



## ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

19 March 2025 at 5:00pm

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# MINUTES OF THE ORDINARY COUNCIL MEETING

19 FEBRUARY 2025

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 19 FEBRUARY 2025 COMMENCING AT 5:00PM.**

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

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
Cr JR Holmes	Councillor
Cr RA Starick	Councillor

**Apologies**

Cr AT Pearse	Councillor
Cr AR Smyth	Councillor
Ms Erin Greaves	Manager Governance and Community

**Staff**

Mr Matt Fanning	Chief Executive Officer
Mrs Helen Sternick	Manager Corporate Services
Mr Shane Noon	Manager Works
Ms Lauren Higgins	Community Development Officer

**Gallery**

Mr Damian Lesque, Terra Mining

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

Nil.

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

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 12 DECEMBER 2024**

**OFFICER RECOMMENDATION - ITEM 7.1**

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

**7.2 SPECIAL COUNCIL MEETING HELD 29 JANUARY 2025**

**OFFICER RECOMMENDATION - ITEM 7.2**

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 29 January 2025 be confirmed as a true and accurate record of proceedings.

**OFFICER RECOMMENDATION AND COUNCIL DECISION ENBLOC - ITEM 7.1 & 7.2 –  
RESOLUTION#01190225**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr RA Starick

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

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 29 January 2025 be confirmed as a true and accurate record of proceedings.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

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

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil.

**9.0 DECLARATIONS OF INTEREST**

Cr JR Holmes disclosed a proximity interest with Item 11.2 CBH Lot Amalgamation Subdivision Application, as a landowner of adjoining property.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

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

OFFICER RECOMMENDATION - 10.1.1

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

10.1.2 APPOINTMENT OF INDEPENDENT MEMBER – AUDIT & RISK COMMITTEE

COMMITTEE RECOMMENDATION - 10.1.2

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

10.1.3 COMPLIANCE AUDIT RETURN 2024

COMMITTEE RECOMMENDATION - 10.1.3

That the Audit & Risk Committee recommends that Council:

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

COMMITTEE RECOMMENDATIONS AND COUNCIL DECISION ENBLOC - ITEM 10.1.1, 10.1.2 & 10.1.3 – RESOLUTION#02190225

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

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

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.

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 ABSOLUTE MAJORITY 5/0

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

## 11.0 CHIEF EXECUTIVE OFFICER

### 11.1 ROAD USER AGREEMENT – TERRA MINING HAULAGE

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Terra Mining  
**Disclosure of Interest:** Nil  
**File Reference:** RD.PER.1  
**Date:** 25 February 2025  
**Author:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

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

#### Key Points

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

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION#03190225**

**MOVED:** Cr JD Bagley

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

#### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

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

### Attachments

11.1.1 Terra Mining Haulage Extension Request

11.1.2 Previous Terra Mining Road Use Agreement

### Background

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

The resolution from the January SCM was as follows:

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1 - RESOLUTION#01290125</b>	
<b>MOVED:</b> Cr JR Holmes	<b>SECONDED:</b> Cr HR McTaggart
<b>Council:</b>	
<ol style="list-style-type: none"><li>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</li><li>2. Authorises the Chief Executive Officer and Shire President to execute the Deed of Variation.</li></ol>	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 4/0</b> <i>(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JR Holmes, and Cr AT Pearse. AGAINST: Nil)</i>

### Original Road use agreement consideration

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

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

An extract of the Council resolution is provided below:

<b>AMENDED MOTION AND COUNCIL DECISION – ITEM 9.1 – RESOLUTION# 02151223</b>	
<b>MOVED:</b> Cr JR Holmes	<b>SECONDED:</b> Cr RA Starick
<b>Council</b>	
<ol style="list-style-type: none"><li>1. Grants support for Terra Mining Pty Ltd to undertake haulage operations approved under the Restricted Access Vehicle (RAV) Network 7.3 on the following Shire-managed roads:<ul style="list-style-type: none"><li>• Eleanor Street</li><li>• Boolinda Road</li></ul>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.</li><li>2. Authorises the Chief Executive Officer to negotiate and enter into a road use agreement between the Shire of Mingenew and Terra Mining Pty Ltd for the period ending 31 December 2024 to facilitate mining operations at Extension Hill, based on the terms and conditions as outlined in the Draft Road User, Contribution and Upgrade Agreement (Attachment 9.1.1) and as follows;<ul style="list-style-type: none"><li>- 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.</li></ul></li><li>3. Authorises the Chief Executive Officer and Shire President to execute the final agreement and affix the Common Seal.</li></ol>	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 4/2</b> <i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, and Cr AT Pearse, AGAINST: Cr HR McTaggart and Cr RA Starick)</i>



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

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

### **Comment**

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

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

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

### **Statutory Environment**

Main Roads Act 1930

Road Traffic (Administration) Act 2008, section 132

Public Works Act 1902

Land Administration Act 1997, section 55(2)

Local Government Act 1995, section 3.57

**Consultation**

Terra Mining  
McLeods Lawyers

**Policy Implications**

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

**Financial Implications**

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

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

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

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

**Strategic Implications**

Corporate Business Plan 2024-2028

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

*Prior to discussion or voting on Item 11.2, Cr JR Holmes disclosed a proximity interest as the owner of adjoining property to the proponent and related land. Cr JR Holmes left the meeting at 5:08pm.*

## 11.2 CBH LOT AMALGAMATION SUBDIVISION APPLICATION

**Location/Address:** Lots 201, 202 and 203 Jacobs Road, Mingenew  
**Name of Applicant:** CLE Town Planning + Design – representing CBH  
**Disclosure of Interest:** Nil  
**File Reference:** LP.PLN.5  
**Date:** 25 February 2025  
**Author:** Simon Lancaster, Planning advisor  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

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

### Key Points

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

### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 – RESOLUTION#04190225**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr HR McTaggart

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

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

### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 4/0**

(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley and Cr RA Starick. AGAINST: Nil)

