AGENDA FOR THE ORDINARY COUNCIL MEETING

15 OCTOBER 2025

Ordinary Council Meeting Notice Paper

15 October 2025

An Ordinary Meeting of Council is called for Wednesday, 15 October 2025 in the Council Chambers, Victoria Street, Mingenew, commencing at 5. 00 pm. Members of the public are most welcome to attend.

This meeting will be recorded in accordance with Council Policy and legislative requirements. By attending this meeting, members of the public agree to being recorded and acknowledge that the gallery may be picked up on the recording even if not formally participating in the meeting.

Matt Fanning
Chief Executive Officer
10 October 2025

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

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

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

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

Petitions
A formal process where members of the community present a written request to the Council.

Deputations
A formal process where members of the community request permission to address Council or Committee on an issue.

Presentations
An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will

PROCEDURE FOR DEPUTATIONS

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.
All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

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

- be addressed to the Shire President.

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

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AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON 15 OCTOBER 2025 COMMENCING AT 5:00PM.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 20 AUGUST 2025

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 August 2025 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 17 SEPTEMBER 2025

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 17 September 2025 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

10.1.1 MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 6 OCT 2025

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 6 October 2025.

11.0 CHIEF EXECUTIVE OFFICER

11.1 TEMPORARY USE OF LOT 202 FOR ADDITIONAL GRAIN STORAGE - CBH

Location/Address:	Lot 202 Mingenew-Morawa Road, Mingenew
Name of Applicant:	Co-operative Bulk Handling Ltd (CBH)
Disclosure of Interest:	Nil
File Reference:	LP.APP / A994
Date:	10 October 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
To consider an application from Co-operative Bulk Handling Ltd (CBH) for additional temporary storage on its owned land Lot 202 Mingenew-Morawa Road, Mingenew on Deposited Plan 419513. It is proposed to provide approval to CBH the temporary use of Lot 202 DP419513 for additional storage of grain for a period of up to 12 months.

Key Points
- CBH have advised that they are reaching storage capacity for their site
- The 2025 Harvest may exceeded expectations and grower forecasts.
- Council has the ability under the local planning scheme to forego the need to lodge a development application as the use is temporary and for a set period of up to 12 months
- The site referenced is currently vacant land that forms part of the existing CBH facility allotment
- CBH have lodged a DA for site expansion including additional open bulkheads. This DA however, will not be considered prior to the need for this additional storage.

OFFICER RECOMMENDATION – ITEM 11.1

Council
1. Pursuant to Schedule 2 Part 7 Clause 60 and 61(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that the temporary storage of grain by CBH upon 202 Mingenew-Morawa Road, Mingenew does not require lodgement of a planning application, providing that the temporary use period is not greater than 12 months.

2. Advises CBH that the determination, as outlined in part 1 of this resolution, is a temporary measure only, to assist in the current harvest period.

Attachments
11.1.1 Request for Temporary Works Exemption - CBH Mingenew - Lot 202
11.1.2 CBH Mingenew - Site Plan
11.1.3 Standard Elevation Drawings
11.1.4 Standard DOG Elevation Plan

Background
Co-operative Bulk Handling Ltd (CBH), commonly known as CBHGroup, have made a request to the Shire of Mingenew for the temporary use of Lot 202 DP419513 Mingenew-Morawa Road, Mingenew, for the temporary storage of grain total volume ~ 55,000T.

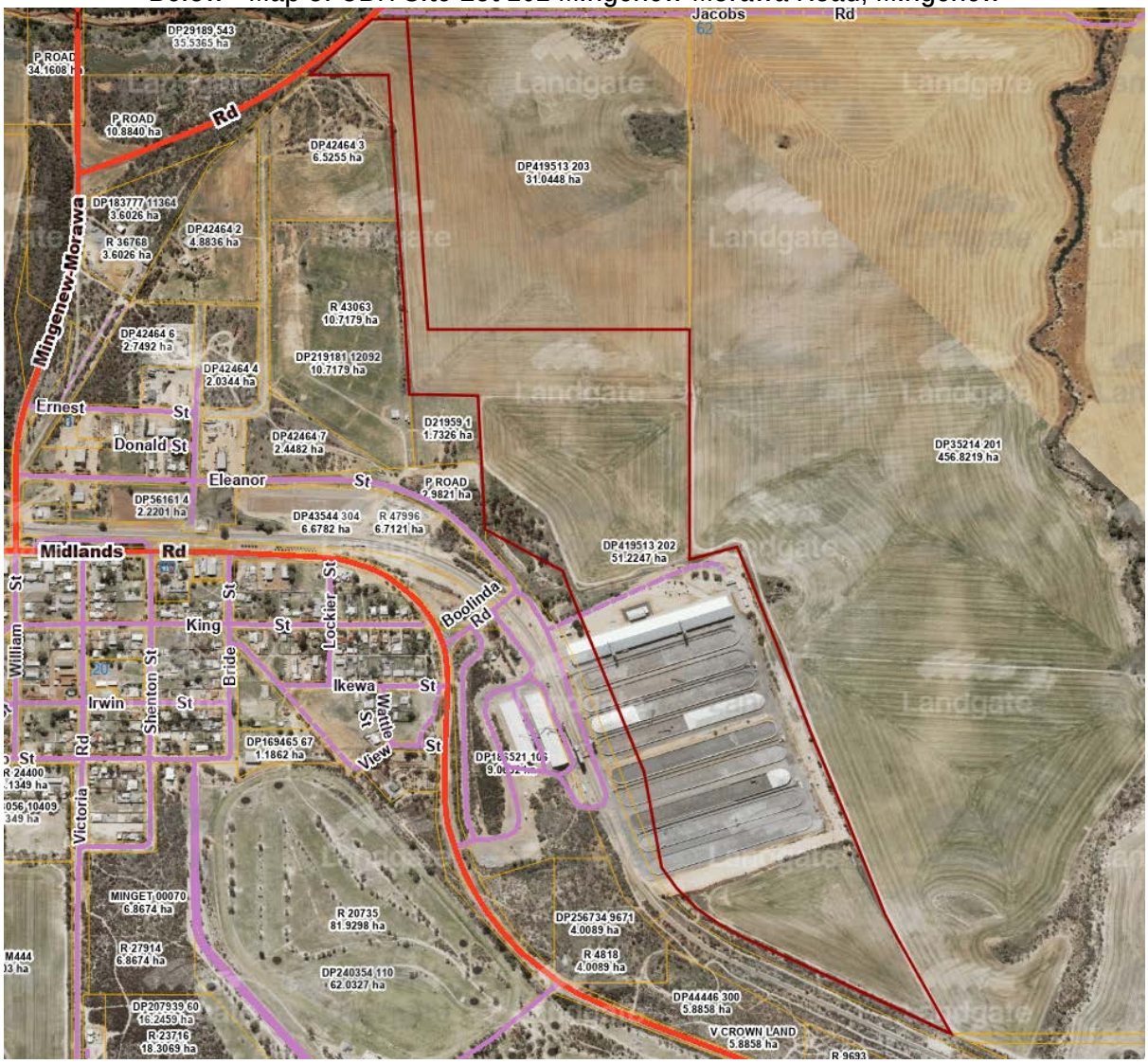
CBH Mingenew has been identified as one site where there is a likelihood that emergency storage could be needed for the FY25/26 harvest. The Mingenew facility currently has four temporary open storage bulkheads approved until December 2026 however current projections suggest another two temporary open storage

bulkheads will be required. The proposed concept for the emergency storage are provided as attachments 11.1.1 thru 11.1.4 of this report.

Council, under Schedule 2 Part 7 Clause 60 and 61(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015* have the ability to decide not to require a planning application should the request be considered temporary storage and for a period of less than 12 months.

With this in mind, CBH have advised the Shire that they urgently are seeking additional temporary storage for grain on their existing site west of the current temporary bulkheads.

