



AGENDA FOR THE ORDINARY COUNCIL MEETING

19 FEBRUARY 2025



Ordinary Council Meeting Notice Paper

19 February 2025

An Ordinary Meeting of Council is called for Wednesday, 19 February 2025 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
17 February 2025

DISCLAIMER

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

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

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

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

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

PROCEDURE FOR PETITIONS

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

- be addressed to the Shire President.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 FEBRUARY 2025

- 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 19 FEBRUARY 2025 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 12 DECEMBER 2024**

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 12 December 2024 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 29 JANUARY 2025

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 29 January 2025 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

10.1 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

10.1.1 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 10 FEBRUARY 2025

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 10 February 2025.

10.1.2 APPOINTMENT OF INDEPENDENT MEMBER – AUDIT & RISK COMMITTEE

COMMITTEE RECOMMENDATION - 10.1.2

Council, by Absolute Majority, that Ms Jane Bagshaw is reappointed as Independent Member for a 12 month term, with option to renew for a further two years.

10.1.3 APPOINTMENT OF INDEPENDENT MEMBER – AUDIT & RISK COMMITTEE

COMMITTEE RECOMMENDATION - 10.1.3

That the Audit & Risk Committee recommends that Council:

1. Adopts the 2024 Compliance Audit Return (CAR) for the period 1 January to 31 December 2024 as presented in the Attachment Booklet; and
2. Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required.

11.0 CHIEF EXECUTIVE OFFICER

11.1 ROAD USER AGREEMENT – TERRA MINING HAULAGE

Location/Address:	Shire of Mingenew
Name of Applicant:	Terra Mining
Disclosure of Interest:	Nil
File Reference:	RD.PER.1
Date:	17 February 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To consider a new road use agreement for the period 21 February 2025 to 30 April 2026 for Terra Mining to utilise Eleanor Street and Boolinda Road, Mingenew for haulage of iron ore from mining operations at Extension Hill, to the Port of Geraldton.

Key Points

- Terra Mining were granted an initial 12-month approval from the Shire for haulage of iron ore in December 2023, to 31 January 2025
- Terra have recently contacted the Shire to gain interim approval to haul post-31 January 2025 until 20 February 2025 Ordinary Council Meeting which was endorsed at a January SCM
- Terra have indicated they wish to seek approval for haulage to March 2026 under the same conditions as per the current agreement.

OFFICER RECOMMENDATION – ITEM 11.1

Council:

- 1. Grants support for Terra Mining Pty Ltd to undertake haulage operations approved under the Restricted Access Vehicle (RAV) Network 7.3 on the following Shire-managed roads:**
 - Eleanor Street
 - Boolinda Road

Noting that the RAV7.3 approval is conditional on all operators carrying written support from the road manager acknowledging the operator's use of the road.
- 2. Authorises the Chief Executive Officer to negotiate and enter into a road use agreement between the Shire of Mingenew and Terra Mining Pty Ltd for the period ending 30 April 2026 to facilitate mining operations at Extension Hill, based on the terms and conditions as outlined in the Draft Road User, Contribution and Upgrade Agreement (Attachment 11.1.2) and as follows;**
 - Negotiate the payment of \$25,000 for the bitumen sealing of the section of truck parking opposite the Mingenew Hotel. The Council will contribute to the placement of suitable gravel for these works.
 - Place a clause into the agreement to require interest on overdue payments.
 - Removal of maximum monthly tonnage.
 - A clause providing options for the contract to be extended by two individual 1 year terms.
 - The Contribution per Tonne be increased by annual CPI
- 3. Authorises the Chief Executive Officer and Shire President to execute the final agreement and affix the Common Seal.**

Attachments

- 11.1.1 Terra Mining Haulage Extension Request
- 11.1.2 Previous Terra Mining Road Use Agreement

Background

At the Special Council meeting dated 29 January 2025, Council extended the existing road use agreement by variation for the period 1 February to 20 February 2025 to allow Terra Mining to continue its operations until such time the Council could consider the possibility of entering a new road use agreement at its February 2025 OCM.

The resolution from the January SCM was as follows:

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1 - RESOLUTION#01290125	
MOVED: Cr JR Holmes	SECONDED: Cr HR McTaggart
Council:	
<ol style="list-style-type: none">1. Endorses a variation to the current Road User, Contribution and Upgrade Agreement with Terra Mining Pty Ltd under clause 18, extending the term of the Agreement to 20 February 2025, subject to Terra Mining Pty Ltd paying all associated legal costs and other disbursements; and2. Authorises the Chief Executive Officer and Shire President to execute the Deed of Variation.	
VOTING REQUIREMENTS:	CARRIED BY SIMPLE MAJORITY 4/0
<i>(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JR Holmes, and Cr AT Pearse. AGAINST: Nil)</i>	

Original Road use agreement consideration

At the Special Council meeting in December 2023, Council considered a request from Terra Mining Pty Ltd (Terra) seeking a permit to utilise Eleanor Street and Boolinda Road for haulage of iron ore from their Extension Hill mine site to the Geraldton Port commencing in January 2024 for 12 months.

The consideration included a Road User, Contribution and Upgrade Agreement (the Agreement) which provided a mechanism for monitoring and addressing road impacts from additional heavy vehicle movements and a contribution to the Community Infrastructure Fund.

