



AGENDA FOR THE ORDINARY COUNCIL MEETING

21 AUGUST 2024



Ordinary Council Meeting Notice Paper

21 AUGUST 2024

An Ordinary Meeting of Council is called for Wednesday, 21 August 2024 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
16 August 2024

DISCLAIMER

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

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

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

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

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

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS
ON 21 AUGUST 2024 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

The following question from Katie Diggelman has been submitted via the Shire's website on 22 July 2024, for consideration during Public Question Time:

"Could the Shire please discuss the possibility of turning the race track into a dirt track to save ratepayers money every year?"

Reasons are:

- *Easier and cheaper to maintain, could be maintained using existing shire equipment and staff in the lead up to the races, not year round.*
- *There is only one race meeting per year, this does not justify a high maintenance cost or year round care.*
- *It would not impact the amount of visitors on the day.*
- *Easier to check condition of the track.*
- *If the races are cancelled there hasn't been a loss to ratepayers."*

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

6.1 Terra Mining – Project Update

6.2 Mineral Resources Ltd – Proposed Workforce Accommodation, Moorinary Road

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 19 JUNE 2024

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 June 2024 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 17 JULY 2024

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 17 July 2024 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 15 AUGUST 2024

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Executive Management Committee Meeting held on 15 August 2024.

10.1.2 CEO PERFORMANCE REVIEW 1 JULY 2023 – 30 JUNE 2024

Attachments to the Minutes for the Executive Management Committee meeting held 15 August 2024 are marked confidential, in accordance with s. 5.23(2)(a) of the Local Government Act 1995, and have been provided to Councillors under separate confidential cover.

Should council wish to discuss the CEO Performance review it is recommended that a procedural motion be moved to consider the matter at 17.0 Confidential Items.

PROCEDURAL MOTION - 10.1.2

Council resolves to hold over discussion on the CEO Performance Review under 11.0 Confidential Items, in accordance with Clause 3.2 of the Shire of Mingenew Standing Orders Local Law 2017 as the item considers a matter affecting an employee (s.5.23 (2)(a) of the Act).

11.0 CHIEF EXECUTIVE OFFICER

11.1 PROPOSED WORKFORCE ACCOMMODATION

Location/Address:	Lots M433 & M451 Mooriary Road, Mooriary
Name of Applicant:	Mineral Resources Limited
Disclosure of Interest:	Nil
File Reference:	A603
Date:	14 August 2024
Author:	Simon Lancaster, Planning Advisor
Senior Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council received an application from Mineral Resources Ltd at its 17 July 2024 meeting seeking to establish the following in association with their Exploration Drilling Program within their Petroleum Licence issued separately under the *Petroleum and Geothermal Energy Resources Act 1967*:

- Proposed Main Camp (MREX) – Lot M433 (P2984) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (Mooriary Deep 1) – Lot M451 (P2982) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (Lockyer 6) – Lot M433 (P2984) Mooriary Road, Mooriary;
- Proposed Temporary Drill Camp (North Erregulla 3) – Lot M433 (P2984) Mooriary Road, Mooriary.

Council approved the application subject to conditions, including the following:

- "3 The applicant must seal the initial section of Mooriary Road (south from Midlands Road) for a distance of 7km to the approval of the local government to ensure that all weather access is available for the development."*

A copy of the minutes from this meeting that includes Council's resolution can be accessed at the following link:

[17-July-2024-Special-Council-Meeting-Minutes.pdf \(mingenew.wa.gov.au\)](https://www.mingenew.wa.gov.au/17-July-2024-Special-Council-Meeting-Minutes.pdf)

The applicant has sought Council's reconsideration of this condition, and a copy of their correspondence has been provided as **separate Attachment 11.1.1**.

This report recommends that Council amend the condition to require a Road Use Agreement be prepared and implemented.

OFFICER RECOMMENDATION – ITEM 11.1

Council:

1. Receives the request for consideration as provided in Attachment 11.1.1.
2. Amends condition 3 of DA2024-003 from its 17 July 2024 approval for temporary workforce accommodation (main camp site and 3 exploration drill camp sites) upon Lots M433 & M451 Mooriary Road, Mooriary as follows:
"3 The applicant is to enter into a Road Use Agreement with the Shire of Mingenew for the upgrading and maintenance of Mooriary Road."
3. Inserts the following additional advice notes to its 17 July 2024 approval for temporary workforce accommodation (main camp site and 3 exploration drill camp sites) upon Lots M433 & M451 Mooriary Road, Mooriary as follows:
"(g) The Road Use Agreement shall specify the maintenance obligations of the applicant in relation to Mooriary Road, and also the applicant's proposed annual staged road upgrade"

program for this road in the event that the applicant requires all-weather access to their operations, at the applicant's expense and to the satisfaction of the local government."

(h) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site(s) and is unwilling to upgrade the unsealed section of the road network leading to its site(s) to an all-weather surface, then the applicant does have the ability to negotiate with the relevant landowner(s) to gain access to its site(s) via an alternative alignment across land between the applicant's site(s) and the sealed road network in the event that the local unsealed road network has been closed."

4. Requests that Main Roads WA include Mooriary Road in the list of roads considered under the Regional Road Group for funding.
5. Reminds the applicant that the use of the main temporary accommodation camp is limited to activity associated with the specifically mentioned drill exploration camps and is not approved for use in association with other activities or by other proponents.

Attachments

Attachment 11.1.1 – Request for reconsideration

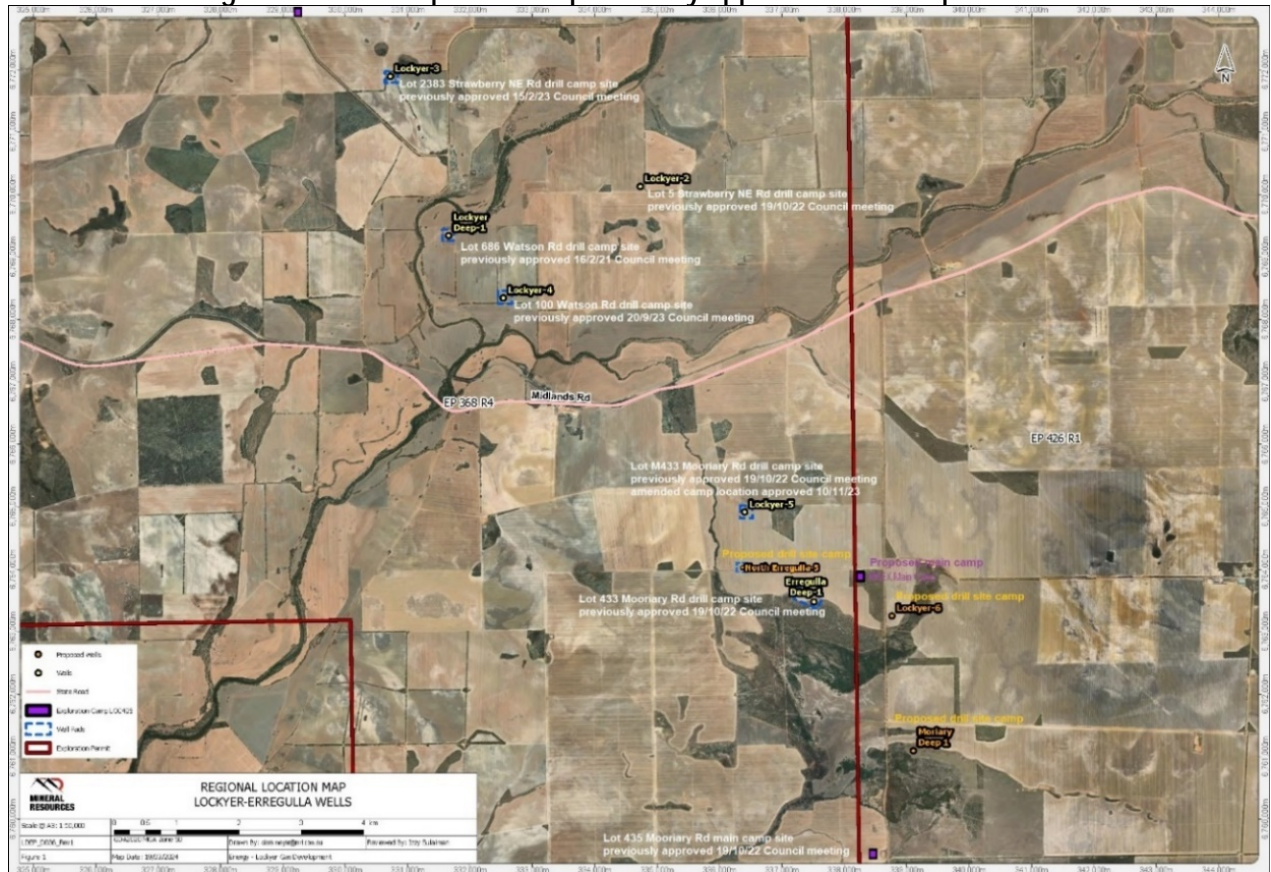
Background

Council has previously approved applications for temporary workforce accommodation camps from this applicant 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);
- drill site camp – Lot 100 Watson Road, Lockier (20 September 2023 Council meeting).

The main camp is proposed to be located west of Mooriary Road upon Lot M433 and would be 4.5km south of Midlands Road and would accommodate personnel to support the well drilling operations in the area that would take place either side of Mooriary Road with the southern-most wellhead 7km south of Midlands Road.

Figure 11.1.1 – Proposed and previously approved drill camp locations



Comment

The most consistent issue arising from the prior operation of gas drilling operations in the Shire has been the impact upon its road network.

Whilst the exploratory phase of the drilling program is 'temporary' it is noted that this term addresses an activity that has been underway for 3 years and counting, with this anticipated to continue for at least a further 2 years. Further, this ongoing road impact would become permanent in the event that the proposed gas processing facility under the applicant's State Development Assessment Unit application SDAU-067-23 is realised.

The approval condition requiring the sealing of Mooriary Road was brought about by the applicant seeking 24/7 access to its operations. This is unable to be assured on an unsealed road and if the applicant is requiring 24/7 access to site then this would require the upgrading of the road to a sealed standard or as a minimum the gravel sheeting of the pavement with a high quality gravel which results in the road being able to be classified as all weather. The gravels currently used and depths of gravel do not meet this warrant.

It should also be noted that at the time of the Councils first consideration of this application there was no indication provided in the DA by the applicant regarding all weather access, nor was there time frames provided for the construction of the camp which was subsequently advised to be weeks which may have assisted the Council in providing a more appropriate response at the time.

In the event that Council was to amend the approval condition then it must be understood that 24/7 access to the site cannot be guaranteed along the local road network. The applicant does however have the ability to negotiate with the landowner(s) to gain access to site via an alternative alignment across land between the applicant's site(s) and the sealed road network in the event that the local unsealed road network has been closed.

Whilst the Shire can during wet weather events consider (as is the current practice) a partial road closure where appropriate, this is dependent on current or anticipated road conditions and safety risks. The Shire must be mindful that its unsealed road network are not all-weather roads and would need to be sealed, or potentially gravelled as a minimum with Main Road WA specification gravel in certain circumstances where safe to do so, in order to prevent temporary road closures during wet periods due to the high risk of runoff due to their very slippery clay bases with minimal wet strength. If either of these options were not progressed, then there is a high likelihood that the roads will need to be temporarily closed for safety reasons during wet events under section 3.50(1) of the Local Government Act 1995.

The staff recommendation is that the Shire and the applicant enter into an agreed Road Use Agreement that documents road condition standards and maintenance interventions for implementation.

Consultation

The application was advertised for comment from 30 May 2024 until 28 June 2024.