Below - Map of CBH Site Lot 202 Mingenew-Morawa Road, Mingenew



Below - Map of CBH Site Showing proposed Additional Bulkhead Locations

The storage of harvest product on a property can be considered to meet the definition of 'Warehouse/Storage' which is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') as being:

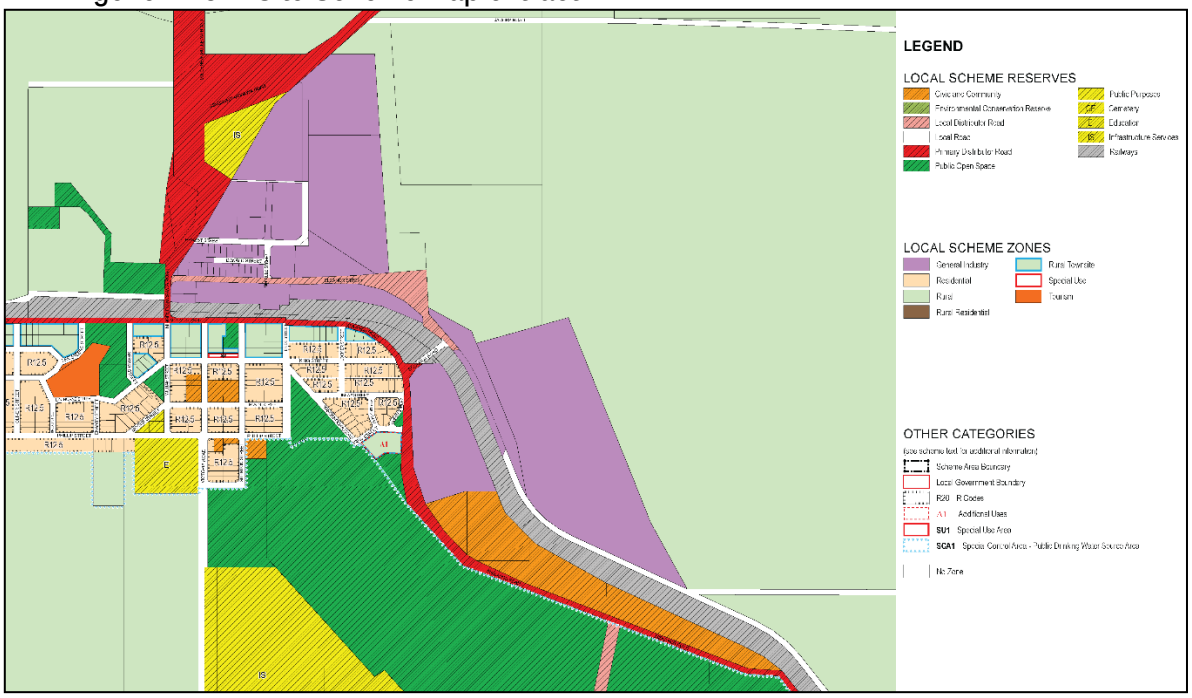
> "***warehouse/storage*** *means premises including indoor or outdoor facilities used for –(a) the storage of goods, equipment, plant or materials; or*
> *(b) the display or sale by wholesale of goods"*

Lot 202 Mingenew-Morawa Road, Mingenew (which is owned in freehold by CBH) is dual zoned, with the southern portion of the property that contains the existing grain storage and handling facilities zoned 'General Industry', and the northern, undeveloped portion zoned 'Rural' for which 'Warehouse/Storage' is listed as 'not permitted'. However, Council might also consider that the storage of grain in open bulkheads meets with the definition of 'Industry-Primary Production' which is listed as a permitted use in the 'Rural' zone.

'Industry-Primary Production' is defined under the Regulations as being:

> ***"industry — primary production*** *means premises used —*
> *(a) to carry out a primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) section 995-1; or*
> *(b) for a workshop servicing plant or equipment used in primary production businesses"*

Below – Mingenew Townsite Scheme Map extract



Comment

The Council will need to address the ability of the applicant to use the land under the Planning instruments for the use of the land.

Use of Land under the Planning Instruments

The Council has two possible pathways for determining this request under the planning instruments.

Option 1 – Planning Application Path

If the Council were to consider that the temporary storage of grain/lupins in open bulkheads requires lodgement of a planning application, it may choose to issue delegated authority to the Shire CEO to determine the applications as follows:

"That Council:

i. *Issue delegated authority to the Shire CEO to determine applications for the temporary storage of harvest by CBH upon 202 Mingenew-Morawa Road, Mingenew providing that the approval period is not greater than 12 months.*
ii. *Advise CBH that the delegation to the CEO as outlined in part (i) is a temporary measure only to assist in the current harvest period."*

Option 2 – Temporary Use Provisions Pathway

Alternatively, Council may consider that the temporary storage of grain in open bulkheads does not require lodgement of a planning application and it instead may consider the following wording appropriate:

"That Council:

i. *Advise CBH that is deems pursuant to Schedule 2 Part 7 Clause 60 and 61(17) of the Planning and Development (Local Planning Schemes) Regulations 2015 that the temporary storage of harvest by CBH upon 202 Mingenew-Morawa Road, Mingenew does not require lodgement of a planning application providing that the temporary use period is not greater than 12 months.*
ii. *Advise CBH that the determination as outlined in part (i)1 is a temporary measure only to assist in the current harvest period."*

Schedule 2 Part 7 Clause 60 and 61(17) of the *Planning and Development (Local Planning Schemes)* Regulations does make allowance for works that are in existence for less than 48 hours, or a longer period as agreed by the local government, in any 12 month period.

It is suggested that this clause is more commonly applied to minor developments such as pop-up shops and events and might be considered less appropriate for storage of grain in open bulkheads for approximately 8-10 months that will have some visual significance and associated truck movements, however given the circumstances, economic benefit to the region and potential additional infrastructure damage which would result should product need to transported to other receival facilities this option is the recommended pathway.

Consultation

CBH senior planning management

Statutory Environment

Schedule 2 Part 7 Clause 60 and 61(17) of the *Planning and Development (Local Planning Schemes)* Regulations 2015

60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

(a) the person has obtained the development approval of the local government under Part 8; or

(b) development approval is not required for the development under clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.

2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

61. Development for which development approval not required

(1) Development approval is not required for works if —

(a) the works are of a class specified in Column 1 of an item in the Table; and

(b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
17.	Temporary Works	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.

Policy Implications

Nil

Financial Implications

The permission by the Council to allow additional temporary storage on Lot 202 reduces the risk to Councils Road infrastructure being further damaged by Harvest transport should trucks be required to haul grain to other receival areas.

Strategic Implications

Strategic Community Plan 2023-2033

Grow Mingenew

1. Safe, efficient, and connected transport network

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

b. Continue to liaise with CBH and Main Roads on expansion plans to represent local traffic and grower needs

2. Attract investment and grow resident population
   2.1 Work collaboratively to grow resource, agricultural and service industries in Mingenew

11.2 MINGENEW AERODROME MASTER PLAN

Location/Address:	Mingenew Aerodrome – South Rd Mingenew
Name of Applicant:	Internal Planning Document
Disclosure of Interest:	Nil
File Reference:	CM.PLN.1
Date:	10 October 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
Council, following a development request at its Aerodrome has produced a Master Plan to ensure that development of the aerodrome facility is systematic, compliant and fit for the current and any future potential uses. The Master Plan demonstrates potential for the development of three aerial spraying operators, refuelling for emergency services aircraft and potential future FIFO operations.

Key Points
- The Mingenew Aerodrome has sufficient space to accommodate three potential aerial spraying operators or recreational hangers
- FIFO operations could be established in future should the opportunity arise
- Refuelling operations are possible as part of the Master Plan

OFFICER RECOMMENDATION – ITEM 11.2

Council adopts the Mingenew Aerodrome Master Plan as presented.

Attachments
11.2.1 Mingenew Aerodrome Master Plan - Final Report

Background
Council received a request to establish permanent aerial spraying infrastructure and operations base at the Mingenew Aerodrome.

This prompted the need to develop a master plan to ensure that any future development could be achieved in a manner which maximised the sites full potential.

Comment
The options presented in the Master Plan are basically constrained by the Obstacle Limitations and the area of land required for the proposed infrastructure generally ruling out any development on the north western side of the strip without the need to relocate the strip.