An extract of the Council resolution is provided below:

AMENDED MOTION AND COUNCIL DECISION – ITEM 9.1 – RESOLUTION# 02151223	
MOVED: Cr JR Holmes	SECONDED: Cr RA Starick
Council	
<ol style="list-style-type: none">1. Grants support for Terra Mining Pty Ltd to undertake haulage operations approved under the Restricted Access Vehicle (RAV) Network 7.3 on the following Shire-managed roads:<ul style="list-style-type: none">• Eleanor Street• Boolinda RoadNoting that the RAV7.3 approval is conditional on all operators carrying written support from the road manager acknowledging the operator's use of the road.2. Authorises the Chief Executive Officer to negotiate and enter into a road use agreement between the Shire of Mingenew and Terra Mining Pty Ltd for the period ending 31 December 2024 to facilitate mining operations at Extension Hill, based on the terms and conditions as outlined in the Draft Road User, Contribution and Upgrade Agreement (Attachment 9.1.1) and as follows;<ul style="list-style-type: none">- Negotiate minimum \$0.12 per tonne of product (including any byproduct) carted through the Shire of Mingenew from the mining operations at Extension Hill per annum which amount shall comprise the Community Infrastructure Fund Contribution.3. Authorises the Chief Executive Officer and Shire President to execute the final agreement and affix the Common Seal.	
VOTING REQUIREMENTS:	CARRIED BY SIMPLE MAJORITY 4/2
<i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, and Cr AT Pearse, AGAINST: Cr HR McTaggart and Cr RA Starick)</i>	

Terra's initial long-term plan was to utilise the rail network via the siding at Perenjori or to construct a new siding during 2024 for use. However, this has not eventuated, and Terra have indicated they will likely be seeking approval to haul on the roads to March 2026.

Main Roads WA have granted a permit to Terra for haulage on State-managed roads until 30 June 2025 and further will be sought.

Comment

Legal advice has been received indicating the current Agreement has no provision for renewal or an extension beyond 31 January 2025 however a minor variation to extend the Agreement for an additional 19 days (to 19 Feb 2025) has been advised as suitable. This was enacted by the Council at its January 2025 SCM.

A new Agreement had been drafted for the period following 20 February 2025. This agreement has considered impacts of Terra's activity from the last 12 months in relation to:

- Road and road user impacts – The utilisation of Eleanor Street and Boolinda Road has been monitored and maintained at the full cost of Terra Mining.
- Noise and other environmental impacts – noise complaints have been received and passed onto Terra Mining – no solution has been reached at this stage. However, the noise regulations do not deal with noise from road or trains.
- Compliance with agreement terms - the payment of accounts has been tardy with Council staff required to chase payments on a regular basis. Due to this it is recommended that a clause be inserted adding interest to payments which exceed the payment due date. In addition the monthly limit of 100,000 tonne may need to be varied or removed to manage any ups and downs in the delivery cycle. The maximum previous monthly total for five of the 9 months operations was over 120,000 tonne.
- Main Roads WA considerations for extension of their permit approval – It is understood Main Roads have extended its permit to 30 June 2025.
- New or amended terms from the existing Agreement – nil recommended
- Any other community impacts – The parking of trucks adjacent the commercial hotel is generating considerable dust and causing wear and tear – it is recommended Terra Mining be requested to contribute 100% toward the bitumen sealing of this section at a cost of ~\$25,000. Council will gravel and prepare the surface for sealing.



Statutory Environment

Main Roads Act 1930

Road Traffic (Administration) Act 2008, section 132

Public Works Act 1902

Land Administration Act 1997, section 55(2)

Local Government Act 1995, section 3.57

Consultation

Terra Mining
McLeods Lawyers

Policy Implications

The Council has a community benefits framework which identifies the governance framework required to allocate funds received from this road use agreement. The advisory committee which will recommend the use of these funds is yet to be established as there are insufficient funds within the pool.

Financial Implications

The proposed road agreement places the costs associated with maintaining the road to an acceptable standard with the proponent while they are operating and utilising the affected roads.

The agreement also includes a bank guarantee that is required to be provided so that the shire can draw upon these funds if the conditions to maintain the road contained within the agreement are not met.

The agreement also includes the provision for a community infrastructure fund contribution per tonne of product from the mining operations.

The estimated legal costs and associated disbursements are at least \$2,000 and it is proposed that these costs be borne by Terra Mining.

Strategic Implications

Corporate Business Plan 2024-2028

1.4a Negotiate Road user agreements with relevant industry stakeholders, as required.

11.2 CBH LOT AMALGAMATION SUBDIVISION APPLICATION

Location/Address:	Lots 201, 202 and 203 Jacobs Road, Mingenew
Name of Applicant:	CLE Town Planning + Design – representing CBH
Disclosure of Interest:	Nil
File Reference:	LP.PLN.5
Date:	17 February 2025
Author:	Simon Lancaster, Planning advisor
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Co-operative Bulk Handling Ltd (CBH) have lodged an application with the Western Australian Planning Commission (WAPC) proposing to purchase the 31.0448ha Lot 203 Jacobs Road and 13.1442ha of Lot 201 Jacobs Road from KLK Farms Pty Ltd and amalgamate it with their 51.2247ha Lot 202 Boolinda Road.

Key Points

- Council as a referral agency has been requested to comment of the proposed amalgamation of Lot 202, 203 and part of Lot 201 Jacobs Road, Mingenew.
- Council has until 24 March 2025 to make its submission
- The CEO has delegated authority to provide response to the WAPC but given the significance of this proposal it has been presented to Council for consideration.

OFFICER RECOMMENDATION – ITEM 11.2

That Council advises the Western Australian Planning Commission that it supports the proposed amalgamation of Lots 202 & 203 and the excising of a 13.1442ha area of Lot 201 to create the proposed 95.4137ha Lot 11 Boolinda Road, Mingenew (to be owned by CBH) and the balance 443.6777ha Lot 201 Jacobs Road, Mingenew to be owned by KLK Farms Pty Ltd as shown upon Plan No.3244-110.01 (WAPC Application No.201346/WAPC date stamped 6/2/25) subject to the following conditions being applied by the WAPC to its approval:

- 1. The provision of a vehicular crossover onto Jacobs Road to service proposed Lot 11 to the standards and specifications of the local government.**
- 2. The upgrading of Jacobs Road between the crossover (referenced in above condition 1) and the Mingenew-Morawa Road to the standards and specifications of the local government.**
- 3. The upgrading of the Mingenew-Morawa Road and Jacobs Road intersection to the standards and specifications of Main Roads WA.**

