



# AGENDA FOR THE ORDINARY COUNCIL MEETING

16 OCTOBER 2024



**Ordinary Council Meeting Notice Paper**

**16 October 2024**

An Ordinary Meeting of Council is called for Wednesday, 16 October 2024 in the Council Chambers, Victoria Street, Mingenew, commencing at 5:00 pm. Members of the public are most welcome to attend.

**Matt Fanning**  
**Chief Executive Officer**  
11 October 2024

**DISCLAIMER**

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

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

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

### PROCEDURE FOR PRESENTATION

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

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

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

### PROCEDURE FOR PETITIONS

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

- be addressed to the Shire President.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

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

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

### PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

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AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 16 OCTOBER 2024 COMMENCING AT 5:00PM.

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES
- 7.1 ORDINARY COUNCIL MEETING HELD 21 AUGUST 2024

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 August 2024 be confirmed as a true and accurate record of proceedings.

- 7.2 SPECIAL COUNCIL MEETING HELD 18 SEPTEMBER 2024

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 18 September 2024 be confirmed as a true and accurate record of proceedings.

- 8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION
- 9.0 DECLARATIONS OF INTEREST
- 10.0 RECOMMENDATIONS OF COMMITTEES

11.0 CHIEF EXECUTIVE OFFICER

11.1 WALGA LOCAL GOVERNMENT ELECTION ADVOCACY POSITION

Location/Address: Shire of Mingenew  
Name of Applicant: WALGA  
Disclosure of Interest: Nil  
File Reference: GR.LRL.4  
Date: 11 October 2024  
Author: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

**Summary**

This report requests the Council to consider its position regarding WALGA's advocacy options relating to Local Government Elections.

**Key Points**

- WALGA is seeking Councils position on 6 related local government election processes
- All Councils position will be summarised and presented at the December State Council meeting to determine WALGA's revised advocacy position.

**OFFICER RECOMMENDATION – ITEM 11.1**

Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. PARTICIPATION – Council supports advocacy position:  
(a) The sector continues to support voluntary voting at Local Government elections.
2. TERMS OF OFFICE - Council supports advocacy position:  
(a) The sector continues to support four-year terms with a two year spill;
3. VOTING METHODS - Council supports advocacy position:  
(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
4. INTERNAL ELECTIONS - Council supports advocacy position:  
(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
5. VOTING ACCESSIBILITY - Council supports advocacy position to hold general elections through:  
(a) Electronic voting; and (b) Postal voting; and (c) In-Person voting.
6. METHOD OF ELECTION OF MAYOR - Council supports advocacy position  
(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

**Attachments**

Nil

### Background

WALGA recently undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost of conducting Local Government elections in Western Australia.

The report was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

Since 2008, WALGA has surveyed the sector on five occasions and at all times the sector has supported the following:

- first-past-the-post method of counting votes,
- voting at Local Government elections to be voluntary, and
- four-year terms with a two-year spill.

All Local Governments are now being asked to provide a Council decision on WALGAs advocacy positions as they relate to Local Government Elections, to see if the positions are still current.

To inform an item for the December meeting of State Council, Council decisions are requested by Monday 28 October 2024. Local Governments will also be able to provide feedback through the November round of Zone meetings. To assist Councils in compiling their positions, WALGA has drafted a template Agenda Item.

### Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

#### *WALGA State Council current advocacy positions:*

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

#### **2.5.15 ELECTIONS**

##### Position Statement

The Local Government sector supports:

1. Four year terms with a two year spill
2. Greater participation in Local Government elections
3. The option to hold elections through:
  - Online voting
  - Postal voting, and
  - In-person voting
4. Voting at Local Government elections to be voluntary
5. The first past the post method of counting votes

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

##### Background

The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.



## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

State Council Resolution      February 2022 – 312.1/2022  
December 2020 – 142.6/2020  
March 2019 – 06.3/2019  
December 2017 – 121.6/2017  
October 2008 – 427.5/2008

Supporting Documents      [Advocacy Positions for a New Local Government Act](#)  
[WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

### 2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement      Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution      February 2022 – 312.1/2022  
March 2019 – 06.3/2019  
December 2017 – 121.6/2017

### 2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement      The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background      Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution      May 2023 – 452.2/2023  
March 2019 – 06.3/2019  
December 2017 – 121.6/2017  
March 2012 – 24.2/2012

**WALGA has requested the following advocacy positions be considered by Councils:**

#### 1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
- OR
- (b) The sector supports compulsory voting at Local Governments elections.

#### 2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two year spill;
- OR
- (b) The sector supports four-year terms on an all in/all out basis.

#### 3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

#### 4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

#### 5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

#### 6. METHOD OF ELECTION OF MAYOR/PRESIDENT

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

#### Statutory Environment

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

#### Policy Implications

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2023-2033

14.2 Prepare and respond in a timely manner to Local Government Act reforms

Corporate Business Plan 2024-2028

b. Advocate for reform changes to consider resourcing capabilities of small, rural local governments.

## 11.2 PROPOSED TEMPORARY WORKFORCE ACCOMMODATION

<b>Location/Address:</b>	Lot M435 Mooriary Road, Mooriary
<b>Name of Applicant:</b>	Mineral Resources Limited
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	A603
<b>Date:</b>	10 October 2024
<b>Author:</b>	Simon Lancaster, Planning Advisor
<b>Senior Officer:</b>	Matt Fanning, Chief Executive Officer
<b>Voting Requirements:</b>	Simple Majority

### Summary

The Shire has received an application from Mineral Resources Ltd seeking to establish the temporary Mooriary Deep 2 drill site workforce accommodation camp upon Lot M435 Mooriary Road, Mooriary which is owned by Perpetual Corporate Trust Limited.

It is noted that this drill camp is proposed to be sited on the location of the previous main camp, and the drill camp operation and layout is similar to those previously approved on the adjoining Perpetual Corporate Trust Limited landholding that includes Lots M433, M435 and M451.

On this basis the application is being considered as an amendment to the previous application, rather than a new application.

This report recommends that Council amend the existing approval to include this additional drill camp site, noting that it would therefore be subject to the existing approval conditions which includes the requirement for a Road Use Agreement.

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

Council amends Mineral Resources Ltd.'s temporary workforce accommodation approval, as contained in its determinations at the 17 July 2024 and 21 August 2024 meeting, to include the proposed exploration drill camp site upon Lot M435 Mooriary Road, Mooriary, noting that the additional drill camp site is thereby subject to the conditions of approval and advice notes as contained in these determinations.

### Attachments

11.2.1 Development application – Mooriary 2 Drill Camp

### Background

Council received an application from Mineral Resources Ltd at its 17 July 2024 meeting seeking to establish the following (upon land owned by Perpetual Corporate Trust Limited) in association with MRL's Exploration Drilling Program within their Petroleum Licence issued separately under the *Petroleum and Geothermal Energy Resources Act 1967*:

- Proposed Main Camp (MREX) – Lot M433 (P2984) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (Mooriary Deep 1) – Lot M451 (P2982) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (Lockyer 6) – Lot M433 (P2984) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (North Erregulla 3) – Lot M433 (P2984) Mooriary Road, Mooriary.

The application was approved subject to conditions and the minutes from the 17 July 2024 Council meeting can viewed at the following link:

[17-July-2024-Special-Council-Meeting-Minutes.pdf \(mingenew.wa.gov.au\)](https://www.mingenew.wa.gov.au/17-July-2024-Special-Council-Meeting-Minutes.pdf)

The applicant sought Council's reconsideration of one of the conditions of approval relating to the upgrading of Mooriary Road and this matter was returned for Council's determination at its 21 August 2024 meeting.

Council resolved to amend the condition of approval, so that the applicant was now required to enter into a Road Use Agreement with the Shire that specified the applicant's maintenance obligations.

