



AGENDA FOR THE ORDINARY COUNCIL MEETING

30 APRIL 2025



Ordinary Council Meeting Notice Paper

30 APRIL 2025

An Ordinary Meeting of Council is called for Wednesday, 30 April 2025 in the Council Chambers, Victoria Street, Mingenev, commencing at 5.00 pm. Members of the public are most welcome to attend.

Council meetings are recorded and a copy of the audio recording will be published on the Shire's website with the Minutes.

Matt Fanning
Chief Executive Officer
24 April 2025

DISCLAIMER

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

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

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

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

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

PROCEDURE FOR DEPUTATIONS

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

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

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

PROCEDURE FOR PETITIONS

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

- be addressed to the Shire President.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

TABLE OF CONTENTS

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	7
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	7
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.0	PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME	7
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	7
6.0	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	7
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	7
7.1	ORDINARY COUNCIL MEETING HELD 19 FEBRUARY 2025	7
7.2	SPECIAL COUNCIL MEETING HELD 19 MARCH 2025	7
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	7
9.0	DECLARATIONS OF INTEREST	7
10.0	RECOMMENDATIONS OF COMMITTEES	8
10.1	SHIRE OF MINGENew BUSH FIRE ADVISORY COMMITTEE	8
10.1.1	MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 10 MARCH 2025	8
10.1.2	BUSH FIRE MINIMUM TRAINING AND COMPETENCY STANDARDS POLICY	8
10.1.3	ELECTION OF CAPTAINS AND DEPUTY CAPTAINS FOR MINGENew BRIGADES	8
10.1.4	NOMINATIONS FOR SHIRE OF MINGENew BUSHFIRE CONTROL OFFICERS.....	8
10.2	SHIRE OF MINGENew EXECUTIVE MANAGEMENT COMMITTEE	9
10.2.1	MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 4 APRIL 2025	9
10.2.2	CEO CONTRACT RENEWAL	9
10.2.3	CEO PERFORMANCE REVIEW 2025	9
11.0	CHIEF EXECUTIVE OFFICER	10
11.1	OUTBUILDINGS LOCAL PLANNING POLICY.....	10
12.0	CORPORATE SERVICES	18
12.1	FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2025 and 31 MARCH 2025	18
12.2	LIST OF PAYMENTS FOR THE PERIOD 1 FEBRUARY to 31 MARCH 2025	22
13.0	GOVERNANCE AND COMMUNITY	24
13.1	COUNCIL MEMBER SUPERANNUATION	24
13.2	EXPRESSIONS OF INTEREST (EOI1 24-25): PROVISION OF EARLY CHILDHOOD EARLY EDUCATION SERVICES	29
13.3	COMMUNITY SATISFACTION SURVEY 2024 RESULTS.....	34
13.4	COUNCIL POLICY REVIEW - ADMINISTRATION POLICIES	38
13.5	METHOD FOR CONDUCTING LOCAL GOVERNMENT ELECTIONS 2025.....	41
14.0	WORKS	46
14.1	VOLUNTARY CONTRIBUTIONS TO ROADWORKS POLICY	46

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

15.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	48
16.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	48
17.0	CONFIDENTIAL ITEMS	48
18.0	TIME AND DATE OF NEXT MEETING	48
19.0	CLOSURE	48



AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS
ON 30 APRIL 2025 COMMENCING AT 5:00PM.

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES
- 7.1 ORDINARY COUNCIL MEETING HELD 19 FEBRUARY 2025

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 February 2025 be confirmed as a true and accurate record of proceedings.

- 7.2 SPECIAL COUNCIL MEETING HELD 19 MARCH 2025

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 19 March 2025 be confirmed as a true and accurate record of proceedings.

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

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

10.1.1 MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 10 MARCH 2025

OFFICER RECOMMENDATION - 10.1.1

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

10.1.2 BUSH FIRE MINIMUM TRAINING AND COMPETENCY STANDARDS POLICY

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.1.2

Council endorses the Bush Fire Minimum Training and Competency Standards Policy, as presented.

10.1.3 ELECTION OF CAPTAINS AND DEPUTY CAPTAINS FOR MINGENEW BRIGADES

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.1.3

Council appoints the following persons to the position of Captain and Deputy Captain for the Shire of Mingenew Bush Fire Brigades and Farm Response Units:

YANDANOOKA

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

LOCKIER

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

GURANU

- a) Captain: Ben McTaggart
- b) Deputy Captain: Robert Holmes

MINGENEW NORTH

- a) Captain: Alex Pearse
- b) Deputy Captain: Andrew Green

MINGENEW TOWN

- a) Captain: Anthony Smyth
- b) Deputy Captain: Jarrad Kupsch

10.1.4 NOMINATIONS FOR SHIRE OF MINGENEW BUSHFIRE CONTROL OFFICERS

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.1.4

Council appoints the following persons to be Bushfire Control Officers for the Shire of Mingenew: Murray Thomas (CBFCO) and Paul Flanders (DBFCO).

10.2 SHIRE OF MINGENew EXECUTIVE MANAGEMENT COMMITTEE

10.2.1 MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 4 APRIL 2025

OFFICER RECOMMENDATION - 10.2.1

Council receives the Minutes of the Shire of Mingenew Executive Management Committee Meeting held on 4 April 2025.

10.2.2 CEO CONTRACT RENEWAL

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION - 10.2.2

Council renews the CEO Contract for a further 5 year term.

10.2.3 CEO PERFORMANCE REVIEW 2025

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION - 10.2.3

Council conducts the CEO Performance Review internally in July 2025 to inform contract negotiations.

11.0 CHIEF EXECUTIVE OFFICER

11.1 OUTBUILDINGS LOCAL PLANNING POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL.1
Date:	15 April 2025
Author:	Simon Lancaster, Planning Advisor
Authorising Officer:	Matt Fanning, CEO
Voting Requirements:	Simple Majority

Summary

The Shire of Mingenew Outbuildings Local Planning Policy requires updating to have regard for recent planning legislation changes. A copy of the policy, with the modifications considered necessary to give regard for the updated Regulations, is provided as Attachment 11.1.1.

Key Points

- The Shire is required to update its Outbuildings Local Planning Policy in regards to the decision making process to ensure it is contemporary with legislative changes.
- This also provides an opportunity for Council to review whether other aspects of the policy might also be updated to better serve its community and improve efficiencies.
- Recommended that minor increase be made to the maximum outbuilding size permitted in the Mingenew townsite.

OFFICER RECOMMENDATION – ITEM 11.1

Council resolves, pursuant to Schedule 2 Part 2 Division 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend its 'Outbuildings Local Planning Policy' subject to the modifications as contained in Attachment 11.3 and proceed to give notice to this effect.

Attachment

11.1.1 Draft Shire of Mingenew 'Outbuildings' Local Planning Policy (with suggested modifications).

Background

As part of its ongoing planning reforms the State Government has implemented changes to local government decision making roles relating to development applications for single houses and associated development.

This reform has introduced Part 4 of the *Planning and Development Amendment Act 2023* supported by amendments to Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* that:

- introduce a new section 257C into the Act which provides the ability for Regulations to specify that certain types of development applications must be determined by the officers of the local government; &
- amend Schedule 2 of the Regulations to specify that a single house development or any development associated with a single house, where not otherwise exempt, are to be determined by the local government CEO (or other local government officers authorised by the CEO).

In summary this means that the *Planning and Development (Local Planning Schemes) Regulations 2015* have been amended so that development applications for single houses or any development associated with a single house, and this includes outbuildings/sheds and ancillary dwellings/granny flats (excluding development associated with a heritage place), can now only be determined by the local government CEO or authorised employees of the local government i.e. they explicitly cannot be determined by Council.

