



ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

19 February 2025 at 5:00pm

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MINUTES OF THE ORDINARY COUNCIL MEETING

12 DECEMBER 2024

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS
ON 12 DECEMBER 2024 COMMENCING AT 5:00PM.**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Presiding Member, Cr GA Cosgrove opened the meeting at 5:00pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor (<i>by electronic means</i>)
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr RA Starick	Councillor
Cr AR Smyth	Councillor

Cr JD Bagley was authorised to attend by phone in accordance with r.14CA of the Local Government (Administration) Regulations 1996.

Apologies

Nil

Staff

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

Gallery

Mrs Cherie Pearse
Ms Katie Thoars
Ms Mandy Churchill

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr HR McTaggart was granted a Leave of Absence for the 5 February 2025 Annual Meeting of Electors.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE LEMC COMMITTEE MEETING HELD 14 OCTOBER 2024

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 14 October 2024.

10.1.2 LOCAL RECOVERY PLAN AND CRISIS MANAGEMENT & COMMUNICATION PLAN

COMMITTEE RECOMMENDATION - 10.1.2

Council endorses the Local Recovery Plan and Crisis Management & Communications Plan, as presented to the Local Emergency Management Committee 14 October 2024.

10.2 SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

10.2.1 MINUTES OF THE BFAC COMMITTEE MEETING HELD 14 OCTOBER 2024

OFFICER RECOMMENDATION - 10.2.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 14 October 2024.

10.3 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

10.3.1 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 11 NOVEMBER 2024

OFFICER RECOMMENDATION - 10.3.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 11 November 2024.

10.3.2 INDEPENDENT AUDIT COMMITTEE MEMBER

COMMITTEE RECOMMENDATION - 10.3.2

Council:

1. Endorses the Chief Executive Officer's actions to undertake a public Expressions of Interest process to seek an independent member for the Audit and Risk Committee, with the following selection criteria:
 - Financial literacy and, ideally with qualifications or extensive experience in business management and/or accounting;
 - Knowledge of local government operations and the environment within which councils operate;
 - Strong communication skills;
 - High level of personal and professional integrity and ethics; and
 - Demonstrated knowledge of risk management principles and practices.
2. Authorises Ms Jane Bagshaw to remain as the appointed Independent Member for the Audit & Risk Committee until the Expressions of Interest are received and an appointment is endorsed by Council.

10.3.3 INTERNAL AUDIT PLAN 2025

COMMITTEE RECOMMENDATION - 10.3.3

Council endorses the updated Internal Audit Plan – November 2024.

10.4 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

10.4.1 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 26 NOVEMBER 2024

OFFICER RECOMMENDATION - 10.4.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 26 November 2024.

NOTE: Whilst the Audit & Risk Committee meeting of 26 November 2024 did make recommendation to Council on adoption of the Annual Report 2023/24 and setting of the date for the Annual Meeting of Electors, this matter is considered as a separate item at 13.1.

OFFICER / COMMITTEE RECOMMENDATIONS AND COUNCIL DECISION ENBLOC– ITEM 10.1.1 -10.4.1 - RESOLUTION#02121224

MOVED: Cr HR McTaggart

SECONDED: Cr AT Pearse

Item 10.1.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 14 October 2024.

Item 10.1.2

Council endorses the Local Recovery Plan and Crisis Management & Communications Plan, as presented to the Local Emergency Management Committee 14 October 2024.

Item 10.2.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 14 October 2024.

Item 10.3.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 11 November 2024.

Item 10.3.2

Council:

1. Endorses the Chief Executive Officer's actions to undertake a public Expressions of Interest process to seek an independent member for the Audit and Risk Committee, with the following selection criteria:
 - Financial literacy and, ideally with qualifications or extensive experience in business management and/or accounting;
 - Knowledge of local government operations and the environment within which councils operate;
 - Strong communication skills;
 - High level of personal and professional integrity and ethics; and
 - Demonstrated knowledge of risk management principles and practices.
2. Authorises Ms Jane Bagshaw to remain as the appointed Independent Member for the Audit & Risk Committee until the Expressions of Interest are received and an appointment is endorsed by Council.

Item 10.3.3

Council endorses the updated Internal Audit Plan – November 2024.

Item 10.4.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 26 November 2024.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

the Hall. At no time has there been a comprehensive options report which has enabled the Council to make a fully informed decision as to its future.

An options report was commissioned, consisting of 4 components, as follows:

Part 1 - Condition/Safety/Compliance Assessment

The Consultant to review the current reports and determine what additional reports will be necessary to inform the development of an options report for the future of the Hall.

Part 2 – Concept Options Development

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

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

Part 3 – Whole of life cost analysis / Concept Options

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

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

Part 4 - Pre-Design Report:

This element of the Services shall include sufficient detailed concept design information in order for Part 3 to be completed.

Council was provided a concept plan in February 2024 which was endorsed and lead to the completion of parts 3 and 4 of the work above. Council at its February 2024 meeting resolved as follows:

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

MOVED: Cr JR Holmes

SECONDED: Cr RA Starick

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

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 5/0

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

This report now concludes the investigation works required for the Council to make an informed decision regarding the future of the Mingenew Town Hall.

Comment

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

The report provides the minimum required works and makes suggested improvements. The preparation of the Opinion of Probable Costs was performed by focusing on the initial required restoration works and then requested costings be presented for the improvement works which would improve functionality and maximise its potential utilisation by the community.

In addition to the initial required restoration works valued at \$2.15M the following items were priced:

Kitchen and bar	\$205,000
Chair and table storage	\$ 33,000
Southern breakout verandah	\$123,000
Mezzanine stair and stage platform lift	\$106,000
Front of building works	\$229,000
Stage AV and blackout	\$367,000
PWD toilet	\$ 98,000
Stage change room	\$125,000
New wastewater / septic and water services to kitchen	\$ 82,000

Once a locality allowance and design and construction contingencies of 35% are added, these items are estimated to cost ~\$1.9M.

In effect, the expected cost for the complete works would be between \$3M and \$4M.

Options Analysis

Option 1 – Do nothing and demolish the Town Hall

This option would result in the removal of the Town Hall and would result in no additional or further operational costs. From the community survey, feedback on this option was not supported by the majority of respondents.

This option would cost in the order of \$100,000, a quote was received in May 2022 for \$66,000.

Option 2 – Only restore the Hall to a minimum standard.

This option would basically restore what we see today and exclude:

- Kitchen and bar
- Chair and table storage
- Southern breakout verandah
- Mezzanine stair and stage platform lift
- Front of building works
- Stage AV and blackout
- PWD toilet
- Stage change room
- New wastewater / septic and water services to kitchen

It is estimated that these works would cost in the order of \$1.56 to \$2.15M.

This option would restore the Hall however, its use would be limited without the additional recommended inclusions. There is a risk that the PWD toilet may be required as part of this option as the existing toilet facilities are not compliant. In addition, the AV and blackout equipment for the stage and seating would not be provided for this option.

Option 3 – Full Restoration and Upgrade Works

This option includes the components from option 2 and the suggested additional inclusions such as:

- Kitchen and bar
- Chair and table storage
- Southern breakout verandah
- Mezzanine stair and stage platform lift
- Front of building works
- Stage AV and blackout
- PWD toilet
- Stage change room
- New wastewater / septic and water services to kitchen

The cost for this option would be in the range of \$3M to \$4M based on the estimates provided and would provide the best opportunity for the Hall to maximise its potential uses into the future.

Consultation

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

Statutory Environment

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

Policy Implications

Nil

Financial Implications

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

The cost to the Council for the capital investments for options 2 and 3 are presented below based on the need to borrow for the project. Should grant funding be successful, a percentage of these amounts may still be required.

- **Option 2 - Only restore the Hall to a minimum standard**

Estimated Capital Cost \$1.56M to \$2.15M

For the Low value of \$1.56M – the loan would cost 20 payments of \$98,189 over 10 years. This would be equivalent to \$196,378 per year or a rate increase of approximately ~ 7.3%

For the High value \$2.15M – the loan would cost 20 payments of \$135,324 over 10 years. This would be equivalent to \$270,648 per year or a rate increase of approximately ~ 10.1%

- **Option 3 - Full Restoration and Upgrade Works**

Estimated Capital Cost \$3M to \$4M

For the Low value of \$3M – the loan would cost 20 payments of \$188,824 over 10 years. This would be equivalent to \$377,648 per year or a rate increase of approximately ~ 14.1%

For the High value \$4M – the loan would cost 20 payments of \$251,766 over 10 years. This would be equivalent to \$503,532 per year or a rate increase of approximately ~ 18.8%

- **Operations and Maintenance (O&M)**

The O&M cost for the Hall would be similar, no matter the restoration option and is estimated to be between \$20,000 and \$40,000, excluding depreciation. For the sake of the Whole of life Cost calculation the O&M costs have been set at 1% of the CAPEX ~ \$40,000 excluding electricity costs.

Based on the above results it would be difficult to request an 7.3% rate increase let alone a 18.8% increase in general rates. The best approach would be to try and obtain the funds for the Hall restoration through grants, and hopefully, community benefit funding moving into the future from the resource sector.

Whole of life Cost (WLC) Calculation

The **Total WLC** over 100 years, incorporating the renovation costs:

1. **Initial Construction Cost** = \$4,073,000 (option 3 high)
2. **Total Operation and Maintenance Cost (100 years)** = \$4,073,000 (1% per year for 100 years)
3. **Total Depreciation Cost (Year 1 \$136,830 for 100 years)** = \$13,830,000
4. **Total Energy Cost (\$5,000 per yr for 100 years)** = \$500,000
5. **Total Renovation Cost (100 years)** = \$2,000,000

Final Updated WLC:

- **Total WLC (100 years)** = Construction Cost + Total Maintenance + Total Depreciation + Total Energy + Total Renovation
- **Total WLC (100 years)** = \$4,073,000 + \$4,073,000 + \$13,830,000 + \$500,000 + \$2,000,000 = \$24,476,000.

Annual WLC to the Community after capital expenditure \$204,030

With Depreciation removed WLC - \$10,646,000 = \$65,730 after capital expenditure.

Assumptions:

Renovation Costs:

Assumed that major renovations will take place every **25 years**, and the cost for each renovation is estimated to be **\$500,000**. This estimate could cover things like updating the building systems,

refurbishing the interior, replacing outdated technology, electricals and addressing structural wear and tear.

- **Renovation Cost** every 25 years = **\$500,000**.
- Over the **100-year lifespan**, there will be **4 renovation cycles** (at 25, 50, 75, and 100 years).

Total Renovation Costs:

Given the renovation schedule, the total cost for renovations over 100 years would be:

- **Total Renovation Cost** = \$500,000 * 4 = **\$2,000,000**.

Infrastructure Grant Opportunities

Regional Precincts and Partnerships Program (rPPP) – highly competitive (Australia-wide), needs to be “shovel ready” with completed business case, cost benefit analysis and established partnerships. There is no guarantee the program will continue beyond the current funding round. Stream Two (for delivery of relevant projects) closes in January 2025 and project must be completed by 31 March 2026.

Building Better Regions Funds (BBRF) – regional grants program designed to deliver funding for regional infrastructure projects and community development activities. Australian Government announced, in October 2022, that this program will be discontinued. Federal infrastructure grants may be reviewed post-election.

Lotterywest - Due to the Shire’s reliance on Lotterywest for funding of several key projects in recent years, including the Mingenew Childcare Centre project and restoration of the Mingenew Railway Station, it is unlikely that a new major project will be considered in the near future.

Strategic Implications

Strategic Community Plan 2023-2033

6. Strong sense of community and culture

6.3 Decide the future of the Town Hall

- a. Investigate options for the Town Hall
- b. Attract new cultural and recreational activities to support community use of the Hall

11.2 PROPOSED OUTBUILDING – 25 BRIDE STREET, MINGENEW

Location/Address:	25 (Lot 14) corner Bride & Irwin Streets, Mingenew
Name of Applicant:	Shoreline Outdoor World for M. & T. Thomas
Disclosure of Interest:	Nil
File Reference:	A395
Date:	4 December 2024
Author:	Simon Lancaster, DCEO/Planning Advisor
Authorising Officer:	Matt Fanning, CEO
Voting Requirements:	Simple Majority

Summary

Council is in receipt of an application for an outbuilding upon the corner property of 25 (Lot 14) Bride Street, that would face Irwin Street. The applicant has been presented to Council as it exceeds the delegated authority of Shire staff under the Shire of Mingenew 'Outbuildings' Local Planning Policy relating to its proposed size and secondary street frontage. This report recommends that Council approve the application.

Key Points

- The applicant is seeking to construct a 128m² outbuilding upon 25 (Lot 14) Bride Street.
- The Shire of Mingenew 'Outbuildings' Local Planning Policy sets a maximum 80m² floor area (for lots less than 1,500m²) requirement for outbuildings to be determined by Shire staff under delegated authority. Applications proposing larger outbuildings are required to be placed before Council for determination.
- The proposed shed would be sited 1.5m back from the Irwin Street boundary.
- The Residential Design Codes of Western Australia (R-Codes) recommends a 2m minimum building setback to secondary street frontages in this zone.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 - RESOLUTION#04121224
MOVED: Cr HR McTaggart SECONDED: Cr AT Pearse

Council grants formal planning approval for an outbuilding to be constructed upon 25 (Lot 14) Bride Street, Mingenew, subject to the following:

Conditions

- 1 Development shall be in accordance with the plans included within Attachment 11.3 to the December 2024 Council Agenda and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Shire CEO to represent significant variation from the approved development plan may require further application and planning approval for that use/addition.
- 3 The walls and roof of the outbuilding must be of materials, finish and colours that are non-reflective (i.e. not zinalume) and complementary to the residence upon the property to the approval of the local government.
- 4 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.
- 5 All stormwater is to be disposed of on-site to the approval of the local government.
- 6 Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.
- 7 The location, design and construction of the access point(s) onto the local road network shall be to the approval of the local government.
- 8 The applicant is responsible to ensure that no parking of vehicles associated with the development/property occurs within the road reserve, including the road verge.

- 9 That in the event that the landowner seeks to have a fence along the Irwin Street frontage in front of the outbuilding it must have a fence truncation measuring not less than 1.5 width x 1.5m depth either side of the outbuilding.
- 10 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) In regard to condition 9 the applicant is advised to give regard for the fence truncation layout example as provided in Figure 9a of the Residential Design Codes of Western Australia.
- (c) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

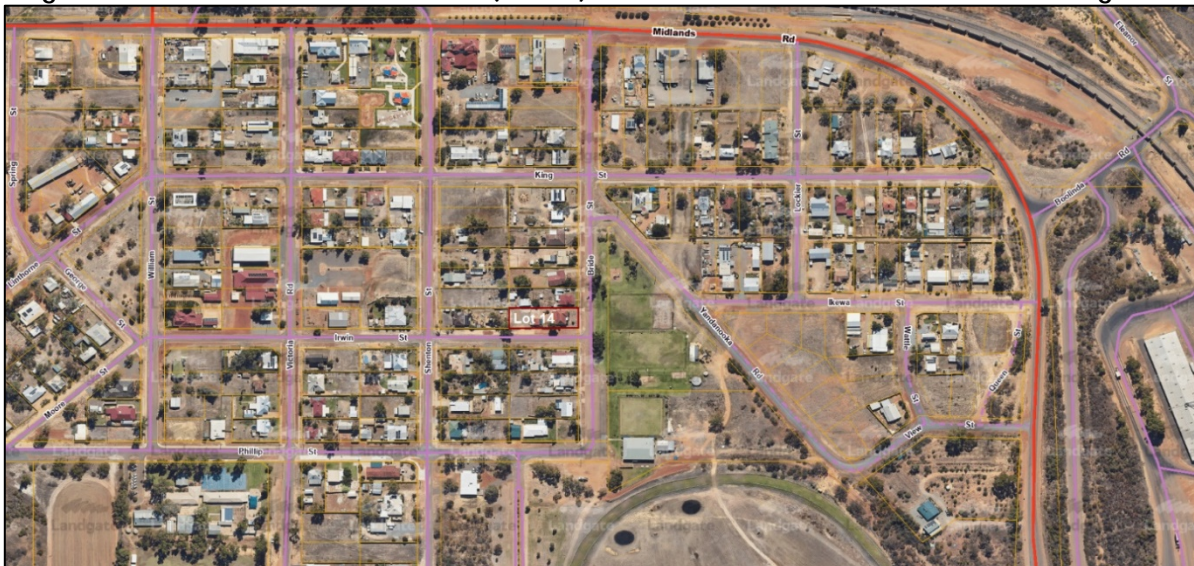
Attachment

11.2.1 Development application & Shire of Mingenew 'Outbuildings' Local Planning Policy.

Background

Lot 14 is a 1,214m² rectangular property on the corner of Bride Street and Irwin Street in the Mingenew townsite.

Figure 11.2.1 – Location Plan for 25 (Lot 14) corner Bride Street & Irwin Street, Mingenew



The residence faces onto Bride Street to the east and the applicant is proposing to demolish the existing outbuilding and replace it with a 128m² outbuilding (comprising 64m² enclosed garage & 64m² open bay carport floor area) that would face Irwin Street to the south. The shed would have a wall height of 3.4m and a total gable height of 4.1m and be clad in 'Surfmist' colorbond wall and roof cladding.

The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m² for Mingenew townsite lots that are less than 1,500m² (and 200m² for lots greater than 1,500m²). As the application proposes variation to the floor area requirements of this policy it is unable to be determined by Shire staff under delegated authority and is presented to Council for its consideration.

The proposed shed would be sited 1.5m back from the Irwin Street boundary and 3m from the residence. Table B of the R-Codes recommends a 2m minimum building setback to secondary street frontages in this zone and this application is also being presented to Council for its consideration on this basis. The submitted site, elevation and floor plans and landowner's supporting correspondence are provided as separate Attachment 11.2.1.

Figure 11.2.2 – Aerial Photo of 25 (Lot 14) corner Bride Street & Irwin Street, Mingenew



Figure 11.2.3 – Site plan for proposed shed upon Lot 14 corner Bride & Irwin Streets



Figure 11.2.4 – Proposed Wall and Roof cladding colour for Outbuilding



Figure 11.2.5 – View from Irwin Street of existing shed to be demolished for proposed shed



Figure 11.2.6 – Example of shed proposed upon Lot 14 to front Irwin Street



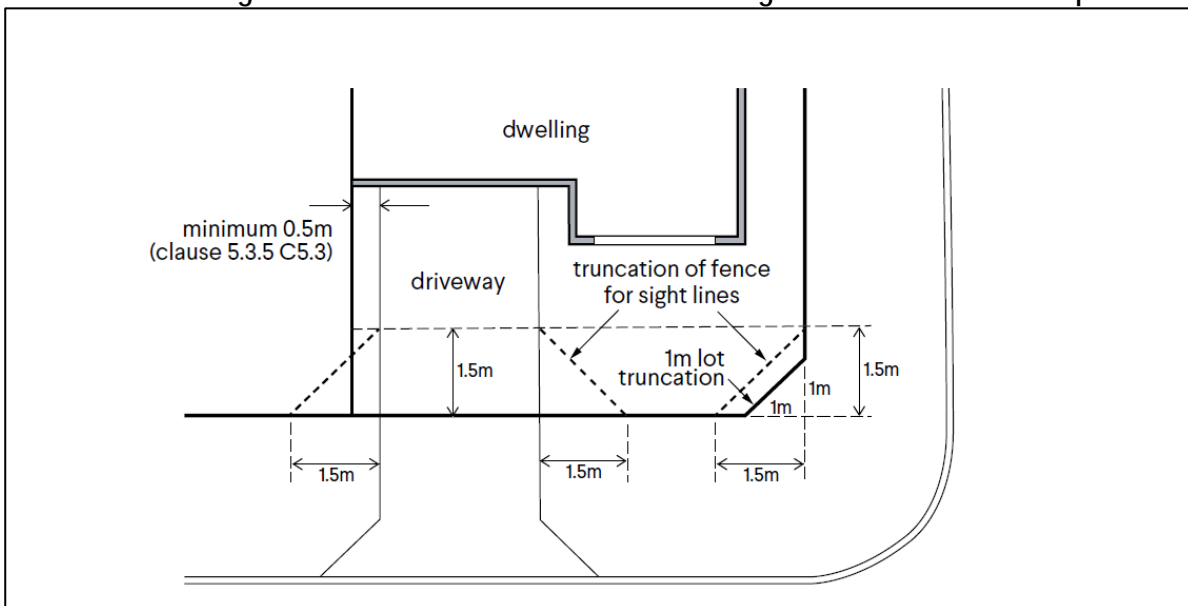
Comment

It is considered that conditional approval of the application is warranted in this instance, based upon the following:

- whilst the proposed 128m² total outbuilding area exceeds the 80m² Outbuildings Policy requirement (for lots under 1,500m²) it is noted that half (64m²) of the outbuilding would be enclosed and the other half open-sided thereby reducing its bulk and visual appearance from Irwin Street.
- the outbuilding is identical (apart from having the enclosed/unenclosed sections 'flipped' to an outbuilding previously approved by Council 400m to the south-west upon the 1,025m² 46 (Lot 111) Victoria Road, Mingenev at its 20 April 2022 meeting.
- the proposed 3.4m wall height and 4.1m total/gable height outbuilding would meet with the Outbuildings Policy maximum 4m wall height and 5m roof height requirements.
- the outbuilding would accommodate the applicant's possessions and vehicles and it is considered preferable for these items to be secured out of the weather rather than about the property, not just for the applicant but also for general amenity and appearance.
- the outbuilding would be clad in 'Surfmist' colorbond which is considered an appropriate and commonly used colour in the Mingenev townsite.
- there is ability through guttering and installation of rainwater tanks/soakwells to ensure stormwater runoff is captured and managed within the property boundaries and requirement to retain stormwater runoff can be applied as a condition of approval by Council.