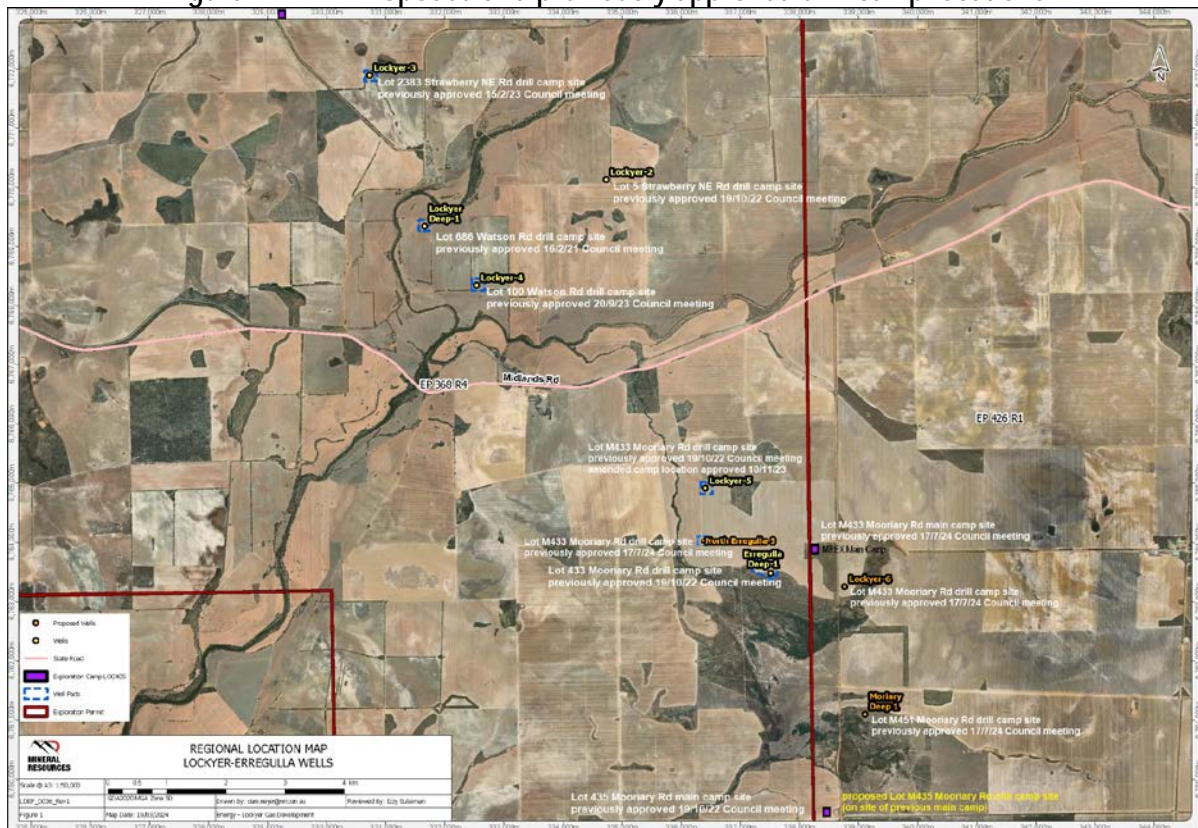
Council also included advice that the Shire was unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant required all-weather access to its site(s) and was unwilling to upgrade the unsealed section of the road network leading to its site(s) to an all-weather surface, then the applicant had the ability to negotiate with the relevant landowner(s) to gain access to its site(s) via an alternative alignment across land between the applicant's site(s) and the sealed road network in the event that the local unsealed road network had been closed.

The minutes from the 21 August 2024 Council meeting can be viewed at the following link:  
[21-August-2024-Ordinary-Council-Meeting-Minutes.pdf](#)

Prior to the 17 July 2024 and 21 August 2024 meetings, Council had also previously approved applications for temporary workforce accommodation camps from this applicant at the following locations:

- drill site camp – Lot 686 Watson Road, Lockier (16 June 2021 Council meeting);
- main camp – Lot 435 Mooriary Road, Mooriary (19 October 2022 Council meeting);
- drill site camp – Lot 433 Mooriary Road, Mooriary (19 October 2022 Council meeting);
- drill site camp – Lot 5 Strawberry North East Road, Lockier (19 October 2022 Council meeting);
- drill site camp – Lot 2385 Strawberry North East Road, Lockier (15 February 2023 Council meeting);
- drill site camp – Lot 100 Watson Road, Lockier (20 September 2023 Council meeting).

Figure 11.2.1 – Proposed and previously approved drill camp locations



Lot 435 Mooriary Road, Mooriary is a 1,206ha property used for agricultural purposes that is largely cleared excepting for pockets of remnant vegetation on outcrops and along tributary lines.

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The previous main camp upon Lot M435 (which is the proposed site for the additional drill camp) was located immediately west of Mooriary Road, and 9km south of Midlands Road.

The proposed site for the drill camp is approximately 3km north-west of the nearest residence and 13km south-west of the Mingenew townsite.

The drill site camp would consist of 2 x 3 person transportable accommodation buildings and other modular buildings (typically 12m x 2.72, 32.64m<sup>2</sup>) associated with the drill operations delivered to the site by truck. The drill sites would have drilling activities conducted continuously on a 24-hour basis with 2 crews (6 personnel operating the drill and up to 22 additional personnel) working on 12-hour shifts necessitating a workforce accommodation camp at the drill sites. The drill camps would be serviced by a mobile wastewater system and food preparation would be done off-site at the main camp.

The exploration drilling activities (and associated need for the accompanying drill camp) are anticipated to take place over approximately 60 days at each drill site, with some potential returning to the site for further exploration, maintenance and testing work over a subsequent 2 year period.

The drill camp would be installed over 5 days along with the drilling rig, and transported to site by semi-trailers and/or or winch trucks over 80 trailer loads (2 of these being for the modular sleeper units) with comparable movements in the decommissioning of the facility.

The drill camp application has been provided as **separate Attachment 11.2**.

Figure 11.2.2 - Proposed Drill Camp Layout

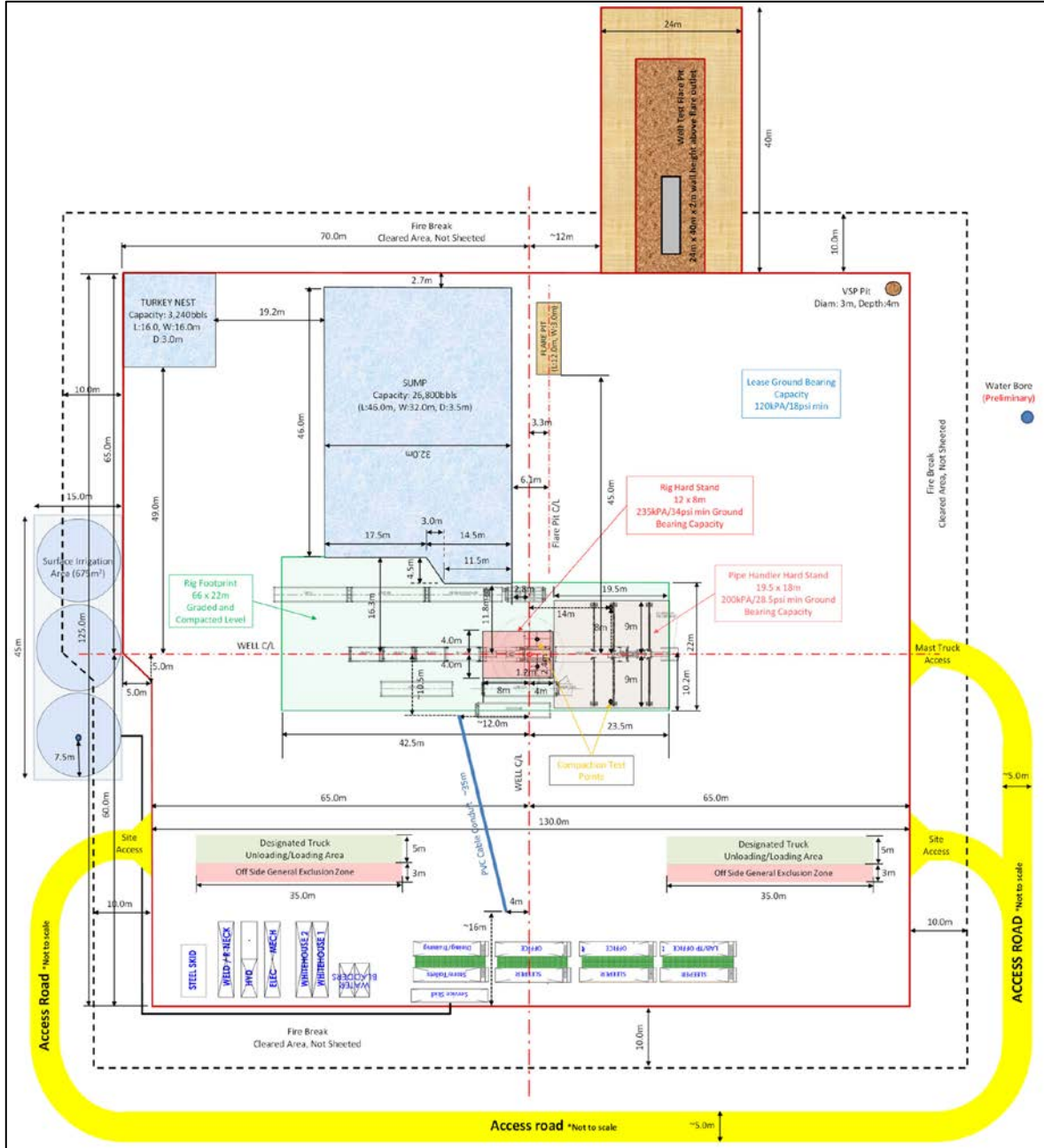


Figure 11.2.3 – Aerial photo of previous main camp upon proposed drill camp location



**Comment**

The most consistent issue arising from the prior operation of gas drilling operations in the Shire has been the impact upon its road network.

