of the scope of works to ensure that the Council is fully informed of the options presented and the potential functionality.

The report provides the minimum required works and also makes suggested improvements. It is recommended that these be priced in two separate packages so that the Council understands the minimum spend versus the potential ultimate spend requirements.

It is recommended that the Council endorse the concept plans as presented and await the final report which will include full costings so that they can make a fully informed decision regarding the future of the Hall.

Using this methodology any amendments or suggestions from the Council will be able to be incorporated prior to pricing.

### **Consultation**

The report has utilised information previously gathered in community surveys and reports.

### **Statutory Environment**

Council has an obligation as part of its Asset Management stewardship role to ensure that the assets it manages are fit for purpose, delivered at best value for money and meet community expectation within the former mentioned constraints.

### **Policy Implications**

Nil

### **Financial Implications**

The restoration of the Mingenew Town Hall is a future potential project within the Council's Long Term Financial Plan (LTFP). It is necessary to complete this body of work so that the best possible estimates can be included into the LTFP should the Council determine such.

### **Strategic Implications**

Strategic Community Plan 2019-2029

1.1.2 Provide buildings, facilities and services to meet community needs



## 11.2 PROPOSED RESIDENCE/OUTBUILDING

Location/Address:	40 (Lot 108) Victoria Road, Mingenew
Name of Applicant:	D Thompson & B Stratton
Disclosure of Interest:	Nil
File Reference:	A798
Date:	29 February 2024
Author:	Simon Lancaster, Planning Advisor (Shire of Chapman Valley)
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

Council is in receipt of an application for a building comprising a habitable/residence compartment and a non-habitable/outbuilding compartment upon 40 (Lot 108) Victoria Rod, Mingenew. This report recommends approval subject to conditions relating to the visual appearance of the building.

### Key Points

- 40 (Lot 108) Victoria Road, Mingenew is zoned 'Residential'
- The application is for a building combining a residence/habitable component at the front and a shed/non-habitable compartment at the rear.

### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 – RESOLUTION# 03210224

MOVED: Cr JR Holmes

SECONDED: Cr RA Starick

Council grants planning approval for a Residence/Outbuilding development comprising a habitable/residence compartment and non-habitable/outbuilding compartment upon 40 (Lot 108) Victoria Road, Mingenew subject to the following:

#### Conditions:

- 1 Development shall be in accordance with the approved plan(s) dated 21/2/2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan(s) requires further application and planning approval for that use/addition.
- 3 The wall cladding shall be of one uniform colour, and the roof sheeting a separate colour, to provide it with a visual appearance more in keeping with a residence than a shed, using materials (of a non-reflective finish) and colours that are to the satisfaction of the local government.
- 4 The floor level of the development shall not be more than 500mm above natural ground level.
- 5 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 6 All stormwater must be contained and disposed of onsite to the satisfaction of the local government.
- 7 The development is only to be used for habitable purposes, and general storage purposes associated with the predominant habitable use, and must not be used for commercial or industrial purposes.
- 8 The development shall not be occupied until compliant with the requirements of the Building Code of Australia, the *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974*.
- 9 The installation and maintenance of landscaping about the development site for the purposes of reducing the visual appearance of the building to the satisfaction of the local government.

- 10 The installation and maintenance of fencing about the development site for the purposes of reducing the visual appearance of the building to the satisfaction of the local government.
- 11 All parking of vehicles (and trailers) associated with the development shall be provided for within the property boundary.
- 12 The installation and maintenance of the vehicle access/crossing place onto Victoria Road shall be to the satisfaction of the local government.
- 13 The vehicle access/crossing place and driveway shall be of a sealed standard to the satisfaction of the local government.
- 14 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING REQUIREMENTS:

MOTION LOST 5/0

(FOR: Nil. AGAINST: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick)

Attachments

11.1 Application

Background

40 (Lot 108) is a 1,007m<sup>2</sup> vacant property at the southern end of the Mingenew townsite.

Figure 11.1.1 – Location Plan for 40 (Lot 108) Victoria Road, Mingenew

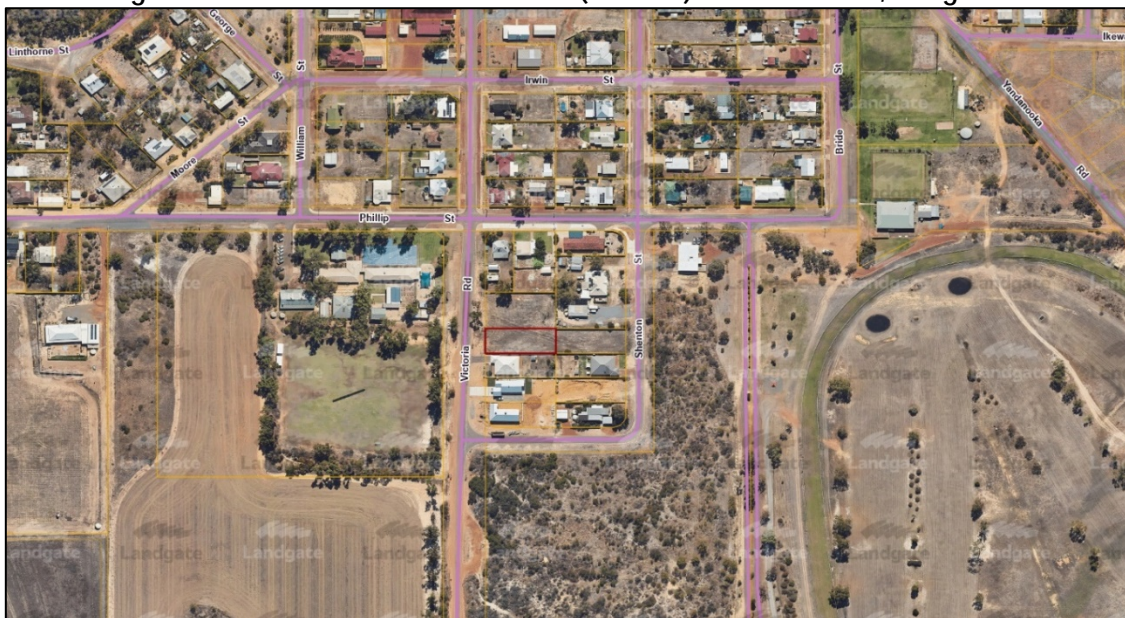


Figure 11.1.2 – Aerial Photograph of 40 (Lot 108) Victoria Road, Mingenew



The applicant is seeking approval to construct a 240m<sup>2</sup> (12m x 20m) enclosed building upon 40 (Lot 108) Victoria Road, Mingenew, that would have a 69m<sup>2</sup> unenclosed carport/verandah area along its front elevation and portion of its side (northern) elevation.

The front (western) section of the building's internal floor area would be a 96m<sup>2</sup> (12m x 8m) habitable floor area housing 2 bedrooms, 1 bathroom, toilet, laundry, kitchen and living/dining area. The rear (eastern) section would be a 144m<sup>2</sup> (12m x 12m) storage area with 2 rollers doors for external access and a door as internal access to the habitable area.

The building would have a 3.6m wall height and total height of 4.687m at the highest point of the gable roof.

The building would be sited 8m back from the Victoria Road (western) boundary and 1.5m from the closest (southern) side boundary.

The building is proposed to be clad in Surfmist colorbond roof sheeting and Surfmist colorbond wall cladding for the habitable/front section of the building and Iron Stone colorbond wall cladding for the non-habitable/rear section of the building.

The submitted application is provided as **separate Attachment 11.1**.



Figure 11.1.3 – Floor and elevation plans for residence/outbuilding

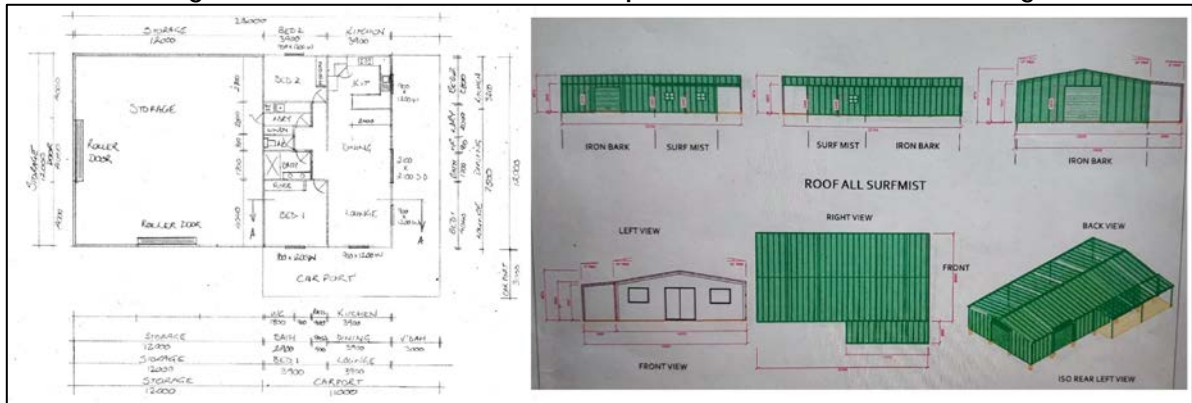


Figure 11.1.4 – Concept drawing for residence/outbuilding and proposed cladding colours



Figure 11.1.5 – View looking east at Lot 108 from Victoria Road also illustrating built form of neighbouring lots to the south



Figure 11.1.6 – View looking south across Lot 108



#### Comment

Application has been received for a structure that would contain both Class 1a (deemed habitable under the Building Code of Australia) and Class 10 (non-habitable) components.

The building would represent a departure from the built form of the residences already established in this newest subdivision area of the Mingenew townsite.

The building would utilise the construction methods of a shed (i.e. steel frame and colorbond cladding) and have similarities to the appearance of a shed. The applicant has made effort to reduce this by proposing architectural features more in keeping with a residence such as windows, doors, a lean-to area at the front and for a portion of the side (northern) elevation, and use of 2 colours for the walls and roof rather than just the 1 cladding colour.

The building as viewed from the road would present the most 'house-like' elevation, with 2 windows and a door and lean-to/verandah area, and the northern side elevation would feature 2 windows, a carport and a roller door. However, the southern side elevation would present more like a shed, having 1 window and behind this an unbroken colorbond wall of 13.35m. The rear elevation would present as a shed with a roller door the only feature.

The applicant is proposing that the rear/shed section of the building would have Iron Stone wall cladding, and the front/house section of the building would have Surf Mist wall cladding, which is the same colour as the proposed roof sheeting.

It is suggested that having the wall and roof sheeting the same colour in this front section would increase the shed appearance of the building and should be discouraged, and the cladding of the walls in 2 half-half colours would accentuate its departure from the existing built form. On this basis it is recommended that should Council approve the building it be subject to the following condition:

*"The wall cladding shall be of one uniform colour, and the roof sheeting a separate colour, to provide it with a visual appearance more in keeping with a residence than a shed, using materials (of a non-reflective finish) and colours that are to the satisfaction of the local government."*



State Planning Policy 7.3 – Residential Design Codes (the 'R-Codes') establishes criteria by which the Shire should assess applications.