The plan has been drawn in an attempt to minimise impact to the community cropping land which at full development would be impacted by 9Ha resulting in an average loss to the community fund of around $12,000/pa. This assumes that the area immediately adjacent the strip is not cropped which may or may not be the case.

The final location of any development will depend on the proposed configuration and Council would work with any proponent to minimise any impact on the community cropping land.

Consultation
- Waringa Aviation
- Dunns Aviation

- RFDS
- Midwest Aerial Services

Statutory Environment

Aerodromes in Australia are regulated at a federal level by the Civil Aviation Safety Authority (CASA), primarily through the Civil Aviation Safety Regulations 1998 (CASRs), specifically Part 139. This regulatory framework, establishes standards for aerodromes used in air transport operations, covering aspects like runway dimensions, air traffic control, and rescue services. Aerodromes must be certified by CASA to meet these safety standards, with the specific requirements scaling based on factors such as passenger numbers and aircraft movements.

Key Regulatory Aspects

- Civil Aviation Safety Authority (CASA): CASA is the primary regulatory body responsible for the safety of civil aviation in Australia.
- CASR Part 139: This is the core regulation that prescribes requirements for aerodromes supporting air transport operations.
- Manual of Standards (MOS) - Part 139 Aerodromes: This document details the specific standards and procedures aerodromes must follow.

The Mingenew Aerodrome is currently classified as an "Aircraft landing area". Should the Aerodrome introduce FIFO operations it would need to be Certified as below.

Aerodrome certification requirements

- Certified aerodromes: If there is a terminal instrument flight procedure (TIFP) for the aerodrome and the procedure is not only for use in a specialised helicopter operation
- Aircraft landing areas (uncertified aerodromes): Not applicable

Person responsible for certification

- Certified aerodromes: CASA and the operator
- Aircraft landing areas (uncertified aerodromes): Unregulated facility – it is an operator's and/or the pilot's responsibility to determine suitability of the facility for use.

Defined standards

- Certified aerodromes: Part 139 MOS
- Aircraft landing areas (uncertified aerodromes): For non-air transport operations, guidance for:
    - aeroplanes is in AC 91-02 Guidelines for aeroplanes with MTOW not exceeding 5 700 kg - suitable places to take off and land
    - helicopters is in AC 91-29 Guidelines for helicopters - suitable places to take off and land
    - helicopter landing sites is in AC 139.R-01 Guidelines for heliports - design and operation
    - vertiports is in AC 139.V-01 Guidance for vertiport design.

Policy Implications

Nil

Financial Implications

Depending on the proposed developments received, the facility may require upgrading. The master plan provides the Council with a document which can be used to obtain aerodrome upgrade grants and advise proponents on developer upgrades.

The Masterplan will also be used to ascertain a typical lease fee structure which can be used moving forward.

The financial implications if any will only really be known once a proponent submits a development application which will then be informed by the master plan.

Strategic Implications

Strategic Community Plan 2023-2033

1. Safe, efficient, and connected transport network

2. Attract investment and grow resident population
   2.1 Work collaboratively to grow resource, agricultural and service industries in Mingenew
      a. Proactively promote local investment and seek out opportunities to leverage support for local employment

11.3 MAJOR LAND TRANSACTION BUSINESS CASE – GROH HOUSING PROJECTS

Location/Address:	38 Victoria Road, Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.TEN.24.25
Date:	10 October 2025
Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
To outline and commence the process for procurement activity for housing projects considered to be major land transactions, in accordance with s.3.59 of the *Local Government Act 1995* and receive and note that no submissions were received regarding the public notice for this Major Land Transaction.

Key Points
- Council has in its LTFP the delivery of 2 GROH houses for the WA State Government
- A business case was advertised (*17 July – 2 September 2025*) complying with the minimum statutory 6 week notice period
- No Submissions were received.
- The Government Regional Officer Housing (GROH) program is administered by the Department of Housing and Works

OFFICER RECOMMENDATION – ITEM 11.3

Council, by Absolute Majority, in consideration of no submissions being made for the Major Land Transaction – GROH Housing Project for the delivery of 2 GROH houses within the town of Mingenew:

1. Proceeds with the project, subject to grants and financial commitments being forthcoming as described in the GROH Housing business case, as presented;
2. Delegates authority to the CEO to negotiate terms with the Department of Housing and Works for 2 GROH Houses to inform the Contract and Leasing decisions;
3. Approves the purchase of 38 Victoria Road, Mingenew from the Housing Authority for this purpose, for an agreed purchase price of $24,500 and delegates to the CEO the authority to engross any sale of land contracts relating to this purchase;
4. Delegates authority to the CEO to negotiate lease terms with the Department of Housing and Works (GROH) which results in no costs to the Council and fully covers the Principal and interest costs associated with the project, to establish a lease (noting Council is exempt from the property disposal requirements in accordance with Regulation 30 of the *Local Government (Functions and General) Regulations 1996*).

Attachments
11.3.1 Mingenew GROH Housing Business Plan
11.3.2 Typical GROH Process

Background
The Shire has, for some time, been in discussions with GROH and the Department of Communities / Department of Housing and Works (following departmental changes to the State Government portfolio's, GROH is now administered by the Department of Housing and Works) regarding the building of two (2) additional GROH houses in Mingenew for the Department of Education.

At its February 2024 OCM the Council resolved as follows:

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

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

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

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

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

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

At a Special Council meeting 16 July Council resolved to advertise the business base for the GROH houses with this new information.

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

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

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

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

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

Due to the anticipated project value, these works were considered a Major Land Transaction, requiring the local government to prepare and advertise a business plan. It was, therefore, important to ensure that the Council first receive realistic market pricing prior to making this determination and progressing down this path.

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

- Prepare and present draft business plan, as prescribed, for each project
  (*16 July 2025 Special Council Meeting*)
- Give Statewide public notice outlining its proposal to commence a major land transaction and provide an opportunity for submissions (no less than 6 weeks' notice period), providing a copy of the business plan
  (19 July – 2 September 2025 submission period)
- Consider any submissions received and decide to proceed with the major land transaction

(Council Meeting – date to be determined due to possible caretaker mode impacts)

- Commence procurement process and contract negotiations/arrangements *(October 2025)*

Consultation

Department of Education
Housing Authority (Department of Communities)
Department of Housing and Works (GROH)
WALGA

Statutory Environment

Local Government Act 1995

3.59. Commercial enterprises by local governments

(2) Before it —
- *(a) commences a major trading undertaking; or*
- *(b) enters into a major land transaction; or*
- *(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- *(a) its expected effect on the provision of facilities and services by the local government; and*
- *(b) its expected effect on other persons providing facilities and services in the district; and*
- *(c) its expected financial effect on the local government; and*
- *(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- *(e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
- *(f) any other matter prescribed for the purposes of this subsection.*

(4) The local government is to —
- *(a) give Statewide public notice stating that —*
  - *(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
  - *(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
  - *(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- *(b) make a copy of the business plan available for public inspection in accordance with the notice; and*
- *(c) publish a copy of the business plan on the local government's official website.*

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

** Absolute majority required.*

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

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

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

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

Local Government (Functions and General) Regulations 1996

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

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

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

(i) $2 000 000; or

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

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

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

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

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

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

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

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

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

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

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

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

(c) the land is disposed of to —

i. the Crown in right of the State or the Commonwealth; or

ii. a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

iii. *another local government or a regional local government;*

As the GROH Program is administered by the Department of Housing and Works, the property disposal is considered an exempt disposition under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

Policy Implications

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

Financial Implications

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

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

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

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

Tenders have been advertised and will close 5 November 2025. It is intended that tender submissions and the delegation to enter a lease will be presented at the November Ordinary Council meeting.

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.

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORTS FOR THE PERIODS ENDED 31 AUGUST 2025 & 30 SEPTEMBER 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.FRP
Date:	10 October 2025
Author:	Jack Smith, Senior Finance Officer
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the periods ended 31 August 2025 and 30 September 2025, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations* 1996.