Whilst the exploratory phase of the drilling program is 'temporary' it is noted that this term addresses an activity that has been underway for 3 years and counting, with this anticipated to continue for at least a further 2 years. Further, this ongoing road impact would become permanent in the event that the proposed gas processing facility under the applicant's State Development Assessment Unit application SDAU-067-23 is realised.

Where an applicant's operations have an impact on the condition of the local road network, it is considered reasonable that upgrade or contribution to upgrade (and later maintenance) be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation or remedial/upgrade works commensurate with additional wear imposed by traffic movements associated with their operations.

The Shire has previously made clear to the applicant that 24/7 access to its sites cannot be guaranteed along its unsealed road network, and for 24/7 access to be assured they would need to upgrade Moorriary Road to a sealed standard.

The Shire has also advised the applicant previously that they may wish to negotiate directly with the landowner(s) to gain access to site via an alternative alignment across land between the applicants site(s) and the sealed road network in the event that the local unsealed road network has been closed.

Whilst the Shire can during wet weather events consider (as is the current practice) a partial road closure where appropriate, this is dependent on current or anticipated road conditions and safety risks. The Shire must be mindful that its unsealed road network are not all-weather roads and would need to be sealed, or potentially gravelled as a minimum with Main Road WA specification gravel in certain circumstances where safe to do so, in order to prevent temporary road closures during wet periods due to the high risk of runoff due to their very slippery clay bases with minimal wet strength.



### Consultation

This application was not advertised for comment, noting it is a repetition of previous temporary workforce accommodation applications upon this immediate site and surrounding sites, that have been repeatedly advertised for comment, leading to a position where it can be reasonably stated that Council and the applicant are aware of the associated issues and impacts.

However, in the event that Council wishes to consult with relevant state government agencies and landowners again it has the ability to do so prior to making its determination.

Further background on the Shire's 5 previous rounds of consultation over the last 3 years can be viewed at the following links to the Council Minutes (and also accompanying Attachments Booklets):

[mingenew.wa.gov.au/wp-content/uploads/2021/06/Attachment-Booklet-Ordinary-Council-Meeting-16-June-2021-red.pdf](https://mingenew.wa.gov.au/wp-content/uploads/2021/06/Attachment-Booklet-Ordinary-Council-Meeting-16-June-2021-red.pdf)

[Public-Ordinary-Council-Meeting-Minutes-16-June-2021.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2021/06/Public-Ordinary-Council-Meeting-Minutes-16-June-2021.pdf)

[mingenew.wa.gov.au/wp-content/uploads/2022/10/Ordinary-Council-Meeting-Minutes-19-October-2022.pdf](https://mingenew.wa.gov.au/wp-content/uploads/2022/10/Ordinary-Council-Meeting-Minutes-19-October-2022.pdf)

[15-Feb-2023-OCM-Agenda-CEO-Attachments.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2023/02/15-Feb-2023-OCM-Agenda-CEO-Attachments.pdf)

[PUBLIC-Ordinary-Council-Meeting-Minutes-15-February-2023.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2023/02/PUBLIC-Ordinary-Council-Meeting-Minutes-15-February-2023.pdf)

[Special-Council-Meeting-Attachments-Booklet-20-September-2023.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2023/09/Special-Council-Meeting-Attachments-Booklet-20-September-2023.pdf)

[PUBLIC-Special-Council-Meeting-Minutes-20-September-2023.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2023/09/PUBLIC-Special-Council-Meeting-Minutes-20-September-2023.pdf)

<https://mingenew.wa.gov.au/wp-content/uploads/2024/07/17-July-2024-Special-Council-Meeting-Attachments-Booklet.pdf>

[17-July-2024-Special-Council-Meeting-Minutes.pdf \(mingenew.wa.gov.au\)](https://mingenew.wa.gov.au/wp-content/uploads/2024/07/17-July-2024-Special-Council-Meeting-Minutes.pdf)

### Statutory Environment

Schedule 2 Part 9 Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that:

- "77 *Amending or cancelling development approval*
- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following*
    - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
    - (b) *to amend or delete any condition to which the approval is subject;*
    - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
    - (d) *to cancel the approval.*
  - (2) *An application under subclause (1) –*
    - (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
    - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
  - (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
  - (4) *The local government may determine an application made under subclause (1) by –*
    - (a) *approving the application without conditions; or*
    - (b) *approving the application with conditions; or*
    - (c) *refusing the application."*

Shire staff suggest in this instance that the approval of a drill camp upon the previously approved site of a larger main workforce accommodation camp, and upon the same overall landholding over which there have been approved multiple other drill camps should be considered an amendment to the previous approval rather than a new application.

It is noted that were Council to amend the existing approval to include this additional drill camp site, it would become subject to the existing approval conditions which includes the requirement for a Road Use Agreement.

### **Policy Implications**

The Western Australian Planning Commission's 'Workforce Accommodation Position Statement provides guidance in relation to the assessment of this application. A copy of the WAPC Position Statement can be viewed at the following link:

[https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement\\_Workforce\\_Accommodation.pdf](https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf)

### **Financial Implications**

Where an applicant's operations have an impact on the condition of the local road network, it is considered reasonable that upgrade or contribution to upgrade (and later maintenance) be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

### **Strategic Implications**

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

#### *"8.8 Mining Activity*

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

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

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

**12.0 CORPORATE SERVICES**

**12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2024 AND 30 SEPTEMBER 2024**

<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.FRP
<b>Date:</b>	11 October 2024
<b>Author:</b>	Jack Smith, Senior Finance Officer
<b>Authorising Officer:</b>	Helen Sternick, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority

**Summary**

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the periods ended 31 August 2024 and 30 September 2024, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

**OFFICER RECOMMENDATION – ITEM 12.1**

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 August 2024, as included at Attachment 12.1.1;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 30 September 2024, as included at Attachment 12.1.2.

**Attachments**

12.1.1 Monthly Financial Report for the period ending 31 August 2024

12.1.2 Monthly Financial Report for the period ending 30 September 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 August 2024 and 30 September 2024 includes the following:

- Statement of Financial Activity
- 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
- Grants, Subsidies and Contributions
- Capital Grants, Subsidies and Contributions
- Budget Amendments

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

**Comment**

The 2023/24 Annual Financial Report has not been audited and is subject to change, this may alter the opening surplus for the 2024/25 financial year. A summary of the financial position as the end of August 2024:

	YTD Budget	YTD Actual	Variance
<b>OPERATING ACTIVITIES</b>			
Revenue from operating activities	3,023,848	3,025,197	0.04%
Expenditure from operating activities	(499,788)	(563,142)	(12.68%)
Non-cash amounts excluded from operating activities	0	(21,091)	0.00%
	<u>2,524,060</u>	<u>2,440,964</u>	<u>(3.29%)</u>
<b>INVESTING ACTIVITIES</b>			
Inflows from investing activities	0	103,972	0.00%
Outflows from investing activities	(843,885)	(110,317)	86.93%
	<u>(843,885)</u>	<u>(6,345)</u>	<u>99.25%</u>
<b>FINANCING ACTIVITIES</b>			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(8,698)	(7,775)	10.61%
	<u>(8,698)</u>	<u>(7,775)</u>	<u>10.61%</u>
Surplus/(deficit) at the start of the financial year	575,000	1,605,680	179.25%
Surplus/(deficit) at 31 August 2024	<u>2,246,477</u>	<u>4,032,524</u>	<u>79.50%</u>
Cash at Bank Municipal – unrestricted		3,039,130	
Cash at Bank Municipal – restricted		1,254,545	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
<b>Total</b>		<u><b>5,451,135</b></u>	