The proposed building's property boundary setbacks of 8m from the front boundary, 1.5m from the southern (this being the 'high' side of the sloping property) side boundary, 3.5m from the northern side boundary (this being the 'low' side of the sloping property), and 19m from rear boundary comply with the requirement for the R12.5 zone under the R-Codes.

The proposed development also meets with the requirements and design principles of the R-Codes relating to height, overshadowing and privacy.

It is considered that with application of conditions of approval requiring the applicant to install fencing, a paved driveway, landscaping and (singular) wall colour and complementary (yet differentiated) roof sheeting that the visual appearance of the development might become more in keeping with the amenity of the area.

There is also capacity through applied approval conditions to address aspects relating to off-street car parking, vehicular access and stormwater management.

### **Consultation**

Council may consider it appropriate to advertise the application by writing directly to surrounding landowners inviting comment, prior to returning this matter to a future meeting of Council for determination.

### **Statutory Environment**

40 (Lot 109) Victoria Road, Mingenew is zoned 'Residential R12.5' under Shire of Mingenew Local Planning Scheme No.4 ('the Scheme').

Table 2 of the Scheme lists the objectives of the 'Residential' zone as being:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development."*

The proposed development whilst having the dimensions, and incorporating materials, generally associated with an outbuilding can not be deemed as such as it does not meet the definition for an Outbuilding provided by the R-Codes:

*"An enclosed non-habitable structure that is detached from any dwelling."*

Similarly given that the majority (60%) of the internal floor area for the proposed development would be constructed to a Class 10 (non-habitable) standard, and much of the aspects of the appearance of the development would be that of a shed the application is not considered to meet the definition of a Single House provided by the R-Codes:

*"A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."*

On this basis the application has been assessed as a 'Residence/Outbuilding' under Schedule 1 Part 3 Clause 18(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- “(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by Council in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...
- ...(c) any approved State planning policy;...
- ...(g) any local planning policy for the Scheme area;...
- ...(m) the compatibility of the development with its setting including -
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;...
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
- ...(s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...
- ...(w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...
- ...(zb) any other planning consideration the local government considers appropriate.”

The following Aims of the Scheme from Clause 9 of the Shire Scheme may be considered of relevant in this matter:

*“to preserve, protect and enhance the amenity and character of Mingenew Townsite, and areas of cultural, heritage and natural and biodiversity significance across the Shire;  
to ensure there is sufficient supply of serviced and suitable land within Mingenew for existing and future housing, employment, commercial activities, community facilities, recreation and open space;  
to provide for a range of accommodation and lifestyle choices that meet the needs and aspirations of the community”*

## Policy Implications

Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m<sup>2</sup> for Mingenew townsite lots that are less than 1,500m<sup>2</sup> (and 200m<sup>2</sup> for lots greater than 1,500m<sup>2</sup>). Lot 108 is 1,007m<sup>2</sup> in area and the 144m<sup>2</sup> non-habitable component of the building would exceed the 80m<sup>2</sup> shed area policy requirement. The policy also establishes a maximum 10m wall length and the shed component of the building would have a 12m length.

The proposed building with its 3.6m wall height and 4.687m total height would comply with the 4m maximum wall height and 5m maximum total roof height set by the Outbuildings Policy.

The Outbuildings Policy lists the following:

### *“Objectives*

- 1 *To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 *To provide a clear definition of what constitutes an “outbuilding”.*
- 3 *To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 *To limit the visual impact of outbuildings.*
- 5 *To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.”*

### *“Policy Provisions*

#### *General*

- 1 *Pre-fabricated garden sheds, “cubby houses”, kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.*
- 2 *Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.*
- 3 *The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.*

#### *Height, Size and Setbacks*

*Outbuildings within the Residential, Rural Townsite or Tourism zones shall;*

- (a) *be single storey;*
- (b) *be located behind any dwelling on site;*
- (c) *meet all setback requirements set out in the Local Planning Scheme and this policy;*
- (d) *not be approved by the local government on a lot not containing a dwelling;*
- (e) *be attached to, or setback 1.8m from any dwelling and 1.2m from any septic tank.”*

Whilst the proposed building would not be a shed in the more conventional sense it would bear some similarities in construction method and appearance and partial use, so Council may wish to give some regard for the Outbuildings Local Planning Policy in its assessment of this application.



A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

### Financial Implications

The application would not have a budgetary impact to Council.

### Strategic Implications

The following strategies and actions from the Shire's Strategic Community Plan are considered relevant in Council's assessment of this matter:

Strategy	Strategies/Actions	Council's Role	Partners
2.3 Cultural & Heritage	2.3.3 Enhance our natural and built environment and promote and protect the history and heritage within Mingenew	Support and manage	Community Groups
3.1 Housing	3.1.2 Develop local housing market (support new business model)	Investigate and support	Dept. Housing, Local entrepreneurs
4.1 Diversity of accommodation	4.1.1 Development of existing and future diverse accommodation options for business travellers and tourism	Facilitate	Local entrepreneurs and businesses

The Mingenew Townsite Local Planning Strategy notes the following:

#### *“4.2.6 Architectural Style*

*Architectural style refers to a combination of factors that influence building construction, such as built form, construction materials and local character. Architectural styles evolve over time and reflect the historic context and growth of an area. The local architecture of Mingenew spans many eras from the 1890s to the present, and there are still common elements from different periods that can, when possible, be incorporated into new development. Older development in Mingenew is characterised by the usage of local stone, gabled roofs and fenestration detail (see Plates 6 and 7).*

*Early residences incorporate hipped roofs and large verandahs (see Plate 6).*

*Present day residential development is characterised by houses with little to no roof pitch, constructed of weatherboard, corrugated iron and/or Colorbond sheeting (see Plate 8). Some newer homes have returned to passive climate responses typical of earlier housing and incorporate eaves and verandahs into the design detail. In keeping with the rural nature of the community many homes have open style fencing, larger sheds and outbuildings, rain water tanks and other modern improvements.*

*To promote flexibility and encourage new residential development, it is not recommended that any design controls be implemented for residential dwellings, however developers will be encouraged to draw from the architectural palette of traditional homes in the townsite when planning new development.”*

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Plate 6 Historic Residence



Plate 8 Contemporary Residence



Plate 7 Police Residence

## 12.0 CORPORATE SERVICES

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2023

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	29 February 2024
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the period ended 31 December 2023, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 &amp; 12.2 ENBLOC – RESOLUTION# 04210224</b>	
<b>MOVED: Cr JD Bagley</b>	<b>SECONDED: Cr JR Holmes</b>
Council receives the Monthly Financial Report, including the Statement of Financial Activity, for the period 1 July 2023 to 31 December 2023, as included at Attachment 12.1.1.	
Council receives the Monthly Financial Report, including the Statement of Financial Activity, for the period 1 July 2023 to 31 January 2024, as included at Attachment 12.2.1.	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 5/0</b> <i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)</i>

#### Attachments

12.1.1 Monthly Financial Report for the period ending 31 December 2023

#### Background

Council is provided with the Monthly Financial Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Mingenew.

The Monthly Financial Report for the period ended 31 December 2023 includes the following:

- Statement of Financial Activity by Nature or Type
- Statement of Financial Position
- Statement of Financial Activity Information
- Explanation of Material Variances
- Cash and Financial Assets
- Reserve Accounts
- Capital Acquisitions
- Disposal of Assets
- Receivables
- Other Current Assets
- Payables
- Rate Revenue

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- Borrowings
- Lease Liabilities
- Other Current Liabilities
- Grants, Subsidies and Contributions
- Capital Grants, Subsidies and Contributions
- Budget Amendments

### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 December 2023	
Municipal Funds – Corporate cheque account	\$2,079,140
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$1,142,398

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 2023/24 financial year.

### Consultation

Nil.

### Statutory Environment

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996*

#### **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 the previous month (the **relevant month**) in the following detail –

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

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

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

[(a) deleted]

(b) an explanation of each of the material variances referred to in subregulation (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 must be shown according to nature classification.*

*(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be*

*—*

*(a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month;  
and*

*(b) recorded in the minutes of the meeting at which it is presented.*

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

### **Policy Implications**

Nil.

### **Financial Implications**

No financial implications are indicated in this report.

### **Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

## 12.2 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2024

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	29 February 2024
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the period ended 31 January 2024, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 &amp; 12.2 ENBLOC – RESOLUTION# 04210224</b>	
<b>MOVED: Cr JD Bagley</b>	<b>SECONDED: Cr JR Holmes</b>
Council receives the Monthly Financial Report, including the Statement of Financial Activity, for the period 1 July 2023 to 31 December 2023, as included at Attachment 12.1.1.	
Council receives the Monthly Financial Report, including the Statement of Financial Activity, for the period 1 July 2023 to 31 January 2024, as included at Attachment 12.2.1.	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 5/0</b> <i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)</i>

### Attachments

12.2.1 Monthly Financial Report for the period ending 31 January 2024

### Background

Council is provided with the Monthly Financial Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Mingenew.

The Monthly Financial Report for the period ended 31 January 2024 includes the following:

- Statement of Financial Activity by Nature or Type
- Statement of Financial Position
- Statement of Financial Activity Information
- Explanation of Material Variances
- Cash and Financial Assets
- Reserve Accounts
- Capital Acquisitions
- Disposal of Assets
- Receivables
- Other Current Assets
- Payables
- Rate Revenue
- Borrowings
- Lease Liabilities
- Other Current Liabilities

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- Grants, Subsidies and Contributions
- Capital Grants, Subsidies and Contributions
- Budget Amendments

### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 January 2024	
Municipal Funds – Corporate cheque account	\$2,130,000
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$1,142,398

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 2023/24 financial year.

### Consultation

Nil.

### Statutory Environment

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996*

#### **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 the previous month (the **relevant month**) in the following detail —*

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

*(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).*

*(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.*

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

- deleted*
- an explanation of each of the material variances referred to in subregulation (1)(d); and*
- such other supporting information as is considered relevant by the local government.*

*(3) The information in a statement of financial activity must be shown according to nature classification.*

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

*(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be*

*—*  
*(a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month;*  
*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 28 NOVEMBER 2023 TO 31 JANUARY 2024**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.CRD  
**Date:** 29 February 2024  
**Author:** Maria Snowden-Giles, Payroll/Finance Officer  
**Authorising Officer:** Helen Sternick, Manager Corporate Services  
**Voting Requirements:** Simple Majority

**Summary**

This report recommends that Council receives the list of payments (including purchasing cards), made under delegated authority, for period 28 November 2023 to 31 January 2024.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.3 – RESOLUTION# 05210224**  
**MOVED: Cr RA Starick**                      **SECONDED: Cr AT Pearse**

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 28 November 2023 to 31 January 2024, as included at Attachment 12.3.1. represented by:

\$322,807.51 Municipal EFTs  
\$16,272.41 Municipal EFT Purchasing Cards (Fuel Cards)  
\$38,221.65 Municipal Direct Debit Department of Transport (Licencing) Payments  
\$88,807.10 Municipal Direct Debit Other  
\$4,124.37 Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)  
\$170,363.47 Net Salaries  
\$632,596.51 Total Payments

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

**Attachments**

12.3.1 List of Payments – 28 November 2023 to 31 January 2024

**Background**

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with section 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

In accordance with section 13A of the *Local Government (Financial Management) Regulations 1996* a list of payments made by authorised employees via purchasing cards is to be provided to Council.