OFFICER RECOMMENDATION – ITEM 12.1

Council receives:
1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 August 2025, as included at Attachment 12.1.1;
2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 30 September 2025, as included at Attachment 12.1.2.

Attachments
12.1.1 Monthly Financial Report for the period ending 31 August 2025
12.1.2 Monthly Financial Report for the period ending 30 September 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 Reports for the periods ended 31 August 2025 and 30 September 2025 include the following statements and notes, respectively:

- 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

Please note that the opening surplus for the 2025/26 financial year (shown in blue below) - and the comparative prior year figures shown in various places throughout the current year's Monthly Financial Reports - may be inconsistent insofar as they reflect incremental progress towards the final verified balances contained in the 2024/25 Annual Financial Report. As this report has yet to be audited, these brought forward balances should be considered indicative only and may be subject to further change.

For the same reason, depreciation expense and changes to the Fixed Asset Register are not processed in the system or reflected in the Monthly Financial Reports until such time as the final position for the previous year is known and has been signed off by the auditor. Accordingly, YTD operating expenditure (shown in green below) will be understated.

The draft 2024/25 Annual Financial Report has been sent to the auditors and the final, audited version of the Shire's accounts will be presented to Council in December 2025.

A summary of the YTD financial activity as at the end of August 2025 is given below:

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,255,243	3,405,383	4.61%
Expenditure from operating activities	(623,812)	(607,954)	2.54%
Non-cash amounts excluded from operating activities	(3,450)	(100,822)	(2822.38%)
	2,627,981	2,696,607	2.61%
INVESTING ACTIVITIES			
Inflows from investing activities	143,188	396,141	176.66%
Outflows from investing activities	(278,307)	(320,497)	(15.16%)
	(135,119)	75,644	155.98%
FINANCING ACTIVITIES			
Inflows from financing activities	40,000	0	(100.00%)
Outflows from financing activities	(6,427)	(5,958)	7.30%
	33,573	(5,958)	(117.75%)
Surplus/(deficit) at the start of the financial year	785,000	1,447,419	84.38%
Surplus/(deficit) at 31 August 2025	3,311,435	4,213,712	27.25%
Cash at Bank Municipal – unrestricted		3,216,895	
Cash at Bank Municipal – restricted		1,256,033	
Cash at Bank Trust		50,001	
Cash at Bank Reserve – restricted		1,438,382	
Total		5,961,311	

A summary of the YTD financial activity as at the end of September 2025 is given below:

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,306,564	3,450,887	4.46%
Expenditure from operating activities	(888,751)	(840,852)	5.39%
Non-cash amounts excluded from			

operating activities	(3,450)	(100,795)	(2821.59%)
	2,411,363	2,509,240	4.06%
INVESTING ACTIVITIES			
Inflows from investing activities	284,776	463,590	62.79%
Outflows from investing activities	(997,695)	(454,759)	(54.42%)
	(712,919)	8,831	101.24%
FINANCING ACTIVITIES			
Inflows from financing activities	40,000	0	(100.00%)
Outflows from financing activities	(34,996)	(34,639)	1.02%
	5,004	(34,639)	(792.23%)
Surplus/(deficit) at the start of the financial year	785,000	1,447,419	84.38%
Surplus/(deficit) at 30 September 2025	2,488,448	3,930,851	57.96%

Cash and Cash Equivalents – Municipal – unrestricted	3,146,139
Cash and Cash Equivalents – Municipal – restricted	1,195,232
Cash and Cash Equivalents – Trust	50,001
Cash and Cash Equivalents – Reserves – restricted	1,438,493
Total	5,829,865

An explanation of the variances can be found at *Note 3 – Explanation of Material Variances* in the attached Monthly Financial Reports. This commentary provides Council with an overall understanding of the YTD financial activity relative to the 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 attached financial reports at *Note 6 - Cash and Financial Assets at Amortised Cost*.

The Road User Agreement with Terra Mining, as at 30 September 2025, has contributed $172,583 towards the Community Benefit Fund Reserve, with all invoices paid in full. Other debtors' accounts continue to be monitored with all efforts being made to ensure that monies owed 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 AUGUST TO 30 SEPTEMBER 2025

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.CRD
Date:	10 October 2025
Author:	Maria Snowden-Giles, Payroll/Finance Officer
Authorising Officer:	Jack Smith, Acting 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 the period 1 August to 30 September 2025.

OFFICER RECOMMENDATION – ITEM 12.2

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 August to 30 September 2025, as included at Attachment 12.2.1. represented by:

$667,585.65	Municipal EFTs
$22,929.27	Municipal EFT Purchasing Cards (Fuel Cards)
$121,744.65	Municipal Direct Debit Department of Transport (Licencing) Payments
$115,951.85	Municipal Direct Debit Other
$4,999.55	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
$178,601.55	Net Salaries
$1,111,812.52	Total Payments

Attachments
12.2.1 List of Payments – 1 August to 30 September 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 2025/26 BUDGET REVIEW AND AMENDMENTS – FIRST QUARTER

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.BUD.25.26
Date:	10 October 2025
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
The purpose of this report is to consider and approve proposed first quarter budget review and amendments for 2025/26.

OFFICER RECOMMENDATION – ITEM 12.3

Council, by Absolute Majority, approves the proposed budget review and amendments to the 2025/26 Annual Budget accordingly as per Note 2 within the 2025/26 Budget Review – First Quarter.

Attachments
12.3.1 2025/26 Budget Review – First Quarter

Background
During the preparation of the 2025/26 annual budget, provisions were made to carry-forward funds for projects based on estimates of unspent expenditure as at 30 June 2025.

The Annual Financial Report for the year ended 30 June 2025 has been completed and is currently undergoing audit. As a result, the estimated opening surplus that is proposed to be updated, may be subject to further changes pending the outcome of the final audit.

The budget adjustments mostly relate to known operating variances, carry forward projects not completed by 30 June 2025 or additional projects identified since the adoption of the budget.

Comment
This report provides information by Nature and Type and is based on the three month period from 1 July 2025 to 30 September 2025.

The budget review and amendment report includes at Note 1 a summary of variances contained within the Statement of Financial Activity.

Features of the budget review include:

Increase in opening surplus (advance payment of the Financial Assistance Grant of $467,026 and the remainer on other savings/carry forward on various other projects, including employee costs, materials and contracts)	$662,419
Decrease ex-gratia rates (reduced tonnage previously included temporary facilities)	($5,741)
Decrease operating grants (Federal Assistance advance payment and direct road)	($434,766)
Increase in fees and charges (planning application)	$36,078
Increase in reimbursements (road user agreement)	$1,516

Proceeds on asset disposal (insurance claim on Semi Truck and water tanker trailer)	$112,455
Increase in material and contracts (property disposal valuation)	($3,009)
Increase in other expenditure (debt write off from disposal of property, Council Resolution 08121224)	($12,660)
Increase capital grants and contributions (adjust actual carry over for Lotterywest and CRC funding, adjust funding source for cenotaph project, new funding for Mingenew-Mullewa Road reseal and widening)	$172,820
Capital projects (Renewal of APU 4, adjust Council Resolution 02160725S to actual expenditure, successful RRG application for additional works Mingenew-Mullewa Road)	($197,667)
Transfer from Plant Reserve (adjust Council Resolution 02160725S to actual expenditure)	($4,000)
Overall Change (surplus)	$327,445

In considering the above amendments within the attached first quarter budget review, the closing position has increased from zero to $327,445, reflected in the Statement of Budget Review – First Quarter.

Consultation
Leadership Team

Statutory Environment
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications
Nil.

Financial Implications
At the end of the 2024/25 financial year, the actual (unaudited) closing surplus is $1,447,419. The budgeted opening surplus has increased by $662,419 due to the advance payment of the Financial Assistance Grant of $467,026 and the remainer on other savings/carry forward on various other projects, including employee costs, materials and contracts.

This reflects an anticipated closing surplus as at 30 June 2026 of $327,445.

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

12.4 PROPOSED TOWN HALL RESERVE AND RESERVE TRANSFER

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	FM.BUD.25.26
Date:	10 October 2025
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
For Council to consider the establishment of a new Town Hall Reserve and approve the transfer $15,788 from restricted Municipal Funds into this reserve.