Statutory Environment

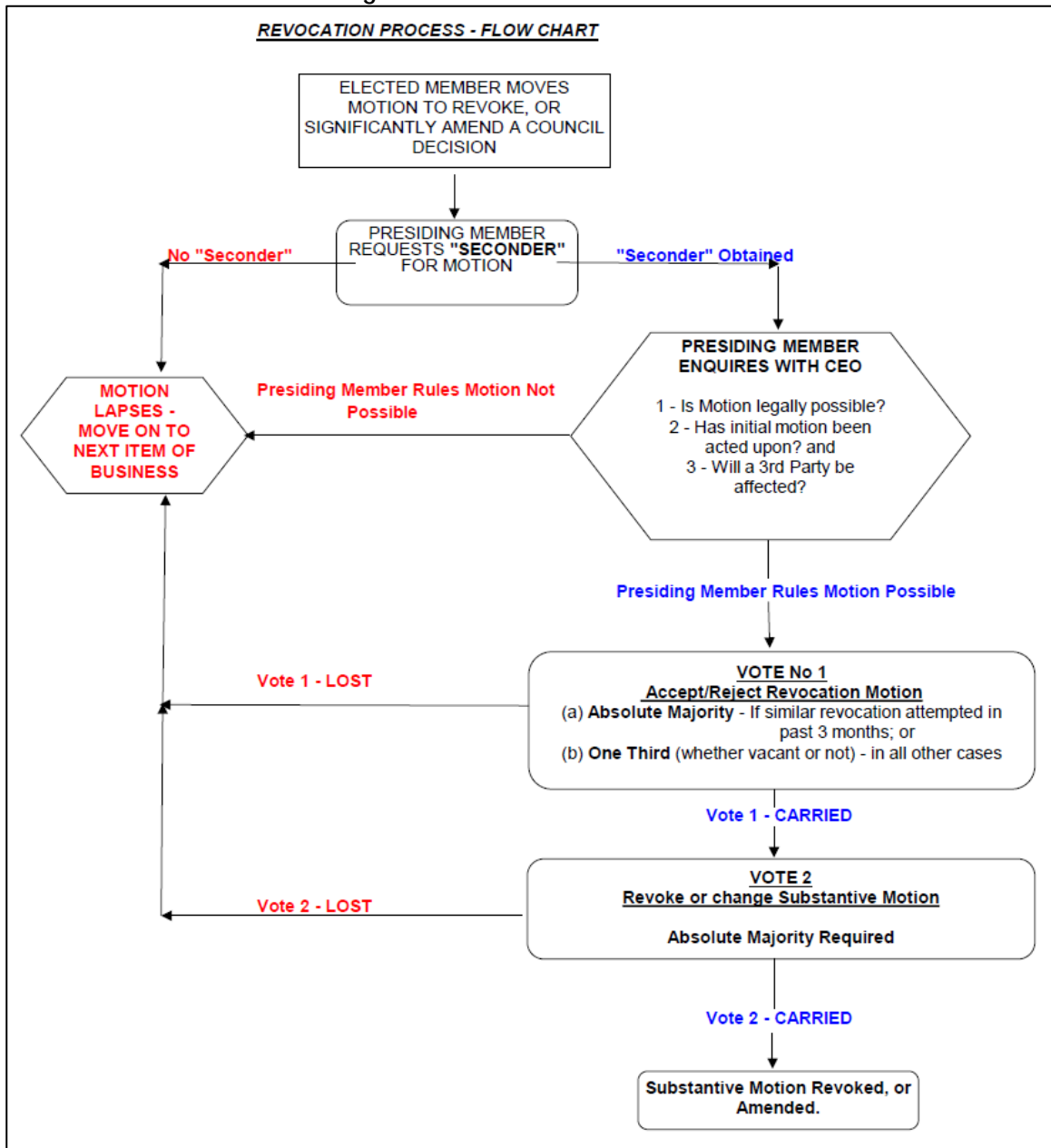
The Local Government (Administration) Regulations 1996 note that:

- "10 Revoking or changing decisions (Act s. 5.25(1)(e))*
- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
 - (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
 - (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
 - (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different."*

Shire staff suggest in this instance that amending the wording of a condition of approval relating to a specific aspect (i.e. road condition) does not constitute a substantial alteration to Council's determination. Rather, it would be a substantial difference were Council to change its determination (i.e. change an approval to a refusal or vice versa, or potentially entirely delete or introduce a substantial condition).

In the event that Council takes an alternative view and considers the alteration of condition 3 to be "substantially different" then it will need to undertake the revocation process which is as follows:

Figure 11.1.2 – Revocation Process Flowchart\



Policy Implications

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

Where an applicant's operations have an impact on the condition of the local road network, it is considered reasonable that upgrade or contribution to upgrade (and later 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.

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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.

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."

11.2 PROPOSED AMENDMENT TO GAS EXTRACTION WELLS, GAS PROCESSING FACILITY AND WORKFORCE ACCOMMODATION APPLICATION

Location/Address: (Shire of Mingenew)
Lot 686 Watson Road, Lockier
Lot 2385 Strawberry North East Road, Lockier
Lot 100 Watson Road, Lockier
Lot M433 Moorlary Road, Moorlary
(Shire of Irwin)
Lots 3558 & 3561 Midlands Road, Mount Horner
Name of Applicant: Energy Resources Limited & Westranch Holdings Pty Ltd
Disclosure of Interest: Nil
File Reference: ED.INT.1
Date: 16 August 2024
Author: Simon Lancaster, Planning Advisor
Senior Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Council has been invited by the Department for Planning, Lands & Heritage (DPLH) to comment upon an amendment to the application for gas extraction wells, gas processing facility and permanent workforce accommodation camp (Lockyer Gas Project).

The applicant is now seeking to use the access alignment of Strawberry North East Road and Burma Road to reach Allanooka Springs Road. In addition, the applicant advised that it will no longer be sealing the southern section of Strawberry North East Road from the processing facility to the Midlands Road, as previously included in the original application.

This report recommends that following consultation with local landholders that the Council advise the DPLH that its preference is for the use of the State Roads Network, as against the Local Road Network, and that being the shortest previously nominated route of Strawberry North East Road -South from the proposed processing facility for a distance of approximately 2km onto the State managed Midlands Road.

It needs to be noted that this preferred route is jointly the responsibility of the Shire of Irwin and Shire of Mingenew, with multiple boundary changes within the two (2) kilometre section.

Council previously resolved at its 29 April 2024 meeting to advise the DPLH that it supported the approval of the gas processing facility and wellheads subject to conditions, but that it opposed the permanent workforce accommodation component of the project. A copy of the minutes from this meeting that includes Council's resolution can be accessed at the following link:

[29-April-2024-Special-Council-Meeting-Minutes.pdf \(mingenew.wa.gov.au\)](#)

OFFICER RECOMMENDATION – ITEM 11.2

Council:

- 1 **Advises the Department of Planning, Land & Heritage that Council does not support the proposed amendment to the Lockyer Gas Project application that is seeking to use Strawberry North East Road and Burma Road and Allanooka Springs Road. Council considers that the appropriate road hierarchy and means of access for this project is southwards along Strawberry North East Road onto Midlands Road.**

- 2 Advises the Department of Planning, Land & Heritage that, in the event that the DPLH approve the proposed amendment to the Lockyer Gas Project application that is seeking to use Strawberry North East Road and Burma Road and Allanooka Springs Road (against Council's recommendation), then it is requested that the following be applied (in addition to those conditions previously requested at its 29 April 2024 meeting):
- Condition
- 1 The applicant is to enter into a Road Use Agreement with the Shire of Irwin and Shire of Mingenew for the upgrading and maintenance of Strawberry North-East Road and Burma Road.
- Advice Note
- (a) The Road Use Agreement shall specify the maintenance obligations of the applicant in relation to Strawberry North-East Road and Burma Road and also the applicant's annual staged upgrade program for these roads between the unnamed road accessing the site and Allanooka Springs Road at the applicant's expense and to the satisfaction of the local government(s).
- (b) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its facility and is unwilling to upgrade the unsealed section of the road network leading to its facility to an all-weather surface, that the road network may be closed due to wet weather and its inability to be safely navigated.
- 3 Makes application to Main Roads WA requesting the inclusion of Strawberry North-East Road on the list of roads considered under the Regional Road Group for funding.

Attachments

Attachment 11.2.1 – Traffic Impact Assessment (12 August 2024 version)

Background

Council considered the following application at its 29 April 2024 meeting.

- Up to 6 gas production wellhead facilities located in the Shire of Mingenew as follows:
 - Lockyer Deep 1 - Lot 686 Watson Road, Lockier;
 - Lockyer 3 - Lot 2385 Strawberry North East Road, Lockier;
 - Lockyer 4 - Lot 100 Watson Road, Lockier;
 - Lockyer 5, North Erregula Deep 1 & North Erregula 2 – Lot M433 Mooriarly Road, Mooriarly.
- Gas processing facility and workforce accommodation camp located in the Shire of Irwin, immediately west of the Shire of Mingenew boundary, on Lot 3558 (1,239ha) and Lot 3561 (803ha) Midlands Road, Mount Horner.

This application can be viewed at the following link:

mingenew.wa.gov.au/wp-content/uploads/2024/05/29-April-2024-SCM-Attachment-Booklet.pdf

Figure 11.2.1 – Lockyer Gas Project Map



The original application proposed to gain access to the gas processing facility from Midlands Road via a bitumen sealed Strawberry North East Road and an unnamed road reserve leading west off this. The initial 2km section of Strawberry North-East Road and the unnamed road reserve leading west off this are both within the Shire of Irwin and in part the Shire of Mingenew. (Strawberry North East Road north of the processing facility is solely within the Shire of Mingenew).

Figure 11.2.2 – Original Application Access Alignment
Strawberry North East Road south to Midlands Road (also illustrating Shire boundary)



In relation to this aspect of the original application, Council requested at its 29 April 2024 meeting that the DPLH apply the following conditions should it approve the development:

- “(a) The upgrading of Strawberry North-East Road to a sealed standard to the local government specifications at the applicant’s expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.*
- (b) The construction of the unnamed road between the development site and Strawberry North-East Road to a sealed standard to the local government specifications at the applicant’s expense and the construction works are to be implemented in full prior to commencement of the development.*
- (c) The upgrading of the Midlands Road and Strawberry North-East Road intersection to Main Roads WA specifications at the applicant’s expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.”*

It is not suggested that Council request these conditions be withdrawn, other than to clarify the need for the roads to be upgraded at the commencement of operations, as traffic to the site from the south will still utilise this access alignment and it is considered to require upgrading to accommodate this change in land use.

The amended application, as contained in the applicant’s updated Traffic Impact Assessment provided as **Attachment 11.2.1** still proposes that light vehicle traffic and services to the site will come from the south, but that operational traffic will use the Strawberry North East Road and Burma Road access alignment to reach Allanooka Springs Road to the north. The amended application also proposes that the vehicle access from Midlands Road via Strawberry North East Road need not be sealed as originally proposed and remain unsealed. Refer figure 11.2.3 and figure 11.2.4

This is a variation to the original application which stated under section 3.7.3 of the Development Application Report (stamped 14 Dec 2023, File SDAU-067-23) that *“Strawberry North-East Road, between the newly constructed access way and the Midland Road intersection (approximately 2km) will be sealed and widened to an 8m wide two-lane single carriageway. The Strawberry North-East Road / Midlands Road intersection will be upgraded to a simple right turn and basic left turn treatment. The intersection will also be widened to cater for RAV7 (20m) vehicles for the left in and left out movements.”*

Strawberry North East / Burma Rd

The Strawberry North East Road and Burma Road are local unsealed roads which are not all-weather and have been constructed and maintained to service local farming operations which result in limited traffic, other than local farm access and harvest operations, in the dry months of the year.

The pavements generally comprise low wet strength gravel layers of sandy and clay containing natural gravels. As a result, the roads are not suitable for constant heavy vehicle and even high volumes of light vehicle traffic. The pavements in summer time generally can become dusty and experience failures, with the generation of dust holes. In winter time the roads can become impassable and unsafe due to wet weather as little as 10mm, due to their clay nature, requiring Council to temporarily close the roads allowing only access for local property owners in 4WD. This enables residents to get children to buses that may be prevented from travel, gaining necessary living supplies and checking their business operations.

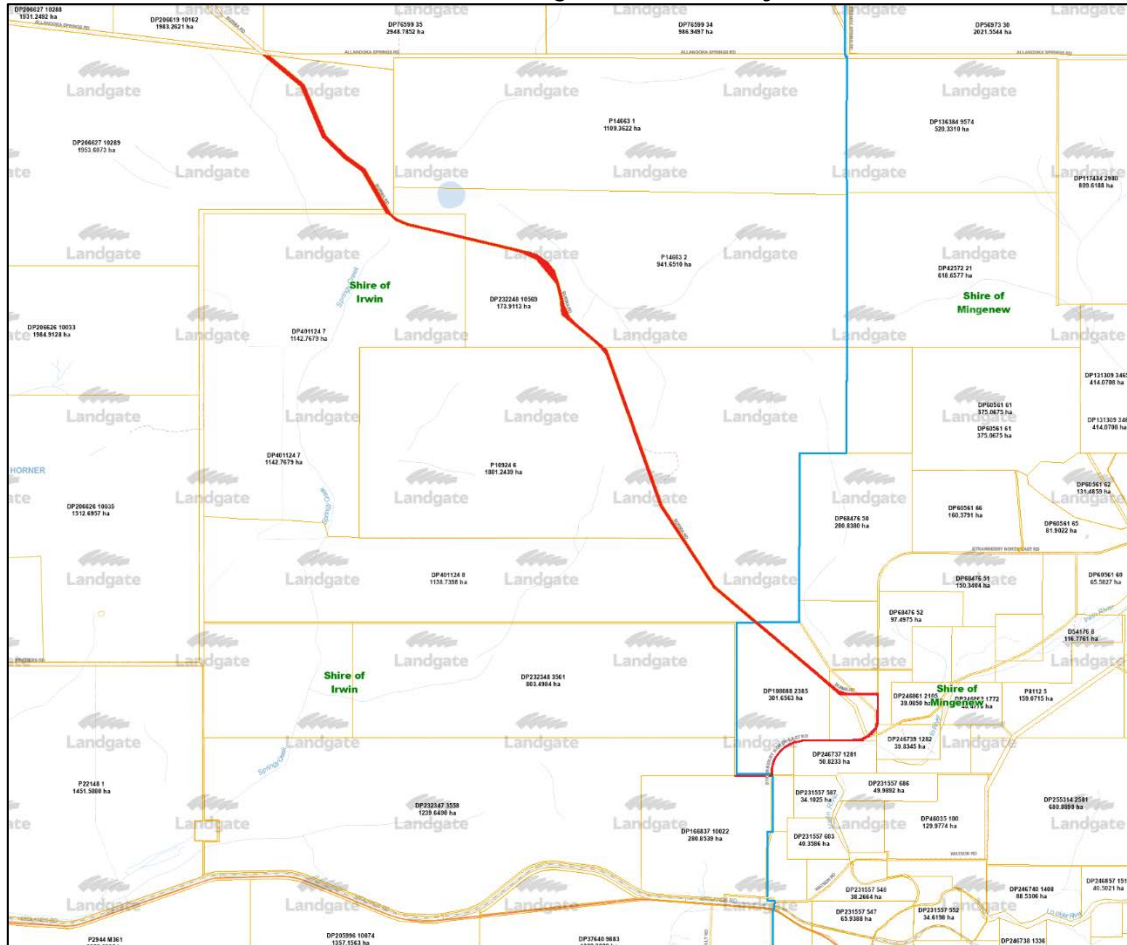
The Council has limited financial means to suitably gravel or bitumen seal these roads to an all-weather standard.

