



AGENDA FOR THE ORDINARY COUNCIL MEETING

16 AUGUST 2023



Ordinary Council Meeting Notice Paper

16 August 2023

An Ordinary Meeting of Council is called for Wednesday, 16 August 2023, in the Council Chambers, Victoria Street, Mingenew, commencing at 5.00 pm. Members of the public are most welcome to attend.

Matt Fanning
Chief Executive Officer
11 August 2023

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.

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

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- 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
16 AUGUST 2023 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
Nil.
- 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 21 JUNE 2023

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on 21 June 2023 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 19 JULY 2023

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of Council held in the Council Chambers on 19 July 2023 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 EXECUTIVE MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 11 AUGUST 2023

OFFICER RECOMMENDATION - 10.1.1

That the Minutes of the Executive Management Committee Meeting held on 11 August 2023 be received.

Results of the CEO Performance Review to be provided to councillors under separate confidential cover.

10.1.2 EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION – CEO PERFORMANCE REVIEW 2023

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION TO COUNCIL – 10.1.2

Council:

1. Endorses the overall performance rating for Mr Matt Fanning as the Shire of Mingenew's CEO for the review period 27 September 2022 to 30 June 2023 as 'More than Satisfactory'.
2. Considers the Focus Areas and Actions (performance criteria) for the July 2023 to June 2024 review period once the Strategic Community Plan (Major Review) is adopted.
3. Schedules the 2024 annual appraisal to be commenced by July 2024 and completed by the August 2024 Ordinary Council Meeting.
4. Endorses a revised contract of employment is issued to Mr Matt Fanning, aligned with the Model Chief Executive Officer Contract Template, to reflect an annual remuneration adjustment as detailed in this report.

NOTE: Absolute Majority Decision required in accordance with CEO Standards for Performance (Council Policy 1.1.7)

11.0 CHIEF EXECUTIVE OFFICER

11.1 PROPOSED REZONING

Location/Address:	18 (Lot 802) Nelson Pearse Street, Mingenew
Name of Applicant:	Cooperative Bulk Handling Limited
Disclosure of Interest:	Nil
File Reference:	A825
Date:	9 August 2023
Author:	Simon Lancaster, Planning Advisor
Senior Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council resolved to initiate the rezoning of 18 (Lot 802) Nelson Pearse Street, Mingenew from 'Rural Residential' to 'Rural' Townsite' at its 15 March 2023 meeting. The application was lodged by Cooperative Bulk Handling Limited ('CBH') to facilitate the future development of workforce accommodation upon the property. The advertising of the rezoning application has concluded with 5 submissions being received, all offering technical comment, no objections were received. This report recommends that Council adopt the Scheme Amendment and forward it to the Minister for Planning seeking final approval.

OFFICER RECOMMENDATION – ITEM 11.1

That Council:

- 1 Receive the submissions as contained in separate Attachment 11.1(b) and addressed in the Schedule of Submissions included as separate Attachment 11.1(c).
- 2 Adopt for final approval Scheme Amendment No.1 to Shire of Mingenew Local Planning Scheme No.4 as contained in separate Attachment 11.1(a) pursuant to Part 5 of the *Planning and Development Act 2005* as follows:
 - (a) Rezoning 18 (Lot 802) Nelson Pearse Street, Mingenew from the 'Rural Residential' zone to the 'Rural Townsite' zone; &
 - (b) Modifying the Scheme Map accordingly.
- 3 Advise the applicant that Council will require the future planning application for the proposed workforce accommodation to display due regard for the issues raised in the received submissions.
- 4 Advise the applicant that Council will require a geotechnical report to be prepared as part of CBH's ongoing investigations into its proposed workforce accommodation project and the associated management of wastewater, with Council having a preference that an aerated wastewater system be installed on-site that enables irrigation to assist screening landscaping rather than leach drains, and recommends that discussions be held with the Department of Health in this regard.

Attachments

Attachment 11.1.1 – Rezoning application

Attachment 11.1.2 – Received Submissions

Attachment 11.1.3 – Schedule of Submissions

Background

Lot 802 is a 1.1108ha rectangular property at the western end of the Mingenew townsite purchased by CBH on 9 February 2023.

The property has a 77.41m frontage along its northern boundary to Midlands Road, a 148.47m frontage to Nelson Pearse Street along its eastern boundary and a 75.08m frontage to an unnamed gravel road along its southern boundary.

The property slopes downward towards Midlands Road and is largely cleared with a residence and associated sheds clustered in its south-eastern corner.

Figure 11.1(a) – Location Map for 18 (Lot 802) Nelson Pearse Street, Mingenew



Figure 11.1(b) – Aerial Photo of 18 (Lot 802) Nelson Pearse Street, Mingenew



CBH propose to demolish the existing buildings upon Lot 802 and develop the site for workforce accommodation to service its Mingenew grain handling and storage facility 1.5km to the east.

Currently Lot 802 is zoned 'Rural Residential' and 'Workforce Accommodation' is listed as an 'X' (i.e. not permitted) land use in this zone. CBH are therefore seeking to rezone the land to 'Rural Townsite' which lists 'Workforce Accommodation' as an 'A' (i.e. a use that must be advertised prior to determination) to enable future consideration of the site for planning approval for workforce accommodation development.

Comment

It is important to note that the matter before Council relates to the proposed rezoning of Lot 802 only and not the planning approval of the future development. The applicant has provided a concept plan of how the

workforce accommodation might be developed on-ground to accompany their rezoning application. However, this is not the finalised layout and Council may wish to provide some preliminary feedback to CBH on the scale, design and servicing to inform their ongoing project planning.

Figure 11.1(c) – Potential Workforce Accommodation Concept Plan

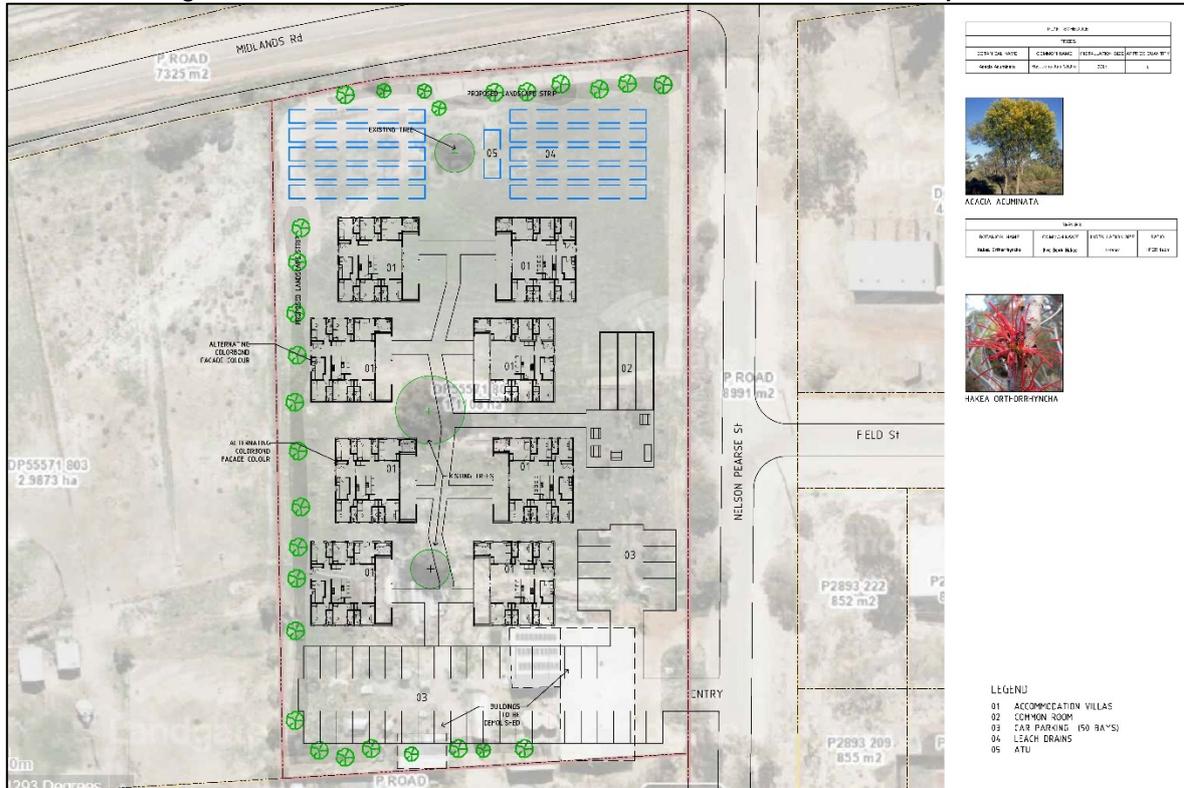
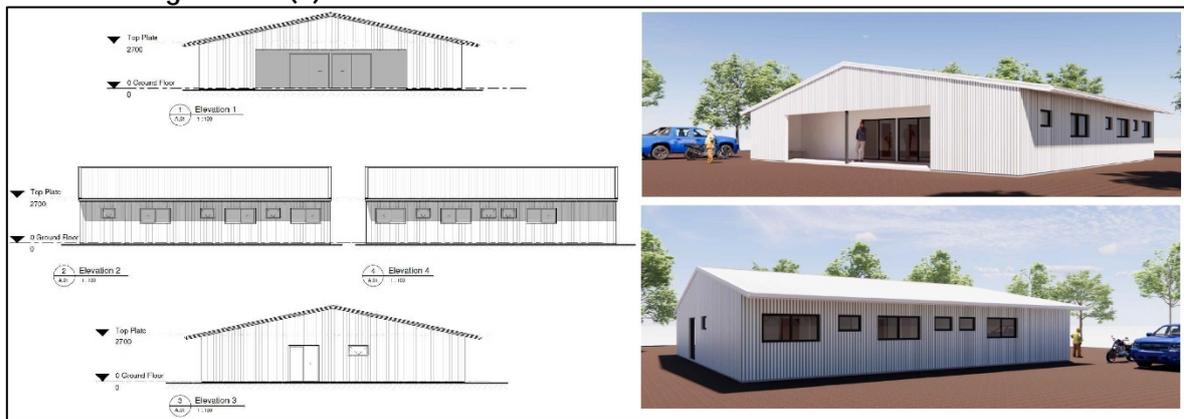


Figure 11.1(d) – Potential Workforce Accommodation Elevation Plans



Were this rezoning application to be supported by Council and subsequently approved by the Minister for Planning and Lot 802 was thereby rezoned 'Rural Townsite' this would enable CBH to lodge a planning application with the Shire for workforce accommodation. That application (being an 'A' use) must then be advertised by the Shire, and surrounding landowners and relevant government agencies would have opportunity for comment prior to the planning application being presented to Council. Council would have ability to assess the site layout and other aspects and approve/refuse the development application and set conditions pertaining to the specifics of the development layout and design (e.g. visual appearance, landscaping, access standards, contribution or upgrade to road network, servicing, bushfire and wastewater and stormwater management etc.).

