MINUTES OF THE ORDINARY COUNCIL MEETING

20 AUGUST 2025

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 20 AUGUST 2025 COMMENCING AT 5:00PM.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor
Cr JR Holmes	Councillor
Cr 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 RA Starick	Councillor

Public Gallery

Mr B Houghton	Elector

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 18 JUNE 2025

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 – RESOLUTION#01200825
MOVED: Cr JR Holmes SECONDED: Cr JD Bagley

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 18 June 2025 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

7.2 SPECIAL COUNCIL MEETING HELD 16 JULY 2025

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.2 – RESOLUTION#02200825
MOVED: Cr JR Holmes SECONDED: Cr AT Pearse

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 16 July 2025 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

- Cr AT Pearse declared an impartiality interest in Item 11.1 RFQ01 2025-26 Footpath Construction, due to an association (friendship) with one of the tenderers.
- Cr GJ Cosgrove declared an Impartiality interest in Item 13.1 Shire President Retirement and Extraordinary Vacancy, as the subject of the report.
- Mr M Fanning disclosed a direct financial interest in Item 10.1.2 CEO Performance review, as the subject of the review.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

10.1.1 MINUTES OF EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 30 JULY 2025

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1

Council receives the Minutes of the Shire of Mingenew Executive Committee Meeting held on 30 July 2025.

Item 10.1.2 CEO Performance Review 2024-25 was moved to be considered under 17.0 Confidential Items, as a matter effecting an employee in accordance with s.5.23(2)(a) of the *Local Government Act 1995*.

Cr AT Pearse disclosed an impartiality interest in Item 11.1 but remained in the meeting and agreed to consider the matter on its merits and vote accordingly.

11.0 CHIEF EXECUTIVE OFFICER

11.1 RFQ01 2025-26 FOOTPATH CONSTRUCTION, MINGENEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	RM.TEN.25.26
Date:	28 August 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
The Shire of Mingenew sought quotations from professional and experienced footpath construction contractors for the delivery of footpath construction works within the town of Mingenew. Only two responses were received which included exclusions and qualifications and exceeded the project budget. Council is requested to not accept any tenders and perform a tender exempt process in an attempt to deliver the works within the allocated budget.

Key Points
- 51 RFQ invites issued with only 2 responses
- Both responses exceeded the project budget

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION#03200825
MOVED: Cr AR Smyth SECONDED: Cr HR McTaggart

Council:
1. Notes the evaluation matrix, as included in Confidential Attachment 11.1.1,

2. In accordance with the *Local Government (Functions and General) Regulation 1996*, Regulation 18, resolves to not accept any tenders for RFT01 2025-26 Footpath Construction, Mingenew, as the offers received were in excess of the project budget.

3. Instructs the CEO to obtain alternate offers under a tender exempt process for the delivery of the works, as per Regulation 11 of the *Local Government (Functions and General) Regulation 1996*.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Confidentiality
An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –
(c) "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
(e) "Information that has a commercial value to a person"

Attachments
11.1.1 Confidential Attachment – Evaluation Report circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)
11.1.2 eQuotes RFQ01 25-26 Foothpath Construction - Mingenew

Background

Council has been successful in receiving a grant for the upgrade and delivery of its shared path plan through the WA Bicycle Network Grants. In order to deliver these works the Council sought quotations from professional and experienced footpath construction contractors for the delivery of footpath construction works within the town of Mingenew.

Quotations were invited under the WALGA preferred supplier panel PSP009 – Footpath, Construction, Kerbing and Associated Streetscape Works. Offers were issued 16 July and closed 10:00 AWST on 4 August 2025.

Comment

The scope of work comprises the following works for footpath construction:

- Construction of up to 84 all ability pram ramps and approximately 232 m of connecting pathway from the ramps to existing pathways plus an additional allowance for 1m of kerb replacement at each pram ramp – Refer Appendix 1 – Intersection – Pram Ramp Location Maps
- Construction of up to 4,320m x 2m wide new pathway as identified – Refer Appendix 1 – Pathway Location Map
- The renewal of approximately 300m of Kerb as required during the works
- All associated traffic management as required

The Shire intends to perform the works over a period of 3 years commencing 2025/26 and will establish the works program with the successful contractor and deliver at a minimum the quantities identified in the successful grant the value of $810,000.

The Minimum quantities required under the grant to deliver comprised 47 Pram ramps, 113m of connecting pathways and 1,910m of 2m wide pathway plus associated bike racks and tactiles.

The Evaluation methodology was approved prior to the release of the RFQ. Each Criterion was given the following weightings and included within the RFQ document.

Criteria		Weighting
(a)	Skills and experience of key field personnel	10%
(b)	Technical support experience	10%
(c)	Demonstrated capability and capacity including quality systems	10%
(d)	Workplace OSH practices and procedures	10%
(e)	Price	60%

The submissions were assessed against this Criteria and each Criterion was given a score in accordance with the Evaluation Guide contained within the Evaluation Spreadsheets.

A rating scale of zero-to-five (0 - 5) was used for evaluating the submissions in accordance with the Evaluation Criteria, with 0 being lowest and 5 being highest.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as confidential Attachment 11.1.1.

The evaluation of the submissions received against the evaluation criteria resulted in the rankings (in order of priority) as shown below:

Ranking	Tenderer
1	AXIIS Contracting PL
2	Dowsing

Consultation

- Internal Staff

Statutory Environment

The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The *Local Government (Functions and General) Regulations 1996* at Regulation 11 (when tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than $250,000.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 11

11 When tenders have to be publicly invited

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

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

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

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

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

However, after having followed the appropriate tender process and it is determined that no acceptable tenders have been received, Council may consider other procurement options, other than public tender, in accordance with Regulation 11(2)(c)(i):

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 —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;

18. Rejecting and accepting tenders

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.

Policy Implications

In obtaining offers under the WALGA Preferred Supplier panel, the Shire's Purchasing Policy (1.3.1) requirements have been met.

Our Regional Price Preference Policy was also applied in the attached tender assessment document, however, none of the offers received were considered Local under this policy.

Financial Implications

A total of $810,000 over three years forms the project budget commencing in the 2025/26 financial year and concluding in 2027/28.

The RFQ response all excluded the approved project budget.

It is considered that if local contractors could be engaged under a tender exempt process to perform the works better value for money will be achieved.

Strategic Implications

Strategic Community Plan 2023-2033

1.2 Develop, deliver and review the Shire's local Roads improvement Plan and Shared pathways plan

11.2 RFQ02 2025-26 BITUMEN SEALING AND RESURFACING WORKS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	RD.TEN.25.26
Date:	28 August 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
To award WALGA eQuote Request for Quotation – RFQ02-2025/26 Supply, Spray and Cover Bitumen Surfacing (new work) and Resurfacing including Seal Design and Aggregate Supply: Urban and Rural Roads Mingenew.