The Strawberry North East and Burma Roads are not priority roads for the Shire at this stage, with the Council concentrating its efforts on Yandanooka North East Rd and the Coleseam Rd, as its priority roads in supporting its existing farming industry and tourism as their main income generating industries. These priorities may be subject to change as Council welcomes other industry to its Shire and considers them within its strategic planning framework, however, currently it has limited forceable means to address these considerations.

Figure 11.2.3 – Amended Application Access Alignment
Strawberry North East Road and Burma Road north to Allanooka Springs Road



**Figure 11.2.4 – Amended Application Access Alignment
Strawberry North East Road and Burma Road north to Allanooka Springs Road
(also illustrating Shire boundary)**



Comment

The applicant has lodged this application directly to the DPLH under the significant development pathway, further information on which can be found at the following link:

<https://www.planning.wa.gov.au/significant-development-pathway>

This pathway allows for the State Government to make decisions that, whilst they should have 'due regard' for the planning framework, are not necessarily bound by it, for example this application is an industrial development in a rural zone, which would generally be listed as a land use that is not permitted. The State Development Assessment Unit however may choose to disregard this and approve the application.

It might be viewed that the significant development pathway brings the benefit of providing the ability to fast-track development and economic growth. Alternatively it might be viewed that the significant development pathway centralises decision making in Perth and removes the process whereby the planning system required the more thorough (albeit slower) process of a rezoning of land for such a development and the proponent to have demonstrated that their emissions modelling was adequately contained within a buffer area for which they were the landowner, or for which surrounding impacted landowners had been appropriately compensated and/or had the ability to make detailed submission to both a local and Perth based decision making authority.

Whilst it is recognised that projects do have an underlying objective of maximising the proponent's interests there is still ability for it to have regard and concern for the wider social context of the region in which it is located. Without such regard it might be asked; *if the project were to not proceed would the local community be any the worse off?*, indeed it might be better off as the local community will bear the impacts to its own transport activities and networks, particularly during the construction phase, the impact on its rural amenity through visual, noise and light impacts, and the environmental risks both during the operation and post-

operation legacy phases when a proponent, who is from outside the region, has made their profits and moved on.

Options Considered

Option 1

In the event that Council was to consider the amended alignment appropriate, but also considered that the road network required immediate upgrading to accommodate the change in use from a rural road to a road that is used for industrial purposes then it may consider the below alternative wording appropriate:

"Council advises the Department of Planning, Land & Heritage, in relation to the amendment to the Lockyer Gas Project application that is proposing to use Strawberry North East Road and Burma Road as the access alignment, that Council requests that the following be applied in the event that the DPLH approves the application (in addition to those conditions previously requested at its 29 April 2024 meeting):

Condition

- 1 The upgrading of the proposed transport route (being Strawberry North East Road and Burma Road) to a sealed standard to the local government specifications at the applicant's expense and the construction works are to be implemented in full prior to commencement of the development's operation.*

That Council write to Main Roads WA requesting the inclusion of Strawberry North-East Road on the list of roads considered under the Regional Road Group for funding."

Option 2

As another alternative, if Council were to consider the amended alignment was appropriate, but rather than requiring immediate sealing action, it instead considered a Road Use Agreement should be the mechanism to ensure upgrading and ongoing maintenance of Strawberry North East Road and Burma Road, beyond the current level, to accommodate this significant change in land use, then the following wording might be considered appropriate:

Council advises the Department of Planning, Land & Heritage in relation to the amendment to the Lockyer Gas Project application that is proposing to use Strawberry North East Road and Burma Road as the access alignment, that Council requests that the following be applied in the event that the DPLH approves the application (in addition to those conditions previously requested at its 29 April 2024 meeting):

Condition

- 1 The applicant is to enter into a Road Use Agreement with the Shire of Irwin and Shire of Mingenew for the upgrading and maintenance of Strawberry North-East Road and Burma Road.*

Advice Note

- (a) The Road Use Agreement shall specify the maintenance obligations of the applicant in relation to Strawberry North-East Road and Burma Road and also the applicant's annual staged upgrade program for these roads between the unnamed road accessing the site and Allanooka Springs Road at the applicant's expense and to the satisfaction of the local government(s).*

Council writes to Main Roads WA requesting the inclusion of Strawberry North-East Road on the list of roads considered under the Regional Road Group for funding."

Option 3

Alternatively, if the Council were to consider its stewardship role in managing and protecting its assets and ensuring that its infrastructure is fit for purpose to meet the needs of its ratepayers it might consider that the use of these roads is not in the best interest of the community and that its preference would be for the developer to traverse the shortest possible route to a state government main road to minimise the financial impact which may burden its community and ratepayers, then the following wording might be considered appropriate:

Council

- 1 *Advise the Department of Planning, Land & Heritage that Council does not support the proposed amendment to the Lockyer Gas Project application that is seeking to use Strawberry North East Road and Burma Road and Allanooka Springs Road. Council considers that the appropriate road hierarchy and means of access for this project is southwards along Strawberry North East Road onto Midlands Road.*
- 2 *Advise the Department of Planning, Land & Heritage that, in the event that the DPLH approve the proposed amendment to the Lockyer Gas Project application that is seeking to use Strawberry North East Road and Burma Road and Allanooka Springs Road (against Council's recommendation), then it is requested that the following be applied (in addition to those conditions previously requested at its 29 April 2024 meeting):*

Condition

- 1 *The applicant is to enter into a Road Use Agreement with the Shire of Irwin and Shire of Mingenew for the upgrading and maintenance of Strawberry North-East Road and Burma Road.*

Advice Note

- (a) *The Road Use Agreement shall specify the maintenance obligations of the applicant in relation to Strawberry North-East Road and Burma Road and also the applicant's annual staged upgrade program for these roads between the unnamed road accessing the site and Allanooka Springs Road at the applicant's expense and to the satisfaction of the local government(s).*
 - (b) *The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its facility and is unwilling to upgrade the unsealed section of the road network leading to its facility to an all-weather surface, that the road network may be closed due to wet weather and its inability to be safely navigated.*
- 3 *Makes application to Main Roads WA requesting the inclusion of Strawberry North-East Road on the list of roads considered under the Regional Road Group for funding.*

Consultation

The DPLH have written to the Shire of Mingenew inviting comment upon this amendment to the application. It is understood that Landowners along Burma Road who were not previously impacted by the proposed development in its original form, have not been given opportunity to comment upon this amended proposal.

Statutory Environment

The *Petroleum and Geothermal Energy Resources Act 1967* provides for the State's ability to grant petroleum exploration and production approvals within a 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 application was lodged under Part 17 'Special provisions for COVID 19 pandemic relating to development applications' of the *Planning and Development Act 2005*, that established the WAPC as the decision-making authority for significant development applications.

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The Part 17 Significant Development Pathway was a temporary initiative introduced by the State Government in 2020 to assist economic recovery as part of its COVID-19 response program, and continued as the means to determine development applications lodged up until the 29 December 2023 deadline. On 1 March 2024, a permanent Part 11B Significant Development Pathway became operational, that along with the *Planning and Development (Significant Development) Regulations 2024* established a permanent development assessment pathway for significant developments whereby applicants can opt-in where they meet the following criteria (unless otherwise excluded by the Act):

- development valued at \$20 million or more in the metropolitan Perth and Peel region scheme areas;
- development valued at \$5 million or more elsewhere.

Proposals not meeting the above criteria may be authorised by the Premier on the recommendation of the Minister for Planning to lodge an application based on their State or regional importance. Applications deemed to be significant development are determined not by local government but instead by the DPLH.

All proposed sites associated with the Lockyer Gas Project are zoned 'Rural' under the respective Shire of Mingenew and Shire of Irwin Local Planning Schemes.

The gas processing facility aspect of the application would meet the definition of "Industry-General" which is listed as an 'X' (i.e. not permitted) use in the 'Rural' zone in the Shire of Irwin Local Planning Scheme.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* notes the following relevant matters to be given due regard in the assessment of this amendment to the originally submitted development application:

- "(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;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

Policy Implications

Nil

Financial Implications

It is considered reasonable that where a change in land use and the associated operations requires upgrading and maintenance of the road network that the applicant should be responsible for this cost rather than the financial burden fall on the local government and the community it represents.

Strategic Implications

The Shire of Mingenew and Shire of Irwin Strategic Community Plans lists the following of relevance to the amended development application:

(Shire of Mingenew)

"Strategic Priorities 2023-2033

10.3 Mining and energy companies are locally regulated to encourage responsible practices.

4 Year Priority Actions

10.3 b The Shire promotes and sets the expectation that Towards Sustainable Mining (TSM) benchmarks and principles are implemented by resource companies operating locally."

(Shire of Irwin)

"Outcome 1.1.2

Partner with and advocate on behalf of commerce and industry to improve local infrastructure and service"

11.3 OWL FRIENDLY SHIRE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: EM.PRG
Date: 16 August 2024
Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The purpose of this report is to seek Council approval to encourage the community to adopt Owl Friendly Shire principles and practices through using first generation rodenticides rather than second generation rodenticides to help protect our native Owls.

Key Points

- The use of second generation anti-coagulant rodenticides has been proven to be impacting nocturnal predatory owl species
- There would appear to be minimal public and supplier knowledge of these impacts
- Council has been requested to assist in an advocacy capacity

OFFICER RECOMMENDATION – ITEM 11.1

Council resolves, pursuant to Section 5.20 of the *Local Government Act 1995*, to Adopt Owl Friendly Shire Principles and Practices through:

- 1) Encouraging local businesses and residents to only use, as far as practicable, Owl Friendly rodenticide treatments;
- 2) Supporting Owl Friendly community education and engagement activities;
- 3) Encouraging other local governments to adopt Owl Friendly Practices; and
- 4) Directing the CEO to write to the Australian Pesticides and Veterinary Medicines Authority in support of placing restrictions on Second Generation Anti-Coagulant Rodenticides (SGARs).

Attachments

11.3.1 Just Raptor's Information pack

11.3.2 Australian Pesticides and Veterinary Medicines Authority Information

Background

Attached to this report is the information kit provided to Council by the Just Raptors community group in support of their campaign to reduce the number of unnecessary deaths of local native wildlife through the use of Second-Generation Anti-Coagulant Rodenticides, particularly the unnecessary death of local Owls.

Also attached is an extract from the Federal Government's Australian Pesticides and Veterinary Medicines Authority (APVMA) which provides details on the different types of rodenticides, how they work, their implications and where their application is best suited.

According to an on-line WAToday article by Claire Ottaviano (5 July 2024 – 10:12am), a recent WA delegation went to Canberra to demand stronger restrictions on the sale and use of second-generation anticoagulant rodenticides that are available from big brand hardware stores. The delegation included zoologists, ecologists and environmental scientists from Edith Cowan University, Deakin University and the University of Tasmania. According to the article, Australia is one of the last countries to ban or tightly regulate the use of first and second generation anticoagulant rodenticides.

Comment

A presentation on this matter was delivered by Just Raptors a community group who run a rehabilitation centre for injured birds of prey located in Geraldton to the most recent WALGA Northern Country Zone meeting held in the Shire of Irwin in June 2024.

Just Raptor representatives requested the Shires present to consider whether they can assist in the advocacy for the better management and control of second generational anticoagulant rodenticides.