Attachments

- 11.2.1 Submitted Application
- 11.2.2 Proposed SoM Referral response letter to WAPC

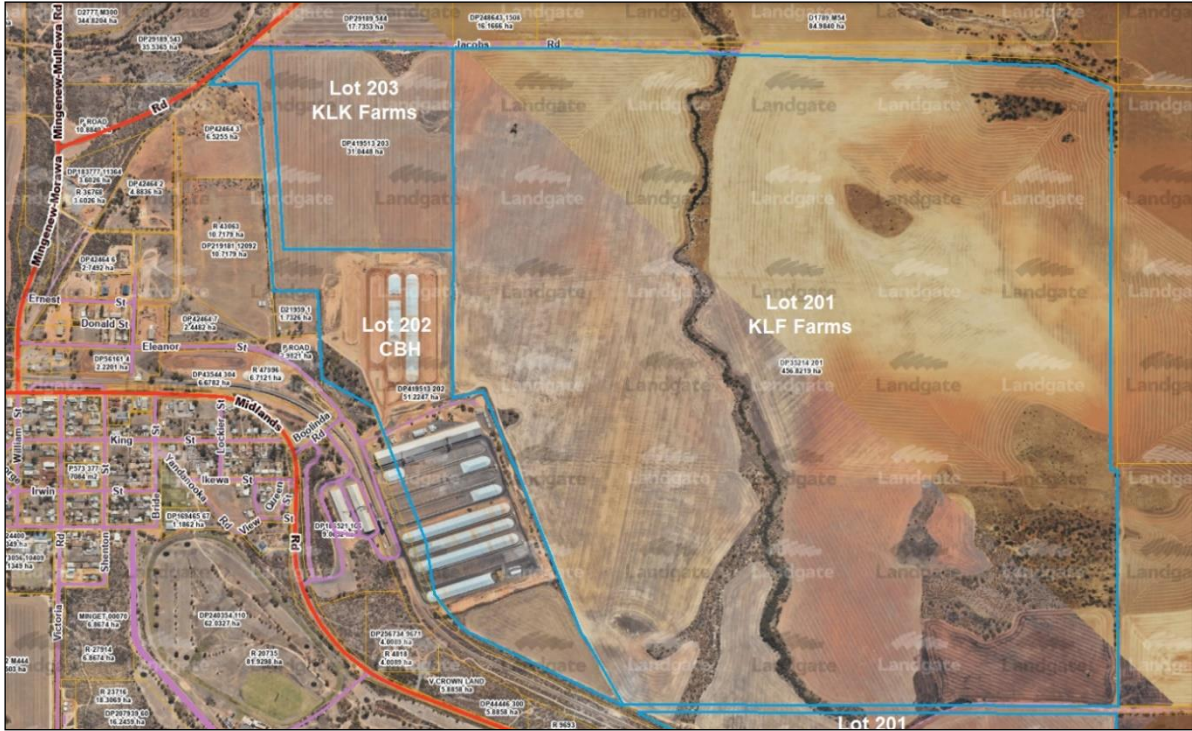
Background

CBH have lodged an application with the WAPC proposing to purchase the 31.0448ha Lot 203 Jacobs Road from KLK Farms Pty Ltd and amalgamate it with their 51.2247ha Lot 202 Boolinda Road.

CBH have also reached agreement with KLK Farms Pty Ltd to acquire a 13.1442ha strip of land from the western end of the 456.8219ha Lot 201 Jacobs Road.

This strip of land acquired from Lot 201 would also be amalgamated with Lots 202 & 203 to create the proposed new 95.4137ha Lot 11 Boolinda Road, Mingenew that would be owned by CBH.

Figure 11.2.1 – Current lot layout of Lots 210, 202 & 203

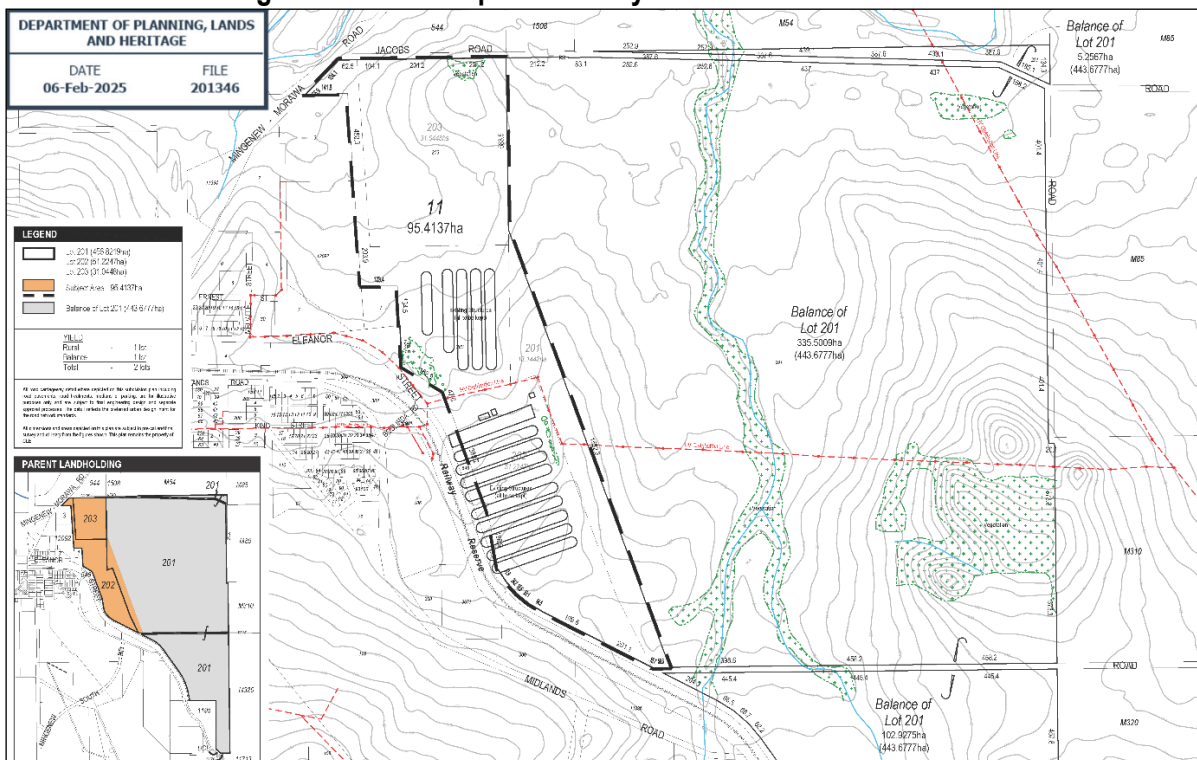


This would leave the balance 443.6777ha Lot 201 Jacobs Road, Mingenew to be owned by KLK Farms Pty Ltd to the east of CBH’s landholding.