The new Clause 84 of the Regulations is provided below:

“Division 2A — Performance of development approval functions in relation to single houses

84A Terms used

In this Division –

authorised employee means an employee of the local government authorised by the local government CEO under clause 84D;

prescribed development approval function means any of the following -

- (a) a function of the local government under clause 61A(2) or (4) or Part 8 or 9;
- (b) a function of approving further details of any works or use under a condition of a kind referred to in clause 74(1) imposed on a development approval;
- (c) a function of the local government under this Scheme that is ancillary or incidental to a function referred to in paragraph (a) or (b);

prescribed single house development has the meaning given in clause 84B.

84B. Prescribed single house development

(1) *In this Division, **prescribed single house development** means development that consists of -*

- (a) *the erection of, or alterations or additions to, a single house; or*
- (b) *the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house*
 - (i) *an ancillary dwelling;*
 - (ii) *an outbuilding;*
 - (iii) *an external fixture;*
 - (iv) *a boundary wall or fence;*
 - (v) *a patio;*
 - (vi) *a pergola;*
 - (vii) *a verandah;*
 - (viii) *a deck;*
 - (ix) *a garage;*
 - (x) *a carport.*

(2) *Despite subclause (1), development in a heritage-protected place is not **prescribed single house development**.*

84C. Performance of prescribed development approval functions in relation to prescribed single house development

(1) *When a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by –*

- (a) *the local government CEO; or*
- (b) *an authorised employee.*

(2) *A prescribed development approval function cannot be performed by the local government in relation to prescribed single house development otherwise than in accordance with subclause (1) (for example, the function cannot be performed by the council of the local government or a committee of that council).*

(3) *In performing a prescribed development approval function for and on behalf of the local government in relation to prescribed single house development, the local government CEO or an authorised employee –*

- (a) *is not subject to the direction of the council of the local government or a committee of that council; and*
- (b) *may, if the performance of the function is dependent on the opinion, belief or state of mind of the local government, perform the function on the opinion,*

belief or state of mind of the CEO or authorised employee (as the case requires).

84D. *Authorisation of employees*

- (1) *The local government CEO may authorise any employee of the local government to perform prescribed development approval functions for and on behalf of the local government in relation to prescribed single house development.*
- (2) *An authorisation under this clause must be in writing and may be general or limited to prescribed development approval functions of a specified class."*

Further information on this (and other previous) planning reforms can be viewed at the below link:

[Planning and Development Amendment Act 2023 and Associated Regulations.](#)

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, projects, budgeting, strategic planning and community leadership, with the organisation focusing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, to provide efficient service delivery to the community.

However, in the past Shire staff have referred development applications that were considered to have potential for impact on the amenity of an area to Council for determination and the Shire's Local Planning Policies provide guidance on what type of developments should be referred to Council. Shire staff have also not refused applications in the past considering instead that it is reasonable for applicants to be given the opportunity to make a presentation to Council on the merits of their application in the interest of fairness. Also this practice has ensured Councillors are aware of applications that may have a higher level of interest and are fully aware of them and involved in their determination and not 'blindsided' by a community member who wishes to discuss a Shire determination on such an application.

With the recent Regulations amendments, however, Shire staff are now unable to present applications involving single houses and associated development, such as sheds and granny flats, to Council and must determine them at a staff level.

This might be viewed as an improvement in efficiency particularly with larger metropolitan Councils but also could be viewed as removing a democratic process whereby elected parties with a public mandate are making decisions, and is a less appropriate change in a rural and regional context.

Shire staff intend to take the view that as 'Repurposed Dwelling' and 'Second Hand Dwelling' are listed as specific land use definitions in the Shire's Local Planning Scheme that they are separate to 'Single House' and these types of applications will continue to be presented to Council for determination as necessary.

The updating of the Regulations requires the Shire to amend its Outbuildings Local Planning Policy to remove reference to applications being placed before Council.

It is also suggested that the Outbuildings Local Planning Policy be expanded to include further text outlining that applications seeking to vary requirements of the policy must be accompanied by supporting reasoning, and must be advertised for comment prior to determination, and that they are unlikely to be supported without displaying significant merit, and the basis for this approach. The insertion of this additional text may provide some further assistance to Shire staff in the event they are required to refuse an application and defend this at the State Administrative Tribunal.

A copy of the Shire of Mingenew Outbuildings Local Planning Policy, with the modifications considered necessary to give regard for the updated Regulations included as tracked changes, is provided as Attachment 11.1.1.

Comment

It is always good practice for Council to review its policies be they procedural, financial or planning on a regular basis to ensure they are current, address changing circumstances and meet Council's expectations.

Council last gave specific consideration to its Outbuildings Local Planning Policy at its 17 April 2019 meeting with preceding discussion given to the size and area requirements of the policy and exempting rural sheds from any limitations.

The following maximum standards apply to outbuildings under the current policy:

Table 1 – Current Outbuilding Policy Requirements

Zone / Lot Size	Maximum area (m ²)	Maximum wall length (m)	Maximum wall height* (m)	Maximum roof height* (m)
Rural & Rural Residential	Exempt from the area and height requirements of this policy			
All other zones - on lots under 1,500m ²	80	10	4	5
All other zones - on lots over 1,500m ²	200	N/A	4	5

**all height measurements taken from natural ground level*

As a basis for comparison the below **Table 2** provides the outbuilding sizes permitted in the neighbouring local governments. In previous discussions a more conservative stance was adopted than the City of Greater Geraldton requirements over concern that permitting larger outbuildings in residential areas may encourage landowners to operate businesses or park large vehicles and haulage trailers that can give rise to complaint.

Table 2 – Neighbouring Local Government Outbuilding Policy Requirements

Maximum standards	Shire of Mingenew	Shire of Three Springs	Shire of Irwin	City of Greater Geraldton
Residential & Townsite (R10 and higher density) (i.e. lots generally less than 1,500m²)				
Area (total aggregate)	80m ²	80m ²	120m ² (90m ² enclosed/ 30m ² open)	150m ² (120m ² enclosed/ 30m ² open)
Wall Height	4m	4m	3.6m	3.6m
Overall Height	5m	5m	4.5m	4.5m (with 5m permitted subject to conditions e.g. not being higher than dwelling)
Residential (R5 and lower density) (i.e. lots generally greater than 2,000m²)				
Area (total aggregate)	200m ²	80m ²	240m ² (180m ² enclosed/ 60m ² open)	270m ² (210m ² enclosed/ 60m ² open)
Wall Height	4m	4m	4.2	4.2m
Overall Height	5m	5m	5m	5m (5.5m permitted subject to conditions e.g. not being higher than dwelling)

**all height measurements taken from natural ground level*

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

Since the policy was last reviewed Council has approved the following applications in excess of the policy requirements.

- 108m² outbuilding (comprising 54m² enclosed garage & 54m² open bay carport floor area) upon 1,396m² property at 13 (Lot 18) Bride Street, Mingenew at 21/8/19 Council meeting.
- 144m² outbuilding upon 1,133m² property at 10 (Lot 137) Enanty Street, Mingenew at 18/11/20 Council meeting.
- 128m² outbuilding (comprising 64m² enclosed garage & 64m² open bay carport floor area) upon 1,025m² property at 46 (Lot 111) Victoria Road, Mingenew at 20/4/22 Council meeting.
- 247m² outbuilding upon 850m² property at 10 (Lot 87) Ikewa Street, Mingenew (with neighbouring 847m² Lot 88 also owned by applicant and presenting as one larger lot) at 17/8/22 Council meeting.
- 128m² outbuilding (comprising 64m² enclosed garage & 64m² open bay carport floor area) upon 1,214m² property at 25 (Lot 14) Bride Street, Mingenew at 12/12/24 Council meeting.

Council may wish to discuss increasing its shed policy floor area requirements to give regard for what it has found acceptable in the past few years and to match the neighbouring Shire of Irwin's policy requirements to provide cross-boundary consistency i.e. increased from 80m² to 120m² (90m² enclosed/30m² open) on lots less than 1,000m², and amend from 200m² to 240m² (180m² enclosed/60m² open) on lots greater than 1,000m².