### Attachments

11.2.1 Submitted Application

11.2.2 Proposed SoM Referral response letter to WAPC

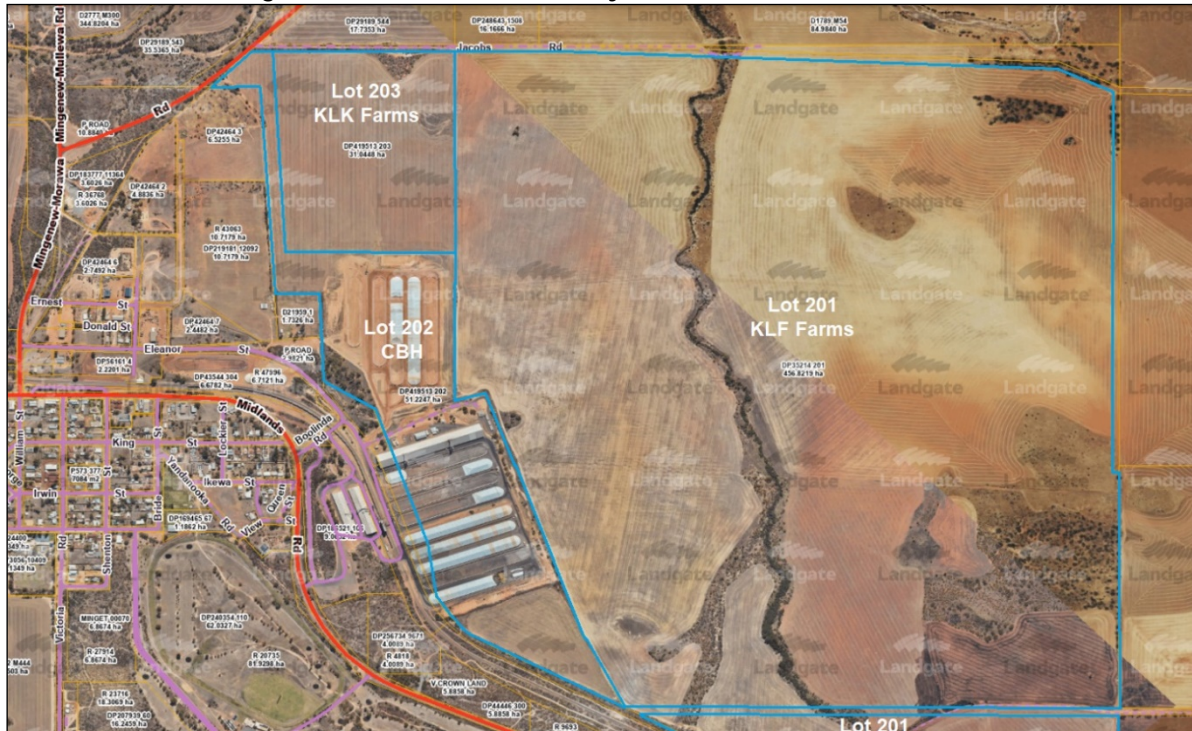
### Background

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

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

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

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

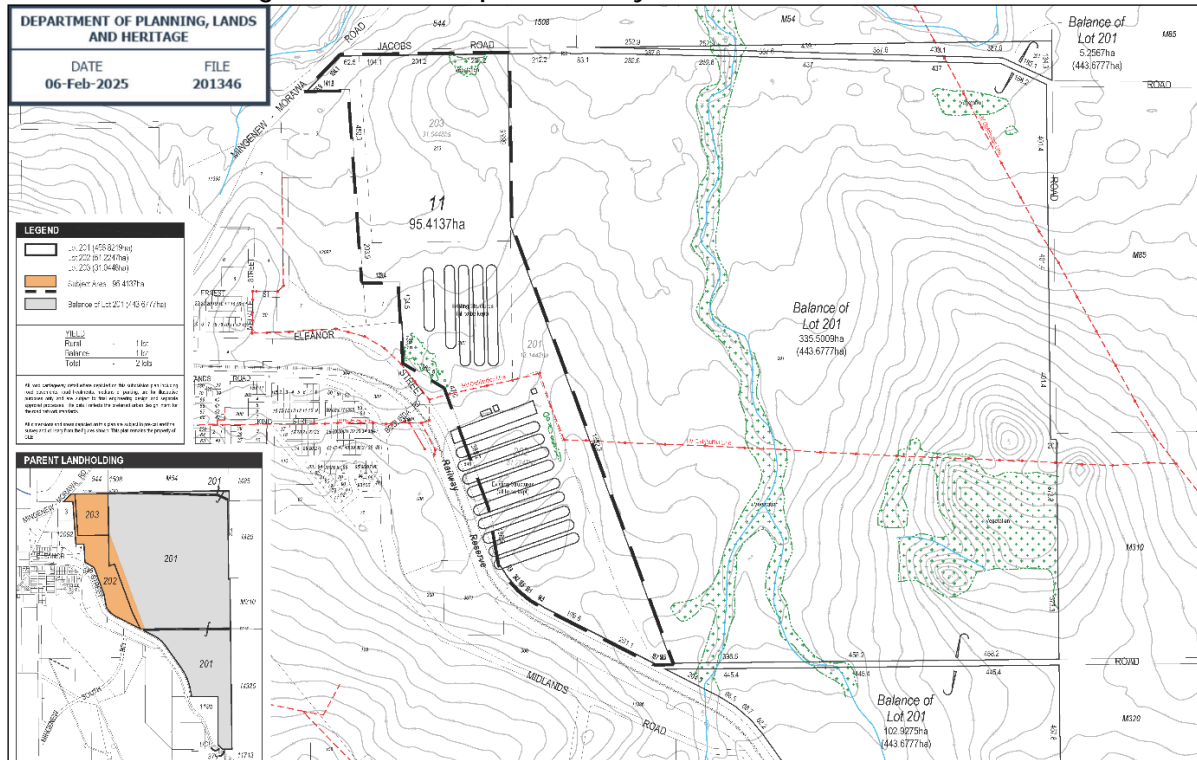


This would leave the balance 443.6777ha Lot 201 Jacobs Road, Mingenew to be owned by KLK Farms Pty Ltd to the east of CBH's landholding.

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

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

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



### Comment

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

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

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

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

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

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

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

### Consultation

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

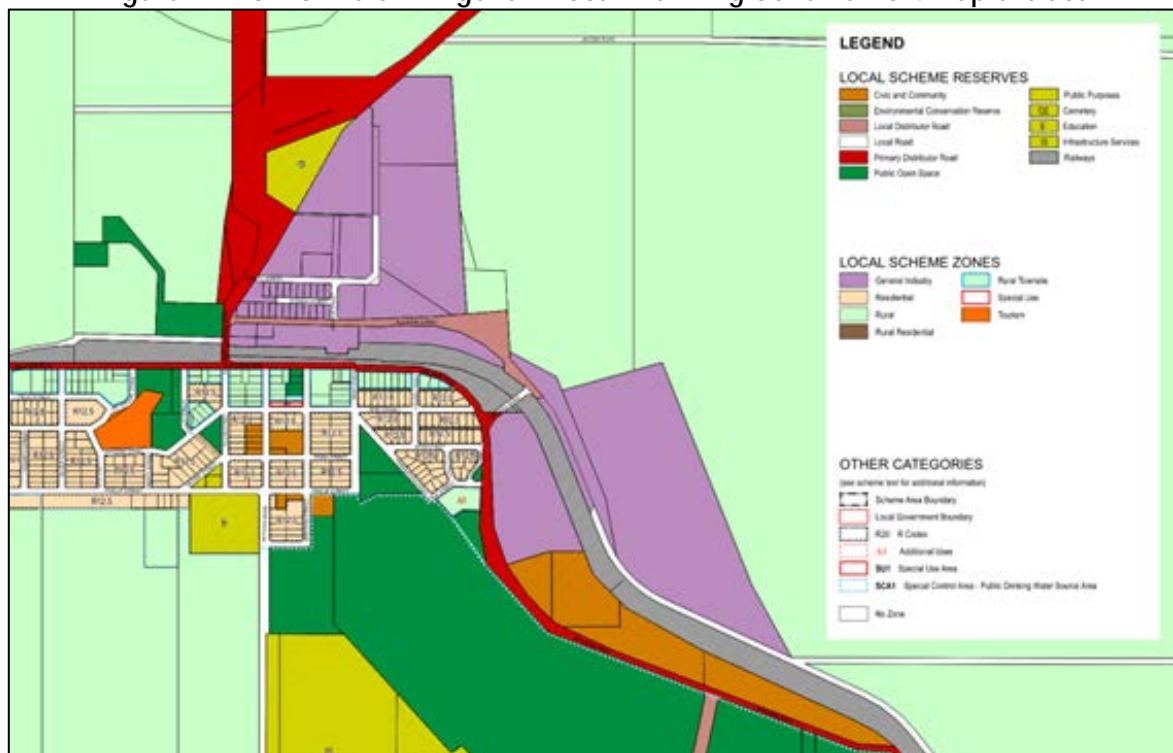


- Shire of Mingenew;
- Department of Biodiversity, Conservation & Attractions;
- Department of Water & Environmental Regulation
- Main Roads WA;
- Public Transport Authority;
- Water Corporation; &
- Western Power.

### Statutory Environment

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

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



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

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

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

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

It is further noted that in the event that CBH lodge a development application for the extension of 'grain handling operations' upon the northern, currently vacant 'Rural' zoned portion of the new Lot 11 (that they would acquire through this amalgamation application) that this could be deemed by Council as *"use that is not specifically referred to in the zoning table and that cannot be reasonably be determined as falling within a use class referred to in the zoning table"* and given further consideration.