- the landowner is seeking to site the shed 1.5m from the Irwin Street boundary rather than the standard 2m to avoid their effluent disposal system that is to the north of the existing (proposed to be demolished) shed.
- there is an approximately 10m distance between the edge of the Irwin Street roadway and the boundary of Lot 14, and the shed is proposed to be sited 1.5m setback back from the boundary, meaning that the shed would be sited approximately 11.5m north of the road carriageway edge which would still provide reasonable sightlines to vehicles exiting Lot 14 onto the roadway and for vehicles travelling along Irwin Street.
- the shed would be located 30m from the Irwin Street and Bride Street intersection and would not interfere with vehicle sightlines at the corner.
- there are precedents of outbuildings with nil and reduced secondary street setbacks in the Mingenew townsite on Enanty Street, Ikewa Street, King Street, Lockier Street, Moore Street, Oliver Street, Phillip Street and one immediately to the south-west on the opposite side of Irwin Street to the proposed shed site.
- there is not a footpath located along this section of Irwin Street and it is suggested that were a footpath to be constructed at some point in the future that it would be better suited to the other/southern side of Irwin Street as that side of the road is more level than the northern side which slopes downward away from the road and would make a footpath more difficult to engineer.
- to assist vehicles and pedestrians in being warned of vehicles exiting from the outbuilding onto Irwin Street there is ability for Council to impose a condition that if the landowner seeks to have a fence along the Irwin Street frontage in front of the outbuilding that it must have a fence truncation measuring not less than 1.5 width x 1.5m depth either side of the outbuilding (as illustrated in Figure 9a of the Residential Design Codes of Western Australia below).

Figure 11.2.7 – R-Codes extract illustrating fence truncation example



Consultation

Council has the ability to advertise the application inviting comment prior to making its determination.

Statutory Environment

25 (Lot 14) corner Bride Street and Irwin Street, Mingenew is zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.4.

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*

- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

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

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

Policy Implications

The Shire of Mingenew ‘Outbuildings’ Local Planning Policy was adopted by Council at its 17 April 2019 meeting and reviewed at its 21 August 2019 meeting. A copy of the policy has been included within **Attachment 11.2.1**.

The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m² for Mingenew townsite lots that are less than 1,500m² (and 200m² for lots greater than 1,500m²). Lot 111 is 1,214m² in area and as the application proposes variation to the floor area requirements policy it is unable to be determined by Shire staff under delegated authority and is presented to Council for its consideration.

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

The Outbuildings Policy lists the following:

“Objectives

- 1 To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 To provide a clear definition of what constitutes an “outbuilding”.*
- 3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 To limit the visual impact of outbuildings.*

- 5 *To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

"Policy Provisions

General

- 1 *Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.*
- 2 *Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.*
- 3 *The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.*

Height, Size and Setbacks

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

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

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

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

Financial Implications

The application would not have a budgetary impact to Council.

Strategic Implications

The Mingenew Townsite Local Planning Strategy notes in Section 4.26 'Architectural Style' that:

"In keeping with the rural nature of the community many homes have open style fencing, larger sheds and outbuildings, rain water tanks and other modern improvements."

The R-Codes Explanatory Guidelines provides the following guidance in relation to assessing matters relating to street setbacks and secondary streets:

"Street Setbacks

General Guidance

The urban design presumption is for the street setback area to be free from buildings and structures, enabling a clear view to and from the street. This provides a comfortable and secure relationship and transition between public and private space.

From a social point of view, the street setback area and how it is developed and managed allows for comfortable communication and interaction between residents, neighbours and passers-by or callers who may not be known to the occupants. This creates the opportunity for casual and safe interaction to enhance a sense of community and safety.

At the same time, an open setback area provides for mutual surveillance between the street and building, enhancing security for the building (and its occupants) and for people passing by.

From a visual point of view, an open setback area provides a more attractive setting for the building. The street setback should also provide, depending on the location of essential services, adequate clearances from, and access to, essential services for reasons of safety and utility.

The same principles apply to communal streets and rights-of-way that provide the frontage to dwellings.

There will, of course, be exceptions, principally where the street is an arterial road carrying significant volumes of traffic.

Frontage streets

Street setback areas are an integral part of the streetscape and are fundamental to the amenity and particular character of residential localities. They may perform a number of different, but complementary roles:

- continuity of the streetscape;*
- a visual setting for the dwelling;*
- a buffer against noise and general activity on the public street;*
- privacy for the dwelling;*
- visual connection to the street, its users and to neighbours;*
- space for car parking and access; and*
- a transition zone between the public street and private dwelling.*

These considerations apply particularly to public streets to influence orientation of the main frontage to dwellings as it presents to the street. Similar principles apply to communal streets, and rights-of-way used to provide frontage to dwellings. Secondary or side streets may also function in this way.

Side or secondary streets

Different streetscape characteristics usually occur on secondary or side streets, with the street alignments formed by the long side boundaries of corner lots. These are characterised by side fences or walls rather than open gardens, and a small setback to the building.

In many cases these streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to the side street. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.

The setback area should be open but with a reduced setback for practical and streetscape reasons. Private open space may be located to one side of the building rather than a narrow strip along the rear.” (Section 4.1, page 24)

“Appropriate street setback distances

In the case of new residential areas, the desirable street setback distance is often fixed as an integral part of the subdivision, for example as part of structure plan(s) or local development plan(s).

In the case of established residential areas with valued streetscapes, it will usually be the case that there is a consistent pattern of street setbacks. In these cases, new development should closely conform to the

established pattern. Where the pattern varies, a setback mid-way between that of the buildings on either side may be appropriate.

In established areas, it may be desirable for the decision-maker to stipulate setbacks for a particular area by setting them out in the local planning framework. The R-Codes Volume 1 street setback requirements apply in all other cases.

The manner in which street setbacks may be reduced is illustrated in figure 2a of the R-Codes Volume 1. This includes a provision allowing a street setback reduction of up to 50 per cent, providing the area of building (including any carport or garage) forward of the required street setback line is compensated for by an equal or greater area of open space behind the street setback line.

The prime purpose of this provision is to only allow a reduced setback from the street where this will create flexibility of design to achieve the design objectives for the area, and lead to a more varied and interesting streetscape. Figures 2a and 2b in the R-Codes Volume 1 illustrate situations where portions of the dwelling may intrude into the street setback provided there is a positive relationship with adjacent dwellings and the streetscape.

Other structures

Other than carports and garages (subject to clause 5.2.1 of the R-Codes Volume 1), no substantial structures are allowed in street setback areas. Structures that may be allowed are:

- low fences or walls, which are the subject of separate consideration;*
- landscape or sculptural structures, ornamental features designed to enhance the relationship between street and dwelling; and*
- appropriately scaled archways or gateways, provided they are in character with the streetscape.*

In addition, architectural features, including balconies, porches, chimneys and open verandahs, may be acceptable as minor incursions into the setback area, the criterion being that the main setback line is not unduly interrupted. Those minor incursions, where they do not exceed the limits prescribed at clause 5.1.2 C2.4, should not be taken into consideration when calculating average setback requirements.” (Section 4.1.1, page 25)

**11.3 PROPOSED SECOND HAND/REPURPOSED RESIDENCE & SEA CONTAINERS /OUTBUILDING
– 51 (LO 113) SHENTON STREET, MINGENEW**

Location/Address: 51 (Lot 113) Shenton Street, Mingenew
Name of Applicant: Kerry Micke Designs for K. Thoars
Disclosure of Interest: Nil
File Reference: A803
Date: 16 December 2024
Author: Simon Lancaster, Planning Advisor
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The Shire has received an application seeking to undertake the following upon 51 (Lot 113) Shenton Street, Mingenew:

- site 3 second-hand transportable buildings and undertake works to repurpose them as a residence; &
- site 2 sea containers and undertake bridging roof works to create an outbuilding.

The application has been advertised for comment and 3 objections were received to the proposed development.

This report recommends approval subject to conditions relating to the visual appearance of the development, and the requirement that the applicant lodge a bond with the Shire as a guarantee that the works will be completed. Alternative resolution wording is also provided in this report in the event that Council instead wish to refuse the application.

Key Points

- 51 (Lot 113) Shenton Street, Mingenew is zoned 'Residential'
- The proposed development of a Second-Hand/Repurposed Dwelling is listed as a land use that must be advertised in this zone.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.3 – MOTION LOST

MOVED: Cr AR Smyth SECONDED: Cr HR McTaggart

Council grants planning approval for a Second-Hand/Repurposed Dwelling and Outbuilding upon 51 (Lot 113) Shenton Street, Mingenew subject to the following:

Conditions:

- 1 Development shall be in accordance with the plans included as Attachment 11.3.3 with the December Council Agenda and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan(s) requires further application and planning approval for that use/addition.**
- 3 The development (inclusive of compliance with the conditions of this approval) must be completed within 24 months of the date of determination (i.e. prior to 12 December 2026).**
- 4 A bond of \$5,000 must be lodged by the applicant with the Shire within 60 days of this determination, the bond will be returned upon completion of the requirements pertaining to the conditions of approval within a period of 24 months from the date of determination, and in the event that the works as described in the approved plans are not carried out within the 24 month timeframe the bond may be forfeited to the Shire.**
- 5 The external wall and roof cladding of the residence must be of materials (of a non-reflective finish) and colours and finish that are to the satisfaction of the local government.**

- 6 The external appearance of the outbuilding must be of materials (of a non-reflective finish) and colours and finish that are to the satisfaction of the local government and complementary to the colours of the residence.
- 7 The development must not be occupied until it is compliant with the Class 1 requirements of the Building Code of Australia, the *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974* to the approval of the local government.
- 8 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 9 All stormwater must be contained and disposed of onsite to the satisfaction of the local government.
- 10 The outbuilding is only to be used for domestic purposes associated with the predominant habitable use, and must not be used for habitation, commercial or industrial purposes.
- 11 The installation and maintenance of landscaping about the development site for the purposes of screening and enhancing its visual appearance to the satisfaction of the local government.
- 12 The installation and maintenance of front boundary fencing of not more than 1.2m height for the purposes of screening and enhancing the development site's visual appearance, and the fence must be of materials and colour to the satisfaction of the local government.
- 13 All parking of vehicles (and trailers) associated with the development shall be provided for within the property boundary.
- 14 The installation and maintenance of the vehicle access/crossing place onto Shenton Street shall be to the satisfaction of the local government.
- 15 The vehicle access/crossing place and driveway shall be of a sealed standard to the satisfaction of the local government.
- 16 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Advice Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) In regards to condition 4, in the event that the works as described in the application are not carried out within the 24 month timeframe, Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies may be expended to address the outstanding works/conditions (this may include removal of the transportable buildings and sea containers from the property).
- (c) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING REQUIREMENTS:

LOST BY SIMPLE MAJORITY 0/7

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

ALTERNATE MOTION AND COUNCIL DECISION – ITEM 11.3 - RESOLUTION#05121224

MOVED: Cr AT Pearse

SECONDED: Cr RA Starick

Council refuses the application for a second-hand/repurposed dwelling and outbuilding upon 51 (Lot 113) Shenton Street, Mingenew for the following reasons:

1. The proposed development is not deemed to meet the objectives for the 'Residential' zone as established in Clause 3 of the Shire of Mingenew Local Planning Scheme No.4.
2. The proposed development is not deemed to meet the requirements for a repurposed dwelling/second hand dwelling as established in Schedule 1 of the Shire of Mingenew Local Planning Scheme No.4.

3. The proposed development is not considered to be consistent with the objectives and provisions of the Mingenew Townsite Local Planning Strategy.
4. In its consideration of the application, Council is not satisfied that the development satisfies the matters under Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
5. Approval of this application would set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the amenity of the 'Residential' zone.

Advice Note:

Should the applicant be aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

- 11.3.1 Application
- 11.3.2 Received Submissions
- 11.3.3 Applicant Response Submissions & Revised Application

Background

51 (Lot 113) Shenton Street, Mingenew is a 1,006m² property at the southern end of the Mingenew townsite.

Figure 11.3.1 – Location Plan for 51 (Lot 113) Shenton Street, Mingenew



Figure 11.3.2 – Aerial Photograph of 40 (Lot 108) Victoria Road, Mingenew



The applicant purchased Lot 113 on 22 March 2024 and subsequently chose to site a transportable building upon the property without obtaining any of the necessary prior approvals from the Shire.

The Shire wrote to the landowner on 17 May 2025 requiring them to either remove the building from Lot 113 or lodge an application with the Shire within 60 days.

Subsequent to being advised that their actions were unlawful the landowner then chose to site a second transportable building upon the property.

On 7 October 2024 the applicant prepared their application that is provided as **Attachment 11.3.1**.

Figure 11.3.3 – View looking west at Lot 113 from Shenton Street also illustrating built form of neighbouring lots to the north and south



The applicant is seeking approval to site 3 second-hand transportable buildings upon Lot 113 that would be connected by a verandah to form a residence under one roof.

A 3m x 6.05m (18.15m²) transportable building would contain a kitchen and bedroom area in one room.

Alongside this at a separation distance of 1.5m would be a 3m x 3m (9m²) transportable building that would contain a toilet, shower, bath and basin.

To the rear of these at a 4m separation distance would be a 3m x 6.05m (18.15m²) transportable that would contain an ensuite and main room that could be used as a 2nd bedroom.

The rooms in the transportable buildings would not be interconnected i.e. the occupant would physically have to leave one building to enter another.

The 3 buildings would be connected under one 132.38m² gable roof structure that would provide a 2m wide verandah around the front and sides of the buildings, and a 4m x 6.05m (24.2m²) patio area between the 2 front transportable buildings and the rear one.

The building is proposed to be clad in 'Southerly' colorbond custom orb wall cladding, with a band of feature darker 'Wallaby' colorbond around the base of the walls. The roof sheeting, gutter and fascia would be 'Wallaby' colorbond custom orb roof sheeting.

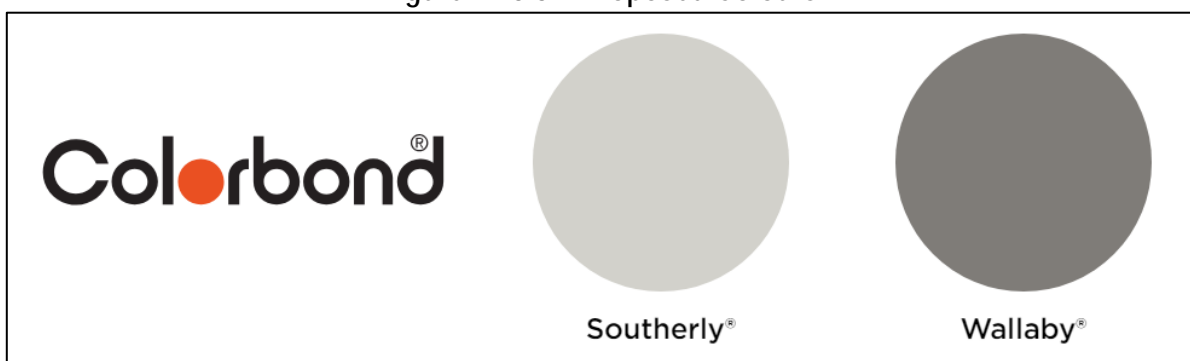
The residence would be would be setback 21.95m from the Shenton Street frontage to the east, 2m from the closest side (southern) property boundary and 3.41m from the northern side boundary.

The applicant is also seeking approval to site 2 x '20 foot' sea containers to the rear of the residence to serve as a greenhouse/outbuilding. The 2 sea containers would be set at a distance of 5m apart and it is proposed to install a dome shade cloth roof between them to create an open-ended middle section that would serve as a vegetable garden. The sea containers are 6.05m x 3m in area and 2.4m high and together with the 6.05m x 5m domed roof area would create a total outbuilding area of 66.55m².

The outbuilding would be sited 6m behind the residence, 6m from the rear/eastern property boundary, 4.075m from the closest side (northern) property boundary and 6.27m from the southern side boundary.

The submitted plans indicate the sea containers would be clad in 'Southerly' colorbond custom orb wall cladding and the angled skillion roof atop each sea container to connect into the domed roof would be 'Wallaby' colorbond custom orb roof sheeting.

Figure 11.3.3 – Proposed Colours



To assist in screening the development the applicant proposes a 1m high colorbond fence along the Shenton Street boundary and plant native trees and shrubs inside the front fence.

The applicant also proposes to establish fruit trees between the outbuilding and rear boundary.

The applicant proposes that the development project will take 3 years to complete.

Comment

The landowner has to date displayed a disregard for due process and it would be reasonable to make argument that approval of this development, even subject to conditions, would require a level of faith that they will deliver upon their proposal.

It is considered that the development if completed as per the submitted plans would ultimately present a built form that is not a significant departure from those around it, in what is the newest subdivision area of the Mingenew townsite.

However, if the applicant fails to deliver as per their submitted plans. this site will present in a manner that will be prejudicial to the amenity of the surrounding area.

On their submitted application the landowner proposes that the development will take 3 years to complete.

This is considered an unacceptable length of time for surrounding residents to be faced with the uncertainty and continuing poor amenity of the property.

It is suggested that any approval, if forthcoming from Council, be made subject to a 2 year (or even 1 year) timeframe in which the applicant must complete the works.

Further it is considered reasonable that the applicant should be required to lodge a bond with Council that would be held in reserve by the Shire and returned to them upon completion of the works. In the event that the works have not progressed in a satisfactory manner then Council may wish to consider the return of the bond void and utilise the funds in a manner that may assist in the improving of the site (which could, in consultation with the landowner if required, even include removal, or action towards removal, of the transportable structures if the proposed works have not progressed as proposed by the applicant).

It is on this basis that the recommendation is for conditional approval of the application.

However, in the event that Council deems that the application should not be supported it might consider the following alternative wording appropriate in its deliberations:

“That Council refuse the application for a second-hand/repurposed dwelling and outbuilding upon 51 (Lot 113) Shenton Street, Mingenew for the following reasons:

- 1 The proposed development is not deemed to meet the objectives for the ‘Residential’ zone as established in Clause 3 of the Shire of Mingenew Local Planning Scheme No.4.*
- 2 The proposed development is not deemed to meet the requirements for a repurposed dwelling/second hand dwelling as established in Schedule 1 of the Shire of Mingenew Local Planning Scheme No.4.*
- 3 The proposed development is not considered to be consistent with the objectives and provisions of the Mingenew Townsite Local Planning Strategy.*
- 4 In its consideration of the application Council is not satisfied that the development satisfies the matters under Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 5 Approval of this application would set an undesirable precedent for future variation to the Shire’s statutory and policy requirements, which in time could prove to be detrimental to the amenity of the ‘Residential’ zone.*

Advice Note:

Should the applicant be aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination."

Consultation

The application was advertised for comment from 21 October 2024 until 15 November 2024 with the Shire writing to the landowners of the 8 surrounding properties, placing an advisory sign on-site, placing a copy of the application on the Shire website, and making the application available for viewing at the Shire office.

At the conclusion of the advertising period 3 submissions had been received, all expressing objection to the application.

Copies of the received submission are provided as **Attachment 11.3.2**.

The applicant was provided with redacted copies of the submissions (as per standard Shire practice) and invited to make comment/respond to the issues raised in the submission period.

A copy of the applicant's response to the issues raised during the advertising period, and their revised plans that include further proposed landscaping detail has been provided as **Attachment 11.3.3**.

Statutory Environment

51 (Lot 113) Shenton Street, Mingenew is zoned 'Residential R12.5' under Shire of Mingenew Local Planning Scheme No.4 ('the Scheme').

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

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

The development is considered to be a 'Second-hand Dwelling' which is defined by the Scheme as being:

"second-hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location."

The application might also be considered under the definition of a 'Repurposed Dwelling' which is defined by the Scheme as being:

"repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling."

Both 'Second-hand Dwelling' and 'Repurposed Dwelling' are listed as an 'A' use within the 'Residential' zone which is a use that must be advertised for comment prior to consideration.