The list is to include 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*

### **12. Payments from municipal fund or trust fund, restrictions on making**

- (1) *A payment may only be made from the municipal fund or the trust fund —*
  - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

### **13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee's name; and*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction,*  
*and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

### **13A. Payments by employees via purchasing cards**

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
  - (a) *the payee's name.*
  - (b) *the amount of the payment.*
  - (c) *the date of the payment.*
  - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under sub-regulation (1) must be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

## Policy Implications

Payments have been made under delegation.

## Financial Implications

The list of payments made in accordance with budget and delegated authority.

## 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 COMMUNITY INFRASTRUCTURE FUND CONTRIBUTION RESERVE

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FM.INV
<b>Date:</b>	29 February 2024
<b>Author:</b>	Helen Sternick, Manager Corporate Services
<b>Authorising Officer:</b>	Matt Fanning, Chief Executive Officer
<b>Voting Requirements:</b>	Simple Majority

### Summary

To seek Council's approval to establish a Community Infrastructure Fund Contribution Reserve Account.

### Key Points

- Road User, Contribution and Upgrade Agreement with Terra Mining refers to a Community Infrastructure Fund Contribution, including the purpose of acquisition, restoration, extension and improvement of community infrastructure.

### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.4 – RESOLUTION# 06210224

MOVED: Cr JR Holmes

SECONDED: Cr AT Pearse

### Council approves,

1. The establishment of a Community Infrastructure Fund Contribution Reserve; and
2. The purpose of the reserve to be “used to fund the acquisition, restoration, extension and improvement of community infrastructure”.

### VOTING REQUIREMENTS:

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

### Background

The establishment of reserves allow Council to set aside money to be used for a designated purpose in a future financial year.

At the Special Council Meeting held on 15 December 2023, a decision was made to enter a Road User, Contribution and Upgrade Agreement with Terra Mining Pty Ltd. For the duration of the agreement, Terra Mining agrees to pay the Shire the Community Infrastructure Fund Contribution to support the acquisition, restoration, extension and improvement of community infrastructure within the Shire.

### Comment

As per the agreement, the Community Infrastructure Fund Contribution will comprise of \$0.12 per tonne of product (including any by-product) mined and transported through Mingenew from the mining operations at Extension Hill per annum. To ensure the funds are used for a future purpose, a reserve fund is required to be created.

### Consultation

Council  
Chief Executive Officer  
Terra Mining

### Statutory Environment

*Local Government Act 1995*

**6.11. Reserve accounts**

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

*Local Government (Financial Management) Regulations 1996*

### **17. Title of reserve accounts**

- (1) *A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.*

### **Policy Implications**

Nil

### **Financial Implications**

Restricting the revenue from the agreement for a future purpose.

### **Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

## 12.5 2023/24 MID YEAR BUDGET REVIEW AND BUDGET AMENDMENTS

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.BUD.23.24  
**Date:** 29 February 2024  
**Author:** Helen Sternick, Manager Corporate Services  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

### Summary

To consider the Shire's financial position as at 31 December 2023 and performance for the period 1 July to 31 December 2023 in relation to the adopted annual budget and projections estimated for the remainder of the financial year and budget amendments from the budget review.

### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.5 – RESOLUTION# 07210224

**MOVED:** Cr JR Holmes

**SECONDED:** Cr JD Bagley

**Council, by Absolute Majority,:**

1. Adopts the 2023/24 mid year budget review, as attached.
2. Amends the budget accordingly as per Note 5 within the 2023/24 Budget Review.

**VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

### Attachments

12.5.1 2023/24 Budget Review

### Background

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2023 to 31 December 2023 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2024 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

The material variance levels which have been reported for the budget review, are based upon management judgement where explanations are considered appropriate.

### Comment

This report provides information by Nature and Type and is based on the six month period from 1 July 2023 to 31 December 2023.

The budget review report includes, at Note 4, a summary of predicted variances contained within the Statement of Financial Activity, which is outlined in the below table. In addition to the variances listed below there are several non-cash items that have not been listed but have been included as budget amendments that result in a nil effect, this is detailed at Note 5.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

Final grants payment received from projects completed in 2022/23 (BBRF Astrotourism, DLGSCI Mingenew Hill Design)	\$16,534
Increase operating grants (financial assistance, direct road, disaster recovery)	\$50,529
Increase in Community Infrastructure Fund contribution*	\$50,000
Decrease in rental due to Karara housing leases expiry and employee subsidy	(\$18,333)
Increase in standpipe revenue	\$5,000
Increase on interest on municipal fund	\$52,700
Savings in land purchase for road intersection & retained retention funds for incomplete roadworks	\$28,198
No LGIS member contribution fund available in the current year	(\$6,000)
Savings on employee costs – carried vacancies (Cadet, Apprentice recruitment delays and other positions due to resignations)	\$59,909
Increase utilities charges for employees	(\$5,106)
Savings in Elected Members elections due to elected unopposed	\$10,000
Increase in various consultancy fees	(\$5,775)
Urgent repairs to Yandanooka Hall septic	(\$16,232)
Increase insurance excess for legal expenses	(\$5,000)
Increase building maintenance at museum, rec centre, MIG building and bank building	(\$13,000)
Increase in maintenance expenses at recreation grounds due to turf renovations and bore pump	(\$16,500)
Improve access to DrumMuster facility	(\$10,000)
Loan no longer required to purchase the Karara houses	\$50,912
Write off of bad debts*	(\$10,885)
Successful community garden grant application	\$10,000
Additional disaster recovery funding (TC Seroja)	\$2,644
Final grant payments for 2022/23 projects (RAP Airstrip & BBRF Mingenew Hill)	\$42,468
Decrease LRCI Phase 4 funding from budget estimates	(\$986)
Decrease LRCI Phase 3 carried forward amount for Tennis Club project & Tennis Club contribution	(\$10,691)
Decrease in proceeds on disposal of plant items from budget estimates	(\$16,000)
Increase in Aged Pensioner Units renovation from budget estimates	(\$4,883)
Refurbish public toilets between hall and admin	(\$10,000)
Increase capital road program to fully expend LRCI Phase 4 funding	(\$6,111)
Increase allocation for shade sails at Rec Centre	(\$15,000)
Matching grant contribution for community garden	(\$10,000)
Transfer to reserve community contributions and Terra Mining*	(\$87,000)
Overall Change (surplus)	\$111,392

\* Please note: indicates items included in separate agenda reports for Council consideration and is subject to Council's decision.

In considering the above variances and projections within the attached budget review, the closing position has increased from zero to \$111,392, reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. The required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as part 2 of the recommendation for Council's consideration.

## Consultation

Matt Fanning, Chief Executive Officer  
Erin Greaves, Governance and Community Manager  
Shane Noon, Works Manager

## Statutory Environment

*Local Government (Financial Management) Regulations 1996*

### 33A. Review of budget

- (1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) *consider the local government's financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget; and*
  - (d) *include the following —*
    - (i) *the annual budget adopted by the local government;*
    - (ii) *an update of each of the estimates included in the annual budget;*
    - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
    - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*
- (2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*  
*\*Absolute majority required.*
- (4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Section 6.8(1) (b) of the *Local Government Act 1995* provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

## Policy Implications

Nil.

## Financial Implications

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of 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

12.6 SUNDRY DEBTOR WRITE OFF

Location/Address: Shire of Mingenew  
 Name of Applicant: Shire of Mingenew  
 Disclosure of Interest: Nil  
 File Reference: FM.DBT.2  
 Date: 29 February 2024  
 Author: Maria Snowden-Giles, Finance/Payroll Officer  
 Authorising Officer: Helen Sternick, Manager Corporate Services  
 Voting Requirements: Simple Majority

Summary

To consider writing off an outstanding sundry debtor account that is deemed non recoverable.

- DP53 – \$8,035.25

Key Points

- The Shire engaged an external company, to use Shire plant, to assist with the repairs of the flood damage caused by TC Seroja to the Shire roads, and during this time the grader was damaged.
- The Shire raised an invoice to recover repair costs from DP53.
- Insufficient evidence exists to support the Shire’s claim that the third party is responsible for the damages.
- DP53 are rejecting responsibility for the damages.
- Uneconomical to pursue given cost of recovery.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.6 – RESOLUTION# 08210224**

**MOVED: Cr AT Pearse**

**SECONDED: Cr JD Bagley**

Council authorises the amount of \$8,035.25 to be written off sundry debtor DP53 for the recovery of alleged damages incurred on the Shire’s grader by a third party due to the cost of recovery being uneconomical.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

Background

The roadworks to repair the flood damage occurred in December 2022, an invoice was raised in July 2023 to recoup the damage to the Shire’s grader. DP53 has rejected responsibility for the damages and Shire officers have been unable to locate sufficient evidence to support the Shire’s claim.

The Shire of Mingenew follows the debt recovery procedures. Where every attempt to recover the debt is unsuccessful, and the cost of pursuing the debt through legal means outweighs the benefit, it may be necessary to write off the debt.

Council has delegated the power to write off of monies owing, to the Chief Executive Officer, to a maximum value of \$100. As the value of the invoice is over the delegated value, Council must make the decision as to whether the debt is written of or further action to recovery the debt is taken.

Comment

The debtor recommended for write off are summarised as follows:

Debtor No.	Nature of Charge	Amount	Rationale for Write Off
DP53	Reimbursement of repairs to damage grader	\$8,035.25	Uneconomical to pursue given cost of recovery
<b>Total</b>		<b>\$8,035.25</b>	



**Consultation**

Matt Fanning, Chief Executive Officer

Shane Noon, Works Manager

**Statutory Environment**

*Local Government Act 1995*

**6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —*  
*(c) write off any amount of money,*  
*which is owed to the local government.*

**Policy Implications**

Policy 1.3.9 – Debt Collection

**Financial Implications**

The total debt to be written off is \$8,035.25. This amount has been carried forward as part of Council's opening net current asset position balance. If the amount is written off, it will be treated as an expense in the current year's budget.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

## 12.7 RATE EXEMPTION FOR 32 WILLIAM STREET, MINGENEW (ASSESSMENT A397) – ROMAN CATHOLIC BISHOP OF GERALDTON

**Location/Address:** 32 William Street, Mingenew (A397)  
**Name of Applicant:** Roman Catholic Bishop of Geraldton  
**Disclosure of Interest:** Nil  
**File Reference:** RV.RAT.2  
**Date:** 29 February 2024  
**Author:** Megan Smith, Finance/Rates Officer  
**Authorising Officer:** Helen Sternick, Manager Corporate Services  
**Voting Requirements:** Simple Majority

### Summary

The Roman Catholic Bishop of Geraldton have applied to have its residential property at 32 William Street, Mingenew (A397) exempted from rates under Section 6.26(2)(d) of the Local Government Act 1995 on the grounds that the land is not rateable as it is used exclusively for religious purposes.

The application also includes the request that the 2023/24 rates for 32 William Street, Mingenew (A397) be written off.

### Key Points

- A ratepayer can object to the rate record on the grounds there was an error on the basis that the land or part of the land is not rateable land.
- The Local Government Act 1995 states that land used or held exclusively by a religious body as a place of residence of a minister of religion is deemed not rateable land.
- The Roman Catholic Bishop of Geraldton have applied for a rate exemption.

### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.7 – RESOLUTION# 09210224

MOVED: Cr RA Starick

SECONDED: Cr JD Bagley

#### Council:

1. Accepts that the Roman Catholic Bishop of Geraldton meets the definition of a religious group and that it uses the land at 32 William Street Mingenew (A397) in accordance with Section 6.25(2)(d) of the Local Government Act 1995, exclusively for religious purposes and is not rateable.
2. Writes off the 2023/2024 rate charge only (\$1,068.45) for 32 William Street, Mingenew (A397).
3. Agrees to review the exemption status of the above property every five (5) years.

#### VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)

### Attachments

12.7.1 RC Rates Exemption Application (Confidential)

### Background

Section 6.26(2)(d) of the *Local Government Act 1995* provides a rate exemption for 'land used or held exclusively by a religious body as a place of public worship or in relation to the worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood'.

The Roman Catholic (RC) Bishop of Geraldton has applied to have its residential property at 32 William Street, Mingenew (A397) exempt from rates. It is objecting to the payment of rates on the ground that there is an error in the rate records, as the property does not constitute rateable land as it is used exclusively for religious purposes.

RC Bishop of Geraldton has an Australian Taxation Office endorsement for charity tax concessions.

### **Comment**

The RC Bishop of Geraldton owns two properties in the Shire of Mingenew, being the church located at 28 William Street (A668) and the residence at 32 William Street (A397), the church is already rates exempt.

The RC Bishop of Geraldton was unaware that they had not previously formally applied for exemption status. The property at 32 William Street had previously been zoned in the rate record as vacant land. As such, only minimum Gross Rental Value (GRV) rates were ever levied, and no rubbish charges were levied either due to this error. A review by Landgate revealed a house on the property and requests were made by them to supply house plans. A revaluation subsequently took place in October 2021, amending the GRV from \$300 to \$6,864. An interim notice was subsequently issued which included rates and refuse collection service charge.

As part of the debt collection process, conversations took place with the church administration staff who enquired as to whether the rates should be payable, and they were advised to submit in writing a request for exemption, and to complete the application for rates exemption form.

Upon issue of the 2023/24 rates, a cheque payment was received for the refuse collection and Emergency Services Levy (ESL) only, with a note that they were exempt from rates and as such no payment for this was included. The common practice is that rates are paid in full until an exemption is granted and then a refund is made.

Subsequently a formal letter along with the Rates Exemption Application Form and the required Statutory Declaration was sent to them on 11 December 2023 asking them to complete and return the documents by 12 January 2024. The application was received 21 December 2023.

The RC Bishop of Geraldton is also requesting that the rates be written off for the 2023/24 financial year. Shire rates (excluding refuse and ESL) levied on the 32 William Street property in 2023/24 were \$1,068.45.

The claim is that the property is non rateable land on the basis that the land is used and held exclusively by a religious body as a place of residence of a minister of religion.

The applicant has the right under Section 6.78 of the Local Government Act 1995 to apply to the State Administrative Tribunal for a review of the decision of the local government should Council resolve to not allow the rates exemption.

### **Consultation**

Matt Fanning – Chief Executive Officer

### **Statutory Environment**

*Local Government Act 1995*

#### **6.26. Rateable land**

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*

#### **6.76. Grounds of objection**

- (1) *A person may, in accordance with this section, object to the rate record of a local government on the ground —*

- (a) *that there is an error in the rate record —*
  - (i) *with respect to the identity of the owner or occupier of any land; or*
  - (ii) *on the basis that the land or part of the land is not rateable land*
- (2) *An objection under subsection (1) is to —*
  - (a) *be made to the local government in writing within 42 days of the service of a rate notice under section 6.41;*

The objection is dated 21 December 2023, being outside of the 42 days. As such, Council is not required to consider the objection under Section 6.76 of the *Local Government Act 1995* for the purpose of the 2023/24 rating period.

Council has the option to approve an exemption going forward, which may or may not include the 2023/24 rating period.

**6.12. Power to defer, grant discounts, waive or write off debts**

- (1) *Subject to subsection (2) and any other written law, a local government may —*
  - (c) *write off any amount of money, which is owed to the local government.*

**Policy Implications**

Nil

**Financial Implications**

Should Council agree to the rates exemption, and that the exemption includes the 2023/24 rates, it will result in a rate revenue loss of \$1,068.45 with the continued losses in future years.

**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

13.0 GOVERNANCE AND COMMUNITY

13.1 STRATEGIC COMMUNITY PLAN 2023-2033 AND CORPORATE BUSINESS PLAN 2023-2027

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	CM.PLN.1
<b>Date:</b>	29 February 2024
<b>Author:</b>	Erin Greaves, Governance and Community Manager
<b>Authorising Officer:</b>	Matt Fanning, Chief Executive Officer
<b>Voting Requirements:</b>	Absolute Majority

**Summary**

An updated Strategic Community Plan (SCP) and Corporate Business Plan (CBP) is presented, following a major review and community consultation process.

**Key Points**

- As part of the Integrated Planning and Reporting Framework, local governments are required to undertake a major review of its Strategic Community Plan every 4 years (the last review having been conducted in 2019)
- The project commenced in 2022, with the release and collation of results from the MARKYT Scorecard (Community Satisfaction Survey), followed by several community consultation sessions and engagement by the Shire's consultant in 2023 to establish priorities and vision from the community
- The SCP 2023-2033 now integrates the Corporate Business Plan 2023-2027 into the one source document

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION# 10210224**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr RA Starick

Council, by Absolute Majority, adopts the presented Strategic Community Plan 2023-2033, incorporating the Corporate Business Plan 2023-2027, in accordance with s5.56 of the *Local Government Act 1995* and Regulations 19C and 19DA of the *Local Government (Administration) Regulations 1996* and:

- a) Gives local public notice of its adoption;
- b) Publishes the Plan on the Shire's website;
- c) Provides at least quarterly updates to the community on its achievements against the Plan.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

**Attachments**

13.1.1 Shire of Mingenew Strategic Community Plan 2023-2033 and Corporate Business Plan 2023-2027

**Background**

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

The Strategic Community Plan:

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

- Is ultimately the driver behind all other planning.

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

The Corporate Business Plan outlines the projects and services that the Shire will deliver over a four-year period to help achieve the objectives of the Strategic Community Plan.

An essential part of the SCP and CBP development process is effective and meaningful engagement with the community. Community engagement ensures communities can participate in decisions that affect them, and at a level that meets their expectations. It helps strengthen the relationship between communities and government, enabling stakeholders to become part of the process, while assisting to build consensus.

**Comment**

The reviewed SCP and CBP aims to capture key priorities, objectives and vision of the Shire of Mingenew community in consideration of any changes that may have occurred since its original adoption in 2019 and report on its performance and achievements. This provides Council with an opportunity to check in and ensure it continues to focus on the current and future needs, as identified by the community.

The SCP is intended to be a ‘living’ document, that will be updated at least annually, to guide the Shire and the community over the next 10 years. Achievements against the Plan will reported to the community, at least quarterly.

It should be noted that whilst the Strategic Community Plan includes some financial implications for the 10 year period, the Shire is currently working through the development of an updated Long Term Financial Plan (LTFP) document and this will likely be updated in 2025.

**Consultation**

The Shire of Mingenew community and stakeholders were engaged through various surveys and sessions throughout 2022 and 2023 and was largely informed by those participants.

Feedback was collated from sources such as the Future of the Town Hall survey, community workshops, clubs survey and MARKYT survey which have been undertaken in the last 18 months to help inform the development of the Shire’s Strategic Community Plan 2023-2033 and Corporate Business Plan 2023-2027.

A summary of priorities from the community is summarised below.

GROW MINGENEW	LOVE MINGENEW
<p>High Priority</p> <ul style="list-style-type: none"> <li>• Population retention and stabilisation</li> <li>• Road construction and maintenance</li> <li>• Footpath maintenance and expansion</li> <li>• Quality housing stock (Shire owned and delivered through partnerships)</li> <li>• Fit for purpose local childcare centre</li> <li>• Mainstreet activation and enhancement of open public spaces</li> <li>• Reliable and high-speed mobile and internet</li> <li>• Visitor servicing, events and tourism development</li> </ul>	<p>High Priority</p> <ul style="list-style-type: none"> <li>• Coordinated sport and recreation facility maintenance and renewal e.g. Recentre Centre, playing surfaces</li> <li>• Confirm the future of the Town Hall</li> <li>• Retention of the local GP service</li> <li>• Access to local primary and allied health care</li> <li>• Support for volunteers, particularly the ambulance service and retain participation in local clubs</li> </ul> <p>Medium Priority</p>

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<p>Medium Priority</p> <ul style="list-style-type: none"> <li>• Improved access to Mingenew CBH site</li> <li>• Engagement with mining and energy projects to bring value to Mingenew</li> <li>• Support and promotion of local businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Quality housing and support services for the elderly and vulnerable</li> <li>• Arts and cultural activities</li> </ul>
<p style="text-align: center;"><b>PROTECT MINGENEW</b></p> <p>High Priority</p> <ul style="list-style-type: none"> <li>• Joint planning and support for emergency services</li> <li>• Waste management services and infrastructure</li> </ul> <p>Medium Priority</p> <ul style="list-style-type: none"> <li>• Heritage and nature trails</li> </ul>	<p style="text-align: center;"><b>LEAD MINGENEW</b></p> <p>High Priority</p> <ul style="list-style-type: none"> <li>• Regular communication and reporting to the community</li> <li>• Regional collaboration (neighbouring local governments and regional organisations)</li> <li>• Customer service</li> <li>• Financial sustainability and reserves growth</li> </ul>

Respondents to feedback methods that informed the priorities include:

MARKYT survey 93 | Future of the Town Hall survey 82 | Councillor and Senior Staff Workshop 10 | Community Workshop 1 20 | Phone calls & submissions 29 | Clubs Survey 11 | Community Workshop 2 5|

In addition to this, the Shire provided an opportunity for community members and stakeholders to give feedback on road-related priorities and challenges and specific project concepts at its Mingenew Expo Booth in 2023. This provided more casual, interactive form of consultation, with visual aids and officers and Councillors available to discuss. This method was well-received and will likely be considered as an effective consultation tool for key projects and priority areas in the future.

At the 20 September 2023 Ordinary Council meeting, Council adopted a draft Strategic Community Plan and Corporate Business Plan Summary that was released in the lead up to a community consultation session in October 2023. In consideration of the results of the Community Scorecard results received in 2022, and feedback received through the consultation process, the following focus areas have driven the development of the final SCP and CBP:

- Local road improvements
- Housing availability and affordability
- Town Centre development and activation
- Economic Development and jobs

As indicated, regular reporting and reviews of the Plan will ensure the Shire is agile and responsive to changing needs and goals.

**Statutory Environment**

Local Government Act 1995

**5.56. Planning for the future**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

**19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
  - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
  - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
*\*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
*\*Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**19D. Public notice of adoption of strategic community plan**

- (1) *If a strategic community plan is adopted, the CEO must —*
  - (a) *give local public notice that the plan has been adopted; and*
  - (b) *publish the plan on the local government's official website.*
- (2) *If modifications to a strategic community plan are adopted, the CEO must — (a) give local public notice that modifications to the plan have been adopted; and (b) publish the modified p*



**Policy Implications**

Nil.