A summary of the financial position as the end of September 2024:

	YTD Budget	YTD Actual	Variance
<b>OPERATING ACTIVITIES</b>			
Revenue from operating activities	3,065,172	3,096,356	1.02%
Expenditure from operating activities	(782,825)	(762,658)	2.58%
Non-cash amounts excluded from operating activities	0	(36,614)	0.00%
	<u>2,282,347</u>	<u>2,297,084</u>	<u>0.65%</u>
<b>INVESTING ACTIVITIES</b>			
Inflows from investing activities	414,296	255,880	(38.24%)
Outflows from investing activities	(1,142,382)	(401,562)	64.85%
	<u>(728,086)</u>	<u>(145,682)</u>	<u>79.99%</u>
<b>FINANCING ACTIVITIES</b>			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(37,100)	(8,031)	78.35%
	<u>(37,100)</u>	<u>(8,031)</u>	<u>78.35%</u>
Surplus/(deficit) at the start of the financial year	575,000	1,605,680	179.25%
Surplus/(deficit) at 30 September 2024	<u>2,092,161</u>	<u>3,749,051</u>	<u>79.20%</u>
Cash at Bank Municipal – unrestricted		2,849,833	
Cash at Bank Municipal – restricted		1,293,085	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
<b>Total</b>		<u><b>5,300,378</b></u>	

An explanation of the variances can be found at Note 3 in the attached Monthly Financial Reports, this commentary provides Council with an overall understanding of how the financial position is compared in relation to the adopted budget.

As required by 1.3.3 Investment of Surplus Funds Procedures, details of Council's investment portfolio are provided within the supplementary information of the attachments on page 10.

The road agreement with Terra Mining, as at 30 September 2024, has contributed \$96,655 towards the Community Infrastructure Fund, of which \$15,540 remains outstanding.

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

### 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 —*

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the relevant month; and*
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the 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 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 AUGUST TO 30 SEPTEMBER 2024

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.CRD  
**Date:** 11 October 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 1 August to 30 September 2024.

### **OFFICER RECOMMENDATION – ITEM 12.2**

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 August to 30 September 2024, as included at Attachment 12.2.1. represented by:

\$446,767.36	Municipal EFTs
\$28,942.05	Municipal EFT Purchasing Cards (Fuel Cards)
\$80,659.70	Municipal Direct Debit Department of Transport (Licencing) Payments
\$114,897.39	Municipal Direct Debit Other
\$7,404.90	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
\$179,852.07	Net Salaries
\$498,819.33	Total Payments

### Attachments

12.2.1 List of Payments – 1 August to 30 September 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 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs



### 12.3 FINANCE POLICIES ANNUAL REVIEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL.1
Date:	11 October 2024
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

A review of the Shire of Mingenew's finance policies (and procedures) within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs.

#### Key Points

- Council adopted a Policy Manual schedule in September 2019 that identified Finance Policies to be reviewed annually.
- Finance Policies were last reviewed in December 2022.
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision, as required.

#### **OFFICER RECOMMENDATION – ITEM 12.3**

Council notes the review of Council's Finance Policies and accepts the following reviewed policies, as presented in the Attachment Booklet:

- a) 1.3.1 Purchasing Policy
- b) 1.3.2 Asset Management Policy
- c) 1.3.3 Investment of Surplus Funds Policy
- d) 1.3.4 Significant Accounting Policies Policy
- e) 1.3.5 Corporate Credit Card Policy
- f) 1.3.6 Related Parties Disclosure Policy
- g) 1.3.7 Regional Price Preference Policy
- h) 1.3.8 Employee Superannuation Policy
- i) 1.3.9 Debt Collection Policy
- j) 1.3.10 Fees and Charges Policy
- k) 1.3.11 Financial Hardship Policy

#### Attachments

12.3.1 Finance Policies and relevant Management Procedures

#### Background

Whilst there is no statutory requirement for Council to review its Policy Manual (with the exception of certain elected member policies), it is considered best practice to ensure Council have a relevant and current policy stance that reflects the ongoing changes within the local government and community.

Many of the policies have been developed using WALGA's model policies or are based on other local government's policies that have been recognised for good governance. Some policies may have been developed or modified to suit our individual or local circumstances.

#### Comment

Policies within the Policy Manual are strategic, outcome focused and set governing principles, guiding the direction of the organisation, and are to be considered for endorsement by Council.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

The management procedures included, following the relevant Council Policy, are developed for administrative and operational purposes and endorsed by the Chief Executive Officer.

A summary of proposed changes to the policies are provided below:

<b>1.3.1 Purchasing Policy</b>
<ul style="list-style-type: none"><li>• Minor grammatical and formatting changes proposed</li><li>• Update of position titles</li></ul>
<b>1.3.2 Asset Management Policy</b>
<ul style="list-style-type: none"><li>• Update associated documents to reflect current Strategic Community Plan which includes Corporate Business Plan and Long Term Financial Plan</li><li>• Update of position titles</li></ul>
<u>Asset Management Procedures</u>
<ul style="list-style-type: none"><li>• Minor wording amendment to reflect terminology from the Local Government (Financial Management) Regulations 1996</li></ul>
<b>1.3.3 Investment of Surplus Funds Policy</b>
<ul style="list-style-type: none"><li>• Include reference to the Investment of Surplus Fund Management Procedure</li><li>• Update of position titles</li></ul>
<u>Investment of Surplus Funds Procedures</u>
<ul style="list-style-type: none"><li>• Minor grammatical and formatting changes</li><li>• Update of delegated authority reference</li><li>• Update of the reporting requirements</li></ul>
<b>1.3.4 Significant Accounting Policies Policy</b>
<ul style="list-style-type: none"><li>• Update of position title</li></ul>
<b>1.3.5 Corporate Credit Card Policy</b>
<ul style="list-style-type: none"><li>• Minor grammatical changes</li><li>• Update of position title</li></ul>
<u>Corporate Credit Card Procedures</u>
<ul style="list-style-type: none"><li>• Reference to the Purchasing Policy and Procedure</li><li>• Minor amendments to wording</li><li>• Update of position titles</li></ul>
<b>1.3.6 Related Parties Disclosure Policy</b>
<ul style="list-style-type: none"><li>• Update of position titles</li></ul>
<b>1.3.7 Regional Price Preference Policy</b>
<ul style="list-style-type: none"><li>• Update of position titles</li></ul>
<b>1.3.8 Employee Superannuation Policy</b>
<ul style="list-style-type: none"><li>• Update of position title</li></ul>
<b>1.3.9 Debt Collection Policy</b>
<ul style="list-style-type: none"><li>• Minor amendments to wording and formatting changes</li><li>• Included an additional process to issue a rates statement prior to issuing a Final Notice</li><li>• Update of position titles</li></ul>
<b>1.3.10 Fees and Charges Policy</b>
<ul style="list-style-type: none"><li>• Minor grammatical changes</li><li>• Update of position title</li></ul>
<u>Fees and Charges Procedures</u>
<ul style="list-style-type: none"><li>• Update adoption date and numbering</li><li>• Remove campgrounds and caravan parks from Shire property or facilities</li></ul>

- Remove 100% cost recovery and replaced with a contribution of the operating costs for indoor and outdoor hire charges
- Included the Sporting Club contributions will be determined by Council via the budget process and the fees to be charged respectively
- Removed seek to enter into agreements with the relevant clubs which outline their annual fees and the mutually expected obligations of both parties

#### **1.3.11 Financial Hardship Policy**

- Removed reference to declared State of Emergency
- Aligned the policy with the updated WALGA Financial Hardship Policy template but modified to suit our circumstances
- Minor grammatical changes
- Update of position title

An updated version of the Policy Manual will be available for Councillors after adoption.

#### **Consultation**

Chief Executive Officer  
Manager Governance and Community

#### **Statutory Environment**

Local Government Act 1995

#### **Policy Implications**

As outlined.

#### **Financial Implications**

There are no direct financial implications.