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

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

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

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

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

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

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

*"10 Year Outcome*

*Safe, efficient and connected transport network*

*Strategic Priorities 2023-203*

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

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

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

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

The Townsite Strategy also notes that

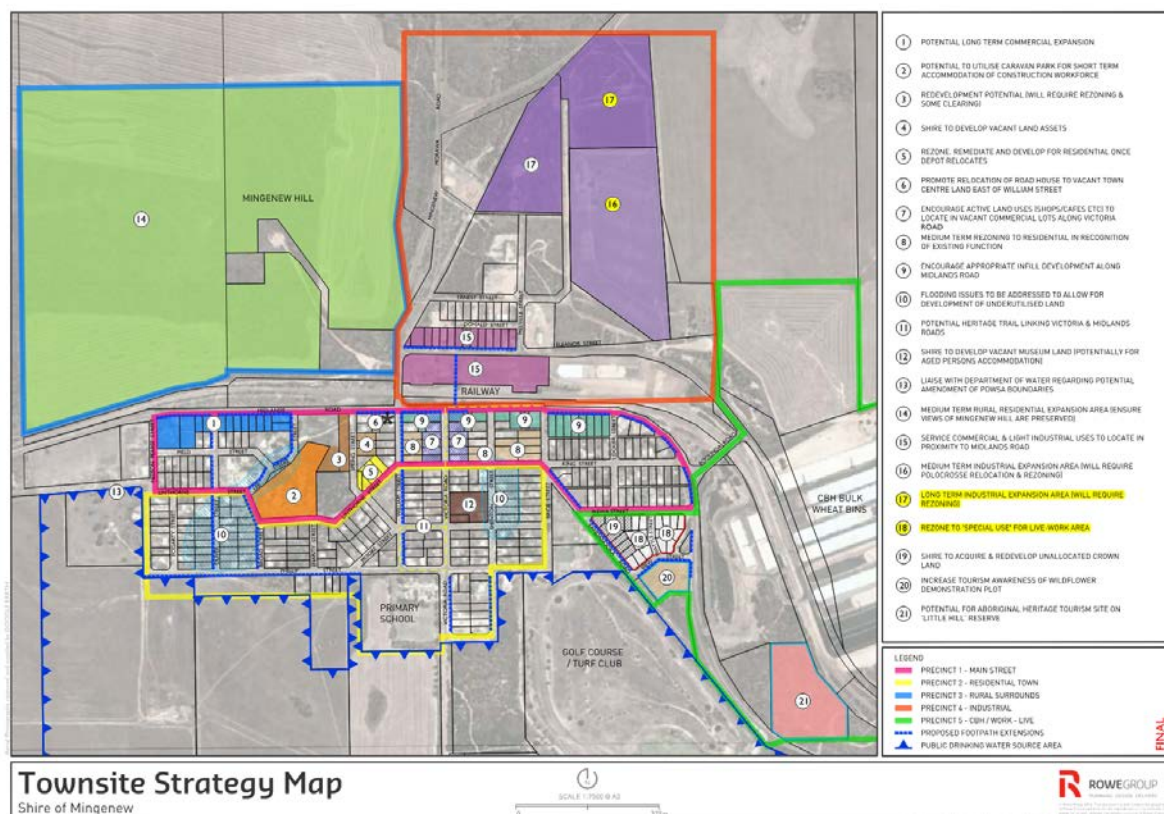
*"Existing industrial development in proximity to the Mingenew townsite, particularly the CBH grain receival point, is considered by residents to have some off-site amenity impacts, such as noise and dust. As a result the vacant residential land south of Ikewa Street and north of View Street is not seen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

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

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

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

Figure 11.2.4 – Mingenew Townsite Local Planning Strategy extract





*Prior to Item 11.3, Cr JR Holmes returned to the meeting at 5.11pm.*

### 11.3 APPOINTMENT OF COMMITTEE DELEGATE

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GV.CMT.5  
**Date:** 25 February 2025  
**Author:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

#### Summary

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

#### Key Points

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

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.3 RESOLUTION#05190225**

**MOVED:** Cr HR McTaggart

**SECONDED:** Cr JD Bagley

Council, by Absolute Majority, appoints Cr JR Holmes to the Shire of Mingenew's Executive Management Committees of Council and Cr RA Starick as proxy member.

**VOTING REQUIREMENTS:** 5/0

**CARRIED BY ABSOLUTE MAJORITY**

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

#### Background

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

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

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

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

#### Comment

##### **Executive Management Committee (EMC)**

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year (and recruitment and termination of a CEO, as required). This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to "Review the performance of the Chief Executive Officer at least once in relation to every year of employment.". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.

2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

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

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

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

### **Consultation**

Manager Governance and Community  
Chief Executive Officer  
Cr Cosgrove

### **Statutory Environment**

Local Government Act 1995  
Local Government (Administration) Regulations 1996

### **Policy Implications**

As indicated within the report above, where applicable.

### **Financial Implications**

Nil

### **Strategic Implications**

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

## 12.0 CORPORATE SERVICES

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

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: FM.FRP  
Date: 25 February 2025  
Author: Jack Smith, Senior Finance Officer  
Authorising Officer: Helen Sternick, Manager Corporate Services  
Voting Requirements: Simple Majority

#### Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the periods ended 31 December 2024 and 31 January 2025, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 – RESOLUTION#06190225**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr RA Starick**

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 December 2024, as included at Attachment 12.1.1;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 January 2025, as included at Attachment 12.1.2.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

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

#### Attachments

12.1.1 Monthly Financial Report for the period ending 31 December 2024

12.1.2 Monthly Financial Report for the period ending 31 January 2025

#### Background

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

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

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

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- 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 December 2024:

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

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

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

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Cash at Bank Municipal – unrestricted	2,274,457
Cash at Bank Municipal – restricted	2,173,278
Cash at Bank Trust	50,001
Reserve Term Deposit	1,107,459
<b>Total</b>	<b>4,497,736</b>

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

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

The road agreement with Terra Mining, as at 31 January 2025, has contributed \$96,655 towards the Community Infrastructure Fund, all invoices have been paid in full.

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

### Consultation

Nil.

### Statutory Environment

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996*

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

*(1A) In this regulation —*

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the **relevant month**) in the following detail —*

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

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

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

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

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

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

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

*—*

- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

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

**Policy Implications**

Nil.

**Financial Implications**

No financial implications are indicated in this report.

**Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 DECEMBER 2024 TO 31 JANUARY 2025

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.CRD  
**Date:** 25 February 2025  
**Author:** Maria Snowden-Giles, Payroll/Finance Officer  
**Authorising Officer:** Helen Sternick, Manager Corporate Services  
**Voting Requirements:** Simple Majority

### Summary

This report recommends that Council receives the list of payments (including purchasing cards), made under delegated authority, for period 1 December 2024 to 31 January 2025.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.2 – RESOLUTION#07190225</b>	
<b>MOVED:</b> Cr JR Holmes	<b>SECONDED:</b> Cr JD Bagley
<p>Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> section 13 and 13A, receives the list of payments for the period of 1 December 2024 to 31 January 2025, as included at Attachment 12.2.1 represented by:</p>	
\$536,946.29	Municipal EFTs
\$23,878.13	Municipal EFT Purchasing Cards (Fuel Cards)
\$35,985.95	Municipal Direct Debit Department of Transport (Licencing) Payments
\$144,047.45	Municipal Direct Debit Other
\$11,022.58	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
\$221,206.95	Net Salaries
\$973,087.35	Total Payments
<p><b>VOTING REQUIREMENTS:</b> <span style="float: right;"><b>CARRIED BY SIMPLE MAJORITY 5/0</b></span></p> <p style="text-align: center;"><i>(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, and Cr RA Starick. AGAINST: Nil)</i></p>	

### Attachments

12.2.1 List of Payments – December 2024 to January 2025

### Background

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

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

The list is to include details for each account paid, incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

### Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings, and that the amounts shown were due for payment.

### Consultation

Nil.

### **Statutory Environment**

*Local Government Act 1996, Section 6.4*

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

### **Policy Implications**

Payments have been made under delegation.

### **Financial Implications**

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

### **Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs



## 12.3 2024/25 MID YEAR BUDGET REVIEW AND BUDGET AMENDMENTS

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FM.BUD.24.25
<b>Date:</b>	25 February 2025
<b>Author:</b>	Helen Sternick, Manager Corporate Services
<b>Authorising Officer:</b>	Matt Fanning, Chief Executive Officer
<b>Voting Requirements:</b>	Absolute Majority

## Summary

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

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.3 – RESOLUTION#08190225**

MOVED: Cr RA Starick

SECONDED: Cr HR McTaggart

**Council, by Absolute Majority,:**

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

## VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 5/0

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

## Attachments

### 12.3.1 2024-25 Budget Review

## Background

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

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

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

### Comment

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

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

Decrease Financial Assistance Grant 2025/26 advance payment	(\$767,012)
Increase operating grants (Space Precinct Master Plan & cadet funding)	\$1,000
Increase fees and charges (firebreak infringements, rental income, refuse services & standpipe revenue)	\$20,514

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Increase interest on municipal and reserve funds	\$51,189
Increase utilities reimbursements from tenants	\$5,000
Savings on employees costs (change in employment conditions, vacant position, timing of wage increases)	\$75,947
Increased regional risk coordinator fees	(\$6,300)
Decrease doctor visits	\$6,000
Increase building maintenance	(\$8,500)
Increase from new waste collection contract	(\$31,434)
Increase planning and legal advice	(\$15,000)
Increase consultancy fees (town hall renovation proposal and business case for future funding opportunities, airfield master plan and valuation)	(\$58,500)
Increased internet, mobile data and VOIP services	(\$6,077)
Increase plant operating costs (parts & repairs, cutting edges)	(\$15,049)
Increase in utilities charges (electricity, water and standpipe)	(\$23,800)
Decrease in interest and principal repayments of the proposed new loans for Key Workers Accommodation and GROH Accommodation will occur in 2025/26	\$91,398
Derecognise duplicated income arising from prior year accrued income for LRCI Phase 3	(\$8,512)
Unsuccessful grant applications (DFES Disaster Ready, Raw Water Scheme, Digital sign)	(\$601,667)
Timing of funding announcements, projects carried forward to 2025/26 (Cenotaph, Interpretive Signage, Dept Housing Aged Person Units)	(\$1,022,095)
Decrease in capital spend due to unsuccessful grant applications (Rec Centre evacuation centre, raw water scheme)	\$585,000
Postpone capital spend until grant confirmation/agreement signed (Dept Housing Aged Person Units, Cenotaph, Interpretive Signage)	\$1,053,065
Renovate 33 Victoria Road residence while vacant	(\$25,000)
Assistance with replacement of the football oval dugouts	(\$10,000)
Increase transfers to reserves (interest)	(\$11,189)
Opening surplus adjustment – auditors advice to account for the reimbursement of caravans from the Temporary Accommodation program to DFES in prior year	(\$69,969)
Overall Change	(\$790,991)

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

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

## **Consultation**

Chief Executive Officer  
Manager Governance and Community  
Manager Works

## **Statutory Environment**

*Local Government (Financial Management) Regulations 1996*

### **33A. Review of budget**

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

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

*Local Government Act 1995*

**6.8. Expenditure from municipal fund not included in annual budget**

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

*\* Absolute majority required*

**Policy Implications**

Nil.