In summary, this would result in there being 3 lots at the start of the process and 2 lots at the end. With 1 of these owned by CBH comprising their existing facility and enabling future expansion to the north and creation of an access onto Jacobs Road (and from there Mingenew-Morawa Road) and the other lot being the balance farmland to be retained by KLK Farms.

A copy of the received application is provided as **separate Attachment 11.2.1**.

Figure 11.2.2 – Proposed lot layout of Lot 11 and Lot 201



Comment

The proposed boundary rationalisation would increase CBH's landholding by 44.189ha and enable them to expand their grain handling operations northwards into the future.

The proposal would also enable vehicle movements associated with CBH to gain direct access via Jacobs Road (and Mingenew-Morawa Road) as an alternative to the current arrangement onto Eleanor Street and via Boolinda Road.

The future construction of a vehicle access point onto Jacobs Road would be required to be to the requirements of the Shire, and access from there onto Mingenew-Morawa Road would be required to be constructed to the requirements of Main Roads WA as this forms part of its managed road network.

As some general background, applications for subdivision and amalgamation of lots are lodged with the WAPC who will then write to various government agencies seeking comment prior to making its determination upon the application. The Shire and service authorities are referral agencies in the subdivision/amalgamation process and the ultimate decision lies with the WAPC.

The WAPC may impose conditions to an approval and assign a relevant authority the responsibility of clearing a particular condition of approval prior to the survey diagram being able to be finalised.

Being an amalgamation application that reduces the number of lots, Shire staff have delegated authority to respond to the WAPC as per delegation 8.1.3.1(c). However, given the level of interest in the creation of the northern access to CBH's facility to alleviate current issues this matter is presented to Council to provide opportunity for input prior to the Shire lodging its response with the WAPC.

A copy of the draft Shire response to the WAPC is provided as **separate Attachment 11.2.2**.

Consultation

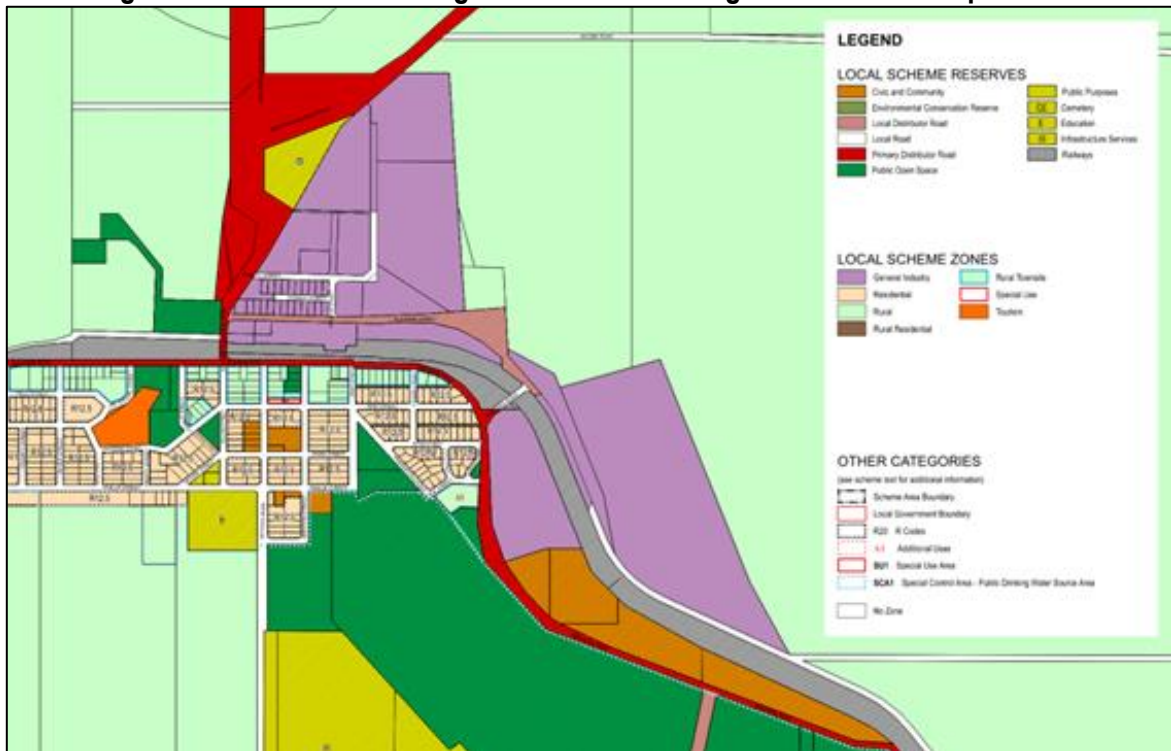
The WAPC is not obliged to undertake public consultation in its assessment of subdivisions and amalgamations but has referred this application out to the following agencies inviting comment prior to 24 March 2025:

- Shire of Mingenew;
- Department of Biodiversity, Conservation & Attractions;
- Department of Water & Environmental Regulation
- Main Roads WA;
- Public Transport Authority;
- Water Corporation; &
- Western Power.