#### **Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 12.4 CHANGE OF METHOD OF VALUATION

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	RV.RTC.2
Date:	11 October 2024
Author:	Megan Smith, Rates / Finance Officer
Authorising Officer:	Helen Sternick, Manager Corporate Services
Voting Requirements:	Simple Majority

### Summary

To consider consultation in regard to changing the method of valuation from Unimproved Value (UV) to Gross Rental Value (GRV) for the properties identified within the townsite that may be used for a non-rural purpose.

### Key Points

- Local Governments are responsible to review the predominant use of land and apply to the Minister to have the method of valuation changed where appropriate.
- A review has identified properties that are currently valued as UV whereas their predominant use may be non-rural.

### **OFFICER RECOMMENDATION – ITEM 12.4**

#### **Council:**

- 1) Authorises the Chief Executive Officer to undertake a review of Unimproved Value rated properties;**
- 2) Consults with property owners giving 28 days to comment on the proposal to change the method of valuation from Unimproved Value to Gross Rental Value for those properties identified, as outlined under separate, confidential cover; and**
- 3) Commences the process to transition properties not used for rural purposes to Gross Rental Value, in accordance with s6.28 of the *Local Government Act 1995*.**

### Attachments

12.4.1 *List of identifiable properties (provided under separate confidential cover, as per Local Government Act 1995 s5.23 (2)(b)).*

12.4.2 Town Planning Scheme Zone Map

12.4.3 Operational Guideline – Changing Methods of Valuation of Land

### Background

Under section 6.28 of the *Local Government Act 1995* (the Act), the Minister for Local Government is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate. In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the Unimproved (UV) value of the land; and
- Where the land is used predominantly for non-rural purposes, the Gross Rental Value (GRV) of the land.

Rural purpose is defined by the Department of Local Government Sports and Cultural Industries (DLGSCI) to mean *"a purpose pertaining to agriculture and agriculture is defined to mean the use or cultivation of land for any purpose of husbandry or horticulture, including the raising of livestock and the growing of crops"*, the rate levied shall be based upon its UV; and where land is used predominantly for non-rural purposes, the rate levied shall be on its GRV.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

It is the Local Government's responsibility to review the predominant use of land and apply to the Minister to have the method of valuation changed where appropriate.

Different factors need to be considered regarding determining predominate land use, including the activity conducted on the land, any development of the property, income generated from or on the property and Local Planning Scheme.

The last known review of predominant land use in the Shire was previously undertaken in 2016. This included a preliminary report to Council outlining the need for the review, correspondence with the Valuer General seeking notional valuations to determine the potential impact, and consultation with affected ratepayers including a questionnaire relating to the predominant land use. Several of the affected ratepayers responded including many clearly stating that the predominant use was unrelated to rural activities, however no further actions can be found nor a response from the Valuer General regarding notional values, and further, no outcomes of the review being reported back to Council.

A more recent review of land use was undertaken regarding the 'Space Precinct' area which successfully changed the method of valuation in 2021 on previously UV rated land to GRV rated.

### Comment

Staff have recently reviewed the method of valuations for properties in the rating system. As a result of this, there have been several apparent anomalies identified. This review predominantly pertains to the method of valuation applied to a range of lots in the Rural Residential and General Industry areas.

These properties identified as potentially requiring a change of method of valuation to GRV, where the land is used predominately for non-rural purposes i.e. residential, commercial, industrial or rural residential.

The Department of Local Government and Communities has issued a Local Government Operational Guideline No 12 relating to Changing Methods of Valuation of Land. This guideline identifies the key guiding principles for local government to consider when developing or assessing their rating structures, including:

- Objectivity;
- Fairness and equity;
- Consistency;
- Transparency; and
- Administrative efficiency.

Council has and will continue to apply these principles both through this current process and into the future when it is making decisions around rating.

The most significant challenge through this process is for the Council to make a determination around the use of properties. For example for properties in the rural area, Council needs to make an assessment as to whether the predominant or primary use of a property is for a rural purpose, or in fact for a residential purpose. Unfortunately, the Act does not define the term "predominant". Consequently, an assessment has to be made on a case-by-case basis as a question of "fact and degree" as to whether or not the use of a particular property should be categorised as predominantly rural or non-rural.

In determining predominant land use all relevant factors will be considered, including the activity conducted on the land, any development on the property, income generated from or on the property and the Local Planning Scheme.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

An estimated process and timeline for the transition from UV to GRV is:

- |                  |   |
|------------------|---|
| October 2024     | - Council authorise the Chief Executive Officer to carry out a review of the land use for UV rated properties   |
|                  | - Notional values obtained from Valuer General's Office   |
|                  | - Letters to affected landowners requested declarations of land use to be completed and returned to the Shire within 28 days                            |
| November 2024    | - Shire staff assess declarations and review land use, affected landowners advised of review decision and given 21 days to respond                      |
| February 2025    | - Council considers any submissions prior to resolving to apply to the Minister for approval to change the method of valuation for specified properties |
|                  | - Application submitted to the Minister for approval to change the method of valuation  |
| March/April 2025 | - GRV valuation request submitted to Landgate   |
| April 2025       | - Valuation information supplied to DLGSCI for submission to the State Law Publisher for Gazettal   |
| May 2025         | - Publication in Government Gazette   |
| April/May 2025   | - Rate modelling commenced for 2025/26 financial year   |
| July 2025        | - GRV applied to the specified properties with an effective date of 1 July 2025   |

### Consultation

Landgate

Affected landowners

### Statutory Environment

*Local Government Act 1995*

#### **6.28. Basis of rates**

- (1) *The Minister is to —*
  - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
  - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*
- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*

The Department of Local Government and Communities has developed a Local Government Operational Guideline No 12 relating to Changing Methods of Valuation of Land, which identifies several steps in this process.

#### Step 1 – Identifying land use changes that may affect predominant use

Land use changes for the selected areas have been identified through a broad based assessment that these areas are not predominantly used for rural purposes.

#### Step 2 – Reviewing predominant use

Assessing the predominant use of land is fundamental to determining the method of valuation to be used for rating purposes. The Act does not define the term "predominant". Consequently, an assessment has to be

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

made on a case-by-case basis as a question of “fact and degree” as to whether or not the use of a particular property should be categorised as predominantly rural or non-rural.

Local Governments should take all relevant factors into consideration including the following:

- a) Activity conducted on the land  
Many activities may be associated with the use of the property. The nature, scale and extent of each activity should be taken into account in any assessment of predominant use.

Example:

*A house is situated on a four (4) hectare property. On the property there is a vegetable patch and some fruit trees. The occupier also keeps livestock, including a cow, two sheep, two horses and several chickens and ducks. There is no doubt some rural activities are undertaken on the property. However, these activities are undertaken on a small scale. The produce is mainly for personal consumption. Although from time to time the occupier may sell some produce at a roadside stall, the occupier is not deriving his/her livelihood from “working the land”. The predominant use can be said to be residential.*

- b) Development on the land  
The nature, scale and extent of the development of a property can give an indication of the nature, scale and intensity of associated uses. They can also affect the capacity for a property to be used for other purposes.

Example:

*More than half of a small rural property is occupied by chalets and associated developments. The rest of the lot is used occasionally to graze sheep and cattle. Given the scale of the chalet development it would be difficult to determine that the predominant use is rural.*

- c) Income  
Where a property is used for two (2) or more different purposes, the income generated from each use can be a guide to assessing the predominant use of the land.

Example:

*A portion of a property is being used for an agricultural purpose and the remainder is being used for holiday accommodation. The income generated from the holiday accommodation is significantly more than that from the agricultural pursuit. The predominant use could arguable be said to be non-rural.*

- d) Local Planning Scheme  
A local planning scheme enables the use of land for a rural or non-rural purpose and should be considered in assessing predominant use i.e. the Shire of Mingenew's Local Planning Scheme No 4 sets out land uses which can be considered in certain zones.

- e) Vacant Land  
As vacant land is generally not used for any purpose, it is arguable what the predominant use of such land might be. In determining the “predominant use” of vacant land, consideration should be given to the predominant use of the surrounding land and any planning/development restrictions that apply to the vacant land in question.