**Financial Implications**

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

**Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 13.0 GOVERNANCE AND COMMUNITY

### 13.1 ANNUAL MEETING OF ELECTORS 2025

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

#### Summary

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

#### Key Points

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

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION#09190225**

**MOVED:** Cr GJ Cosgrove

**SECONDED:** Cr RA Starick

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

#### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

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

#### Attachment

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

#### Background

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

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

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

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

#### Comment

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

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

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

### **Statutory Environment**

The Local Government Act 1995 Section 5.27 and 5.29 provides:

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

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

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

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

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

Strategic Community Plan 2023-2033

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

## 13.2 NEW COUNCIL POLICY 1.2.19 – RECORDING OF MEETINGS

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** CM.POL.1  
**Date:** 25 February 2025  
**Author:** Erin Greaves, Manager Governance and Community  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

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

### Key Points

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

### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.2 – RESOLUTION#10190225**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr RA Starick

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

### **VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/0**

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

### Attachments

13.2.1 New Council Policy 1.2.19 – Recording of Meetings

### Background

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

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

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

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

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

### Comment

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

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

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

### Statutory Environment

*Local Government Act 1995*

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

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

#### **14I. Local governments to make recordings of council meetings**

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

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

**Financial Implications**

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

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

**Strategic Implications**

Strategic Community Plan 2023-2033

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



**14.0 WORKS**  
Nil.

**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, 30 April 2025 commencing at 5.00pm.

**19.0 CLOSURE**

The meeting was closed at 5.23pm.

These minutes were confirmed at an Ordinary Council meeting on 30 April 2025

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

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



## MINUTES OF THE SPECIAL COUNCIL MEETING

19 MARCH 2025

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 19 MARCH 2025 COMMENCING AT 1:04PM.**

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

The Presiding Member, Cr GA Cosgrove opened the meeting at 1:04pm and noted, in accordance with r.141 of the *Local Government (Administration) Regulations 1996* 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 AR Smyth	Councillor
Cr RA Starick	Councillor

**Apologies**

Mrs Helen Sternick	Manager Corporate Services
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**Staff**

Mr Matt Fanning	Chief Executive Officer
Mr Shane Noon	Manager Works
Ms Erin Greaves	Manager Governance and Community
Mr Jack Smith	Senior Finance Officer

**3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil

**4.0 DECLARATIONS OF INTEREST**

Nil.

## 5.0 CHIEF EXECUTIVE OFFICER

### 5.1 TENDER EXEMPT AND MAJOR LAND TRANSACTION PROCESS – HOUSING PROJECTS

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: CP.TEN.24.25  
Date: 17 April 2025  
Author: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

#### Summary

To outline the process for procurement activity for housing projects considered to be major land transactions, in accordance with s.3.59 of the *Local Government Act 1995* and approve the business case for public notice and submissions.

#### Key Points

- Council has in its LTFP the delivery of 2 GROH, 2 Key Worker and 3 APU Units
- These three separate projects will require separate contracts due to their different specifications, funding sources and client requirements
- An Offer of Lease for the GROH dwellings would need to be issued prior to any construction. If each build cost was less than \$535,059 then the acquisition is not deemed a major land transaction.
- Council has already performed market research and pricing options from different suppliers to determine the most cost-effective procurement method. This pricing will be the basis for the required major land transaction business case.

#### OFFICER RECOMMENDATION – ITEM 5.1

##### Council:

1. Notes the following housing projects, are deemed potential major land transactions, as per definitions outlined in s.3.59 of the *Local Government Act 1995*:
  - a) Construction and lease of 2 x residential homes for GROH  
(at 71 Phillip Street, Mingenew)
  - b) Construction and lease of 2 x key worker houses for Shire employees and/or other key workers  
(at 8 & 10 Spring Street, Mingenew)
  - c) Construction and lease of 3 x aged persons units  
(at 15 King Street, Mingenew)
2. Endorses the advertising by public notification of the draft business plan for the Essential Workers and Aged Person Accommodation Project as required for major land transactions under s.3.59 of the *Local Government Act 1995*; and
3. Delegates authority to the CEO to conduct an appropriate Tender Exempt procurement process, in accordance with r.11 of the *Local Government (Functions and General) Regulations 1996* for the projects, with the preferred procurement methods being the WALGA Preferred Supplier or Department of Communities' Housing Construction and Refurbishment Builders Panel following the acceptance of any required business plan.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1 - RESOLUTION#01190325S**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr JD Bagley**

**Council:**

1. Notes the following housing projects, are deemed potential major land transactions, as per definitions outlined in s.3.59 of the *Local Government Act 1995*:
  - d) Construction and lease of 2 x residential homes for GROH  
(at 8 & 10 Spring Street, Mingenew)
  - e) Construction and lease of 2 x key worker houses for Shire employees and/or other key workers  
(at 71 Phillip Street, Mingenew)
  - f) Construction and lease of 3 x aged persons units  
(at 15 King Street, Mingenew)
2. Endorses the advertising by public notification of the draft business plan for the Essential Workers and Aged Person Accommodation Project as required for major land transactions under s.3.59 of the *Local Government Act 1995*; and
3. Delegates authority to the CEO to conduct an appropriate Tender Exempt procurement process, in accordance with r.11 of the *Local Government (Functions and General) Regulations 1996* for the projects, with the preferred procurement methods being the WALGA Preferred Supplier or Department of Communities' Housing Construction and Refurbishment Builders Panel following the acceptance of any required business plan.

**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)

*NOTE: the Officer's Recommendation included an administrative error in identifying the proposed addresses for the GROH and Key Worker houses which has been corrected for the Minutes (GROH houses are to be constructed on Spring Street lots and Key Worker housing at 71 Phillip Street). The correct lots are listed in the Business Case and below report.*

**Attachments**

- 5.1.1 Confidential Attachment – Building Cost Price Comparison (*provided under separate confidential cover*)
- 5.1.2 Draft Business Case

**Background**

The Shire has, for some time, been in discussions with GROH and the Department of Communities regarding the building of two (2) additional GROH houses and three (3) APU units. In addition, it also intends on constructing two (2) Key Worker Dwellings as part of its long-term housing strategy.

**GROH Housing**

Council has been approached by Government Regional Officer's Housing (GROH) to build two 3x2 residences to meet the Department of Education's demand for worker housing, in return for a lease arrangement.

At its February 2024 OCM the Council resolved as follows:

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 17.1 – RESOLUTION# 14210224</b>	
<b>MOVED: Cr JR Holmes</b>	<b>SECONDED: Cr AT Pearce</b>
<b>Council, with respect to the offer from the Government Regional Officer's Housing GROH for Council to build two houses for use by the Department of Education, supports the proposal in principle and:</b>	
<b>1. Authorises to the CEO to enter into negotiations with GROH to build two houses (1-4x2, 1-3x2), on the provision that the investment is sound and subject to a cost benefit analysis and final proposal being presented to Council prior to entering a contract; and</b>	
<b>2. Seeks loan funding for the construction of the two houses.</b>	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 5/0</b>
<i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearce, and Cr RA Starick AGAINST: Nil)</i>	

Since this time the Council has been in negotiations with GROH for these works and have got to a point where it now needs to receive final pricing for these works.

#### APU Housing

The Shire has made application to the Department of Communities to build an additional 3 single bedroom Aged Person Units (APU). The basis of this grant is that 100% of the costs are funding under the Government's Social Housing Stream.

Council has been informed that a decision regarding its application will be made mid to late April 2025. Under this arrangement the Council is deemed to be a community housing provider (CHP).

#### Key Worker Housing

Council, as part of its long term housing strategy, has the construction of two key worker houses to increase its current fully utilised housing stock.

It is proposed that these 2 bedroom houses be constructed on vacant land in Phillips Street opposite the School.

#### Comment

Council has been working on the procurement options and pricing for these developments for over 12 months. Some of the processes requiring draft concept designs needing to be drawn and then reviewed by other government agencies. So the process is very iterative.