Statutory Environment

The southern majority of Lot 202 is zoned 'General Industry' under the Shire of Mingenew Local Planning Scheme No.4 ('the Scheme'). Lots 201 & 203 are zoned 'Rural'.

Figure 11.2.3 – Shire of Mingenew Local Planning Scheme No.4 Map extract



Part 3 Section 16 of the Scheme lists the objectives of these zones as being:

Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
General Industry	<ul style="list-style-type: none"> To provide appropriately located, accessible, serviced and level industrial land to cater for the needs of anticipated industrial development within the townsite area. 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.

The proposed boundary realignment would result in proposed Lot 11 being dual-zoned i.e. the southern portion of CBH's lot would be zoned 'General Industry' and the northern portion and eastern most strip being zoned 'Rural'.

However, it is noted that Lot 202 is already dual-zoned and this lot amalgamation application is not creating a precedent.

It is further noted that in the event that CBH lodge a development application for the extension of 'grain handling operations' upon the northern, currently vacant 'Rural' zoned portion of the new Lot 11 (that they would acquire through this amalgamation application) that this could be deemed by Council as "use that is

not specifically referred to in the zoning table and that cannot be reasonably be determined as falling within a use class referred to in the zoning table” and given further consideration.

This consideration would be made with regard for the following as listed in Schedule 1 (3) Rural (2) of the Scheme:

“In considering an application for development approval in the Rural zone, in addition to the matters outlined in Clause 67 of the deemed provisions the local government will have due regard for the following:

- (a) any sensitive or incompatible uses and how the application has addressed minimisation of potential environmental and health impacts through separation distances and other measures;*
- (b) any wetland or remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature;*
- (c) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;*
- (d) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and*
- (e) proposals for treatment and disposal of waste products.”*

As part of its assessment of a potential future development application Council might also require CBH to lodge a Scheme Amendment to rezone the acquired land area from ‘Rural’ to ‘General Industry’ to match the boundaries of the new Lot 11.

These matters are not considered to warrant delay to the finalisation of this amalgamation application as the most pressing issue facing CBH and the Shire and its community at the present time is the introduction of an access route entering/exiting the CBH facility to the north, as this would address the current traffic issues being faced in the Mingenew townsite.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Shire’s Strategic Community Plan 2023-2033 identifies the following:

*“10 Year Outcome
Safe, efficient and connected transport network*

Strategic Priorities 2023-203

1.3 Advocate for improved access and road alignment for heavy vehicle routes and the Mingenew CBH site.

Support for this lot amalgamation application would work towards addressing the issue of a northern access route to the CBH site as identified in the Shire’s Strategic Community Plan.

The Mingenew Townsite Local Planning Strategy notes the importance of the CBH operations to the Shire as follows:

“The agricultural industry is important to the local economy of the town, with the CBH Grain receival point to the east of the urban area a dominant feature in the townsite (Strategic Community Plan 2012). The CBH facility has the distinction of being the largest inland grower-fed grain receival point in the Southern Hemisphere. (page 3)

The Townsite Strategy also notes that

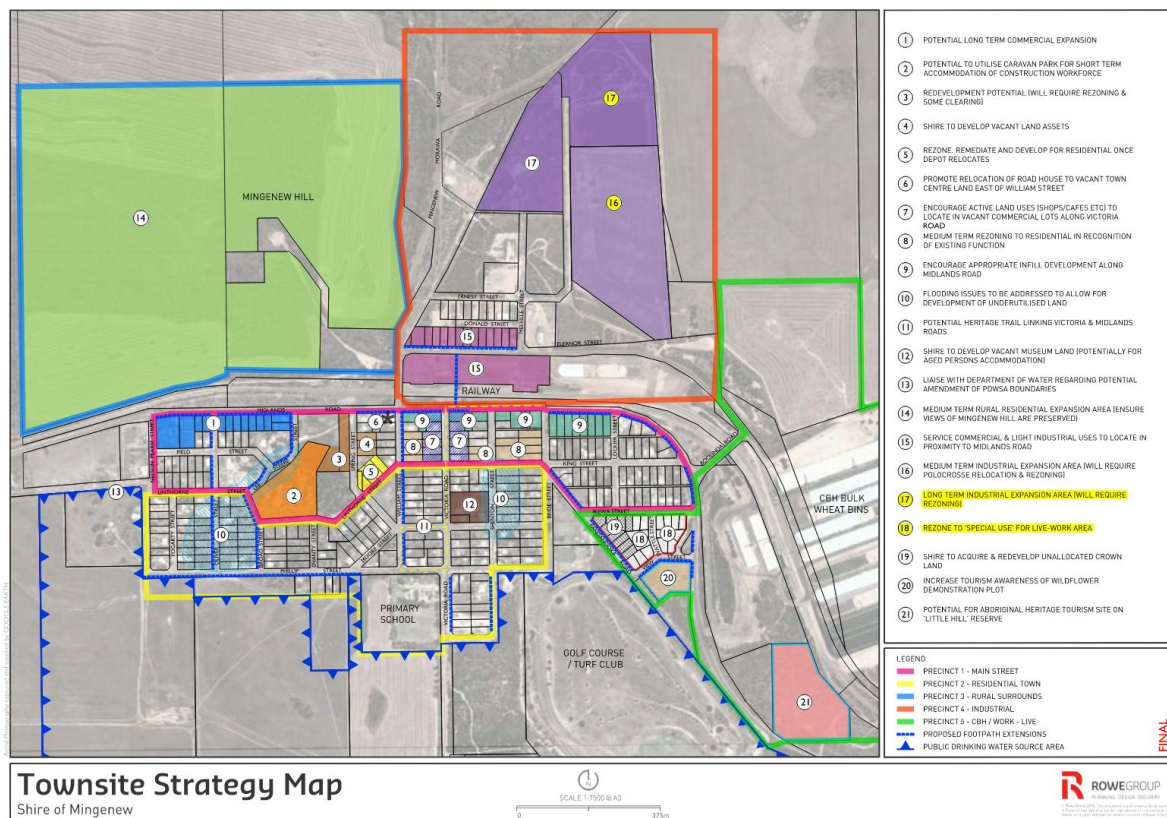
“Existing industrial development in proximity to the Mingenew townsite, particularly the CBH grain receival point, is considered by residents to have some off-site amenity impacts, such as noise and dust. As a result the vacant residential land south of Ikewa Street and north of View Street is not seen locally as being attractive for development.” (page 32)

The expansion of CBH’s operations northwards away from the residential area would assist in addressing this issue.