The Scheme Amendment No.1 documentation as advertised by the Shire, including concept plans, Transport Impact Statement and Engineering Servicing Report has been provided as **separate Attachment 11.1(a)**.

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The concept plan illustrates a future potential development of 48 accommodation units, clustered into 8 blocks (consisting of 6 accommodation units) with a single common room area across the central portion of Lot 802 connected by a walking path. A car parking bay would be provided for each unit at the southern end of Lot 802 and vehicle access would be onto Nelson Pearse Street and not Midlands Road.

Wastewater from the facility is proposed to be serviced by an aerobic treatment unit with leach drains at the northern end/lowest point of Lot 802.

It is considered that a geotechnical report should be prepared as part of CBH's ongoing investigations into its project and the associated management of wastewater to demonstrate site capability. Initial advice from the Shire's Environmental Health Officer is that leach drains are unlikely to be suitable and the Shire may wish to state up-front its preference that an aerated wastewater system be installed that enables irrigation to assist screening landscaping rather than leach drains. However, it is not considered that the geotechnical report (or a bushfire management plan or stormwater management report or landscaping plan) should be required to be produced at this rezoning stage. Instead it would be more appropriate for these to be prepared and submitted to Council for consideration as part of the later planning application stage when the workforce accommodation scale, design, layout and servicing is more certain and these supporting reports can be suitably detailed.

The workforce accommodation would generally be expected to have peak capacity during the October-January harvest period. At such times the traffic movements might be estimated at 48 outward bound vehicle trips between 5:30am-6:00am and 48 inward bound trip between 5:30pm-6:00pm although it would be more likely this figure would be less as workers car-pool.

Consultation

The Environmental Protection Authority advised on 2 May 2023 that the proposed rezoning did not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The Western Australian Planning Commission (WAPC) advised on 18 April 2023 that the rezoning application was considered a standard scheme amendment.

The Shire advertised the Scheme Amendment from 24 May 2023 until 7 July 2023 and undertook the following consultation actions inviting comment:

- sign placed on-site;
- notice placed in the Mid West Times;
- copy of the Scheme Amendment documentation placed on the Shire website;
- copy of the Scheme Amendment documentation made available for public viewing at the Shire office;
- letters being sent to the landowners of the 36 properties that surround the subject property and front the Field Street and Oliver Street route the workforce would travel along to reach Midlands Road; &
- letters being sent to the Department of Fire & Emergency Services, Department of Health, Department of Planning, Lands & Heritage, Department of Water and Environment Regulation, Main Roads WA, Telstra, Water Corporation and Western Power inviting comment.

At the conclusion of the advertising period 5 submissions had been received, 4 from government agencies all offering no objection/technical comment relating to the proposed rezoning, and 1 from a landowner providing comment on matters for consideration relating to the future development of the site.

Copies of the received submissions are provided as **separate Attachment 11.1.1(b)**.

A copy of the Scheme Amendment Schedule of Submissions that is required to be forwarded to the WAPC is included as **separate Attachment 11.1.1(c)**. The Schedule of Submissions identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues.

Statutory Environment

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

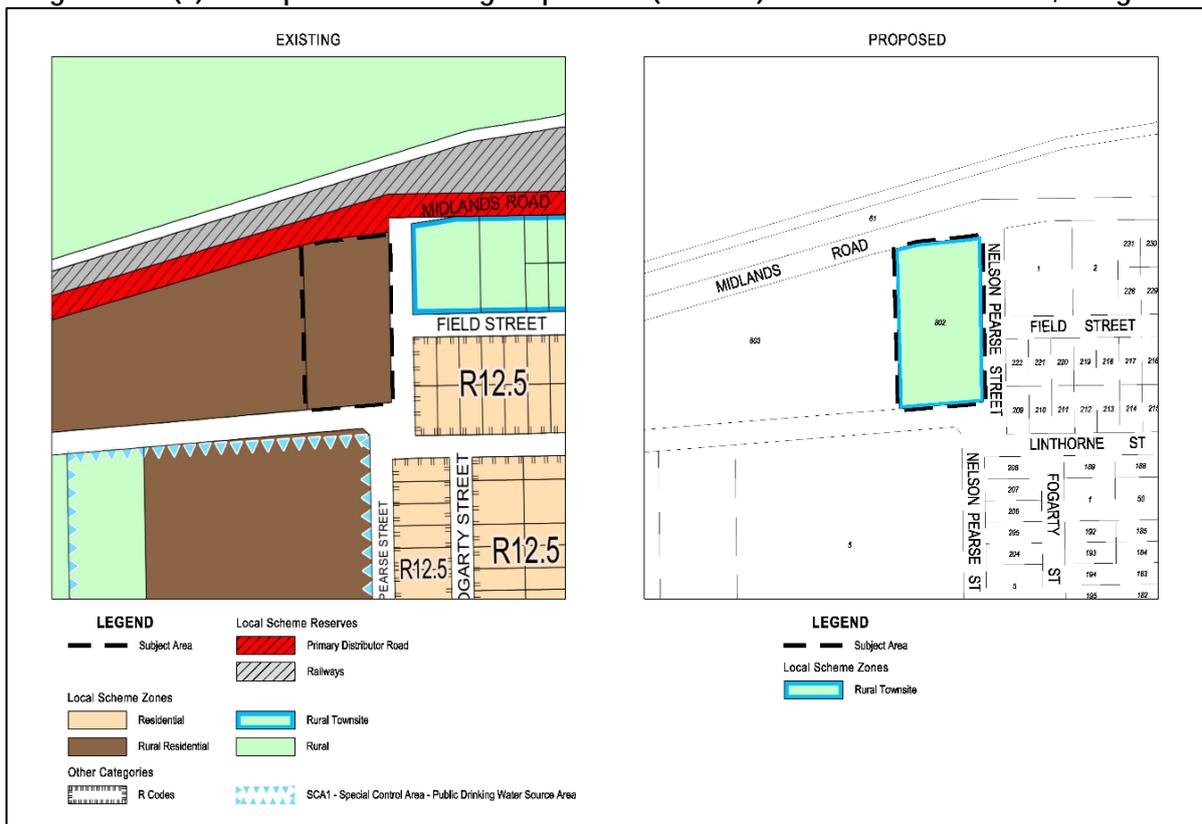
Lot 802 is zoned 'Rural Residential' under the Shire of Mingenew Local Planning Scheme No 4 ('the Scheme') the objectives for this zone are identified under Scheme Clause 16 as:

- *To provide for appropriately developed lots within proximity to the Mingenew Townsite for rural residential lifestyle purposes.*
- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

The application proposes to rezone Lot 802 to 'Rural Townsite' and the objectives for this zone are identified under Scheme Clause 16 as:

- *To provide for a range of land uses that would typically be found in a small country town.*
- *To provide for the variety of predominantly commercial, service, social and administrative uses required to service the needs of local residents and visitors alike."*

Figure 11.1(e) – Proposed Rezoning Map for 18 (Lot 802) Nelson Pearse Street, Mingenew



The future proposed development of the site would meet the definition of 'Workforce Accommodation' which is classified as an 'X' use (i.e. not permitted) within the 'Rural Residential' zone and an 'A' use in the 'Rural Townsite' zone which is a use that must be advertised for comment prior to consideration.

'Workforce Accommodation' is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

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“workforce accommodation means premises, which may include modular or relocatable buildings, used –

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.”*

Section 9 – Aims of the Scheme notes the following:

“The aims of this Scheme are...

- (a) to preserve, protect and enhance the amenity and character of Mingenew Townsite, and areas of cultural, heritage and natural and biodiversity significance across the Shire;...*

...(c) to provide for a range of accommodation and lifestyle choices that meet the needs and aspirations of the community;...

...(g) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate.”

Schedule 1 Clause 1 of the Scheme notes the following in relation to the ‘Rural Townsite’:

“1 All development within the Rural Townsite zone shall be designed and constructed from materials that complement the existing character and amenity of the townsite as determined by the local government or as outlined in any local government policy.

2 All residential development within the Rural Townsite zone shall comply with the relevant provisions of the R-Codes to a maximum density of R12.5.

3 Where non-residential development is proposed in the Rural Townsite zone on or adjacent to land with an existing residential development, the local government shall have regard to the following when assessing an application for development approval:

- (a) the bulk, scale and height of the proposed building in relation to adjacent buildings;*
- (b) the location of access ways, car parking, storage areas and waste disposal facilities;*
- (c) the location of services including power, water and effluent disposal systems; and*
- (d) the interface between non-residential and residential uses in accordance with State policy and other guidelines.”*

Schedule 1 Clause 11 of the Scheme notes the following in relation to the issue of ‘Workforce Accommodation’:

“The local government may only grant development approval for Workforce Accommodation where –

- (a) it is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;*
- (b) an operation is proposed and not yet operational, it can be adequately demonstrated that the operation will proceed prior to the approval for permanent Workforce Accommodation being issued;*
- (c) a management plan is prepared and submitted with the development application that outlines how the Workforce accommodation will be decommissioned should it no longer be required; and*
- (d) proposed within the Residential and Rural Townsite zones it is to be setback from boundaries in accordance with Part 5 of the R-Codes Volume 1 to the satisfaction of the local government.”*

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development

application (noting this matter is at the rezoning application stage and not the development application stage, however, the below does provide some guiding principles in regards to assessment of this matter):

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (e) any policy of the Commission;...*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ... (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;*
- (za) the comments or submissions received from any authority consulted under clause 66;*
- (zb) any other planning consideration the local government considers appropriate.”*

Policy Implications

The WAPC's 'Workforce Accommodation Position Statement' provides guidance in relation to the assessment of this application and notes that under the *Planning and Development Act 2005* planning decision-makers can:

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Control	Not control
<p>1) Where a planning application is required, the terms of an approval related to:</p> <p>(a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location & appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site.</p> <p>2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.</p>	<p>1) Any matters specified by a State Agreement Act.</p> <p>2) The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite).</p> <p>3) That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’.</p> <p>4) That workforce accommodation be located in a town rather than a mine- site.</p> <p>5) Whether the land for workforce accommodation is owned by the Crown or held in fee simple.</p> <p>6) Requirements for ‘community contributions’ by workforce accommodation proponents.</p> <p>7) Requirements for workforce accommodation to achieve ‘legacy benefits’.</p>

A copy of the WAPC Position Statement can be viewed at the following link:

https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf

Financial Implications

At a later development application stage should Council consider that the applicant's operations will have an impact on the condition of the local road network, it would be reasonable that an upgrade, or contribution to upgrade, be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides contribution commensurate with additional wear imposed by traffic movements associated with their operations.