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Key Points

- This RFQ is for the sealing of RRG widening works on the Coalseam Roads, and Resurfacing works on both rural roads and urban streets as part of the Councils Road Improvement Program
- Five Offers were received
- The RFQ was separated into 6 packages to align with delivery objectives.
- Works are planned for completion within the 2025/26 financial year.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION#04200825
MOVED: Cr AT Pearse SECONDED: Cr JD Bagley

Council:

1. Accepts the submission for WALGA eQuote RFQ02-2025-26 Bitumen Sealing Works as per separable portion packages 1 to 6 including the sealing of the Coalseam Road and resurfacing of both rural roads and urban streets contingent on final grant approvals, received from Bitutek Pty Ltd, as recommended in the confidential Evaluation Report (Attachment 11.1.2) and identified as the most advantageous, for an estimated upper limit schedule of rates value of $667,769 exclusive of GST.

2. Authorises the CEO to execute the contract for awarding RFQ02-2025-26 Bitumen Sealing Works in accordance with s.9.49A of the *Local Government Act 1995*.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Confidentiality
An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –
(c) "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
(e) "Information that has a commercial value to a person"

Attachments
11.2.1 Confidential Attachment - Evaluation Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)
11.2.2 WALGA eQuote Invitation

Background

Request for Quotation were issued under the WALGA eQuote Preferred Supplier Panel - Roads, Infrastructure & Depot Services (PSP009) - RFQ02-2025-26 Bitumen Sealing and Resurfacing Works.

The works were divided into separable works packages

Package 1: Urban Street Resurfacing Works

- King Street, Mingenew – SLK 0.0km to 0.735km
- Yandanooka Road, Mingenew – SLK 0.06km to 0.17km
- Ikewa Street, Mingenew – SLK 0.24km to 0.30km
- Irwin Street, Mingenew – SLK 0.0km to 0.37km
- Moore Street, Mingenew – SLK 0.0km to 0.16km

Package 2: Rural Roads Resurfacing – Grant Pending

- Mingenew-Mullewa Rd, Mingenew – SLK 8.51km to 12.44km
- Mingenew-Mullewa Rd, Mingenew – SLK 13.20km to 13.30km

Package 3: Urban Bitumen Sealing

- Carpark, Midlands Road Opposite Commercial Hotel SLK 216.7 – 216.85km

Package 4: Rural Roads Sealing

- Coalseam Road, SLK 24.87 – 25.85km

Package 5: Rural Roads Sealing

- Coalseam Road, SLK 28.26 – 29.68km

Package 6: Rural Reseal – Private Works Provisional

The RFQ was issued 21 July 2025 and closed 10:00am 6 August 2025.

Offers to Quote were issued to:

Supplier Name	Contact Details (name, phone, email, address etc)
Bitutek Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Boral Resources (W.A.) Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Colas WA Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Downer Edi Works Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Bitumen Surfacing	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel
Fulton Hogan Industries Pty Ltd	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel

Of these, Five (5) submissions were received.

Comment

The Qualitative Criteria was approved prior to the advertisement of the RFQ. Each Criterion was given the following weightings and included within the RFT document.

Criteria		Weighting
(a)	Skills and experience of key field personnel	10%
(b)	Technical support experience including seal design	10%
(c)	Demonstrated capability and capacity including quality	10%
(d)	Workplace OSH practices and procedures	10%
(e)	Price	60%

The submissions were assessed against the Qualitative Criteria and each Criterion was given a score in accordance with the Evaluation Guide contained within the Evaluation Spreadsheets.

A rating scale of zero-to-ten (0 - 5) was used for evaluating the Tender submissions in accordance with the Qualitative Criteria, with 0 being lowest and 5 being highest.

The evaluation report, including the overall evaluation scores and rankings, is attached.

The evaluation of the submissions received against the quantitative and qualitative criteria resulted in the rankings (in order of priority) as shown below –

Ranking	Offeror
1	Bitutek Pty Ltd
2	Fulton Hogan Pty Ltd
3	Boral Resources Ltd
4	Colas Western Australia Pty Ltd
5	Downer Edi Works Ltd

Consultation
Works Manager

Statutory Environment
The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Local Government (Functions and General) Regulations 1996 at Regulation 11A (2) states that:

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

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

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

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

Under Council Delegations Register item 1.2.17 c. Where the total consideration of a Tender Exempt procurement contract exceeds the $250,000 delegated above, the decision is to be referred to Council.

Policy Implications

In obtaining WALGA eQuotes, the Shire's Purchasing Policy (1.3.1) requirements have been met.
Our Regional Price Preference Policy was also applied in the attached tender assessment document.

Financial Implications

The estimate project expenditure to deliver the defined packages is:

- Package 1: Urban Street Resurfacing Works $100,000 Road Improvement Program
- Package 2: Rural Roads Resurfacing – Pending RRG Approval $250,000 comprising $166,667 RRG funding and $83,333 Council Funding (road improvement program)
- Package 3: Urban Bitumen Sealing – Road Improvement Program/RUA
- Package 4: Rural Roads Sealing – 24.87 – 25.85km Coalseam Rd - $350,000 comprising $233,333 RRG funding and $116,667 Council Funding
- Package 5: Rural Roads Sealing – 28.26 – 29.68km Coalseam Rd - $450,000 comprising $300,000 RRG funding and $150,000 Council Funding
- Package 6: Rural Access Road Private Works – pending Approval

Of these packages the estimated sealing component of the works is ~$667,768 exclusive of GST as a schedule of rates contract.

Strategic Implications

Strategic Community Plan 2023-2033

1.1 Advocate for external funding to support construction and maintenance of key transport assets and pathways

11.3 SAT – 2025 LOCAL GOVERNMENT SURVEY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	CEO, Councillors - Financial
File Reference:	GV.CLR.5
Date:	28 August 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
The Council has been requested to participate in the Salaries and Allowances Tribunal (SAT) - 2025 Local Government Survey. It is requested that a single response be submitted by each Council.

Key Points
- Salaries and Allowances Tribunal determine CEO and Councillor payments
- Local Governments are sizes into 4 Bands of which the Shire of Mingenew is a Band 4
- The conducting of the survey formed part of the 2025 determination as an action for SAT

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 – RESOLUTION#05200825
MOVED: Cr HR McTaggart SECONDED: Cr JR Holmes

Council endorses the attached survey responses referred to in Attachment 11.3.2 Guidance Notes SAT- 2025 Local Government Survey and as amended for submission to the Salaries and Allowances Tribunal.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
11.3.1 Local Government CEO and Elected Council Member Determination 2025
11.3.2 Guidance Notes SAT - 2025 Local Government Survey

Background
The Tribunal is undertaking a comprehensive review of the Local Government Determination (Refer Attachment 11.3.1), and has stated that Council input is essential. The survey will collect important data to inform the Tribunal's consideration of key matters, including the:
- Four band remuneration framework
- Total Reward Package for Chief Executive Officers (CEOs)
- Housing and motor vehicle provisions for CEOs
- Regional/Isolation Allowance for regional CEOs
- Fees, expenses and allowances for Elected Council Members
- Fees and expenses for Independent Committee Members.