It is also proposed that the maximum wall length aspect of the Mingenew Outbuildings Policy be removed to bring consistency with neighbouring local governments' policies and that the cutoff for larger sheds in the townsite to be reduced from a lot of 1,500m² to 1,000m².

As a guide the below townsite map illustrates the lots below 1,000m² in red where sheds of 120m² (90m² enclosed/30m² open) would be permitted, and the lots above 1,000m² in blue where sheds of 240m² (180m² enclosed/60m² open) would be permitted.



These suggested changes as outlined in the below **Table 3** would mean that a 'line in the sand' is drawn more clearly, in that an application that complies with the policy requirements would be approved without advertising. It would also make clear that any application seeking to undertake development of greater, or higher, dimensions, or closer to neighbouring or street boundaries must be accompanied by supporting information outlining the reasons for seeking variation, and any application that proposes variation to the policy would be advertised for comment with a likelihood that it may be refused.

Table 3 – Proposed Outbuilding Policy Requirements

Zone / Lot Size	Maximum area (m ²)	Maximum wall height* (m)	Maximum roof height* (m)
Rural & Rural Residential	Exempt from the area and height requirements of this policy		
All other zones – on lots under 1,000m ²	120m ² (90m ² enclosed/ 30m ² open)	4	5
All other zones – on lots over 1,000m ²	240m ² (180m ² enclosed/ 60m ² open)	4	5

**all height measurements taken from natural ground level*

In practice, it is considered the policy could still provide some flexibility, where an application is considered to offer very minor variation, for example where a block may be sloping and the use of cut and fill earthworks may necessitate the outbuilding is slightly higher than the policy requirement by a few centimetres at one end, and when it is advertised for comment it is supported by neighbours. However, where applications propose more significant variation the updated policy makes clear that the requirements have been established through good planning practice and regard for amenity and provide a solid basis for refusing applications.

Consultation

Schedule 2 Part 2 Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council generally advertise the amendment of a Local Planning Policy for a minimum period of 21 days with a notice being placed on the Shire website. At the conclusion of the advertising period Council can review any submission received and proceed with the policy with/without modification, or not proceed with the policy.

Council may therefore wish to advertise the proposed modification to its Outbuildings Policy and consider this matter again at a future meeting.

However, the Officer Recommendation does not suggest that consultation be undertaken in this instance, as the proposed modifications are considered minor. Given that they reference the determination changes already introduced by overriding legislation, and increase the maximum enclosed shed floor area by 12.5% on lots less than 1,000m² and the total shed area by 20% on larger townsite lots. It is also noted the policy changes would achieve greater regional consistency by aligning with the shed sizes permitted in the neighbouring Shire of Irwin.

Statutory Environment

Schedule 2 Part 2 Division 2 Clauses 4 & 5 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* establishes the procedure for amending Local Planning Policies.

"3 Local planning policies

(1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

(2) A local planning policy —

(a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and

(b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

(3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

(4) The local government may amend or repeal a local planning policy.

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4 Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

- (a) publish in accordance with clause 87 the proposed policy and a notice giving details of —
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) how the proposed policy is made available to the public in accordance with clause 87; and
 - (iv) the manner and form in which submissions may be made; and
 - (v) the period for making submissions and the last day of that period.
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than a period of 21 days after the day on which the notice is first published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to —
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.

(3A) The local government must not resolve under subclause (3) to proceed with the policy if —

- (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
- (b) under the R-Codes, the Commission's approval is required for the policy; and
- (c) the Commission has not approved the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.

(7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

5 Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6 Revocation of local planning policy

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
 - (i) is prepared in accordance with this Part; and
 - (ii) expressly revokes the local planning policy; or
- (b) by a notice of revocation —

- (i) prepared by the local government; and
- (ii) published by the local government in accordance with clause 87."

Given that the determination aspects of the policy amendments are required by overriding legislative changes it considered they should be made under Schedule 2 Part 2 Clause 5(2) (i.e. without further advertising). Similarly it is suggested that the proposed adjustments in policy delegation relevant to advertising process are minor in nature. However, should Council wish to advertise the draft amended Outbuildings Policy for comment as it is proposing to increase the maximum shed floor areas.

Policy Implications

The Shire of Mingenew 'Outbuildings' Local Planning Policy was adopted by Council at its 17 April 2019 meeting and reviewed at its 21 August 2019 meeting.

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Local Planning Scheme provisions and allow for more local planning considerations than the state-wide Residential Design Codes. A Policy is still considered as reasonable basis for a local government to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal, but a Policy also has an improved, more responsive ability to be modified by Council where it considers that a Policy is no longer in-line with its planning, or the local government considers that an individual application should be supported based upon its displayed merits.

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire and provide a consistent approach to approving land use and development.

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

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

Financial Implications

This matter would not have a budgetary impact to Council.

Strategic Implications

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

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

Council adopted its Outbuildings Policy at its 17 April 2019 meeting as part of the Local Planning Scheme Review process (that created Scheme No.4) that recognised that the Outbuilding provisions as contained within the now superseded Scheme No.3 were too onerous, as was recommended by the Local Planning Strategy in Section 6.6:

"Urban Design P5.8

The development standards for outbuildings in Clause 5.17 of TPS3 should be relaxed to accommodate larger outbuildings."

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2025 AND 31 MARCH 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	24 April 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 28 February 2025 and 31 March 2025, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION – ITEM 12.1

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 28 February 2025, as included at Attachment 12.1.1;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 March 2025, as included at Attachment 12.1.2.

Attachments

12.1.1 Monthly Financial Report for the period ending 28 February 2025

12.1.2 Monthly Financial Report for the period ending 31 March 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 28 February 2025 and 31 March 2025 includes the following:

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

MINGENSHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- Budget Amendments

Comment

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,381,356	3,407,339	0.77%
Expenditure from operating activities	(3,804,689)	(3,511,167)	7.71%
Non-cash amounts excluded from operating activities	1,582,009	1,540,968	(2.59%)
	1,158,676	1,437,140	24.03%
INVESTING ACTIVITIES			
Inflows from investing activities	1,724,238	1,230,728	(28.62%)
Outflows from investing activities	(2,561,282)	(1,374,948)	46.32%
	(837,044)	(144,220)	82.77%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(38,150)	(37,406)	1.95%
	(38,150)	(37,406)	1.95%
Surplus/(deficit) at the start of the financial year	1,670,242	1,600,242	0.00%
Surplus/(deficit) at 31 December 2024	1,883,724	2,855,756	51.60%
Cash at Bank Municipal – unrestricted		2,059,526	
Cash at Bank Municipal – restricted		1,028,786	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
Total		4,245,772	

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,462,676	3,442,300	(0.59%)
Expenditure from operating activities	(4,308,746)	(3,932,942)	8.72%
Non-cash amounts excluded from operating activities	1,768,229	1,743,591	(1.39%)
	922,159	1,252,949	35.87%
INVESTING ACTIVITIES			
Inflows from investing activities	1,952,950	1,359,080	(30.41%)
Outflows from investing activities	(2,919,727)	(1,728,055)	40.81%
	(966,777)	(368,975)	61.83%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(66,523)	(65,843)	1.02%
	(66,523)	(65,843)	1.02%
Surplus/(deficit) at the start of the financial year	1,670,242	1,600,242	0.00%
Surplus/(deficit) at 31 January 2025	1,489,101	2,418,373	62.40%
Cash at Bank Municipal – unrestricted		1,876,965	
Cash at Bank Municipal – restricted		1,051,818	
Cash at Bank Trust		50,001	
Reserve Term Deposit		1,107,459	
Total		4,086,243	

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 March 2025, has contributed \$110,056 towards the Community Infrastructure Fund, of which \$9,074 remains outstanding.

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

MINGENSHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- (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 FEBRUARY TO 31 MARCH 2025

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.CRD
Date: 24 April 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 February to 31 March 2025.