A recent peer-reviewed scientific study identified that SGARs have been detected in every nocturnal predatory owl species (powerful owls, tawny frogmouths, southern boobooks, and barn owls) analysed in the study. Concentrations of SGARs were at levels where potential toxicological or lethal impacts would have occurred in 33% of powerful owls, 68% of tawny frogmouths, 42% of southern boobooks and 80% of barn owls. First-generation anticoagulant rodenticides (FGARs) were rarely detected, except pindone at low concentrations in powerful owls.

Supporting the officer recommendation will have a positive environmental outcome by reducing one of the vectors currently killing native wildlife.

Local governments in Margaret River, Fremantle, Geraldton and Mundaring are adopting “owl friendly” programs. The City of Fremantle Council voted in June 2024 to use alternative methods of pest control to protect pets and native wildlife.

By making this decision, the Council is showing leadership. Adopting the officer recommendation will support the protection of local wildlife to ensure it can be enjoyed by future generations.

Consultation

This proposal has been generated by passionate regional community members.

During my initial discussions with local suppliers there appeared to be limited understanding and knowledge regarding the impacts of supplying such anticoagulant rodenticides and whether they were first or second generation products.

The Shire recently published a post on social media advising of the concerns and impacts of second generational poisoning, urging residents to make informed decisions.

Statutory Environment

There are no legislative implications. The proposal is in keeping with the Shire’s Strategic Community Plan by protecting the region’s native animals so that they can be enjoyed by future generations.

Policy Implications

Nil

Financial Implications

There are no adverse economic impacts to the Shire as this matter is an advocacy action.

Strategic Implications

Strategic Community Plan 2023-2033

10.1 Community jointly engages in the management of invasive species and environmental initiatives

11.4 RFQ2-2024/25 – WASTE COLLECTION AND TRANSFER STATION MANAGEMENT SERVICES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.TEN.24.35
Date: 16 August 2024
Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Shire of Mingenew called for quotations under the WALGA vendor panel Waste and Energy preferred supplier panel PSP007 for Waste Collection and Transfer Station Management Services.

The existing contract is held with Cleanaway and expires 21 September 2024 following the completion of a two year contract extension.

It is recommended that Council engage AVON Waste as representing the best value for money and fully compliant service offer received.

Key Points

- RFQ issued on 25 July 2024
- Four (4) invitations were issued
- Two (2) Offers were received.
- One offer contained departures from the standard contract and did not offer pricing for the transfer station management and collection

OFFICER RECOMMENDATION – ITEM 11.4

Council:

1. Notes the confidential evaluation report, as included in Confidential Attachment 11.4.1,
2. In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, accepts the offer from AVON Waste as the preferred Offer and authorises the Chief Executive Officer to successfully negotiate a contract for the delivery of Waste Collection and Transfer Station Management Services for a combined estimated annual cost of \$163,842 for the first year including a one-off new bin supply.

Confidentiality

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
- (e) “Information that has a commercial value to a person”

Attachments

- 11.4.1 Confidential – Evaluation Report *circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)*
- 11.4.2 Confidential - AVON Waste Submission *circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)*
- 11.4.3 Confidential – Cleanaway Submission *circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)*

Background

The Shire's current contract for the delivery of Waste Collection and Transfer Station Management Services expires 21 September 2024 following a two year extension with Cleanaway Industrial Solutions.

Quotations were Invites to via vendorpanel VP421978:

- **Waste and Energy (PSP007)**
 - 1: Landfill & Transfer Station Management Services (PSP007-008)
 - 2: Waste Collection Services (PSP007-006)

On 25 July 2024 via the vendorpanel portal and closed 14:00 AWST on Monday 12 August 2024.

Invites were issued to the following companies.

Invited Tenderer
Cleanaway Industrial Solutions
AVON SKIP BINS
AVON Watse
Veolia Environmental Services

Of the four (4) invites issued, two (2) offers were received and assessed.

Comment

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

Criteria		Weighting
(a)	Experience	20%
(b)	Capacity of Respondent's Key Personnel, Subcontractors, Suppliers and Consultants	20%
(c)	Methodology	10%
(d)	Price	50%

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

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

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as confidential Attachment 11.4.1.

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

Ranking	Tenderer
1	AVON Waste
2	Cleanaway

The Offer from Cleanaway included departures from the standard WALGA service contract which would increase the risk of price escalation during the contract period. In addition, Cleanaway offered no service for managing the transfer Station and collection of the transfer station bins. The bid was generic in nature and lacked site specific detail.

The proposal from AVON Waste was very detailed and specific to the Shire of Mingenew's specific circumstances. The offer from AVON contained no departures from the specification or standard service contract.

Based on the evaluation the offer from AVON Waste demonstrated the best value offer of the submissions received.

Consultation

Internal Staff

Statutory Environment

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

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

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

11. When tenders have to be publicly invited

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;*

18. Rejecting and accepting tenders

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

Policy Implications

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

Our Local Price Preference Policy was also applied in the attached tender assessment document.

Financial Implications

All prices for goods/services offered under this Request are to be variable for a period of three (3) years with an additional two (2) year extension. All prices will vary according to the variation mechanism outlined below:

All Prices shall be fixed for the first twelve months (12) of operation, after which, they shall be subject to annual adjustments by the percentage movement on the Review Date of the proposed Contract for the quarter ending immediately prior to the Review Date in accordance with the Consumer Price Index as published by the Australian Bureau of Statistics for Perth (all groups).

The new rates submitted will result in the need to increase the Waste Services budget.

The current approved budget vs proposed contract pricing is below:

Waste Collection 240L Services:

Domestic Bins	\$21,402
Council properties	\$ 7,371
Commercial Skip	\$12,091
Transfer Station	\$84,642
Total	\$125,506

The new costs associated with waste services will be:

Domestic Bins	\$50,000
Council Properties	\$ 7,500
Commercial Skip	\$ 5,000
Transfer Station	\$87,000
Waste Disposal Geraldton	\$20,000
One off Bin Supply	\$23,000
Total	\$192,500

As the Fees and Charges have been levied for the year these additional costs which will be proportionate based on the remaining budget once implementation will need to be absorbed estimated at about \$55,000 for the 2024/25 financial year and approximately \$45,000 for subsequent years.

It is proposed to provide the Council with revised cost recovery options for the next financial year which will more than likely be the introduction of an environmental levee to cover the operation of the Transfer Station.

As a note: the 2022 Regional Waste tender was still \$5,000 more expensive than the current offer two years later.

Strategic Implications

Strategic Community Plan 2023-2033

10.2 Fully compliant Mingenew Waste facility (Transfer Station)

12.0 CORPORATE SERVICES

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2024 AND 31 JULY 2024

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.FRP
Date: 16 August 2024
Author: Jack Smith, Senior Finance Officer
Authorising Officer: Helen Sternick, Manager Corporate Services
Voting Requirements: Simple Majority

Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the period ended 30 June 2024 and 31 July 2024, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION – ITEM 12.1

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 30 June 2024, as included at Attachment 12.1.1, noting the financials are unaudited and the final position for the year is subject to change;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 July 2024, as included at Attachment 12.1.2.

Attachments

12.1.1 Monthly Financial Report for the period ending 30 June 2024

12.1.2 Monthly Financial Report for the period ending 31 July 2024

Background

Council is provided with the Monthly Financial Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Mingenew.

The Monthly Financial Report for the period ended 30 June 2024 and 31 July 2024 includes the following:

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

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- Capital Grants, Subsidies and Contributions
- Budget Amendments

Comment

The Shire of Mingenew is currently preparing its Annual Financial Report, this requires several processes to occur which can affect the Shire's end of year financial position. These processes are underway, therefore the financial position presented in the June 2024 Monthly Financial Report cannot be relied upon as the final position for the Shire of Mingenew. The audited final position for the Shire of Mingenew will be completed and presented to Council as part of the Annual Financial Report in December 2024.

A summary of the financial position as the end of June 2024:

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	3,639,193	4,431,807	21.78%
Expenditure from operating activities	(6,298,485)	(5,924,838)	5.93%
Non-cash amounts excluded from operating activities	2,842,660	2,862,508	0.70%
	183,368	1,369,477	646.85%
INVESTING ACTIVITIES			
Inflows from investing activities	3,798,268	2,439,065	(35.78%)
Outflows from investing activities	(4,627,835)	(2,776,445)	40.01%
	(829,567)	(337,380)	59.33%
FINANCING ACTIVITIES			
Inflows from financing activities	160,827	160,827	(0.00%)
Outflows from financing activities	(205,678)	(214,356)	(4.22%)
	(44,851)	(53,529)	(19.35%)
Surplus/(deficit) at the start of the financial year	696,724	696,724	0.00%
Surplus/(deficit) at 30 June 2024	5,674	1,675,292	29425.77%
Cash at Bank Municipal – unrestricted		1,066,564	
Cash at Bank Municipal – restricted		893,793	
Cash at Bank Trust		1	
Reserve Term Deposit		1,142,398	
Total		3,102,756	

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

A summary of the financial position as the end of July 2024:

	YTD Budget	YTD Actual	Variance
OPERATING ACTIVITIES			
Revenue from operating activities	2,907,501	2,923,933	0.57%
Expenditure from operating activities	(326,051)	(380,254)	(16.62%)
Non-cash amounts excluded from operating activities	0	0	0.00%
	2,581,450	2,543,679	(1.46%)
INVESTING ACTIVITIES			
Inflows from investing activities	0	0	0.00%
Outflows from investing activities	(437,747)	(35,674)	91.85%
	(437,747)	(35,674)	91.85%
FINANCING ACTIVITIES			
Inflows from financing activities	0	0	0.00%
Outflows from financing activities	(349)	(251)	28.08%
	(349)	(251)	28.08%
Surplus/(deficit) at the start of the financial year	575,000	1,676,292	191.53%
Surplus/(deficit) at 31 July 2024	2,718,354	4,184,046	53.92%
Cash at Bank Municipal – unrestricted		653,240	
Cash at Bank Municipal – restricted		1,052,388	
Cash at Bank Trust		1	
Reserve Term Deposit		1,142,398	
Total		2,848,027	

An explanation of the variances can be found at Note 3 in the attached Monthly Financial Reports, this commentary provides Council with an overall understanding of how the financial position is compared in relation to the adopted budget.

As required by 1.3.3 Investment of Surplus Funds Procedures, details of Council's investment portfolio are provided within the supplementary information of the attachments on page 10.

The road agreement with Terra Mining, as at 31 July 2024, has contributed \$65,179 towards the Community Infrastructure Fund, of which \$33,013 remains outstanding.

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

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- (b) budget estimates to the end of the relevant month; and*
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.*
- (1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).*
- (1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.*
- (2) Each statement of financial activity is to be accompanied by documents containing —*
 - [(a) deleted]*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity must be shown according to nature classification.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Policy Implications

Nil.

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

12.2 LIST OF PAYMENTS FOR THE PERIOD 1 JUNE TO 31 JULY 2024

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: FM.CRD
Date: 16 August 2024
Author: Maria Snowden-Giles, Payroll/Finance Officer
Authorising Officer: Helen Sternick, Manager Corporate Services
Voting Requirements: Simple Majority

Summary

This report recommends that Council receives the list of payments (including purchasing cards), made under delegated authority, for period 1 June to 31 July 2024.

OFFICER RECOMMENDATION – ITEM 12.2

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 June to 31 July 2024, as included at Attachment 12.3.1. represented by:

\$676,473.00	Municipal EFTs
\$34,240.57	Municipal EFT Purchasing Cards (Fuel Cards)
\$79,164.65	Municipal Direct Debit Department of Transport (Licencing) Payments
\$115,414.97	Municipal Direct Debit Other
\$11,932.27	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
\$226,656.31	Net Salaries
\$1,143,881.77	Total Payments

Attachments

12.2.1 List of Payments – 1 June to 31 July 2024

Background

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

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

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

Comment

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

Consultation

Nil.

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996

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

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction, and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
 - (a) the payee's name.
 - (b) the amount of the payment.
 - (c) the date of the payment.
 - (d) sufficient information to identify the payment.
- (2) A list prepared under sub-regulation (1) must be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications

Payments have been made under delegation.

Financial Implications

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

Strategic Implications

Strategic Community Plan 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

13.0 GOVERNANCE AND COMMUNITY

13.1 ELECTED MEMBER ENTITLEMENTS POLICY - AMENDMENT

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 16 August 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider amendments to Council Policy 1.1.1 Elected Member Entitlements, reflecting a review of the payment of fees and allowances for Elected Members.