Strategic Implications

Section 6.12.2 of the Shire of Mingenew Townsite Local Planning Strategy notes the following:

“6.12.2 Key Workers Accommodation

The existing housing stock does not cater for key workers in the town, as large houses on large blocks are not always desirable for singles or couples. A lack of diversity in housing could also be a factor if a mining or other major project develops. Recent funding opportunities have provided four new Key Worker accommodation units however, the Shire will need to investigate additional funding to increase Key Worker housing options.

Much like for aged persons, it is difficult to provide smaller, higher density accommodation options given the lack of reticulated sewerage, however this could also be achieved with innovative methods of effluent disposal to be developed in consultation with the Department of Health.”

The Shire of Mingenew Strategic Community Plan lists the following of relevance:

“What our regional community said

Mingenew has comparative advantage in Agriculture, and is not necessarily utilising all its assets:

- *Mingenew has the onshore largest grain receival facility in the southern hemisphere and hasn't been able to leverage this asset (noting that a strong relationship with CBH is critical to achieving this). Identify value adding opportunities for agriculture, particularly in relation to this asset.”*
 (page 11)

11.2 PROPOSED EXTENSION OF APPROVAL FOR OPEN BULKHEADS

Location/Address:	Lot 202 Boolinda Street, Mingenew
Name of Applicant:	Cooperative Bulk Handling
Disclosure of Interest:	Nil
File Reference:	A994
Date:	10 August 2023
Author:	Simon Lancaster, Planning Advisor
Senior Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council is in receipt of an application from Cooperative Bulk Handling (CBH) seeking an extension of the approval period for 4 x open bulkheads associated with its grain storage and handling facility upon Lot 202 Boolinda Road, Mingenew. This report recommends that Council extend the approval period until 31 December 2026 subject to conditions.

OFFICER RECOMMENDATION – ITEM 11.2

That Council grant formal planning approval for 4 x open grain storage bulkheads upon Lot 202 Boolinda Road, Mingenew subject to compliance with the following:

Conditions:

1. Development shall be in accordance with the plans as contained within Attachment 11.2.a and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
3. This approval is for a temporary period expiring upon 31 December 2026.
4. The applicant is to ensure that the location, design, construction and ongoing maintenance of the access point(s) from the development site onto the road network shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
5. The repairing of any damage to the road network including the surface required by reason of use of the road in connection with the development, to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
6. The installation of any directional/traffic/advanced warning/safety signage relating to the development shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
7. The rail crossing and use thereof shall be to the requirements of the Public Transport Authority.
8. All parking of vehicles associated with the development shall be provided for within the property boundary.
9. The internal vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
10. All stormwater is to be disposed of on-site to the approval of the local government.
11. Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
12. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, noise, light, odour, vibration, waste product or otherwise.
13. The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
14. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local

government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.

Advice Notes:

- (a) In relation to condition 3 Council advises that its expectation is that Cooperative Bulk Handling will have resolved the issue of alternative vehicular access onto Jacobs Road/Mingenew-Morawa Road to its satisfaction prior to the expiration date for it to be in position to consider any extension of approval beyond the expiration date.
- (b) In relation to Conditions 4, 5 & 6 the applicant is required to liaise with Main Roads WA's Mid West Region Office to confirm and meet with any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (c) In relation to Condition 7 the applicant is required to liaise with the Public Transport Authority on to confirm and meet with their requirements.
- (d) In relation to condition 13 the Management Plan is to include sections relating to Fire, Noise, Dust, Light, Stormwater, Traffic Management and an Emergency Response Plan.
- (e) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (f) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Attachments

Attachment 11.2.1 – Open Bulkhead extension application

Background

An application to temporarily site 4 open bulkheads upon the CBH property of Lot 202 Boolinda Road, Mingenew to the north of its existing grain storage and handling facility was approved for a temporary period of 2 years on 3 August 2021. This was to assist in the handling of a record harvest, and due to the amount of product received over the subsequent harvest a 1 year approval was also issued for lupin storage upon the Shire owned Lot 4 Eleanor Street, Mingenew at the 9 December 2022 Council meeting.

CBH have now written to the Shire seeking an extension of the approval period for the 4 open bulkheads on Lot 202 until end of 2026 due to the carryover product still being held on-site from the record 2021 and 2022 harvests and to allow for the new product from the 2023 harvest.

Comment

Lot 202 Boolinda Road is a 51.2247ha property immediately east of the Mingenew townsite that serves as the grain receipt depot for CBH operations within the district.

Figure 11.2(a) – Location map of Lot 202 Boolinda Road, Mingenew

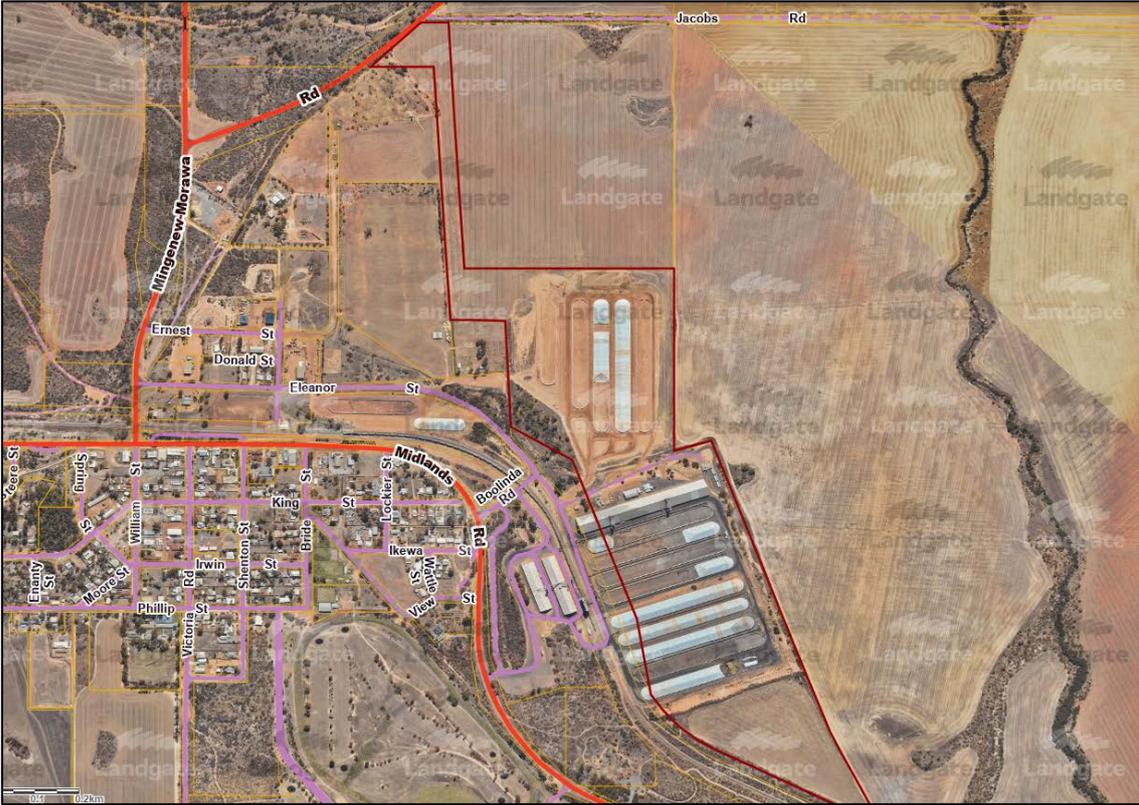


Figure 11.2(b) – Aerial Photo of 4 open bulkheads upon Lot 202 Mingenew Road, Mingenew



The applicant's submitted correspondence along with site and elevation plans and Traffic Impact Statement and Stormwater Design Report are provided as separate Attachment 11.2.a

With that in mind it is suggested that the extension of any approval not be open-ended but continue to have an expiration date. The staff recommendation is for 31 December 2026, as was requested by CBH, however Council may wish to shorten or lengthen this approval period. It is also recommended in the staff draft resolution wording for Council that it include the following advice note:

“(a) In relation to condition 3 Council advises that its expectation is that Cooperative Bulk Handling will have resolved the issue of alternative vehicular access onto Jacobs Road/Mingenew-Morawa Road to its satisfaction prior to the expiration date for it to be in position to consider any extension of approval beyond the expiration date.

Consultation

Council has the ability, should it wish to do so, to advertise the application for public comment under Schedule 2 Part 8 Clauses 64 & 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and then return the matter to a future meeting of Council for consideration of any received submissions, prior to making its determination.

Statutory Environment

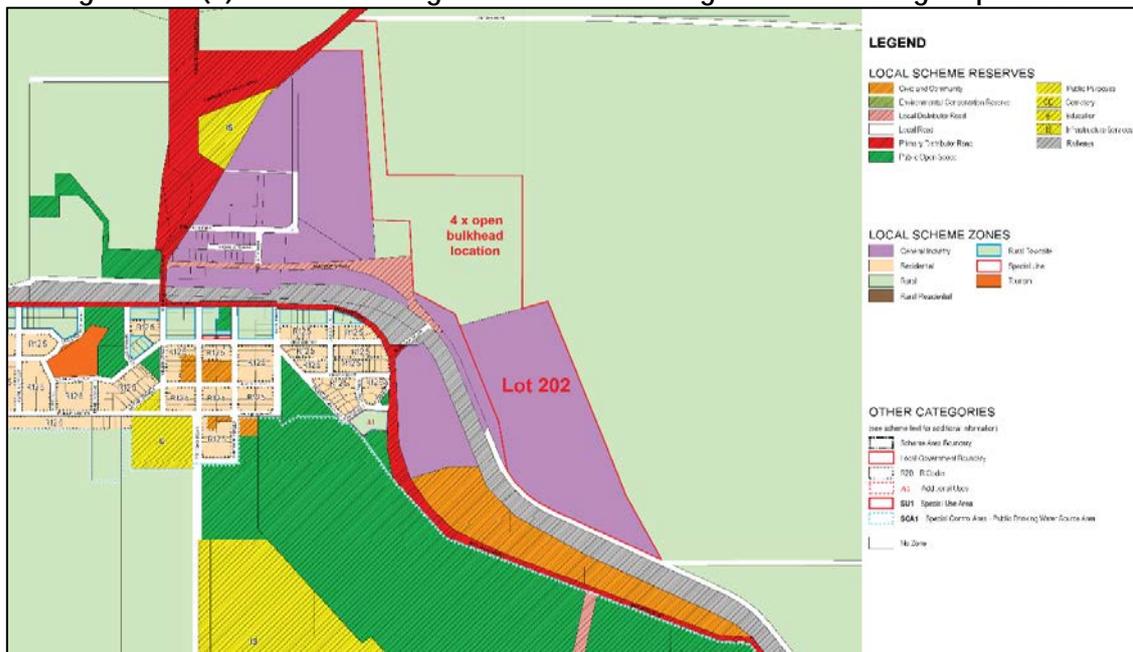
The southern portion of Lot 202 Boolinda Road, Mingenew is zoned ‘General Industry’ under the Shire of Mingenew Local Planning Scheme No 4 (‘the Scheme’).