The Townsite Strategy also identifies that a potential long term strategic planning direction would be for the expansion eastwards of the industrial area and the future development of CBH operations on the land alongside this future industrial area is considered a compatible land use.

Support for this lot amalgamation application would work towards addressing the strategic objective identified in the Shire’s Mingenew Townsite Local Planning Strategy of directing future expansion of CBH’s operations northwards and the future development of value adding industry upon the adjacent land to the west.

Figure 11.2.4 – Mingenew Townsite Local Planning Strategy extract



11.3 Appointment of committee delegate

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: GV.CMT.5
Date: 17 February 2025
Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

Council is asked to nominate and appoint a member to the Shire of Mingenew Executive Management Committee.

Key Points

- Cr Gary Cosgrove has given notice he wishes to stand down from the Executive Management Committee
- The Shire of Mingenew Executive Management Committee is the only Committee of Council with delegated authority
- Current members of the Executive Management Committee are Cr GJ Cosgrove, Cr HR McTaggart and Cr JD Bagley, and Cr JR Holmes as proxy delegate.

OFFICER RECOMMENDATION – ITEM 11.3

Council by Absolute Majority, appoints Cr _____ to the Shire of Mingenew's Executive Management Committees of Council.

Attachments

Nil

Background

Section 5.8 of the Local Government Act 1995 enables Councils to form committees to assist it with its functions.

Council performs a selection/nomination process following its election cycle which was last performed in November 2023.

Councillor Cosgrove has advised that he wishes to stand down from the Executive management Committee effective immediately requiring the council to nominate a new representative.

Cr Cosgrove, Cr McTaggart and Cr Bagley are the most recently appointed delegates, with Cr Holmes as proxy.

Comment

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year (and recruitment and termination of a CEO, as required). This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government*

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(Administration) Regulations 1996 to “Review the performance of the Chief Executive Officer at least once in relation to every year of employment.”. This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- Determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

The EMC meets at least twice a year to undertake the CEO Performance Review and then as required to deal with the recruitment and termination of the CEO.

Consultation

Manager Governance
Chief Executive Officer
Cr Cosgrove

Statutory Environment

Local Government Act 1995
Local Government (Administration) Regulations 1996

Policy Implications

As indicated within the report above, where applicable.

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2023-2033
Strategy 14 Operate with a high standard of good governance and transparency

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2024 AND 31 JANUARY 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	17 February 2025
Author:	Jack Smith, Senior Finance Officer
Authorising Officer:	Helen Sternick, Manager Corporate Services
Voting Requirements:	Simple Majority

Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the periods ended 31 December 2024 and 31 January 2025, 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 December 2024, as included at Attachment 12.1.1;**
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 January 2025, as included at Attachment 12.1.2.**

Attachments

12.1.1 Monthly Financial Report for the period ending 31 December 2024

12.1.2 Monthly Financial Report for the period ending 31 January 2025

Background

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

The Monthly Financial Report for the period ended 31 December 2024 and 31 January 2025 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

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• Budget Amendments

Comment

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,324,436	3,292,345	(0.97%)
Expenditure from operating activities	(3,035,892)	(2,769,883)	8.76%
Non-cash amounts excluded from operating activities	1,478,539	1,152,884	(22.03%)
	<hr/> 1,767,083	<hr/> 1,675,346	<hr/> (5.19%)
INVESTING ACTIVITIES			
Inflows from investing activities	1,273,751	599,101	(52.97%)
Outflows from investing activities	(2,032,888)	(830,501)	59.15%
	<hr/> (759,137)	<hr/> (231,400)	<hr/> 69.52%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(38,147)	(36,869)	3.35%
	<hr/> (38,147)	<hr/> (36,869)	<hr/> 3.35%
Surplus/(deficit) at the start of the financial year	<hr/> 1,670,211	<hr/> 1,600,242	<hr/> (4.19%)
Surplus/(deficit) at 31 December 2024	<hr/> <hr/> 2,640,010	<hr/> <hr/> 3,007,319	<hr/> <hr/> 13.91%
Cash at Bank Municipal – unrestricted		2,307,318	
Cash at Bank Municipal – restricted		1,276,902	
Cash at Bank Trust		50,001	
Reserve Term Deposit		<hr/> 1,107,459	
Total		<hr/> 4,741,680	

A summary of the financial position as the end of January 2025:

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,371,202	3,353,084	(0.54%)
Expenditure from operating activities	(3,587,564)	(3,097,457)	13.66%
Non-cash amounts excluded from operating activities	1,731,145	1,355,393	(21.71%)
	<hr/> 1,514,783	<hr/> 1,611,020	<hr/> 6.35%
INVESTING ACTIVITIES			
Inflows from investing activities	1,614,230	951,946	(41.03%)
Outflows from investing activities	(2,291,522)	(1,242,245)	45.79%
	<hr/> (677,292)	<hr/> (290,299)	<hr/> 57.14%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(38,496)	(37,136)	3.53%
	<hr/> (38,496)	<hr/> (37,136)	<hr/> 3.53%
Surplus/(deficit) at the start of the financial year	<hr/> 1,670,211	<hr/> 1,600,242	<hr/> (4.19%)
Surplus/(deficit) at 31 January 2025	<hr/> <hr/> 3,469,206	<hr/> <hr/> 2,883,827	<hr/> <hr/> 16.79%
Cash at Bank Municipal – unrestricted		2,274,457	
Cash at Bank Municipal – restricted		2,173,278	
Cash at Bank Trust		50,001	
Reserve Term Deposit		<hr/> 1,107,459	

Total

4,497,736

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 amended 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 31 January 2025, has contributed \$96,655 towards the Community Infrastructure Fund, all invoices have been paid in full.