Key Points

- Council have historically paid Elected Member fees and allowances on an annual basis (as opposed to a per meeting fee structure)
- Councillors reviewed its payment structure, undertaking a comparison of other Band 4 local governments and the per meeting fee option.
- This review was considered when deliberating for preparation of the 2024/25 Budget, and the Policy has been updated to reflect an ongoing desire to provide a reasonable remuneration for Elected Members

OFFICER RECOMMENDATION – ITEM 13.1

Council adopts the amended Council Policy 1.1.1 'Elected Member Entitlements', as presented, which includes:

- An increase to the President's annual meeting attendance fee, from 33% of the SAT maximum to 60%;
- An increase to the annual President's Allowance from 37% of the SAT maximum to 60%;
- An increase to the Deputy's Allowance, as it is based on 25% of the set fee for the President;
- No change to the Elected Members' annual meeting attendance fee, set at 40% of the SAT maximum.

Attachments

13.1.1 Amended Council Policy 1.1.1 Elected Member Entitlements

Background

The Salaries and Allowances Tribunal (SAT) make determinations in regard to setting remuneration for Local Government CEO's and Elected Members.

The latest Determination (to apply from 1 July 2024) outlines the range from which Council's may set fees and allowances for Elected Members. For local governments paying under the annual fee structure (Mingenew's current method), the range for a Band 4 local governments is as follows:

Annual Allowance for President and Deputy	Range for Band 4	
	Minimum	Maximum
President	\$556	\$21,710
Deputy (25% of President's Allowance)	\$139	\$5,428

Noting that SAT implemented a 4% increase to fees from 2023 to 2024.

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	Range for Band 4	
Annual Attendance Fees	Minimum	Maximum
President	\$3,884	\$21,138
Council Member	\$3,884	\$10,286

The annual attendance fee is an alternative to the conventional method of paying based on the number of meetings attended by an Elected Member or President. For local governments paying under the per meeting fee structure, the range for Band 4 local governments is as follows:

	Range for Band 4	
Per Meeting Attendance Fees	Minimum	Maximum
President	\$99	\$530
Council Member	\$99	\$260

The SAT Determination prescribes the types of meetings eligible to be paid under this method and includes Ordinary and Special Meetings of Council, Council Committee meetings, WALGA Zone meetings, Regional Road Group meetings or any other meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

The Shire's current Elected Member Entitlements Policy was last reviewed in December 2023 (with minor amendments) however further information was gathered to inform the calculation method for determining fees and allowances and setting the Budget in 2024/25.

Comment

The Policy amendment proposes the following changes:

- Increasing the President's annual meeting attendance fee from 33% of the SAT maximum to 60%
- Increasing the annual President's Allowance from 37% of the SAT maximum to 60%
- The President's allowance increase will also increase the Deputy's Allowance as it is based on 25% of the set fee for the President

There is no change proposed for the Elected Member annual meeting fee which is currently based on 40% of the maximum amount set by SAT.

The below table demonstrates the fees and allowances in dollars for 2024.

	Max	Proposed increases	
Annual Attendance Fees	2024 SAT Determination	Current Policy	Amended Policy
President	\$21,138	\$6,976	\$12,683
Council Member	\$10,286	\$4,114	\$4,114

	Max	Proposed increased	
Annual Allowance for President and Deputy	2024 SAT Determination	Current Policy	Amended Policy
President	\$21,710	\$8,033	\$13,026
Deputy (25% of President's Allowance)	\$5,428	\$2,008	\$3,256

Justification for the increase includes:

- Recognition of the additional workload expected by the role of Shire President
- Incentivising promotion into the roles of Deputy and President (for succession planning)
- Comparison of fees and allowances of other similar sized / neighbouring local governments
- Council's commitment to supporting incentives for participation on Council

Other neighbouring local governments pay the Shire President an annual allowance ranging from \$5,000 - \$19,000 and attendance fees between \$5,000 - \$21,710 (based on 2023/24 figures). Elected Member attendance fees range from \$3,570 – \$8,200.

There is a case to be made that the per meeting fee does incentivise Elected Members to be actively participating in Council business and rewards those that are more participative however, the likely maximum payment over the year does not compare to the current annual method. Whilst there may be some inequity, the value is in encouraging members of the community to be adequately compensated for their time and duties as an Elected Member.

Council may opt to review the method and calculation for setting fees and allowances for Elected Members each year during Budget or review the Policy at a later date however, the Policy provides guidance for decision making and this recent review provides further justification for the amended policy position.

Consultation

Councillors reviewed the current policy implications for setting fees and allowances for Elected Members as part of their deliberations for setting the 2024/25 Budget and developing the Long Term Financial Plan.

Statutory Environment

Local Government Act 1995

5.98. Fees etc. for council members

- (1A) *In this section —*
determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.
- (1) *A council member who attends a council or committee meeting is entitled to be paid —*
(a) the fee determined for attending a council or committee meeting; or
(b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (2A) *A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*
(a) the fee determined for attending a meeting of that type; or
(b) where the local government has set a fee within the range determined for meetings of that type, that fee.

5.98A. Allowance for deputy mayor or deputy president

- (1) *A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*
** Absolute majority required.*
- (2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
(b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.*

Local Government (Administration) Regulations 1996

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

- (3A) *Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —*
- (a) *meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;*
 - (b) *meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;*
 - (c) *council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;*
 - (d) *meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;*
 - (e) *meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.*
- (3C) *A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —*
- (a) *the person who organises the meeting pays the council member a fee for attending the meeting; or*
 - (b) *the council member is paid an annual fee in accordance with section 5.99; or*
 - (c) *if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.*

Salaries and Allowances Act 1975

A copy of the SAT Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024 can be viewed here:

<https://www.wa.gov.au/government/publications/local-government-chief-executive-officers-and-elected-members-determination-no-1-of-2024>

Policy Implications

As per proposed Policy amendments.

Financial Implications

The amendment to the Policy and agreed method of calculation results in an increase of approximately \$10,000 total for meeting attendance fees, compared to the previous Policy method.

Strategic Implications

Strategic Community Plan 2023-2033

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

13.2 CORPORATE BUSINESS PLAN – FOUR YEAR PRIORITY ACTIONS 2024-2028

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.PLN.1
Date: 16 August 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider updates to Council's 4-year Priority Actions for 2024-2028, forming the updated Corporate Business Plan, and include any changes in the Strategic Community Plan 2023-2033.

Key Points

- Local governments are required to review their Corporate Business Plan each year
- The first four year Corporate Business Plan for 2023-2027 was incorporated into the latest Strategic Community Plan 2023-2033, and this is a second year review
- Proposed additions to the Corporate Business Plan for 2024-2028 reflect any actions identified in the Shire's Long Term Financial Plan

OFFICER RECOMMENDATION – ITEM 13.2

Council, in accordance with Regulations 19DA of the *Local Government (Administration) Regulations 1996*, adopts the amended Four Year Priority Actions for 2024-2028 forming its Corporate Business Plan, with the following additions:

- 1.2c Implement funded pathways in the Mingenew townsite for all ages and abilities
- 3.1c Conduct and support town beautification activities
- 6.1b Upgrade the Mingenew Tennis Club Lights
- 6.1c Construct bike track at Cecil Newton Park
- 6.4d Undertake necessary renewal works at the Mingenew Museum
- 10.2c Improve the Mingenew Transfer Station facilities (fencing and firebreaks)
- 13.3b Install funded Community Digital Information Sign

Attachments

13.2.1 Four Year Priority Actions (Corporate Business Plan) 2024-2028

Background

Council adopted a new Strategic Community Plan 2023-2033 on 21 February 2024 following a major review, which incorporates its strategic priorities for the period as well as the proposed four-year priority actions for the period 2023-2027 (Corporate Business Plan).

The Strategic Community Plan outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities. The Corporate Business Plan outlines the projects and services that the Shire will deliver over a four-year period to help achieve the objectives of the Strategic Community Plan.

The Corporate Business Plan is largely informed by projected financial capacity outlined in the Shire's Long Term Financial Plan and current capabilities.

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Comment

A review of our achievements and proposed new actions to be incorporated into the Corporate Business Plan have been developed and summarised below:

GROW MINGENEW	
2023/24 Achievements and Updates	
1.2a Roads Improvement Plan developed in 2023/24, Year 1 implemented	
1.3a Draft Mingenew Bypass study received, awaiting completion of Final Plan for consideration in 2024	
1.3b Ongoing engagement with CBH regarding expansion plans	
1.4a Road User Agreement established with Terra Mining, template now available for future agreements	
2.1a Community Benefit Sharing Policy and Prospectus developed to promote local investment	
2.2a New housing projects currently being explored to increase Shire housing stock	
2.2c Purchase of Karara-owned houses did not proceed	
2.3a, b and c Investigating funding opportunities to build new GROH and key worker housing	
2.3d Feedback to State Government provided on resource sector accommodation approvals	
2.4a Currently negotiating with DPLH on land development around Mingenew Hill	
3.1a Verge tree planting along Victoria Road and Shenton Street commenced	
3.1b Amendments to 'Supporting the Community' Policy to support doing business in Mingenew	
3.4a Currently undertake a review and update of the Shire's website to be more user-friendly	
4.1a Support provided to Mingenew CRC for delivery of tourist and information services to 2025	
4.2a Ongoing maintenance of key marketing campaigns	
4.3a Water Play Space construction expected to commence before end of 2024	
4.3b REDS grant sought to fund Mingenew Spring Botanical Garden	
4.4a Actively participated in advocacy to continue Wildflower Country which is undergoing a strategic review	
5.1a New childcare facility construction due to commence late 2024	
5.2a Advertisement for Cadet Engineer commenced, further recruitment in coming months	
5.2b Parks & Gardens Apprentice commenced in June 2024, employee living local	
Additions for 2024-2028	
1.2c Implement funded pathways in the Mingenew townsite for all ages and abilities	
3.1c Conduct and support town beautification activities	
LOVE MINGENEW	
2023/24 Achievements and Updates	
6.1a Significant consultation undertaken to prepare Draft Sport and Recreation Master Plan	
6.2d Currently working with MACC to develop user agreement for Railway Station	
6.4a Regular engagement with Historical Society to assist with governance and potential merger of Mingenew Men's Shed (cancelled association)	
7.1a Council updates, postal box drops and social media posts regarding funding recognition and community projects	
7.1b Financial and operational support provided for 2024 Mingenew Midwest Expo, including peppercorn lease for administration office throughout the year	
7.1c Support provided to Mingenew Turf Club for 2024 Races and remedial and maintenance action for turf track	
7.2b Financial support provided to CRC for seniors activities	
8.1a Ongoing support for GP services at Mingenew Health Centre	
8.2b CRC delivering on ageing in place services	
8.2c Advocacy actions during transition from Silver Chain to WACHS to ensure continuity of quality services	
8.2d Health and social services to support seniors provided at Autumn Centre, including CRC Seniors activities, Integrated Chronic Disease Care (ICDC), Centrecare, Mahjong Club, CWA	
8.2e Ongoing maintenance and repairs of Autumn Centre to ensure fit for purpose	
8.3a Maintenance work ongoing at APUs / Independent Living Units	
8.3b Project planning underway for additional aged person units (beside existing units)	

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9.1a Club amalgamations being explored through development of Sport & Rec Master Plan
Additions for 2024-2028 6.1b Upgrade the Mingenew Tennis Club Lights 6.1c Construct bike track at Cecil Newton Park 6.4c Undertake necessary upgrades to the Mingenew Museum
PROTECT MINGENEW
2023/24 Achievements 10.2a Transfer Station audit nearing completion and will inform development of new Waste Management Contract for bin collection and Station oversight (external contract) 10.2b Clean up of Drummuster yard commenced, longer term goal to relocate to Transfer Station 11.1a LEMC meeting regularly 11.1c Minimum Standards for bushfire volunteers developed but further consultation required to reach agreed standard 11.2a A number of Local Recovery Plan projects have been commenced or funding sought – increase housing availability, town beautification, Mingenew Hill upgrade, Tennis Clubhouse, Rec Centre / Evacuation Centre 11.2b Funding application submitted to DFES for new fire shed 11.3a Grant funding support successful from DFES for upgrade to Rec Centre to become Evacuation Centre (and additional grant funding pending), informed by community consultation 12.1d Water efficiency options currently being explored for sporting and recreation grounds
Additions for 2024-2028 10.2c Improve the Mingenew Transfer Station facilities (fencing and firebreaks)
LEAD MINGENEW
2023/24 Achievements 13.1a Quarterly reports being provided, informed by Strategic Community Plan and Corporate Business Plan updates, as well as progress of priority projects 13.3a Marketing and Communications Strategy adopted by Council in July 2024. Scope of works for marketing contract renewal Through request for quote process) to be informed by Strategy. 14.1a Transition to new business management IT system delayed due to system changes by provider 14.1b Scoping of project to review the Shire's ICT services is currently underway and request for quote will be issued prior to end of financial year 14.2a Regular updates provided on Local Government Act reform and presented to Council where appropriate 14.2b Consultation on reform changes has been considerate of resourcing capabilities e.g. standard meeting procedures 14.3a Regular attendance and participation at WALGA Northern Country Zone meetings is ongoing 14.4a Regional Risk Coordinator Program renewed for 2024/25 and we continue to gain valuable support for risk and work, health and safety matters 15.1a Reserve management considered as part of development of Long Term Financial Plan, with particular regard to capital projects, plant replacement and community benefit funds 15.3d Updated Long Term Financial Plan was developed and endorsed by Council in June 2024 16.1a Shared planning services provided by the Shire of Chapman Valley 16.1b Shared building services provided by the City of Greater Geraldton 16.1c Shared Environmental Health services provided by the Shire of Irwin 16.2a The Shire continues to participate in the Midwest Library Consortium as a shared regional cost 17.1a Elected Member Entitlements Policy recently reviewed to support appropriate remuneration for Council Members 17.2a Attraction and Retention Policy developed and adopted in 2023 17.3b Volunteer online safety inductions now available for bushfire volunteers and any other volunteers operating for the Shire
Additions for 2024-2028 13.3b Install Community Digital Information Sign

Statutory Environment

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Policy Implications

Nil.