The northern portion, that contains the 4 open bulkheads the subject of this application is zoned ‘Rural’.

The objectives for development within the ‘Rural’ zone are identified under Scheme Clause 16 as:

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.”*

Figure 11.2(d) – Shire of Mingenew Local Planning Scheme Zoning Map extract



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The development of a grain receival and storage facility is considered to meet the definition of 'Industry-Primary Production' which is defined in the Scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

"industry – primary production means –

- (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"*

'Industry-Primary Production' is listed as a 'P' use within the 'Rural' zone under the Scheme, that is a use that is permitted if it complies with all relevant development standards and requirements of Council.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

Policy Implications

Nil

Financial Implications

In the event that the applicant’s operations have an impact on the condition of the local road network, it is considered reasonable that a contribution to maintenance be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

Strategic Implications

Section 8.8 of the Shire of Mingenew Local Planning Strategy (2006) notes the following:

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

4.3.9 Amenity Impacts of Existing Industrial Development

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

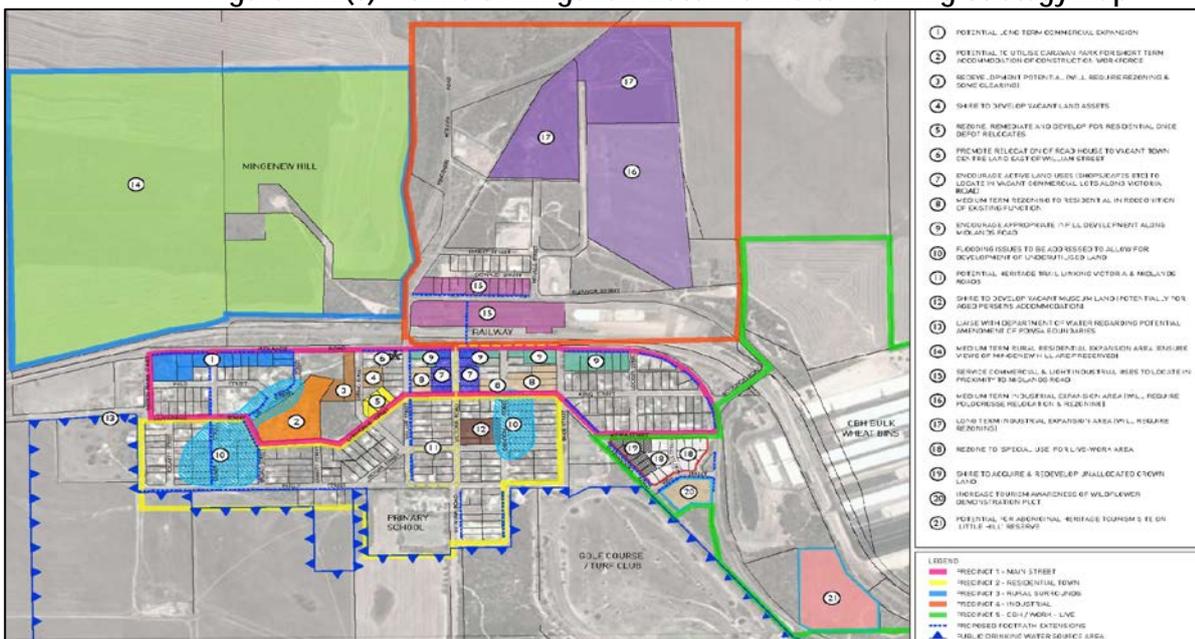
There may be an opportunity to consider a live / work investigation area (i.e. for home based businesses and workshops) in this section of Mingenew.” (page 32)

The Consultation Outcomes Section of the Townsite Strategy recommended that:

“The large volume of vacant land within the CBH buffer potentially could become a home business/workshop area to provide variety (work/live investigation area).” (page 34)

The Townsite Strategy Map aligns with this recommendation by identifying that the site of the 4 open bulkheads and the vacant land at the eastern end of the Mingenew townsite form part of the CBH Work/Live Precinct.

Figure 11.2(e) – Shire of Mingenew Local Townsite Planning Strategy Map



The ‘What our Regional Community Said’ section (p.11) of the Shire of Mingenew Strategic Community Plan (2019) notes the following in relation to the CBH site:

“Mingenew has comparative advantage in Agriculture, and is not necessarily utilising all its assets:

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- *Mingenew has the onshore largest grain receival facility in the southern hemisphere and hasn't been able to leverage this asset (noting that a strong relationship with CBH is critical to achieving this). Identify value adding opportunities for agriculture, particularly in relation to this asset."*

11.3 PROPOSED WORKFORCE ACCOMMODATION

Location/Address:	Lot 100 Watson Road, Lockier
Name of Applicant:	Energy Resources Limited
Disclosure of Interest:	Nil
File Reference:	OCR236509
Date:	9 August 2023
Author:	Simon Lancaster, Planning Advisor
Senior Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council is in receipt of an application to establish temporary workforce accommodation (exploration drill camp) upon Lot 100 Watson Road, Lockier.

The advertising period for this application has concluded and no objections were received.

This report recommends that Council approve the application subject to conditions.

OFFICER RECOMMENDATION – ITEM 11.3

That Council grant formal planning approval for temporary workforce accommodation (exploration drill camp) upon Lot 100 Watson Road, Lockier subject to compliance with the following:

Conditions:

- 1 Development shall generally be in accordance with the approved plans dated 16 August 2023 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 4 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- 5 The location, design and construction/upgrading of the access point(s) onto the road network shall be to the requirements of the local government.
- 6 The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network and relating to the development shall be to the requirements of the local government.
- 7 All parking of vehicles associated with the development shall be provided for within the property boundary.
- 8 The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the satisfaction of the local government).

- 9 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
- 10 The development shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 11 The applicant must obtain any/all necessary consents of the landowners relevant to the site and the access to the sites.

Advice Notes:

- (a) In relation to condition 3 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management, Noise/Light/Dust Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government. In the event that the camp is sited within an area identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas the Fire Management Plan must be submitted as a separate document and prepared and implemented to the requirements of the Department of Fire & Emergency Services.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation, and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (c) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (d) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Attachments

Attachment 11.3.1 - Drill Site Camp application

Attachment 11.3.2 - Schedule of Submissions

Background

The applicant has been issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin.

Lot 100 is a 129.9774ha cleared property used for agricultural purposes owned by BF Kelly & Sons Pty Ltd. The proposed drill site camp would be located towards the southern boundary of Lot 100 with Lot 1401 (also owned by BF Kelly & Sons Pty Ltd) and would be approximately 2½ east of Strawberry North East Road and 600m north of the Irwin River and 16km west of the Mingenew townsite.

Figure 11.3(a) – Location map of Lot 100 Watson Road, Lockier



Figure 11.3(b) – Aerial Photo of Lot 100 Lockier Road, Lockier

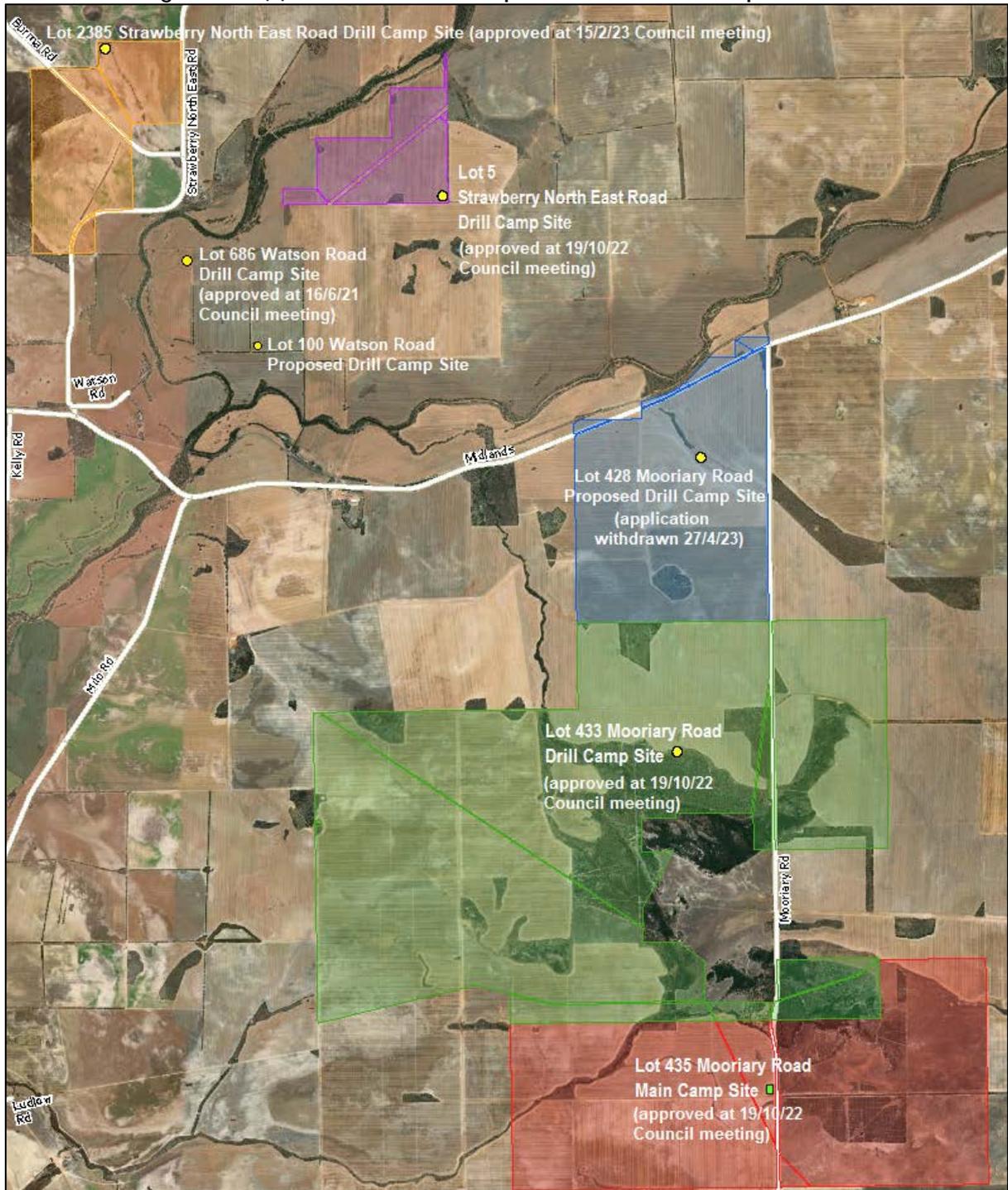


Comment

Council has previously approved applications for temporary workforce accommodation camps from the same applicant (Energy Resources Limited) at the following locations:

- drill site camp – Lot 686 Watson Road, Lockier (16 June 2021 Council meeting);
- main camp – Lot 435 Mooriary Road, Mooriary (19 October 2022 Council meeting);
- drill site camp – Lot 433 Mooriary Road, Mooriary (19 October 2022 Council meeting);
- drill site camp – Lot 5 Strawberry North East Road, Lockier (19 October 2022 Council meeting);
- drill site camp – Lot 2385 Strawberry North East Road, Lockier (15 February 2023 Council meeting);

Figure 11.3(c) – Previous and Proposed Workforce Camp Locations



The drill site camp would consist of 2 x 3 person transportable accommodation buildings and other modular buildings (typically 12m x 2.72, 32.64m²) associated with the drill operations delivered to the site by truck.