This is a valuable opportunity for Councils to share insights into individual local government's circumstances and, if applicable, request a reclassification or raise other relevant matters for the Tribunal's consideration.

Comment
A copy of the draft populated survey has been appended and included in attachment 11.3.2 Guidance Notes SAT - 2025 Local Government Survey.

It has been requested that a single response be issued per Council with both the CEO and Presidents agreement.

Consultation
Manager Governance and Community

Statutory Environment
The Salaries and Allowances Tribunal determines the framework and the remuneration, fees and allowances to be provided to Local Government Chief Executive Officers and Elected Council Members.

This determination is published annually generally in April for the proceeding year.

1. Section 7A of the Salaries and Allowances Act 1975 ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".
2. Under Section 7B(2) of the SA Act, the Tribunal must inquire into and determine the amount of:
    - fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* ('the LG Act') to elected council members for attendance at meetings;
    - expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
    - allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

Policy Implications
The above stated annual determination is used as a reference document for the implementation and utilisation of the following Policies:

- 1.1.1 Elected Members Entitlements
- 1.1.7 CEO Standards for Recruitment, Performance and Termination
- 1.2.21 Internal Control Policy

Financial Implications
The costs associated with the employment of the CEO and Councillors are determined under the SAT determination and are effectively fixed costs to the organisation. Any amendments which may result from the revision of the determination method as a result of this survey would need to be considered by the Council in its future budget considerations.

Strategic Implications
Strategic Community Plan 2023-2033

14.2 Prepare and respond in a timely manner to Local Government Act reforms
    a. Monitor and comply with Local Government Act reform requirements
    b. Advocate for reform changes to consider resourcing capabilities of small, rural local governments

11.4 SHORT TERM RENTAL ACCOMMODATION SCHEME AMENDMENT

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: LP.PLN.2
Date: 11 August 2025
Author: Simon Lancaster, Planning Advisor
Senior Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary
The Shire is required to update its Local Planning Scheme to reflect the regulatory changes brought about by the State Government's Short-Term Rental Accommodation (STRA) reforms. This report recommends that Council initiate the Scheme Amendment process.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 – RESOLUTION#06200825
MOVED: Cr HR McTaggart SECONDED: Cr AR Smyth

Council:

1 Pursuant to Part 5 of the *Planning and Development Act 2005* amends the Shire of Mingenew Local Planning Scheme No.4 by:

1. In clause 16, Table 2 – Zone objectives, deleting the term "holiday accommodation" from the second dot point in the Tourism Zone and replacing with the term "tourist and visitor accommodation".
2. In clause 17, Table 3 – Zoning Table, deleting the following use classes:
   a. Aged care facility / Nursing home;
   b. Bed and Breakfast;
   c. Holiday Accommodation;
   d. Holiday House;
   e. Motel; and
   f. Tourist Development
3. In clause 17, Table 3 – Zoning Table, inserting in alphabetical order the following use classes:

Use and Development Class	Residential	Rural townsite	Rural residential	Rural	Tourism	General Industry
Independent living complex	D	D	A	X	X	X
Hosted short-term rental accommodation	P	P	P	P	P	X
Tourist and visitor accommodation	A	D	X	X	P	X
Unhosted short-term rental accommodation	A	A	A	A	P	X

4. In clause 37 – Terms Used, deleting the following definitions:
   a. cabin;
   b. chalet; and
   c. short-term accommodation.

5. In clause 37 – Terms Used, inserting in alphabetical order the following definitions:

Land use	Definition
cabin	means a building that — (a) is an individual unit other than a chalet; and (b) forms part of — (i) tourist and visitor accommodation; or (ii) a caravan park; and (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;
chalet	means a building that — (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) forms part of — (i) tourist and visitor accommodation; or (ii) a caravan park; and (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

6. In clause 38 – Land use terms used, deleting the following definitions:
   a. aged care facility / nursing home;
   b. bed and breakfast;
   c. holiday accommodation;
   d. holiday house;
   e. motel;
   f. road house; and
   g. tourist development.
7. In clause 38 – Land use terms used, inserting in alphabetical order the following definitions:

Land use	Definition
independent living complex	means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;
road house	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services — (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

Land use	Definition
tourist and visitor accommodation	(a) means a building, or a group of buildings forming a complex, that - (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but (c) does not include any of the following - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1); (v) a park home park; (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1); (vii) a road house; (viii) workforce accommodation;

8. In Schedule 3 – Car parking:
   a. Deleting reference to "Bed and breakfast", replacing with "Hosted short-term rental accommodation" and placing into alphabetical order;
   b. Deleting the entry for "Motel"; and
   c. Deleting reference to "Tourist development" and replacing with "Tourist and Visitor Accommodation".

2 Advises the Western Australian Planning Commission that it considers this application to be a Basic Scheme Amendment pursuant to Regulation 35 for the following reasons:
   a) it is consistent with the Model Provisions of the Regulations; and
   b) deletes provisions that have been superseded by the Deemed Provisions of the Regulations.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0

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

Attachments

11.4.1 Scheme Amendment document (provided as separate attachment)

Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) have been amended to facilitate the State Government's STRA planning reforms. The reforms seek to ensure consistency across local government areas, manage tourism impacts, and align STRA regulation with broader housing and planning policies. They also require mandatory registration by operators on the state-wide registration scheme (Short-Term Rental Accommodation Register) by 2026.

The changes to the LPS Regulations have come about in response to the following:

- the recommendations of the 2019 Parliamentary Inquiry, *"Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia"*;
- the Western Australian Planning Commission (WAPC) releasing in 2023 its Position Statement: Planning for Tourism and Short-Term Rental Accommodation;
- the WAPC releasing Planning Bulletin 115/202 'Short-Term Rental Accommodation–Guidance for local government' which outlines the steps and timeframes for implementing recent changes to the LPS Regulations for STRA.

The amendments to the Regulations included the following:

- new definitions to ensure STRA is considered a dedicated land use class in local planning schemes;
- new definitions for traditional STRA;
- state-wide exemption for hosted STRA properties (where the host resides on-site) from requiring to make application for development approval;
- 90-night (cumulative in a 12-month period) exemption for unhosted short-term rental accommodation in the Perth metropolitan area (Note: this does not apply for regional local government areas including the Shire of Mingenew).

Further information relating to the STRA process and the reforms to the Regulations can be viewed at the following link:
Short-Term Rental Accommodation Planning Regulations

All local governments are required to update their Local Planning Schemes to incorporate the new STRA provisions ensuring compliance with the Regulations.

Comment

Proposed Scheme Amendment No.2 provided as separate Attachment 11.1 incorporates the updates to align with the STRA planning reforms.