One issue which makes the process challenging is that suppliers will generally only provide so much good will through pricing and design changes as there is no guarantee that they will be the final builder.

As the GROH process requires many iterations Council has now exhausted this good will and any further iterations would be subject to entering a contract with a builder. The risk here is that the product purchaser (department of communities) may not be happy with the product and Council has to then seek alternative options. In addition, many housing providers only supply vanilla products which are not available to be significantly varied or altered as they then are classed as custom builds which once again restricts the procurement methodology and makes it difficult to determine the best engagement option as pricing is generally based on the vanilla product. Once amendments are requested the pricing may be significantly different from the original price risking the original decision validity as the scores may have been altered to an extent that the preferred supplier may no longer be the supplier with the best evaluation score or value for money.

A summary of the building prices received over the past 12 months as supplied in the confidential attachment clearly demonstrates the best market option for the Council which results in the requested consideration of the Council to perform a tender exempt procurement strategy based in this demonstrated best value market data.



These works may be considered a Major Land Transaction requiring the local government to prepare a business plan. It was, therefore, important to ensure that the Council first receive realistic market pricing prior to making this determination and progressing down this path.

#### Major Land Transaction Process

As outlined under s.3.59 of the *Local Government Act 1995* and r.8A and r.10 of the *Local Government (Functions and General) Regulations 1996*, for a major land transaction, Council is required to (*anticipated timeline*):

- Prepare and present draft business plan, as prescribed, for each project  
(19 March 2025 Council Meeting)
- Give Statewide public notice outlining its proposal to commence a major land transaction and provide an opportunity for submissions (no less than 6 weeks' notice period), providing a copy of the business plan  
(22 March – 4 May 2025 submission period)
- Consider any submissions received and decide to proceed with the major land transaction  
(21 May or 18 June 2025 Council Meeting)
- Commence tender exempt procurement process and contract negotiations/arrangements  
(July – August 2025)

#### Consultation

Department of Education  
Department of Communities  
WALGA

#### Statutory Environment

*Local Government Act 1995*

#### **3.59. Commercial enterprises by local governments**

- (2) Before it —
- (a) commences a major trading undertaking; or
  - (b) enters into a major land transaction; or
  - (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government; and
  - (b) its expected effect on other persons providing facilities and services in the district; and
  - (c) its expected financial effect on the local government; and
  - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
  - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
  - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
    - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
    - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
  - (b) make a copy of the business plan available for public inspection in accordance with the notice; and

- (c) *publish a copy of the business plan on the local government's official website.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

*Local Government (Functions and General) Regulations 1996*

**8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)**

- (1) *The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —*
  - (b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*
    - (i) *\$2 000 000; or*
    - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*

**10. Business plans for major trading undertaking and major land transaction, content of**

- (1) *If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —*
  - (a) *the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and*
  - (b) *the business plan is to include details of —*
    - (i) *the identity of each joint venturer other than the local government; and*
    - (ii) *the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and*
    - (iii) *any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and*
    - (iv) *anything to which the local government may become liable under or as a result of the joint venture.*

The trigger for the Shire of Mingenew, as per the above prescribed threshold (r.8A(1)(b)) is \$535,059 meaning that should the Council resolve to purchase / build a GROH house for a figure above this trigger then the transaction would be considered a Major Land Transaction requiring the local government to prepare a business plan. It would be, therefore, important to ensure that the construction costs do not exceed this limit.

**Policy Implications**

Council's Delegation Register provides the CEO authority to undertake tender exempt procurement where the total consideration under the resulting contract is expected to be less than \$250,000. Over this value, the authority lies with Council.

Council's Purchasing Policy provides for procurement under a Tender Exempt arrangement for purchases over the value of \$250,000 ex GST, and requires the decision to award to be based on the supplier's response to:

- A detailed specification; and
- Pre-determined selection criteria that assesses all best and sustainable value considerations.

### **Financial Implications**

Market testing has been undertaken through a range of suppliers to gauge pricing and product offerings in an attempt to establish the best approach and way forward refer confidential attachment.

There are several paths the Council may take to procure housing, these being:

Open public tenders – this method invites tenders from the market using a general specification. This method will provide a very wide range of options for the Council which would then need to be generally modified and repriced once a final satisfactory design is reached and initial design fees charged. This method has a high price variation risk due to the variability the market will offer.

Panel Contract – this method has been established to help authorities purchase products from a pre-selected panel of suppliers. This still has risk as the products offered are quite often not comparable, however they are generally of the same type. There are two panels available to the Council for housing construction.

- WALGA – Modular Buildings Panel
- Department of Communities – 2024 Refresh - Housing Construction and Refurbishment Builders Panel

Under the Local Government Regulations – both of these panels are exempt from the general requirement to call public tenders for purchases over \$250,000 ex GST.

Under the delegations issued to the CEO there are no provisions to perform a tender exempt process for any purchase above \$250,000 unless authorised by the Council. In other words a Council resolution is required to conduct a tender exempt procurement process and utilise the panel contracts.

Further it is requested that as a result of the market research already conducted that the panel contract be utilised and a single invited offer be obtained as best value for money has already been established over the past twelve months process of price discussions and options received.

The suggested method also considers most appropriate build materials, whole of life cost, asset life, best thermal efficiency and local content.

### **Strategic Implications**

Strategic Community Plan 2023-2033

- 2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options
  - a. Partner with government agencies and stakeholders to support housing shortage and explore solutions to housing shortages
  - b. Develop a housing strategy for increasing key worker housing stock
  - c. Identify external funding sources and apply to support the expansion of quality housing stock
  - d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects.
- 8.3 Provide and maintain affordable housing for aged and disabled residents to meet demand
  - b. Increase residential housing for aged and disabled residents

## 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: 17 April 2025  
 Author: Jack Smith, Senior Finance Officer  
 Authorising Officer: Helen Sternick, Manager Corporate Services  
 Voting Requirements: Absolute Majority

#### Summary

At the Special Council Meeting in January, Council passed Resolution #02290125 giving the Chief Executive Officer delegated authority to release a Request for Tender package to the WALGA Preferred Supplier Panel under the Tender Exempt procurement stream, and to award the Shire's next Managed Services Agreement (MSA) to the successful tenderer *provided that* the Total Contract Value did not exceed \$320,000 ex.GST in the aggregate over the full, five (5) year term. The Corporate Services Team has since released the RFT and assessed all submissions received. As the majority of submissions exceed the price threshold, the award decision must now revert to Council.

#### Key Points

- Our current ICT contract ends in March with no further option to extend or renew; the current provider has agreed to continue supplying services on a month-to-month basis until the new contract is awarded to ensure operational continuity, however, formal arrangements should be made ASAP to minimise commercial risk.
- Despite adjusting for inflationary pressures, the pricing schedules received from tenderers were significantly higher than anticipated, reflecting changes in the ICT landscape. From both a technical and a compliance perspective, the Shire's ICT needs have become more complex since the last MSA was negotiated and awarded back in 2020, resulting in higher costs to maintain, let alone improve, the current Scope of services being provided.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 6.1 - RESOLUTION#02190325S

MOVED: Cr Cr JR Holmes

SECONDED: Cr AR Smyth

#### Council:

1. In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, accepts the tender submission for RFT02 24-25 Information and Communication Technology (ICT) Contractor (Managed Services Provider), received from Integrated ICT, for a schedule of rates tender value of \$389,531.03, named as 'Respondent 23' in the Tender Evaluation Report detailed in Confidential Attachment 6.1.1, and identified as the most advantageous, under the corresponding Schedule of Rates detailed therein, applicable for an initial contract term of three (3) years commencing on execution of the contract, inclusive of discretionary options to extend the contract term for a further two (2) years, and subject to annual indexation where applicable.
2. Delegates to the CEO in accordance with s.5.42(1) of the *Local Government Act 1995*, by absolute majority, authority to negotiate minor variations to the contract for RFT02 24-25 before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996.
3. Authorises the CEO to execute the contract for awarding RFT02 24-25 in accordance with s.9.49A

of the *Local Government Act 1995*.

4. Amends the 2024/25 budget in accordance with s6.8(1)(b) of the *Local Government Act 1995*, by absolute majority, to reflect the \$10,000 difference in ICT-related expenditure arising from the award of RFT02 24-25.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

**Attachments**

6.1.1 *Tender Evaluation Report (provided to Councillors under separate, confidential cover)*

**Background**

After receiving approval from Council, the RFT was released to the WALGA PSP on Friday, 31 January 2025 and officially closed at midday on Thursday, 20 February 2025. No changes or updates were made to the Request document during this time.