The drill site would have drilling activities conducted continuously on a 24-hour basis with 2 crews (6 personnel operating the drill and up to 22 additional personnel) working on 12-hour shifts necessitating a workforce accommodation camp at the drill site.

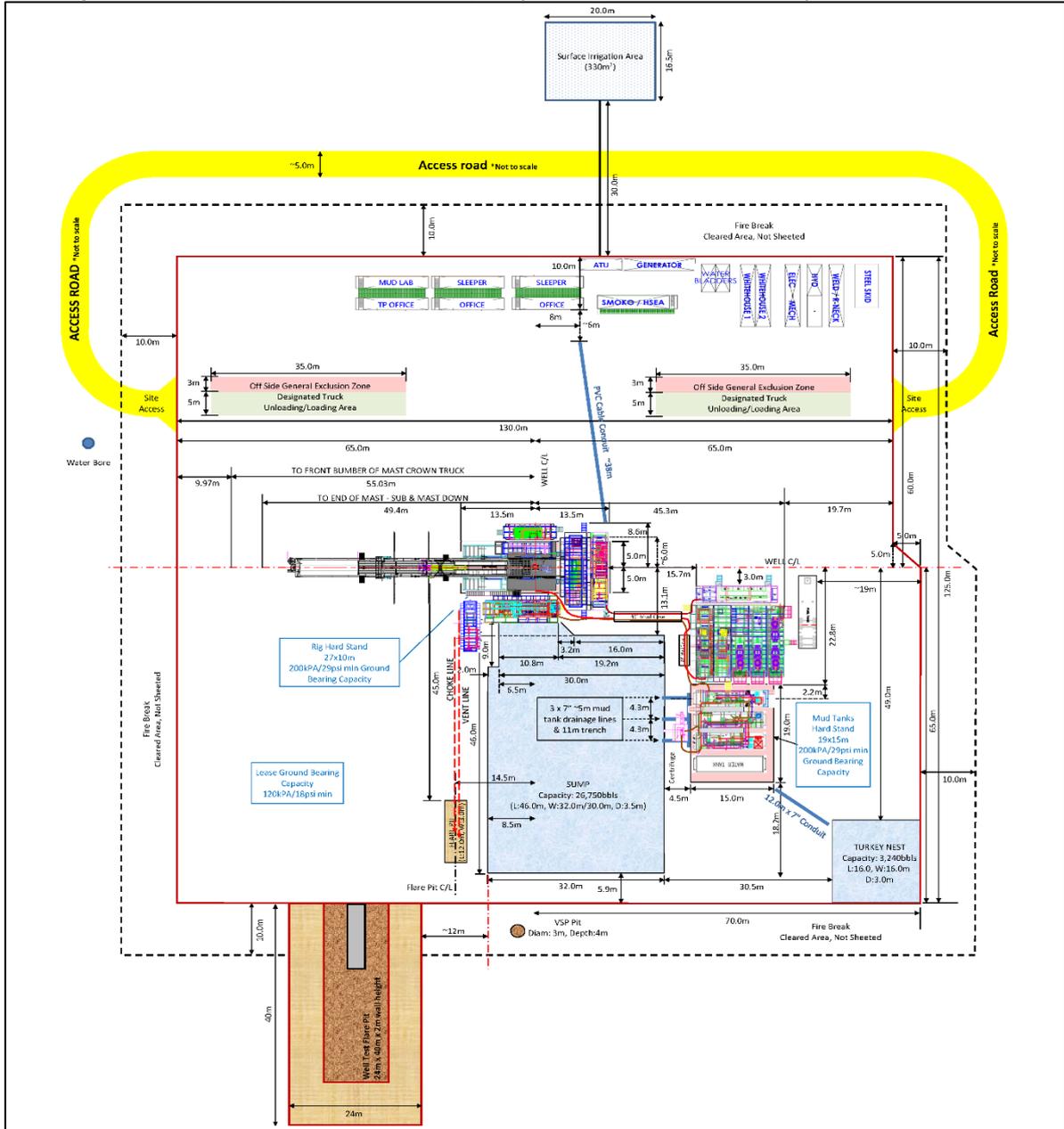
The exploration drilling activities are anticipated to commence October 2024 and would be in place for approximately 60 days, with some potential returning to the site for further exploration, maintenance and testing work over a subsequent 2 year period.

The drill camp would be serviced by a mobile wastewater system.

The rig site would be accessed via Strawberry North East and Watson Road and installed over 5 days along with the drilling rig. The entire camp and drill rig facility would be transported to the site by semi-trailers and/or or winch trucks over 80 trailer loads (2 of these being for the modular sleeper units) with comparable movements in the decommission of the facility.

The drill camp application is provided as separate Attachment 11.3.1.

Figure 11.3(d) - Proposed Drill Camp Layout - Lot 100 Strawberry North East Road



Council previously approved an application for a temporary workforce accommodation camp from the same applicant (Energy Resources Limited) upon Lot 686 Watson Road, Lockier (owned by BF Kelly & Sons Pty Ltd) at its 16 June 2021 meeting. This previous camp site was 1km west of the proposed Lot 100 Watson Road drill camp site.

Figure 11.3(e) – Aerial photo of previous camp site upon Lot 686 Watson Road, Lockier



Consultation

This application was advertised for comment from 25 July 2023 until 8 August 2023 with the Shire undertaking the following actions:

- notice being placed on the Shire website;
- correspondence inviting comment being sent to the landowners of the 36 titles within 2km of the proposed temporary workforce accommodation site;
- correspondence inviting comment being sent to the following government agencies and service authorities:
 - Australian Gas Infrastructure Group;
 - ATCO Gas
 - Department of Biodiversity, Conservation & Attractions
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage
 - Department of Primary Industries & Regional Development
 - Department of Water & Environment Regulation
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power
- display of the application at the Shire office.

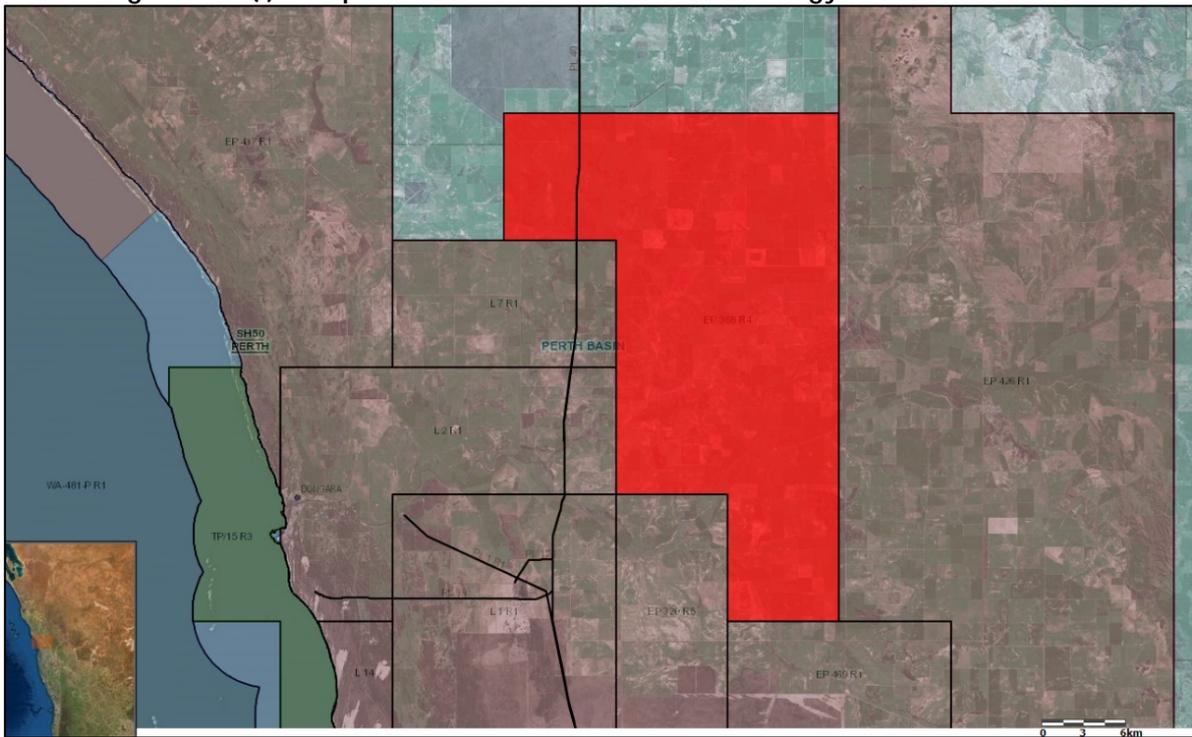
At the conclusion of the advertising period the Shire had received 6 submissions, all from government agencies either offering no objection or technical comment. A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 11.3.2** and a copy of the received submissions can be provided to Councillors upon request.

Statutory Environment

Section 38 of the *Petroleum and Geothermal Energy Resources Act 1967* allows the registered holder of a petroleum exploration permit to explore and to carry on such operations and execute such works as are necessary for that purpose in the permit area. Under Section 5 of the Act petroleum is defined to include any naturally occurring hydrocarbon whether in gaseous, liquid or solid state.

The applicant has been issued with a petroleum exploration permit by the Department of Mines, Industry Regulation & Safety and the scope of this application to Council is limited to the matter of the temporary workforce accommodation camp and the access points onto, and use of the local road network, and not the ultimate purpose for which the camp is require to serve, as this is addressed by the overriding State approval.

Figure 11.3(f) – Exploration Permit 358 issued to Energy Resources Limited



Lot 100 Watson Road, Lockier is zoned 'Rural' under the Shire of Mingenew Local Planning Scheme No 4 ('the Scheme').

The application would meet the definition of 'Workforce Accommodation' which is classified as an 'A' use within the 'Rural' Zone which is a use that must be advertised for comment prior to consideration.