Key Points
- A new Town Hall Reserve is proposed to ensure any future funding is quarantined to future works on the Mingenew Town Hall
- The amount of $15,788, held in restricted municipal funds, to be transferred into the newly created reserve

OFFICER RECOMMENDATION – ITEM 12.4

Council, by Absolute Majority,
1. Establish a Town Hall Reserve for the purpose of to fund the restoration, refurbishment and ongoing preservation of the Mingenew Town Hall; and
2. Approve the transfer of $15,788 from restricted Municipal Funds into the newly created Town Hall Reserve.

Attachments
Nil

Background
In July 2017, funds from Sino Iron were used to undertake roof replacement works on the Hall, Roads Board building and Railway Station.

The total cost for these works was $70,715, funded by a combination of:
- $63,415 transferred from the Land and Buildings Reserve, and
- $23,088 received through an insurance claim.

After the completion of the project, $15,788 remained unspent and has since been manually tracked and held in restricted municipal funds for future related works.

Council at its December 2024 Ordinary Meeting resolved:

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 - RESOLUTION#03121224
MOVED: Cr JR Holmes SECONDED: Cr RA Starick

Council

1. **Receives and notes the Opinion of Probable Costs for the renovation and upgrading of the Mingenew Town Hall;**
2. **Resolves to renovate and upgrade the Mingenew Town Hall once sufficient funds have been generated from external funding sources, so as not to impact the Council's financial sustainability; and**
3. **Updates the information regarding the Town Hall in the Shire's Investment Opportunities booklet.**

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

The report provided a full project costings and options for the repair and upgrading of the Hall based on the options report recommendations. It was estimated that to restore the Hall to a bare minimum level would cost ~ $2.15M and an additional $1.3M to $1.9M to complete the upgrade works identified in the concept report.

To enable the reopening of the hall for limited community use, the following essential repairs and safety measures have been undertaken:

- addressed the non-complying brick ties by connecting brick ties to the frame
- addressed corrosion to front steel column, corroded section was cut out and repaired by local steel fabricator and a new concrete base poured
- removal of damaged and worn rear stair access (stairs and platform) and boarding up of rear platform access doors
- temporary boards used to restrict side access stairs
- broken and sagging ceiling material removed
- supply and installation of wall cladding to main hall
- installation of 6 new LED drop lights on a new circuit and installation of a single power outlet circuit
- disconnection of power circuits and all steel electrical conduits
- installation of new exit lights
- access restricted to rear of hall (from stage to rear)
- removal of failed ceiling and walls at the rear of the stage
- reoiling of the floors by community volunteers

To date, $33,533 has been spent on the above completed work from the allocated $50,000 budget. In Addition, materials for the Wall cladding were donated at a value of ~$12,000.

Comment

The reserve will support future restoration, refurbishment and preservation works of the Mingenew Town Hall, ensuring that the funds remain quarantined for their original purpose and are readily identifiable for future budget considerations.

Establishing this reserve also provides a dedicated financial mechanism to receive and manage any future funding that may become available, whether through contributions, donations or further allocations by Council.

Consultation
Elected Members
Executive Officers

Statutory Environment
Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

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

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

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

** Absolute majority required.*

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Policy Implications
Nil

Financial Implications
There are no financial impacts associated with this proposal. The transfer amount of $15,788 is currently held as restricted municipal funds, the transfer to reserve is formalising the restriction of funds.

Strategic Implications
Strategic Community Plan 2023-2033
14 Operating with a high standard of good governance and transparency
15 Financial practices are responsive to compliance requirements and revenue needs

13.0 GOVERNANCE AND COMMUNITY

13.1 PROPERTY DISPOSAL (BY LEASE) – NEW CHILD CARE FACILITY

Location/Address:	20 Victoria Street, Mingenew (Reserve 26455)
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CP.DSC.6
Date:	10 October 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary
The Shire recently issued a notice seeking submissions from suitable and qualified service providers to manage the new childcare facility. Following the notice period, one submission was received, and Council are requested to delegate authority to the CEO to negotiate and enter into a lease.

Key Points
- Construction of the new childcare facility at 20 Victoria Road, Mingenew (Reserve 26455) is well underway, with the full project anticipated to be completed around March 2026
- Establishing a lease with the intended operator now will ensure the necessary approvals can be sought in timely fashion and will allow the Shire to meet a critical milestone with Lotterywest for making the next grant progress payment
- Regional Early Education Development WA Inc (REED) are the current service providers of childcare in Mingenew and were the only providers to make a submission

OFFICER RECOMMENDATION – ITEM 13.1

Council, in response to the seeking of submissions from suitable and qualified service providers to manage the new childcare facility at 20 Victoria Road, Mingenew (Reserve 26455):

1) Receives the submission from Regional Early Education Development WA Inc (REED), accepting that they are a suitably qualified, not-for-profit provider; and
2) By Absolute Majority, delegates authority to the Chief Executive Officer (CEO) to negotiate and enter into a lease agreement with REED to operate the new Mingenew Childcare facility, based on a $1 peppercorn rent per annum and a lease term of ten (10) years, plus an extension option of ten (10) years.

Attachments
13.1.1 Confidential (commercial in-confidence): REED Submission for leasing of new childcare facility (provided to councillors under separate, confidential cover)

Background
Expanding and enhancing childcare services in Mingenew has been a longstanding community priority, which has driven the development of a new, fit-for-purpose facility. This objective underpinned the preparation of a business case and successful grant applications to both Lotterywest and the Mid West Development Commission's (MWDC) Regional Economic Development Scheme (REDS). These funding contributions, alongside financial support from the Mingenew Community Resource Centre and community fundraising efforts, have enabled construction of the purpose-built facility.

To facilitate an operator from the new childcare facility Council needed to:

1) Seek approval from the Minister of Lands to lease under the management order for the reserve (Reserve 26455) – permission has been granted to lease up to 21 years
2) Issue a lease for a suitable and qualified operator to provide childcare services

At a Special Council meeting held in July, Council resolved to seek submissions for the property disposal by way of a lease opportunity. A copy of the resolution is provided below:

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

Council:

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

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

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

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

The Shire issued invitations in August 2025 seeking submissions for the lease of the new Child Care facility currently under construction at 20 Victoria Street, Mingenew. Invitations were issued directly to not-for-profit service providers known to operate in Australia and specifically in regional WA. A public notice was also issued, with submissions closing Friday, 12 September 2025.

At the close of submissions only one submission was received from the existing provider (REEDWA).

Comment

REED began with four early childhood education and care (ECEC) services located in the Wheatbelt in 2018 and has since expanded to 27 locations across regional Western Australia. REED are a not-for-profit organisation offering high quality care to nearly 1,000 children collectively, utilizing a unique "cluster" model of management in which services are grouped based on their location, each appointed a Cluster Manager to ensure staff are supported, compliance is sustained and national standards maintained. The significant administrative and regulatory tasks are managed by a central team, reducing the financial burden on individual locations to maintain viability.

REED has been the provider of childcare services at REED Mingenew since 2022 and currently employs two full-time employees and one casual staff member. Operations have been relatively stable in the last couple of years, in terms of demand and staffing.

In the submission, REED indicates proposing to hold a community meeting/open day as part of their strategy to assess and meet demand and potentially attract new families to the service.

In terms of facility management, REED have indicated they will:

- Provide their own signage, IT resources, equipment (including toys and learning equipment)
- Relocate suitable furniture / equipment / resources from REED – Mingenew and purchase any additional items as required
- Be responsible for general maintenance and upkeep, with internal systems and local contacts established under the current arrangements

REED's only concerns were the lease conditions requiring that the childcare operates 5 days per week and is limited to closure over the Christmas / New Year break for no longer than 14 days, and therefore complying with minimum service levels and maintaining a sufficient workforce for prescribed child numbers. As such,

these conditions and lease terminology will be negotiated and will clarify Council's intent to ensure that the service provider continues to meet community demand and deliver best possible outcomes for the community.

The Shire will also work with REED to determine a suitable start date for the lease, which will need to be flexible to allow for any variations to project milestones.