In summary the Amendment undertakes the following:

- Introduce a new 'hosted short-term rental accommodation' use class and definition to replace 'bed and breakfast'. This will be assigned as a 'P' (permitted) use in all zones where any type of dwelling can be approved and a Not Permitted ('X') use in all other zones (i.e. Industry) as is required by the Deemed Provisions of the Regulations.
- Introduce a new 'unhosted short-term rental accommodation' use class and definition to replace the superseded 'holiday house' use class and definition, with matching permissibility levels to the replaced land use in the Scheme Zoning Table.
- Introduce a new 'tourist and visitor accommodation' use class and definition to replace the superseded 'holiday accommodation', 'motel' and 'tourist development' use classes and definitions, this will have the same permissibility levels as the replaced 'motel' and 'tourist development' uses in the Scheme Zoning Table.
- Introduce a new 'independent living complex' use class and definition to replace the superseded 'aged care facility/nursing home' use class and definition, this will have the same permissibility levels as the replaced land use in the Scheme Zoning Table.
- Introduce a new 'roadhouse' definition to replace the superseded 'roadhouse' definition, the permissibility levels will remain unchanged in the Scheme Zoning Table.
- Introduce two new general definitions into the Scheme for 'Cabin' and 'Chalet' to replace the superseded definitions.
- Update the Scheme Text wherever references to the superseded land use terms are made.

These updates will ensure that the Shire's local planning scheme is consistent with the state's regulatory framework.

Consultation

Ordinarily Council, upon initiating a Scheme Amendment would be required to forward a copy of the documentation to the Environmental Protection Authority (EPA) for its assessment as per Section 81 of the *Planning & Development Act 2005*.

However, pursuant to Section 81(2) of the *Planning and Development Act 2005* and Section 48AAA of the *Environmental Protection Act 1986* and Regulation 33C of the *Environmental Protection Regulations 1987*, Scheme Amendment No.2 is not required to be referred to the EPA. This Amendment is seeking only to include or alter a definition of a land use category that would not materially impact the operation of the Local Planning Scheme. The proposed amendments would replace superseded land use definitions with the gazetted Regulations STRA Reforms land use definitions and are required to be undertaken by the WAPC and would not alter the substantive nature or operation of the Shire of Mingenew Local Planning Scheme.

Ordinarily were Council to initiate a Scheme Amendment it would be required to forward the documentation to the WAPC seeking consent to advertise the Scheme Amendment.

However, it is considered that this matter should be deemed a Basic Scheme Amendment as it is merely ensuring that the Local Planning Scheme gives regard for the already legislated changes of overriding State Government legislation. Further all local governments are required to undertake these changes by the end of 2025.

On this basis it is recommended that Council advise the WAPC that it considers that Scheme Amendment No.2 is a Basic Scheme Amendment and should be approved by the Minister for Planning without prior advertising pursuant to Regulation 57.

Statutory Environment

Part 5 of the *Planning & Development Act 2005* provides for the amendment of a Scheme.

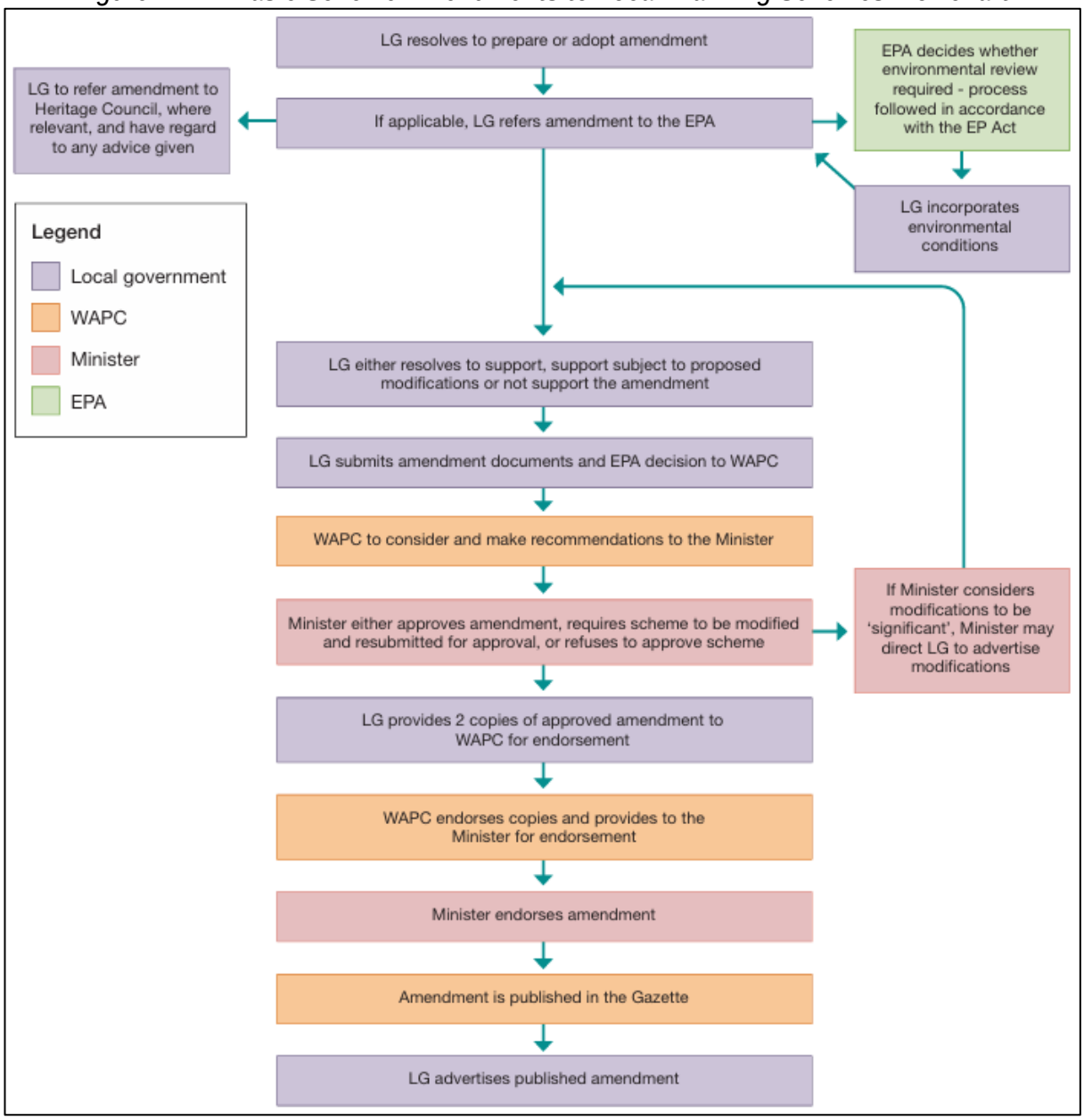
Regulation 35 requires a resolution of a local government to adopt or refuse to adopt an application to amend a Local Planning Scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

Pursuant to Regulation 35, this Scheme Amendment is considered to be a 'basic amendment' for the following reasons:

a. it is consistent with the Model Provisions of the Regulations; and
b. deletes provisions that have been superseded by the Deemed Provisions of the Regulations.

