MINUTES OF THE SPECIAL COUNCIL MEETING

16 JULY 2025

TABLE OF CONTENTS

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS 3
2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE 3
3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME 3
4.0 DECLARATIONS OF INTEREST 3
5.0 CHIEF EXECUTIVE OFFICER 4
5.1 MAJOR LAND TRANSACTION PROCESS – GROH HOUSING PROJECTS 4
5.2 BOMAG PNUEMATIC TYRE ROLLER REPLACEMENT 8
6.0 CORPORATE SERVICES 10
7.0 GOVERNANCE AND COMMUNITY 11
7.1 LEASING OF NEW MINGENEW CHILDCARE FACILITY (RESERVE 26455) 11
7.2 FEES & CHARGES – MIDLANDS ROAD OFFICE 17
8.0 WORKS 19
9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 20
10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 20
11.0 CONFIDENTIAL ITEMS 20
12.0 TIME AND DATE OF NEXT MEETING 20
13.0 CLOSURE 20

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 16 JULY 2025 COMMENCING AT 5:00PM.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr GJ Cosgrove opened the meeting at 5:02pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr AR Smyth	Councillor

Staff

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

Apologies

Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor
Cr RA Starick	Councillor

3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

4.0 DECLARATIONS OF INTEREST

Nil.

5.0 CHIEF EXECUTIVE OFFICER

5.1 MAJOR LAND TRANSACTION PROCESS – GROH HOUSING PROJECTS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.TEN.24.25
Date:	21 July 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
To outline and commence the process for procurement activity for housing projects considered to be major land transactions, in accordance with s.3.59 of the *Local Government Act 1995*.

Key Points
- Council has in its LTFP the delivery of 2 GROH houses for the WA State Government
- An Offer of Lease for the GROH dwellings would need to be issued prior to any construction. If each build cost was less than $535,059 then the acquisition is not deemed a major land transaction.
- Council has already performed market research and pricing options from different suppliers to determine the most cost-effective procurement method. This pricing formed the basis for the required major land transaction business case.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 5.1 – RESOLUTION#01160725S
MOVED: Cr AR Smyth SECONDED: Cr AT Pearse

Council:
1. Notes the following housing projects, are deemed potential major land transactions, as per definitions outlined in s.3.59 of the *Local Government Act 1995*:
   a) Construction and lease of 2 x residential homes for GROH
      (proposed at 38 Victoria Road, or land owned or acquired by the Shire of Mingenew)
2. Endorses the advertising by public notification of the presented business plan for the Mingenew GROH Housing Project as required for major land transactions under s.3.59 of the *Local Government Act 1995*.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 4/0
(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearse and Cr AR Smyth. AGAINST: Nil)

Attachments
5.1.1 Mingenew GROH Housing Business Plan

Background
The Shire has, for some time, been in discussions with GROH and the Department of Communities regarding the building of two (2) additional GROH houses in Mingenew for the department of Education.

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

At its February 2024 OCM the Council resolved as follows:

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 17.1 – RESOLUTION# 14210224
MOVED: Cr JR Holmes SECONDED: Cr AT Pearse

Council, with respect to the offer from the Government Regional Officer's Housing GROH for Council to build two houses for use by the Department of Education, supports the proposal in principle and:

1. **Authorises to the CEO to enter into negotiations with GROH to build two houses (1-4x2, 1-3x2), on the provision that the investment is sound and subject to a cost benefit analysis and final proposal being presented to Council prior to entering a contract; and**
2. **Seeks loan funding for the construction of the two houses.**

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 5/0
(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr RA Starick AGAINST: Nil)

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

Difficulties in the servicing of the identified sites has resulted in a new proposal being developed which places both GROH houses on a large single block currently owned by the Department of Communities being 38 Victoria Rad, Mingenew or to located on any other lot owned or procured by the Shire for the delivery of this project.