Schedule 1 of the Scheme notes the following for 'Repurposed dwellings and second-hand dwellings':

- "1 The standards of finish of Repurposed Dwellings and/or Second-Hand Dwellings shall be agreed on between the applicant and the local government prior to the issue of development approval and must be consistent with those prevailing in the locality in which the building is to be located or any policy adopted by local government.*

- 2 *Local government may permit the erection or placement of a Repurposed Dwelling and/or Second-Hand Dwelling on a lot providing that the design of the building is to the satisfaction of the local government and:*
- (a) *is in a satisfactory condition;*
 - (b) *will not detrimentally affect the amenity of the area;*
 - (c) *is permanently affixed to the ground; and*
 - (d) *is finished to a high standard."*

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
 - ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including -*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

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

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

Policy Implications

The Outbuildings Policy has the following objectives:

- "1 To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 To provide a clear definition of what constitutes an "outbuilding".*

- 3 *To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 *To limit the visual impact of outbuildings.*
- 5 *To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

Financial Implications

Nil.

Strategic Implications

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

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

The Mingenew Townsite Local Planning Strategy notes the following of relevance:

Objectives	Planning Provisions
O2.7 Encourage a consistent pattern in the orientation, scale, and siting of residential development.	P2.13 In the case of residential redevelopment new buildings and development proposals shall respect the predominant orientation, scale and size of buildings and regular street pattern. New development is not to be sited in a way that would create an undesirable pattern of development for the area.

"4.2.6 Architectural Style

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

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

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

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

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 12 DECEMBER 2024



Plate 6 Historic Residence



Plate 8 Contemporary Residence



Plate 7 Police Residence

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 OCTOBER & 30 NOVEMBER 2024

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	16 December 2024
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 October 2024 and 30 November 2024, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 - RESOLUTION#06121224

MOVED: Cr AR Smyth SECONDED: Cr RA Starick

Council receives:

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

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

12.1.1 Monthly Financial Report for the period ending 31 October 2024

12.1.2 Monthly Financial Report for the period ending 30 November 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 October 2024 and 30 November 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

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 12 DECEMBER 2024

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

Comment

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,166,092	3,167,529	0.05%
Expenditure from operating activities	(1,117,839)	(1,141,566)	(2.12%)
Non-cash amounts excluded from operating activities	(21,091)	(43,156)	(104.62%)
	<hr/>	<hr/>	
	2,027,162	1,982,807	(2.19%)
INVESTING ACTIVITIES			
Inflows from investing activities	839,682	427,202	(49.12%)
Outflows from investing activities	(1,348,449)	(588,119)	56.39%
	<hr/>	<hr/>	
	(508,767)	(160,917)	68.37%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(37,449)	(36,344)	2.95%
	<hr/>	<hr/>	
	(37,449)	(36,344)	2.95%
Surplus/(deficit) at the start of the financial year	1,670,211	1,600,242	(4.19%)
Surplus/(deficit) at 31 October 2024	<hr/>	<hr/>	
	3,151,157	3,385,788	7.45%
Cash at Bank Municipal – unrestricted		2,532,524	
Cash at Bank Municipal – restricted		1,154,151	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
Total		<hr/>	
		4,844,135	

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 12 DECEMBER 2024

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,278,853	3,245,829	(1.01%)
Expenditure from operating activities	(2,571,225)	(1,304,247)	49.28%
Non-cash amounts excluded from operating activities	1,225,933	(50,557)	(104.12%)
	1,933,561	1,891,025	(2.20%)
INVESTING ACTIVITIES			
Inflows from investing activities	1,254,752	537,822	(57.14%)
Outflows from investing activities	(1,617,997)	(735,434)	54.55%
	(363,245)	(197,612)	45.60%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(37,798)	(36,605)	3.16%
	(37,798)	(36,605)	3.16%
Surplus/(deficit) at the start of the financial year	1,670,211	1,600,242	(4.19%)
Surplus/(deficit) at 30 November 2024	3,202,729	3,257,050	1.70%
Cash at Bank Municipal – unrestricted		2,492,918	
Cash at Bank Municipal – restricted		1,088,167	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
Total		4,738,545	

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 30 November 2024, has contributed \$96,655 towards the Community Infrastructure Fund, of which \$32,056 remains outstanding. We are actively pursuing payment.

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 OCTOBER TO 30 NOVEMBER 2024

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.CRD
Date: 16 December 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 October to 30 November 2024.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.2 - RESOLUTION#07121224
MOVED: Cr HR McTaggart **SECONDED: Cr JR Holmes**

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 October to 30 November 2024, as included at Attachment 12.3.1. represented by:

\$664,390.62 Municipal EFTs
 \$41,162.61 Municipal EFT Purchasing Cards (Fuel Cards)
 \$59,990.40 Municipal Direct Debit Department of Transport (Licencing) Payments
 \$100,374.98 Municipal Direct Debit Other
 \$5,068.11 Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
 \$177,140.55 Net Salaries
 1,048,127.27 Total Payments

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

12.2.1 List of Payments – 1 October to 30 November 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

Background

The property at 7 (Lot 5) Bride Street, Mingenew has rates outstanding for more than three years. On 15 June 2022, Council resolved to the sale of the vacant property by public auction with a reserve of \$5,000. A Notification of Taking Possession of Land Under Section 6.64 of the *Local Government Act 1995* (Form 2), was executed on 17 October 2022. A Notice to be Affixed on Land on Taking Possession (Form 3) was posted on the land and a Notice Requiring Payment of Outstanding Rates or Service Charges (Form 4) was published on 16 February 2023 on our website, Facebook page and noticeboard and on 24 February 2023 in the West Australian and Geraldton Guardian. The next step being the publication of a Notice of Sale of Land for Non-Payment of Outstanding Rates or Service Charges (Form 5) advising the public auction date and location, and efforts to engage an auctioneer to conduct a public auction have been unsuccessful, despite multiple attempts being made.

On 9 August 2023, the Shire received communication from the ratepayer's Power of Attorney who was unaware that the land was still held in the ratepayer's name until they were notified by the Water Corporation. A certified copy of the Power of Attorney was received, and a verbal indication was made of their intent to hand the land to the Shire in exchange for waiving all debt.

Legal advice was sought given the current status of the 3-Year possession process, the advice received indicated it was up to the Shire whether they wish to cease the 3-Year process or to 'acquire' the land directly, and that it would save further costs being incurred.

A copy of the current rates notice was forwarded to the Power of Attorney with a request to return a pro-forma contract of sale and written response drafted for completion to enable action by Council. An agreement, in principle, was reached for the Shire to purchase the land for \$1 in exchange for waiving all rates and charges per Council Resolution 12160823.

Both parties engaged conveyancers, however the Power of Attorney ceased all communications and was non-responsive with no further action taken on their part to facilitate the process. Recent contact by the Power of Attorney stated they preferred the Shire to pursue possession recovery as they are not able to deal with the matter further. Unfortunately, the timing of this notification left little time to reorganise an auctioneer to facilitate a public auction before the expiry of the forced possession deadline of 24 November 2024.

Rates 2014/15	\$314.70
Rates 2015/16	\$636.00
Rates 2016/17	\$655.00
Rates 2017/18	\$682.00
Rates 2018/19	\$700.00
Rates 2019/20	\$707.00
Rates 2020/21	\$707.00
Rates 2021/22	\$728.00
Rates 2022/23	\$764.00
Rates 2023/24	\$840.00
<u>Rates 2024/25</u>	<u>\$924.00</u>
Legal Charges	\$14,397.58
ESL Levies	\$846.00
<u>Interest to 29.02.2024</u>	<u>\$4,388.07</u>
<u>Total Charges incurred:</u>	<u>\$27,289.35</u>

Interest calculations have been suspended

The Shire is also aware of an issue, whereby the boundary line may be encroached by a building and fence on the property of 9 Bride Street, Mingenew. This may need to be addressed for any future sale or development, including the requirement for a formal survey of the boundary.



The property at **20 (Lot 169) Linthorne Street, Mingenew** has rates outstanding for more than three years. Numerous efforts were made to locate the owner, with confirmation being received in September 2021 that the owner was deceased. A relative was eventually located via skip-tracing who confirmed the title holder died in December 2018 without a will. Extensive communications were undertaken in an effort to resolve the situation, and it was found that there were three family members that could have a claim on the property.

A meeting was held with the daughter of the deceased to discuss options and to determine whether an application for a Letters of Administration would be applied for with the Supreme Court and once custody of the property was awarded, the Administrator could dispose of it. The siblings mutually agreed on 10 August 2023 to not pursue this avenue and allow Council to possess the land and dispose of the property under a 3-year non-payment of rates.

Legal advice was sought, and advice indicated the Shire should seek to apply for limited Letters of Administration purely to resolve the property issue however, the legal advice was later rescinded.

The unpaid rates to date are:

Rates 2018/19	\$700.00	
Rates 2019/20	\$707.00	
Rates 2020/21	\$707.00	
Rates 2021/22	\$728.00	
Rates 2022/23	\$764.00	
Rates 2023/24	\$840.00	
<u>Rates 2024/25</u>	<u>\$924.00</u>	<u>\$5,370.00</u>
Legal Charges		\$1,134.05
ESL Levies		\$632.00
<u>Interest to 31.08.2023</u>		<u>\$1,097.37</u>
<u>Total Charges incurred:</u>		<u>\$8,233.42</u>

Interest calculations have been suspended

Additional expenditure has been incurred for legal advice regarding Letters of Administration which has not been included on the rates, totalling \$11,000.



Comment

Previous legal proceedings that commenced to address the outstanding debts on these properties has been drawn-out due to a complex caveat, expired court orders, bailiff time frames, and AMPAC, Palisade Solicitors and Civic Legal advice that increased legal costs and created delays. This was further exacerbated by the inability to engage an auctioneer to conduct a public auction before the 7 Bride Street, Mingenew deadline.

Section 6.56 of the *Local Government Act 1995* generally requires court action to have been initiated prior to sale however the local government does not have to initiate recovery for monies owing if there is a reasonable belief that the cost of the proceedings under s6.56 will equal or exceed the value of the land. In the instance of 7 Bride Street, Mingenew the current balance is \$27,289.35 excluding any interest calculations since the suspension. In the instance of 20 Linthorne Street, Mingenew the current balance is \$8,233.42 excluding any interest calculations since the suspension.

The recent vacant land sales within the Shire range from \$11,000 to \$22,000 since 1 July 2023.

Block Size	Sale Price
784m ²	\$11,000
822m ²	\$11,000
850m ²	\$15,000 - \$22,000* (*recent sale)
860m ²	\$15,000
865m ²	\$21,500 (most recent sale)
1006m ²	\$15,000
1007m ²	\$15,000
1012m ²	\$15,000

The block size of 7 Bride Street, Mingenew is 1214m² and 20 Linthorne Street, Mingenew is 1101m².

It is a requirement under the *Local Government Act 1995* that both properties are offered for sale by public auction.

A reserve may be set for Council to endeavour to recover some costs. If a property fails to sell by public auction, Council can accept offers by private treaty within a 12-month period from the date of the auction. After that time has elapsed, only then does Council have the option to transfer the property to itself.

Based on previous extensive costs and drawn-out time frames to address the debt with AMPAC, we are engaging Cloud Payment Group to resolve the status of these properties to enable Council to move forward. Cloud Payment Group have provided a cost-effective quotation and indication that a public auction could be conducted as early as March 2025.

Council may delegate the proceedings of sale to the Chief Executive Officer, including setting a reserve price as guided by the value of the property based on market sales. Although the Chief Executive Officer has an obligation to obtain the best price on the sale, there is no requirement that a sale takes place if the reserve price and conditions are not met.

Consultation

AMPAC Rates Management
Palisade Solicitors
Civic Legal
Cloud Payment Group
Chief Executive Officer

Statutory Environment

Local Government Act 1995

6.64 Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

6.68. Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
 - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*
- (3A) *A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.*
- (3) *Schedule 6.3 has effect in relation to the exercise of the power of sale.*

6.71. Power to transfer land to Crown or to local government

- (1) *If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —*
 - (a) *the Crown in right of the State; or*

- (b) *the local government.*
- (2) *When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.*
- (3) *When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.*
- (4) *Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).*

Policy Implications

1.3.9 Debt Collection Policy

Financial Implications

The current costs against both properties are considerable compared to the estimated likely market-value of the property and are increasing.

Should the properties sell at auction or by private treaty, the outstanding costs would be mitigated albeit there is a small likelihood the entirety of costs incurred by Council would be recovered.

There is a financial implication pertaining to writing off the debts and if the property is not sold by public auction or by private treaty, additional fees would apply in 12-months' time from the auction date which will be incorporated in that financial year's budget such as Landgate and conveyancing fees.

If Council elects to transfer the property to itself, at the appropriate time the property would become non-rateable and the outstanding amounts would have to be written off, including the ESL once approval had been granted by the Department of Fire and Emergency Services, but the land would be available to be utilised for Council's purposes.

The estimated total costs including conveyancing, legal costs and management of the process is approximately \$5,000 per property.

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 REPORT, FINANCIAL REPORT & INDEPENDENT AUDIT REPORT 2023/24

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.AUD.23.24
Date: 16 December 2024
Author: Helen Sternick, Manager Corporate Services
 Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The 2023/24 Annual Report, Annual Financial Report and Auditor’s Reports are presented to, initially the Audit & Risk Committee, then Council for adoption. Additionally, a proposed date has been set for the Annual Meeting of Electors.

Key Points

- Audit completed by Nexia Australia on behalf of the Office of the Auditor General with an unqualified audit with an emphasis of matter – restatement of comparative balances.
- One Moderate item in the Management Letter on the final audit of the Annual Financial Report, relating to certain assets within categories of building non-specialised and building specialised that were being depreciated at a shorter useful life than the Shire’s depreciation policy.
- The Annual Report information has been compiled, in accordance with s.5.53 of the Local Government Act 1995.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 - RESOLUTION#09121224
 MOVED: Cr HR McTaggart SECONDED: Cr AR Smyth**

Council:

1. By Absolute Majority, receives the Annual Report 2023/24 including the amended and signed Annual Financial Report and Independent Auditor’s Report for the 2023/24 financial year in accordance with s.5.54 of the *Local Government Act 1995*, as attached, noting no significant adverse findings;
2. Notes the auditor’s “moderate” finding, relating to certain assets within the categories of building non-specialised and building specialised which were being depreciated at a shorter useful life than the Shire’s depreciation policy, and the management response indicating it will review the fixed asset register to ensure alignment with the depreciation policies.
3. Holds its Annual Meeting of Electors on Wednesday, 5 February 2025 at 5:00pm to discuss the contents of the annual report and any other matters, in accordance with s5.27 of the *Local Government Act 1995* and Regulation 15 of the *Local Government (Administration) Regulations 1996*.

VOTING REQUIREMENTS: **CARRIED BY ABSOLUTE MAJORITY 7/0**
 (FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, Cr AR Smyth and Cr RA Starick. AGAINST: Nil)

Attachments

- 5.1.1 2023/24 Annual Report, including Annual Financial Report and Audit Report *(to be provided a separate late attachment on Monday, 9 December 2024)*
- 5.1.2 OAG Letter to President & Management Letter Attachment

Background

Pursuant to Section 7.9 of the *Local Government Act 1995* ("LGA"), an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, prepare a report thereon and forward a copy of that report to:

- (a) Mayor or President; and
- (b) The Chief Executive Officer; and
- (c) The Minister.

Furthermore, in accordance with Regulation 10(4) of the *Local Government (Audit) Regulations 1996* ("Audit Regulations"), where it is considered appropriate to do so, the Auditor may prepare a Management Report to accompany the Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the LGA.

The Audit and Risk Committee is required to examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters reported and:

- Determine if any matters raised require action to be taken by the local government; and
- Ensure that appropriate action is taken in respect of those matters.

The Audit and Risk Committee is also required to review a report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for adoption. A copy of the report is to be forwarded to the Minister prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.

The Audit and Risk Committee is required to review the Audit Exit Report and the Annual Financial Report, incorporating the statement by the Chief Executive Officer.

There is also a requirement from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts – National Land Transport Act 2014, Part 8 for the Statement of Receipts and Expenditure and Own Source Expenditure for the Roads to Recovery (R2R) Program and the Local Roads and Community Infrastructure Program (LRCI) Phases 3 and 4 to be audited, previous this has been completed Nexia Australia and signed off by the Office of the Auditor General (OAG) but this year it was not required to be signed by the OAG. Therefore, Nexia Australia completed and signed the audit of these programs. There is not a statutory requirement for this to be reported through this Committee or Council but is considered better practice.

The Audit and Risk Committee considered the Annual Report 2023/24, Annual Financial Report and Exit Report at a meeting held 26 November 2024. Subject to minor and immaterial formatting amendments foreshadowed by the OAG, the documents were received by the Committee and were to be recommended to Council for adoption. The Annual Financial Report and Exit Report were subsequently finalised and signed by the Shire and the Shire's Auditors and submitted to the OAG for the Auditor General's sign off. On Monday, 2 December 2024, the Shire received a request from the Auditors that the OAG was seeking to review how local governments record fees collected for Department of Transport (DoT) transactions:

"For a recent Shire we identified a prior year error in the current year. The Shire had incorrectly recorded the fees collected (some LGs are collecting MV licensing and registrations fees) on behalf of DoT as their own revenue

instead of accounts payable, and subsequent remittance of this amount to DoT as expenditure. As an agent of DoT, the Shire should have only accounted the commission received as revenue."

Whilst this request has come after the Exit Interview and signing off on the financials by the Auditors and the Shire, and the Shire had already identified this is an historical error and remedied the way these transactions are recorded for the 2024/25 financial year, the OAG has deemed this a necessary late adjustment and has indicated that a paragraph will be included in the revised audit opinion as an emphasis on matter.

Due to this information being received late (final documents received), it will be necessary to update the Financial Statistics within the Annual Report 2023/24.

Comment

Annual Report

The 2023/24 Annual Report has been prepared and, as required under s.5.53 of the Act, the Annual Report includes:

- The Shire President's Report
- The CEO's Report
- An overview of Strategic Community Plan and Corporate Business Plan achievements
- An overview of SCP and CBP major initiatives proposed extending into 2023/24
- The Annual Financial Statements and Audit Report
- Employee remuneration details
- A report on training completed by Elected Members
- Other information as prescribed

Annual Financial Report

The Auditors are required to determine if the Annual Financial Statements are deemed to be '*unqualified*', meaning it is considered to be a fair and transparent financial representation, correct, free from fraud and error and prepared within statutory requirements.

The Office of the Auditor General (OAG) recognised the Shire of Mingenew as an entity following best practice as a finding on its financial and auditing in 2021/22 and 2022/23 and has demonstrated a good history of unqualified audits (no adverse findings).

Audit Report

The Auditors are required to report any identified material weakness in the accounting and internal control systems. This year there was only one finding identified during the final audit – it was noted that the Shire had certain assets within categories of building non-specialised and building specialised that were being depreciated at a shorter useful life than the Shire's depreciation policy.

It should be noted that, while the Asset Register is reconciled to the movement in the General Ledger on a monthly basis, the estimated useful life and depreciation rates settings within SynergySoft's Asset Module are reviewed less frequently. In the past, such checks and updates have been prompted by, or have otherwise coincided with, external revaluation activities. As these activities were not required to be performed during the 2023/2024 financial year, thorough verification of the underlying depreciation rates were not undertaken. A systematic review of the Fixed Asset Register will be performed during the current financial year to ensure alignment with the Shire's depreciation policies, and internal control procedures will be updated accordingly.

Electors' Meeting

Should Council accept the Annual Report at the 12 December Ordinary Council meeting, an Electors' Meeting must be held within 56 days. This would require a meeting to be held prior to 7 February 2025 (the day of the meeting is excluded from the count). The Shire has proposed the last Wednesday in January 2024 (29) to ensure it can comply with these requirements.

Consultation

- Nexia Australia
- Office of the Auditor General

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

7.9. Audit to be conducted

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) *the mayor or president; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*
- (2) *Without limiting the generality of subsection (1), where the auditor considers that —*
 - (a) *there is any error or deficiency in an account or financial report submitted for audit; or*
 - (b) *any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or*
 - (c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government,*

details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
 - (a) *prepare a report thereon; and*
 - (b) *forward a copy of that report to the Minister,*

and that direction has effect according to its terms.
- (4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government.*

7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*

- (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain –*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - (c), (d) *deleted*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and**such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

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.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Local Government (Audit) Regulations 1996

10. Report by auditor

- (1) *An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) *The report is to give the auditor's opinion on –*
 - (a) *the financial position of the local government; and*
 - (b) *the results of the operations of the local government.*

- (3) *The report must include a report on the conduct of the audit.*
- (4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.*

Local Government (Financial Management) Regulations 1996

17A. Valuation of certain assets for financial reports

- (1) *In this regulation —*

carrying amount, in relation to a non-financial asset, means the carrying amount of the non-financial asset determined in accordance with the AAS;

fair value, in relation to a non-financial asset, means the fair value of the non-financial asset measured in accordance with the AAS;

right-of-use asset, of a local government, includes the local government's right to use —

- (a) *Crown land; or*
- (b) *other land that is not owned by the local government,*

that is vested in the local government at nil or nominal cost for an indefinite period for the purpose of roads or for any other purpose;

vested improvement, in relation to a local government, means a pre-existing improvement on land of which the care, control or management is vested in the local government at nil or nominal cost for an indefinite period.