**Financial Implications**

As outlined within this report, the Long Term Financial Plan is currently in development and will provide a more detailed view of the implications and capacity of Council to resource the delivery of this Plan. It will, of course, be determined as part of Budget deliberations each financial year.

**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

Strategic Community Plan 2023-2033

13.1 Demonstrated delivery of priority projects and SCP outcomes

13.2 Community expectations are measured and reported



Key discussion points at the meeting included:

- Heavy vehicle movements
- Reduction of speed in the main street
- Coalseam Road picnic table
- Footpath improvements
- Town Hall project
- Shire communications
- Community Development Officer recruitment
- CBH rail crossing, redevelopment and workforce accommodation
- Strategic community Plan
- Silverchain services transition to WACHS
- Races 2024
- Mingenew-Morawa Road width concerns (traffic incidents)

Whilst questions were raised and some general discussion provided around these matters, there were no motions received at the meeting. Council is therefore, asked to receive the Minutes from the meeting and note that the Annual Report 2022/23 was received. Notwithstanding this, the Shire will continue to address the matters as raised.

### **Statutory Environment**

The Local Government Act 1995 Section 5.27 and 5.29 provides:

#### **5.27 Electors' general meetings**

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

#### **5.29. Convening electors' meetings**

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

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

Strategic Community Plan 2019-2029:

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





- Biro Road,
  - Dry grading has been completed.
- Mungaterra Road
  - Dry grading has been completed. Some private works were also completed from the gate to the farm house. Completed under private works.
- Newtons Road
  - Dry grading completed. This road is very soft sand and flat graded.
- Boundary Road
  - Dry grading completed. The road has been reshaped. and the shrubs had grown in quite a lot along this road. The team have touched up the back slopes reclaiming the road corridor.
- Erangy Springs Road
  - Dry grading has been completed, the road is quite loose and a number of soft sandy patches were experienced while grading the road. This road has been shaped and corridor reclaimed.
- **Priority 1 wet grading completed**
  - Telara road,
    - 410 meters gravel patching was carried out between the cause ways on Telara road while the team carried out the wet grading



- Coalseam road
  - Top end of Coalseam road was graded and 500 meters of gravel patching completed.
- Depot Hill North road, Grading has been completed.

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- Strawberry NE road,
  - Wet grading has commenced. There were some very sandy soft spots which were addressed with gravel patching. 10 loads of gravel patching were required to fill the soft sections. Strawberry NE Road will be wet graded in conjunction with the gravel re-sheeting program.



- Capital works Gravel Re-sheeting
  - Strawberry NE road
    - 1.9 km of gravel has been laid out along Strawberry NE road in preparation for the gravel re-sheeting program commencing on Monday the 19<sup>th</sup> February 2024. All equipment is on site.
  - Burma Road
    - 300 meters of gravel has been laid out along Burma Road in preparation for the gravel re-sheeting program commencing after the works on Strawberry NE Road.



- Terra Mining road use
  - The trucks have increased significantly. The streets are being monitored and inspected 3 times a week.
  - There are some signs of deterioration in the roads.



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- Trucks are continuing to park and travel over medium strips to enter areas which they are not to be entering. Signs are in place. Further signage may be required to direct traffic to the appropriate areas. Photos are being taken of these issues to discuss with the proponent.



- General comments,
  - The team have experienced several break downs with the Cat truck. This disrupts progress significantly. There have been several electrical issues and air valve issues occurring. Lately all the parts seem to have to come from Melbourne.
  - Flat tyres on roller and grader have been replaced.
  - Cat Truck was damaged in an incident involving the truck hitting a road sign. An insurance claim has been lodged to repair the truck.
  - Further gravel re-sheeting works are required on Strawberry NE road 1.5 km in 2 sections. These works may require considering in the 2024 – 2025 budget.
  - Yandanooka West Road requires some gravel patching. Sections have been marked out. This section of road will need to be considered for gravel re-sheeting in the 2024 2025 budget.
  - Image resources are investigating carrying out exploration works along the Yandanooka West road. This will require works within the road reserve and road re-habitation as required. Currently working with the team to outline requirements once the scope of works is fully identified.
  - Karara Mine are looking to undertake maintenance on the water line which runs along Enokurra Road and Will Road. Works in the road reserve are required and appropriate safety measures and re-habitation requirements will need to be meet.

### URBAN SERVICES

- General garden and town maintenance
  - General maintenance is continuing.
    - With the engagement of Pam Pratter full time works around the prominent gardens are taking place. Weeding and pruning of the shrubs and plants. When conditions allow the intension is to spray the weeds and mulch the gardens giving the existing plants better chances of survival and holding moisture in the ground.
- Main oval
  - The main oval is being maintained. The team have sprayed for beetles and grubs, fertilised, mowed and watered the oval.
- Hockey field
  - Some adjustments were required to the water reticulation pipe work to ensure the Hockey field was being watered. The field was not always being fully watered due to the configuration of the pipe work.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

- The team have sprayed for beetles and grubs, fertilised, mowed and watered the Field.
- Race track
  - Preparations for the races are well underway. The track is coming up quite well.
  - There was some damage done to the sprinklers and pipes due to the individuals riding there bikes and other vehicles on the race track golf course. This appears to have been rectified.
- Tennis Club
  - The tennis club courts have been maintained. Sprayed for beetles and watered. The heat has been quite hard on the courts.
- Bowling Club
  - The green has been maintained and watered.
  - There has been a couple of unusual mowing events which left small missed rows on the green.
  - The roller trolley was damaged and has been sent for repair.
  - The main mower has broken down and being inspected with a suspected electrical fault.
- General comment
  - The team have been working hard to keep the water up to the fields and open spaces.
  - Investigations into extending the Bore water reticulation to Shire houses and existing open spaces which are currently using Water corp water are under way for budgeting purposes.

### INFRASTRUCTURE PROJECTS

- The Community garden
  - Preparation and ordering of materials is under way for the construction of the community garden.
- Mingenew Spring Project
  - Boundary pegging and work scoping is currently being undertaken.
- Waste Management
  - Options are being investigated as part of the contract quotation that is required. The current contract will be completed in September 2024.
  - Further survey works have been engaged to assist with completing the closure plan which is a compliance requirement.
- Street beautification Project.
  - Draft plans are complete.
  - Currently working with Kings park curators, DCBA on Tree selection.

### **Consultation**

Nil.

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil.

### **Financial Implications**

All works have been completed to Budget.

### **Strategic Implications**

Strategic Community Plan 2019-29 Strategies

- 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

**REQUEST BY GROH TO SUPPLY TEACHER HOUSING**

*To be held in closed session under s5.23 (2)(c) of the Local Government Act 1995 as the matter relates to a contract which may be entered into by the local government.*

**PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 17.0 – RESOLUTION# 13210224**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr RA Starick

Council closes the meeting to the public at 5:41pm in order to discuss Confidential Item 17.1, in accordance with s.5.23(2)(c) of the *Local Government Act 1995*, as the matter pertains to a contract which may be entered into by the local government.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

**17.1 CONFIDENTIAL ITEM - REQUEST BY GROH TO SUPPLY TEACHER HOUSING**

*This report is made confidential in accordance with section 5.23(2)(c) of the Local Government Act 1995 because it deals with "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 17.1 – RESOLUTION# 14210224**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr AT Pearse

Council, with respect to the offer from the Government Regional Officer's Housing GROH for Council to build two houses for use by the Department of Education, supports the proposal in principle and:

1. Authorises to the CEO to enter into negotiations with GROH to build two houses (1-4x2, 1-3x2), on the provision that the investment is sound and subject to a cost benefit analysis and final proposal being presented to Council prior to entering a contract; and
2. Seeks loan funding for the construction of the two houses.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

**PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 17.0 – RESOLUTION# 15210224**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr AT Pearse

Council reopens the meeting to the public at 5:45pm.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)*

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 FEBRUARY 2024

**18.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 17 April 2024 commencing at 5.00pm.

**19.0 CLOSURE**

The meeting was closed at 5:46pm.

These minutes were confirmed at an Ordinary Council meeting on 17 April 2024

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

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



# MINUTES OF THE SPECIAL COUNCIL MEETING

20 MARCH 2024

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS  
ON 20 MARCH 2024 COMMENCING AT 5:00PM.**

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

The Presiding Member, Cr GA Cosgrove 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 Councillor

Cr JR Holmes Councillor

Cr AT Pearse Councillor

Cr AR Smyth Councillor

Cr RA Starick Councillor

**Staff**

Mr Matt Fanning Chief Executive Officer

Ms Erin Greaves Governance and Community Manager

**Apologies**

Mrs Helen Sternick Manager Corporate Services

**3.0 DECLARATIONS OF INTEREST**

Ms E Greaves disclosed an impartiality interest in Item 4.1 Shire of Mingenew 2023 Compliance Audit Report, as disclosed in the Agenda Report, as she the auditor and responsible officer for some of the functional areas audited.

#### 4.0 GOVERNANCE AND COMMUNITY

#### 4.1 SHIRE OF MINGENEW 2023 COMPLIANCE AUDIT REPORT

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.AUD.23.24  
**Disclosure of Interest:** Erin Greaves - Impartiality Interest (auditor for this report)  
**Date:** 5 March 2024  
**Author:** Erin Greaves, Governance Officer  
**Authorising Author:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

##### Summary

The 2023 Compliance Audit Return (CAR) is presented for the Audit & Risk Committee to consider and recommend to Council for endorsement so that it may be submitted to the Department.

##### Key Points

- The Shire is required to complete and submit, to the Department of Local Government, Sport and Cultural Industries (DLGSCI), a Compliance Audit Return annually for each previous calendar year
- Section 7.13(i) of the *Local Government Act 1995* requires that the Local Government carry out an annual audit on their compliance with specific statutory obligations prescribed in the *Local Government (Audit) Regulations 1996*.
- Regulation 13 prescribes the scope of the Compliance Audit Return
- Regulation 14 requires the local government's Audit Committee to review the CAR and report the result to Council prior to adoption and submission to the Department by the 31 March each year
- Regulation 15 refers to the requirement for a certified copy of the compliance audit return to be presented to the Director General of the Department by the 31 March each year.

##### **AUDIT & RISK COMMITTEE RECOMMENDATION AND COUNCIL DECISION – ITEM 4.1 – RESOLUTION# 01200324**

**MOVED:** Cr AR Smyth                      **SECONDED:** Cr AT Pearse

##### **Council:**

1. **Adopts the 2023 Compliance Audit Return (CAR) for the period 1 January to 31 December 2023 as presented in the Attachment Booklet;**
2. **Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required;**
3. **Notes the reported areas of non-compliance within the 2023 Compliance Audit Return, as follows:**
  - a) **Non-compliance with current Purchasing Policy – occasions where quotation requirements were not met or not evidenced for purchase values \$10,001-\$50,000 and purchasing activity for same category of supply has not been aggregated into single contract arrangements where it may have been possible.**
  - b) **Evidence of written notice not found to support requirement to give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted; and**
4. **Requests that a report be prepared and presented to the next Audit & Risk Committee identifying areas where aggregation of purchases into a single contract have not been undertaken and**

provide solutions to address this, including a potential review of the Purchasing Policy and any potential advocacy actions to gain greater clarity on expected best practice within the sector.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, Cr AR Smyth, and Cr RA Starick AGAINST: Nil)

**Attachment**

4.1.1 Compliance Audit Return 2023 Responses

**Background**

The aim of the Compliance Audit Return is to build good governance by identifying and enforcing compliance and maintaining a transparent system of reporting. It is a checklist of a local government's compliance with the requirements of the *Local Government Act 1995* (the Act) and its regulations, and it focuses on areas considered high risk as determined by the Department.