Comment

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

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

Major Land Transaction Process

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

- Prepare and present draft business plan, as prescribed, for each project
  (*16 July 2025 Special Council Meeting*)
- Give Statewide public notice outlining its proposal to commence a major land transaction and provide an opportunity for submissions (no less than 6 weeks' notice period), providing a copy of the business plan
  (19 July – 2 September 2025 submission period)
- Consider any submissions received and decide to proceed with the major land transaction
  (Council Meeting – date to be determined due to possible caretaker mode impacts)
- Commence procurement process and contract negotiations/arrangements
  (October 2025)

Consultation

Department of Education
Department of Communities
WALGA

Statutory Environment

Local Government Act 1995

3.59. Commercial enterprises by local governments

(2) Before it —

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government; and

(b) its expected effect on other persons providing facilities and services in the district; and

(c) its expected financial effect on the local government; and

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and

(e) the ability of the local government to manage the undertaking or the performance of the transaction; and

(f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

(b) make a copy of the business plan available for public inspection in accordance with the notice; and

(c) publish a copy of the business plan on the local government's official website.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

Local Government (Functions and General) Regulations 1996

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

(1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

(i) $2 000 000; or

(ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

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

(1) If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —

(a) the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and

(b) the business plan is to include details of —

(i) the identity of each joint venturer other than the local government; and

(ii) the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and

(iii) any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and

(iv) anything to which the local government may become liable under or as a result of the joint venture.

The trigger for the Shire of Mingenew, as per the above prescribed threshold (r.8A(1)(b)) is $535,059 meaning that should the Council resolve to purchase / build a GROH house for a figure above this trigger then the transaction would be considered a Major Land Transaction requiring the local government to prepare a business plan.

Policy Implications

NIL – State Legislative requirements over ride and policy of the Council.

Financial Implications

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

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

It is essential that any decision to move forward with this project is cost neutral to the Council and Mingenew community as the provision of GROH housing is the sole responsibility of the State Government.

Should the Council further develop this project and find that the State is not willing to fully cover the costs for the project by means of locked in fixed term initial lease agreement then the project would more than likely not proceed as it would not be considered a sound investment as per Councils resolution #14210224 as reproduced above. In any case the final consideration will be that of the Council once project pricing and lease terms are available and only after the Council has considered and finalised the major land transaction consideration process.

Strategic Implications

Strategic Community Plan 2023-2033

2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options

a. Partner with government agencies and stakeholders to support housing shortage and explore solutions to housing shortages
b. Develop a housing strategy for increasing key worker housing stock
c. Identify external funding sources and apply to support the expansion of quality housing stock
d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects.

5.2 BOMAG PNUEMATIC TYRE ROLLER REPLACEMENT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.BUD.25.26
Date:	21 July 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
Council's BOMAG roller has failed and the anticipated cost to repair will exceed its value. The Council is requested to bring forward this item of plants replacement to the current year.

Key Points
- The existing Bomag Roller was purchased in 2008
- A major repair item was recently discovered, and replacement / repair costs are significant
- A recommendation to bring forward the replacement of this plant is recommended

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 5.2 – RESOLUTION#02160725S
MOVED: Cr JR Holmes SECONDED: Cr AT Pearse

Council, by Absolute Majority and in accordance with s.6.8(1)(b) of the *Local Government Act 1995*, amends its 2025/26 budget to include the replacement of P112B BOMAG Pneumatic Tyre Roller with an additional budget allocation of $40,000 from its plant reserve.

VOTING REQUIREMENTS: CARRIED BY ABSOLUTE MAJORITY 4/0
(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearse and Cr AR Smyth. AGAINST: Nil)

Background
Council's BOMAG pneumatic tyred roller (P112B) has failed, with rupturing of the casing between the engine and hydraulic system. We have been experiencing intermittent over-heat alarms and loss of power which were thought to have been addressed, however, it would appear that there may be significant mechanical issues with a section of the mechanical housing now rupturing for its full length.

Comment

Council staff have been advised that the immediate repair costs to the ruptured casing would be approximately $20,000 with the casing costing ~$10,000. This only addresses the cosmetic failure. Of concern is the cause of the failure and the potential repair costs once the machine is split.

It is expected that these costs would far exceed the value of the item.

Market research has identified good second hand machines are selling for between $40,000 and $80,000 with a new machine costing $212,000.

From discussions with the supplier they were fully aware of the machine we purchased and its origins and were not confident with the machine being a 2008 model and suggested it may be older.