- (2) *A local government must show in each financial report for a financial year ending on or after 30 June 2020 —*
 - (a) *the fair value of all of the non-financial assets of the local government that are —*
 - (i) *land and buildings that are classified as property, plant and equipment; or*
 - (ii) *investment properties; or*
 - (iii) *infrastructure; or*
 - (iv) *vested improvements that the local government controls;**and*
 - (b) *the carrying amount of all of the non-financial assets of the local government that are plant and equipment type assets measured using the cost model in accordance with the AAS; and*
 - (c) *the carrying amount of all of the right-of-use assets of the local government (other than vested improvements referred to in paragraph (a)(iv)) measured using the cost model in accordance with the AAS.*
- [(3) *deleted*]
- (4) *A local government must revalue a non-financial asset of the local government referred to in subregulation (2)(a) —*
 - (a) *whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and*
 - (b) *in any event, within a period of no more than 5 years after the day on which the asset was last valued or revalued.*
- (5) *A non-financial asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5,000.*

Policy Implications

Council has adopted a set of Terms of Reference which outline:

“The primary objective of the Audit and Risk Committee “the Committee” is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its statutory and fiscal affairs.

The Audit and Risk Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.”

Financial Implications

Nil

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

13.2 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CP.ACC.1
Date: 16 December 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Following a review of the Shire’s Disability Access and Inclusion Plan 2019-2024 an updated Plan has been developed for 2024-2029, in accordance with the *Disability Services Act 1993* (the Act).

Key Points

- The Disability Services Act 1993 requires local governments to review and adopt a Disability Access and Inclusion Plan at least every 5 years
- After issuing a survey and public notice period, responses have been collated and analysed to inform an updated Plan for 2024-2029
- The Plan must demonstrate how it is to achieve compliance with the Principles applicable to people with disability and the Objectives for services and programmes, as outlined in the Act

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.2 - RESOLUTION#10121224
MOVED: Cr RA Starick **SECONDED: Cr AT Pearse**

Council:

1. adopts the Disability Access and Inclusion Plan (DAIP) 2024-2029, in accordance with s.28 of the *Disability Services Act 1993*, as presented; and
2. lodges the updated DAIP 2024-2029 with the Department of Communities; and
3. gives local public notice of availability of the Plan, in accordance with s.29A of the *Disability Services Act 1993*; and
4. includes consideration of the DAIP Action Plan in the next review of the Corporate Business Plan, subject to annual Budget provisions.

VOTING REQUIREMENTS: **CARRIED BY SIMPLE MAJORITY 7/0**
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, Cr AR Smyth and Cr RA Starick. AGAINST: Nil)

Attachments

13.2.1 Disability Access and Inclusion Plan 2024-2029

Background

The *Disability Services Act 1993* definition of disability is:

Disability means a disability —

- (a) *which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments; and*
- (b) *which is permanent or likely to be permanent; and*
- (c) *which may or may not be of a chronic or episodic nature; and*
- (d) *which results in —*
 - (i) *a substantially reduced capacity of the person for communication, social interaction, learning or mobility; and*
 - (ii) *a need for continuing support services.*

The aim of the Shire's Disability Access and Inclusion Plan (DAIP) is to ensure Mingenew is inclusive and supportive of people with disability and empowers people with disability to participate meaningfully in all parts of our community. The DAIP considers the communities' priorities, better practices strategies and Shire resources to improve services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment in relation to living with disabilities.

The Shire's most recent Disability Access and Inclusion Plan (DAIP) 2019-2024 was adopted by Council on 21 August 2019 and is due to expire this year. Following a review of the existing DAIP, an updated Plan is presented for Council consideration.

The Plan must demonstrate how it is to achieve compliance with the Principles applicable to people with disability (Schedule 1 of the Act) and the Objectives for services and programmes (Schedule 2 of the Act). The Shire must then report annually on its progress for achieving the mandated outcome areas and Shire strategies.

Comment

The updated DAIP 2024-2029 includes:

- an overview of the current legislation
- Shire's Access and Inclusion Policy statement
- An overview of achievements from the 2019-2024 DAIP
- A review of consultation activities and feedback to inform the new Plan
- 2024-2029 Outcomes and Action Plan
- How the Plan is to be monitored and reported on
- Disability support resources for the Midwest

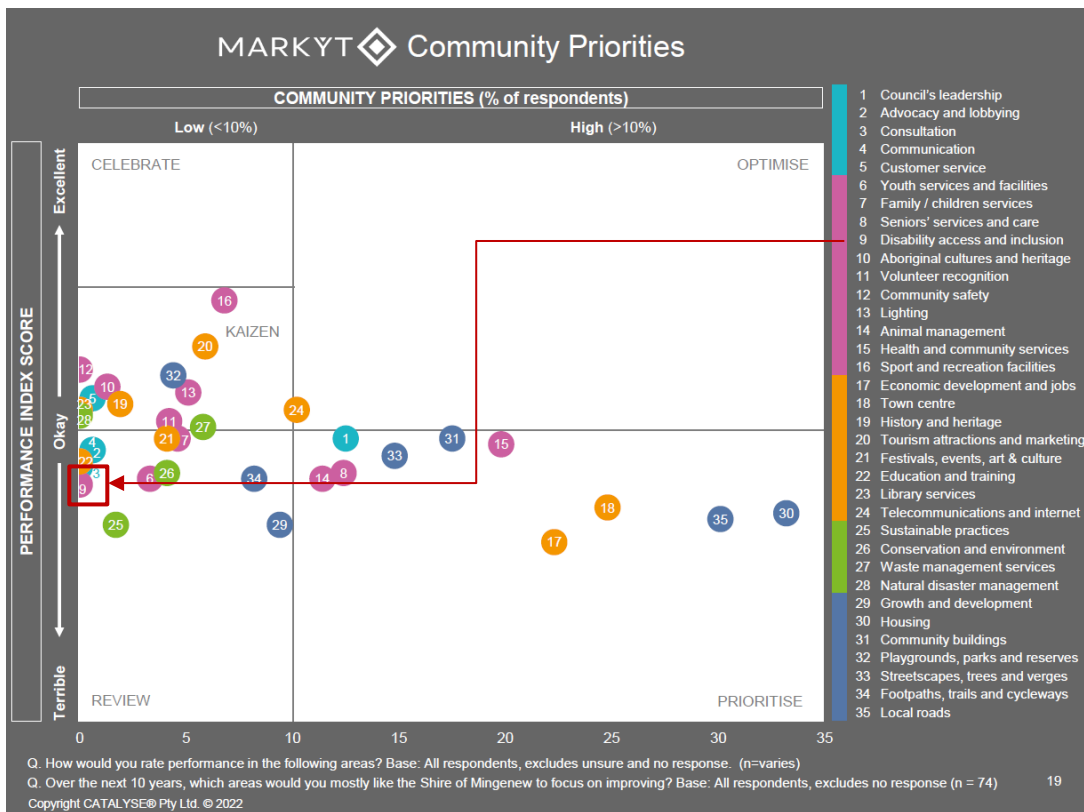
Some of the key projects and initiatives achieved from the DAIP 2019-2024 include (highlighted within the Plan from page 6):

- Adoption of key policies to support accessibility:
 - 1.2.10 Access and Inclusion Policy
 - 1.2.11 Accessible Information Policy
 - 1.2.12 Reasonable Adjustment Policy
- Installation of universal access toilet during refurbishment of the Mingenew Railway Station
- Construction of sensory playground and pathways for connectivity and wheelchair / mobility scooter access at Cecil Newton Park
- Installation of ACROD parking on Phillip Street to service Mingenew Health Centre, Day Care Centre and Autumn Centre
- Disability access ramp and paths, unisex, disabled toilets and ACROD parking installed in new Tennis Clubhouse build
- Renovation of Aged Persons Units (4) bathrooms to improve accessibility
- Consideration of people with disability in new Strategic Community Plan 2023-2033

The new 2024-2029 Action Plan is guided by community priorities set through the Strategic Community Plan 2023-2033 review process, 2022 Community Scorecard and feedback from the DAIP survey in 2024. Any capital projects highlighted in the SCP and Long Term Financial Plan (LTFP) have been carried over into the DAIP to ensure due consideration of disability access and inclusion principles.

It is proposed that implementation of the DAIP will be transferred as a new action in the next Corporate Business Plan update 2025/26 to ensure a strategic approach to disability access and inclusion.

The Community Scorecard in 2022, indicated that respondents (estimated to make up approximately 25% of the population, at the time) considered disability access and inclusion a relatively low priority compared with other priority areas. It may be surmised, based on survey and ABS data, that the low priority is a result of the small population of people living with disability in Mingenew, there was a low number of respondents to the surveys who live with or provide support for people with disability, and/or respondents affected by age-related mobility issues may not identify as “disabled”. Regardless, the new DAIP provides strategies that are reflective of the feedback we did receive, and achievable actions based on current and anticipated resources. Below is a snapshot of the communities’ priorities and how they rate the Shire’s performance (from 2022):



From the recent 2024 DAIP survey, there was an overwhelming response on the need to upgrade and extend the town footpath network to provide safe transportation routes for people of all abilities. The Shire had identified this need prior to the Plan and has already made application to the Department of Transport for funding to implement its 10 Year Shared Pathways Plan. The focus of the Pathways Plan is to connect key amenities including, the main street, the school, health centre, caravan park, Museum, new (under construction) Childcare Centre and sporting and community facilities.

A summary of comments and suggestions from the 2024 DAIP survey respondents is provided below and each item includes the Action Plan reference where this has been addressed in the Plan:

- No disabled access toilet at Rec Centre (2.1e)
- Existing footpaths are in disrepair, uneven and kerb ramps too high (2.1a)
- Insufficient paths for people using walkers, wheelchairs, gophers and prams (2.1a)
- Fencing at Cecil Newton Park not disabled friendly (2.1b)
- Townsite roads in poor state and not suitable for gophers and wheelchairs etc. (2.1a)
- Limited setup for people with visual impairment (3.1-3.3)
- Use matt paper so less reflective (3.2a)
- Transport Service for accessing services outside of Mingenew (1.4a)
- Ensuring building handrails are in good condition (2.1)
- More footpaths (2.1a) and employment opportunities (7.1a)
- Move the obstructing fence from the pathway on Shenton Sreet, at Cecil Newton Park (2.1b)

- Add path to the Caravan Park, through the Windmill Park (2.1a)
- Re-lay or replace brick paving in town (2.1a)
- Set Budget to upgrade pathways and seek suitable grants (2.1a)
- New paving (no bricks) (2.1a)
- Improve roads and footpaths (2.1a). Provide better access for disabled people in areas such as the Old Railway Station (2.1c) and the Recreation Centre (2.1e)

The Action Plan is a guiding document for Council decision-making, where financial there are financial implications, and implementation will therefore, be subject to Budget approvals and availability of suitable resources.

Consultation

A survey was issued in August, inviting members of the public to participate in a survey that aimed to identify disability challenges and priorities to inform the new DAIP. The survey was released online and in print form.

The Shire received 25 responses to the survey. Of the 25 respondents, 8 people were living with disability and 4 were providing support to a family or friend who is living with disabilities.

The Shire also engaged directly with seniors at the Autumn Centre and invited the Mingenew CRC and Mingenew Primary School to provide any feedback or comment.

A public notice was also issued in the Midwest Times 7 October 2024 and Mingenew Matters inviting general submissions. No individual submissions were received however the notice did direct people to visit the website which included the link to the online survey.

Statutory Environment

Disability Services Act 1993

28. Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission;*
or
 - (b) between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*

(10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

29. Report about disability access and inclusion plan

(2) *A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.*

29A. Disability access and inclusion plans to be made available

A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disability, and the public generally, by publication in the prescribed manner.

29B. Public authorities to ensure implementation of disability access and inclusion plan

A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

Disability Services Regulations 2004

7. Standards for disability access and inclusion plans (s. 28)

For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.

8. Information in reports about disability access and inclusion plans (s. 29)

For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —

- (a) *progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and*
- (b) *the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.*

9. Publication of disability access and inclusion plans (s. 29A)

For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —

- (a) *on request, at the offices of the authority —*
 - (i) *in an electronic format; and*
 - (ii) *in hard copy format in both standard and large print; and*
 - (iii) *in an audio format on cassette or compact disc; and*
- (b) *on request, by email; and*
- (c) *on any website maintained by or on behalf of the authority,*

and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995.

10. Procedure for public consultation by authorities (s. 28)

(1) *For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —*

- (a) *by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
- (b) *on any website maintained by or on behalf of the public authority.*

(2) *Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation*

Policy Implications

Equal Opportunity Policy

Financial Implications

Many of the actions identified in the Plan will be incorporated into capital project costs already identified in the Shire's Long Term Financial Plan, or absorbed into operational expenditure (business as usual).

Strategic Implications

Strategic Community Plan 2023-2033

- 7.2 Support and include disabled and vulnerable community members
 - a. Review and implement the Shire's Disability Access and Inclusion Plan

Prior to Item 13.3, Ms Thoars and Ms Churchill left the meeting at 5:38pm.

13.3 COUNCIL MEETING DATES 2025

Location/Address: Shire of Mingenew
 Name of Applicant: Shire of Mingenew
 Disclosure of Interest: Nil
 File Reference: GV.CMT
 Date: 16 December 2024
 Author: Erin Greaves, Manager Governance and Community
 Authorising Officer: Matt Fanning, Chief Executive Officer
 Voting Requirements: Simple Majority

Summary

To review the bi-yearly meeting schedule utilised in 2022 to 2024 and consider setting the Ordinary Council meeting dates for 2025.

Key Points

- Since 2022, the Ordinary Council meetings have been scheduled to generally be held on the third Wednesday of every second month (excluding January)
- The recommendation is to return to continue with the bi-monthly schedule (excluding January), with an additional meeting in November, based on explanatory notes provided in the attached Discussion Paper and summarised in this report
- The proposed schedule also offers an alternative meeting date for April, to hold the meeting outside of Autumn school holidays
- Council is required to set and give local public notice of the date, time and place of its ordinary council meetings at least once every calendar year

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.3 - RESOLUTION#11121224

MOVED: Cr AR Smyth SECONDED: Cr RA Starick

Council:

1. Notes the ‘Discussion Paper – Frequency of Council Meetings’, as attached; and
2. Sets the 2025 Ordinary Council meeting dates to commence at 5:00pm, in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, as per the below schedule:

Council Meeting Dates 2025
January 2025 – Nil
19 February 2025
30 April 2025
18 June 2025
20 August 2025
15 October 2025
19 November 2025
10 December 2025

3. Unless local public notice is provided to the contrary, all Council meetings are to be held in Council Chambers located at 21 Victoria Street, Mingenew.
4. Notes that, in accordance with new legislative provisions, Council is required to make recordings (audio, as a minimum) of council meetings, in accordance with s.5.23A of the *Local Government Act 1995* and Part 2A of the *Local Government (Administration) Regulations 1996*, and such information be included in the local public notice to inform the community.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/3

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

Attachments

13.3.1 Discussion Paper – Frequency of Council Meetings

Background

At the 17 November 2021 Ordinary Council meeting, a Councillor motion was presented requesting a direction to the CEO to prepare a meeting schedule for 2022 to be based upon an intent to hold Ordinary Council meetings every two months. As such, Council agreed at the December 2021 Ordinary meeting to trial the new model with a review proposed to be conducted in June 2022.

Following a review, Council ultimately decided to continue with the bimonthly Council meeting model at the June Ordinary meeting. The same format was continued for 2023 and 2024.

As the Shire has maintained the bi-monthly meeting arrangements for 3 years, it is considered appropriate to once again review the arrangements therefore a Discussion Paper has been prepared.

Comment

The review has been conducted, tracking trends and needs around meeting setting, and the recommendation for 2025, is to remain with the bi-monthly meeting schedule, with an exception to holding a meeting in November to accommodate decision making resulting from the 2025 local government elections and reducing the workload for the December meeting (when a majority of Councillors have external commitments related to harvest activities).

Whilst Council has historically held 11 Ordinary Meetings per year, there is no prescriptive requirement under legislation or our Standing Orders Local Law to do so. Section 5.3(2) of the *Local Government Act 1995* requires Ordinary Meetings be held at least every three months and Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* requires that Council's financial statements are brought to an Ordinary Meeting within two months of the end of the month they apply to. That said, the typical minimum number of Ordinary Meetings held by WA local governments is 10, with some small Shires holding no December or January meeting. At present, no Local Governments appear to meet less frequently than this.

The reduction in the number of Council meetings recognises the change in the way members of the public interact with Council and the Shire. Technology now provides for more timely contact through phone, email, social media and online meetings which ensures queries, suggestions and complaints can be dealt with within a reasonable timeframe and with sufficient governance oversight, without the need to await a monthly meeting. A majority of questions / deputations made at Council meetings by members of the public over the last three years have specifically related to a matter before Council at that meeting, and this opportunity would not be impacted by the schedule.

Should Council wish to continue to hold ordinary meetings every second month, the following schedule is recommended for Council Meetings and Concept Forums (based on meeting dates falling on the third Wednesday of the month, excluding April and December as explored below and in the Discussion Paper):

Council Meeting Dates 2025	Concept Meeting Dates 2025
January 2024 – Nil	January 2025 – Nil
19 February 2025	19 February 2025
March 2025 - Nil	19 March 2025
30 April 2025	30 April 2025
21 May 2025 - Nil	21 May 2025
18 June 2025	18 June 2025
16 July 2025 - Nil	16 July 2025
20 August 2025	20 August 2025
17 September 2025 - Nil	17 September 2025
15 October 2025	15 October 2025

19 November 2025*	19 November 2025
10 December 2025	10 December 2025

** It is recommended to include an ordinary meeting in November, as explained below.*

The following considerations have been made in setting the proposed meeting dates for 2025:

- The Easter weekend (public holidays) falls on Friday, 18 April to Monday, 21 April in 2025 and the scheduled date for the ordinary meeting is the Wednesday before (16 April 2025) however this date does fall in the first week of the school holidays (12-27 April 2025). Council could consider holding the meeting the week before on 9 April however, this may present a challenge for staff to prepare the monthly financials, or after, on 30 April which is anticipated will have less negative impact.
- Similar to April, the proposed meeting for July falls during school holidays which are set for 5-20 July 2025. This meeting could be adjusted to 23 July to avoid the holidays if required however there hasn't typically, been challenges with attendance for this month in the past so no change is proposed.
- School holidays in Spring fall 27 September to 12 October 2025, and the set meeting dates (17 September and 15 October) are therefore not likely to impact attendance
- Local Government Ordinary Elections are scheduled to be held on the third Saturday in October, which falls on 18 October 2025. The October Council meeting date is scheduled 15 October 2025.
- Council typically conducts the election for President and Deputy, swears in new Councillors and considers the appointment of Committee members at a meeting in November (following a local government election, therefore should bi-monthly meetings be scheduled, it should be noted that a Special Meeting may be required in November). This need has been anticipated and therefore included in the schedule as an additional meeting.
- December meetings are typically held on the second Wednesday so as to provide sufficient time to action decision-making prior to closing for the year (likely to be 20 December 2025), whilst providing staff sufficient time to prepare the monthly financial statements. In 2024 there was a clash with the school for their presentation night however, we have been advised the date for this event in 2025 is set for 17 December and does not warrant a change.

Consultation

Executive Management Team
WALGA

Statutory Environment

Local Government Act 1995

5.3. Ordinary and special council meetings

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

- (4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications

Nil.

Financial Implications

No direct financial savings are expected, however there may be some efficiency gains as noted above.

Strategic Implications

Strategic Community Plan 2023-2033

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

17.1 Identify and promote incentives and alleviate barriers to create an environment for civic pride and participation on Council

13.4 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: 16 December 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. After following a public notice period, inviting submissions, Council must now consider the disposal and any submissions received.

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.
- Council resolved to give local public notice of the proposed disposal, inviting submission at its October Ordinary Council meeting
- At the close of submissions, no submissions were received

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.4 - RESOLUTION#12121224

MOVED: Cr JR Holmes

SECONDED: Cr AT Pearse

Council

1. Notes there were no submissions received after local public notice was given and submissions closed 11 November 2024;
2. Resolves to dispose of 2-6 (Lot 1) Eleanor Street, Mingenew on Deposited Plan 56161 (by lease), in accordance with s3.58(3) of the *Local Government Act 1995*, to Gradow Pty Ltd (trading as Great Southern Fuels) [ABN: 65 367 095 233] for the purpose of providing an unmanned fuel supply service and amenities, at the Market Value Rent of \$17,500 ex GST per annum for a term of up to 5 years (with 3 x 5 year extension options).
3. Delegates authority to the Chief Executive Officer to negotiate and execute the lease based on the above terms, affixing the Common Seal in accordance with Council’s Common Seal Policy.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

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.