OFFICER RECOMMENDATION – ITEM 12.2

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 February to 31 March, as included at Attachment 12.2.1. represented by:

\$652,458.97	Municipal EFTs
\$28,877.17	Municipal EFT Purchasing Cards (Fuel Cards)
\$113,918.70	Municipal Direct Debit Department of Transport (Licencing) Payments
\$102,664.67	Municipal Direct Debit Other
\$11,003.21	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
\$178,287.84	Net Salaries
\$1,087,210.56	Total Payments

Attachments

12.2.1 List of Payments – 1 February to 31 March 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

13.0 GOVERNANCE AND COMMUNITY

13.1 COUNCIL MEMBER SUPERANNUATION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: GV.CLR
Date: 24 April 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

In response to recent reform changes making provision for council members to elect to receive superannuation payments, Council is provided an opportunity to consider whether to make payments of superannuation (super) available to council members.

Key Points

- Section 5.99B-5.99E of the Local Government Act 1995 now provides for local governments to resolve, by Absolute Majority, to make superannuation contributions to council members
- For Class 3 and 4 local governments the payment is optional
- If Council resolve to pay super, individual council members may choose to 'opt out' of receiving super

OFFICER RECOMMENDATION – ITEM 13.1

Council resolves:

- 1) **By Absolute Majority, to make superannuation payments to council members effective from 1 July 2025, in accordance with s.5.99 of the *Local Government Act 1995*, and makes provision for individual council members to opt in and opt out [s.5.99C].**
- 2) **To incorporate provision for superannuation payments in the Council Policy 1.1.1 Elected Member Entitlements which is to be amended and presented for consideration at the next Ordinary Council meeting.**

Background

Amendments to the *Local Government Act 1995* now provide for local governments to elect by absolute majority, to pay super to council members from 1 February 2025, noting it will become mandatory for class 1 and 2 local governments from 19 October 2025 (Shire of Mingenew is Class 4). These changes have been partly in response to broader industry and WALGA advocacy for recognition of the work that elected members undertake and paid work they may otherwise forego in performing their official duties. It aims to encourage greater diversity across the sector, as well as assisting to attract and retain council members. Superannuation payments for council members also acknowledges the significant dedication and investment of time a council member commits to their role.

Where a Council resolves to make superannuation contribution payments for its council members, the amount of the payment is to be the amount Council would have been required to contribute under the *Superannuation Guarantee (Administration) Act 1992* as superannuation if the council members were employees of the local government.

Under current super legislation employers must pay a minimum amount of super (currently 11.5% and moving to 12% from 1 July 2025) to employees. Super is calculated based on ordinary time earnings (OTE) but OTE for the purposes of super is not defined.

MINGENSHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

Council member remuneration includes fees, allowances and expenses. Based on advice from Moore Australia and WALGA, the following payments are considered in determining super payments:

Allowances subject to super:

- President's allowance
- Deputy President's allowance
- Council meeting attendance fees
- Extra meeting allowance

Expenses typically excluded:

- Travel expenses
- Vehicle expenses
- Conference expenses
- Childcare expenses

Comment

A recommendation has been made in the positive to offer the benefit to elected members and allow for opting in and out to provide for any varying views by individual elected members.

Whilst the recommendation is to be make superannuation payments effective 1 July 2025; to allow appropriate budget provision in the new financial year, Council may wish to commence payments immediately.

Alternatively, Council may resolve to not make super contributions. It should be noted that Council has the right to review their position at any time and suggest introducing discussion following each election to ensure the decision reflects current views of Council. The mechanism for this would be to include specific provision in the Council Policy 1.1.1 Elected Member Entitlements, which is currently scheduled for review following each ordinary local government election (next review in November 2025).

A note regarding voluntary contributions:

"It appears that a Council Member could make voluntary contributions to their superannuation fund. However, Council Members are not typically subject to Pay-As-You-Go withholding of taxation liabilities on their income from the Local Government (because they are not common law employees), which poses significant uncertainty about whether income sacrificing arrangements of pre-tax earnings could be valid and workable, and whether they would provide any material benefit. Professional advice should be sought on any proposed sacrificing arrangements to ascertain whether they would be workable and appropriate in the circumstances.

Subject to certain requirements and limits, a Council Member could make a voluntary contribution of funds into their superannuation account themselves once they have received those funds from their Local Government. Council Members should be mindful of any taxation obligations on that income and should seek their own advice on any tax implications of making those voluntary contributions into their superannuation account."

It should be further noted that this report does not consider individual council member circumstances, and each member may wish to seek further independent advice. WALGA's Tax service is available to provide assistance to local governments and members <https://walga.asn.au/our-services/subscription-services/tax-service>.

Consultation

WALGA

Moore Australia

Local Government Professionals WA

Statutory Environment

Local Government (Administration) Regulations Local Government Act 1995

Superannuation Guarantee (Administration) Act 1992
Taxation Administration Act 1953

5.99B. Superannuation for council members: main provisions

- (1) In this section and sections 5.99C to 5.99E —
remuneration has the same meaning that it has in the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) section 11(1)(e);
superannuation contribution payment, in relation to a council member, means —
 - (a) a payment of a prescribed type that is towards, or otherwise relates to, superannuation or retirement benefits for the council member; or
 - (b) in the absence of regulations made for the purposes of paragraph (a) — a payment that is a contribution to an account that —
 - (i) is nominated by the council member to the local government; and
 - (ii) is for superannuation or retirement benefits from a scheme or fund to which the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) applies.
- (2) A local government may decide* to pay superannuation contribution payments for its council members under this section.
* Absolute majority required.
- (3) A local government may revoke* a decision made by it under subsection (2).
* Absolute majority required.
- (4) Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.
- (5) Regulations may make provision for determining —
 - (a) when a superannuation contribution payment for a council member is payable; and
 - (b) the amount of a superannuation contribution payment for a council member.
- (6) Subsections (7) and (8) apply in the absence of regulations made for the purposes of subsection (5).
- (7) A superannuation contribution payment for a council member is payable with, and at the same time as, any remuneration of the council member paid by the local government.
- (8) The amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) as superannuation if —
 - (a) the council member were an employee of the local government for the purposes of that Act; and
 - (b) the remuneration were salary or wages of the council member for the purposes of that Act.
- (9) This section is subject to sections 5.99C and 5.99D.

5.99C. Superannuation for council members: opt outs

- (1) This section applies to a local government —
 - (a) for which a decision under section 5.99B(2) is in effect; or
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A council member may, by written notice to the CEO (an opt-out notice), opt out of superannuation contribution payments.
- (3) An opt-out notice remains in effect unless, and until, the council member, by written notice to the CEO, revokes the opt-out notice.
- (4) If an opt-out notice is in effect, the local government cannot pay a superannuation contribution payment for the council member under section 5.99B.

Note for this subsection:

If an opt-out notice is revoked, the local government cannot pay a superannuation contribution payment for the council member that the local government could not previously pay because of this subsection.

5.99D. Superannuation for council members: other exceptions

- (1) This section applies to a local government —

- (a) for which a decision under section 5.99B(2) is in effect; or
 - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B at any time when the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e) applies in relation to the local government.
- (3) Subsection (4) applies in the absence of regulations made for the purposes of paragraph (a) of the definition of superannuation contribution payment in section 5.99B(1).
- (4) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government as referred to in paragraph (b) of the definition of superannuation contribution payment in section 5.99B(1).
- (5) Regulations may prescribe circumstances in which a local government —
 - (a) cannot pay a superannuation contribution payment for a council member under section 5.99B; or
 - (b) can pay only a portion of the amount of each superannuation contribution payment for a council member under section 5.99B.
- (6) Regulations may make provision for determining the portion referred to in subsection (5)(b).