Financial Implications

The financial implications for the updated Corporate Business Plan are outlined within the Shire's Long Term Financial Plan.

Strategic Implications

Strategic Community Plan 2023-2033

13.1 Demonstrated delivery of priority projects and SCP outcomes

13.3 CLUB NIGHT LIGHTS GRANT – MINGENew TENNIS CLUB

Location/Address: Reserve 20735 Bride Street, Mingenew WA 6522
Name of Applicant: Mingenew Tennis Club
Disclosure of Interest: Nil
File Reference: A930
Date: 16 August 2024
Author: Lauren Higgins, Community Development Officer
Authorising Officer: Erin Greaves, Manager Governance and Community
Voting Requirements: Simple Majority

Summary

A request from the Mingenew Tennis Club has been received to replace the existing tennis court floodlights with new, more efficient and cost-effective LED lights, to improve lighting and visibility, and facilitate an increase in use of the courts and membership.

Key Points

- The Mingenew Tennis Club have identified the replacement of the lights as a priority project to provide Club Competition level illumination, in accordance with Australian Standards
- The Club Night Lights Project provides financial assistance for eligible bodies to fund lighting infrastructure
- Tennis West (governing body for Tennis in WA) has provided a letter of support, as has Sandra Carr, MLC
- The Shire has budgeted funds up to \$12,500 towards the lighting upgrade project
- The Mingenew Tennis Club have funds of up to \$12,500 to contribute to the project
- The Tennis Club is located on Crown Reserve 20735 on Bride Street, Mingenew, with the Shire holding the Management Order for recreational purposes

OFFICER RECOMMENDATION – ITEM 13.3

Council:

1. Endorses the Club Night Lights Project's small grant application for the upgrade to LED lighting at the Mingenew Tennis Club on Reserve No 20735 on Bride Street, Mingenew at an estimated \$50,000 total project cost (including a 10% contingency);
2. Confirms its commitment of up to \$12,500 excluding GST as a cash contribution to the project in the 2024/25 Budget; and
3. Notes the Mingenew Tennis Club's cash contribution commitment of up to \$12,500 towards the project, as outlined in the attached letter.

Attachments

- 13.3.1 Letter from Mingenew Tennis Club
- 13.3.2 Letter from Tennis West
- 13.3.3 Letter from Sandra Carr

Background

In 2020 the Mingenew Tennis Club commenced discussions with the Shire in regard to a proposal to upgrade the existing clubhouse and lights. However, with Cyclone Seroja occurring in April 2021, there was an urgent need to replace the damaged clubhouse, and lighting was a secondary need, should available funds not permit.

As many Midwest local governments have experienced in the past 3-4 years, the building market conditions created a significant challenge for the Club and Shire to obtain quotes from appropriate builders/suppliers that met the original scope and cost estimates. The Shire was able to eventually deliver on the project, with

various design changes and cost increases. Despite the difficulties, the clubhouse has proven a valuable asset to the Club, Shire and broader community.

Due to the escalated costs for the Clubhouse project, the lighting upgrade project was deferred to 2024/25 to enable the Tennis Club sufficient time to undertake fundraising activities to support this project in this financial year.

The Club Night Lights Project (CNLP) supports the State Government's commitment to the development of sustainable floodlighting infrastructure for sport across the State by providing financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of excellent quality, well-designed and well-utilised facilities.

The Department of Local Government Sport and Cultural Industries (DLGSC) requires all CNLP applications to be submitted to the local government authority.

Council then endorses the applications received and assigns a priority ranking (if more than one application received) before forwarding them to the DLGSC.

Comment

The lighting upgrade proposal includes the replacement of all sodium / halogen lamps with LED, which is considered to be a far superior product, requiring less maintenance and providing sufficient lighting up to Club Competition level.

There are currently 8 x light towers, with 2 x sodium lights on each (16 total).



The developed lighting plan and design is in accordance with 'AS2560.1 – Part 1 General principles of Outdoor Sports Lighting', which provides the basic principles of which outdoor sports playing field lighting should be provided, and cover the visual requirements of participants, officials and spectators and the following levels of play:

- Recreational and residential
- Club competition and commercial

As well as 'AS2560.2.1 (2003) – Part 2.1 Lighting for Outdoor Tennis' provides a greater level of detail and identifies the design, standards and technical parameters required specifically for the lighting of outdoor tennis courts.

Consultation

Mingenew Tennis Club

Tennis West

Lighting design specialists / suppliers

Statutory Environment

Local Government Act 1995

AS2560.1 – Part 1 General principles of Outdoor Sports Lighting

AS2560.2.1 (2003) – Part 2.1 Lighting for Outdoor Tennis

Policy Implications

As the Shire is the applicant for the project, there is a requirement to comply with the Shire's Purchasing Policy, which outlines the need to seek at least two verbal or written quotes (as the estimated project cost is \$45,000).

The Shire has obtained three written quotes and is current evaluating which supplier is considered to provide best value for money.

Financial Implications

The Shire has up to \$12,500 budgeted for this project in 2024/25.

Council did identify this project in its Strategic Community Plan 2023-2033 as a one off capital expenditure priority project in 2023/24. Due to delays and challenges to secure appropriate suppliers at acceptable cost, to deliver the new Tennis clubhouse, the project was moved back for consideration in 2024/25.

Strategic Implications

Strategic Community Plan 2023-2033

6.1 Community facilities continue to be fit for purpose, multi-use and meet sustainable community needs

6.2 Support social inclusion through co-investment with local community groups and sporting clubs

13.4 CONSTRUCTION OF THREE NEW AGED PERSON UNITS – HOUSING SUBMISSION

Location/Address: Lot 43 King Street, Mingenew WA 6522
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: A202
Date: 16 August 2024
Author: Lauren Higgins, Community Development Officer
Authorising Officer: Erin Greaves, Manager Governance and Community
Voting Requirements: Absolute Majority

Summary

The Shire, in collaboration with Form Homes, have prepared a submission to the Department of Communities in response to their call for Community Housing Providers. The submission seeks an Early Engagement Meeting for approval to construct three 1 bedroom, 1 bathroom Aged Persons units at 15 King Street, Mingenew.

Key Points

- Current Aged Persons Units (APUs) have consistently been fully occupied, noting that one unit is currently vacant whilst undergoing minor maintenance repairs and with two applicants on the waiting list
- The lack of suitable accommodation for senior residents has been identified within the Shire's Local Planning Scheme No 4 and Strategic Community Plan 2023-2033
- The proposal is to enter a Design and Construct Contract with the Department of Communities to build three one-bedroom homes specifically designed for senior residents and to meet Liveable Housing Design Guidelines
- The proposed site is vacant and has been earmarked for such future development.

OFFICER RECOMMENDATION – ITEM 13.4

Council:

1. Endorses a submission being made to the Department of Communities to seek an Early Engagement Meeting for approval to construct three 1 bed, 1 bath Aged Persons units at 15 King Street, Mingenew in accordance with attached plans; and
2. By Absolute Majority, approves a budget amendment, in accordance with s.6.8 of the *Local Government Act 1995*, to include this project in the 2024/25 Budget, as follows:
\$985,000 Income Account 3090410 (grant income)
\$985,000 Expense Account BC120 (grant expenditure)
(noting a nil overall impact on the Budget).

Attachments

13.4.1 Site Layout Concept
13.4.2 Site Feature Survey

Background

The Housing Authority (under the Department of Communities) has placed a call for submissions to procure dwellings to use for Social Housing. It is seeking to engage early with respondents at the pre-purchase and concept phase or with respondents offering part constructed new dwellings or sites with an existing planning approval and no constraint that would impede the delivery of social housing on the site.

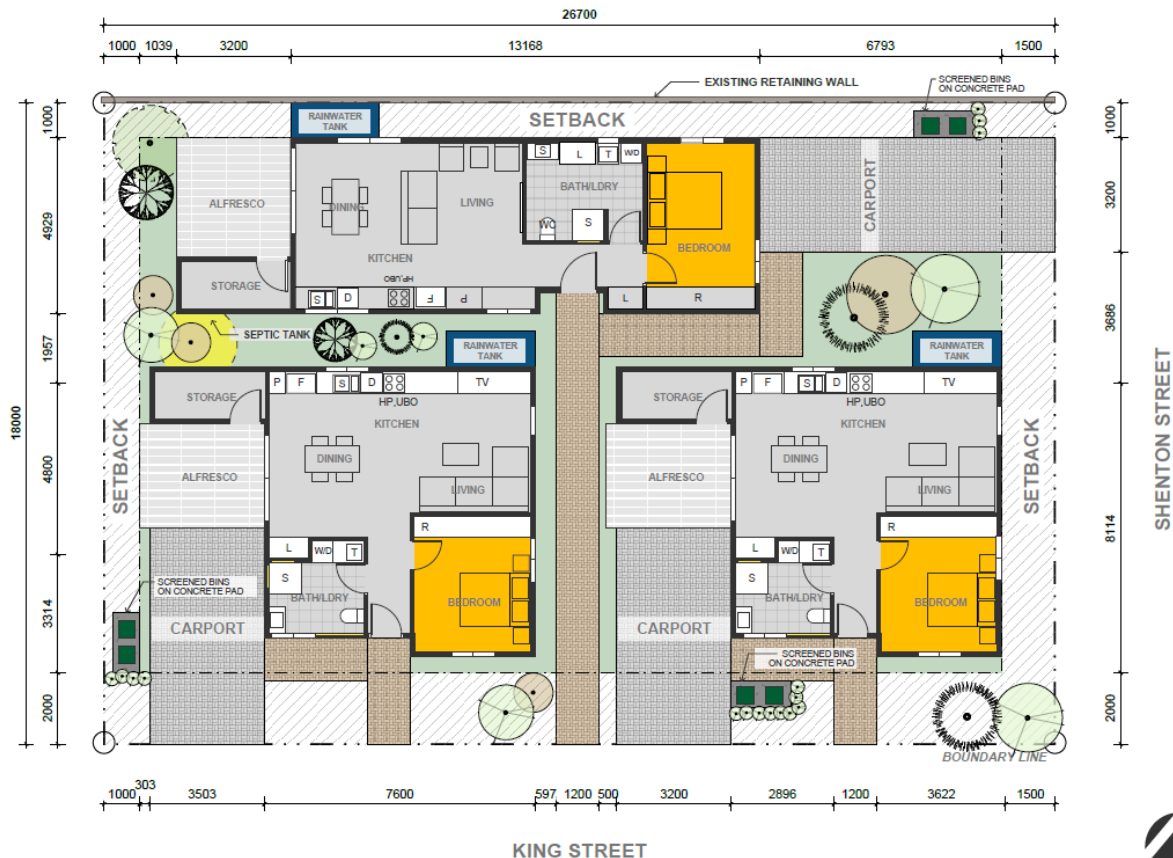
As outlined in the Guidelines for the initiative, the Housing Authority invites Submissions that:

- a) Offer value-for-money through low ongoing holding costs of housing assets, to be achieved through innovation such as housing design and the use of alternate materials.

- b) Offer prices at or below the overall median price for the city/region.
- c) May be innovative in respect of financial and contractual arrangements and seek to balance risk sharing where appropriate.
- d) Employ a range of sustainable development initiatives, such as a 7-star NatHERS rating, energy efficient and gas free development.
- e) Provide attractive, well-designed and flexible housing products that minimise long-term maintenance costs.

Whilst the Guidelines indicate submissions must be made by a 'Community Housing Provider', the Shire has been encouraged to make a submission as local governments may be considered 'deemed to comply' due to the transparent nature of operations and the strict governance framework from which we operate.

Therefore, a submission has been prepared, with assistance from Form Homes to enter a Design and Construct Contract with the Department to build three energy efficient, low maintenance, one-bedroom homes which have specifically been designed for the comfort of senior residents and meet 100% of the Liveable Housing design Guidelines. A copy of the proposed site layout is provided below:



Comment

In August 1997 the Shire entered a Housing Joint Venture Agreement with The State Housing Commission ("Homeswest" at the time) for the construction of 4 x Aged Persons units (3 x 2 bed and 1 x 1 bed) at Lot 66 Victoria Street Mingenew. Under the Agreement, the Shire is responsible for management, maintenance and improvements of the buildings, with tenancy eligibility and management to be in accordance with the Agreement and Homeswest guidelines.