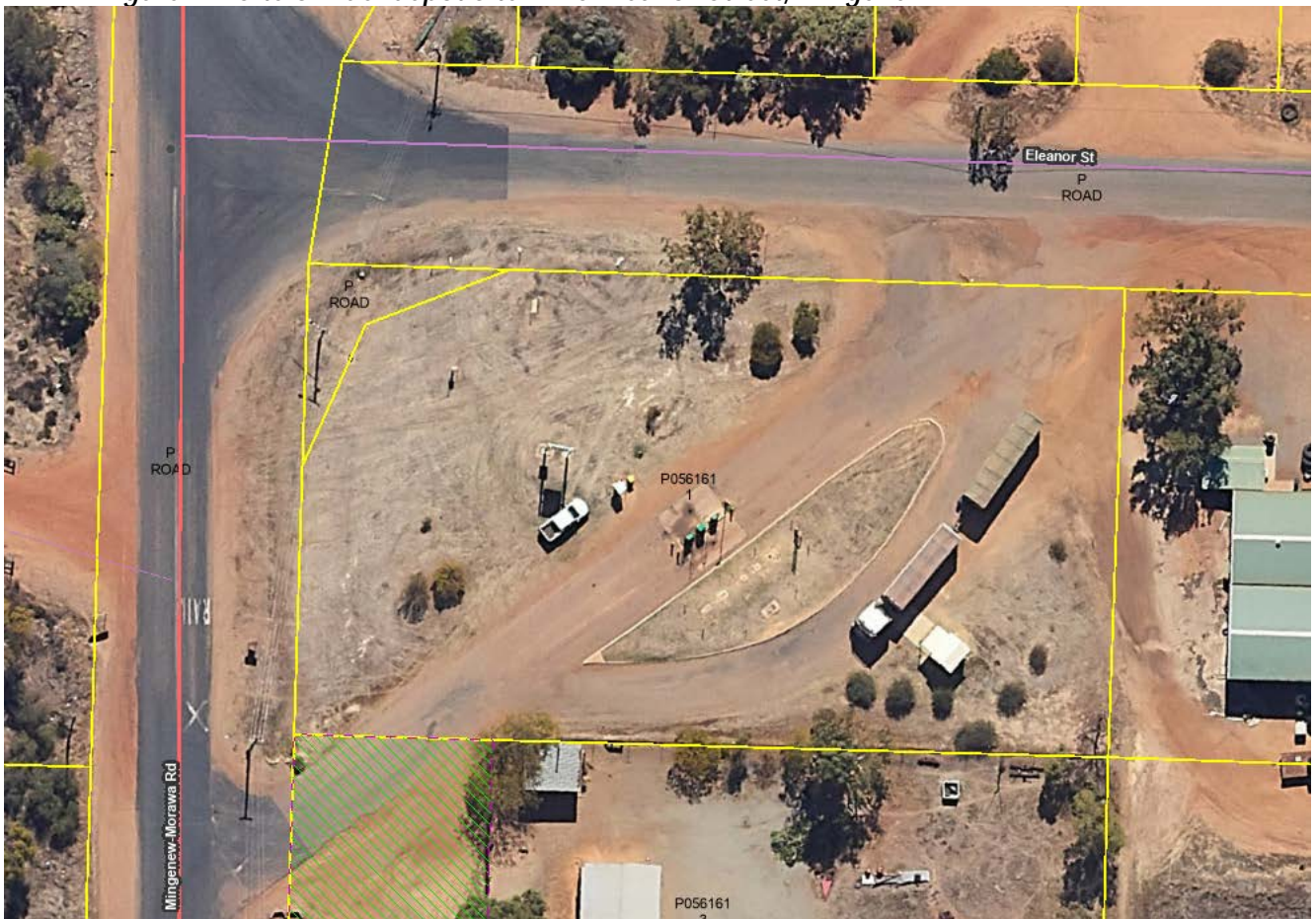
The lessee has expressed a desire to enter into a new lease based on the previous lease terms.

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 provided a description of the property concerned, details of the proposed disposition and an invitation for submissions to be made before 9am, 11 November 2024. The notice was published in the Midwest Times on 23 October 2024, in an October edition of the Mingenew Matters and published on the Shire's website.

No submissions were received at the close of submissions.

Consultation

Acrementis, 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.
- 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.

There may be minor legal costs associated with reviewing and executing the lease.

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

13.5 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: 16 December 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." After following a public notice period, inviting submissions, Council must now consider the disposal and any submissions received.

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
- Council resolved to give local public notice of the proposed disposal, inviting submission at its October Ordinary Council meeting
- At the close of submissions, no submissions were received

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.5 - RESOLUTION#13121224
 MOVED: Cr AR Smyth SECONDED: Cr RA Starick

Council:

1. Notes there were no submissions received after local public notice was given and submissions closed 11 November 2024;
2. Resolves to dispose of crown Reserve 36604 at 70 (Lot 105) Midlands Road, Mingenew (by licence), in accordance with s3.58(3) of the *Local Government Act 1995*, to 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.", for \$1,820 ex GST per annum for a term of up to 5 years (with 3 x 5 year extension options).
3. Delegates authority to the Chief Executive Officer to negotiate and execute the licence based on the above terms, affixing the Common Seal in accordance with Council's Common Seal Policy.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

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.

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 suproperty, 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 provided a description of the property concerned, details of the proposed disposition and an invitation for submissions to be made before 9am, 11 November 2024. The notice was published in the Midwest Times on 23 October 2024, in an October edition of the Mingenew Matters and published on the Shire's website.

No submissions were received at the close of submissions.

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 —*
- (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

13.6 DEALING WITH CHALLENGING BEHAVIOURS POLICY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL
Date: 16 December 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To reduce the potential psychosocial hazard risk, a 'Dealing with Challenging Behaviours' Policy has been developed which clearly defines how the organisation responds to harmful behaviours and provides support for employees who may be exposed to the risk.

Key Points

- It is necessary for the Shire to have appropriate control measures in place to deter harmful behaviours in the workplace, and this action was identified in the Shire's Risk Register
- This policy identifies and addresses the potential psychosocial risks associated with external customers, members of the public, contractors and other visitors who interact with workers (including employees, volunteers and contractors) who may display harmful behaviour, and the supported response
- Whilst it is not a common occurrence, there are occasions where workers are exposed to this risk and it is important for Council to establish a position to support staff in holding people account / establishing consequences for poor behaviour

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.6 - RESOLUTION#14121224

MOVED: Cr JR Holmes

SECONDED: Cr AT Pearse

Council adopts the Council Policy 1.2.19 'Dealing with Challenging Behaviours Policy' as presented.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

13.6.1 Dealing with Challenging Behaviours Policy (NEW)

13.6.2 Customer Service Charter

Background

Obligations under the *Work Health and Safety Act 2020* and *Work Health and Safety Regulations 2020* specifically require a Person conducting a business or undertaking (PCBU), the Shire, must appropriately manage psychosocial risks.

The exposure to harmful behaviour, such as violence, harassment, bullying and aggression is one such potential risk identified within the workplace and considered a moderate risk as per the Shire's internal Risk Register.

A single or irregular exposure to these hazards may not create psychosocial risks however, if workers are exposed to a hazard (or a combination of these hazards) over a prolonged period or in a severe way they can cause psychological and physical harm.

Workers may be more likely to experience harmful behaviours or be more severely affected by it, because of their sex, gender, sexuality, age, migration status, disability and literacy. The risk of experiencing harm rises when a person faces multiple forms of discrimination. Attributes that make a person more vulnerable

to these behaviours can also make workers less likely to report concerns or incidents. It is therefore, important to create an environment in which workers are supported to appropriately respond.

Comment

Whilst the frequency of interactions with persons who conduct themselves inappropriately when interacting with workers is low, the Shire's ability to eliminate this risk is not possible. Therefore, along with this proposed policy, other control measures are in place to support a safe work environment to at-risk workers, which includes but is not limited to:

- Working in Isolation Policy (internal WHS Policy)
- Monitoring of front counter (in-person and via camera)
- Physical barrier between front counter staff and members of the public / customers

The Shire does have a Customer Service Charter (attached), which guides employee behaviour in interacting with Shire customers however it does not provide appropriate authority to respond to inappropriate behaviour from other parties.

Consultation

Shire employees

Executive Leadership Team

Statutory Environment

Work Health and Safety Act 2020

Work Health and Safety (General) Regulations 2022

55A. Meaning of psychosocial hazard

A psychosocial hazard is a hazard that —

- (a) *arises from, or relates to —*
 - (i) *the design or management of work; or*
 - (ii) *a work environment; or*
 - (iii) *plant at a workplace; or*
 - (iv) *workplace interactions or behaviours; and*
- (b) *may cause psychological harm (whether or not it may also cause physical harm).*

55B. Meaning of psychosocial risk

A psychosocial risk is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

55C. Managing psychosocial risks

A person conducting a business or undertaking must manage psychosocial risks in accordance with Part 3.1 other than regulation 36.

55D. Control measures

(1A) *In this regulation —*

workers' accommodation means premises to which section 19(4) of the Act applies.

- (1) *A person conducting a business or undertaking must implement control measures —*
 - (a) *to eliminate psychosocial risks so far as is reasonably practicable; and*
 - (b) *if it is not reasonably practicable to eliminate psychosocial risks — to minimise the risks so far as is reasonably practicable.*
- (2) *In determining the control measures to implement, the person must have regard to all relevant matters, including —*
 - (a) *the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards; and*
 - (b) *how the psychosocial hazards may interact or combine; and*
 - (c) *the design of work, including job demands and tasks; and*

- (d) *the systems of work, including how work is managed, organised and supported; and*
- (e) *the design and layout, and environmental conditions, of the workplace, including the provision of –*
 - (i) *safe means of entering and exiting the workplace; and*
 - (ii) *facilities for the welfare of workers; and*
- (f) *the design and layout, and environmental conditions, of workers' accommodation; and*
- (g) *the plant, substances and structures at the workplace; and*
- (h) *workplace interactions or behaviours; and*
- (i) *the information, training, instruction and supervision provided to workers.*

Policy Implications

New policy, as outlined above.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2023-2033

17.2 Maintain a safe work environment and proactive safety culture

14.0 WORKS

14.1 REQUEST TO INCREASE TRAINING BUDGET 2024/25

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	PE.TRD
Date:	16 December 2024
Author:	Shane Noon, Works Manager
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To improve internal capability and competency to deliver on Council's road and related infrastructure projects, including maintenance, it is proposed that Council increase the training Budget allocation in the 2024/25 financial year to deliver on-the-job training to the Shire's Works Crew.

Key Points

- The Shire's internal Training Plan 2024/25 identified a need to provide training to applicable staff on plant operation and road construction and maintenance techniques
- Appropriate training providers have been sought to meet the need, and a suitable package has been identified
- Council's current staff training budget does not include provision for this expense therefore it is proposed the Budget allocation be increased

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 14.1 - RESOLUTION#15121224

MOVED: Cr AT Pearse SECONDED: Cr RA Starick

Council, by Absolute Majority, increases the Staff Training Budget by \$25,000 ex GST, to deliver the 'Best Practice Unsealed Roads Management Training Course' to applicable Shire staff.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 7/0

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

Background

The Shire has developed in internal Training Plan 2024/25 that incorporates any skill or knowledge gaps, based on risk assessment and feedback identified through the performance review process. One of the needs identified, included training for the Works Crew to learn appropriate plant operation techniques for unsealed road maintenance.

After researching appropriate training options, the Shire has identified a suitable program to be delivered by Unsealed Roads - <https://unsealedroads.com/>.

Whilst efforts have been made to identify and compare alternative programs, this program is unique to this training provider and therefore, is considered a 'sole-supplier' for the purposes of procurement. Other providers do offer similar training but not as an all-inclusive package that meets the Shire's needs to cover:

- On-the-job plant operation training
- Road maintenance techniques and material selection
- Budgeting and programming
- Resource materials for ongoing reference

Comment

The proposed training program, by Unsealed Roads provides a comprehensive suite of on-the-job, practical training, as well guidance resources and templates for the Shire to utilise. A summary of the training program is provided below:

Day 1 : Training Day - Onsite with Operational Crew to Video Current and Alternative Techniques

- Commencing with Introductory Session, Followed by Infield Videoing of Grading Crew
- Crew 1. Grader, Water Truck & Roller

Day 2 : Training Day - Onsite with Operational Crew to Video Current and Alternative Techniques

- Commencing with Introductory Session, Followed by Infield Videoing of Grading Crew
- Crew 2. Grader, Water Truck & Roller

Day 3 : Training Day - Onsite with Operational Crew - Resheeting (One Location)

- Both graders same location

Day 4 : Morning Session - In Office Training on Best Practice Operational Techniques

- Includes critique of grading & resheeting videos, material quality and agreed standards for grading
- *Recommended Staff: All Grading Crew, Supervisory and Management Staff*

Day 4: Afternoon Session - Management of Unsealed Road (Service Levels, Budgeting and Benchmarking)

- Review of Services Levels, Budgeting and Programming
- *Recommended Staff : Supervisory, Management and Asset Management Staff*

Day 5: Morning Session - Continue Management of Unsealed Road (Service Levels, Budgeting and Benchmarking)

- Review of Services Levels, Budgeting and Programming. Finish at Lunch Time
- *Recommended Staff : Supervisory, Management and Asset Management Staff*

Council Specific Handover of Materials

- PowerPoint Presentation pdf's, Grading Videos, Activity Procedures, Excel Service Budget Models

The quote for the training totals \$25,385 ex GST, inclusive of travel expenses for the training provider to attend Mingenew over the six days.

This training program provides an opportunity to ensure we have a knowledgeable and skilled workforce and demonstrates investment in our people and therefore delivers positive outcomes and best value for money for the community. Strategically Council has indicated a desire to grow our own talent and will assist in retaining quality people.

The process training and adopted documentation would provide clear direction that will be used in future road user agreements and works completed by employees and contractors either working for the Shire of Mingenew or a third party.

Consultation

Executive Leadership Team

Statutory Environment

Local Government Act 1995

Policy Implications

1.3.1 Purchasing Policy

The training provider is considered to meet the definition of 'sole supplier', as outlined in the policy:

"1.4.6. Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be permitted where the:

- a) purchasing value is estimated to be over \$5,000; and*
- b) purchasing requirement has been documented in a detailed specification; and*
- c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and*
- d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.*

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists."

Financial Implications

Cost of the training all-inclusive of travel and accommodation meals is \$27,923. For 6 team members to attend this onsite 5 days of training this equates to an investment of \$4,656 per person. The cost to send staff off site to attend this type of training is far greater than \$4,656 per person, when considering the down time and shortage of Shire employee resources and travel and accommodation expenses.

There are sufficient funds within the estimated budget closing surplus to cover the costs of the training, this was due to the increased opening surplus since the finalisation of the 2023/24 Annual Financial Report.

Strategic Implications

Strategic Community Plan 2023-2033

1.2 Develop, deliver and review the Shire's Local Roads Improvement Plan and Shared Pathways Plan

5.2 Offer career opportunities – "Grow Your Own" targeted at the local market

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 February 2025 commencing at 5.00pm.

19.0 CLOSURE

Prior to closing the meeting, Cr GA Cosgrove thanked Councillors and staff for their contributions throughout the year and wished everyone a Merry Christmas.

The meeting was closed at 5:58pm.

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

Signed _____
Presiding Officer

Date: _____



MINUTES OF THE SPECIAL COUNCIL MEETING

29 JANUARY 2025

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS
ON 29 JANUARY 2025 COMMENCING AT 5:00PM.**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr GA Cosgrove opened the meeting at 5:00pm and noted, in accordance with r.14I of the *Local Government (Administration) Regulations* this meeting is being recorded.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor <i>arrived at 5:04pm</i>
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor (<i>by electronic means</i>)

Cr AT Pearse were authorised to attend by phone in accordance with r.14CA of the Local Government (Administration) Regulations 1996.

Apologies

Cr RA Starick	Councillor
Cr AR Smyth	Councillor

Staff

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

Gallery

Mr Damian Lesque	Terra Mining
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3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

4.0 DECLARATIONS OF INTEREST

Nil.

5.0 CHIEF EXECUTIVE OFFICER

5.1 ROAD USER AGREEMENT VARIATION – TERRA MINING HAULAGE

Location/Address: Shire of Mingenew
Name of Applicant: Terra Mining
Disclosure of Interest: Nil
File Reference: RD.PER.1
Date: 30 January 2025
Author: Shane Noon, Acting Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider a contract variation granting an extension of term (to 20 February 2025) to the existing Road User, Contribution and Upgrade Agreement for Terra Mining to utilise Eleanor Street and Boolinda Road, Mingenew for haulage of iron ore from mining operations at Extension Hill, to the Geraldton Port.

Key Points

- Terra Mining were granted 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 until the February Ordinary Council Meeting
- Whilst Terra was initially satisfied with the agreement terminating 31 Jan and proposing a new Agreement to commence in Feb, they have indicated that due to resourcing constraints, haulage will now be required for this period
- Terra have indicated they wish to seek approval for haulage to March 2026, but the longer-term arrangements will be considered at the February Council meeting

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1 - RESOLUTION#01290125

MOVED: Cr JR Holmes

SECONDED: Cr HR McTaggart

Council:

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; and
2. Authorises the Chief Executive Officer and Shire President to execute the Deed of Variation.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/0

(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JR Holmes, and Cr AT Pearse. AGAINST: Nil)

Attachments

5.1.1 Correspondence from Terra Mining Pty Ltd seeking extension

Background

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

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

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 March 2025, and a further extension is anticipated to meet Terra’s request to March 2026.

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.

A new Agreement will need to be developed for any longer-term arrangements, which should appropriately consider impacts of Terra’s activity from the last 12 months in relation to:

- Road and road user impacts
- Noise and other environmental impacts
- Compliance with agreement terms
- Main Roads WA considerations for extension of their permit approval
- New or amended terms from the existing Agreement
- Any other community impacts

As the Shire has not had sufficient time to collate and consider these matters to inform the decision for a further 12 month term, an interim approval is recommended. The approval to March 2026 will be a consideration for the 19 February 2025 Ordinary Council meeting.

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

Nil.

Financial Implications

The proposed variation will incorporate all existing terms, including the requirement for compensation associated with maintaining the road to an acceptable standard, and contributions to the Community Infrastructure Fund.

The estimated legal costs and associated disbursements are expected to be around \$800, and it is proposed that these costs be borne by Terra.

Strategic Implications

Strategic Community Plan 2023-2033

1.4 Engage with industry stakeholders to ensure accountability for quality road standards

Corporate Business Plan 2024-2028

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

Cr JD Bagley entered the meeting at 5:004pm.

6.0 CORPORATE SERVICES

6.1 RFT02 24-25: INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) CONTRACTOR (MANAGED SERVICES PROVIDER)

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: IT.TEN.24.25
Date: 30 January 2025
Author: Jack Smith, Senior Finance Officer
Authorising Officer: Helen Sternick, Manager Corporate Services
Voting Requirements: Absolute Majority

Summary

The Shire's contract with our current Information and Communication Technology (ICT) provider is due to expire in mid-March. Due to the monetary value and multi-year nature of the engagement, the Shire is required to undergo a formal Request for Tender (RFT) process, for which the Chief Executive Officer does not have delegated authority to call for tenders under the tender exempt banner over the \$250,000 threshold.

To ensure operational continuity, delegate authority to the Chief Executive Officer to award the contract to a limit of \$320,000 for the full term of the contract. Awarding the tender promptly will meet the expiry date of the current contract and transition to a potential new provider.

Key Points

- Our current ICT contract ends in March with no further option to extend or renew; the Corporate Services team would like to release a Request for Tender package via the WALGA Preferred Supplier Panel as soon as possible to minimise disruption.
- Both the decision to handle the engagement under the Tender Exempt procurement stream, and the decision to award the contract to the successful tenderer, would ordinarily sit with Council; the Corporate Services team would like to take proactive steps to eliminate delays and compliance roadblocks in relation to the selection of, and contract negotiation with, the successful tenderer.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 6.1 - RESOLUTION#02290125

MOVED: Cr HR McTaggart

SECONDED: Cr JR Holmes

Council:

1. Authorises the release of RFT 02 24-25 Information and Communication Technology (ICT) Contractor (Managed Services Provider) as a Tender Exempt procurement in accordance with r.11 of the *Local Government (Functions and General) Regulations 1996* via the WALGA Preferred Supplier Panel; and
2. Delegates to the Chief Executive Officer, in accordance with section 5.42(1) of the *Local Government Act 1995*, by Absolute Majority, authority to award the contract for RFT 02 24-25 Information and Communication Technology (ICT) Contractor (Managed Services Provider) to the most advantageous tenderer, to a limit of \$320,000 ex GST for the term of the contract (\$64,000 ex GST per year).