Note for this section:

A superannuation contribution payment, or a portion of a superannuation contribution payment, that a local government cannot pay for a council member under subsection (2) or (4), or under a provision of regulations made for the purposes of subsection (5), cannot be paid by the local government after the subsection or provision of regulations has ceased to apply. For example, if a local government cannot pay a superannuation contribution payment for a council member under subsection (2), the local government cannot pay the superannuation contribution payment after the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e) ceases to apply in relation to the local government.

5.99E. Superannuation for council members: supplementary provisions

- (1) For the purposes of subsection (2), this subsection applies to a case in which —
 - (a) section 5.102AB, 8.29(5)(b) or 8.30B(4)(b) applies in relation to an annual allowance or annual fee paid in advance to a person (the relevant person); and
 - (b) the local government paid a superannuation contribution payment for the relevant person under section 5.99B wholly or partly by reference to, or otherwise in connection with, the annual allowance or annual fee.
- (2) Regulations may, in respect of a case to which subsection (1) applies, make provision —
 - (a) requiring the relevant person to pay the local government an amount (the returnable amount) that is equal to a percentage of the amount of the superannuation contribution payment; and
 - (b) for determining that percentage (which may be 100%); and
 - (c) for the local government to recover the returnable amount if it is not paid.
- (3) In making a determination under the Salaries and Allowances Act 1975 section 7B, the Salaries and Allowances Tribunal must not take into account either of the following —
 - (a) the payment of superannuation contribution payments by a local government under section 5.99B;
 - (b) a local government's power to decide to pay, or its duty to pay, superannuation contribution payments under section 5.99B.
- (4) Nothing in section 5.99B, 5.99C or 5.99D or this section, or that is done under section 5.99B, 5.99C or 5.99D or this section, makes a council member an employee of the local government.
- (5) A superannuation contribution payment paid by a local government under section 5.99B is not salary for the purposes of any written law.

Policy Implications

Amendments to the Council Policy 1.1.1 Elected Member Entitlements Policy will be reviewed and updated for Council adoption following a decision, and proposed amendments will reflect the following:

MINGENSHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- If superannuation is to be paid:

Provision for superannuation to be paid, clarifying what payments would have super applied, elected member obligations to nominate a super account, opt-in/opt-out notice requirements, and review requirements (see below).

- If superannuation is not to be paid:

Council will review the decision upon review of this policy following each election as a minimum but reserves the right to review at any time, subject to consideration of Budget implications.

Financial Implications

The cost of paying superannuation for council members would need to be met out of the existing budget if applying immediately or factor the expense into next year's Budget. It is estimated that the cost to pay super to all members in 2025/26 would be around \$6,665 per year (based on \$55,540.50 total meeting fees and allowances paid).

Strategic Implications

Strategic Community Plan 2023-2033

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

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

13.2 EXPRESSIONS OF INTEREST (EOI1 24-25): PROVISION OF EARLY CHILDHOOD EARLY EDUCATION SERVICES

Location/Address: 20 Victoria Road, Mingenew WA 6522
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CP.TEN.24.25 / A1030
Date: 24 April 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The Shire recently ran a public invitation for suitably qualified and interested parties to submit Expressions of Interest for the Provision of Early Childhood Education Services from the new, under-construction, purpose-built facility at 20 Victoria Road, Mingenew (Childcare Centre). Council is provided an opportunity to review the submissions, evaluation, short-list and determine whether to and how to proceed to tender.

Key Points

- EOIs have been sought for the provision of early childhood education services
- Submissions closed at 9am, Thursday 24 April 2025
- Two EOIs were received

OFFICER RECOMMENDATION – ITEM 13.2

Council:

1. Accepts the Expression of Interest (EOI) submissions made to the Shire of Mingenew via Tenderlink for EOI1 24-25 Provision of Early Childhood Education Services, provided under Confidential Attachment 13.2.2, from the following providers:
 - Rocky Ridge Geraldton Pty Ltd (Bambi)
 - VS Investment Group Pty Ltd (Sparkles Early Learning)
2. Resolves to call for Public Tenders, rather than conducting a selective tender process from the EOIs submitted, due to the limited responses received through the EOI process.

Attachments

13.2.1 Request for Expressions of Interest EOI1 24-25

13.2.2 *CONFIDENTIAL: EOI1 24-25 Submissions (provided under separate, confidential cover)*

Background

Mingenew has an existing Shire-owned childcare facility (the Mingenew Education and Care Centre (MECC)) located at 76 (Lot 106) Phillip Street, which is currently operated by a not-for-profit organisation, under a lease arrangement with the Shire.

The current Mingenew Education and Care Centre (MECC) is the only daycare service within the Shire of Mingenew, serving a community of approximately 400 residents, as well as those commuting to Mingenew for work. The centre can accommodate up to 17 children at a time (subject to meeting child-staff ratios), operating four days a week between 8:15am-5:00pm. This is a critical service for primary caregivers to support local employment and is crucial to economic growth and social health in the region.

Council is dedicated to determining the best service delivery model for the new facility, as a recognised community priority identified in the Strategic Community Plan 2023-2033 and Corporate Business Plan 2024-2028. As child care and related services are not core business of local government it was considered appropriate to seek Expressions of Interest as a preliminary step, to help inform the preparation of a tender.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

In response to increased demand and the need to expand floor space to accommodate, Council resolved to build a new facility y at 20 Victoria Street, Mingenew (shown below). To prepare for the new Centre becoming operational (expected to be in early 2026), an Expression of Interest process was commenced.



Local government expressions of interest (EOIs) are opportunities for individuals or organizations to demonstrate their interest and suitability for a specific project, contract, or role with a local government.

An Expression of Interest (EOI) is a brief document outlining the requirements used to:

- Obtain non-price information from suppliers, such as their capability and capacity; and
- Narrow the field of potential bidders to the most qualified candidates.

Respondents cannot be engaged to supply goods or services based on a response to an Expressions of Interest and the Shire makes no commitment or representation that it will accept any submission. The Local Government must issue a request for tender (selective tender process) to the list of acceptable respondents referred to as acceptable tenderers under Regulation 23 of *Local Government (Functions and General) Regulations 1996*, to which it may accept or reject following an evaluation of Expressions of Interest received.

Comment

An EOI process was commenced in March 2025, via State-wide public notice, for the provision of early childhood education services from the fit-for-purpose facility currently under construction at 20 Victoria Road, Mingenew. The EOI deadline for submissions was 9am, Thursday 24 April 2025 and submissions were to be made via Tenderlink.

Two Shire officers opened and reviewed all submissions received after the deadline. There were two submissions made, each of which responded to criteria relating to:

- Business Planning

- Quality of Service
- Service Delivery Model
- Relevant Regional Experience
- Lease Proposal Terms

Submissions for EO1 24-25 have been provided to Councillors under separate confidential cover, in accordance with s.5.23(2)(c) of the *Local Government Act 1995*.

Council may now make a determination to seek selective tenders from those submitting an EOI or proceed with a Public Tender process that is open to the broader market. A disposal of property process will also need to commence, in accordance with s3.58 of the *Local Government Act 1995*.

Given only two responses were received, it is considered likely to be more beneficial to proceed with an open tender process.

Consultation

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Local Government (Administration) Regulations 1996

11. When tenders have to be publicly invited

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (c) *within the last 6 months —*
- (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

21. Limiting who can tender, procedure for

- (1) *If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
- [(2) deleted]
- (3) *If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.*
- (4) *The notice is required to include —*
- (a) *a brief description of the goods or services required; and*
- (b) *particulars identifying a person from whom more detailed information may be obtained; and*
- (c) *information as to where and how expressions of interest may be submitted; and*
- (d) *the date and time after which expressions of interest cannot be submitted.*

22. Minimum time to be allowed for submitting expressions of interest

The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is —

- (a) *published on the local government's official website; and*
- (b) *published in at least 3 of the ways prescribed in the Local Government (Administration) Regulations 1996 regulation 3A(2).*

23. Rejecting and accepting expressions of interest to be acceptable tenderer

- (1) *An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.*
- (2) *An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.*

- (3) *Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.*
- (4) *The CEO is to list each of those persons as an acceptable tenderer.*

24. People who submitted expression of interest to be notified of outcome

The CEO is to give each person who submitted an expression of interest notice in writing —

- (a) containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers; or*
- (b) advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or*
- (c) informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.*

3.58. Disposing of property

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

Policy Implications

The Shire's CEO has delegated authority (Delegation 1.2.14 Expressions of Interest for Goods and Services) to determine when to seek EOIs and to invite EOIs for the supply of goods or services [F&G

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

r.21], as well as having authority to consider EOIs which have not been rejected, and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].