The WAPC's Planning Bulletin 115/2024 'Short-Term Rental Accommodation – Guidance for Local Government' notes that "*scheme amendments that propose to replace superseded land use classes with the new STRA land uses, without changes to permissibility in the zoning table, can generally be processed as a 'basic' amendment."*

Figure 11.1 – Basic Scheme Amendments to Local Planning Schemes Flowchart



Policy Implications

The WAPC's Planning Bulletin 115/2024 'Short-Term Rental Accommodation – Guidance for Local Government' provides guidance for local government in implementing the STRA changes through the planning framework. This Scheme Amendment has been prepared in accordance with the Planning Bulletin a copy of which can be viewed at the following link:
https://www.wa.gov.au/system/files/2024-09/planning_bulletin_115_2024_0.pdf

Financial Implications

Nil

Strategic Implications

The WAPC's Position Statement: Planning for Tourism and Short-term Rental Accommodation provides guidance on the appropriate location and management of tourism and STRA land uses. This Scheme Amendment has been prepared in accordance with the Position Statement a copy of which can be viewed at the following link:
position-statement-planning-for-tourism-active-nov-2024.pdf

Strategic Implications

Strategic Community Plan 2023-2033

14.2 Prepare and respond in a timely manner to Local Government Act reforms

a. Monitor and comply with Local Government Act reform requirements

11.5 MINGENEW HEAVY VEHICLE ROUTE: OPTIONS ASSESSMENT REPORT

Location/Address:	Boolinda Rd, Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	RD.DSC.2
Date:	28 August 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
The Shire of Mingenew has undertaken a Mingenew Heavy Vehicle Bypass Investigation and options report. The study was to identify opportunities and potential solutions in managing heavy vehicle traffic through the town of Mingenew especially in the context of the Boolinda Road crossing and disruption to the northern RAV route by CBH train loading operations.

Key Points
- Six options were investigated
- The best solution identified involves the containing of all rail and road loading movements to within the CBH site (option 6) – Growers Solution.
- In order to achieve any outcome there would need to be considerable advocacy and cooperation from CBH, Main Roads, Rail Freight Safety Regulator and Council.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 – RESOLUTION#07200825
MOVED: Cr AT Pearse SECONDED: Cr AR Smyth

Council receives the Mingenew Heavy Vehicle Route: Options Assessment Report and continues to further develop and progress through advocacy the recommendations of the report.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
11.5.1 Mingenew Heavy Vehicle Route: Options Assessment Report

Background
Since March 2019 the Shire of Mingenew has approached Main Roads WA (MRWA) with issues regarding congestion and train/heavy vehicle interaction problems in the townsite of Mingenew. Heavy vehicles pass through the Mingenew town centre, with increased numbers during the CBH harvest seasons. Vehicle movements up to Restricted Access Vehicle (RAV) class 7 are all year-round. The RAV vehicles include grain haulage and iron ore haulage of 1.4MT/annum, as well as RAV vehicles from the Three Springs Talc Mine.

When grain train loading is occurring at the CBH grain facility, trains up to 1,000m long obstruct the RAV route at Boolinda Road for up to 45 minutes at a time. Any RAV above class 4 is restricted at the Mingenew-Morawa Road level crossing due to the crossing's current design. These longer vehicles (greater than 27.5m) do not have enough stacking distance to be able to safely store between the intersection stop line and the level crossing. Addressing this restriction would require a significant redesign of the whole intersection. Both Midlands Road and Mingenew-Morawa Road are State roads under the care and control of MRWA.

As a result of the Mingenew-Morawa Road limitations and blockage of Boolinda Road due to grain train loading, there is no approved route for RAV5+ vehicles to utilise to connect to Mingenew-Morawa Road. As a result, vehicles travel through town and then illegally through the Mingenew-Morawa Road level crossing. The lack of stacking area presents a safety hazard for truck drivers and passing vehicles with trucks likely to

block either the level crossing, if waiting to turn onto Midlands Road, or blocking Midlands Road if they are held at the level crossing by a passing train. This also increases the number of RAV5+ vehicles travelling through the Main Street of Mingenew. If Rav5+ vehicles elected to wait at the level crossing at Boolinda Road, they would be forced to wait up to 45 minutes and risk queueing back onto Midland Road.

Comment

The report identified six (6) options which were analysed with feedback from both CBH and Main Roads Western Australia.

The best identified option is option 6 - referred to as the growers option, which internalises the loading and rail operations to within the CBH site effectively removing the impact to the Boolinda Road crossing. This option would require upgrade works to be performed by CBH in order to achieve the desired result.

Consultation

Main Roads WA
CBH Group
Rail Freight Safety Regulator
SMEC

Statutory Environment

Local Government Act 1995
Main Roads Act 1930

Policy Implications

Nil

Financial Implications

Any works associated with the presented options would need to be funded. At present there are no identified funding avenues and that a business case would generally need to be developed for such, should any party be approaching the Government for funding. It has been suggested that funding may be available under the heavy vehicle efficiency funding program.

Strategic Implications

Strategic Community Plan 2023-2033

1.3 Advocate for improved access and road alignment for heavy vehicle routes and the Mingenew CBH site
   a. Receive the Mingenew Bypass study and determine next course of action
   b. Continue to liaise with CBH and Main Roads on expansion plans to represent local traffic and grower needs

11.6 RFT01 2025-26 – INDEPENDENT LIVING UNITS –DESIGN AND CONSTRUCT

Location/Address:	15 King Street, Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.TEN.25.26
Date:	28 August 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
To award WALGA eQuote Request for Tender – RFT01-2025/26 Independent Living Units - King Street Mingenew – Design and Construct.

Key Points

- Council has in its LTFP the delivery of 3 Independent Living Units (APU) Units
- Pricing was sought for the delivery of the 3 Independent Living Units under a tender exempt procurement process
- A Regional Grant has been offered to the Council subject to final pricing and negotiation with the Department of Communities.
- Council has already performed market research and pricing options from different suppliers to determine the most cost-effective procurement method. This pricing formed the approved basis for the requirements of this major land transaction which was endorsed by the Council in June 2025.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 – RESOLUTION#08200825
MOVED: Cr JR Holmes SECONDED: Cr HR McTaggart

Council:

1. Accepts the submission for WALGA eQuote RFT01-2025-26 Independent Living Units - King Street Mingenew – Design and Construct, received from Form Homes (AUS) PL, as recommended in the confidential Evaluation Report (Attachment 11.6.2), for a lump sum build price of $901,367.97 exclusive of GST.