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

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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 DECEMBER 2024 TO 31 JANUARY 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.CRD
Date:	17 February 2025
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 December 2024 to 31 January 2025.

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 December 2024 to 31 January 2025, as included at Attachment 12.2.1 represented by:

\$536,946.29	Municipal EFTs
\$23,878.13	Municipal EFT Purchasing Cards (Fuel Cards)
\$35,985.95	Municipal Direct Debit Department of Transport (Licencing) Payments
\$144,047.45	Municipal Direct Debit Other
\$11,022.58	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
\$221,206.95	Net Salaries
\$973,087.35	Total Payments

Attachments

12.2.1 List of Payments – December 2024 to January 2025

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 2024/25 MID YEAR BUDGET REVIEW AND BUDGET AMENDMENTS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.BUD.24.25
Date: 17 February 2025
Author: Helen Sternick, Manager Corporate Services
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

To consider the Shire’s financial position as at 31 January 2025 and performance for the period 1 July 2024 to 31 January 2025 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

OFFICER RECOMMENDATION – ITEM 12.3

Council, by Absolute Majority,:

- 1. Adopts the 2024/25 mid year budget review, as included at Attachment 12.3.1; and**
- 2. Amends the budget accordingly as per Note 5 within the 2024/25 Budget Review, Attachment 12.3.1.**

Attachments

12.3.1 2024-25 Budget Review

Background

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2024 to 31 January 2025 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2025 and is presented for Council’s consideration.

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

The material variance levels which have been reported for the budget review, have utilised the same materiality levels as monthly reporting to determine the extent of explanation are considered appropriate.

Comment

This report provides information based on the seven month period from 1 July 2024 to 31 January 2025.

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

Decrease Financial Assistance Grant 2025/26 advance payment	(\$767,012)
Increase operating grants (Space Precinct Master Plan & cadet funding)	\$1,000
Increase fees and charges (firebreak infringements, rental income, refuse services & standpipe revenue)	\$20,514
Increase interest on municipal and reserve funds	\$51,189
Increase utilities reimbursements from tenants	\$5,000

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Savings on employees costs (change in employment conditions, vacant position, timing of wage increases)	\$75,947
Increased regional risk coordinator fees	(\$6,300)
Decrease doctor visits	\$6,000
Increase building maintenance	(\$8,500)
Increase from new waste collection contract	(\$31,434)
Increase planning and legal advice	(\$15,000)
Increase consultancy fees (town hall renovation proposal and business case for future funding opportunities, airfield master plan and valuation)	(\$58,500)
Increased internet, mobile data and VOIP services	(\$6,077)
Increase plant operating costs (parts & repairs, cutting edges)	(\$15,049)
Increase in utilities charges (electricity, water and standpipe)	(\$23,800)
Decrease in interest and principal repayments of the proposed new loans for Key Workers Accommodation and GROH Accommodation will occur in 2025/26	\$91,398
Derecognise duplicated income arising from prior year accrued income for LRCI Phase 3	(\$8,512)
Unsuccessful grant applications (DFES Disaster Ready, Raw Water Scheme, Digital sign)	(\$601,667)
Timing of funding announcements, projects carried forward to 2025/26 (Cenotaph, Interpretive Signage, Dept Housing Aged Person Units)	(\$1,022,095)
Decrease in capital spend due to unsuccessful grant applications (Rec Centre evacuation centre, raw water scheme)	\$585,000
Postpone capital spend until grant confirmation/agreement signed (Dept Housing Aged Person Units, Cenotaph, Interpretive Signage)	\$1,053,065
Renovate 33 Victoria Road residence while vacant	(\$25,000)
Assistance with replacement of the football oval dugouts	(\$10,000)
Increase transfers to reserves (interest)	(\$11,189)
Opening surplus adjustment – auditors advice to account for the reimbursement of caravans from the Temporary Accommodation program to DFES in prior year	(\$69,969)
Overall Change	(\$790,991)

In considering the above variances and projections within the attached budget review, the closing position from the adopted annual budget has increased from zero to \$260,690, reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2025, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. The required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as part 2 of the recommendation for Council's consideration.

Consultation

Chief Executive Officer
 Manager Governance and Community
 Manager Works

Statutory Environment

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 FEBRUARY 2025

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

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required*

Policy Implications

Nil.

Financial Implications

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

13.0 GOVERNANCE AND COMMUNITY

13.1 ANNUAL MEETING OF ELECTORS 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	GV.CMT.1
Date:	10 February 2025
Author:	Erin Greaves, Manager Governance & Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To receive the Minutes of the Annual Meeting of Electors and consider any motions of the meeting.

Key Points

- The Annual Meeting of Electors for 2023/24 was held on Wednesday, 5 February 2025
- The Annual Report 2023/24 was received
- No motions were presented or resolved at this meeting

OFFICER RECOMMENDATION – ITEM 13.1

Council receives the Minutes of the Annual General Meeting of Electors held 5 February 2025 and notes that the Annual Report 2023/24 was received. No further decisions were resolved at the meeting, in accordance with s5.33 of the *Local Government Act 1995*.

Attachment

13.1.1 Minutes of the Annual General Meeting of Electors 5 February 2025

Background

The *Local Government Act 1995* (the Act) requires a local government to accept an annual report by 31 December after the relevant financial year and no later than two months after the auditor's report becomes available. The Council accepted the Annual Report 2023/24 on 12 December 2024.

A local government is required to hold a general meeting of electors of the district once every financial year. This meeting is to be held no more than 56 days after the local government accepts the annual report for the previous financial year.

The Annual Meeting of Electors was held on Wednesday, 5 February 2025.