Financial Implications

The Budget implication is unknown at this stage and will depend on the successful tenderer.

Strategic Implications

Strategic Community Plan 2023-2033

5.1 Deliver a fit for purpose Mingenew Early Education & Childcare Centre to support current demand and future needs

Corporate Business Plan 2024-2028

- a. Build a value for money and fit for purpose Centre for early education and childcare
- b. Facilitate the best service delivery model for a new Childcare Facility

13.3 COMMUNITY SATISFACTION SURVEY 2024 RESULTS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.PLN.1
Date: 24 April 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The purpose of this report is to formally present the findings of the Community Satisfaction Survey from 2024. Councils Overall performance index score has increased significantly from 56 to 64 between 2022 and 2025.

Key Points

- Council is required to undertake a major review of its Strategic Community Plan (SCP) every four years, and minor review every alternative four years
- The Community Satisfaction Survey is a tool used to measure Council's performance over time and to establish changing community expectations, aspirations and opinion.
- The results will help inform the review of our Corporate Business Plan (CBP) for 2025-2029 and the minor review of the SCP that will be due at the end of this calendar year

OFFICER RECOMMENDATION – ITEM 13.3

Council:

1. Receives the 2024 Community Satisfaction Survey Results Report (MARKYT Community Scorecard ©) prepared by Catalyse, and publishes the results on the Shire's website; and
2. Resolves to use the results of the Community Satisfaction Survey to inform reviews of the Shire's plans for the future i.e. Strategic Community Plan (SCP), Corporate Business Plan (CBP), Long Term Financial Plan (LTFP) and Annual Budgets.

Attachments

13.3.1 2024 MARKYT Community Scorecard Report

Background

In 2022 Council undertook its first Community Satisfaction Survey to commence the process of benchmarking community expectations, aspirations and opinion. Council committed to undertaking these community surveys bi-annually to compare and track performance over time and to inform the development and review of the Strategic Community Plan, Corporate Business Plan and other strategic planning documents.

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

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

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

Having issued the same survey in 2022, Council is now able to compare and track performance over the two year period.

Comment

The scorecard was open from 21 October to 6 December 2024 and a total of 77 responses were received (paper and online survey responses). Responses were gathered and collated by Catalyse, a Results Report prepared, summarising the responses.

The 2024 results indicate above industry average performance and an overall improvement in performance in most categories compared to 2022 results, and an extract of the report provides a good visual overview:



The Overall Performance Index Score has risen from a score of 56 to 64 a significant increase of 8 index points during the period and we are now the second highest scoring band 4 Council from the data set with the highest band 4 scoring 66 index points.

The community priorities are a main focus of the report, and a summary is provided below identifying those priorities and what actions have been or are planned to be taken to address:

Local Roads

We know roads are a consistent priority within our community. The Shire uses a priority list and road hierarchy to plan maintenance and upgrades, aiming to get the best value from limited resources. Priorities are based on road condition, usage, network connectivity, and available funding—and they're regularly reviewed.

Council has recently collected condition data and gravel depth information for its entire road network which will be used to further improve decisions on road maintenance and improvement works.

Here's what's happening:

- We've increased our gravel patching and maintenance budget for a third straight year.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- Town street resurfacing has commenced and will continue, alongside kerbing upgrades as part of our 4-year footpath improvement program.
- Major works funded by State government include bitumen sealing of Yandanooka NE Road Coalseam Road. Depot Hill North Road has also been included in the 2040 regional roads list which provides opportunity for future grant funding.

We also appreciate there may be external factors that contribute to community views on local roads, including impacts of the Midlands Road widening project (Main Roads WA project), an increase to traffic in the main street with iron ore transport and train blockings at the Boolinda Street rail crossing. The Shire has played an active role in advocating for community benefits through participating in stakeholder meetings, raising awareness of local issues and negotiating outcomes that benefit the community.

Seniors' services and care

While the Shire is not a direct provider of aged care services, we play a strong support role—working alongside providers like WACHS, local GPs, and the Mingenew CRC.

Here's how we're supporting older residents:

- Offering affordable seniors housing, including 4 x Aged Persons Units and 2 x Independent Living Units—with plans for 3 more (pending funding).
- Maintaining venues like the Autumn Centre and recreation facilities with free or low-cost access.
- Supporting programs through our Community Assistance Scheme.
- Upgrading footpaths and ramps to improve town-wide accessibility.
- Advocating for improved medical and aged care services.
- Exploring the establishment of a community gym to support health and wellbeing

Housing

The community continues to be impacted by housing shortages and the Shire has been strong in advocating for funding opportunities to support the delivery of increased housing stock and other initiatives to address this issue. A business plan has been released indicating proposals for three major housing projects to be delivered by the Shire in the next few years:

- 3 x new Aged Person Units (fully funded by Department of Communities – awaiting approval)
- 2 x GROH houses (self-funded with long-term lease proposed for cost recovery)
- 2 x key worker houses (self-funded)

We are also working with state government agencies and utilities to reduce the financial burden to landowners in connecting power and water to undeveloped town lots, to stimulate new development.

Waste Management Services

Managing waste services remains a balancing act between cost and access. Rising contract costs have led to reduced Transfer Station hours in order to avoid passing those costs directly to ratepayers, as a temporary measure.

What we're doing:

- Actively investigating a secure, self-serve waste facility for residents using access cards—making disposal easier while keeping operational costs down.
- Exploring options for recycling, though regional limitations make this a complex and costly issue for small local governments generally making these opportunities not viable as compared to city operations.

Liveability

We're committed to making Mingenew a place residents are proud to live. Over the past two years, the Shire has delivered noticeable improvements:

Recent and planned actions include:

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- Developing a Civic Precinct Plan and applying for funding to upgrade the Cenotaph precinct.
- Planting new street trees, starting with Victoria Road and Shenton Street.
- Concept planning to develop the Mingenew Spring Regional Botanical Garden with the support of the government.
- Planning to revitalise the Town Hall, with a business case underway to secure funding.
- Continuing to plan the Development of the Water Park in Cecil Newton Park

These efforts work hand-in-hand with our footpath upgrades to enhance both beauty and accessibility.

Footpaths, trails and cycleways

We want our town to be walkable, safe and inclusive. Thanks to Department of Transport funding, the Shire is undertaking essential upgrades to key footpaths and infrastructure.

Highlights:

- A new 10-Year Shared Path Plan will guide future improvements.
- The plan supports all users—gophers, prams, scooters, wheelchairs and more.
- We'll continue to seek State funding as limited Shire funds make this work difficult to deliver independently.

Consultation

As this is the key document in the integrated planning suite, it is important that community feedback forms part of the consultation process. The International Association for Public Participation (IAP2) has guided the development of the Shire's Community Engagement Policy and procedures, which indicates this type of activity would "Involve" the community. Involve is a level of community engagement in which an organisation works with the community to ensure that their concerns and aspirations are directly reflected in the strategies developed.

The summary information provided above and within the report will also be shared with the community, through updates in the Mingenew Matters, a letter drop and on social media, in a more palatable format.

Statutory Environment

Local Government Act 1995

Policy Implications

1.4.1 Community Engagement Policy

1.4.1 Community Engagement Management Procedure

Financial Implications

The works in undertaking the Community Satisfaction Survey are completed and require no further budget allocation. The next survey will be conducted in 2026, subject to budget approval.