It is important for the lease to be established prior to completion of construction to ensure there is sufficient time to seek licensing approvals for operation at the new facility (regulator requires evidence of a lease or intent to enter a lease). The approval process may take up to 3 months from application and will include a site inspection by the regulator. As the proposed lessee is the current service operator at the current facility there is less risk in a loss of service during the transition period.

REED also currently leases a Shire-owned residential property to staff as an attraction and retention strategy, with another property leased by the Shire directly to a REED staff member. Housing is identified as a key challenge for recruitment and retention and the lack of availability of appropriate housing for lease (outside of the Shire) could significantly impact operations. The submission indicates a desire to continue with these support arrangements.

Provision of additional key worker housing has been identified by the Shire as a high priority for its own attraction and retention strategy, as well as supporting local industries and businesses to support living local. Short-term support in the provision of housing is proposed to continue (outside of the childcare lease arrangements) however, it poses an ongoing risk to Council, if additional housing cannot be secured.

Consultation

Invitations to make a submission were issued to all known not-for-profit child care service providers operating in Australia (with a focus on regional providers).

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

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

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

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

(a) the highest bidder at public auction; or

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

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

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

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

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

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

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

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

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

(c) the market value of the disposition —

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

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

(5) This section does not apply to —

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

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

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

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

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

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

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

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

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

Policy Implications

Council Policy 1.2.15 Common Seal Policy

The Policy determines that the execution of a lease is a Category 2 document, which does not require the Common Seal however the execution of the document must not be inconsistent with a Council resolution.

Financial Implications

The next progress payment from Lotterywest is contingent on a lease agreement being entered for the management of the new childcare facility.

As the operation of the childcare is conducted by a non-for-profit organisation, the lessee proposes a "minimal cost-recovery or peppercorn rate" for the term of the lease to ensure service affordability for local families. As such, a $1 plus GST per annum rental charge is proposed, with other responsibilities for outgoings, such as general maintenance obligations.

In their submission, REED provides an overview of their operating model:

"REED's operating model includes two main components, parent fees and Federal grant funding.

Parent Fees are based on the Commonwealth hourly cap rate. All services are registered for child care subsidy. REED adopts the Commonwealth hourly cap rate to set fees, this method maximises the amount of fee income from CCS from the Commonwealth, whilst ensuring that families get the maximum benefit of subsidy and lower gap fees when compared to services that charge above the hourly cap rate.

Federal funding is a competitive process available through Commonwealth Community Childcare Fund. REED-Mingenew is currently in receipt of this funding, however, this funding is not guaranteed and REED's operating model was set to reduce reliance on grant funding whilst maintaining financial viability."

Strategic Implications

Strategic Community Plan 2023-2033

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

Corporate Business Plan 2024-2028

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

13.2 NEW COUNCIL POLICY - ELECTRONIC MEETING ATTENDANCE

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

Summary
To communicate and formalise the process for approval to attend a meeting of Council (including Committees) electronically and for holding electronic meetings, a new Council Policy has been developed to guide the application and approval process.

Key Points
- Regulations 14C, 14CA 14D and 14E of the Local Government (Administration) Regulations 1996 set out provisions for electronic meetings
- This policy addresses how application is to be made for attending a meeting electronically and provides guidance on approving or denying applications
- A Policy and quick reference sheet have been developed to assist in navigating the legislative and policy requirements

OFFICER RECOMMENDATION – ITEM 13.2

Council adopts the new Council Policy 1.1.9 Electronic Meeting Attendance, as presented.

Attachments
13.2.1 Council Policy 1.1.9 Electronic Meeting Attendance
13.2.2 Electronic Meeting Attendance Reference Guide

Background
There has been significant local government reform with respect to electric meeting attendance, particularly in response to adaptations required during the COVID-19 pandemic. Electronic meeting participation has become a popular and accepted way of doing business, and as such legislative change has been implemented to support the practice.

Whilst in-person meetings remain the preference / default, provision for electronic meeting attendance offers flexibility for members to participate in meetings in circumstances where they may need to travel for work or care for family members etc.

Comment
The new Policy addresses key considerations:

Technical Requirements – to ensure members have access to suitable equipment (hardware and software) for instantaneous and continuous communication. The Policy states that members are encouraged to use Shire-owned assets for this purpose where possible or must otherwise ensure it meets an acceptable standard to comply.

Appropriate Locations – members attending electronically must be private, quiet locations free from distraction. The Policy indicates that the room or space must make provision for confidential discussion, as

required. The Policy is flexible in defining what constitutes a suitable location, trusting that members will make reasonable judgement to meet the criteria.

Confidentiality – the Policy requires that a declaration be made when attending a meeting electronically to confirm responsibility for ensuring confidentiality and that it can be maintained if required.

Notice provisions – members must given reasonable notice to ensure preparations for electronic attendance can be made. Ideal notice is at least 3 days prior to the meeting, unless there are extenuating circumstances.

Meeting conduct – to ensure that members can participate in the meeting effectively, guidance is provided on how a member is to communicate for voting or speaking (legislation is silent in this respect). It is noted that the Shire's Standing Orders Local Law 2017 outlines protocols for speaking and standing during debate which may not be appropriate or clarified for members attending electronically.

Clause 8.1 (in regard to speaking at council or committee meetings):

(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or Committee.
(2) When a member or officer has been chosen to speak by the presiding member the member or officer must address the Council or Committee through the Presiding Member.
(3) Any member moving a motion or amendment, or taking part in the discussion thereon, shall address the presiding member and may rise if the member so desires, or shall do so when requested by the presiding member except when prevented from doing so by sickness or physical disability.
(4) When invited by the Presiding Member to speak, such member or officer may remain seated whilst speaking unless the Presiding Member rises, upon which such member or officer will cease speaking immediately so the presiding member can be heard.

As provided for under clause 8.1(1), an agreed method has been established within the policy, allowing members attending electronically to physically or virtually raise their hand, or otherwise direct their request through the Presiding Member verbally. This provides for attendance by video conferencing or phone.

Consultation

WALGA have a template policy and guidelines for electronic meetings and these resources were used in the formulation of the policy for consideration.

The Department of Local Government, Industry Regulation and Safety (LGIRS) have also developed guidelines for developing policies on electronic attendance at meetings, and can be viewed at https://www.dlgsc.wa.gov.au/department/publications/publication/guidelines-for-developing-policies-on-electronic-attendance-and-meetings

Statutory Environment

Local Government Act 1995
Local Government (Administration) Regulations 1996

14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba))

1) In this regulation —
meeting means —
(a) an ordinary meeting of the council; or
(b) a special meeting of the council; or
(c) a meeting of a committee of the council; or
(d) a meeting of an audit committee of a local government;
natural disaster includes fire, flood, lightning, movement of land and storm;
relevant period, in relation to the proposed meeting referred to in subregulation (3), means the period of 12 months ending on the day on which the proposed meeting is to be held.

2) *A member of a council or committee may attend a meeting by electronic means —*
   (a) *if —*
      (i) *a public health emergency or state of emergency exists or a natural disaster has occurred; and*
      (ii) *because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*
      (iii) *the member is authorised to attend the meeting by electronic means by the mayor, president or council; or*
   (b) *if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.*
3) *The mayor, president or council cannot authorise a member to attend a meeting (the proposed meeting) under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b).*
4) *Subregulation (3) does not apply to a member who is a person with a disability as defined in the Disability Services Act 1993 section 3.*
5) *In deciding whether to authorise a member to attend a meeting by electronic means under subregulation (2), the mayor, president or council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.*

14CA. Provisions relating to attendance at meetings by electronic means (Act s. 5.25(1)(ba))

1) *In this regulation —*
   ***meeting** has the meaning given in regulation 14C(1).*
2) *The electronic means by which a member may attend a meeting under an authorisation under regulation 14C(2) include telephone, video conference or other means of instantaneous communication, as determined by the mayor, president or council.*
3) *A member who attends a meeting under an authorisation under regulation 14C(2) by electronic means determined under subregulation (2) is, whether or not the member is physically in the State, taken to attend and be present at the meeting for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.*
4) *Subregulations (5) to (7) apply if —*
   (a) *a member has been authorised to attend a meeting by electronic means under regulation 14C(2); and*
   (b) *the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).*
5) *The member must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).*
6) *If the member makes the declaration under subregulation (5) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.*
7) *A member's declaration under subregulation (5) must be recorded in the minutes of the meeting.*

14D. Meetings held by electronic means (Act s. 5.25(1)(ba))

1) *In this regulation —*
   ***meeting** means —*
   (a) *an ordinary meeting of the council; or*
   (b) *a special meeting of the council; or*
   (c) *a meeting of a committee of the council; or*
   (d) *a meeting of an audit committee of a local government;*
   ***relevant period**, in relation to the proposed meeting referred to in subregulation (2A), means the period of 12 months ending on the day on which the proposed meeting is to be held.*
2) *A meeting may be held by electronic means —*

(a) If —

i. a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and

ii. the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B); or

(b) if —

i. a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and

ii. the mayor, president or council authorises the meeting to be held by electronic means; or

(c) if the council otherwise authorises the meeting to be held by electronic means.