Consultation

Works Manager
Pemco Diesel
BOMAG

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Nil

Financial Implications

The replacement of the BOMAG was scheduled in the 2024 LTFP for the 2026 financial year. Due to the issues with the water truck requiring replacement this item was deferred to later in the LTFP.

There is sufficient fund in the plant reserve for the proposed renewal.

Strategic Implications

Strategic Community Plan 2023-2033

1. Safe, efficient, and connected transport network
   1.2 Develop, deliver and review the Shire's Local Roads Improvement Plan and Shared Pathways Plan

6.0 CORPORATE SERVICES

Nil.

7.0 GOVERNANCE AND COMMUNITY

7.1 LEASING OF NEW MINGENEW CHILDCARE FACILITY (RESERVE 26455)

Location/Address:	Reserve 26455, Victoria Road, Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.ACQ
Date:	21 July 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
To seek Council's consideration and endorsement to initiate a property disposal process under section 3.58 of the *Local Government Act 1995* to facilitate the establishment of a lease for a suitable provider at the new (under construction) childcare facility, and to evaluate the merits of this approach against the alternative of directly contracting for the provision of childcare services.

Key Points
- In April 2025, following an EOI process, Council resolved to call for public tenders for the provision of childcare services
- A review of the appropriateness of this method has been undertaken
- It is recommended Council proceed with a property disposal process, rather than a tender

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 – RESOLUTION#03160725S
MOVED: Cr JR Holmes SECONDED: Cr AR Smyth

Council:

1. Authorises the Chief Executive Officer to initiate a disposal process in accordance with section 3.58 of the Local Government Act 1995 for the purpose of leasing the new childcare facility to a suitably qualified, not-for-profit provider on a portion of (Reserve 26455) 20 Victoria Road, Mingenew to facilitate the establishment of a childcare operations from the new facility;

2. Notes the comparative risks and liabilities associated with a service contract model and confirms its preference for an approach that minimises the Shire's ongoing operational and legal exposure; and

3. Requests a further report be presented to Council following market testing to consider submissions and the terms of any proposed disposal.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 4/0
(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearse and Cr AR Smyth. AGAINST: Nil)

Attachments
7.1.1 Commercial in confidence – draft lease agreement

Background
The new childcare facility is currently under construction at 20 Victoria Road, Mingenew on Reserve 26455, as shown in the image below.

Expanding and enhancing childcare services in Mingenew has been a longstanding community priority, which has driven the development of a new, fit-for-purpose facility. This objective underpinned the preparation of a

business case and successful grant applications to both Lotterywest and the Mid West Development Commission's (MWDC) Regional Economic Development Scheme (REDS). These funding contributions, alongside financial support from the Mingenew Community Resource Centre and community fundraising efforts, have enabled construction of the purpose-built facility.

To facilitate the establishment of a suitable childcare provider to operate from the new facility, two key pathways have been explored:

1. Disposal (by lease) of the fit-for-purpose childcare facility under construction at 20 Victoria Road, Mingenew (on Reserve 26455) to a third-party provider via a transparent market process in accordance with s.3.58 of the *Local Government Act 1995*; or

2. Entering into a contract for services with a third-party operator, requiring a public tender process under r.11 of the *Local Government (Functions and General) Regulations 1996* if the value exceeds $250,000.

Each option carries different risk profiles, governance requirements, and implications for the Shire's ongoing responsibilities and liability exposure.

An Expression of Interest (EOI) process was conducted in April 2025 to test the market for qualified providers and suitable operational models. Two submissions were received and subsequently considered at the 30 April 2025 Ordinary Council Meeting. The following is an extract from that resolution:

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 13.2 – RESOLUTION#13300425
MOVED: Cr RA Starick SECONDED: Cr AR Smyth

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.**

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

It has since been confirmed that Lotterywest's funding is subject to a condition requiring the new lessee to be a not-for-profit organisation. Lotterywest does not support for-profit entities operating for private gain, and requires any lease agreement to include this restriction along with full disclosure of lease terms and conditions. This requirement was not explicitly stated in the original Grant Approval Schedule provided to the Shire and was instead clarified through direct liaison with Lotterywest officers. It is acknowledged that Lotterywest funding eligibility is limited to not-for-profit organisations and local governments.