Example:

*A vacant 2 hectare property is situated in a rural residential zone. The surrounding properties are of a similar size and zoning and most of them are developed for residential purposes with people living on them. Most of the residents of these properties keep some*

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

*animals and grow produce mainly for personal consumption. However, due to the small scale of the “rural activities” the predominant use is residential. As the majority of the surrounding properties are used predominantly for non-rural purposes, the vacant land could be deemed to be predominantly non-rural.*

### Step 3 – Consulting affected parties

The public consultation for the consideration of changing methods of valuation of land is to be undertaken.

Property owners whose properties have been identified for a possible change in valuation method to be advised in writing and will be invited to make comment to be received in writing and addressed to the Chief Executive Officer within the twenty eight (28) day submission period. Further consultation of 21 days will be conducted after assessment of the declarations and review of the land use with the affected landowners with advise of review decision.

### Step 4 – Changing the method of valuation

Once the submission period has closed a report will be presented to Council. If Council supports the changes to rating methods a submission will then be made to the Minister for Local Government and Youth.

### Policy Implications

Local Planning Scheme No.4

Clause 16. of the Local Planning Scheme (page 10) provides a list and objectives of each zone, as identified in the Scheme Map attached – a copy of the Scheme Text can be downloaded at <https://www.wa.gov.au/system/files/2023-12/mingenew4-schemetext.pdf>.

### Financial Implications

The cost for Landgate to provide indicative GRV valuations on 13 properties is \$1,700 and an additional fee to provide indicative GRV valuations on a portion of a lot.

There may be instances where a landowner's rates may increase, currently all the town-based properties are charged minimum rates. Any valuations will be based on improvements to the land and the potential annual rental yield, except for vacant land which would be calculated from a percentage of the capital value.

The effective date for the change will from the date it is published in the Government Gazette, it is envisaged it will be in the 2025/26 financial year.

### Strategic Implications

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs



12.5 2024/25 BUDGET REVIEW AND AMENDMENTS -FIRST QUARTER

Location/Address: Shire of Mingenew  
 Name of Applicant: Shire of Mingenew  
 Disclosure of Interest: Nil  
 File Reference: FM.BUD.24.25  
 Date: 11 October 2024  
 Authorising Officer: Helen Sternick, Manager Corporate Services  
 Voting Requirements: Absolute Majority

**Summary**

The purpose of this report is to consider and approve proposed first quarter budget review and amendments for 2024/25.

**OFFICER RECOMMENDATION – ITEM 12.5**

Council, by Absolute Majority:

1. Approves the proposed budget review and amendments to the 2024/25 Annual Budget:

3030146	RATES - Instalment Interest Received	\$4,171
2040284	OTH GOV - Audit Fees	(\$6,292)
3090120	STF HOUSE - Fees & Charges	\$6,292
SHM033	33 Victoria Road (Lot 89) - Residence	(\$7,000)
SHM034	34 William Street (Lot 12) - Residence	(\$4,000)
BO032	32 Bride Street (Lot 67) – Sports Club	(\$754)
3120210	ROADM - Direct Road Grant (MRWA)	\$15,145
2130652	ECON DEV – Consultants	(\$1,509)
2140200	ADMIN – Employee Costs	(\$9,559)
2140300	PWO – Employee Costs	(\$15,024)
5120350	PLANT - Proceeds on Disposal of Assets	\$21,091
5120351	PLANT - Realisation on Disposal of Assets	(\$21,091)
3120390	PLANT - Profit on Disposal of Assets	\$21,091

2. Approves and authorises the additional transfer to the plant reserve of \$21,091 (GL number 4120381) for the proceeds of the Skid Steer Loader.

**Attachments**

12.5.1 Budget Review – First Quarter

**Background**

During the 2024/25 annual budget preparation, an allowance was made to carry-forward funds for projects based on estimates of expenditure that would be unspent at 30 June 2024.

The Annual Financial Report for the year ended 30 June 2024 has been completed and is in the process of being audited, therefore the estimated opening surplus is proposed to be updated, subject to change from the completion of the final audit.

The budget adjustments mostly relate to known operating variances and carry forward projects not completed by 30 June 2024.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

### Comment

This report provides information by Nature and Type and is based on the three month period from 1 July 2024 to 30 September 2024.

The budget review and amendment report includes at Note 1 a summary of variances contained within the Statement of Financial Activity.

Features of the budget review include:

Increase in opening surplus (advance payment of the Financial Assistance Grant of \$743,785 and the remainder on other savings/carry forward on various other projects, including employee costs, materials and contracts)	\$1,095,211
Increase operating grants (direct road)	\$15,145
Increase in fees and charges (employee rent)	\$6,292
Increase in interest revenue (instalments interest on rates)	\$4,171
Profit on asset disposal (Skid Steer Loader)	\$21,091
Increase in employee costs (workers compensation premium)	(\$24,583)
Increase in material and contracts (audit fees, housing sewer system repairs, replacement of leaking pipe, valuation costs)	(\$18,801)
Increase in insurance (Sports Club premium)	(\$754)
Transfer to Plant Reserve (Skid Steer Loader)	(\$21,091)
Overall Change (surplus)	\$1,076,681

In considering the above amendments within the attached first quarter budget review, the closing position has increased from zero to \$1,076,681, reflected in the Statement of Budget Review – First Quarter.

### Consultation

Leadership Team

### Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

### Policy Implications

Nil.

### Financial Implications

At the end of the 2023/24 financial year, the actual (unaudited) closing surplus is \$1,670,211. The budgeted opening surplus has increased by \$1,095,211 due to the advance payment of the Financial Assistance Grant of \$743,785 and the remainder on other savings/carry forward on various other projects, including employee costs, materials and contracts.

This reflects an anticipated closing surplus as at 30 June 2025 of \$1,076,681.

### Strategic Implications

Strategic Community Plan 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

13.0 GOVERNANCE AND COMMUNITY

13.1 DISPOSAL OF PROPERTY – LEASE OF 2-6 ELEANOR STREET, MINGENEW

Location/Address:	2-6 (Lot 1) Eleanor Street, Mingenew
Name of Applicant:	Great Southern Fuels
Disclosure of Interest:	Nil
File Reference:	CP.LSO.8 / A871
Date:	11 October 2024
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

**Summary**

Great Southern Fuels, who have been leasing 2-6 (Lot 1) Eleanor Street, Mingenew on Deposited Plan 56161 since July 2012, have requested a further extension of lease. All extension options have been fulfilled under the previous lease therefore, Council is required to consider a new lease and must following the requirements of s.3.58 of the *Local Government Act 1995* regarding disposal of property.

**Key Points**

- The Shire is the freehold owner of 2-6 (Lot 1) Eleanor Street, Mingenew on which the unmanned fuel site is currently located
- A local government may dispose of property (including by lease) in accordance with s.3.58 of the Local Government Act 1995
- The current lessee (Gradow Pty Ltd, trading as Great Southern Fuels) has indicated a desire to renew the expired lease following the lapse of the lease on 30 June 2024.

**OFFICER RECOMMENDATION – ITEM 13.1**

**Council**

1. Gives local public notice of its intention to lease, in accordance with s3.58(3) of the *Local Government Act 1995*, for 2-6 (Lot 1) Eleanor Street, Mingenew on Deposited Plan 56161 under the following consideration:
  - a) Lessee - Gradow Pty Ltd (trading as Great Southern Fuels) [ABN: 65 367 095 233] for the purpose of providing an unmanned fuel supply service and public amenities
  - b) Market Value Rent of \$17,500 ex GST per annum
  - c) Term
  - d) New lease terms and conditions are generally in accordance with the existing lease;
2. Considers any submissions received and the lease agreement at the next Ordinary Council meeting following the close of submissions; and
3. Delegates authority to the Chief Executive Officer to negotiate the terms of the lease based on the above consideration.

**Attachments**

13.1.1 Confidential: Market Valuation Report of 2-6 (Lot 1) Eleanor Street, Mingenew

**Background**

The Shire of Mingenew has an existing lease with Gradow Pty Ltd for a fuel supply service at Lot 303, Eleanor Street, Mingenew (transferred to Gradow Pty Ltd, from Centrel Pty Ltd in 2018 by decision of Council). The lease initially commenced on 1 July 2012 and had three 3-year extension options in favour of the Lessee and at the Lessee's sole discretion. The Lessee has exhausted those extension options, and the lease lapsed on 30 June 2024. The lease is currently operating on a month-to-month arrangement until such time as a decision is made on the lease renewal.