'Workforce Accommodation' is defined under the Scheme and Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

- "workforce accommodation means premises, which may include modular or relocatable buildings, used —*
- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
 - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors."*

The objectives for development within the 'Rural' zone are identified under Scheme Clause 16 as:

- To provide for the maintenance or enhancement of specific local rural character.*
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage."*

Section 9 – Aims of the Scheme notes the following:

"The aims of this Scheme are...

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...(g) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate."

In this instance, given that the drill is required to be manned at all times and will be operating 24 hours a day for 30-60 days at each site it is considered appropriate that the workforce should be housed at the drill site rather than a remote location.

Schedule 1 Clause 11 of the Scheme notes the following in relation to the issue of 'Workforce Accommodation':

"The local government may only grant development approval for Workforce Accommodation where –

- (a) it is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;*
- (b) an operation is proposed and not yet operational, it can be adequately demonstrated that the operation will proceed prior to the approval for permanent Workforce Accommodation being issued;*
- (c) a management plan is prepared and submitted with the development application that outlines how the Workforce accommodation will be decommissioned should it no longer be required; and*
- (d) proposed within the Residential and Rural Townsite zones it is to be setback from boundaries in accordance with Part 5 of the R-Codes Volume 1 to the satisfaction of the local government."*

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...*
- ...(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ... (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

Policy Implications

The Western Australian Planning Commission's 'Workforce Accommodation Position Statement provides guidance in relation to the assessment of this application.

The Position Statement notes that under the *Planning and Development Act 2005* planning decision-makers can:

Control	Not control
1) Where a planning application is required, the terms of an approval related to: (h) timeframe (i) setbacks (j) landscaping (k) parking and access (l) location & appearance of buildings (m) integration with surrounding areas (n) any other land use planning matters relevant to the site. 2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	8) Any matters specified by a State Agreement Act. 9) The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for 'any other purpose directly connected with mining operations' (may be located in a townsite). 10) That workforce accommodation needs to be met by permanent accommodation rather than 'camps'. 11) That workforce accommodation be located in a town rather than a mine-site. 12) Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 13) Requirements for 'community contributions' by workforce accommodation proponents. 14) Requirements for workforce accommodation to achieve 'legacy benefits'.

A copy of the WAPC Position Statement can be viewed at the following link:

https://www.wa.gov.au/system/files/2021-07/POS-Position-Statement_Workforce_Accommodation.pdf

Financial Implications

In the event that the applicant's operations have an impact on the condition of the local road network, it is considered reasonable that a contribution to maintenance be required of the applicant to avoid financial burden on the Shire, and ensure the applicant provides compensation commensurate with additional wear imposed by traffic movements associated with their operations.

Strategic Implications

Section 8.8 of the Shire of Mingenew Local Planning Strategy (2006) notes the following:

"8.8 Mining Activity

General Industrial land will need to be identified for possible expansion of Mingenew.

Appropriate controls will also need to be put in place for mining activity in the Rural-Mining Zone. These include controls to ensure that the environmental and landscape qualities are not detrimentally affected, that adequate provision is made for any intensive use of rural roads, and that there is no conflict with existing rural activities undertaken in the area.

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In determining an application for extractive industry Council shall have regard to and may impose conditions relating to the demand for additional services, facilities and infrastructure, the impact on surrounding land uses, and shall require a management plan to manage the impact of the extractive industry."

11.4 STATE ELECTORAL BOUNDARIES PROPOSED CHANGES

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Nil
Date:	11/08/2023
Author:	Matt Fanning, Chief Executive officer
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Minority

Summary

This item seeks to formalise Council's position on the proposed Electoral Boundary Changes to enable the Shire to lodge a submission on behalf of Council.

Key Points

- The proposed Electoral Boundary changes creates a Mid West Electorate which is a part combination of the 2019 North West Central and Moore electorates.
- The Mid West electorate gains the Shires of Carnamah, Carnarvon, Chittering Coorow, Cue, Dalwallinu, Dandaragan, Gascoyne, Gingin, Irwin, Meekatharra, Mingenew, Moora, Morawa, Mount Magnet, Murchison, Perenjori, Sandstone, Shark Bay, Three Springs and Yalgoo, and parts of the Shires of Menzies, Northampton and Victoria Plains
- The proposed electorate comprises 24,256 electors and 6,468 LDA – Total 30,724 electors variation from AED 0.96% and area of 431,224 sq km
- Previous Districts were 23,296 electors and 820,591 square km for North West Central and 26,976 electors and 77,632 square km for Moore
- Submissions to the Electoral Distribution commissions are to be made by 5pm, 21 August 2023

OFFICER RECOMMENDATION – ITEM 11.4

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act, 1995 , resolves to lodge a submission to the Electoral Distribution Commissioners concerning the 2023 WA Electoral Boundaries that:

- The large size of the proposed electorate and impracticality for a single member to serve its members due to the travel requirements;
- The loss of genuine representation and relevance for small communities - by losing representation, it reduces the electorates' ability to reverse its declining population by having government focus on building the regions;
- The proposed new electorate will be a lot more diverse in its representation responsibilities, making it more difficult for the member to cover all of these sectors effectively.
- The government needs to increase its focus on stopping the decline in regional areas and to do this needs to ensure there is an increased representation as against to the proposed decrease in representation. Residents in the electorate will effectively be disempowered as a result and loose representation for their individual specific circumstances leading to a lack of effective advocacy.
- Currently we enjoy the ability to see our local member at important events. This will become less likely and effective as the member will now need to cover a much larger electorate.
- The establishment of new industry, such as the Arrowsmith Energy Hub, will result in significant developments for the State's energy sector and the Government's green energy policies which will require the highest level of advocacy to ensure that its communities are not disadvantaged and that the necessary socio-economic needs are provided for.

Attachment

- 11.4.1 Proposed 2023 Electoral Boundaries - Mid West
- 11.4.2 Proposed 2023 Electoral Boundaries - Mid West and surrounds
- 11.4.3 Current 2019 Moore Electoral Boundary
- 11.4.4 Current 2019 North West Central Electoral Boundary
- 11.4.5 Electoral Distribution Commissioners Explanatory Statement

Background

According to the Electoral Act 1907, the State is divided into 59 electoral districts and one whole of State electorate for the Legislative Council. Each district returns one member to the Legislative Assembly while the whole of State electorate returns 37 members to the Legislative Council.

The Electoral Act 1907 was amended in 2005 to include the requirement that a review of the electoral boundaries be commenced as soon as practicable two years after the previous State general election. The 2023 review has now commenced by three Commissioners.

The Commissioners has published the proposed boundaries changes and has invited submissions on these changes closing 5pm, 21 August 2023.

Attachment 11.4.1-11.4.4 provides maps of the current and proposed boundary changes while Attachment 11.4.5 provides the commissioners explanatory Statements.

Comment

On review of the proposed changes by far the most affected electorate area is the creation of the Mid West District through the amalgamation of parts of the 2019 electoral districts of Moore and North West Central.

The new district has a total area of 432,224 square km as against the previous Moore district having only 77,632 square km.

This significant increase in area has the potential to affect the Shire of Mingenew in the following ways:

- The large size of the proposed electorate and impracticality for a single member to serve its members due to the travel requirements
- The loss of genuine representation and relevance for small communities - by losing representation it reduces the electorates' ability to reverse its declining population by having government focus on building the regions.
- The proposed new electorate will be a lot more diverse in its representation responsibilities making it more difficult for the member to cover all of these sectors effectively.
- It is the Councils opinion that the government needs to increase its focus on stopping the decline in regional areas and to do this needs to ensure there is an increased representation as against the proposed decrease in representation. Residents in the electorate will effectively be disempowered as a result and loose representation for their individual specific circumstances leading to a lack of effective advocacy.
- Currently we enjoy the ability to see our local member at important events. This will become less likely and effective as the member will now need to cover a much larger electorate.
- The establishment of new industry such as the Arrowsmith Energy Hub will result in significant developments for the States energy sector and Government's green energy policies which will require the highest level of advocacy to ensure that its communities are not disadvantaged and that the necessary socio-economic needs are provided for.

Statutory Environment

Electoral Act 1907

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2019-2029

Strategy 1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders.

11.5 ROADWISE COUNCIL

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	GR.LRL.4
Disclosure of Interest:	Nil
Date:	11 August 2023
Author:	Matt Fanning, Chief Executive officer
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Minority

Summary

Council is requested to consider the invitation from WALGA to register as a RoadWise Council, this will demonstrate leadership towards initiatives and actions to improve road safety outcomes for our communities.

Key Points

- Council has been invited by Walga to form part of the new RoadWise program
- Gives Council priority access to WALGA's road safety services and products,
- Gives Council priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,
- Council was a member of the previous RoadWise program

OFFICER RECOMMENDATION – ITEM 11.5

Council accepts WALGA's invitation to register as a RoadWise Council.

Attachment

11.5.a - Invitation to Register as RoadWise Council - Shire of Mingenew

Background

Correspondence has been received from WALGA inviting the Shire to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting Local Governments in working towards delivering best practice road safety. The Framework takes into account the elements which determine the level of safety of the road transport system within the context of Local Governments.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,
- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

The RoadWise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions. RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

Local Governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

Comment

It is important for the Shire to ensure that it provides a safe and reliable transport network. The RoadWise program assists the Council and provides tools and programs to facilitate such.

Consultation

Some initiatives or outcomes may require community consultation which will occur when and if required.

Statutory Environment

Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them (Austroads (2021). Guide to Road Safety Part 1: Introduction and the Safe System.

Policy Implications

Nil

Financial Implications

There are no budget implications to register as a RoadWise Council.

Strategic Implications

To be incorporated into the new Strategic Community plan.

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2023

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – June 2023
Disclosure of Interest:	Nil
Date:	10 August 2023
Author:	Helen Sternick, Senior Finance Officer
Approved by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

Summary

This report recommends that the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 June 2023 as presented to the Council be received.

OFFICER RECOMMENDATION – ITEM 12.1

That with respect to the Monthly Financial Report (containing the Statement of Financial Activity), Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity, and associated documentation for the period 1 July 2022 to 30 June 2023, as included at Attachment 12.1.1.

Attachment

12.1.1 Monthly Financial Report for period ending 30 June 2023

Background

The Monthly Financial Report to 30 June 2023 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Nature or Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Reserve Accounts
- Other Current Liabilities
- Operating Grants, Subsidies and Contributions
- Non-operating Grants, Subsidies and Contributions
- Bonds and Deposits Held
- Budget Amendments
- Explanation of Material Variances

Comment

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

Summary of Funds as per bank statements – Shire of Mingenew as at 30 June 2023	
Municipal Funds – Corporate cheque account	\$1,693,260
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$585,556

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

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2022/23 financial year.