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 5/0

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

Attachments

- 6.1.1 Request for Tender Package – ICT Managed Services
- 6.1.2 *Confidential: Appendix A Proposed Draft Contract (provided to Councillors under separate, confidential cover)*

Background

The current Managed Service Agreement (MSA) was awarded on to Infinitum Technologies Pty Ltd (“Infinitum”) in March 2020, and after a twelve month review the agreement was extended until March 2024. A clause in the agreement included the option for a further two (2) year term but neither party initiated this process, resulting in defaulting to the automatic extension of 12 months. This extension is due to expire on 17 March 2025.

Council staff have been actively working to compile the tender and contract management documents since February 2024. It is essential for effective contract management that the tender and contract is well-researched and comprehensively planned to ensure best outcomes for Council, and the tender provides adequate detail and flexibility for negotiating contract terms. With competing workloads this has been a significant undertaking by the Corporate Services team.

Since the commencement of the current MSA, the ICT environment has changed substantially, such as Cloud technology infrastructure and software, increased cybersecurity requirements and cybercrime. The proposed RFT includes day-to-day technical and operational support but also ongoing consultancy/advisory services in relation to ICT asset management, cyber security including training, network administration and bespoke projects. Broadening of the scope will allow for future improvements to meet the ever-changing ICT environment and proactive management of the successful tenderer by the supply of monthly reporting and quarterly meetings.

An initial discovery phase will need to be undertaken to properly catalogue our ICT assets and map the existing network, and to facilitate the handover from Infinitum to the new Managed Services Provider (MSP) - should that eventuate - laying the groundwork for future projects.

Other than supporting the Shire’s day-to-day ICT needs, it is also envisaged that our MSP will play a key role in future projects, including a staged transition away from our current legacy systems to a more integrated, cloud-based solution. Such advisory work and hands-on support with respect to asset management and network administration has been historically out-of-scope.

Comment

Due to the aggregated cost of the proposed RFT being greater than \$250,000 and the use of the tender exempt process under the WALGA Preferred Supplier Panel, the CEO does not have delegated authority to call for tenders, therefore is being presented to Council.

To provide assurances to Council in relation to the second part of this recommendation re: the delegated authority of the CEO to award the tender and execute the related contracts, the following internal controls have been implemented:

- The RFT contains transparent disclosures that set out the evaluation criteria to be used, with weighting given to each element, ensuring a fair and objective assessment process;
- The assessments will be conducted and recorded by staff other than the CEO;
- The RFT supplies the proposed (draft) contract in its entirety, which solidifies and sets the limits for the Scope of the final contract, which the CEO must work within.

After careful review, staff are satisfied that the proposed contract addresses the observed deficiencies with the previous arrangement; it quantifies the qualitative aspects of service delivery in an ICT-specific context, and maps deliverables to the remedies and enforcement mechanisms available to the Shire. Including this information with the RFT should also deter submissions from respondents who are not prepared to be held

accountable for performance and/or may be unwilling or unable to absorb costs in relation to the Shire's ongoing compliance activities (i.e. audits, insurance reviews, and cyber security testing).

If the RFT is not awarded prior to the expiry of the extended MSA or timing issues occur with handover, a monthly agreement with Infinitum might be an option to ensure continuance of business operations until the successful tenderer has sufficient time to complete the transition.

Should no suitable tenders be received that have a monetary value within the delegated limit, the decision will be referred to Council, potentially at a Special Council meeting in March 2025, to reduce any business continuity risk.

Consultation

Internal staff, LGIS's risk and cyber specialists, and WALGA's procurement specialists, to ensure the structure and content of the request and contract documents, jointly and severally, would be fit for purpose, and adequately address the Shire's operational and financial risks.

Statutory Environment

To the best of our knowledge, this recommendation is consistent with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996. Specifically, we refer to Part 4 – Provision of Goods & Services, Division 2 – Tenders for providing for goods or services, Section 11 – When tenders have to be publicly invited, Subsection 2(b), which states:

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

(1A) In this regulation —

COVID-19 declaration has the meaning given in the *Emergency Management Act 2005* section 77C(1);

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;

Policy Implications

1.3.1 Purchasing Policy (Oct 2024) applies to this activity, with the relevant provisions outlined below:

1.4 PURCHASING THRESHOLDS AND PRACTICES

1.4.1. Defining the Purchasing Value

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 29 JANUARY 2025

- b) *Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements are able to be provided by a single supplier.*

A category of supply can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity...

...The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

The sum of invoices from Infinitum since they were first engaged in 2018 came to \$410,698.41 (inc. GST) as at 31 October, 2024. Some of this expenditure relates to the purchase of physical assets, some to subscription-based software, and the balance to Managed Services, including remote technical support. It is envisaged that the Shire's next MSP will take ownership of all functions relating to our ICT assets and third-party licensing, including procurement.

Similarly, it is envisaged that the new Agreement will span a similar timeframe, with built-in options to extend the relationship beyond the initial term.

It is therefore appropriate to aggregate these amounts for the purpose of determining the relevant Purchasing Threshold that should apply to this engagement.

1.4.2. Table of Purchasing Thresholds and Practices

Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1

Existing Prequalified Supplier Panel or other Contract

Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract.

If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA may be used.

There is no option to further renew or extend the service under our existing contract with Infinitum.

Priority 2

Local Suppliers

Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.

If no relevant local supplier is available, then a relevant WALGA PSA may be used.

Since the estimated value of the contract far exceeds the tender threshold of \$250,000, Priority 2 does not apply to this activity.

Priority 3:

Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)

Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.

However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier.

Reasons for not using a PSA may include:

- i. Local supplier availability (that are not within the PSA); or,*
- ii. Social procurement – preference to use Aboriginal business or Disability Enterprise.*

If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.

ICT Services fall under category PSP001 of the WALGA Preferred Supplier Panel, with 206 pre-qualified suppliers listed as at 31 October 2024. We believe this pool of candidates should be of sufficient size and depth to attract a number and diversity of responses that will meet our requirements and ensure a competitive tender process.

Financial Implications

Until the responses are received, we cannot quantify the extent of the budgetary impact to Council, if any. The current budget has accounted for the same services and licences to be provided, under the same schedule of rates, up to 30 June, even though our contract with Infinitem expires sooner.

Managed Service Agreement expenditure is included within the Long Term Financial Plan 2025-2036, over the next five (5) years it has an allocation of \$308,614 (an average of \$61,723 per year). Although the limit set in the recommendation is above the LTFP allocation, this is allowing for the increases from the wider scope in the RFT from the original MSA.

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

7.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

9.0 CONFIDENTIAL ITEMS

Nil.

10.0 TIME AND DATE OF NEXT MEETING

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

11.0 CLOSURE

The meeting was closed at 5:09pm.

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

Signed _____
Presiding Officer

Date: _____



MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING
10 FEBRUARY 2025

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MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF THE SHIRE OF MINGENEW TO BE HELD IN COUNCIL CHAMBERS ON 10 FEBRUARY 2025 COMMENCING AT 8:30AM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr HR McTaggart welcomed everyone and opened the meeting at 8:30am and noted, in accordance with r.14I of the *Local Government (Administration) Regulations 1996* this meeting is being recorded.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Committee Members

Cr HR McTaggart (Chairperson)

Cr GJ Cosgrove

Cr AR Smyth

Ms J Bagshaw (Independent Member)

Staff

Matt Fanning, Chief Executive Officer

Erin Greaves, Manager Governance and Community

Apologies

Cr AT Pearse

Helen Sternick, Manager Corporate Services

3.0 DECLARATIONS OF INTEREST

Ms Bagshaw disclosed an interest in Item 5.1 Appointment of Independent Member – Audit & Risk Committee, as the proposed appointee with a financial interest.

Ms Greaves disclosed an impartiality interest in Item 5.2 Shire of Mingenew 2024 Compliance Audit Return, as the reporting officer and self-auditor for components of the Return.

4.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

4.1 AUDIT & RISK COMMITTEE MEETING HELD 26 NOVEMBER 2024

OFFICER RECOMMENDATION AND COMMITTEE DECISION - ITEM 4.1

MOVED: Cr AR Smyth **SECONDED:** Ms J Bagshaw

That the Minutes of the Audit & Risk Committee Meeting of the Shire of Mingenew held in the Council Chambers on 26 November 2024 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/0

(FOR: Cr HR McTaggart, Cr GA Cosgrove, Cr AR Smyth, and Ms J Bagshaw AGAINST: Nil)

5.0 OFFICER REPORTS

Prior to discussion of Item 5.1, Ms J Bagshaw disclosed a financial interest in the item and left the meeting at 8:32am.

5.1 APPOINTMENT OF INDEPENDENT MEMBER – AUDIT & RISK COMMITTEE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: GV.CMT.4
Disclosure of Interest: Ms Jane Bagshaw – Financial Interest
Date: 4 February 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Following an Expressions of Interest process for the Audit & Risk Committee's Independent Member, a recommendation is made for filling the position.

Key Points

- The Audit & Risk Committee's Terms of Reference indicates the position of Independent Member must be recruited through an expression of interest process every 3 years
- Ms Jane Bagshaw was appointed by Council in December 2021 as Independent Member and her term expired in December 2024 (with temporary extension granted by Council until an appointment made)
- After Expressions of Interest were called no applications were received
- Ms Jane Bagshaw has indicated her willingness to serve another term

OFFICER RECOMMENDATION AND COMMITTEE DECISION - ITEM 5.1

MOVED: Cr GA Cosgrove SECONDED: Cr AR Smyth

That the Audit & Risk Committee recommends to 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.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 3/0

(FOR: Cr HR McTaggart, Cr GA Cosgrove and Cr AR Smyth AGAINST: Nil)

Background

Ms Jane Bagshaw was appointed as Independent Member for the Shire's Audit & Risk Committee in December 2021. Her appointment was for a 12 month term, with the option to renew for a further two years. As her three year term has been served, based on a recommendation from the Committee, Council agreed to seek Expressions of Interest (EOI) advertising the position and setting selection criteria based on the desired skill set and candidate qualities.

The advertising process commenced in November 2024, with EOIs sought and applications closing Tuesday, 10 December 2024. Notices were issued in the Mingenew Matters, on the Shire's website page, and on the Shire's Facebook page.

After having received no submissions, the advertising period was extended to 29 January 2025. No applications were received after the extension.

Comment

Ms Bagshaw holds qualifications in accounting and business management, has experience working in local government as a former Senior Management Accountant/Analyst at the City of Greater Geraldton and now holds a position with St John of God Health Care as Director of Finance and Corporate Services.

Ms Bagshaw did not submit a formal EOI but indicated to the Committee that she was willing to extend her appointment if no other suitable candidates wished to take up the opportunity.

Whilst Ms Bagshaw is based out of Geraldton, she has consistently committed to attending all meetings, with a majority attended in-person and actively contributes to meeting discussions. It is therefore recommended that, subject to her agreement, be reappointed for another term.

Statutory Environment

Local Government Act 1995

5.9. Committees, types of

- (1) In this section — **other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

**Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

**Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Policy Implications

The Audit & Risk Committee's Terms of Reference outline the following with regard to recruitment and appointment of an Independent Member:

"Appointments of external independent persons will be made following a public advertisement/expressions of interest process or as otherwise determined by Council and be for a maximum term of three years. An independent member is eligible to reapply and be appointed for an additional term but is subject to the requirements of the recruitment / expressions of interest process each term expiry.

The following selection criteria is desirable to assist in appointing an Independent Member to the Committee:

- *Financial literacy and, ideally with qualifications or extensive experience in business management and/or accounting;*
- *Knowledge of local government operations and the environment within which councils operate;*
- *Strong communication skills;*
- *High level of personal and professional integrity and ethics; and*
- *Demonstrated knowledge of risk management principles and practices.*

The evaluation of potential members will be administered by the CEO and appointments will be approved by Council.

Council may terminate the appointment of any member prior to the expiry of his/her term, if:

- *The Chairperson considers that the member is not making a positive contribution to the Committee; or*
- *The member is found to be in breach of the Shire of Mingenew Code of Conduct or a serious contravention of the Local Government Act 1995; or*
- *A member's conduct, action or comments brings the Shire of Mingenew into disrepute.*

The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership, despite changes to Council's elected representatives."

Financial Implications

The Independent Member is entitled to a meeting sitting fee of \$130 per meeting, as per the Salaries and Allowances Tribunal Determination (2024).

Strategic Implications

Strategic Community Plan 2023-2033

14. Continued high standard of good governance and transparency
15. Financial practices are responsive to compliance requirements and revenue needs

Prior to discussion of Item 5.2, Ms Bagshaw returned to the meeting at 8:37am.

NOTE: Ms Bagshaw accepted the reappointment but disclosed life changes that could impact her availability and commitment to the role later in the year. The Committee agreed to stand by the appointment and address as required, acknowledging challenges in attracting candidates to the role through the EOI process. Proposed reform changes could also exacerbate these challenges for small regional local governments and feedback is being provided through consultation processes on reform..

The Committee once again thanked Ms Bagshaw for her valuable contributions and commitment.

5.2 SHIRE OF MINGENEW 2024 COMPLIANCE AUDIT RETURN

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.AUD.24.25
Disclosure of Interest:	Erin Greaves - Impartiality Interest (auditor for this report)
Date:	5 March 2024
Author:	Erin Greaves, Governance Officer
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

The 2024 Compliance Audit Return (CAR) is presented for the Audit & Risk Committee to consider and recommend to Council for endorsement so that it may be submitted to the Department.

Key Points

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

OFFICER RECOMMENDATION AND COMMITTEE DECISION - ITEM 5.2

MOVED: Cr GA Cosgrove

SECONDED: Cr AR Smyth

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.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/0

(FOR: Cr HR McTaggart, Cr GA Cosgrove, Cr AR Smyth, and Ms J Bagshaw AGAINST: Nil)

Attachment

5.2.1 Compliance Audit Return 2024

Background

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

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

For the year 2024, the CAR focused on the following areas:

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

Comment

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

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

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

Commercial Enterprises by Local Government

The Shire did not participate in any major trading or land transactions for the reporting period, as defined within s3.59 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*. The classification of "major" trading or land transaction refers to a value set out in the Regulations, which, for the Shire of Mingenew, has a lower threshold of 10% of operating expenditure incurred by the local government from its municipal fund in the last completed financial year (which is approximately \$535,000).

Delegation of Power / Duty

Council last adopted its Delegations Register, by Absolute Majority, in June 2024, which included the review of delegations to Committees, the CEO and all other personnel. No matters of non-compliance were found. The Delegations are scheduled for review again prior to 30 June 2025.

Disclosure of Interest

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

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

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

Disposal of Property

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

Two recent disposal processes include the lease of the unmanned fuel site and Elders block, as presented at the December 2024 Ordinary Council meeting.

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

Elections

The CAR questions relate to the disclosure of gifts and maintaining an electoral gift register. No gifts were disclosed during 2024, although a 'Nil' recording is made and register maintained.

Finance

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

Integrated Planning and Reporting

A major review of the Strategic Community Plan (SCP) and subsequently, the Corporate Business Plan (CBP), was completed in 2024.

Local Government Employees

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

Official Conduct

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

Optional Questions

The questions in this section related to conducting a Financial Management Review (FMR) in accordance with the *Local Government (Financial Management) Regulations 1996* and a Regulation 17 Audit (Reg 17) in accordance with the *Local Government (Audit) Regulations 1996*. Both are required to be done every three years. A FMR and Reg 17 Audit was last conducted in 2022, the next audits will also need to be conducted in 2024/25 (scheduled for Q1 2025).

Tenders for Providing Goods and Services

The Shire did not call for public tenders during 2024 (CAR reporting period). Any purchasing activity exceeding the tender threshold were dealt with under a tender exempt process, but typically through WALGA's eQuotes or Preferred Supplier Panel.

In order to review purchasing activities under the tender threshold (governed by Council's Purchasing Policy), a creditors report was run and all creditors that had a single expense or combined total expenditure for the year for each purchasing threshold category was reviewed for compliance against the Purchasing Policy. There was only one instance identified where the purchasing threshold requirements were not met but is a once-off and of low risk value. This is noted in the CAR.

Consultation

Helen Sternick, Manager Corporate Services
Shane Noon, Works Manager
Matt Fanning, Chief Executive Officer

Statutory Environment

Local Government Act 1995 Section 7.13

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

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

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

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

Policy Implications

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

Financial Implications

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

Strategic Implications

Strategic Community Plan 2023-2033

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

14.4 Identify risks and implement adequate management controls

15.2 Balance value for money principles and compliance in procurement practices

COMPLIANCE AUDIT RETURN 2024

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2024?	N/A	No major trading undertakings in 2024.
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2024?	N/A	No major land transactions in 2024.
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2024?	N/A	
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024?	N/A	
5	s3.59(5)	During 2024, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	Yes	19 June 2024 Ordinary Council Meeting (Resolution# 11190624) by Absolute Majority.
2	s5.16 (2)	Were all delegations to committees in writing?	Yes	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	Yes	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	
5	s5.18	Has council reviewed delegations to its committees in the 2023/2024 financial year?	Yes	19 June 2024 Ordinary Council Meeting (Resolution# 11190624) by Absolute Majority.
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ?	Yes	



7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	19 June 2024 Ordinary Council Meeting (Resolution# 11190624) by Absolute Majority.
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	N/A	No delegations revoked in 2024.
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2023/2024 financial year?	Yes	
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 19?	Yes	

Disclosure of Interest

No	Reference	Question	Response	Comments
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	Refer to Financial Interest Register for record of relevant minutes demonstrating actions to not remain present where required.
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the <i>Local Government (Administration) Regulations 1996</i> regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	Refer to Financial Interest Register for record of relevant minutes.
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made?	Yes	Refer to Financial Interest Register for record of relevant minutes.
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?	Yes	



6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	Yes	
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ?	Yes	As shown in Financial Register 2024. Register available on Shire website - Governance Page
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	As shown in Financial Register 2024. Register available on Shire website - Governance Page and Records Management System (NFM252767)
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person?	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , regulation 28A?	Yes	No gifts disclosed during reporting period. Register available on Shire website - Governance Page and Records Management System (NFM252767)
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	No gifts disclosed during reporting period. Website - Governance Page mingenew.wa.gov.au/council-and-staff/governance/
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the <i>Local Government Act 1995</i> , did the CEO remove from the register all records relating to those people?	N/A	No gifts disclosed
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	N/A	No gifts disclosed
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did	Yes	As shown in Financial Register 2024.



Department of
**Local Government, Sport
and Cultural Industries**

		that person disclose the nature and extent of that interest when giving the advice or report?		Register available on Shire website - Governance Page and Records Management System (NFM252767)
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the <i>Local Government Act 1995</i> relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	No application made to the Minister in reporting period.
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the <i>Local Government Act 1995</i> , recorded in the minutes of the council meeting at which the decision was considered?	N/A	No application made to the Minister in reporting period.
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?	Yes	Code of Conduct reviewed 6 December 2023 and adopted by Absolute Majority (Resolution# 14061223).
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the <i>Local Government Act 1995</i> ?	N/A	No additional requirements added.
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	Available on Shire website - Governance Page mingenew.wa.gov.au/council-and-staff/governance/
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employee of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	Available on Shire website - Governance Page mingenew.wa.gov.au/council-and-staff/governance/

Disposal of Property

No	Reference	Question	Response	Comments
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the <i>Local Government Act 1995</i> (unless section 3.58(5) applies)?	Yes	See 12 December 2024 Ordinary Council Meeting (Resolution# 12121224 and 13121224)



2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	Yes	See 12 December 2024 Ordinary Council Meeting (Resolution# 12121224 and 13121224)
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Elections				
No	Reference	Question	Response	Comments
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes	No gift disclosures in reporting period.
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes	No gift disclosures in reporting period.
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes	No gift disclosures in reporting period. Nil response but register available on Shire website - Governance Page mingenew.wa.gov.au/council-and-staff/governance/

Finance				
No	Reference	Question	Response	Comments



1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the <i>Local Government Act 1995</i> ?	Yes	Members appointed by Absolute Majority 15 November 2023 (Resolution# 01151123S) and 12 December 2024 (Resolution# 02121224)
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority?	N/A	No delegated powers to Committee
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2024 received by the local government by 31 December 2024?	Yes	Audit Committee 26 November and Council 12 December 2024 (Resolution# 09121224)
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	As outlined in Management Report
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No significant matters reported for 2023/24
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website?	N/A	
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2024 received by the local government within 30 days of completion of the audit?	Yes	Audit completed and report received 9 December 2024 (IFM2415502)

Integrated Planning and Reporting

No	Reference	Question	Response	Comments
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Last review and updated SCP adopted by Absolute Majority 21 February 2024 (Resolution# 10210224)



2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Last review and updated SCP adopted by Absolute Majority 21 August 2024 (Resolution# 11210824)
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of <i>Local Government (Administration) Regulations 1996</i> 19DA(2) & (3)?	Yes	

Local Government Employees				
No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 18A?	N/A	No relevant vacancies in 2024
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the <i>Local Government Act 1995</i> ?	N/A	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	

Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	CEO is the designated Complaints Officer



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2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the <i>Local Government Act 1995</i> ?	Yes	Nil complaints.
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ?	Yes	Nil complaints.
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	Nil complaints. Complaints Register available on the Shire website – mingenew.wa.gov.au/council-and-staff/governance

Optional Questions

No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2024? If yes, please provide the date of council's resolution to accept the report.	Yes	FMR conducted in 2022 and results received 14 December 2022 (Res#02141222). Next review scheduled for Q1 2025.
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2024? If yes, please provide date of council's resolution to accept the report.	Yes	Reg 17 Audit conducted in 2022 and results received 14 December 2022 (Res#02141222). Next review scheduled for Q1 2025.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	N/A	Nil disclosures received in 2024.
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	Reviewed and adopted by Absolute Majority 6 December 2023 (Resolution# 14061223)



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				Policy available on the Shire website – mingenew.wa.gov.au/council-and-staff/governance
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the <i>Local Government Act 1995</i> ?	Yes	
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Reviewed and adopted by Absolute Majority 6 December 2023 (Resolution# 14061223)
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2024?	Yes	Training Register available on the Shire website – mingenew.wa.gov.au/council-and-staff/governance and published in Annual Report
8	s6.4(3)	By 30 September 2024, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2024?	Yes	
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	One non-compliance instance identified where insufficient quotes were sought/obtained for goods valued between \$10,001 and \$50,000.
2	s3.57 F&G Reg 11	Subject to <i>Local Government (Functions and General) Regulations 1996</i> , regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	N/A	No tenders called in reporting period (tender exemption requirements applied).