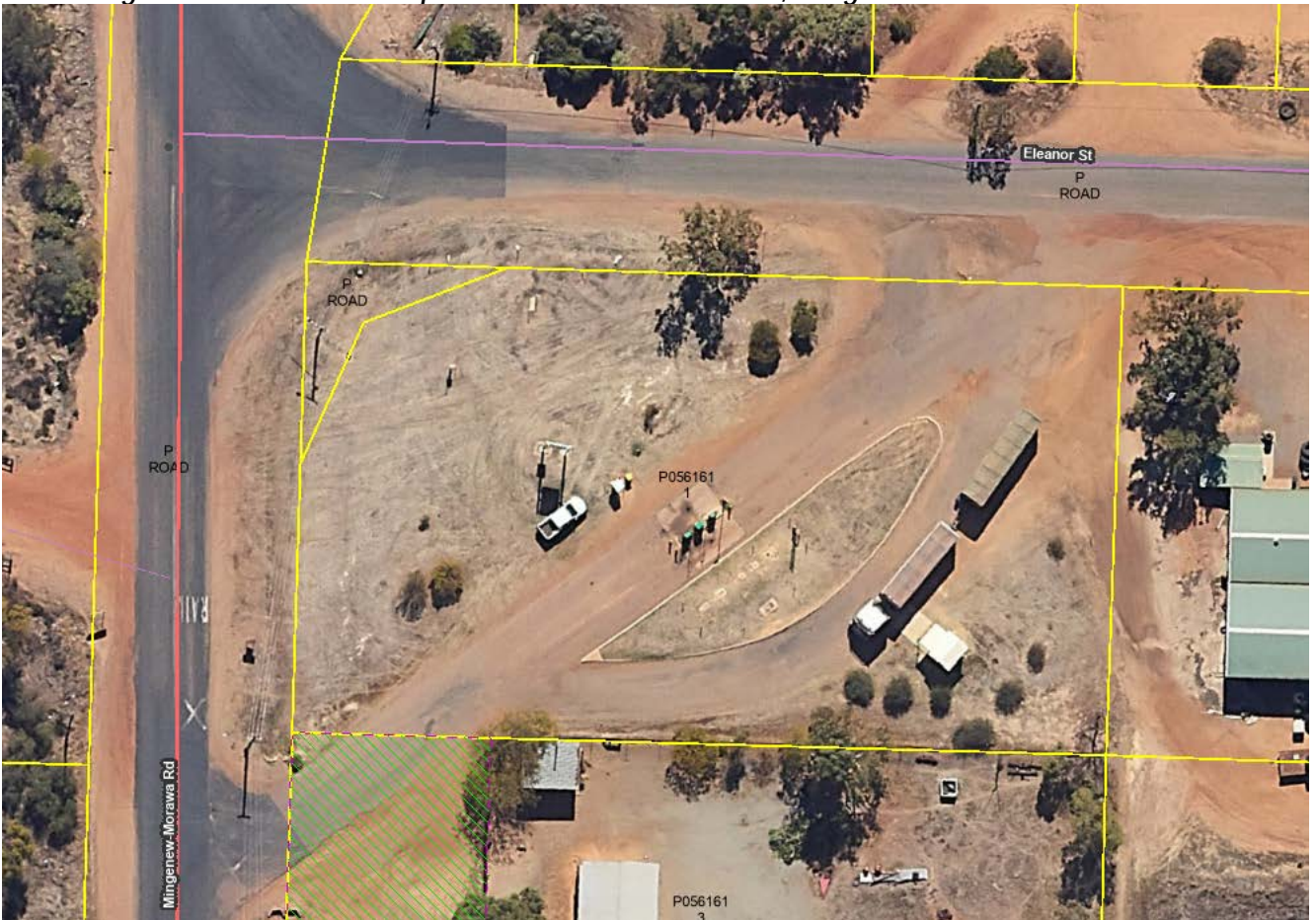
The lessee has expressed a desire to enter into a new lease based on the previous lease terms.

The lease on the property includes the following installations

- 1 x unleaded bowser
- 1 x ultimate unleaded bowser
- 1 x diesel bowser
- 1 x outdoor payment terminal
- 1 x 25,000L underground fuel tank (divided into three compartments)
- Unisex single-stall toilet

The layout of the property is shown below.

*Figure 1 – Site of Fuel depot site – 2-6 Eleanor Street, Mingenew*



**Comment**

A market rental valuation undertaken on 12 August 2024 determined a fair market rental of \$17,500 ex GST per annum.

Local public notice will require a description of the property concerned, details of the proposed disposition and an invitation for submissions to be made before a date to be specified in the notice, being not less than 2 weeks after the notice is first given. Submissions received during the notice period must be considered by Council and the resulting decision recorded in the minutes of the meeting at which the decision is made.

McLeods Lawyers have confirmed that as the extension terms have fully been extinguished, it isn't possible for a deed of extension to be prepared, as the continuation will be, as a matter of law, a new lease.

### Consultation

Acumentis, Property Advisory Services

McLeods Lawyers

Paiker & Overmeire Lawyers (agent of Great Southern Fuels)

### Statutory Environment

Local Government Act 1995

#### **3.58. Disposing of property**

- (1) *In this section —  
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
  - (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
  - (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
  - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190;  
or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

### Policy Implications

Local Planning Scheme No.4

2-6 Eleanor Street, Mingenew is zoned 'General Industry' under the Shire of Mingenew's Local Planning Scheme No.4, the objectives of which are:

- To provide appropriately located, accessible, serviced and level industrial land to cater for the needs of anticipated industrial development within the townsite area.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
- Seek to manage impacts such as noise, dust and odour within the zone.

### **Financial Implications**

Under the current leasing arrangements, Council receives approximately \$1,110 per month in rent (\$13,320 per annum) plus reimbursement of costs associated with pumping out septic tanks and cleaning of the public toilets.

### **Strategic Implications**

Strategic Community Plan 2023-2033

3. Supporting infrastructure initiatives that makes business easy and support them to thrive

3.1 Actively encourage pride in local businesses to represent town

13.2 DISPOSAL OF PROPERTY – LEASE OF 70 MIDLANDS ROAD, MINGENEW

**Location/Address:** 70 (Lot 105) Midlands Road, Mingenew (Reserve 36604)  
**Name of Applicant:** Elders Ltd  
**Disclosure of Interest:** Nil  
**File Reference:** CP.LSO.18  
**Date:** 11 October 2024  
**Author:** Erin Greaves, Manager Governance and Community  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

**Summary**

Elders Rural Services Australia Limited (Elders) are proposing a licence agreement for consideration to formally occupy Crown Reserve 36604 at 70 (Lot 105) Midlands Road, Mingenew for the purpose of *"The storage of any product or item related to any operation of any business of the Lessee which may include, but is not limited to, the storage of tanks, trailers, trucks, field bins, sheep feeders and related activities or any other lawful use."*

**Key Points**

- The Shire holds the management order for Crown Reserve 36604 which includes permission to lease, subject to permission from the Minister for Lands
- A local government may dispose of property (include by lease or licence) in accordance with s.3.58 of the Local Government Act 1995
- Elders have had permitted use of the property without a formal agreement in place

**OFFICER RECOMMENDATION – ITEM 13.2**

**Council:**

1. Gives local public notice of its intention to enter into a lease/licence agreement, in accordance with s3.58(3) of the *Local Government Act 1995*, for Crown Reserve 36604 at 70 (Lot 105) Midlands Road, Mingenew under the following consideration:
  - a) Licensee – Elders Rural Services Australia Limited [ABN 72 004 045 121] for the purpose of *"the storage of any product or item related to any operation of any business of the Lessee which may include, but is not limited to, the storage of tanks, trailers, trucks, field bins, sheep feeders and related activities or any other lawful use."*
  - b) Term for period of five (5) years, with option for extension for further three terms.
  - c) Annual licence fee shall be \$1,820 ex GST
2. Writes to the Minister for Lands, seeking permission to lease/licence Crown Reserve 36604, under the management order;
3. Considers any submissions received and the proposed lease/licence at the next Ordinary Council meeting following the nominated date for close of submissions; and
4. Delegates authority to the Chief Executive Officer to negotiate the terms of the lease/licence based on the above consideration.

**Attachments**

13.2.1 *Confidential: Market Valuation Report of 70 (Lot 105) Midlands Road, Mingenew*

**Background**

The Shire's records indicate that the land has been utilised by Elders based on a lease agreement originally entered into in October 1997.