Strategic Implications

Strategic Community Plan 2023-2033

13.2 Community expectations are measured and reported

Corporate Business Plan 2024-2029

- a. Conduct community satisfaction survey every two years and report on outcomes
- b. Report outcomes of community engagement activities and outcomes, as required

13.4 COUNCIL POLICY REVIEW - ADMINISTRATION POLICIES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 24 April 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

A review of the Shire of Mingenew's Administration policies (and Procedures) within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs and is available for Council's consideration.

Key Points

- Council adopted a Policy Manual schedule in September 2019 that identified Administration Policies to be reviewed biennially and Finance Policies to be reviewed annually
- Administration Policies were last reviewed in December 2022 and were due for review in December 2024
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision

OFFICER RECOMMENDATION – ITEM 13.4

Council:

1. Notes the management review of Council's Administration policies and accepts the proposed amendments of the policies, as presented: and
2. Accepts the new Council Policy 1.2.20 'Privacy and Responsible Information Sharing'

Attachments

13.4.1 Council Administration Policies (tracked changes)

Background

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

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

All of Council's policies may be accessed from the Shire's website <https://mingenew.wa.gov.au/council-and-staff/governance/> under the Council Policies.

Comment

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

The Shire's Executive Leadership Team and relevant staff have reviewed the policies, and any proposed changes are summarised below:

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

Policy Name	Proposed changes
1.2.1 Records Management	Staff title amendment, and addition of '...or performance of official duties' to clarify record requirements for Elected Members
1.2.2 Risk Management	Only minor formatting and title changes proposed – refer to next Audit & Risk Committee meeting for review
<i>1.2.2 Risk Management Procedure</i>	<i>Adopted by the CEO – only minor formatting and title changes applied</i>
1.2.3 Legal Representation – Costs Indemnification	Minor title changes
<i>1.2.3 Legal Representation – Costs Indemnification Procedure</i>	<i>Adopted by the CEO – only minor formatting changes applied</i>
1.2.4 Temporary Employment or Appointment of CEO	Only minor formatting and titled changes applied
1.2.5 Work Health and Safety	Minor changes to title and legislation reference (Workers Compensation and Injury Management Act was updated in 2023).
1.2.6 Gratuities to Employees	Title amended to include "... to Employees" to more accurately define the policy and its application
<i>1.2.6 Gratuities Management Procedure</i>	<i>Minor amendment to replace "Shire of Mingenew" with "CEO" in relation to determining any exceptions</i>
<i>1.2.7 Revoked</i>	<i>Policy transferred to internal HR Policies in 2019</i>
1.2.8 ICT	No change, will await to consult with new ICT Managed Service providers
1.2.9 Prequalified Suppliers	No change
<i>1.2.9 Prequalified Suppliers Management Procedure</i>	<i>Addition to highlight restriction on contract terms, in accordance with r.24AJ [F&G Regs]</i>
1.2.10 Access and Inclusion	Updated reference to Disability Access and Inclusion Plan 2025-2029
1.2.11 Accessible Information	Updated reference to Disability Access and Inclusion Plan 2025-2029
1.2.12 Reasonable Adjustment	No change
1.2.13 Christmas Period Closure	Additional Festive Leave provision is included within the Policy.
1.2.14 Public Interest Disclosures	No change
1.2.14 Public Interest Disclosures Management Procedure	Broken link to 'Don't be Afraid to Speak Up' publication has been rectified.
1.2.15 Common Seal	No change
1.2.16 Fraud and Misconduct Management	Minor title changes, removed reference to 'directors' as not applicable.
1.2.17 Resources and Energy Community Benefit	No changes, policy was only introduced in July 2024 and no chance to test its application
1.2.18 Dealing with Challenging Behaviours	The Policy was adopted in December 2024. Staff have had to refer to this policy in the last few months and some minor, immaterial amendments have been proposed
1.2.19 Recording of Meetings	No changes, policy was only introduced in February 2025
1.2.20 Privacy and Information Sharing Policy (NEW)	New Policy proposed in response to the introduction of the new Privacy and Responsible Information Sharing Act 2024. The policy outlines how the Shire handles personal information and manages the information responsibly.

Council's Policy Review Schedule outlines that its Administration Policies are to be reviewed at least every 2 years. Administration Policies were last reviewed in December 2020.

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

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

An updated version of the Policy Manual will be issued to Councillors following this meeting.

Statutory Environment

Local Government Act 1995

Privacy and Responsible Information Sharing Act 2024

Policy Implications

As outlined.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2023-2033

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

14.4 Identify risks and implement adequate management controls

13.5 METHOD FOR CONDUCTING LOCAL GOVERNMENT ELECTIONS 2025

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: GV.ELE.1
Date: 24 April 2025
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider whether the WA Electoral Commissioner is to conduct the 2025 Local Government Ordinary Election in light of reform changes around the introduction of optional preferential voting.

Key Points

- Typically, the Shire of Mingenew has conducted the elections as in-person elections, with the CEO the appointed Returning Officer
- To hold a postal election, the election must be conducted by the Electoral Commissioner
- With the introduction of optional preferential voting there is some additional responsibilities and complexities in conducting a vote should an election be necessary
- Current cost estimates have not been obtained for this report but are based on a reasonable contingency added to cost estimates provided in 2023

OFFICER RECOMMENDATION – ITEM 13.5

Council resolves that the method for conducting the 2025 Local Government Election will be a voting in-person election, in accordance with section 4.61(2) of the *Local Government Act 1995*.

Background

The Minister for Local Government is progressing a range of Local Government Act legislative reform initiatives related to the conduct of elections, notably the introduction of optional preferential voting to replace the first past the post system in 2023. Legislation is now in place for the conduct of the 2025 elections, with optional preferential voting likely to significantly increase the complexity of the election count.

This report is provided to assist Council in its consideration of the method of conducting the October 2025 election and includes the proposal that the Local Government adopt the in-person method, consistent with previous years.

In accordance with section 4.7 of the *Local Government Act 1995* (Act), the next ordinary Local Government election is scheduled for Saturday, 18 October 2025.

Comment

Local Government has the option of holding an in-person election (run internally by the Returning Officer (typically the CEO)) or postal election (run by the Electoral Commission). Information regarding each is provided below:

In-person Elections

The benefit of the Shire conducting the Election in-person is that financial costs are minimised. Given the Shire has not run an Election past the nomination process since the extraordinary election in June 2019, due to lack of nominees, it is possible that the burden of the new preferential voting system will not occur. Since the June 2019 extraordinary election, there has been two ordinary elections (in 2021 and 2023), three

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

extraordinary elections (Nov 2021, Jul 2022 and Nov 2023), and a direct Council nomination (July 2022) resulting from an unsuccessful extraordinary election (no nominations received).

Postal Elections

One of the benefits of the WAEC conducting the elections is that the process and the Returning Officer are largely independent of the Shire. This separation may improve the community's perception and confidence in the election process. In addition, postal voting is considered potentially more convenient for Electors and typically achieves a higher rate of voter participation.

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period, the dual role can lead to an unwelcome perception of conflict of interest and bias from the community.

It is the prerogative of Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC.

The Western Australian Electoral Commissioner (WAEC) has not yet provided a cost estimate to conduct the October 2025 election as a postal election. The WAEC estimated the cost to conduct a postal election 2023 to be \$12,000, including GST, based on the following assumptions:

- a) 305 electors
- b) A response rate of approximately 50%
- c) 4 vacancies
- d) The count to be conducted at the offices of the Shire of Mingenew
- e) Appointment of a local Returning Officer
- f) Regular Australia Post deliver service to apply for the lodgement of the election packages.

An additional amount of \$75 will be incurred if Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

It should be noted that the Commission is required to conduct the elections on a full cost recovery basis and that this is an estimate only and actual costs may vary depending on a range of factors.