Each year local governments are required to complete the Compliance Audit Return for the period 1 January to 31 December. The CAR is to be reviewed by the Audit Committee, adopted by Council and submitted to the Director of the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March each year.

For the year 2023, the CAR focused on the following areas:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Optional Questions (relating to Regulation 17 Audit and Financial Management Review requirements and Elected Member policies)
- Tenders for Providing Goods and Services

**Comment**

The annual Compliance Audit Return for the Shire of Mingenew was completed internally by the Governance and Community Manager, noting that an Impartiality Interest has been disclosed due to a portion of the audit review relating to matters that are key responsibility areas for the officer.

The audit required sourcing of evidence of compliance for each legislative requirement on the return. Evidence was found through source documents such as, but not limited to, minutes of meetings and resolutions of Council, declarations of interest forms, annual/primary returns, registers, financial reports, synergy records and newspapers / public notices. Links to such evidence have been recorded on the CAR for easy reference should it be required in future.

An overview of the findings for each focus area is provided below:

**Commercial Enterprises by Local Government**

The Shire did not participate in any major trading or land transactions for the reporting period, as defined within s3.59 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*. The classification of "major" trading or land transaction refers to a value set out in the Regulations,

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 20 MARCH 2024

which, for the Shire of Mingenew, has a lower threshold of 10% of operating expenditure incurred by the local government from its municipal fund in the last completed financial year (which is approximately \$557,000).

### Delegation of Power / Duty

Council last adopted its Delegations Register, by Absolute Majority, in June 2023, which included the review of delegations to Committees, the CEO and all other personnel. No matters of non-compliance were found. The Delegations are scheduled for review again prior to 30 June 2024.

### Disclosure of Interest

The Shire has maintained a Register of Financial Interests that captures any financial, proximity and impartiality interests disclosed prior to or during Council meetings through completion of the relevant Disclosure of Interest form. The disclosed interests are then recorded in the relevant meeting Minutes. All known interests have been adequately captured within the Register and recorded in the relevant Council Minutes.

Primary and Annual Returns have been completed, returned, and acknowledged in accordance with the Act.

Whilst there have been nil gift disclosures, the Shire maintains a register and publishes the register online.

### Disposal of Property

The Act outlines that *disposal* for the purposes of s3.58, includes to sell, lease, or otherwise dispose of, whether absolutely or not, and *property* includes the whole or any part of the interest of a local government in property, but does not include money. The leasing of residential property is exempt from this requirement.

Whilst the Shire has disposed of property by lease, organisations considered to be "*charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature*" may be deemed exempt from disposal requirements under the Act as per Regulation 30 of the *Local Government (Functions and General) Regulations 1996*. For example, the Mingenew Tourist Centre lease is considered to fit under the "other" category, for which the Shire has previously sought advice from WALGA on.

### Elections

The CAR questions relate to the disclosure of gifts and maintaining an electoral gift register. No gifts were disclosed during either the ordinary or extraordinary elections in 2023.

### Finance

This section generally refers to the establishment and conduct of the Audit Committee and auditing responsibilities. The Shire's auditor is the Auditor General and Nexia Australia was contracted to carry out the Shire's external audit in 2023. Any actions raised from the audit were addressed in the Shire's Management Report. There were no significant adverse findings as a result of the Audit. The Audit findings were received by the Audit Committee in November and Council in December 2023. A copy of the report has been provided to the Department in January 2024, as required.

### Integrated Planning and Reporting

Whilst the Shire recently completed the major review of the Strategic Community Plan (SCP) and subsequently, the Corporate Business Plan (CBP), the review was due to be completed in 2023.

### Local Government Employees

This section relates to the recruitment and appointment of a CEO and senior employees. As Council did not seek to recruit or appoint a CEO or any senior employees during the reporting period, responses provided were 'Not Applicable (N/A)'. The Shire does not have any defined class of employees designated as 'senior employees' as per s5.37 of the Act.

### Official Conduct



## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 20 MARCH 2024

The Shire's Complaints Officer for the purposes of s5.37 is the CEO. The questions within the CAR refer to the Complaints Officer's responsibilities in maintaining a register of complaints that are classified as a minor breach under the Act. There were no complaints received during the CAR review period.

### Optional Questions

The questions in this section related to conducting a Financial Management Review in accordance with the *Local Government (Financial Management) Regulations 1996* and a Regulation 17 Audit in accordance with the *Local Government (Audit) Regulations 1996*. Both are required to be done every three years. A FMR and Reg 17 Audit was last conducted in 2022, the next audits will also need to be conducted in 2024/25.

### Tenders for Providing Goods and Services

The Shire called for public tenders on three occasions during 2023 (CAR reporting period):

RFT1 – 2022/23 Mingenew Tennis Clubhouse

RFT2 – 2022/23 Yandanooka NE Road Intersection

RFT1 – 2023/24 Mingenew Early Childhood Education Facility Design and Construct

Each tender met the public notice requirements and have been entered into the Shire's Tender Register (including online at [www.mingenew.wa.gov.au/shiretenders](http://www.mingenew.wa.gov.au/shiretenders)) as required under the Act and Local Government (Functions and General) Regulations 1996.

As part of the CAR review, a creditors report was run and all creditors that had a single expense or combined total expenditure for the year of between \$10,001 and \$50,000 was reviewed for compliance against the Purchasing Policy. It was noted that there were several expenses that did not evidence the quote requirements or purchasing activity for same category of supply has not been aggregated into single contract arrangements where it should or could have been. The Shire has previously identified this as a weakness in its systems and already had scheduled a new system to be implemented (however the new Altus finance system implementation has been delayed to August 2024).

The new finance system is better equipped to capture quoting requirements and has built-in preventative measures to ensure a purchase order is not approved until requirements have been met. It will also ensure records management is captured within the same system to enable these audits to be conducted more easily.

It is noted that the final 2023 Compliance Audit Return document published by the DLGSC through the online portal is recommended for use only once the Audit & Risk Committee has reviewed the submission and it is ready for Council consideration. Responses will be transferred to the final format following this meeting for presentation to Council.

### Consultation

Shire of Mingenew Audit & Risk Committee

### Statutory Environment

Local Government Act 1995 Section 7.13

Local Government (Audit) Regulations 1996

#### **14. Compliance audits by local governments**

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
  - (a) *presented to the council at a meeting of the council; and*
  - (b) *adopted by the council; and*

*(c) recorded in the minutes of the meeting at which it is adopted.*

**15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation — certified in relation to a compliance audit return means signed by —*
- (a) the mayor or president; and*
  - (b) the CEO.*

**Policy Implications**

There are no direct policy implications to be considered as part of this report.

**Financial Implications**

There are no financial implications to be considered as part of this report.

**Strategic Implications**

Strategic Community Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

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

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

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

## 4.2 SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ES.PLN.1
Disclosure of Interest:	Nil
Date:	15 March 2024
Author:	Erin Greaves, Governance & Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

An updated version of the Shire's Local Emergency management Arrangements (LEMA) are presented for Council endorsement, based on recommendation from the Local Emergency Management Committee (LEMC) as per the meeting held 11 March 2024.

### Key Points

- The Shire last reviewed its Local Emergency Management Arrangements in 2021 (adopted by Council 17 March 2021)
- The Local Emergency Management Committee endorsed the updated LEMA at a meeting on 11 March 2024
- The *Emergency Management Act 2003* requires the LEMA and Local Recovery plan to be submitted to the State Emergency Management Committee (SEMC) once endorsed by Council.

### **LOCAL EMERGENCY MANAGEMENT COMMITTEE RECOMMENDATION AND COUNCIL DECISION – ITEM 4.2 – RESOLUTION# 02200324**

**MOVED:** Cr HR McTaggart                      **SECONDED:** Cr JR Holmes

#### **Council:**

1. Adopts the Mingenew Local Emergency Management Arrangements (LEMA) as presented in the Attachments Booklet; and
2. Authorises the Chief Executive Officer to lodge the endorsed LEMA, along with the Shire's Local Recovery Plan (as adopted by Council 17 August 2022), to the State Emergency Management Committee (SEMC) as soon as practicable.

#### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

*(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, Cr AR Smyth, and Cr RA Starick AGAINST: Nil)*

### Attachment

4.2.1 Mingenew Local Emergency Management Arrangements (LEMA) updated November 2023

4.2.2 Mingenew Local Recovery Plan (adopted 17 August 2022)

### Background

The Shire's Local Emergency Management Committee (LEMC) met on Monday, 11 March 2024 and at the meeting, received the updated Local Emergency Management Arrangements (LEMA). Feedback had been sought from all member agencies / organisations which have been incorporated into the final LEMA.

Whilst the LEMA was endorsed by the LEMC on 11 March, since the meeting the Shire has made minor amendments (not material) to the Plan following late feedback which included:

- Update to reference Limiting reference to "welfare" as preferred term is now "relief and support"
- Minor updates to State Hazard Plan naming
- Minor formatting changes for ease of reading

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 20 MARCH 2024

The Council-endorsed LEMA, along with the Shire's Local Recovery Plan, is to be lodged with the State Emergency Management Committee.

### Comment

The Shire's Local Emergency Management Arrangements have been updated in consultation with relevant government agencies, local stakeholders and was further informed by the Internal Audit Review undertaken in December 2022.

The Shire of Mingenew Audit & Risk Committee identified that the objective of the internal audit was to:

- Assess the current controls, processes and policies to ensure the operation of a safe and effective emergency management service for prevention /mitigation and preparedness; and
- Establish if responsibilities for the Shire in relation to the Emergency Management Act 2005 and the Emergency Management Regulations 2006 have been complied with, in particular, the Local Emergency Management Committee (LEMC) and other associated responsibilities in respect of prevention/mitigation and preparedness

The Report revealed that the Local Emergency Management Arrangements (LEMA) document and the Local Emergency Management Committee (LEMC) generally comply with statutory requirements. The document inclusions were cross checked against requirements of s.41 of the *Emergency Management Act 2005* to confirm compliance. The only matter of note is that there is no evidence to suggest that the document was forwarded to the State Emergency Management Committee (SEMC) following adoption of the latest document in 2021, as per s.41(5). Given that the LEMA was adopted in March 2021 and TC Seroja hit in April 2021, it is likely that this step was overlooked and deprioritised and is not suggestive of any systemic issues.

### Consultation

Local Emergency Management Committee (LEMC)  
Audit & Risk Committee  
Department of Fire & Emergency Services (DFES)

### Statutory Environment

Local Government Act 1995  
Emergency Management Act 2005 and Regulations

### Policy Implications

There are no direct policy implications to be considered as part of this report.