3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the <i>Local Government Functions and General) Regulations 1996</i> , required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	N/A	No tenders called in reporting period.
4	F&G Reg 12	Did the local government comply with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	Yes	
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 15 and 16?	Yes	
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	No public tenders listed for 2024, although register maintained as per requirements.
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	No public tenders rejected.
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	N/A	
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	N/A	
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulations 21 and 22?	N/A	No expressions of interest in 2024.
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	



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13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24?	N/A	
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with <i>Local Government (Functions & General) Regulations 1996</i> regulations 24AD(4) and 24AE?	N/A	No applicants invited for a panel of pre-qualified suppliers.
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24AG?	N/A	
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	



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22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24E and 24F?	Yes	Regional Price Preference Policy available on Shire website – mingenew.wa.gov.au/council-and-staff/governance and included in all applicable tenders.
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Chief Executive Officer

Date

Mayor/President

Date

5.3 REVIEW OF RISK REGISTER ACTION LIST

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: RM.RPT.1
Disclosure of Interest: Nil
Date: 5 February 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To review the status of actions/treatments identified within the Shire's Risk Register Action List.

Key Points

- The Audit & Risk Committee received the Risk Register in November 2024 and resolved to review the Register at each meeting
- The Actions list includes one action/treatment due for completion at the time of this meeting and this has been actioned

OFFICER RECOMMENDATION AND COMMITTEE DECISION - ITEM 5.3

MOVED: Cr GA Cosgrove

SECONDED: Cr AR Smyth

That the Audit & Risk Committee receives the Risk Register Action List and notes the status updates, as presented.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/0

(FOR: Cr HR McTaggart, Cr GA Cosgrove, Cr AR Smyth, and Ms J Bagshaw AGAINST: Nil)

Attachment

5.3.1 Shire of Mingenew Risk Register 2024/25

Background

The Audit & Risk Committee resolved to review the Risk Register at each meeting, and it is therefore provided to the Committee.

Comment

The following table lists the actions/treatments proposed to address key risks identified within the Shire's Risk Register and includes a status update for actions due. There are currently no outstanding actions/treatments.

Action / Treatments	Risk Category	Due Date	Responsibility	Status
Council to adopt a 'Dealing with Challenging Behaviours' Policy and internal staff training	Psychosocial Hazards	Dec-24	MGC	COMPLETED Adopted by Council 12 December 2024
Pre-budget planning for community projects - include early engagement with stakeholders	Project management	Feb-25	MCS	Letter drafted for issuing week commencing 3 Feb, responses requested by 26 Feb 2025.

Councillors to complete mandatory training	Compliance	Mar-25	Council	
Establish and adopt minimum standards for bushfire volunteers	WHS	Mar-25	CEO	
Ensure appointed fire wardens complete training	Business and Community Disruption	Mar-25	MGC	
Psychological Hazards Training (LGIS) for employees	Psychosocial Hazards	Mar-25	LGIS / MGC	
Performance reviews for all employees completed annually	Employment Practices	Apr-25	All Managers / CEO	
Cyber awareness training for employees and Councillors (include as provision in new ICT Contract)	IT, communications systems and infrastructure	Apr-25	MCS	
Implement WHS Audit Actions	WHS	Apr-25	MGC	
Test emergency procedures	Business and Community Disruption	May-25	MGC	
Train additional staff to conduct playground inspections (LGIS)	Asset Sustainability	Jun-25	WM	
First aid training to be provided for staff and bushfire volunteers	Business and Community Disruption	Jun-25	MGC	
Upgrade Rec Centre as Evacuation Centre	Environment	Jun-25	CEO	
Train additional staff to conduct playground inspections (LGIS)	Management of facilities, venues, events and services	Jun-25	WM	
Transition to electronic purchasing / management system	Purchasing and Supply	Jun-25	MCS	
Implement schedule for regular playground inspections (trained staff)	Asset Sustainability	Dec-25	WM	
Workforce Plan to be updated (internal resource)	Employment Practices	Dec-25	MGC	
Implement schedule for regular playground inspections (trained staff)	Management of facilities, venues, events and services	Dec-25	WM	
Develop events management process and checklist for community	Management of facilities, venues, events and services	Dec-25	MGC	
Develop Building Maintenance Program	Asset Sustainability	Jun-26	MGC (external assist)	
Prepare Public Health Plan	Environment	Jun-26	MGC	
Update Asset Management Plan (allocate funding 2025/26 Budget)	Asset Sustainability	Jun-26	CEO (external assist)	

The Action List will be a standing item on the Audit & Risk Committee Agenda but will not be referred to Council unless the Committee requests a particular matter should be raised with Council.

Statutory Environment

Local Government Act 1995

Policy Implications

Council Policy 1.2.1 Risk Management Policy and Procedure

Financial Implications

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

Strategic Implications

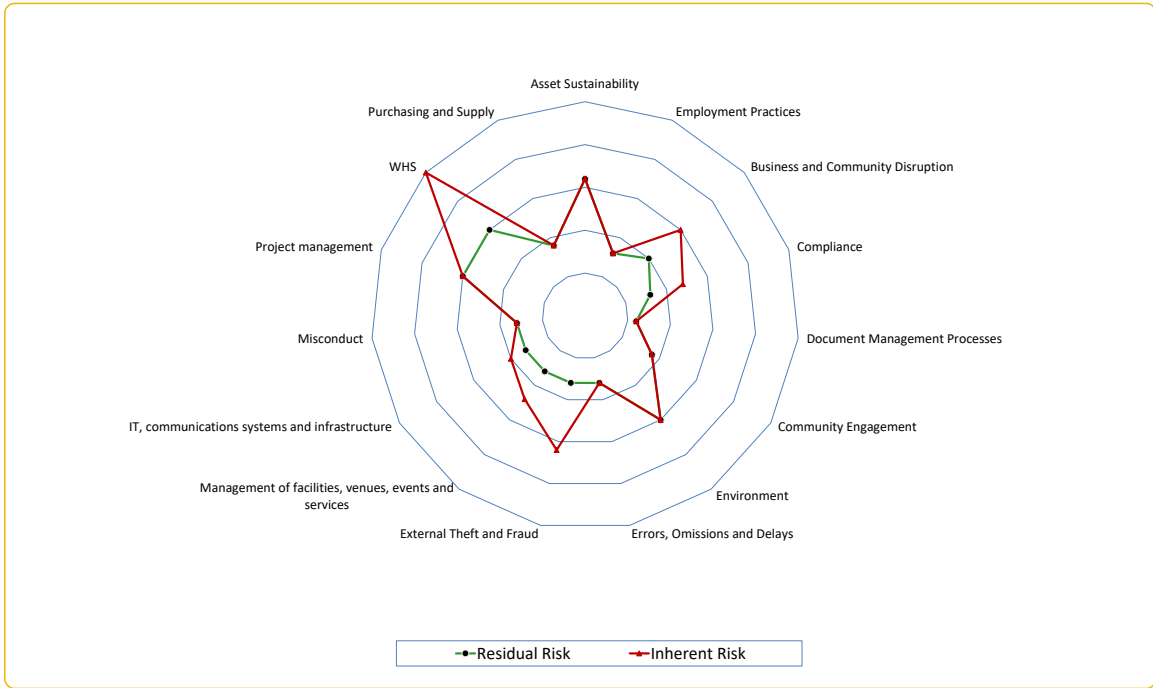
Strategic Community Plan 2023-2033

14.4 Identify risks and implement adequate management controls

Risk Register Action List

Action / Treatments	Risk Category	Due Date	Responsibility	Status
Council to adopt a 'Dealing with Challenging Behaviours' Policy and internal staff training	Psychosocial Hazards	Dec-24	MGC	Adopted by Council 12 December 2024
Pre-budget planning for community projects - include early engagement with stakeholders	Project management	Feb-25	MCS	Letter drafted for issuing week commencing 3 Feb, responses requested by 26 Feb 2025.
Councillors to complete mandatory training	Compliance	Mar-25	Council	
Establish and adopt minimum standards for bushfire volunteers	WHS	Mar-25	CEO	
Ensure appointed fire wardens complete training	Business and Community Disruption	Mar-25	MGC	
Psychological Hazards Training (LGIS) for employees	Psychosocial Hazards	Mar-25	LGIS / MGC	
Performance reviews for all employees completed annually	Employment Practices	Apr-25	All Managers / CEO	
Cyber awareness training for employees and Councillors (include as provision in new ICT Contract)	IT, communications systems and infrastructure	Apr-25	MCS	
Implement WHS Audit Actions	WHS	Apr-25	MGC	
Test emergency procedures	Business and Community Disruption	May-25	MGC	
Train additional staff to conduct playground inspections (LGIS)	Asset Sustainability	Jun-25	WM	
First aid training to be provided for staff and bushfire volunteers	Business and Community Disruption	Jun-25	MGC	
Upgrade Rec Centre as Evacuation Centre	Environment	Jun-25	CEO	
Train additional staff to conduct playground inspections (LGIS)	Management of facilities, venues, events and services	Jun-25	WM	
Transition to electronic purchasing / management system	Purchasing and Supply	Jun-25	MCS	
Implement schedule for regular playground inspections (trained staff)	Asset Sustainability	Dec-25	WM	
Workforce Plan to be updated (internal resource)	Employment Practices	Dec-25	MGC	
Implement schedule for regular playground inspections (trained staff)	Management of facilities, venues, events and services	Dec-25	WM	
Develop events management process and checklist for community	Management of facilities, venues, events and services	Dec-25	MGC	
Develop Building Maintenance Program	Asset Sustainability	Jun-26	MGC (external assist)	
Prepare Public Health Plan	Environment	Jun-26	MGC	
Update Asset Management Plan (allocate funding 2025/26 Budget)	Asset Sustainability	Jun-26	CEO (external assist)	

**Local Government
Risk Dashboard**



Asset Sustainability	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	High	Risk Acceptance	Unacceptable
Failure or reduction in service of infrastructure assets, plant, equipment or machinery. These include fleet, buildings, roads, playgrounds, boat ramps and all other assets during their lifecycle from procurement to disposal.				
Implement schedule for regular playground inspections (trained 45992 WM)				

Employment Practices	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Inadequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Failure to effectively manage human resources (full-time, part-time, casuals, temporary and volunteers).				

Business and Community Disruption	Risk Rating		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	High	Risk Acceptance	Urgent attention
Failure to adequately prepare and respond to events that cause disruption to the local community and / or normal business activities. This could be a natural disaster, weather event, or an act carried out by an external party (e.g. sabotage / terrorism) and/or pandemic.				

Compliance	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes, new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation. It includes (amongst others) the Local Government Act, Planning & Development Act, Health Act, Building Act, Dog Act, Cat Act, Freedom of Information Act and all other legislative based obligations for Local Government.				

Document Management Processes	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation.				

Community Engagement	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and Elected Members. This includes activities where communication, feedback or consultation is required and where it is in the best interests to do so				

Environment	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	High	Risk Acceptance	Urgent attention
Inadequate prevention, identification, enforcement and management of environmental issues.				

Errors, Omissions and Delays	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process including incomplete, inadequate or inaccuracies in advisory activities to customers or internal staff.				

External Theft and Fraud	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Loss of funds, assets, data or unauthorised access, (whether attempted or successful) by external parties, through any means (including electronic), for the purposes of fraud, malicious damage or theft.				

Management of facilities, venues, events and services	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Failure to effectively manage the day to day operations of facilities, venues and events.				

Misconduct	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Intentional activities in excess of authority granted to an employee, which circumvent endorsed policies, procedures or delegated authority				

Project management	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	High	Risk Acceptance	Urgent attention
Inadequate analysis, design, delivery and reporting of projects / change initiatives				

IT, communications systems and infrastructure	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Adequate
	Residual Risk	Moderate	Risk Acceptance	Accept
Instability, degradation of performance, or other failure of IT or communication system or infrastructure causing the inability to continue business activities and provide services to the community.				

Purchasing and Supply	Risk Ratings		Risk Evaluation	
	Inherent Risk	Moderate	Control effectiveness	Inadequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Inadequate management of external Suppliers, Contractors, IT Vendors or Consultants engaged for operations. This includes issues that arise from the ongoing supply of services or failures in contract management & monitoring processes.				

WHS	Risk Ratings		Risk Evaluation	
	Inherent Risk	Extreme	Control effectiveness	Inadequate
	Residual Risk	High	Risk Acceptance	Urgent attention
Non-compliance with the Workplace Health & Safety Act, associated regulations and standards.				

Psychosocial Hazards	Risk Ratings		Risk Evaluation	
	Inherent Risk	High	Control effectiveness	Inadequate
	Residual Risk	Moderate	Risk Acceptance	Monitor
Inadequate controls to identify and manage psychosocial hazards, including poor work design, oversight and non-compliance with WHS Act and Regulations.				

Asset Sustainability

Sep-24

Risk Description

Failure or reduction in service of infrastructure assets, plant, equipment or machinery.

These include fleet, buildings, roads, playgrounds, boat ramps and all other assets during their lifecycle from procurement to disposal.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Skill level & behaviour of operators • Lack of trained staff • Outdated equipment • Insufficient budget to maintain or replace assets • Unavailability of parts • Lack of Maintenance • Breakdowns 	<ul style="list-style-type: none"> • Financial • Service interruption • Property damage • Non compliance • Health

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Likely	High

Key Controls	Type	Date	Control Operating Effectiveness
Plant Replacement Program	Preventative	Sep-24	Adequate
Asset Management Framework (Plan & Strategy)	Preventative	Sep-24	Inadequate
Building Maintenance Program	Preventative	Sep-24	Inadequate
Fleet Management System	Preventative	Sep-24	Adequate
Road Asset Management System	Preventative	Sep-24	Adequate
Housing Replacement Program	Preventative	Sep-24	Adequate
Incident reporting	Detective	Sep-24	Adequate
Property condition inspections	Detective	Sep-24	Adequate
Playground inspections	Detective	Sep-24	Inadequate
Training Register and Plan	Preventative	Sep-24	Effective

Overall Control Effectiveness Inadequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Likely	High

Risk Evaluation Unacceptable

Actions / Treatments	Due Date	Responsibility
Update Asset Management Plan (allocate funding 2025/26 Budget)	Jun-26	CEO (external assist)
Develop Building Maintenance Program	Jun-26	MGC (external assist)
Train additional staff to conduct playground inspections (LGIS)	Jun-25	WM
Implement schedule for regular playground inspections (trained staff)	Dec-25	WM

Comments / Justifications

Building maintenance is currently reactive, planned maintenance scheduling, developed from inspections of infrastructure will assist the Shire to have a facilitate a more planned approach. Data from asset valuations to inform a holistic Building Maintenance Plan. Work has commenced on preparing a Plan specific to Housing maintenance.

Asset Management Plan significantly out of date (2016) - to be renewed following valuation and as resources provide.

Business and Community Disruption

Sep-24

Risk Description

Failure to adequately prepare and respond to events that cause disruption to the local community and / or normal business activities. This could be a natural disaster, weather event, or an act carried out by an external party (e.g. sabotage / terrorism) and/or pandemic.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Cyclone, storm, fire, earthquake • Terrorism / sabotage / criminal behaviour • Epidemic / Pandemic • Loss of suppliers • Climate change • Loss of key staff • Loss of key infrastructure 	<ul style="list-style-type: none"> • Service Interruption • Reputational damage • Health • Financial Impact

Inherent Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Possible	High

Key Controls	Type	Date	Control Operating Effectiveness
Local Emergency Management Arrangements	Recovery	Sep-24	Effective
Local Recovery Plan	Recovery	Sep-24	Adequate
Business Continuity Plan	Recovery	Sep-24	Adequate
Cybersecurity systems	Preventative	Sep-24	Effective
Financial Management procedures	Preventative	Sep-24	Effective
State of Emergency protocols	Recovery	Sep-24	Adequate
STAND	Recovery	Sep-24	Effective
PID Policy and procedures	Detective	Sep-24	Effective
LEMC Meetings and exercises	Preventative	Sep-24	Effective
Established & Trained ECO's (Fire Wardens, First Aiders)	Preventative	Sep-24	Inadequate
List of vulnerable community members	Recovery	Sep-24	Adequate
Evacuation procedures	Preventative	Sep-24	Adequate
Employee Assistance Program (EAP) and counselling services	Recovery	Sep-24	Effective

Overall Control Effectiveness	Inadequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Unlikely	High

Risk Evaluation	Urgent attention

Actions / Treatments	Due Date	Responsibility
Ensure appointed fire wardens complete training	Mar-25	MGC
Test emergency procedures	May-25	MGC
First aid training to be provided for staff and bushfire volunteers	Jun-25	MGC

Comments / Justifications

Provision of training for fire wardens and first aid has been included in the Shire's Training Plan and Budget for 2024/25.

Emergency procedures will require review and testing once fire wardens trained.

Compliance

Sep-24

Risk Description

Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes, new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation. It includes (amongst others) the Local Government Act, Planning & Development Act, Health Act, Building Act, Dog Act, Cat Act, Freedom of Information Act and all other legislative based obligations for Local Government.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Lack of training, awareness and knowledge Staff Turnover Inadequate record keeping/ failure of corporate electronic systems Ineffective policies & processes Impulsive decision making Elected member turnover Lack of Legal Expertise Breakdowns in the tender or procurement process Ineffective monitoring of changes to legislation Attitudinal problems 	<ul style="list-style-type: none"> Non-compliance Reputational Environmental Financial Impact

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Possible	High

Key Controls	Type	Date	Control Operating Effectiveness
Compliance Calendar	Preventative	Sep-24	Effective
Compliance Audit Return	Detective	Sep-24	Effective
Councillor and Staff Inductions	Preventative	Sep-24	Adequate
Records Management System	Preventative	Sep-24	Effective
WALGA Governance subscription	Preventative	Sep-24	Effective
LG Professionals - DLGSC webinars	Preventative	Sep-24	Effective
Audit & Risk Committee	Preventative	Sep-24	Effective
Internal Audits (Internal Audit Plan)	Detective	Sep-24	Adequate
External Audits (financial, Reg 17 etc)	Detective	Sep-24	Effective
Financial Interest disclosures	Preventative	Sep-24	Effective
Elected Member Training & Register	Preventative	Sep-24	Inadequate
FOI, PID Process	Detective	Sep-24	Effective
Councillor Attendance Register	Preventative	Sep-24	Effective
Tender Register & documented process	Preventative	Sep-24	Adequate
Policy Reviews	Preventative	Sep-24	Adequate

Overall Control Effectiveness	Inadequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor
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Actions / Treatments	Due Date	Responsibility
Councillors to complete mandatory training	Mar-25	Council

Comments / Justifications
Council currently has four members that have not completed all units of the mandatory Council Member Training, although budget provision has been made. No consequences for non-compliance. Challenging for Councillors to commit time.

Document Management Processes

Sep-24

Risk Description

Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Spreadsheet/database/document corruption or loss • Inadequate access and / or security levels • Inadequate Storage facilities (including climate control) • Lack of knowledge/training • Incompatible systems • Lack of awareness of the State Records Act • Outdated record keeping practices • Incomplete authorisation trails 	<ul style="list-style-type: none"> • Compliance • Reputation • Loss of data

Inherent Risk	Consequence	Likelihood	Risk Rating
	Moderate	Unlikely	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
Records Management Policy and procedures	Preventative	Sep-24	Effective
Recordkeeping Plan	Preventative	Sep-24	Effective
Recordkeeping Inductions	Preventative	Sep-24	Adequate
Climate control archive and records room	Preventative	Sep-24	Adequate
Records access management	Preventative	Sep-24	Effective
Data back up systems	Preventative & Recovery	Sep-24	Effective

Overall Control Effectiveness	Risk Rating
	Adequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Moderate	Unlikely	Moderate

Risk Evaluation	Monitor

Actions / Treatments	Due Date	Responsibility
Nil.		