After filtering the Panel for geographic proximity and relevance, the number of tenderers invited to respond was reduced from 217 to 45. The Shire received queries from eleven (11) suppliers, conducted five (5) site visits, and received eight (8) Responses prior to the deadline. Of those, only one (1) failed to meet the Compliance Criteria (Risk Assessment), leaving seven (7) to be assessed against the Qualitative Criteria and further rank-adjusted according to price.

The pool of Respondents included:

Based in Perth	Based in Geraldton
Focus Networks	Infinitum Technologies
JH Computer Services	Integrated ICT
Open Systems Support	Logic IT
Qbit Computers	
XL2	

On the whole, we believe this is a sufficient and representative sample such that a re-release via Public Tender is not warranted and is unlikely to yield materially different results.

Although the Request was conducted under the Tender Exempt procurement stream, several administrative controls were put in place to safeguard the integrity of the process:

- a) Access to the tender submissions was technologically restricted until after the deadline;
- b) Tenders were opened shortly thereafter in the presence of two (2) Shire staff;
- c) The evaluation process was conducted using a transparent, pre-defined scoring system incorporating both qualitative and quantitative elements.

The expected Decision Date was initially set to Thursday, 6 March 2025, and was later extended by one (1) week to allow further deliberation and fact-checking. Once it became clear that the total contract value was likely to exceed the approved threshold, a further extension to Thursday, 20 March 2025 was communicated to all Respondents.

It is worth emphasising that, since the commencement of the last MSA, the ICT landscape has changed substantially, demanding a much broader scope from Respondents, along with more sophisticated mechanisms to provide greater quality assurance and to enforce accountability. Our Request was broad and envisaged day-to-day technical and operational support as well as ongoing consultancy/advisory services in relation to ICT asset management, cyber security, network optimisation and training for staff and Councillors. The RFT also prefaced future projects, such as AARNet's fibre optic installation, and the eventual migration away from SynergySoft to a more complete, cloud-based ERP solution. As expected, the list of inclusions, exclusions and initiatives deemed to be "out of scope" varied considerably between the Respondents.

Due to the complexities involved, the pricing schedules received were not presented on a like-for-like basis either, and took a significant amount of time to work through and parse out for the purposes of direct and fair comparison. ICT is unique from other industries because it is largely unregulated and does not conform to the goods or services binary; infrastructure is often delivered as a service - as distinct from ordinary concepts of leasing or financing - and the extensive use of 3<sup>rd</sup> party software is essential for service delivery. ICT is also extremely pervasive, as it enables and affects every aspect of the Shire's administrative functions, posing significant commercial risks.

### Comment

Upcoming projects and changes to the Shire's ICT environment (i.e. fibre optic availability and change in ERP system mentioned above) will eventually translate into cost savings in some areas of the MSA, as it will allow us to take advantage of cloud-based applications, reducing the need for hosted server infrastructure. However, due to the open-ended timing of these changes, the current network configuration will need to be maintained in the short-term to mid-term, and Respondents have priced their tender submissions accordingly.

Our findings and recommendations have been presented in the attached Tender Evaluation Report.

### Consultation

Extensive consultation was undertaken prior to the release of the RFT. Relevant staff have consulted internally in relation to the Tender Evaluation Report.

### Statutory Environment

To the best of our knowledge, the process followed to date has been consistent with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996. The relevant provisions fall under Part 4, Division 2, Section 11 and were discussed at length in the January 2025 Special Meeting of Council. The minutes can be found on the Shire's [website](#).

#### *Local Government Act 1995*

#### **6.8. Expenditure from municipal fund not included in annual budget**

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

*\* Absolute majority required*

### Policy Implications

1.3.1 Purchasing Policy applies to this activity, the implications of which were discussed at length in the January 2025 Special Meeting of Council. Please refer to the [minutes](#) for further detail.

1.3.7 Regional Price Preference Policy also applies to this activity, with the relevant provisions outlined below:

*In order to promote sub-regional development, the Shire of Mingenew will provide a price preference to regional suppliers (located within the stipulated areas) when evaluating and awarding contracts with Council via the Tendering Process. Price preference will be given to all suppliers submitting conforming tenders for the supply of goods and services (including Construction (building) Services) to the Shire of Mingenew, unless Council resolves that this policy does not apply to a particular tender.*

*The following price preference will be given to suppliers submitting tenders assessed in relation to this policy:*

*Goods and Services – up to a maximum price reduction of \$50,000 unless a lower amount is stipulated in the tender document.*

## MINGENew SHIRE COUNCIL SPECIAL MEETING MINUTES – 19 MARCH 2025

### *Stipulated Area-*

- 1. 10% to all suppliers located within the Shire of Mingenew*
- 2. 5% to all suppliers located within the Shires of Coorow, Carnamah, Perenjori, Three Springs, Morawa and Irwin*
- 3. 2.5% to all suppliers located within the Midwest Region that are not listed in 2. Above.*

*The Midwest Region incorporates the following 17 local governments: Carnamah, Chapman Valley, Coorow, Cue, Greater Geraldton, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Murchison, Northampton, Perenjori, Sandstone, Three Springs, Wiluna and Yalgoo.*

*Located within the stipulated areas is defined as having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area. An example is a franchisee of a multinational company.*

*Only those goods and services identified in the tender as being from a source located within the stipulated area will have the price preference applied when assessing the tender.*

*Price is only one factor that Council considers when evaluating a tender. There is nothing contained within this policy that compels Council to accept the lowest tender or any tender based on price offered.*

In an ICT context, this distinction proved more nuanced. Although some suppliers have offices situated in Geraldton (i.e. Stipulated Area 3, Midwest Region) many of their hosted infrastructure solutions are provided via 3<sup>rd</sup> party Data Centres, located in Perth. Major aspects of the service therefore originate from a source outside the stipulated area.

Nevertheless, for our purposes, those Respondents listed above as being “Based in Geraldton” were given Regional Price Preference in the Evaluation, as they employ local staff in Geraldton to provide helpdesk support, systems monitoring, reporting, consultancy, and managerial oversight. In this way, economic benefits from the MSA flow to the Midwest, promoting sub-regional development, as intended by the Policy.

### **Financial Implications**

The current year budget has accounted for the same services and licences to be provided, under the same schedule of rates, up to 30 June. The Shire is maintaining and has projected an operating surplus at year-end, allowing us to absorb the increase in costs. The adjustment to the current year ICT expense allocation will need to be formalised as a Budget Amendment and adopted by Council, per the Recommendation.

ICT expenditure has been incorporated into the Long-Term Financial Plan (LTFP) 2025-2036, and over the next five (5) years, has an allocation of \$308,614 (averaging \$61,723 p.a.). Budgeting preparations for the 2026 financial year are already underway, and will include the revised charges once known. The LTFP will be updated in due course to reflect the awarded contract.

That said, the full budgetary impact won't be known until the tender has been awarded and the successful Respondent has performed their incoming ICT audit. This is because, by necessity, some components of the engagement have been quoted on a Schedule of Rates basis with quantities that are yet to be confirmed.

To help set expectation, the highest apparent tender score \$462,000 (averaging \$7,700 per month or \$92,400p.a.) while the most competitive tenders were in the mid- to high- \$300K range. Fully itemised, comparative pricing has been included in the attached Tender Evaluation 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

MINGENew SHIRE COUNCIL SPECIAL MEETING MINUTES – 19 MARCH 2025

**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, 30 April 2025 commencing at 5.00pm.

**11.0 CLOSURE**

The meeting was closed at 1:17pm.

These minutes were confirmed at an Ordinary Council meeting on 30 April 2025

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

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





## BUSH FIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING

MINUTES OF THE SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING HELD AT THE SHIRE CHAMBERS ON 10 MARCH 2025 COMMENCING AT 6PM.

### 1.0 DECLARATION OF OPENING

Chief Bushfire Control Officer, Murray Thomas, opened the meeting at 6:04pm.

### 2.0 RECORD OF ATTENDANCE / APOLOGIES

#### Attendees

Murray Thomas, Chief Bushfire Control Officer  
Paul Flanders, Deputy Chief Bushfire Control Officer  
Anthony Smyth, Councillor and Town brigade Captain  
Callum Blakey, Mingenew Town Brigade  
Hendrik Van Der Westhuize  
Antone Rainsford  
Andrew Green, Mingenew North Brigade  
Alex Pearce, Councillor and Mingenew North Brigade Captain  
Ben McTaggart, Guranu Brigade Captain  
Jon Holmes, Councillor and Guranu Brigade  
Rob Holmes, Guranu Brigade  
Peter Horwood, Lockier Brigade  
Jarred Heitman, Yandanooka Brigade  
Matt Fanning, CEO, Shire of Mingenew and Town Brigade  
Erin Greaves, Shire of Mingenew and Town Brigade

#### Apologies

Sally and Steve Brindal  
Jarrad Spencer  
Justin Bagley  
Jamie McTaggart  
Jarrad Kupsch

### 3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

#### 3.1 Bush Fire Advisory Committee Meeting held 14 October 2024

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

Moved: A Smyth

Seconded: P Flanders

That the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Meeting held 14 October 2024 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

## 4.0 OFFICERS' REPORTS

### 4.1 Chief Bush Fire Control Officer Report (*Attachment 4.1.1 – CBFCO Season Overview 2024/25*)

- Overview of the 2024/25 Fire Season

### 4.2 Captains' Reports

All Captains to remark on level of training of its volunteers and any identified gaps or training requirements.