Section 5.33 of the *Local Government Act 1995* requires all decisions made at an elector's meeting to be considered at the next Ordinary Council meeting or if that is not practicable at the first Ordinary Council meeting after that meeting.

Comment

The Annual Electors' meeting provides an opportunity for electors to raise questions or discuss matters relating to the performance and achievements of council operations in the last financial year.

Ms Jill Thomas provided thanks to Council and staff for the following:

- Rejection of development application on Shenton Street, Mingenew in December 2024 that was not considered in keeping with the standards and amenity of the area
- Compilation of the Town Hall Options Report and decision to renovate the Town Hall (subject to sufficient external funding)

- General thanks for Council and staff acting in the best interests of the community

Statutory Environment

The Local Government Act 1995 Section 5.27 and 5.29 provides:

5.27 Electors' general meetings

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

5.29. Convening electors' meetings

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

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2023-2033

- 13.1 Demonstrated delivery of priority projects and SCP outcomes
- 13.2 Community expectations are measured and reported

13.2 NEW COUNCIL POLICY 1.2.19 – RECORDING OF MEETINGS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL.1
Date:	17 February 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

A new Policy has been developed to outline the requirements and application of provisions of the Local Government Act 1995 and Local Government Act 1995 relating to making and publishing meeting recordings.

Key Points

- Due to recent reform changes, class 4 local governments are now required to make a recording and publish the recording of council meetings on the Shire's website
- Any meeting or portion of a meeting closed to members of the public will be excluded from publication
- There is currently no legislative requirement for meeting recordings to be made and kept of committee meetings
- The minimum requirement is for audio to be recorded
- The recording must be published within 14 days of the meeting taking place.

OFFICER RECOMMENDATION – ITEM 13.2

Council adopts the Council Policy 1.2.19 Recording of Meetings, as presented.

Attachments

13.2.1 New Council Policy 1.2.19 – Recording of Meetings

Background

Section 58 of the *Local Government Amendment Act 2023* (the Amendment Act) inserts a new section 5.23A into the *Local Government Act 1995* (the Act) covering electronic broadcasting (livestreaming) and video and audio recording of council meetings.

Section 5.23A(2) of the Act is a power that allows regulations to be made that may require, regulate, or otherwise make provision for any of the following matters:

- electronic broadcasting of council meetings
- making or retaining recordings of council meetings
- making recordings of council meetings publicly available
- provision, or otherwise making available, recordings of council meetings.

The Department of local Government, Sport and Cultural Industries (DLGSC) indicates requirements for livestreaming and recording of council meetings are aimed at increasing transparency and accountability in local government. This reform will also increase access to council meetings.

Requirements for livestreaming and recording apply differently depending on a local government's class. As a class 2 local government, the Shire of Mingenew is required to create and retain audio recordings as a minimum but may video record or live stream.

Comment

The Policy proposed outlines the minimum requirements for recordings of Council meetings and clarifies the procedure for:

- how meetings will be recorded
- how meeting recordings are to be used
- how technology failures are to be dealt with
- communicating the recording of meetings
- makes provision for recording of committee meetings and any activities over and above the minimum requirements

Whilst Council may wish to consider live streaming and/or video recordings in future, to increase access to council meetings, current internet and technology limitations make this option unviable.

Statutory Environment

Local Government Act 1995

5.23A. Electronic broadcasting and video or audio recording of council meetings

- (1) *In this section —*
council meeting means a meeting of a council or committee;
electronic broadcasting means broadcasting by way of the Internet or other electronic means;
recording means a video recording or an audio recording.
- (2) *Regulations may require, regulate or otherwise make provision in relation to any of the following —*
(a) *the electronic broadcasting of council meetings (either live or with a delay);*
(b) *the making or retaining of recordings of council meetings;*
(c) *the making of recordings of council meetings publicly available;*
(d) *the provision of, or otherwise making available of, recordings of council meetings to any person (on the person's request or otherwise).*
- (3) *Regulations made for the purposes of subsection (2) cannot require or authorise —*
(a) *the electronic broadcasting of any part of a council meeting that is closed to members of the public; or*
(b) *a recording of any such part of a council meeting —*
(i) *to be made publicly available; or*
(ii) *to be provided to, or otherwise made available to, any person other than the Departmental CEO or a person authorised by the Departmental CEO.*
- (4) *Without limiting section 9.57A(2) or subsection (2), regulations made for the purposes of subsection (2) may provide for a local government, or any other person, to be not liable to an action for defamation in prescribed circumstances.*

14I. Local governments to make recordings of council meetings

- (1) *A local government must —*
(a) *make a recording of every meeting of its council in accordance with subregulation (2); and*
(b) *make the recording publicly available —*
(i) *within 14 days after the meeting day; and*
(ii) *until, at least, the end of the period of 5 years after the meeting day; and*
(c) *retain the recording until, at least, the end of the period of 5 years after the meeting day; and*
(d) *provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —*
(i) *the period of 5 years after the meeting day; or*
(ii) *any longer period during which the local govern*

Further provisions regarding recording of council meetings is outlined in Part 2A of the Admin Regs.

Financial Implications

There are currently no direct financial implications in implementing this policy however the process of creating, managing, storing, and publishing recording does impose additional resourcing requirements.

There is also an opportunity to improve technology currently used for electronic meetings and recording which will be considered for the 2025/26 Budget.

Strategic Implications

Strategic Community Plan 2023-2033

- 13.3 Develop effective communication, engagement and marketing strategies
- 14.2 Prepare and respond in a timely manner to Local Government Act reforms
- 17.1 Identify and promote incentives and alleviate barriers to create an environment for civic pride and participation on Council

14.0 WORKS
Nil.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 FEBRUARY 2025

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

Nil.

18.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday, 19 March 2025 commencing at 5.00pm.

19.0 CLOSURE

The meeting was closed at _____ pm.

These minutes were confirmed at an Ordinary Council meeting on 19 March 2025

Signed _____
Presiding Officer

Date: _____