2. Authorises the CEO to execute the contract for awarding RFQ01-2025-26 Independent Living Units - King Street Mingenew – Design and Construct, in accordance with s.9.49A of the *Local Government Act 1995*.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

NOTE: The CEO made a correction to the lump sum build price in the recommendation (originally $906,446.85) as this was incorrectly calculated in the tender documentation, which was confirmed to be an error by the tenderer.

Confidentiality
An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –
(c) "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
(e) "Information that has a commercial value to a person"

Attachments

11.6.1 Confidential Attachment - Evaluation Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)
11.6.2 WALGA eQuote Invitation
11.6.3 Concept Plans - Independent Living units

Background

Request for Tender was issued under the Tender Exempt WALGA PSP Construction and Building Environments (PSP012), 1: Modular and Prefabricated Dwellings (PSP012-001) panel

RFT01-2025-26 Independent Living Units - King Street Mingenew – Design and Construct.
The Project was to design and construct 3 off 1x1 separated independent living units at 15 King Street, Mingenew – refer Attachment 11.6.2 Concept Plans – Independent living Units

Offers were issued to:

Supplier Name	Contact Details (name, phone, email, address etc)
Form Homes (AUS) PL	Roads, Infrastructure & Depot Services (PSP009) via Vendor Panel

Independent Living Units

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

Grant offers have been received and the final step in the process was to reconfirm pricing.

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 has been very iterative.

The offer was compared to previous pricing and to ensure that all pricing required to complete the works has been included and considered.

Pricing for the sand pad, Wastewater treatment system and retaining structure on the eastern side of the block was omitted as works to be performed by the Council these costs amount to $113,000 and will need to form part of the pricing submission to the Department of Communities.

One of the key components of this project is that the works will be delivered using local trades with the assistance from Form Homes as proposal is for a relatively new building techniques termed a SIP Form construction. This will provide local trades with a new tool and building method which will hopefully demonstrate superior speed of construction and thermal energy rating.

Consultation

Department of Communities
WALGA
Works Manager

Statutory Environment

The *Local Government Act 1995* at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Local Government (Functions and General) Regulations 1996 at Regulation 11A (2) states that:

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

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

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

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

Under Council Delegations Register item 1.2.17 c. Where the total consideration of a Tender Exempt procurement contract exceeds the $250,000 delegated above, the decision is to be referred to Council.

Policy Implications

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

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

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

Financial Implications

The deliver of this project should be a no financial cost to the Council except for administration costs with the Department of Communities Grant covering 100% of the Build.

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

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

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

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

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

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

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

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

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

Council at its June OCM Delegated authority to the CEO to conduct an appropriate Tender Exempt procurement process, in accordance with r.11 of the Local Government (Functions and General) Regulations 1996 for the projects, with the preferred procurement methods being the WALGA Preferred Supplier or Department of Communities' Housing Construction and Refurbishment Builders Panel following the acceptance of any required business plan.

Strategic Implications

Strategic Community Plan 2023-2033

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

8.3 Provide and maintain affordable housing for aged and disabled residents to meet demand
   b. Increase residential housing for aged and disabled residents

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2025 AND 31 JULY 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	28 August 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 30 June 2025 and 31 July 2025, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations* 1996.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 – RESOLUTION#09200825
MOVED: Cr AR Smyth SECONDED: Cr HR McTaggart

Council receives:

1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 30 June 2025, as included at Attachment 12.1.1;
2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 July 2025, as included at Attachment 12.1.2.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0

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

Attachments

12.1.1 Monthly Financial Report for the period ending 30 June 2025
12.1.2 Monthly Financial Report for the period ending 31 July 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 30 June 2025 and 31 July 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
- Budget Amendments

Comment

The Shire of Mingenew is currently preparing its Annual Financial Report, this requires several processes to occur which may impact the Shire's end of year financial position. These processes are underway, therefore the financial position presented in the June 2025 Monthly Financial Report cannot be relied upon as the final position for the Shire of Mingenew. The audited final position for the Shire of Mingenew will be completed and presented to Council as part of the Annual Financial Report in December 2025.

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,759,959	4,185,935	11.33%
Expenditure from operating activities	(6,003,682)	(5,526,044)	7.96%
Non-cash amounts excluded from operating activities	2,639,086	2,298,796	(12.89%)
	395,363	958,687	142.48%
INVESTING ACTIVITIES			
Inflows from investing activities	2,273,864	866,548	(22.27%)
Outflows from investing activities	(3,350,382)	(2,486,942)	25.77%
	(1,076,518)	(719,410)	33.17%
FINANCING ACTIVITIES			
Inflows from financing activities	154,612	147,418	4.65%
Outflows from financing activities	(553,190)	(539,626)	2.45%
	(398,578)	(392,208)	1.60%
Surplus/(deficit) at the start of the financial year	1,600,242	1,600,242	0.00%
Surplus/(deficit) at 30 June 2025	520,509	1,447,311	178,06%

Cash at Bank Municipal – unrestricted	1,328,563
Cash at Bank Municipal – restricted	914,104
Cash at Bank Trust	50,001
Cash at Bank Reserve - restricted	1,432,991
Total	**3,725,559**

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

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,132,531	3,247,780	3.68%
Expenditure from operating activities	(402,938)	(297,078)	26.27%
Non-cash amounts excluded from operating activities	0	(93,750)	(0.00%)
	2,729,593	2,856,952	4.67%
INVESTING ACTIVITIES			
Inflows from investing activities	0	109,643	0.00%
Outflows from investing activities	(68,286)	(43,948)	35.64%
	(68,286)	65,695	196.21%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	(0.00%)
Outflows from financing activities	(6,141)	(4,833)	21.30%
	(6.141)	(4,833)	21.30%
Surplus/(deficit) at the start of the financial year	785,000	1,447,312	84.37%
Surplus/(deficit) at 31 July 2025	3,440,166	4,365,126	26.89%

Cash at Bank Municipal – unrestricted	1,298,912
Cash at Bank Municipal – restricted	1,136,806
Cash at Bank Trust	50,001
Cash at Bank Reserve - restricted	1,437,540
Total	**3,923,259**

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 11.

The road agreement with Terra Mining, as at 31 July 2025, has contributed $182,195 towards the Community Benefit Fund Reserve, of which $49,547 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

(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 JUNE 2025 TO 31 JULY 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.CRD
Date:	28 August 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 June 2025 to 31 July 2025.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION#10200825
MOVED: Cr AT Pearse SECONDED: Cr JR Holmes

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 June 2025 to 31 July 2025, as included at Attachment 12.2.1. represented by:

$485,269.16	Municipal EFTs
$30,241.11	Municipal EFT Purchasing Cards (Fuel Cards)
$117,147.60	Municipal Direct Debit Other
$12,813.52	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
$104,769.75	Municipal Direct Debit Department of Transport (Licencing) Payments
$231,112.23	Net Salaries
$981,353.37	Total Payments

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
12.2.1 List of Payments – 1 June 2025 to 31 July 2025.