2A) The council cannot authorise a meeting (the proposed meeting) to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(c).

2B) In considering whether it is appropriate for a meeting to be held by electronic means under subregulation (2)(a) or deciding whether to authorise a meeting to be held by electronic means under subregulation (2)(b) or (c), the mayor, president or council must have regard to whether the location from which each member of the council or committee intends to attend the meeting, and the equipment that each member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.

3) The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —

(a) the mayor; or

(b) the president; or

(c) the council.

4) The CEO must be consulted before a determination is made under subregulation (3).

5) Subregulations (6) to (8) apply if —

(a) a meeting is to be held by electronic means under this regulation; and

(b) the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).

6) A member of the council or committee must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).

7) If a member makes the declaration under subregulation (6) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.

(8) A member's declaration under subregulation (6) must be recorded in the minutes of the meeting.

14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))

1) In this regulation —

class 3 or 4 council or committee means the council of, or a committee established by, a class 3 local government or a class 4 local government;

Note for this definition:

Class 3 local government and class 4 local government have the meanings given in the Local Government (Constitution) Regulations 1998 regulations 2A and 2B.

electronic meeting means a meeting held by electronic means under regulation 14D.

2) *If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.*
3) *If a council or a committee holds an electronic meeting, a member of the council or committee who attends the meeting by electronic means determined under regulation 14D(3) is, whether or not the member is physically in the State, taken to attend and be present at the meeting for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.*

3A) *If a council or a committee holds an electronic meeting, the meeting is open to members of the public under section 5.23(1) if —*
   (a) *in the case of a class 3 or 4 council or committee — the requirement to publish the unconfirmed minutes of the meeting under regulation 13(1)(a) is complied with within the applicable time period set out in regulation 13(2) or (3); or attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.*
   (b) *in any case — the council or committee publicly broadcasts the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public.*

3B) *For the purposes of subregulation (3A)(b), a broadcast must be either —*
   (a) *both visual and audio; or*
   (b) *audio only.*

4) *If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —*
   (a) *the council or committee provides a means to submit a question prior to the meeting; and*
   (b) *the council or committee determines at the meeting —*
      i. *in the case of a meeting held by electronic means under regulation 14D(2)(a) or (b) — that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting; or*
      ii. *in any case — to respond to the question at the meeting in accordance with the procedure determined by the council or committee.*

5) *If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —*
   (a) *tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and*
   (b) *made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.*

Policy Implications
New Policy, as presented

Financial Implications
Nil.

Strategic Implications
Strategic Community Plan 2023-2033
14.2 Prepare and respond in a timely manner to Local Government Act reforms

Corporate Business plan 2025-26
a. Monitor and comply with the Local Government Act reform requirements
b. Advocate for reform changes to consider resourcing capabilities of small, rural local governments

13.3 MINGENEW P&C – CROPPING AGREEMENT REVIEW

Location/Address:	Lot 444 Mingenew South Road, Mingenew
Name of Applicant:	Mingenew Parents and Citizens Association (P & C)
Disclosure of Interest:	Nil
File Reference:	CP.LSO.3 / A69
Date:	10 October 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
Council entered into a 5-year Agreement with the Mingenew P & C, following a resolution in February 2020, that clarified the management responsibility of bequeathed land at Lot 444 Mingenew South Road for "the children of Mingenew". The Agreement and Council resolution provided for a review of the arrangement every 5 years.

Key Points
- Lot 444 Mingenew South Road was bequeathed to the Mingenew Road Board in the 1950's by Mrs Temple Russell "for the benefit of the children of Mingenew"
- Council formalised the Mingenew P & C's management responsibility at the 19 February 2020 Ordinary Council meeting
- The Council resolution included provision for 5-yearly reviews of the arrangements
- No concerns are identified with the ongoing management of the lot by the Mingenew P & C and they have confirmed their interest in continuing under the existing arrangement

OFFICER RECOMMENDATION – ITEM 13.3

Council authorises the Chief Executive Officer to renew the Agreement with the Mingenew Parents and Citizens Association (P & C), setting out management responsibility for Lot 444 Mingenew South Road, Mingenew as presented, for a further 5-year term at $0 per annum.

Background
In 2019-20, Council investigated land ownership and responsibility for Lot 444 Mingenew South Road, Mingenew. In consultation with previous and current members of the Mingenew P & C, it has been established that the property was bequeathed to the Mingenew Road Board in the 1950's by Mrs Temple Russell on the provision that the land be held for the benefit of the children of Mingenew. The Mingenew P & C was given unofficial responsibility for the management of the block and initiated a cropping program, and at the February 2020 Ordinary Council meeting a formal agreement was established.

Whilst it is understood that the Mingenew P & C are to be the sole controller and benefactor of the property in perpetuity, the intent of the Agreement is to ensure responsible and appropriate management and provide for a review of the management arrangements after each five (5) years.

Comment
The Shire has made contact with Mingenew P&C President, Jarrad Kupsch and confirmed their interest to continue under the same terms as the original Agreement established in 2020 and he provided verbal confirmation as well as a written response as follows:

"Thanks for making contact regarding the "Childrens Block" for the P&C.
The P&C (and the school) are very appreciative of this lease and we are extremely keen to continue this into future.

Many thanks for the opportunity to help raise funds for the Children of Mingenew through the P&C and Mingenew Primary School."

Statutory Environment

Local Government Act 1995

Whilst s.3.58 of the Local Government Act 1995 typically applies to property disposal (by lease or other means), due to the charitable nature of the use, the Shire is considered exempt from s.3.58 to dispose of the property by public auction, tender or giving local notice.

Policy Implications

Nil.

Financial Implications

Under the Agreement, the Mingenew P&C pay $0 per annum in recognition of the charitable benefits enjoyed by the local community through the Mingenew P & C's management of this property, as bequeathed.

Strategic Implications

Strategic Community Plan 2023-2033
6.2 Support social inclusion through co-investment with local community groups and sporting clubs

Corporate Business Plan 2025-26
c. Manage community cropping to support financially sustainable initiatives

13.4 PROPERTY DISPOSAL PROPOSAL – 54 MIDLANDS ROAD

Location/Address:	54 Midlands Road, Mingenew
Name of Applicant:	Hancock Energy
Disclosure of Interest:	Nil
File Reference:	CP.LSO.5 / A479
Date:	10 October 2025
Author:	Erin Greaves, Manager Governance and Community
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary
Hancock Energy are seeking to lease the office space (Midlands Road Office) beside the Mingenew-Irwin Group office at 54 Midlands Road, Mingenew and Council must comply with procedures set out in s.3.58 of the *Local Government Act 1995* to dispose of the property (by lease).