The audit for 2022/23 is due to be signed off by the end of November 2023. This may result in the closing surplus for 2022/23 being different to what is currently shown.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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 that 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 month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; 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 month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

12.2 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2023

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – July 2023
Disclosure of Interest:	Nil
Date:	10 August 2023
Author:	Helen Sternick, Senior Finance Officer
Approved by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

Summary

This report recommends that the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 July 2023 as presented to the Council be received.

OFFICER RECOMMENDATION – ITEM 12.2

That with respect to the Monthly Financial Report (containing the Statement of Financial Activity), Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity, and associated documentation for the period 1 July 2023 to 31 July 2023, as included at Attachment 12.2.1.

Attachment

12.2.1 Monthly Financial Report for period ending 31 July 2023

Background

The Monthly Financial Report to 31 July 2023 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature or Type
- 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 and Contributions
- Capital Grants and Contributions
- Bonds and Deposits Held
- Budget Amendments

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 July 2023	
Municipal Funds – Corporate cheque account	\$1,425,333
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$585,556

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

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2023/24 financial year.

The 2022/23 Annual Financial Report has not been audited and is subject to change, this may alter the opening surplus for the 2023/24 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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 that 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 month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; 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 month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

12.3 LIST OF PAYMENTS FOR THE PERIOD 1 JUNE 2023 TO 31 JULY 2023

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.CRD
Attachment/s: List of Payments – June and July 2023
Disclosure of Interest: Nil
Date: 01 August 2023
Author: Maria Snowden-Giles Payroll/Finance Officer
Approved by: Jeremy Clapham Finance & Admin Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period 1 June to 31 July 2023 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION

That Council in accordance with Local Government (Financial Management) Regulations 1996 Regulation 13 confirms the list of payments for the period of 1 June to 31 July 2023, as included at Attachment 12.3.1. as follows:

\$1,481,090.28 Municipal EFTs.
\$66,232.20 Municipal Direct Debit Department of Transport (Licencing) Payments.
\$48,318.02 Municipal Direct Debit Other including Credit and Fuel Cards.
\$135,893.88 Net Salaries
\$1,731,534.38 Total Payments

Attachment

12.3.1 List of Payments – June and July 2023

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes 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.

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

12.4 BUDGET AMENDMENT – AUGUST 2023

Location/Address:	Shire of Mingenew – 21 Victoria Street Mingenew 6522
Name of Applicant:	Shire of Mingenew
File Reference:	FM.BU.22.23
Disclosure of Interest:	Nil
Date:	11 August 2023
Author:	Jeremy Clapham – Finance & Administration Manager
Approved by:	Matt Fanning – Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary

As advised at the Special Council Meeting held on 19 July 2023 and since then, there are a few budget amendments required to be made and adopted. The opening surplus for 2023/24 has changed since the Budget for 2023/24 was adopted, due to finalisation of the year end for 2022/23. The Federal Assistance Grants for 2023/24 were received on 30 June 2023. There are some operating income and expenditure adjustments to be made. There is extra LRCI funding which needs to be allocated. Significant funding for the Child Care Centre has now been confirmed.

Key Points

- There is a difference between the opening surplus which was estimated when the Budget was adopted and the actual opening surplus of \$346,725. This is mainly as a result of the Federal Assistance Grants (FAG) for 2023/24 being received in advance. Based on this, it is proposed that the Shire no longer budgets for the Federal Assistance Grants to be received in advance.
- Confirmation of a significant portion of funding for the development of a new Child Care Centre has been confirmed, and new funding from the Local Roads and Community Infrastructure Program (LRCI) has been confirmed.
- Provision has been made to rehabilitate the Waste Site in the future.
- There are a few operating income and expense reallocations and corrections.
- There are amended transfers to and from Reserves in order to balance the budget back to \$0.

OFFICER RECOMMENDATION - ITEM 12.4

That Council, by absolute majority, adopts the Budget amendments for 2023/24 reflected in this report. The budgeted closing surplus does not change, it remains at \$0.

Attachments

12.4.1 List of Budget amendments for the year ended 30 June 2024.

Background

Due to the Federal Assistance Grants for 2023/24 being prepaid by the Federal Government on 30 June 2023, the closing surplus for 2022/23 is larger than budgeted. This has resulted in an opening surplus for 2023/24 being larger than expected. There is also extra funding available from LRCI; and based on this, it is proposed to discontinue budgeting for the FAG to be received in advance. There are also a few corrections to be made in the budget. details of these proposed amendments are listed below under the Comment section of this report.

Comment

- Difference between opening surplus in adopted budget and actual opening surplus is \$346,725. This is mainly a result of receiving the FAG for 2023/24 in advance.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

- Significant grants for the Child Care Centre and new LRCI grants have resulted in a reallocation of funding for the Child Care Centre (\$30,000), Admin Office Capital project (\$18,000), Coalseam Road capital project (\$274,000) and Waste Site Rehabilitation (\$15,000).
- Funds have been set aside for the Hall Consulting Fees of \$50,000, with amendments to Admin IT Costs and Road Consulting Fees.
- Depreciation and Proceeds on Sale of Assets have been adjusted to account for the purchase of a new skid steer (including mulcher and profiler).
- Transfer to Reserves has been reduced by \$28,231 to balance the budget back to \$0.
- There is an extra amount transferred from Reserves of \$110,265 to balance the budget back to \$0.
- \$15,000 has been provided for Waste Site Rehabilitation.
- FAG received in advance have been removed – total \$794,000.
- Sundry changes to operating income and expense accounts have been made to balance the internal cost allocations – total \$22,779.

Consultation

Elected Members

Leadership Team

Community Development Officer

Senior Finance Officer

Statutory Environment

Local Government Act 1995, Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

There is no change to the closing surplus for 2023/24. There will be Budget Review carried out in the second half of the Financial Year.

Strategic Implications

Community Strategic Plan

- Strategy 1.2.1 Manage organisation in a financially sustainable manner
- Strategy 1.2.4 Seek innovating ways to improve organisational efficiency and effectiveness.

12.5 RATES – ACQUISITION OF LAND

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: RV.RAT.1 / A152
Attachment/s:
Disclosure of Interest: Nil
Date: 10 August 2023
Author: Megan Smith, Finance Officer
Authorized By: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Absolute Majority

Summary

There is a parcel of vacant land with significant outstanding rates that has potentially become available to the Shire to acquire at little or no cost. It is a prime parcel of land and would fit in with the Shire's long term vision of property development in the town. The Shire has previously been unable to locate the owner of this land and is in the process of following the 3 Year Process to be able to sell the land and recoup the proceeds to offset the outstanding rates and charges. The Shire Rates Officer has made contact with the person who is the Power of Attorney for the property owner and established that the Shire may be able to acquire this property.

OFFICER RECOMMENDATION – ITEM 12.5

That Council, by Absolute Majority:

- 1. Agrees to the acquisition by the Shire of vacant land at Lot 5, 7 Bride Street, Mingenew for \$1.00 (or less), to write off all outstanding rates and charges and cover all conveyancing expenses. The total amount outstanding is currently \$24,944.52.**

Attachment

Nil

Background

The property at 7 (Lot 5) Bride Street Mingenew (size: 1,214m²) has rates outstanding for more than three years. Council Resolution 16150622 on 21 June 2023 agreed to the sale of the vacant property by public auction with a reserve of \$5,000. A Form 4 notification has been published of this intent, with the next step being the publication of a Form 5 advising the auction date and details.

The current amount outstanding against this property is:

• Rates	\$6,733.70	
• Interest	\$3,070.24	to 31/08/2023
• ESL	\$ 743.00	
• Legal Charges	\$14,397.58	* Additional charges incurred for August 2023 not yet received.
Total	\$24,944.52	

Comment

Council Resolution 16150622 agreed to the sale of land by public auction with a reserve of \$5,000 and if the reserve was not met the property would be retained by the Shire.

So far efforts to engage an agent to conduct an auction of the property has been unsuccessful despite multiple enquiries, with there being no committed responses from any agencies. The estimated auction and conveyancing fees would be approximately \$5,000.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 August 2023

On 9 August 2023 the Shire received contact from the holder of Power of Attorney for the ratepayer who was unaware that the land was still held in the ratepayer's name until notified by the Water Corporation. A certified copy of the Power of Attorney has been forwarded to the Shire, with a verbal indication to hand the land to the Shire in exchange for waiving all debt.

Legal advice was sought in regard to the current status of the 3-Year possession process, with the advice that it is up to the Shire if they wish to cease the 3-Year process and 'acquire' the land directly, and that it would save further legal costs being incurred.

A copy of the latest rates notice was forwarded to the holder of Power of Attorney with requested return of a pro-forma written response drafted for completion to enable action by Council.

Note still needs to be taken of an issue whereby the boundary line has been encroached by a shed on the property of 5 Bride Street. This issue may need to be addressed for any future sale or development.



Should the endeavour to negotiate acquisition directly with the Power of Attorney be unsuccessful, the Shire is still in the position to continue a forced possession as the deadline for enforcement of action expires 24 November 2024.

Consultation

AMPAC Rates Management
Palisade Solicitors
Shire of Mingenew CEO

Statutory Environment

Local Government (Financial Management) Regulations 1996

s6.64 of the Local Government Act 1995 states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

Policy Implications

Shire of Mingenew – Policy Manual – Debt Recovery

Financial Implications

The current costs against this land are considerable compared to the estimated likely market-value of the property, and are increasing. The current outstanding amount is \$24,944.52. The property would become non-rateable if/when owned by the Shire.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

13.0 GOVERNANCE AND COMMUNITY

13.1 MINIMUM STANDARDS FOR BUSHFIRE VOLUNTEERS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ES.PLN.2 / ES.VOL.1
Disclosure of Interest:	Nil
Date:	10 August 2023
Author:	Erin Greaves, Governance and Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To consider adopting a set of standards to guide bushfire volunteer requirements and behaviours to ensure they operate in a safe environment.

Key Points

- To ensure Council is providing a safe work environment for bushfire volunteers attending fires/incidents, a set of minimum standards have been developed
- Considerable consultation has been held with DFES and LGIS in developing the Standards to ensure Council meets its commitment to safety and well-being, and complying with statutory obligations
- A draft document was provided to bushfire volunteers as part of the 20 March 2023 Bushfire Advisory Committee meeting, at which minor amendments were proposed. This set of Standards has been moderately updated to reflect any proposed changes.

OFFICER RECOMMENDATION – ITEM 13.2

Council adopts the 'Minimum Standards for Bushfire Volunteers' as presented in the GCM Attachment Booklet – August 2023.