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

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

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

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

Consultation
Nil.

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996

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

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction, and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub-regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

(a) the payee's name.

(b) the amount of the payment.

(c) the date of the payment.

(d) sufficient information to identify the payment.

(2) A list prepared under sub-regulation (1) must be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications

Payments have been made under delegation.

Financial Implications

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

Strategic Implications

Strategic Community Plan 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

12.3 FINANCE POLICIES ANNUAL REVIEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL.1
Date:	28 August 2025
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
A review of the Shire of Mingenew's finance policies (and procedures) within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs.

Key Points
- Council adopted a Policy Manual schedule in September 2019 that identified Finance Policies to be reviewed annually.
- Finance Policies were last reviewed in October 2024.
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision, as required.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.3 – RESOLUTION#11200825
MOVED: Cr AR Smyth SECONDED: Cr AT Pearse

Council notes the review of Council's Finance Policies and accepts the following reviewed policies, as presented in the Attachment Booklet:

a) 1.3.2 Asset Management Policy
b) 1.3.3 Investment of Surplus Funds Policy
c) 1.3.4 Significant Accounting Policies Policy
d) 1.3.5 Corporate Purchasing and Credit Card Policy
e) 1.3.6 Related Parties Disclosure Policy
f) 1.3.7 Regional Price Preference Policy
g) 1.3.8 Employee Superannuation Policy
h) 1.3.9 Debt Collection Policy
i) 1.3.10 Fees and Charges Policy
j) 1.3.11 Financial Hardship Policy

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
12.3.1 Finance Policies and relevant Management Procedures

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 the local government and 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.

Comment

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

A summary of proposed changes to the policies are provided below:

1.3.2 Asset Management Policy
• Update Department change of name • Update associated documents to reflect current Long Term Financial Plan Asset Management Procedures • No changes
1.3.3 Investment of Surplus Funds Policy
• No changes Investment of Surplus Funds Procedures • No changes
1.3.4 Significant Accounting Policies Policy
• Include Australian Accounting Interpretations as a basis of preparation of the Annual Financial Report • Minor grammatical changes
1.3.5 Corporate Purchasing and Credit Card Policy
• Update policy name to include purchasing cards • Include references to purchasing cards (e.g. fuel cards) to the policy • Update to reflect presenting transactions to ordinary council meetings • State who this policy applies to Corporate Purchasing and Credit Card Procedures • Include references to purchasing cards (e.g. fuel cards) to the procedures • Minor amendments to wording and grammatical changes • Include credit cardholders' limits • Update cardholders responsibilities to sign credit card statements and provide to line manager to note the expenditure. • Provide clarity on use of purchasing cards • Include a register to manage purchasing cards • Include process to make payments of purchasing cards invoices
1.3.6 Related Parties Disclosure Policy
• No changes Related Parties Disclosure Management Procedure • No changes
1.3.7 Regional Price Preference Policy
• No changes
1.3.8 Employee Superannuation Policy
• Amend wording to reflect matching an employee's additional superannuation contribution to an employee's eligible salary • Include a definition of an eligible salary
1.3.9 Debt Recovery Policy
• Update policy name from collection to recovery

• Minor amendments to wording to reflect recovery and formatting changes • Reduce the number of days for payment of sundry debtor invoices and adjust the debt recovery flow
1.3.10 Fees and Charges Policy
• No changes Fees and Charges Procedures • Minor grammatical changes
1.3.11 Financial Hardship Policy
• Update associated documentation reference • Amend to include excluding interest charges applicable to the Emergency Service Levy

Council's Purchasing Policy has been excluded from this review as it seeking further advice on proposed changes to components of the Policy to reduce compliance risk. The changes are somewhat informed by outcomes of the recent Financial Management Review and Regulation 17 Audit.

An updated version of the Policy Manual will be available for Councillors after adoption.

Consultation
Chief Executive Officer
Manager Governance and Community
Works Manager

Statutory Environment
Local Government Act 1995

Policy Implications
As outlined.

Financial Implications
There are no direct financial implications.

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

Cr GJ Cosgrove declared an impartiality interest in Item 13.1 but remained in the meeting and agreed to consider the matter on its merits and vote accordingly.

13.0 GOVERNANCE AND COMMUNITY

13.1 SHIRE PRESIDENT RETIREMENT AND EXTRAORDINARY VACANCY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	GV.CLR.8
Date:	28 August 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
The Chief Executive Officer is in receipt of a letter from Cr GJ Cosgrove indicating his intended retirement effective from 18 October 2025, after 14 years' service as an Elected Member for the Shire of Mingenew. As such, this report outlines the statutory process for dealing with the vacancy through the upcoming local government election and recognises his recent achievement of being awarded the WALGA Eminent Service Award.

Key Points
- Cr GJ Cosgrove submitted his resignation letter on July 2025 and indicates it is to be effective from 18 October 2025
- The Act provides for the (extraordinary) vacancy to be filled as part of the ordinary election process
- Cr GJ Cosgrove was recently recognised for his service to the Shire, local government sector and WALGA, through the 2025 WALGA Honours Program

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 13.1 – RESOLUTION#12200825
MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

Council:
1. Notes the formal resignation of Cr GJ Cosgrove effective on Saturday 18 October 2025;
2. Advertises the extraordinary vacancy to occur in conjunction with the ordinary election process, in accordance with the *Local Government Act 1995*; and
3. Acknowledges the contribution of Cr GJ Cosgrove and congratulates him on receiving the Eminent Service Award presented at the 2025 WALGA Honours Awards, recognising his service and contributions to the Mingenew Shire and community, WALGA and broader local government sector.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
13.1.1 Retirement from Office Letter – Cr GJ Cosgrove
13.1.2 WALGA Honours – Eminent Service Award Nomination

Background
Cr GJ Cosgrove was first elected to Council in 2011 and elected as President in 2019. While Cr Cosgrove's term was due to expire in 2027, he has chosen to conclude his service on the 18 October 2025 to allow for a smooth transition and minimise the cost and disruption of holding a separate election. Under section s.4.16

of the *Local Government Act 1995*, the extraordinary vacancy may be filled as part of the ordinary election process.

To ensure Council meets its statutory obligations the CEO acted on the President's retirement notice promptly, to advertise the vacancy with the Call for Nominations notice for the Ordinary Election. All Election information is available on the Shire's website at https://mingenew.wa.gov.au/shire-and-staff/elections/ and statutory notices are included as follows:

- On the Department of Local Government, Industry Regulation and Safety's website click here
- On the Shire of Mingenew' s website click here

Key election notices and timelines will also continue to be provided in the Mingenew Matters, on the Shire's Facebook page and via our community SMS service.

Comment

As the Shire prepares for the upcoming election, it is important to recognise the significant contributions Cr GJ Cosgrove has made to both the community and the local government sector.