Key Points
- Section 3.58 of the Act sets out the procedures for dispositions of property
- Council may dispose of a property by public auction, calling for tenders or give local public notice of the disposal
- A market valuation has been obtained and determined the market rent valuation is $10,125 per annum

OFFICER RECOMMENDATION – ITEM 13.1

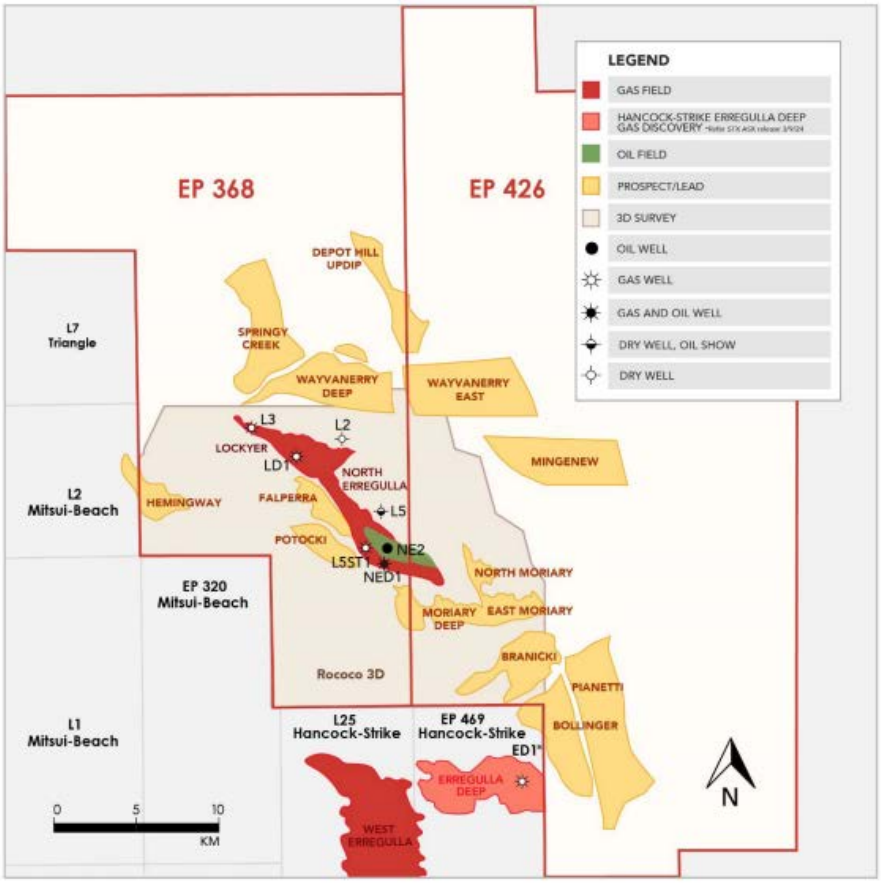
Council:
1. Gives local public notice of a proposed disposition of property (by lease) for the Midlands Road Office (beside the Mingenew-Irwin Group office) at 54 Midlands Road, Mingenew to Hancock Energy under the following consideration:
   a) Term for a period of one (1) year with one (1) year extension option
   b) Annual rent of $10,125 ex GST (with provision for annual rent review)
2. Considers any submissions received and the proposed lease at the next Ordinary Council meeting following the nominated date for close of submissions; and
3. Delegates authority to the Chief Executive Officer to negotiate the terms of the lease based on the above consideration.

Attachments
13.4.1 Confidential (commercial in confidence): Market Valuation Report of 54 Midlands Road, Mingenew (provided under separate confidential cover)

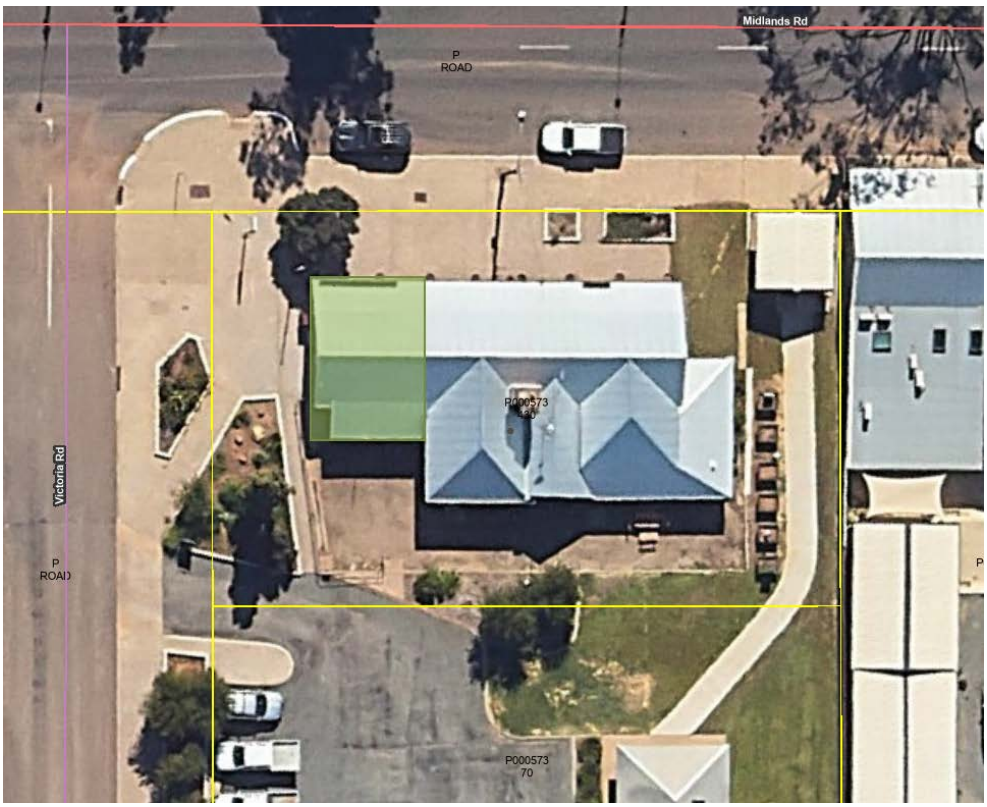
Background
Hancock Energy (Hancock) have recently acquired Mineral Resources' gas and oil assets in the Perth Basin, which includes the Lockyer Gas Project and Erregulla oil Project in the Mid-West region. As a result, they are looking to establish a local presence and approached Council to lease a suitable office space.

Results from exploratory activities of the Lockyer Gas Project indicate this to be one of the largest onshore gas discoveries in Western Australia. An application for the Central Processing Facility, on Mingenew's border, has been lodged and approved through the Western Australia Planning Commissions significant development pathway.

Below is a map indicating the Exploration Permits acquired by Hancock (courtesy of Mineral Resources).



The now termed “Midlands Road Office” has recently been vacated by the Mingenew Midwest Expo and is hired by Hancock Energy in the short-term (leased area in green below).



Comment

Hancock are seeking to lease the Midlands Road office for a 1 year term, with an option to extend for a further year.

As required under s.3.58 of the *Local Government Act 1995 (the Act)*, Council have received a market valuation for the property and set the annual rent accordingly. The recommendation includes provision for the CEO to negotiate any further terms and charges, such as rent reviews and other outgoings e.g. power, water etc.

Having a local presence in Mingenew may assist to support economic activity within the community and assist with community engagement on local operations.

Consultation

Hancock Energy

As required under the Act, public submissions will be invited on the proposal, and they will be considered at the next ordinary council meeting.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

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

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

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

(a) the highest bidder at public auction; or

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

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

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

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

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

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

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

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

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

(c) the market value of the disposition —

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

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

(5) This section does not apply to —

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

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

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
(d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications
Nil.

Financial Implications
The lease of the facility is expected to result in an annual income of at least $10,000 per annum.

Hancock have already undertaken improvement works on the facility, with internal painting underway (at their cost) this week. Provision for ongoing maintenance of the facility will be negotiated within the lease.

Strategic Implications
Strategic Community Plan 2023-2033
2.1 Work collaboratively to grow resource, agricultural and service industries in Mingenew
2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options

13.1 WORKS

Nil.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

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

16.0 CONFIDENTIAL ITEMS
Nil.

17.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday, 19 November 2025 commencing at 5.00pm.

18.0 CLOSURE
The meeting was closed at ___pm.

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

Signed _____
Presiding Officer

Date: _____