4.2.1 Yandanooka - nil

4.2.2 Lockier - nil

4.2.3 Guranu – Ben McTaggart

Lag in communication on occasion for fires on shire boundaries, improve by including pin drop on location for relevant WhatsApp groups

**ACTION: Adding location pin drop for fire/meet location to be included in Fire Protocol Sheet (*Attachment 4.2.3 – Updated Fire Protocol Sheet*)**

4.2.4 Mingenew North – Alex Pearce

Noted issue with communication, telephone range at Kitto's fire in Mullewa.

4.2.5 Mingenew Town – Anthony Smyth

Good run with fire truck, deflated tyres and 4WD range was good. Agreed to run training exercise to test and inflate tyres – air hose available on truck. Consideration for next replacement truck – ensure central tyre inflation system.

### 4.3 Shire CEO Report

4.3.1 Bush Fire Minimum Training and Competency Standards Policy for adoption (*Attachment 4.3.1 Bush Fire Minimum Training and Competency Standards Policy*)

#### BUSH FIRE ADVISORY COMMITTEE DECISION AND RECOMMENDATION TO COUNCIL – ITEM 4.3.1

Moved: A Pearce

Seconded: P Flanders

That the Bush Fire Minimum Training and Competency Standards Policy as attached, be endorsed and recommended to Council for adoption.

## 5.0 ELECTION OF OFFICERS FOR THE 2025/26 FIRE SEASON

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

#### BUSHFIRE ADVISORY COMMITTEE DECISION AND RECOMMENDATION TO COUNCIL – ITEM 5.1

Moved: A Smyth

Seconded: B McTaggart

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

#### YANDANOOKA

- a) Captain: Justin Bagley
- b) Deputy Captain: Jarrad Spencer

#### LOCKIER

- a) Captain: Daniel Michael
- b) Deputy Captain: Paul Flanders

**GURANU**

- c) Captain: Ben McTaggart
- d) Deputy Captain: Robert Holmes

**MINGENEW NORTH**

- e) Captain: Alex Pearse
- f) Deputy Captain: Andrew Green

**MINGENEW TOWN**

- g) Captain: Anthony Smyth
- h) Deputy Captain: Jarrad Kupsch

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

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

Moved: A Smyth

Seconded: B McTaggart

That the following persons be nominated to the position of Bushfire Control Officer for the Shire of Mingenew: Murray Thomas (CBCO) and Paul Flanders (DCBCO).

**6.0 GENERAL BUSINESS**

6.1 Fire-break Notice requirements

- Review of Fire-break Notice undertaken, requirements for in-town quite broad

6.2 Vehicle Response Stickers

- Stickers available from Shire and available for farmer response
- Assist with identifying authorised vehicles entering a fire ground

6.3 Training Schedule 2025

- Shared with members

**ACTION: Bushfire Awareness training to be scheduled first week of October (7-8 Oct) and formal Appliance Training to follow, E Greaves to coordinate with DFES.**

6.4 Uniform and Equipment Order

- additional fire bugs required
- uniform order being placed – Erin will issue advice when order arrives

6.5 Gas Flaring / Exemptions

- Discussed Strike Energy fire – pit not high enough to contain flames, dry out surrounding grass (8 Oct)
- Discussed MRL activities, receptive to feedback
- Notices to extend to WhatsApp group (including surrounding Shire groups)

6.6 Fire Hydrant Locations / Servicing Procedures

- Fire hydrants don't meet flow standards, each site to be tested over time when filling truck
- Reporting procedure to Water Corp, DFES can assist if any issues

**ACTION: E Greaves to email a copy of hydrant map to A Smyth**

6.7 Extension of Restricted Burning Period

- Propose extending to after Mingenew Races (29 March)
- Noted that can only be for up to 14 additional days

**ACTION: E Greaves to issue notice regarding extension of Restricted burning period to 30 March 2025.**

6.8 Dongara fire discussed

- Clarification that brigades can block roads in a fire but can't redirect, only police

6.9 Resource companies

- Should push for improved infrastructure for fighting fires e.g strategically located pumps, Kelly chains etc

**7.0 TIME AND DATE OF NEXT MEETING**

Next Bush Fire Advisory Committee Meeting to be held 13 October 2025 commencing at 6pm.

**8.0 CLOSURE**

The meeting was closed at 7:29pm.



## 1.6.1 BUSH FIRE PERSONNEL TRAINING & COMPETENCY STANDARDS POLICY

### Bush Fire Policies

Adopted:	30 April 2025 (NEW)
Reviewed:	Biannually
Associated Legislation:	Local Government Act 1995 Bush Fires Act 1954
Associated Documentation:	Nil
Review Responsibility:	Bush Fire Advisory Committee
Delegation:	Chief Executive Officer

Previous Policy Number/s N/A

### Objectives:

To define the minimum training and competency standards for personnel attending fires in the Shire of Mingenew.

### Policy Effect:

This Policy applies to all personnel attending a fire managed by the local government or the relevant hazard management agency, effective from 30 April 2025.

### Policy Statement:

#### NEW REGISTERED MEMBERS

Upon joining the Brigade/Farmer Response Units, a new registered member must complete the Shire's online Bush Fire Volunteer Safety Induction prior to commencing active duty, and ideally within 2 weeks of becoming a member. The Shire will issue an email to all new members with instruction for completing the induction.

The following minimum training and competency standards will apply to all new members however, personnel may undertake additional training in excess of the minimum requirements.

Training	Personnel / Role	Training Method & Time
Rural Fire Awareness	All registered members	Online or in-person (0.5 days)
Appliance Training	Town Brigade Members	In-person (0.5 days)
Bushfire Safety Awareness	Town Brigade Members Bush Fire Control Officers	In-person (2 days) Online / In-person hybrid option

All existing members are encouraged to complete the training, but the Shire recognises on-the-ground and practical experience gained from attending fires.



## ROLE SPECIFIC TRAINING

### Farmers Response Rural Brigade Unit Members

Farmers' Response Rural Brigade - a unit made up of DFES registered members (not part of the Town Brigade) who only operate private vehicles and equipment during firefighting activities. This includes Mingenew North, Guranu, Yandanooka and Lockier brigades.

To be deemed competent to attend the fire ground new members **must** undertake as a *minimum*, the following:

- a) Register as Volunteer Brigade Member with DFES
- b) Complete the Shire's online Bush Fire Volunteer Induction
- c) Undertake, as a *minimum*, the formal **Rural Fire Awareness Training** course run by DFES.

### Brigade Members

Town Brigade – a unit made up of DFES registered to the Town Bushfire Brigade who may use / operate an appliance (Fast Attack or Light Tanker).

To be deemed a competent fire fighter to attend the fire ground and use shire-owned assets, Brigade members **must** undertake as a *minimum*, the following:

- a) Register as Volunteer Brigade Member with DFES
- b) Complete the Shire's online Bush Fire Volunteer Induction
- c) Undertake, as a *minimum*, the formal **Rural Fire Awareness Training** course run by DFES
- d) Appliance training by DFES or an experienced member. The appliance training is to cover:
  - Basic operations of the appliance,
  - Basic radio communications,
  - Water drafting with the appliance,
  - Equipment location,
  - Appliance foam delivery (if used).

It is recommended that Town Brigade Members also undertake the following training:

- a) **Bushfire Safety Awareness** (2-day face to face that delivers bushfire characteristics and behaviour, safety & survival, & suppress bushfire. Includes AIIMS awareness unit)
- b) **Firefighting Skills** (2-day practical that delivers map reading, intro to comms, tools & equip, ropes & ladders, crew protection)

For Town Brigade Members, an in-person induction by the Brigade/Unit Captain or experienced member, is also to be completed as soon as possible but ideally prior to the first event. The induction may cover the following (where applicable):

- Facility and equipment use,
- Communications,



- Fire ground protocols,
- Incident, Accident & Injury reporting,
- Fitness for Duty,
- First Aid,
- Code of Conduct,
- The provision of required PPE (available from the Shire).