Comments / Justifications

Important to ensure new staff are appropriately trained on record keeping procedures and practices to maintain and improve.

Employment Practices

Sep-24

Risk Description

Failure to effectively manage human resources (full-time, part-time, casuals, temporary and volunteers).

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Leadership failures Key / single-person dependencies Poor internal communications / relationships Ineffective Human Resources policies, procedures and practices Ineffective performance management arrangements Limited staff availability - labour market Inadequate staff training / knowledge 	<ul style="list-style-type: none"> Health Compliance Reputation Service interruption

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
HR Policies and procedures	Preventative	Sep-24	Adequate
Training Register and Plan	Preventative	Sep-24	Adequate
Performance appraisals	Detective	Sep-24	Inadequate
Position Description reviews	Preventative	Sep-24	Adequate
Attraction and Retention Policy	Preventative	Sep-24	Adequate
WALGA Employee Relations subscription	Preventative & Recovery	Sep-24	Effective
Internal resourcing (HR expertise)	Preventative	Sep-24	Effective
Code of Conduct	Preventative	Sep-24	Effective
Workforce Plan	Preventative	Sep-24	Inadequate
Staff inductions / onboarding	Preventative	Sep-24	Adequate
Termination controls	Preventative	Sep-24	Adequate
Staff meetings / memos	Preventative	Sep-24	Effective
Exit Interviews	Detective	Sep-24	Adequate

Overall Control Effectiveness Inadequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation Monitor

Actions / Treatments	Due Date	Responsibility
Performance reviews for all employees completed annually	Apr-25	All Managers / CEO
Workforce Plan to be updated (internal resource)	Dec-25	MGC

Comments / Justifications

Workforce Plan 2020-2024 is due for review. In consideration of internal resourcing, the project could be completed by Dec-2025. Workforce Plan update provides a control for various risk themes, including 'Psychosocial' and 'Project Management'.

Performance reviews have not been consistently completed for all staff within the organisation, although most are complete. The Shire does have a reasonable practice for ensure there are opportunities to discuss performance, training needs and employee satisfaction outside of reviews, this mechanism ensures there is a formal opportunity and records captured.

Community Engagement

Sep-24

Risk Description

Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and Elected Members. This includes activities where communication, feedback or consultation is required and where it is in the best interests to do so

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Relationship breakdowns with community groups Leadership inattention to current issues Inadequate documentation or procedures Budget / funding issues Poor communication and engagement on issues Inadequate support for community groups 	<ul style="list-style-type: none"> Reputation Compliance Service interruption Environmental

Inherent Risk	Consequence	Likelihood	Risk Rating
	Moderate	Possible	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
Newsletter / Social Media / SMS / Emails / Media Releases / Letter drops	Preventative	Sep-24	Effective
Community Satisfaction Survey	Detective	Sep-24	Effective
Community Information Sessions / Workshops	Preventative	Sep-24	Effective
Concept Forums / Council Meetings	Preventative	Sep-24	Adequate
Executive Management Team meetings	Preventative	Sep-24	Effective
Community Surveys	Detective	Sep-24	Effective
Marketing & Communication Strategy	Preventative	Sep-24	Adequate
Crisis Communication Plan	Preventative	Sep-24	Adequate
Budget Reviews	Detective	Sep-24	Adequate
Internal resourcing (Community Development)	Preventative	Sep-24	Effective
Staff Meetings and memos	Preventative	Sep-24	Effective
Overall Control Effectiveness			Adequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Moderate	Possible	Moderate

Risk Evaluation	Monitor

Actions / Treatments	Due Date	Responsibility
Nil		

Comments / Justifications

Yet to implement Marketing & Communications Strategy but framework in place. Request for quote to implement the Strategy is imminent.

Environment

Sep-24

Risk Description

Inadequate prevention, identification, enforcement and management of environmental issues.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Inadequate management of landfill sites Lack of understanding / knowledge Inadequate local laws / planning schemes Prolific extractive industry (sand, limestone, etc) Poor management of contaminated sites Clandestine drug labs disposing of chemicals illegally Weather events / natural disasters Climate change Inadequate weed and pest management Land contamination 	<ul style="list-style-type: none"> Environmental Compliance Health Reputational Property Financial

Inherent Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Possible	High

Key Controls	Type	Date	Control Operating Effectiveness
Transfer Station management contract	Preventative	Sep-24	Adequate
Asbestos Management Plan & Register	Preventative	Sep-24	Adequate
Evacuation facilities	Recovery	Sep-24	Inadequate
Weed management program	Preventative	Sep-24	Adequate
Pest control program	Preventative	Sep-24	Adequate
Bore monitoring program	Detective	Sep-24	Adequate
Local Emergency Management Arrangements / Recovery Plan	Recovery	Sep-24	Effective
Employee / Contractor / Volunteer Inductions	Preventative	Sep-24	Effective
Mosquito management program	Preventative	Sep-24	Adequate
Public health planning	Preventative	Sep-24	Inadequate
Complaints / feedback system	Detective	Sep-24	Effective

Overall Control Effectiveness Inadequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Possible	High

Risk Evaluation Urgent attention

Actions / Treatments	Due Date	Responsibility
Upgrade Rec Centre as Evacuation Centre	Jun-25	CEO
Prepare Public Health Plan	Jun-26	MGC

Comments / Justifications

Local governments are required to implement a Public Health Plan by June 2026 - preliminary work to prepare the plan has commenced.
 Rec Centre upgrade project has been delayed due to sourcing of suitable suppliers to provide cost estimates - recently engaged surveyor to prepare estimate to inform works, noting project to be acquitted by June 2025.

Errors, Omissions and Delays

Sep-24

Risk Description

Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process including incomplete, inadequate or inaccuracies in advisory activities to customers or internal staff.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Inadequate internal processes Lack of knowledge/training Legislative changes Unrealistic community/council expectations Incorrect information Staff turnover Work pressures / deadlines Failure to monitor external non-compliance (swimming pools/food hygiene) Human Error 	<ul style="list-style-type: none"> Compliance Reputational Financial Property

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
Customer Service Charter	Preventative	Sep-24	Effective
Documented procedures	Preventative	Sep-24	Adequate
Staff inductions and training (topic and role specific)	Preventative	Sep-24	Adequate
Executive Management Team meetings	Preventative & Detective	Sep-24	Adequate
Grants Register	Preventative	Sep-24	Adequate
Compliance Calendar	Preventative	Sep-24	Effective
Exit Interviews	Detective	Sep-24	Adequate
Complaints/feedback register	Detective	Sep-24	Effective
LG Professionals - DLGSC Webinars (reform updates, trends etc)	Preventative	Sep-24	Effective
Food premises inspections	Detective	Sep-24	Effective
Swimming Pool inspections	Detective	Sep-24	Effective
Firebreak inspections	Detective	Sep-24	Effective
WHS inspections and audits	Detective	Sep-24	Effective

Overall Control Effectiveness	Adequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor

Actions / Treatments	Due Date	Responsibility
Nil		

Comments / Justifications
Satisfactory controls noted.

External Theft and Fraud

Sep-24

Risk Description

Loss of funds, assets, data or unauthorised access, (whether attempted or successful) by external parties, through any means (including electronic), for the purposes of fraud, malicious damage or theft.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Inadequate security measures Robbery / theft Cyber crime Scam invoices Inadequate knowledge/training staff collusion 	<ul style="list-style-type: none"> Financial Reputational Property Service Interruption

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Likely	High

Key Controls	Type	Date	Control Operating Effectiveness
Security access controls (access cards, keys, key cabinet and locks)	Preventative	Sep-24	Adequate
Cyber awareness training for employees and Councillors	Preventative	Sep-24	Inadequate
Safe (cash and important documents)	Preventative	Sep-24	Adequate
Fraud and Misconduct Management Policy	Preventative	Sep-24	Effective
Access management (passwords, limiting access, authentication)	Preventative	Sep-24	Effective
Privacy and Responsible Information Sharing (PRIS) systems	Preventative	Sep-24	Adequate
Credit Card Use Policy	Preventative	Sep-24	Effective
Information & Communication Technology (ICT) Use Policy	Preventative	Sep-24	Effective
Overall Control Effectiveness			Inadequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor

Actions / Treatments	Due Date	Responsibility
Nil - Cyber awareness addressed under 'IT & Comms'		

Comments / Justifications
Manager Corporate Services and Senior Finance Officer attended cybersecurity strategy and response plan training (LGIS) in Geraldton (Nov 2024) - all organisation awareness required.
Cyber awareness addressed under 'IT & Comms'

Management of facilities, venues, events and services

Sep-24

Risk Description

Failure to effectively manage the day to day operations of facilities, venues and events.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Lack of internal procedures • Inappropriate alcohol consumption • Inadequate hiring agreements • Poor event planning • Lack of internal knowledge/training • Lack of monitoring 	<ul style="list-style-type: none"> • Financial • Reputational • Compliance • Health • Environmental

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Possible	High

Key Controls	Type	Date	Control Operating Effectiveness
Building maintenance program	Detective & Recovery	Sep-24	Adequate
Access management (keys and access cards)	Preventative	Sep-24	Adequate
Facility booking system	Preventative	Sep-24	Adequate
Hire agreements & insurance checks	Preventative	Sep-24	Adequate
Events management process	Preventative	Sep-24	Adequate
Lease management	Preventative	Sep-24	Adequate
Public building inspections	Preventative	Sep-24	Adequate
Playground inspections	Preventative	Sep-24	Inadequate
LGIS property register review	Preventative	Sep-24	Adequate
Asset replacement program	Preventative	Sep-24	Adequate
Cleaning program	Preventative	Sep-24	Adequate
Reporting mechanisms for damage / maintenance	Detective	Sep-24	Adequate
Liquor licensing approvals	Preventative	Sep-24	Adequate
Property Condition reporting (housing)	Detective	Sep-24	Adequate
APU Management obligations (Joint Venture Agreement)	Preventative	Sep-24	Adequate

Overall Control Effectiveness	Adequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor
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Actions / Treatments	Due Date	Responsibility
Train additional staff to conduct playground inspections (LGIS)	Jun-25	WM
Implement schedule for regular playground inspections (trained staff)	Dec-25	WM
Develop events management process and checklist for community	Dec-25	MGC

Comments / Justifications

Playground inspections addressed under Asset Sustainability
 Improvements identified for event management - provision of tools for event managers, stall holders etc on Shire website proposed.

Risk Description

Instability, degradation of performance, or other failure of IT or communication system or infrastructure causing the inability to continue business activities and provide services to the community.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Power outage on site or at provider • Software / hardware vulnerability and/or failure • Cyber crime and viruses • Inadequate IT incident and recovery processes • Failure of vendor • User error 	<ul style="list-style-type: none"> • Financial • Service interruption • Property • Reputational

Inherent Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Unlikely	High

Key Controls	Type	Date	Control Operating Effectiveness
Information and system back ups	Preventative	Sep-24	Effective
IT performance monitoring and support (outsourced)	Preventative & detective	Sep-24	Adequate
Cybersecurity policy and framework	Preventative	Sep-24	Adequate
Generator / UPS	Preventative	Sep-24	Effective
Mobile phones / two ways / STAND	Preventative	Sep-24	Effective
IT Infrastructure Replacement Program	Preventative	Sep-24	Adequate
Business Continuity Plan	Recovery	Sep-24	Adequate
Cybersecurity awareness training for employees and Councillors	Preventative	Sep-24	Inadequate
Access management	Preventative	Sep-24	Adequate
Application controls	Preventative	Sep-24	Adequate
Cyber security responsibilities defined	Preventative	Sep-24	Adequate
Disaster Recovery Plan	Recovery	Sep-24	Adequate
End-point security	Preventative & detective	Sep-24	Effective
Multi-factor authentication	Preventative	Sep-24	Effective
ERP and other major software	Preventative	Sep-24	Adequate
Internet service reliability	Preventative	Sep-24	Adequate

Overall Control Effectiveness	Adequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor
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Actions / Treatments	Due Date	Responsibility
Cyber awareness training for employees and Councillors (include as provision in new ICT Contract)	Apr-25	MCS

Comments / Justifications
Cyber awareness addressed under 'External Theft and Fraud'

Misconduct

Sep-24

Risk Description

Intentional activities in excess of authority granted to an employee, which circumvent endorsed policies, procedures or delegated authority

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Inadequate training lack of policies and procedures (code of conduct) Delegated authority circumvented Lack of internal control Poor recruitment practices Insubordination Workplace culture 	<ul style="list-style-type: none"> Financial Health Services Reputation Compliance

Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
Delegations Register	Preventative	Sep-24	Effective
Segregation of Duties (Financial)	Preventative	Sep-24	Effective
IT Security Access Framework (Profiles and passwords)	Preventative	Sep-24	Adequate
Procurement Process (Purchase Order Process) - Electronic - Manual PO Approval	Preventative	Sep-24	Adequate
Confidentiality Agreement	Preventative	Sep-24	Effective
Induction Process	Preventative	Sep-24	Effective
PID Procedures,	Detective	Sep-24	Effective
HR Policies and Procedures	Preventative	Sep-24	Adequate
Financial Reports/documentation to Council / Statutory compliance	Preventative	Sep-24	Effective
Code of Conduct	Preventative	Sep-24	Effective
Fraud and Misconduct Management Policy	Preventative	Sep-24	Effective

Overall Control Effectiveness	Adequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation	Monitor
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Actions / Treatments	Due Date	Responsibility
Nil		

Comments / Justifications
No actions - Reg 17 and Financial Management Review (2025) to inform any further improvements and actions

Risk Description

Inadequate analysis, design, delivery and reporting of projects / change initiatives

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Poor planning methodology and process • Excessive/unrealistic project lists • Inadequate monitoring of projects • Lack on internal resources • Supply chain restrictions • Ineffective procurement processes 	<ul style="list-style-type: none"> • Reputation • Financial • Service interruption

Inherent Risk	Consequence	Likelihood	Risk Rating
	Moderate	Almost Certain	High

Key Controls	Type	Date	Control Operating Effectiveness
Financial reporting and monitoring	Detective	Sep-24	Adequate
Project (grant) reporting and variation management	Detective	Sep-24	Adequate
Worforce Planning	Preventative	Sep-24	Inadequate
Procurement Policy and procedures	Preventative	Sep-24	Adequate
Progress meetings with suppliers and contractors	Preventative	Sep-24	Adequate
Project planning contingency / resourcing	Preventative	Sep-24	Inadequate

Overall Control Effectiveness	Inadequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Moderate	Almost Certain	High

Risk Evaluation	Urgent attention
	Urgent attention

Actions / Treatments	Due Date	Responsibility
Pre-budget planning for community projects - include early engagement with stakeholders	Feb-25	MCS

Comments / Justifications
Worforce plan addressed under 'Employment Practices'
Slow / lack of market responses major cause project delays
New proposed ERP expected to improve finance and management systems

Risk Description

Inadequate management of external Suppliers, Contractors, IT Vendors or Consultants engaged for operations. This includes issues that arise from the ongoing supply of services or failures in contract management & monitoring processes.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> • Inadequate tendering/procurement processes • Limited internal resources (physical and financial) • Inadequate contractor management practices • Inadequate supply/contractor monitoring • Supply chain limitations 	<ul style="list-style-type: none"> • Financial • Service Interruption • Reputation • Compliance • Property

Inherent Risk	Consequence	Likelihood	Risk Rating
	Moderate	Possible	Moderate

Key Controls	Type	Date	Control Operating Effectiveness
Tender Register	Detective	Sep-24	Adequate
Purchasing Policy	Preventative	Sep-24	Adequate
Procurement Procedures	Preventative	Sep-24	Adequate
Contractor Management	Preventative	Sep-24	Adequate
Purchasing management system	Preventative	Sep-24	Inadequate
Internal auditing (including CAR)	Detective	Sep-24	Adequate
Delegations Register	Preventative	Sep-24	Effective
Financial Interests / Conflicts of Interest Disclosures	Preventative	Sep-24	Adequate
WALGA Procurement subscription and eQuotes	Preventative	Sep-24	Effective

Overall Control Effectiveness	Inadequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Moderate	Possible	Moderate

Risk Evaluation	Monitor
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Actions / Treatments	Due Date	Responsibility
Transition to electronic purchasing / management system	Jun-25	MCS

Comments / Justifications
Awaiting advice on availability of new ERP system through Ready Community therefore, due date subject to review.

Risk Description

Non-compliance with the Workplace Health & Safety Act, associated regulations and standards.

Causal Factors	Potential Outcomes
<ul style="list-style-type: none"> Lack of resources (physical and financial) Ineffective safety management practices Inadequate training and supervision Lack of understanding of WHS requirements Poor culture System failures 	<ul style="list-style-type: none"> Health Compliance Reputation Financial Property

Inherent Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Almost Certain	Extreme

Key Controls	Type	Date	Control Operating Effectiveness
WHS Policies and Procedures	Preventative	Sep-24	Adequate
Safety Audits (LGIS)	Detective	Sep-24	Effective
GRIP Register (Hazard and Risk)	Detective	Sep-24	Effective
Training Plans	Preventative	Sep-24	Adequate
Employee / Contractor / Volunteer Inductions	Preventative	Sep-24	Adequate
Safe Work Method Statements (SWMS)	Preventative	Sep-24	Adequate
Regional Risk Coordinator (LGIS)	Preventative	Sep-24	Adequate
Management oversight and commitment	Preventative	Sep-24	Adequate
Minimum Bushfire Standards	Preventative	Sep-24	Inadequate
Emergency Management (plans, drills, staff trained)	Preventative	Sep-24	Inadequate
Consultation process with employees	Detective	Sep-24	Inadequate
Workplace Inspections	Detective	Sep-24	Adequate
Incident Reporting	Detective	Sep-24	Adequate

Overall Control Effectiveness	Inadequate
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Residual Risk	Consequence	Likelihood	Risk Rating
	Catastrophic	Possible	High

Risk Evaluation	Urgent attention
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Actions / Treatments	Due Date	Responsibility
Establish and adopt minimum standards for bushfire volunteers	Mar-25	CEO
Implement WHS Audit Actions	Apr-25	MGC

Comments / Justifications
2024 Safety audit identified gaps in system in relation to bushfire volunteer management, consultation and communication with employees.
Previously trained fire wardens have left the organisation, new fire wardens allocated but require training. - addressed under 'Business and Community Disruption'

Psychosocial Hazards

Sep-24

Risk Description

Inadequate controls to identify and manage psychosocial hazards, including poor work design, oversight and non-compliance with WHS Act and Regulations.

Causal Factors	Potential Outcomes		
<ul style="list-style-type: none"> High demand workloads Violence, harassment, bullying and aggression Lack of support Lack of understanding of WHS requirements Poor culture Remote or isolated work 	<ul style="list-style-type: none"> Health Compliance Reputation Financial Property 		
Inherent Risk	Consequence	Likelihood	Risk Rating
	Major	Possible	High

Key Controls	Type	Date	Control Operating Effectiveness
Complaints handling policy and procedures	Preventative	Sep-24	Adequate
Working alone / remote policies and practices	Preventative	Sep-24	Effective
Code of Conduct	Preventative	Sep-24	Effective
EAP support	Responsive	Sep-24	Effective
Education and training on psychosocial hazards	Preventative	Sep-24	Adequate
Customer Service Charter	Preventative	Sep-24	Adequate
Employee / Contractor / Volunteer Inductions	Preventative	Sep-24	Effective
Incident Reporting	Detective	Sep-24	Adequate
Performance Appraisals	Detective	Sep-24	Inadequate
Position Description reviews	Preventative	Sep-24	Adequate
Exit Interviews	Detective	Sep-24	Adequate
Management oversight and support	Detective	Sep-24	Adequate
Training and development plan	Preventative	Sep-24	Effective
Workforce planning	Preventative	Sep-24	Inadequate

Overall Control Effectiveness Inadequate

Residual Risk	Consequence	Likelihood	Risk Rating
	Major	Unlikely	Moderate

Risk Evaluation

Monitor

Actions / Treatments

Actions / Treatments	Due Date	Responsibility
Council to adopt a 'Dealing with Challenging Behaviours' Policy and internal staff training	Dec-24	MGC
Psychological Hazards Training (LGIS) for employees	Mar-25	LGIS / MGC

Comments / Justifications

Frontline staff exposure to aggressive or hostile customers (moderate risk) - policy development proposed to give guidance to staff on appropriate action and expectations of customers (aligned with Customer Service Charter).

Psychological hazards training provided to Managers on 5 Nov 2024 - need to raise awareness with employees and Councillors.

Performance reviews for outside crew incomplete (although informal feedback mechanisms available to staff and encouraged by Manager)

Workforce Plan and Performance Reviews addressed under 'Employment Practices'.

6.0 CLOSURE

The meeting was closed at 8:50pm.