### Financial Implications

The Shire received grant funding (under the All West Australians Reducing Emergencies (AWARE) program 2022/23) to assist in undertaking a review of its LEMA, with the aim of:

- Enhancing the knowledge, capacity and/or awareness of community members, emergency services personnel and Agencies supporting emergency management activities.
- Supporting the development of a contemporary and updated LEMA.

### Strategic Implications

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

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 20 MARCH 2024

5.0 CLOSURE

The meeting was closed at 5:09pm.

These minutes were confirmed at an Ordinary Council meeting on 17 April 2024

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

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



# MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

MINUTES OF THE MEETING HELD AT THE MINGENEW SHIRE COUNCIL CHAMBERS  
3:00PM MONDAY 11 MARCH 2024

## 1.0 DECLARATION OF OPENING

The meeting was declared open at 3:09pm

## 2.0 RECORD OF ATTENDANCE / APOLOGIES

### 2.1 ATTENDEES

#### In Person

Matt Fanning, Chief Executive Officer, Shire of Mingenew  
Norah Flanders, Mingenew Primary School  
Steve, Mingenew Police

#### Microsoft Teams

Elliott Delaney, Area Manager, CBH  
Steve Ingram, Main Roads WA  
Mark Teale, DBCA  
Catherine Macartney, Irwin St John Ambulance  
Christine Zaicou-Kunesch, DPIRD  
Ranelle Clarke and Ian Comben, DFES

### 2.2 APOLOGIES

Anthony Smyth, Shire of Mingenew (Chairperson)  
Ashleigh Thurn, Regional Coordinator Goldfields/Midwest, Department of Communities  
Taryn Winter, Mingenew CRC  
Ian Comben, DFES  
Samantha Adams, Roadwise Road Safety Advisor, Mid West, WALGA

## 3.0 PREVIOUS MINUTES – 9 OCTOBER 2023 LEMC MEETING

### LOCAL EMERGENCY MANAGEMENT COMMITTEE DECISION – ITEM 3.0

Moved: Catherine Macartney

Seconded: Ranelle Clarke

That the Minutes of the Shire of Mingenew Local Emergency Management Committee dated 9 October 2023 be confirmed as a true and accurate record of proceedings.

CARRIED

### 3.1 BUSINESS ARISING FROM PREVIOUS LEMC MINUTES

What	Who	By When	Status
Investigate revegetation opportunities; identify areas of concern	Shire	Next meeting	Concept plans being developed by NACC

#### 4.0 AGENCY REPORTS

##### 4.1 Shire of Mingenew

- LEMA finalised and presented for endorsement before referring to Council for adoption.
- Thanks to Tim Rainer for his work on the Exercise in November 2023 (notes included)
- Airport Upgrade Project – still need to construct shed on site (Shire to erect)
- Cyclone Seroja funding granted to support several community projects including:
  - Mingenew Tennis clubhouse
  - Cecil Newton Park
  - Rec Centre – Emergency Hub (with Disaster Ready funding)
  - Community Digital Sign
- Liaised with Western Power regarding planned outages being scheduled during heatwaves. Shire has opened Council Chambers to vulnerable community members. Advocating for planned outages not to be schedule during Mingenew's hottest periods

##### 4.2 DFES

- Disaster Ready applications close 20 March
- Working on sector Adaptation Plan (climate change)
- Relatively quiet fire season for Mingenew (major fires in Geraldton and Leeman)
- Preparation for ex Tropical Cyclone Lincoln, and upcoming cyclone expected to affect Exmouth/Carnarvon region over the weekend
- Recent DOAC meeting, LGIS presented on supporting and expectations for bushfire volunteers
- Local Bush Fire Advisory Committee (BFAC) meeting tonight
- Ian Comben will be effectively retiring 12 April

##### 4.3 WAPOL

- Tim Rainer has finished up as Seargent in charge, relocating to Capel
- Interviews for replacement recently conducted, no outcome available as yet.

##### 4.4 Department of Communities

Nil

##### 4.5 DBCA

- Deployment to recent bushfires in region, including water bombing support
- Soon to commence autumn prescribed burning program
- Moved to new premises on Eighth Street

##### 4.6 DPIRD

- Dealing with declared incidents in relating to Varroa mite (impact bees)
- Sought advice from Committee as to whether monthly emergency management reports should be issued. LEMC agreed for monthly reports to be sent and attached to agendas, with DPIRD to provide summary at each meeting

##### 4.7 Main Roads WA

- Widening of Dongara – Mingenew section of Midlands Road scheduled to commence in about 6 weeks
- Indian Ocean drive closure commencing 17 April, with closures until December 2024 – may see increased traffic on Brand Hwy and Midlands Road as a result

##### 4.8 St. John Ambulance

- Road closure information helpful in determining response times (note in system)
- Mingenew hosting community first aid on 21 April

MINGENEW LOCAL RECOVERY COORDINATION GROUP MEETING AGENDA 12 JUNE 2023

- Local St John volunteers are undertaking refresher training to support confidence (currently 3 x registered volunteer)

4.9 Silver Chain / WACHS  
Nil.

4.10 Mingenew Irwin Group  
Nil.

4.11 Mingenew CRC  
Nil.

4.12 Mingenew Primary School

- Currently working on Headway Plan – procedures around kids travelling on school buses (currently approximately half of the registered students travel on buses. Will improve monitoring and reporting)

4.13 WALGA Roadwise  
Nil.

5.0 GENERAL BUSINESS

5.1 LEMA Review and Adoption  
*Attached LEMA 2024 Final*

**LOCAL EMERGENCY MANAGEMENT COMMITTEE DECISION / RECOMMENDATION TO COUNCIL – ITEM 5.1**

Moved: Christine Zaicou-Kunesch

Seconded: Cathy Macartney

The Shire of Mingenew Local Emergency Management Arrangements be endorsed and adopted by Council.

**CARRIED**

Ranelle Clarke advised that the Shire's LEMA needs to be accompanied by the Local Recovery Plan for adoption by DOAC. Erin to forward Local Recovery plan developed following Cyclone Seroja.

5.2 Review of LEMC Terms of Reference  
*Attached 3.0.1 LEMC Terms of Reference*

5.3 8 November 2023 Exercise Review  
*Attached Exercise Notes*

5.4 Proposed meeting and exercise schedule for 2024

Meeting	Proposed Date
Committee Meeting	8 March 2024
Committee Meeting	10 June 2024
Annual Exercise	12 August 2024
Committee Meeting	14 October 2024

6.0 FUTURE MEETING DATE AND TIME  
3pm, 10 June 2024



## MINGENEW LOCAL RECOVERY COORDINATION GROUP MEETING AGENDA 12 JUNE 2023

### 7.0 GENERAL BUSINESS

- Closure of remote nursing stations by Silver chain will see the Mingenew Post be transitioned to WACHS as of 13 March 2024. WACHS have committed to continuing same standard of service, with the transitioned proposed to have no negative impact to the local community.
- Hope to AARNet services connected to the building later in 2024, which will support telehealth / videoconferencing services available to the community.

### 8.0 CLOSURE

The meeting was closed at 3:44pm.



## BUSH FIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING

MINUTES OF THE SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING HELD AT THE SHIRE CHAMBERS ON 11 MARCH 2024 COMMENCING AT 6PM.

### 1.0 DECLARATION OF OPENING

The Chairperson opened the meeting at 6pm.

### 2.0 RECORD OF ATTENDANCE / APOLOGIES

#### Attendees

Anthony Smyth, Councillor and Town Brigade  
Rob Holmes, Guranu Brigade  
Jon Holmes, Councillor and Guranu Brigade  
Ian Comben, DFES  
Ben McTaggart, Guranu Brigade  
Jamie McTaggart, Guranu Brigade  
Andrew Green, Mingenew North Brigade  
Alex Pearse, Mingenew North Brigade  
Nathan Pak, South Yilgarn  
Justin Bagley, Yandanooka Brigade  
Daniel Michael, Lockier Brigade  
Andrew Cosgrove, Town Brigade  
Matt Fanning, CEO, Shire of Mingenew

#### Apologies

Paul Flanders, Lockier Brigade  
Nick Duane, Yandanooka Brigade

### 3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

#### 3.1 Bush Fire Advisory Committee Meeting held 17 October 2023

#### BUSH FIRE ADVISORY COMMITTEE DECISION – ITEM 3.1

Moved: Alex Pearse

Seconded: Anthony Smyth

That the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Meeting held 17 October 2023 be confirmed as a true and accurate record of proceedings.

CARRIED

### 4.0 OFFICERS' REPORTS

#### 4.1 Chief Bush Fire Control Officer Report

- Overview of the 2023/24 Fire Season
  - Yarragadee



## 5.0 ELECTION OF OFFICERS FOR THE 2023/24 FIRE SEASON

### 5.1 Election of Captains and Deputy Captains for Shire of Mingenew Brigades

#### BUSH FIRE ADVISORY COMMITTEE DECISION AND RECOMMENDATION TO COUNCIL – ITEM 5.1

Moved: Anthony Smyth

Seconded: Andrew Cosgrove

That the following persons be appointed to the position of Captain or Deputy Captain for the following Bush Fire Brigades / Farm Response Units:

- |    |                 |                |
|----|-----------------|----------------|
|    | Yandanooka      |                |
| a) | Captain:        | Justin Bagley  |
| b) | Deputy Captain: | Jarrad Spencer |
|    | Lockier         |                |
| a) | Captain:        | Daniel Michael |
| b) | Deputy Captain: | Paul Flanders  |
|    | Guranu          |                |
| a) | Captain:        | Ben McTaggart  |
| b) | Deputy Captain: | Robert Holmes  |
|    | Mingenew North  |                |
| a) | Captain:        | Alex Pearse    |
| b) | Deputy Captain: | Andrew Green   |
|    | Mingenew Town   |                |
| a) | Captain:        | Anthony Smyth  |
| b) | Deputy Captain: | Jarrad Kupsch  |

### 5.2 Nominations for Shire of Mingenew Bushfire Control Officers

#### BUSH FIRE ADVISORY COMMITTEE DECISION AND RECOMMENDATION TO COUNCIL – ITEM 5.2

Moved: Andrew Cosgrove

Seconded: Jon Holmes

That the following persons be nominated to the position of Bushfire Control Officer for the Shire of Mingenew:

Murray Thomas and Paul Flanders.

## 6.0 GENERAL BUSINESS

- Discussed water pressure and location of hydrants
- Discussed appropriateness of fire season – restricted and prohibited periods – resolved not to amend

## 7.0 TIME AND DATE OF NEXT MEETING

Next Bush Fire Advisory Committee Meeting to be held on Monday, 14 October 2024 commencing at 6pm.

**8.0 CLOSURE**



**MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**  
**13 MARCH 2024**

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**MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF THE SHIRE OF MINGENEW HELD IN COUNCIL CHAMBERS ON 13 MARCH 2024 COMMENCING AT 8:00AM**

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

Committee chairperson, Cr HR McTaggart opened the meeting at 8:01am and thanked everyone for their attendance.