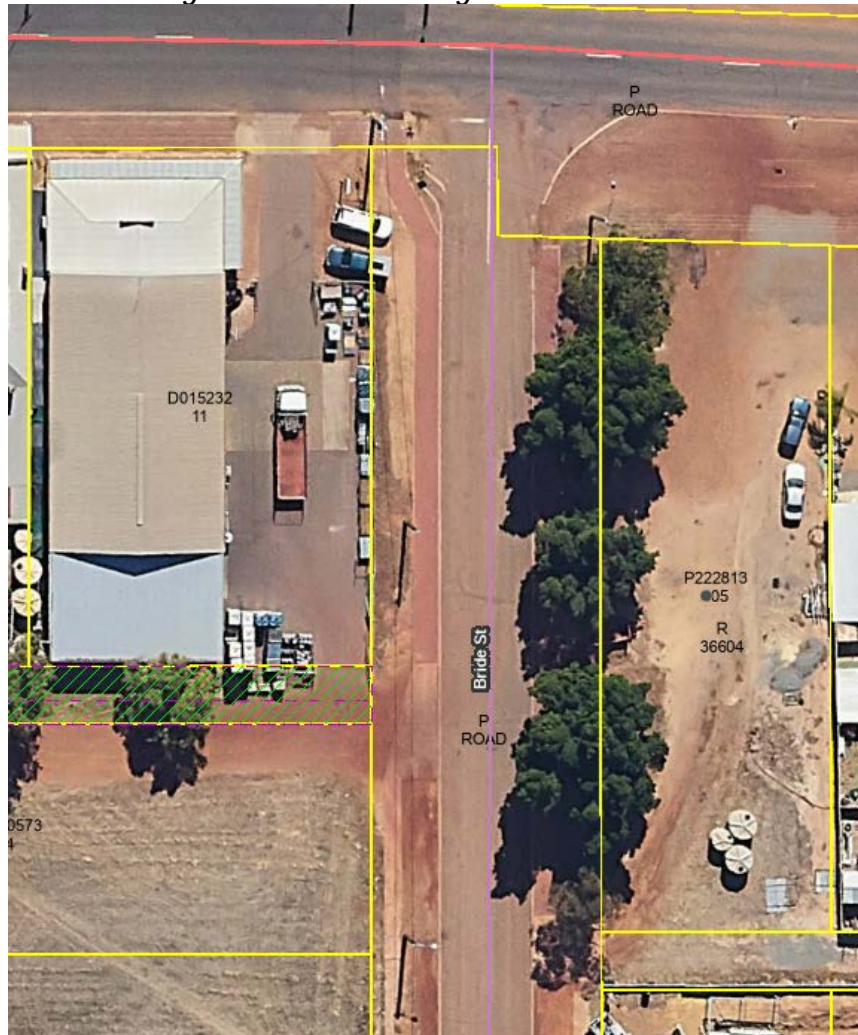
Crown Reserve 36604 at 70 (Lot 105) Midlands Road is vested with the Shire of Mingenew for the current purpose of *"use and requirements of the Shire of Mingenew"*. In 2012, it was discovered that the reserve's

management order and purpose did not permit leasing of the land, and a formal request was subsequently made to the Department of Planning, Lands and Heritage (DPLH) seeking a change to the purpose and to permit leasing.

The process of administering the change in reserve purpose and negotiating the terms under which Elders wish to use the land have taken significant time.

Elders Mingenew is located opposite Reserve 36604, as shown below:

*Figure 1 – satellite image of Reserve 36604*



As can be seen from the above image, the property currently used for the Mingenew Elders shopfront has limited storage capacity.

**Comment**

Elders have responsibly been using and maintaining the property for many years and the Shire has no other current use for the land. Whilst there may be a future commercial opportunity to develop the land, given its main street frontage, there have been no enquiries to suggest demand at this time. Council could consider reducing the initial term and subsequent extension terms to provide some flexibility to respond to market and development changes.

Elders are seeking to enter into a licence agreement, rather than lease. The main difference being that a lease provides a legal right to exclusive possession whereas a licence only provides a contractual right to occupy.



## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

The Shire has made enquiries with the applicant to determine if they were interested in the option to purchase, should the Minister permit however Elders' preference at this time is to occupy the land under a licence agreement. Council could consider including advice to the lessee and the DPLH that Council has no objection to the Department disposing of Reserve 36604 should the licensee wish to purchase the property and this can be dealt with in the next report to Council.

To assist in determining a fair market rent, a market rental valuation was undertaken on 15 July 2024 and recommended a rate of \$1,820 ex GST per annum. The confidential market report (separate attachment) indicates that comparative market research is limited due to low demand for vacant land rental. It was however, noted that rural industry, and oil and gas activity in the region has improved growth.

It is noted that the Reserve is the former CWA Building site and is listed in the Shire's Local Heritage Survey (LHS) as a Category 4 listing and an extract for the LHS is provided below:

### History

*The Mingenew Yandanooka branch of the Country Women's Association (CWA) formed at a public meeting in the Mingenew Hall in February 1929, and a younger set formed in July 1929. The CWA was instrumental in establishing the Bush Nursing Association to facilitate a district nurse, that was achieved in March 1930. The CWA essentially employed the nurse, while also planning to build a hospital. In 1931 they applied for Lot 1 to build their restroom. It was built in 1936, with meetings in the hall meanwhile. The rest room was an appreciated service for mothers and children in the district. CWA organised a special relief fund during the Depression, catered for functions, and various community services, including considerable work to improve the conditions at the Aboriginal Reserve (Littlewell). On 14 March 1979, cyclone Hazel destroyed the CWA restrooms. Members utilised the RSL Hall for meetings and continued service to the community. In 1946 Yandanooka members formed their own branch.*

### Statement of Significance

*The site of the CWA Rest rooms represents the considerable historical significance of the Mingenew Yandanooka branch of the Country Women's Association and their members. The community services that the CWA provided were invaluable in the early all phases of the development of Mingenew and the district. The specific considerations of women and families is a tradition that continues."*

Local public notice will require a description of the property concerned, details of the proposed disposition and an invitation for submissions to be made before a date to be specified in the notice, being not less than 2 weeks after the notice is first given. Submissions received during the notice period must be considered by Council and the resulting decision recorded in the minutes of the meeting at which the decision is made.

### Consultation

Acumentis, Property Advisory Services  
'Zoe Haskett, Corporate Property Specialist, Elders

### Statutory Environment

Local Government Act 1995

#### **3.58. Disposing of property**

- (1) *In this section —  
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —  
(a) the highest bidder at public auction; or  
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 OCTOBER 2024

- (a) *it gives local public notice of the proposed disposition —*
  - (i) *describing the property concerned; and*
  - (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
  - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

### **Policy Implications**

Local Planning Scheme No.4

70 (Lot 105) Midlands Road, Mingenew is zoned 'Rural Townsite' under the Shire of Mingenew's Local Planning Scheme No.4, the objectives of which are:

- To provide for a range of land uses that would typically be found in a small country town.
- To provide for the variety of predominantly commercial, service, social and administrative uses required to service the needs of local residents and visitors alike.

### **Financial Implications**

The Shire has budgeted for the proposed income from the agreement to lease/occupy the land.

### **Strategic Implications**

Strategic Community Plan 2023-2033

3. Supporting infrastructure initiatives that makes business easy and support them to thrive

3.1 Actively encourage pride in local businesses to represent town

14.0 **WORKS**  
Nil.

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

17.0 CONFIDENTIAL ITEMS

17.1 CONFIDENTIAL ITEM: RATES – SALE OF LAND (A308 & A351)

*Provided under separate confidential cover, in accordance with s.5.23(2)(b) and (c).*

PROCEDURAL MOTION – 17.0

Council closes the meeting to the public at \_\_\_\_pm to discuss item 17.1 as a matter relating to the personal affairs of person and the entering of a contract, in accordance with s.5.23(2)(b) and (c) of the *Local Government Act 1995*, in order to discuss Item 17.1 Confidential: Rates – Sale of Land (A308 & A351).

**PROCEDURAL MOTION – 17.0**

Council reopens the meeting to the public at \_\_\_\_pm.

**18.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Thursday, 12 December 2024 commencing at 5.00pm.

**19.0 CLOSURE**

The meeting was closed at \_\_\_\_pm.

These minutes were confirmed at an Ordinary Council meeting on 12 December 2024

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

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