This model has proven to be a successful one and the Aged Persons Units (APUs) have consistently been fully occupied, noting that one unit is currently vacant whilst undergoing minor maintenance repairs and with two applicants on the waiting list.

The Shire also has two Independent Living Units at 15 (Lot 43) King Street, Mingenew (built in 2017) which are located adjacent to the existing APUs and funded through municipal funds and grant funding under the

Southern Inland Health Initiative (SIHI) – Royalties for Regions. These properties have been successfully managed under the same governance structure as the APUs and have consistently been occupied since their completion.

In 2023 the Shire completed a major review of its Strategic Community Plan and housing was one of the key community priorities areas identified through significant stakeholder engagement. As a result, the Shire has been proactive in identifying appropriate funding opportunities to expedite meeting demand, and this funding stream provides an ideal arrangement, with no initial cash contribution required of Council.

In a similar nature to the arrangements for construction and management of the existing APUs, it is proposed the Shire provide the land for the development at no charge and to enter into a 30-year agreement to be responsible for the management, maintenance and improvements on the buildings, with tenancy eligibility and management to be in accordance with the Agreement and the Department of Communities' guidelines.

The increase in aged persons units will complement local ageing in place initiatives, such as the Mingenew CRC's partnership with InCasa Country to provide in-home aged care services, this is a valuable opportunity to facilitate an increase the length of time our older residents can remain independent and stay in Mingenew.

Consultation

Department of Communities
Form Homes

Statutory Environment

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1) —

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

Policy Implications

The Shire would be required to comply with its Purchasing Policy and a Request for Tender process may need to be followed, should the proposal be approved by the Department.

Financial Implications

As the construction of additional aged persons units had been forecasted to be delivered in the future, there is currently no budget allocation for this project to proceed, and the total estimated project cost is \$985,000 (including GST). This funding stream allows for full cost recovery therefore it will be at minimal cost to Council (other than administrative costs).

Strategic Implications

Strategic Community Plan 2023-2033

- 8.2 Facilitate local access to primary and allied health services and support for in-home care and recovery
 - b. Advocate for in-home care and ageing in place services
- 8.3 Provide and maintain affordable housing for aged and disabled residents to meet demand
 - a. Maintain and upgrade existing APUs / Independent living units
 - b. Increase residential housing for aged and disabled residents

Long Term Financial Plan 2025-2036

Provision has been made in the LTFP for two new Aged Persons Units to be constructed in 2028 and 2032.

13.5 DISABILITY ACCESS AND INCLUSION PLAN REVIEW – PUBLIC CONSULTATION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CP.ACC.1
Date: 16 August 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

The Shire's Disability Access and Inclusion Plan 2019-2024 is due for review, as required under the *Disability Services Act 1993*. It is proposed that the Shire undertake an internal review to develop a new DAIP in consultation with the community.

Key Points

- The Disability Services Act 1993 requires public authorities to develop a Disability Access and Inclusion Plan and review it at least every 5 years
- The DAIP 2019-2024 was adopted by Council in August 2019

OFFICER RECOMMENDATION – ITEM 13.5

Council requests that an internal review be undertaken of its Disability Access and Inclusion Plan (DAIP) 2019-2024, in accordance with s.28(7) of the *Disability Services Act 1993*, to inform the development of a new DAIP 2024-2029 following a consultation period that is to include:

- A community survey (as Attached at 13.5.2)
- An invitation for submissions to be made via notice in a newspaper circulating throughout the district of the local government, in accordance with r.10 of the *Disability Services Regulations 2004*, closing 30 September 2024.

Attachments

13.1.1 Current Disability Access and Inclusion Plan 2019-2024

13.1.2 DAIP Review Survey

Background

The Shire's Disability Access and Inclusion Plan (DAIP) 2019-2024 was adopted by Council on 21 August 2019 and is due to expire this year therefore, the local government is required to undertake a review, to determine if a new or amended plan should supersede it.

Upon preliminary review of the current DAIP, it is noted that a large portion of the tasks have either been achieved or have become standard ongoing business practice. It is also noted that the strategies and tasks have not been aligned with the State Disability Strategy 2020-2030, of which the local government must report against each year in its progress report.

To comply with the Act, a public authority is required to undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan and must;

- lodge amended plans or new plans with the Disability Services Commission (the Commission);
- take all practicable measures to ensure that the plan is implemented by the authority, its officers, employees, and relevant agents and contractors;
- report to the Commission each year about: –
 - progress made by the authority in achieving the outcomes;
 - progress made by any agents and contractors of the authority in achieving the outcomes;

- the strategies used by the authority to inform its agents and contractors about its plan;
- report in its annual report about the implementation of its plan; and
- review its plan at least every five years.

Comment

The aim of the Shire's Disability Access and Inclusion Plan is to guide the local governments activities and attitudes to positively enrich the lives and experiences of people living with and caring for people with disability, so they have the same opportunities as anyone to thrive in our community.

To achieve this, the Shire must demonstrate how it is to achieve compliance with the Principles applicable to people with disability (Schedule 1 of the Act) and the Objectives for services and programmes (Schedule 2 of the Act) which include:

1. Programmes and services are to focus on achieving positive outcomes for people with disability, such as increased independence, employment opportunities and inclusion and participation within the community.
2. Programmes and services are to contribute to ensuring that the conditions of the every day life of people with disability are the same as norms and patterns which are valued in the general community.
3. Programmes and services are to be integrated with services generally available to members of the community.
4. Programmes and services are to be flexible and responsive to the individual choices and needs of people with disability, their families, carers and significant others.
5. Programmes and services are to be designed and administered so as to be sensitive and responsive to the individual and diverse needs of all people with disability taking into account their age, gender, religion, Aboriginality, cultural or linguistically diverse backgrounds or geographic location.
6. Programmes and services are to be designed and administered to promote awareness of the abilities and contributions of people with disability and foster respect for their rights and dignity.
7. Programmes and services are to be designed and administered so as to promote the participation of people with disability in the life of the local community through physical, social, economic, emotional,
8. intellectual, cultural and spiritual inclusion in that community.
9. Programmes and services are to be designed and administered so as to ensure that no single organisation shall exercise control over all or most aspects of an individual's life.
10. Service provider organisations, whether disability specific or generic, shall be accountable to those people with disability who use their services, their families and carers, their advocates, the State and the community generally for the provision of information from which the quality of their services can be judged.
10. Programmes and services are to be designed and administered so as to provide opportunities for people with disability to reach goals and enjoy lifestyles that support their choices and are valued by the community.
11. Programmes and services are to be designed and administered so as to ensure that people with disability have access to advocacy support, to enable them to make choices and participate in decisions about the services they receive or are seeking.
12. Programmes and services are to be designed and administered so as to ensure that avenues exist for people with disability to raise, and have resolved, any grievances about services.
13. Programmes and services are to be designed and implemented in an accessible manner.
14. Programmes and services are to be designed and administered so as to respect the rights of people with disability to privacy and confidentiality.
15. Programmes and services are to begin as early as possible so as to prevent the occurrence of, or minimise, disability so people with disability can be as independent as possible and participate in all aspects of life.
16. Programmes and services are to be designed and implemented to —
 - (a) acknowledge, recognise, respect and respond to the role of families, carers and significant others in supporting people with disability; and
 - (b) respond to the views and needs of families, carers and significant others; and
 - (c) strengthen and build the capacity of families, carers and significant others in supporting people with disability.

17. Programmes and services are to provide —

- (a) people with disability and their families and carers with opportunities for participating continually in the planning and operation of services they receive; and
- (b) opportunities for people with disability, their families and their carers to be consulted about the development of major policy, programme or operational changes.

Consultation

A survey has been prepared and is available now for members of the public to complete and submit which will provide Council with insight into the needs of the community and provides an opportunity for participants to contribute ideas for how this may be achieved. The survey is available on the Shire's website home page at <https://mingenew.wa.gov.au/> (scroll down to the community announcement icon and 'Take the Survey'.

The survey was launched at the Shire's stand at the Mingenew Expo and will be more broadly promoted in the coming weeks.

Other proposed consultation activities include engaging directly with vulnerable members of our community and other stakeholders, such as the Mingenew CRC, Mingenew Health Centre / WACHS and community groups.

All community members are encouraged to participate in the consultation process.

Statutory Environment

Disability Services Act 1993

28. Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission;*
 - or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

29. Report about disability access and inclusion plan

- (2) A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.

29A. Disability access and inclusion plans to be made available

A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disability, and the public generally, by publication in the prescribed manner.

29B. Public authorities to ensure implementation of disability access and inclusion plan

A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

Disability Services Regulations 2004

7. Standards for disability access and inclusion plans (s. 28)

For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.

8. Information in reports about disability access and inclusion plans (s. 29)

For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —

- (a) progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and
- (b) the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.

9. Publication of disability access and inclusion plans (s. 29A)

For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —

- (a) on request, at the offices of the authority —
 - (i) in an electronic format; and
 - (ii) in hard copy format in both standard and large print; and
 - (iii) in an audio format on cassette or compact disc; and
- (b) on request, by email; and
- (c) on any website maintained by or on behalf of the authority,

and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995.

10. Procedure for public consultation by authorities (s. 28)

- (1) For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —
- (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and
 - (b) on any website maintained by or on behalf of the public authority.
- (2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation

Policy Implications

Equal Opportunity Policy

Financial Implications

Nil, as the review is to be conducted internally.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

Strategic Implications

Strategic Community Plan 2023-2033

- 7.2 Support and include disabled and vulnerable community members
 - a. Review and implement the Shire's Disability Access and Inclusion Plan

13.6 CLOSURE OF ROADS – WATSON ROAD AND P ROADS

Location/Address: Various road reserves, Lockier
Name of Applicant: BF Kelly & Sons Pty Ltd
Disclosure of Interest: Nil
File Reference: RD.RDC / A753 / A748
Date: 16 August 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

In consideration of submissions received, the report proposes to notify the Department of Lands, Planning and Heritage (DPLH) of Council's support to close Watson Road and other unnamed road reserves within and adjoining A753 and A748, as the roads are currently only utilised for internal farm access or are unmade road reserves (paper roads).

Key Points

- A request has been received from the landowners of A753 and A748 to close a number of internal roads (not made or used) within their farming property
- The process to close a road is administered by the Department of Planning, Lands and Heritage, and is in accordance with the Land Administration Act 1997
- The Shire does not have any identified use for these proposed road closures
- Following a public consultation period, the Shire received 3 submissions, with no objections

OFFICER RECOMMENDATION – ITEM 13.6

Council:

1. Pursuant to s.58 of the *Land Administration Act 1997*, requests the Minister for Planning, Lands and Heritage to approve the closure of Watson Road and unnamed road reserves (P roads) within and adjoining A753 and A748, including:
 - Land ID 3778178 (from Midlands Road to landowner homestead)
 - Land ID 3729116 (running east from homestead)
 - Land ID 3727403 (running south from Land ID 3727403 to Midlands Road)
 - Land ID 3727402 (running north from Land ID 3727403 to 3727393)
 - Land ID 3727393 (running west from 3727402)
 - Land ID 3729111 (from Midlands Road near Strawberry bridge)
2. Notes that Landgate has confirmed that the following unnamed road reserves have been closed as notified by government gazettal on 20 November 1959:
 - Land ID 3110390 (running adjacent to Burma Rd through DP 108088)
 - Land ID 3111922 (running east west between Land ID 3110390 and Strawberry North-East Rd)
3. Notes that Land ID 3727386 (between Burma Road and Strawberry North-East Road) is outside of the District and the applicant has been referred to the Shire of Irwin.
4. Advises the Minister for Planning, Lands and Heritage that Council supports the disposal by the Department of Lands, Planning and Heritage through amalgamation with landowners, subject to receipt of a letter of agreement to pay all costs involved in the closure and amalgamation process. The letter must be signed by all adjoining landowners who propose to amalgamate a portion of the road reserve with their property.