Comment

Contract for Services Option

Establishing a childcare facility requires compliance with high regulatory standards, governed by both Commonwealth and State legislation. This includes requirements for staff accreditation, service licensing, building compliance, public liability coverage, and strict child safety protocols.

Should the Shire opt to enter into a contract for services, even with an independent operator, there remains a residual risk that it could be perceived as responsible for service outcomes. This is particularly relevant in the event of complaints, service failure, or reportable incidents. Such a perception could expose the Shire to legal and reputational risk, particularly if contract terms are not tightly defined, monitored, and enforced.

Moreover, the Shire currently lacks direct experience in the childcare sector, including best practice operational models. The industry is highly regulated and subject to ongoing reform. Recent incidents in other jurisdictions have prompted further scrutiny of childcare providers, and it is anticipated that regulatory frameworks will continue to evolve, increasing compliance burdens on operators.

Property disposal option

Conversely, a disposal process—particularly via a lease with carefully considered covenants—allows the Shire to support community access to childcare services without assuming operational responsibility or liability for regulatory compliance.

To balance community outcomes with legal risk, it is important to ensure that lease provisions are not overly prescriptive. Output-based lease clauses are preferred, such as:

- A requirement to operate a licensed childcare facility in accordance with the National Legislation and Regulations;
- A commitment to deliver services that respond to local demand (e.g. a minimum number of childcare places or hours of operation);
- Maintenance of enrolment preference policies for local residents and workers;
- Provision of complementary services, such as before/after school care and vacation care; and
- Minimum operational hours per week.

These provisions can help ensure service outcomes while preserving the primary character of the agreement as a property lease. The dominant purpose must remain property occupation, and any service-related clauses should be framed within the context of delivering community benefit—not as operational directives.

Lease Terms and Incentives
It is essential that lease conditions are commercially realistic and do not impose undue burden on the lessee, which may discourage interest or viability. Instead, the Shire can play a proactive enabling role by offering non-operational support, including:

- Discounted lease terms during the initial start-up phase;
- Minor capital improvements to the facility (subject to budget availability);
- Subsidised staff accommodation, where housing stock allows;
- Community promotion via neutral channels such as the Shire website, newsletters, and noticeboards—clearly identifying the provider as an independent operator; and
- Advocacy for State and Federal support for regional early childhood education and workforce development initiatives.

This approach allows the Shire to act as a facilitator of childcare access while maintaining appropriate legal and governance separation from the service provider.

A preliminary lease (*Confidential Attachment 5.1.1*) has been drafted and will be refined in consultation with the selected provider. Council will have the opportunity to review and approve the final lease or delegate that authority to the CEO once a suitable proponent has been confirmed. Final execution of the lease will be subject to the Minister for Lands granting the Shire the necessary power to lease Reserve 26455.

Ministerial permission to lease
The current vesting order for the management of Reserve 26455, which has an assigned purpose of 'Municipal Purposes', does not currently provide for leasing of the property. The Shire has prepared and issued correspondence to the Minister seeking to amend the management order to provide the power to lease for a period not exceeding 21 years (response pending).

Current leasing arrangements – 76 Phillip Street, Mingenew
Further legal advice has been sought to clarify the process for transitioning the current leaseholder from the existing facility to the new premises. This includes consideration of the appropriate approach should the current provider choose not to submit a proposal or is not selected as the preferred operator. The Shire will engage with the current lessee to understand their intentions and ensure they are informed of the process moving forward, including applicable termination provisions under the existing lease.

The recommended approach enables the Shire to facilitate the delivery of much-needed childcare services in Mingenew through a transparent property disposal process, in line with legislative requirements and funding conditions. By seeking a suitably qualified not-for-profit provider to lease the new purpose-built facility, the Shire can support community priorities while avoiding the operational risks and liabilities associated with direct service provision. Undertaking a market testing process ensures the Shire follows an open and transparent approach that delivers best value outcomes for the community, both in terms of service quality and long-term sustainability. A further report will be presented to Council to consider the outcomes of this process and the terms of any proposed lease arrangement, enabling Council to make a fully informed and strategic decision.

Consultation
Lotterywest
McLeods Lawyers
Minister for Lands
WALGA

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(2) A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Policy Implications

Nil.