Attachments

13.1.1 Minimum Standards for Bushfire Volunteers

13.1.2 DFES Bushfire Training Program

13.1.3 LGIS Guide – Understanding WHS Obligations for Bushfire Volunteers

Background

The Shire has been making significant improvements to its safety systems, with a particular focus on volunteers. There have been significant industry discussions regarding the recent changes to health and safety legislation and application to bushfire volunteers, and there are now stricter obligations and penalties for local government to ensure due diligence responsibilities are followed to protect "workers" from safety risks.

The new *Work Health and Safety Act 2020*, which came into effect on 1 January 2022, provides new definitions that impact bushfire volunteers:

Person Conducting a Business or Undertaking (PCBU) is the term given to a person conducting a business or undertaking alone or with others, whether or not for profit or gain. Local Governments are considered to be PCBU's. PCBU's have a primary duty of care to ensure, as far as is reasonably practicable, that the health and safety of persons is not put at risk from work conducted as part of the business or undertaking.

A **volunteer** is a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses). Within safety legislation a person is a **worker** if the person carries out work in any

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capacity for a person conducting a business or undertaking, in this case the Local Government. This includes working as a Volunteer. Therefore, the Shire must give them the same considerations as paid employees.

The Duty of Care as a Volunteer includes:

- Taking reasonable care for their own health and safety; and
- Not adversely affecting the health and safety of other persons; and comply, so far as reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- Cooperating with the local government and brigade in ensuring their own safety.

This includes:

- Participating in consultation and communication
- Reporting hazards and incidents
- Using personal protective clothing (PPC), personal protective equipment (PPE) and Respiratory protective equipment (RPE)
- appropriately
- Following safety documentation and reasonable instruction
- Attend any identified and required training

Training (both formal and informal, on the ground) is an effective way to ensure volunteers are equipped with the relevant skills, knowledge and experience to prepare and respond to emergencies safely. The Department of Fire Emergency Services (DFES) have a recommended training pathway which has guided those outlined within the Standards (see Attachment 13.12). The Shire recognises that volunteer time is valuable and limited but investment in training is vital to ensuring that volunteers can act within their capabilities and remain safe. Whilst there are a great number of volunteers that have significant experience operating on a fire ground and attending fires, it is important that volunteers continue to be upskilled and records are maintained.

Comment

Council recognises the value of local volunteers in providing this service and it is the Shire's role to ensure hazards and risks are identified and mitigated. The development of these Standards is just one strategy to ensure that the volunteers are prepared and protected when they attend fire grounds and are participating in other volunteering activities.

Whilst many of these standards have already existed in practice, it is vital that Council demonstrate its commitment to supporting volunteers in undertaking their duties safely, and these Standards provide a guidance tool to ensure they are consistently applied, they support new volunteers, and expectations can be communicated and managed effectively.

Given volunteers are often attending fires without direct local government oversight, it is important that all personnel have the necessary tools and resources to act safely and responsibly so that any risks are identified and eliminated or minimised and everyone returns home safely.

Consultation

WALGA

LGIS

Shire of Mingenew Bush Fire Advisory Committee

Statutory Environment

Work Health and Safety Act 2020

Bush Fires Act 1986

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2019-2029

Strategy 1.3.2 Provide services and processes to enhance public safety

13.2 ATTRACTION AND RETENTION POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	PE.RCR
Disclosure of Interest:	Nil
Date:	10 August 2023
Author:	Erin Greaves, Governance and Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To demonstrate Council's commitment to being an 'Employer of Choice' and offering a range of employee benefits to ensure the attraction and retention of the most suitably qualified and experienced staff.

Key Points

- Council adopted an Attraction and Retention Plan in April 2022
- The Plan outlines a number of incentives and programs to incentivise attraction, retention and performance and as the next phase, a Policy has been developed to give more clarity on Council's commitment

OFFICER RECOMMENDATION – ITEM 13.2

Council adopts 'Council Policy 1.1.17 Attraction and Retention Policy', as presented in the GCM Attachment Booklet – August 2023.

Attachments

13.2.1 Proposed Council Policy 1.1.17 Attraction and Retention Policy

Background

To ensure the attraction and retention of the most suitably qualified and experienced staff, the Chief Executive Officer is responsible for negotiating appropriate market-based remuneration packages, within Council budget.

In developing the Shire's Workforce Plan 2021-2025 (endorsed by Council in February 2021), it was determined that an Attraction and Retention Plan would assist to identify potential barriers to and incentives for employees working and living locally. A Plan was presented and adopted by Council at an Ordinary meeting in April 2022.

As the next phase, an Attraction and Retention Policy has been developed, to guide discretionary decisions by the CEO to ensure a fair and consistent approach is applied. The Policy outlines Council's commitment to supporting staff that bring value to the organisation.

Comment

A set of HR Policies and Procedures are being developed to guide the implementation of this Policy to clarify the benefits offered, how they are to be applied and who is eligible.

Statutory Environment

Local Government Act 1995

Local Government Industry Award 2020 (State Industrial Agreement)

Policy Implications

Nil.

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Financial Implications

Council sets the Employee Costs as part of its Annual Budget each year. It is proposed that the benefits proposed will be offered within the existing budget.

Strategic Implications

Strategic Community Plan 2019-2029

1.2.3 Provide sound corporate governance of the Shire and create an attractive work environment.

Workforce Plan 2021-2025

1.1 Effectively promote the Mingenew Shire as a desirable place to live and work

14.0 WORKS MANAGER

14.1 Works Report August 2023

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	GV.CMT
Date:	11 August 2023
Author:	Shane Noon, Works Manager
Voting Requirements:	Simple Majority

Summary

The report is to provide Council with information regarding the performance by Council's Roads and Parks & Gardens operational teams over the month of June 2023 and may include proposed works for July 2023.

OFFICER RECOMMENDATION – ITEM 14.1

Council receives and notes the Works report for the month of August 2023.

Background

The report is to provide Council with information on Council's performance in relation to services supplied by Council's works area, roads, parks, gardens, open spaces and other operations and facilities.

Comment

Road Renewal and new Works

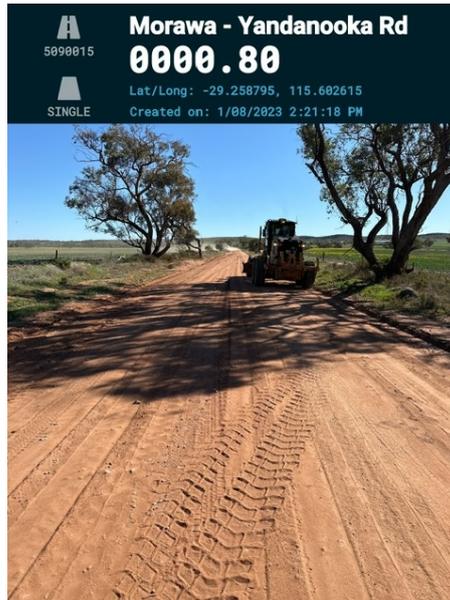
- RRG Coalseam road SLK 17.9 to 23.57
 - Site preparation works have commenced.
 - Gravel has been pushed ready for carting
 - Road works signage has been installed.
 - Site clearing to commence 15th August 2023.



Maintenance Activities

Maintenance grading works has been undertaken on the following roads:

- Graded rolled and recrowned Telara road SLK 0 to 6.94
- Graded rolled and recrowned Yandanooka Melara road SLK 0 to 20.39
- Graded rolled and recrowned Morawa Yandanooka road SLK 0 to 11.97
- Dry graded tip road
- Dry graded Mingenew Hill road
- Gravel patching repair preparations Yandanooka West Road. Western end to repair blow out.
- Road Maintenance activities
- Pot hole patching on Mingenew Mullewa Road, Nanekine Road



Roadside signage

- School bus signs installed Depot hill road, Mingenew Mullewa Road, Telara Road at identified locations.
- Expo Sign installed
- Chevrons and guide posts on Yandanooka Road / View Street



Business improvement issues identified and being rectified.

- Drainage infrastructure not installed at appropriate depth.
 - Rectify where possible. Identify drainage infrastructure as it is located. Remove and replace as required.
- Road side vegetation within the existing foot print of the road. There is significant timber along Talara Road which requires burning or removing.
 - Rectification to be considered as part of the ongoing vegetation management program.

Works ahead

- Line marking Yandanooka intersection realignment.
- Yandanooka west road blow out repair.
- Maintenance grading Yandanooka Morawa road, Yandanooka south road, Yandanooka west road,
- Gravel patching Yandanooka Morawa road in 6 identified priority areas
- Gravel patching Colgate Road approximately SLK 10.22
- Pot hole patching Yandanooka North east road.

- Coalseam RRG project.

Urban Services

Streetscape completed works

- Sprayed the kerb around the streets for weeds and grass.
- Repairs to chair outside Expo building
- Tree trimming under powerlines as per schedule.
- Swept the main street and kerb with skid steer.
- Maintaining the main street with push vacuum (billy goat) and blower.
- Pot hole patching around the streets.

Works ahead.

- Routine maintenance
- Spraying and fertilizing.

Open spaces completed works

- Fertilized all fields.
- Mowing and maintenance of fields.
- Shade shelter installed in Cecil Newton Park
- Completed Big ears placement and lighting in Cecil Newton Park
- Installation of the lights in Cecil Newton park
- Basic maintenance of the Spring area.
- Green waste burn off at the Mingenew Resource Recovery Park.
- Installed the basketball hoop base in Cecil Newton Park.
- Preparation for expo.



Works ahead.

- Netball court maintenance on protruding lumps.
- Routine maintenance

Infrastructure Projects

Mingenew Airfield

- Air strip upgraded to meet compliance with required regulations.
- Lighting installed
- Shed and shelter ordered delivery time early August.
- Pipe work ordered
- Parking bay and pads completed



Works ahead.

- Installation of the shed and shade when it arrives
- Installation of the pipe work when the shed has arrived for safe storage.
- Routine maintenance

Other Activities.

- Roads maintenance programming aligned with priority roads and budget allowances.
- School Cricket pitch repairs.
- Preparations for Coalseam road works.
- Site works preparation for the tennis club house
- Expo stand, Excellent feed back. Moving forward develop plan to integrate the identified works into the budget and future planning of works.
- Repairs to the liquid waste pond at the Mingenew Resource Recovery park.
- Seats and signs installed on Mingenew Hill.

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Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

All works have been completed to Budget

Strategic Implications

Strategic Community Plan 2019-29

- 1.1.1 Provide and support cost effective transport networks
- 1.1.2 Provide buildings, facilities and services to meet community needs
- 1.3.2 Provide services and processes to enhance public safety
- 2.4.2 Continue programs to improve the look and feel of the community public spaces, places and services to support an active and inclusive lifestyle

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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 18 October 2023 commencing at 5.00pm.

18.0 CLOSURE

The meeting was closed at ____pm.

These minutes were confirmed at an Ordinary Council meeting on 18 October 2023.

Signed _____
Presiding Officer

Date: _____