In July 2025, Cr Cosgrove was honoured at the WALGA Honours Awards dinner, receiving the *Eminent Service Award* in recognition of his longstanding service and distinguished contributions to WALGA, Local Government and the broader sector.

Award Criteria

The *Eminent Service Award* is presented in recognition of:

- Significant and distinguished participation and contribution to WALGA, Local Government and/or the Local Government sector.
- Demonstrated record of leadership and commitment to Local Government.

Cr GJ Cosgrove attended the award ceremony on 19 July 2025 to receive the award (pictured below with WALGA President, Karen Chappel).

A copy of the Award nomination is provided at Attachment 13.1.2 and highlights key achievements:

- Leadership in crisis: Cyclone Seroja (April 2021)
- Driving Efficiency Through Council Reform
- Compassionate Leadership in the Face of Tragedy
- Environmental Stewardship: Making Mingenew Owl-Friendly

- Advocating for Sustainable Resource Development
- Longstanding Advocate for Regional Roads
- Road and Rail Crossing Safety
- Champion of Community Sport and Recreation
- Leader with a Big Legacy

With 14 years of service as an Elected Member, including six years as President, Cr Cosgrove leaves a significant legacy of leadership, advocacy, and community commitment.

Statutory Environment

Local Government Act 1995

2.31. Resignation

(1) An elector mayor or president may resign from the office of mayor or president.

(2) A councillor may —

(a) resign from the office of councillor;

(b) resign from the office of councillor mayor or president, deputy mayor or deputy president.

(3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.

(4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

(b) resigns from the office;

4.16. Postponement of elections to allow consolidation

(3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —

(a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and

(b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,

any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.

Policy Implications

Nil.

Financial Implications

No financial implications as the extraordinary vacancy is treated the same as an ordinary vacancy in an election year.

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

13.2 POLICY AMENDMENT – 1.1.1 ELECTED MEMBER ENTITLEMENTS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL.1
Date:	28 August 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
As a result of Council's April 2025 decision to implement provision for Councillors to receive superannuation payments, an amendment has been made to the Elected Member Entitlements Policy to capture how these payments will be dealt with.

Key Points
- Council resolved at the 30 April Ordinary Council meeting to make superannuation payments to Councillors
- The Elected Member Entitlements Policy captures how and under what circumstances the payments will be made

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 13.2 – RESOLUTION#13200825
MOVED: Cr JR Holmes SECONDED: Cr AR Smyth

Council accepts the amended Council Policy 1.1.1 Elected Member Entitlements, as presented.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Attachments
13.2.1 Council Policy 1.1.1 Elected Member Entitlements (with tracked changes)

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.

Council resolved, by Absolute Majority, at its April 2025 Ordinary council meeting to make superannuation payments to council members effective from 1 July 2025, in accordance with s.5.99 of the Local Government Act 1995. It was also resolved that the Council Policy 1.1.1 Elected Member Entitlements would be updated to incorporate the provision for superannuation payments.

As such, an amended Policy is presented to reflect Council's decision to make super payments.

Comment
The proposed amended policy includes:
- Reference to the provisions of the *Local Government Act 1995* that relate to the making of superannuation payments to Councillors

- When payments are to be effective and the eligible payments from which they are calculated
- Opt out options
- Provision for review of decision to make payments (as it is currently discretionary for Class 4 local governments to make payments)

Consultation

Elected Members
WALGA

Statutory Environment

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

As presented.

Financial Implications

Nil, the Policy implements the April decision of Council and suitable provision has been made in the Council's Budget to allow for super payments.

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

14.0 WORKS

Nil.

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

17.0 CONFIDENTIAL ITEMS

10.1.2 CEO PERFORMANCE REVIEW 2024-25

PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 10.1.2(A) – RESOLUTION#14200825
MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

Council resolves to close the meeting to the public and all staff at 5:22pm, as a matter effecting an employee, in accordance with s.5.23(2)(a) of the *Local Government Act 1995*.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

Mr M Fanning declared a direct financial interest in Item 10.1.2, as the matter relates to his employment contract and therefore left the meeting at 5:22pm, and did not provide advice on the matter. Members of the public and staff also left the meeting at 5:22pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.2(B) – RESOLUTION#15200825
MOVED: Cr AR Smyth SECONDED: Cr JR Holmes

Council receives the legal advice from Verus Workplace Law relating to Fringe Benefits Tax (FBT), as requested by the Executive Management Committee, that has been provided under separate, confidential cover [*Confidential Attachment 10.1.2(B)*] and notes that no changes are required to the CEO's Total Remuneration Package (TRP) or Contract, as a result.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.2(C)–RESOLUTION#16200825
MOVED: Cr HR McTaggart SECONDED: Cr AT Pearse

Council, by Absolute Majority,:

1. Receives the Confidential CEO Performance Review Summary Report (enclosed under separate confidential cover);
2. Endorses the overall performance rating for Mr Matt Fanning, Chief Executive Officer for the review period 1 July 2024 to 30 June 2025, as 'Highly Satisfactory' (as meeting and exceeding performance requirements);
3. Authorises a variation to the CEO's total remuneration package as per the CEO Remuneration Proposal outlined at 5.1.1 of the CEO Performance Review Summary Report (enclosed under separate confidential cover), totalling $250,012, subject to independent advice being received regarding fringe benefits tax (FBT) obligations as applied to the CEO vehicle and Contract;
4. Endorses the new CEO Contract for the period 27 September 2025-26 September 2030 as presented, excluding proposed changes to termination clause 11.2(3)(a) and (4)(a);
5. Endorses the Focus Areas and Actions for the 1 July 2025 to 30 June 2026 review period as reviewed and updated in the meeting; and
6. Schedules the 2026 annual CEO performance appraisal to be commenced by July 2026 and completed by the August 2026 Ordinary Council Meeting.

VOTING REQUIREMENTS: CARRIED BY ABSOLUTE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

NOTE: Attachments to the Executive Management Committee in relation to the CEO Performance Review 2024-25 have been provided to Councillors as separate, confidential attachments, in accordance with s.5.23(2)(a) of the *Local Government Act 1995*.

PROCEDURAL MOTION AND COUNCIL DECISION - ITEM 10.1 – RESOLUTION#17200825
MOVED: Cr JD Bagley SECONDED: Cr JR Holmes

Council resolves to reopen the meeting to the public at 5:49pm.

VOTING REQUIREMENTS: CARRIED BY SIMPLE MAJORITY 6/0
(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, Cr JR Holmes, Cr AT Pearse, and Cr AR Smyth. AGAINST: Nil)

18.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday, 15 October 2025 commencing at 5.00pm.

19.0 CLOSURE
The meeting was closed at 5:50pm.

These minutes were confirmed at an Ordinary Council meeting on 15 October 2025

Signed _____
Presiding Officer

Date: _____