Financial Implications

The requirement to have a lease developed for the new operator (or existing operator transferred) must be met as a condition to receive approval for the next grant pre-payment from Lotterywest.

Strategic Implications

Strategic Community Plan 2023-2033

5.1 Deliver a fit for purpose Mingenew Childcare Facility to support current demand and future needs

Corporate Business Plan 2025-2029

b. Facilitate the best service delivery model for a new childcare facility

7.2 FEES & CHARGES – MIDLANDS ROAD OFFICE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.RVN.1
Date:	21 July 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
The small office located at the western end of the MIG building (formerly used as the Tourist Centre, and more recently, the Expo Office) at 54 Midlands Road, Mingenew has recently been vacated, and Expo has terminated their lease. Council is therefore requested to set a hire charge for future use, similar to other venue hire.

Key Points
- Mingenew Expo have relinquished their lease for a portion of 54 (Lot 430) Midlands Road, Mingenew
- To make this property available for hire, Council needs to set the associated fees and charges and advertise when it is effective from
- The proposed hire charge is the same as that currently set for the Co-working Space (former Roads Board Office)

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.2 – RESOLUTION#04160725S
MOVED: Cr AR Smyth SECONDED: Cr JR Holmes

Council:

1. By Absolute Majority, imposes the following charges in relation to hire of the former Expo Office (renamed as Midlands Roads Office):

Description	Unit Type	Cost ($) Per Unit	Statutory (S) or Council (C) Fee	GST Y/N
VENUE HIRE – MIDLANDS ROAD OFFICE				
Office space (hourly rate)	Per hour	$16.00	C	Y
Office space (daily rate)	Per day	$40.00	C	Y
Office space (weekly rate for 5 days per week or more)	Per week	$200.00	C	Y

2. Gives local public notice of the imposition of the new fees and charges applicable from 1 August 2025.

VOTING REQUIREMENTS: CARRIED BY ABSOLUTE MAJORITY 4/0
(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearse and Cr AR Smyth. AGAINST: Nil)

Background
Mingenew Midwest Expo has held a lease for use of the office (former Tourist Centre) at 54 Midlands Road, Mingenew to February 2026 but in light of their recent decision to not continue in its current form, the Expo Committee has indicated their desire to terminate the lease.

As such, this provides an opportunity to make the space available for hire but before it may charge for use, Council is required to formally resolve to impose a fee or charge and advertise the date from which the fee will apply.

Alternatively, Council does have the option to undertake a disposal of property process to test the market for interested parties for similar use to Expo.

Comment

In determining an appropriate fee, a comparison of similar sized venues and fees were considered and a comparable fee to the Co-Working Space (former Road Boards Office) was deemed appropriate. The fee structure provides for an hourly, daily and weekly rate. Any discounts or waivers will be considered under the 'Supporting the Community' Policy.

The benefit of this facility is that it enjoys main street frontage and regular foot traffic.

Statutory Environment

Local Government Act 1995

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*
** Absolute majority required.*

(2) A fee or charge may be imposed for the following —
- *(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- *(b) supplying a service or carrying out work at the request of a person;*
- *(c) subject to section 5.94, providing information from local government records;*
- *(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- *(e) supplying goods;*
- *(f) such other service as may be prescribed.*

(3) Fees and charges are to be imposed when adopting the annual budget but may be —
- *(a) imposed* during a financial year; and*
- *(b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
- *(a) its intention to do so; and*
- *(b) the date from which it is proposed the fees or charges will be imposed.*

Policy Implications

Nil.

Financial Implications

If approved, the amended fees and charges will generate additional income.

The fee structure used is comparable in size and format as the co-working space and therefore it is considered appropriate to recommend the same fee structure for the Midlands Road Office.

Strategic Implications

Strategic Community Plan 2023-2033

3.3 Advocate for and promote local spending and business partnerships

8.0 WORKS

Nil.

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
Nil.

11.0 CONFIDENTIAL ITEMS
Nil.

12.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday, 20 August 2025 commencing at 5.00pm.

13.0 CLOSURE
The meeting was closed at 5:11 pm.

These minutes were confirmed at an Ordinary Council meeting on 20 August 2025

Signed _____
Presiding Officer

Date: _____