### **Bush Fire Control Officers (BFCO)**

Bush Fire Control Officer (BFCO) - means a Fire Control Officer appointed by the Shire of Mingenew and encompasses the positions of Chief and Deputy Chief Bush Fire Control Officer.

To be eligible for appointment as a Bush Fire Control Officer a person must:

- a) Complete all training required of a Brigade Member; and
- b) Complete the ***Fire Control Officer Training Program*** (1 day face to face which provides an understanding of legislative requirement and permits to burn) within 6 months of appointment.

UNLESS they have been an active member of a Brigade (Town or Farmers Response) for more than 5 consecutive years. A statement of skills and competency must be completed to recognise prior service.

For a person to continue as a Bush Fire Control Officer they must complete the Bush Fire Control Officers Course or a Refresher Course at intervals of no more than every five years.

### **Spontaneous Volunteers**

Spontaneous Volunteers - individuals or groups of people who seek or are invited to contribute their assistance during and/or after an event, and who are unaffiliated with any part of the existing official emergency management response and recovery system and may or may not have relevant training, skills or experience. May include seasonal workers / farmers that are not registered members.

To be deemed competent to attend the fire ground for Shire or DFES managed fires, spontaneous volunteers:

- a) Are expected to have completed the Shire's online Bush Fire Volunteer Induction
- b) Undertake, as a *minimum*, the formal ***Rural Fire Awareness Training*** course run by DFES,
- c) Must ***register with Incident Controller*** and provide any information requested, which may include contact details, competency statement.

Those who have not met the above requirements may be tasked with non-operational duties to assist with fire response.

These training resources are available to the broader community and may be utilized by local businesses to support fire response on private property.



### Elected Positions

Elected Positions – those nominated and elected to the positions of Fire Control Officer (including Chief and Deputy), Brigade Captains and Lieutenants / Deputy Captains.

With respect to elected positions the following will apply from the 2026 Annual General Meeting (AGM) nomination and election of positions and beyond:

- Only candidates that fulfil the minimum training requirements will be appointed into elected positions (BFCO, Captain, Lieutenant / Deputy Captain etc)
- Candidates who do not meet the minimum training requirements will hold the elected position in an administrative, non-operational capacity known as an "elect". (e.g. "Captain-Elect") until such time as they complete the minimum training required to hold the position.
- Upon completion of the training requirements, the candidate will be appointed to the position with no restriction of duties.
- If members nominate for a position without completing the recommended training but are enrolled to do so, then they can be considered for that role. This would allow candidates to fulfil non-operational aspects of the role and operational aspects as per *Bush Fires Act 1954* turnout protocol only until minimum training standards are met.

*Bush Fires Act 1954 Turnout Protocol "On arrival at an incident the most senior fire fighter will be the officer in charge of the incident until a more qualified fire fighter arrives".*

### Driving and Licences

- 1) Any Brigade/Unit member or spontaneous volunteer who is operating a vehicle (including private vehicles) for fire-fighting purposes is required to hold a current and valid Western Australian drivers' licence for the class of vehicle that is being driven (Fast Attack - C Class and the Fire Truck- HR). Probationary drivers are excluded from operating Shire assets.
- 2) Brigade/Unit members may be required to present a copy of their driver's licence to the Shire on request and may be kept on file.
- 3) Fire Response Units should be registered with the Shire and show the Vehicle Response Unit sticker provided on registration. This system does not preclude the use of non-registered farm appliances on the fire ground, it is for ease of reference and control.
- 4) All drivers of the Fast Attack/Fire truck must have the approval of the Brigade Captain, CBFCO or DCBFCO to operate the vehicle and must always drive with due care and attention in accordance with Road Traffic legislation and continue to show consideration to other road users.

### Fitness for Duty & Code of Conduct

Any accident that occurs where it is found that a member/spontaneous volunteer has been taking illicit drugs and/or alcohol has implications not only for the individual but also the Shire. Consequences of such could include:

- Insurance cover could be denied.





- Civil action could be taken if other firefighters are injured whilst under that individual's care (as driver, member of a team or managing an incident).
- Compromise the Shire because they allowed you to represent them whilst you were under the influence of illicit drugs or alcohol (knowingly or unknowingly).

Therefore, the below shall be observed by both members, BFCOs and spontaneous volunteers:

- 1) Shall not respond to any incident or participate in any training activities associated with operational tasks when drugs (illicit or prescribed that might impair their abilities) or alcohol have been taken or consumed.
- 2) If an individual is aware or suspects that another member, BFCO or spontaneous volunteer is taking drugs or have consumed alcohol, appropriate action should be taken to remove that person from firefighting duties.
- 3) If an individual is taking prescribed drugs that make them drowsy or functionally impaired, they must not take part in duties at an incident or operational training activities.

### **Training Expenses**

Costs associated with Brigade based local training, including materials, consumables and light refreshments, will be covered by the Shire of Mingenew under Local Government Grants Scheme (LGGS).

All applications for training expenses must be presented to the Shire prior to any course date so the Shire can arrange a Purchase Order (if applicable).



**MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE**

**MEETING**

**4 APRIL 2025**

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**MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD IN COUNCIL CHAMBERS  
ON 4 APRIL 2025 COMMENCING AT 4:00PM.**

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

Presiding Member, Deputy President, Cr HR McTaggart opened the meeting at 4:00pm.

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

**Committee Members**

Cr HR McTaggart

Cr JD Bagley

Cr JR Holmes

**Staff**

Mr M Fanning

Ms E Greaves

**3.0 DECLARATIONS OF INTEREST**

Mr Matt Fanning disclosed a direct financial interest in Item 4.0 Chief Executive Officer Contract Renewal as the matter relates to his employment with the Shire of Mingenew.

#### 4.0 CHIEF EXECUTIVE OFFICER CONTRACT RENEWAL – CLOSED [S.523(2)(a)]

Attachment 4.1.1 CONFIDENTIAL - Correspondence from CEO on Contract Renewal

Attachment 4.1.2 CONFIDENTIAL - Copy of current CEO Contract 2022-2025

This matter will be dealt with as a confidential item in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, as the matter directly relates to the employment of Chief Executive Officer (CEO).

A copy of correspondence from the Chief Executive Officer in relation to the matter is provided under separate, confidential cover.

The CEO's current Contract term expires 26 September 2025 (Attachment 4.1.2). In accordance with clause 2.2(3) of the Contract, the CEO must, no later than 6 months before the expiry of the Term, notify the Council in writing whether or not he seeks a renewal of the Contract and, if so for what term. Within 2 months of Council receiving notification, Council must advise the CEO, in writing its intention to advertise the Position or to offer a renewal of the Contract and under what term.

To facilitate compliance with clause 4.3 of the Contract, should the CEO and Council intend to renew the Contract, the Executive Management Committee is to consider who is to undertake the annual CEO Performance Review and consider any proposed amendments to the Contract.

It is important to note that the Department of Local Government, Sport and Cultural Industries (DLGSC) is proposing to implement reform relating to CEO matters, including the requirement to publish CEO Key Performance Indicators (KPIs) and has a consultation paper out, with submissions closing 8 May 2025. Therefore, if relevant, it may be prudent to hold off conducting the review, at least until June 2025, and consider any updates which may impact the process.

Council will consider any recommendations of the Committee in relation to the CEO's contract renewal at the next Ordinary Council Meeting on 30 April 2025 so that it complies with the requirement to respond to the CEO within 2 months.

##### PROCEDURAL MOTION – ITEM 4.1

MOVED: Cr JR Holmes

SECONDED: Cr JD Bagley

The Committee closes the meeting to members of the public at 4:01pm, in accordance s5.23(2)(a) of the *Local Government Act 1995* as the matter relates to an employee of the Shire of Mingenew.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 3/0

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

##### COUNCILLOR MOTION AND RECOMMENDATION TO COUNCIL – ITEM 4.2

MOVED: Cr JR Holmes

SECONDED: Cr JD Bagley

The Committee recommends to Council that the CEO Contract be renewed for a further 5 year term.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 3/0

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

**COUNCILLOR MOTION AND RECOMMENDATION TO COUNCIL – ITEM 4.3**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr JR Holmes

The Committee recommends to Council that the CEO Performance Review be conducted internally in July 2025 to inform contract negotiations.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 3/0**

*(FOR: Cr HR McTaggart, Cr JD Bagley and Cr JR Holmes. AGAINST: Nil)*

**PROCEDURAL MOTION – ITEM 4.4**

**MOVED:** Cr JR Holmes

**SECONDED:** Cr JD Bagley

The Committee opens the meeting to the public at 4:44pm.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 3/0**

*(FOR: Cr HR McTaggart, Cr JD Bagley and Cr JR Holmes. AGAINST: Nil)*

**5.0 CLOSURE**

The meeting was closed at 4:45pm.