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

**Committee Members**

Cr HR McTaggart (Chairperson)

Cr GJ Cosgrove

Cr AT Pearse

Cr AR Smyth

Ms J Bagshaw (Independent Member)

**Staff**

Matt Fanning, Chief Executive Officer

Erin Greaves, Governance and Community Manager

Helen Sternick, Manager Corporate Services

**3.0 DECLARATIONS OF INTEREST**

As noted in the report, the Governance & Community Manager disclosed an impartiality interest in preparing responses to the Compliance Audit Return, as the officer also responsible for the work areas being audited.

**4.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**4.1 AUDIT & RISK COMMITTEE MEETING HELD 27 NOVEMBER 2023**

**OFFICER RECOMMENDATION AUDIT & RISK COMMITTEE DECISION - ITEM 4.1**

**MOVED: Cr AR Smyth                      SECONDED: Cr AT Pearse**

That the Minutes of the Audit & Risk Committee Meeting of the Shire of Mingenew held in the Council Chambers on 27 November 2023 be confirmed as a true and accurate record of proceedings.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr HR McTaggart, Cr GJ Cosgrove, Cr AT Pearse, Cr AR Smyth and Ms J Bagshaw AGAINST: Nil)*



## 5.1 SHIRE OF MINGENEW 2023 COMPLIANCE AUDIT REPORT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.AUD.23.24
Disclosure of Interest:	Erin Greaves - Impartiality Interest (auditor for this report)
Date:	5 March 2024
Author:	Erin Greaves, Governance & Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

The 2023 Compliance Audit Return (CAR) is presented for the Audit & Risk Committee to consider and recommend to Council for endorsement so that it may be submitted to the Department.

### Key Points

- The Shire is required to complete and submit, to the Department of Local Government, Sport and Cultural Industries (DLGSCI), a Compliance Audit Return annually for each previous calendar year
- Section 7.13(i) of the *Local Government Act 1995* requires that the Local Government carry out an annual audit on their compliance with specific statutory obligations prescribed in the *Local Government (Audit) Regulations 1996*.
- Regulation 13 prescribes the scope of the Compliance Audit Return
- Regulation 14 requires the local government's Audit Committee to review the CAR and report the result to Council prior to adoption and submission to the Department by the 31 March each year
- Regulation 15 refers to the requirement for a certified copy of the compliance audit return to be presented to the Director General of the Department by the 31 March each year.

### OFFICER RECOMMENDATION - ITEM 5.1

That the Audit & Risk Committee recommends that Council:

1. Adopts the 2023 Compliance Audit Return (CAR) for the period 1 January to 31 December 2023 as presented in the Attachment Booklet; and
2. Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required;

### AUDIT & RISK COMMITTEE DECISION - ITEM 5.1

MOVED: Cr AT Pearse

SECONDED: Cr AR Smyth

That the Audit & Risk Committee recommends that Council:

1. Adopts the 2023 Compliance Audit Return (CAR) for the period 1 January to 31 December 2023 as presented in the Attachment Booklet;
2. Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required;
3. Notes the reported areas of non-compliance within the 2023 Compliance Audit Return, as follows:

- a) Non-compliance with current Purchasing Policy – occasions where quotation requirements were not met or not evidenced for purchase values \$10,001-\$50,000 and purchasing activity for same category of supply has not been aggregated into single contract arrangements where it may have been possible.
  - b) Evidence of written notice not found to support requirement to give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted; and
4. Requests that a report be prepared and presented to the next Audit & Risk Committee identifying areas where aggregation of purchases into a single contract have not been undertaken and provide solutions to address this, including a potential review of the Purchasing Policy and any potential advocacy actions to gain greater clarity on expected best practice within the sector.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

*(FOR: Cr HR McTaggart, Cr GJ Cosgrove, Cr AT Pearse, Cr AR Smyth and Ms J Bagshaw AGAINST: Nil)*

**Attachment**

5.1.1 Compliance Audit Return 2023

**Background**

The aim of the Compliance Audit Return is to build good governance by identifying and enforcing compliance and maintaining a transparent system of reporting. It is a checklist of a local government's compliance with the requirements of the *Local Government Act 1995* (the Act) and its regulations, and it focuses on areas considered high risk as determined by the Department.

Each year local governments are required to complete the Compliance Audit Return for the period 1 January to 31 December. The CAR is to be reviewed by the Audit Committee, adopted by Council and submitted to the Director of the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March each year.

For the year 2023, the CAR focused on the following areas:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Optional Questions (relating to Regulation 17 Audit and Financial Management Review requirements and Elected Member policies)
- Tenders for Providing Goods and Services

**Comment**

The annual Compliance Audit Return for the Shire of Mingenew was completed internally by the Governance and Community Manager, noting that an Impartiality Interest has been disclosed due to a portion of the audit review relating to matters that are key responsibility areas for the officer.

The audit required sourcing of evidence of compliance for each legislative requirement on the return. Evidence was found through source documents such as, but not limited to, minutes of meetings and

resolutions of Council, declarations of interest forms, annual/primary returns, registers, financial reports, synergy records and newspapers / public notices. Links to such evidence have been recorded on the CAR for easy reference should it be required in future.

An overview of the findings for each focus area is provided below:

#### Commercial Enterprises by Local Government

The Shire did not participate in any major trading or land transactions for the reporting period, as defined within s3.59 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*. The classification of "major" trading or land transaction refers to a value set out in the Regulations, which, for the Shire of Mingenew, has a lower threshold of 10% of operating expenditure incurred by the local government from its municipal fund in the last completed financial year (which is approximately \$557,000).

#### Delegation of Power / Duty

Council last adopted its Delegations Register, by Absolute Majority, in June 2023, which included the review of delegations to Committees, the CEO and all other personnel. No matters of non-compliance were found. The Delegations are scheduled for review again prior to 30 June 2024.

#### Disclosure of Interest

The Shire has maintained a Register of Financial Interests that captures any financial, proximity and impartiality interests disclosed prior to or during Council meetings through completion of the relevant Disclosure of Interest form. The disclosed interests are then recorded in the relevant meeting Minutes. All known interests have been adequately captured within the Register and recorded in the relevant Council Minutes.

Primary and Annual Returns have been completed, returned, and acknowledged in accordance with the Act.

Whilst there have been nil gift disclosures, the Shire maintains a register and publishes the register online.

#### Disposal of Property

The Act outlines that *disposal* for the purposes of s3.58, includes to sell, lease, or otherwise dispose of, whether absolutely or not, and *property* includes the whole or any part of the interest of a local government in property, but does not include money. The leasing of residential property is exempt from this requirement.

Whilst the Shire has disposed of property by lease, organisations considered to be "*charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature*" may be deemed exempt from disposal requirements under the Act as per Regulation 30 of the *Local Government (Functions and General) Regulations 1996*. For example, the Mingenew Tourist Centre lease is considered to fit under the "other" category, for which the Shire has previously sought advice from WALGA on.

#### Elections

The CAR questions relate to the disclosure of gifts and maintaining an electoral gift register. No gifts were disclosed during either the ordinary or extraordinary elections in 2023.

#### Finance

This section generally refers to the establishment and conduct of the Audit Committee and auditing responsibilities. The Shire's auditor is the Auditor General and Nexia Australia was contracted to carry out the Shire's external audit in 2023. Any actions raised from the audit were addressed in the Shire's Management Report. There were no significant adverse findings as a result of the Audit. The Audit findings were received by the Audit Committee in November and Council in December 2023. A copy of the report has been provided to the Department in January 2024, as required.

### Integrated Planning and Reporting

Whilst the Shire recently completed the major review of the Strategic Community Plan (SCP) and subsequently, the Corporate Business Plan (CBP), the review was due to be completed in 2023.

### Local Government Employees

This section relates to the recruitment and appointment of a CEO and senior employees. As Council did not seek to recruit or appoint a CEO or any senior employees during the reporting period, responses provided were 'Not Applicable (N/A)'. The Shire does not have any defined class of employees designated as 'senior employees' as per s5.37 of the Act.

### Official Conduct

The Shire's Complaints Officer for the purposes of s5.37 is the CEO. The questions within the CAR refer to the Complaints Officer's responsibilities in maintaining a register of complaints that are classified as a minor breach under the Act. There were no complaints received during the CAR review period.

### Optional Questions

The questions in this section related to conducting a Financial Management Review in accordance with the *Local Government (Financial Management) Regulations 1996* and a Regulation 17 Audit in accordance with the *Local Government (Audit) Regulations 1996*. Both are required to be done every three years. A FMR and Reg 17 Audit was last conducted in 2022, the next audits will also need to be conducted in 2024/25.

### Tenders for Providing Goods and Services

The Shire called for public tenders on three occasions during 2023 (CAR reporting period):

RFT1 – 2022/23 Mingenew Tennis Clubhouse

RFT2 – 2022/23 Yandanooka NE Road Intersection

RFT1 – 2023/24 Mingenew Early Childhood Education Facility Design and Construct

Each tender met the public notice requirements and have been entered into the Shire's Tender Register (including online at [www.mingenew.wa.gov.au/shiretenders](http://www.mingenew.wa.gov.au/shiretenders)) as required under the Act and Local Government (Functions and General) Regulations 1996.

As part of the CAR review, a creditors report was run and all creditors that had a single expense or combined total expenditure for the year of between \$10,001 and \$50,000 was reviewed for compliance against the Purchasing Policy. It was noted that there were several expenses that did not evidence the quote requirements or purchasing activity for same category of supply has not been aggregated into single contract arrangements where it should or could have been. The Shire has previously identified this as a weakness in its systems and already had scheduled a new system to be implemented (however the new Altus finance system implementation has been delayed to August 2024).

The new finance system is better equipped to capture quoting requirements and has built-in preventative measures to ensure a purchase order is not approved until requirements have been met. It will also ensure records management is captured within the same system to enable these audits to be conducted more easily.

It is noted that the final 2023 Compliance Audit Return document published by the DLGSC through the online portal is recommended for use only once the Audit & Risk Committee has reviewed the submission and it is ready for Council consideration. Responses will be transferred to the final format following this meeting for presentation to Council.

### Consultation

Helen Sternick, Manager Corporate Services

Matt Fanning, Chief Executive Officer

### **Statutory Environment**

Local Government Act 1995 Section 7.13

Local Government (Audit) Regulations 1996

#### **14. Compliance audits by local governments**

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
  - (a) *presented to the council at a meeting of the council; and*
  - (b) *adopted by the council; and*
  - (c) *recorded in the minutes of the meeting at which it is adopted.*

#### **15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
  - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation — certified in relation to a compliance audit return means signed by —*
  - (a) *the mayor or president; and*
  - (b) *the CEO.*

### **Policy Implications**

There are no direct policy implications to be considered as part of this report.

### **Financial Implications**

There are no financial implications to be considered as part of this report.

### **Strategic Implications**

Strategic Community Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

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

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

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

**5.0 GENERAL BUSINESS**

The CEO notified the Committee that the Shire has received advice that the recent development application (Item 11.2 Proposed Residence / Outbuilding at 40 Victoria Road, Mingenew) considered and rejected by Council at the 21 February 2024 Ordinary Council meeting is likely going to be referred to the State Administrative Tribunal (SAT) for review.

**6.0 CLOSURE**

The meeting was closed at 8:37am.