Following the close of nominations, should there be the same amount of nominees than positions vacant, and nominees are elected unopposed, the cost estimate will reduce to around \$6,000.

If insufficient nominations are received for positions vacant, the Shire will need to conduct an Extraordinary Election to fill the remaining positions, which will incur further costs.

The cost estimates do not include expenses for election functions that remain the responsibility of the Local Government, including the appointment of Deputy Returning Officer and an appropriate number of additional Local Government election officers to assist with the election process.

Council has historically elected to conduct the Local Government Elections (both ordinary and extraordinary) as voting in-person elections (run internally by the local government with the CEO as the Returning Officer).

To gain an understanding of resourcing requirements throughout the Election process, responsibilities for conducting the election (in-house as an in-person election) include:

- Handling general enquiries
- Reviewing role eligibility / assessing applications and managing registers
- Preparing declarations and delegations

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

- Preparing and publishing statutory notices
- Preparing nomination packages and handling nominations
- Preparation of and reviewing accuracy of electoral rolls
- Managing the electoral gift register
- Ordering supplies for use on election day i.e. forms, seals and other materials
- Training of staff on CountWA program
- Preparing ballot papers
- Managing voting prior to election day (absent and early voting)
- Setup and managing voting on election day
- Conducting the count
- Establishing a complaints system
- Reporting of election outcomes
- Managing and storing records

Local Government Reform Implications

Caretaker Period (effective 1 July 2024) – Council is prohibited from making significant decisions during the Caretaker Period (commencing from close of nominations to the declaration of election results).

Owners and Occupiers Roll (effective 1 January 2024) – eligibility requirements have changed for non-resident occupiers.

Optional Preferential Voting (effective 21 October 2023) - optional preferential voting requires that electors only need to register a first preference on their ballot papers by placing a 1 in the square alongside the candidate of their choice for their votes to be counted. Electors who wish to register one or more additional preferences among the remaining candidates are able to do so, using consecutive numbers in the remaining squares up to the number of vacancies to be filled.

Backfilling extraordinary vacancies (effective 21 October 2023) – vacant positions can now be filled based on the results of an election that has taken place within the previous 12 months

Election of mayors and presidents (effective 21 October 2023) – Class 1 and 2 local governments are now required to elect their mayor or president by a vote of electors. Not applicable to the Shire of Mingenew (Class 4).

Classes of local government (effective 1 July 2023) – Schedule 2 of the *Local Government (Constitution) Regulations 1998* prescribe the different classes of local government based on the bands under Salaries and Allowances Tribunal determination (no longer referred to as Bands – Shire of Mingenew is a Class/ Band 4 local government).

Council sizes (effective 1 July 2023) – The number of council members a local government has is now based on their populations – less than 5,000 people = 5-7 Elected Members.

Changes to wards (effective 1 July 2023) – Class 3 and 4 local governments are no longer able to have wards. Council members that represented wards that are now abolished no longer represent a ward but the whole district. Wards were abolished in the Shire of Mingenew in 2019.

Consultation

Western Australian Electoral Commission (WAEC)

Western Australian Local Government Association (WALGA)

Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

(1) *Subject to this section the CEO is the returning officer of a local government for each election.*

- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
- an election; or
 - all elections held while the appointment of the person subsists.

* Absolute majority required.

- (3) An appointment under subsection (2) —
- is to specify the term of the person's appointment; and
 - has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* Absolute majority required.

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
- postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
- voting in person election** which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

* Absolute majority required.

Policy Implications

Nil.

Financial Implications

Council will be required to make a budget provision for 2025/26. An estimate of costs is outlined below, based on the two options proposed for conducting the Election:

Option 1 – in-person election conducted by the Shire estimated costs:

Election Activity / Expense	Cost Estimate
Staff Wages (if proceeding to Election)*	\$4,500
Staff Wages (if nominees elected unopposed)*	\$2,500
CountWA software and training	\$5,500
Statutory Advertising	\$1,500
Electoral supplies	\$100
TOTAL COST ESTIMATE	\$9,600 – \$11,600

*does not factor in cost to organisation for diversion of duties or CEO time as Returning Officer

Option 2 – postal election conducted by the WA Electoral Commission estimated costs:

Election Activity / Expense	Cost Estimate
WA Electoral Commission (if proceeding to Election)	\$14,000
WA Electoral Commission (if nominees elected unopposed)	\$6,000

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

Statutory Advertising	\$1,500
Additional staff for Election Day (if applicable)	\$600
TOTAL COST ESTIMATE	\$8,100 – \$22,100

Should Council wish to opt for a postal election, the Electoral Commissioner will need to be notified, and alternative motion is provided below as a guide to ensure compliance with relevant legislation:

Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections together with any other elections or polls which may be required.
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Strategic Implications

Strategic Community Plan 2023-2033

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

14.0 WORKS

14.1 VOLUNTARY CONTRIBUTIONS TO ROADWORKS POLICY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 24 April 2025
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider amending the Council Policy that defines the application of community contributions (material, labour and plant) towards upgrading and repair to roads and associated infrastructure.

Key Points

- A new policy was developed in June 2024 to recognise and support the contribution the community can make by providing in-kind support for upgrading of Council's assets within the road network
- The policy provides guidance on how the arrangements will be agreed and controlled
- The policy amendment recommends providing financial limits to the policy and a financial delegation to the CEO for its implementation

OFFICER RECOMMENDATION – ITEM 14.1

Council:

1. Adopts the revised Council Policy 1.5.6 Voluntary Contributions to Roadworks, as presented in Attachment 14.1.1.
2. Delegates authority, by Absolute Majority, to the Chief Executive Officer (CEO) to approve agreements and payment or reimbursements made under this Policy, up to the value of \$5,000. For works valued over \$5,000, Council is to consider the proposal for approval.

Attachments

14.1.1 Revised Council Policy 1.5.6 Voluntary Contributions to Roadworks

Background

The Shire often receives requests for an improved road network, but the Shire's programming and resourcing is limited. This policy has been developed to facilitate a shared response to road repair and maintenance requirements where local contractors have plant and/or materials available to contribute.

Since its adoption the policy has been utilised on two occasions which has identified financial and governance risks to the Council, particularly in cases where large sections of works are delivered under the program.

Comment

Following the most recent utilisation of the policy framework, a number of issues were identified.

It is suggested that through the experiences thus far that the following risks need management:

- Although the policy has great intentions it has the capacity to inhibit the road maintenance and renewal programs and deplete Shire budgets or even divert funding from programmed works to projects which may not have been programmed.
- The scope of works is quite open and can leave contributors open to criticism, especially serving members.
- An application form and cost agreement needs to be implemented prior to works commencing so that all parties are clear on expectations

MINGENOW SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

The following improvements to the policy administration process are suggested:

- Council would need to approve any works which result in a reimbursement of greater than \$5,000 – this generally equates to the gravel resheeting of ~ 1km
- That the CEO be delegated to approve works which fall below this threshold (maximum \$5,000 total reimbursement ~ 1km of resheeting 150mm x 8m made up of \$2,500 Gravel Royalty and Fuel contribution of ~\$2,500 depending on the haul length).

Statutory Environment

Local Government Act 1995

Policy Implications

Revised Policy as enclosed.

Financial Implications

The implementation of this revised Policy allows Council to formalise any arrangements with local contractors (including farmers) who may wish to contribute to Shire road projects or other road maintenance tasks and established a financial limit framework to protect both the Council's and policy users' financial interests while achieving its intended purpose.

Strategic Implications

Strategic Community Plan 2023-2033

- 14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness
- 15.2 Balance value for money principles and compliance in procurement practices

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 30 APRIL 2025

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

17.0 CONFIDENTIAL ITEMS

Nil.

18.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday, 18 June 2025 commencing at 5.00pm.

19.0 CLOSURE

The meeting was closed at ____pm.

These minutes were confirmed at an Ordinary Council meeting on 18 June 2025

Signed _____
Presiding Officer

Date: _____