Background

Council considered a proposal, at a Special council meeting on 6 May 2024, to close a portion of Watson Road and a number of unnamed road reserves. Council resolved:

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.2- RESOLUTION#03060524S

MOVED: Cr AT Pearse

SECONDED: Cr JR Holmes

Council:

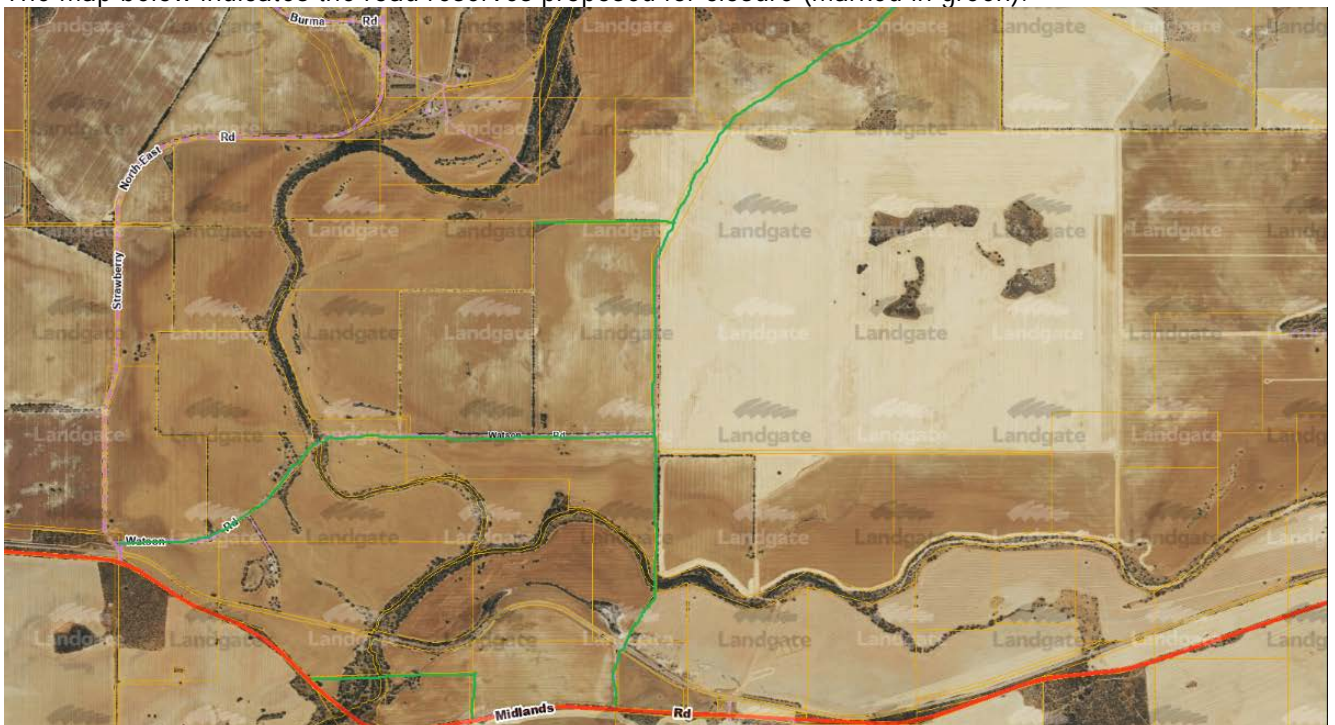
1. Resolves to advertise, in accordance with s.58 of the *Land Administration Act 1997*, the proposed closure of Watson Road and P roads within and bordering A753 and A748, including:
 - Land ID 3727386 (unnamed road reserve between Burma Rd and Strawberry North-East Rd)
 - Land ID 3778178 (Watson Rd from Midlands Rd to landowner homestead)
 - Land ID 3729116 (Watson Rd reserve running east from homestead)
 - Land ID 3727403 (Watson Rd reserve running south from Land ID 3727403 to Midlands Rd)
 - Land ID 3727402 (Watson Road reserve running north from Land ID 3727403 to 3727393)
 - Land ID 3727393 (Watson Road reserve running west from 3727402)
 - Land ID 3729111 (P road from Midlands Rd near Strawberry bridge)
2. Confirms the full closure of the following road reserves;
 - Land ID 3110390 (running adjacent to Burma Rd through DP 108088)
 - Land ID 3111922 (road reserve running east west between Land ID 3110390 and Strawberry North-East Rd)
3. Requests that the Applicant submits a letter of agreement to pay all costs involved in the closure and amalgamation process. The letter must be signed by all adjoining landowners who propose to amalgamate a portion of the road reserve with their property.
4. Writes to adjoining landowners to advise of the proposed road closures and opportunity to make a submission;
5. Writes to all relevant service authorities (Telstra, Western Power and the Water Corporation) regarding their requirements in respect of any services located in or near the portion of road reserves proposed to be closed; and
6. Considers all submissions received by the Shire following the public advertising period at a subsequent Council meeting.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

The map below indicates the road reserves proposed for closure (marked in green):



As indicated in the original report, there were two Land IDs (3110390 and 3111922) that we identified as potentially having been closed, and staff sort confirmation from Landgate and DPLH to confirm the road closure, and both agencies confirmed this process occurred by government gazettal on 20 November 1959. DPLH's advice included:

"Regarding your other query in relation to closed roads:

- *Land ID 3110390 (running adjacent to Burma Rd through DP 108088)*
- *Land ID 3111922 (road reserve running east west between Land ID 3110390 and Strawberry North-East Rd)*

I can confirm that these roads were closed as identified in your email. To amalgamate the above closed roads into the adjoining land, a Crown Land Enquiry form will need to be submitted by the landowners who are wishing to amalgamate the closed roads into their land for investigation by the Land Management teams."

These roads are marked in the image below:



Comment

Section 58 of the *Land Administration Act 1997* provides for the closure of public roads and, following a public notice period and consideration of submissions, requires a resolution of Council to approve the closure and notification to be issued to the Minister for Lands, Planning and Heritage.

Council's role in the disposal of road reserves is an initiating and advisory one only, and the final decision on whether to dispose of the land will rest with the Department of Planning, Lands & Heritage (DPLH).

In the event that the road closure and disposal process is supported by Council and the DPLH, then the DPLH would issue Crown Survey instruction for the preparation of a survey diagram to amalgamate the land into the surrounding lot and dispose of the Crown Land pursuant to Section 87 of the *Land Administration Act 1997*.

Consultation

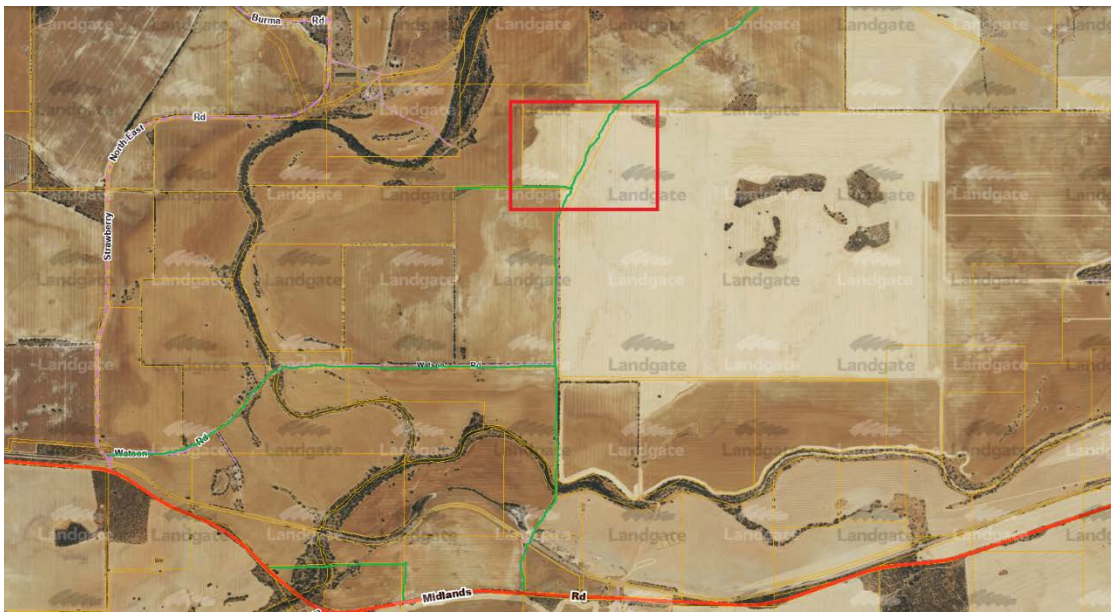
Following Council's resolution on 6 May 2024, public notice, via the Shire's website, was given inviting submissions on the proposed closures, with the submission period closing 12 August 2024. Council also wrote to adjoining landowners and relevant service authorities (Telstra, Western power and the Water corporation).

In response, Council received three submissions:

Michael Farms

Michael Farms have indicated support for the proposed road closures.

It has been identified that a portion of the unnamed road reserve Land ID 3727402 (as shown within the red box below, green lines making the proposed road reserve closures) crosses through a portion of their land:



Michael Farms have indicated a willingness to work with the proponent landowners and DPLH to determine amalgamation boundaries.

Main Roads WA

Main Roads WA provided a written submission on 6 August 2024, indicating no objections to the proposed closures but provided the following comments:

- a) *Midlands Road reserve will require widening in the future. At this stage the upgrading/widening of the Midlands Road is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.*
- b) *The Strawberry Bridge (793) on Midland Road at SLK 234.93 will need replacing in the future and may require widening/relocating. The planned maintenance work on the bridge in 2025 is aimed to keep the bridge in service for another 10-15 years.*
- a) *When the amalgamation of the road reserve occurs into the adjacent lots, Main Roads shall review the existing accesses on lots adjacent to Midlands Road, and consider the following typical conditions being imposed and advice:*

Conditions

- *Crossover improvements to Main Roads Satisfaction.*
- *Covenant to Prevent access onto Midlands, except at the existing approved locations.*
- *No earth works shall encroach onto the Robinson Street Road Reservation.*
- *No stormwater drainage is to be discharged onto Robinson Street Road Reservation.*

MINGENOW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

- *No works are permitted within the Robinson Street Road Reserve unless Main Roads has accepted the Application to undertake works within the road reserve.*

Advice

- *According to Main Roads Driveway Policy maintenance of the crossover is the responsibility of the lot owner. Main Roads reserves the right to ask the applicant to maintain or improve this access as necessary. "*

Water Corporation

Water Corporation have advised; *"Water Corporation will have no objection to these closures as we do not have any assets in the vicinity and our access to any other assets will not be impeded by these closures."*

Statutory Environment

Land Administration Act 1997

58. Closing roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) by order grant the request; or*
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) becomes unallocated Crown land; or*
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

87. Sale etc. of Crown land for amalgamation with adjoining land

- (1) *In this section —*
adjoining land *means the land referred to in subsection (2)(b) or (3)(b), as the case requires.*
- (2) *Whenever the Minister considers that a parcel of Crown land is —*
 - (a) unsuitable for retention as a separate location or lot, or for subdivision and retention as separate locations or lots, because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles; but*
 - (b) suitable for —*
 - (i) conveyance in fee simple to the holder of the fee simple; or*
 - (ii) disposal by way of lease to the holder of a lease granted by the Minister under this Act, of land adjoining that parcel,*

the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that

parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.

- (3) *If —*
- (a) *a parcel of land comprised in a road that is closed, whether under this Act or the repealed Act, is Crown land; and*
 - (b) *part of the land through which that closed road passes or which it adjoins is taken under Part 9 for the purpose of a road to replace that closed road; and*
 - (c) *as a result of that taking, the person holding the fee simple of, or a lease granted by the Minister under this Act in respect of, the adjoining land (the landholder) is entitled to compensation under Part 10 from the person who took that part (the taker), the Minister may, with the consent of the landholder and the taker and on payment to the Minister of any price, or of any initial instalment of rent, as the case requires, agreed with the landholder, by order —*
 - (d) *convey to the landholder in fee simple or lease to the landholder, as the case requires, by way of satisfaction or part satisfaction of the compensation payable to the landholder, so much of that parcel as is, in the opinion of the Minister, equivalent in value to the whole or the relevant part of that compensation; and*
 - (e) *amalgamate the land so conveyed or leased with the adjoining land.*
- (4) *When land has been conveyed or leased under subsection (3)(d), the taker must, if required by the Minister to do so, pay to the Minister forthwith the amount of the compensation in satisfaction of which that land has been so conveyed or leased.*
- (5) *On the amalgamation under subsection (2) or (3) of the whole or part of a parcel of Crown land with the adjoining land —*
- (a) *that parcel or part becomes, if the adjoining land is —*
 - (i) *land held in freehold, part of the adjoining land and held in the same freehold; or*
 - (ii) *Crown land held under lease, part of the adjoining land and held under the same lease, and, if the adjoining land is subject to any encumbrance, that parcel or part becomes subject to that encumbrance as if it had been part of the adjoining land when that encumbrance was created; and*
 - (b) *the Registrar must alter the certificate of title or the certificate of Crown land title and the Register so as to show that that parcel or part forms part of the adjoining land.*
- (6) *If the freehold or lease of the adjoining land is, at the time of the amalgamation of the adjoining land with the whole or part of a parcel of Crown land under subsection (2) or (3), in the course of being sold under a contract of sale and the purchaser under that contract consents —*
- (a) *the purchase price or consideration set out in that contract is to be taken to be increased by an amount equal to the unimproved value of that whole or part; and*
 - (b) *the conditions of that contract are taken to apply to that whole or part as if that whole or part had been part of the adjoining land when that contract was entered into.*
- (7) *Despite anything in subsection (6), that subsection does not affect the rights of any person in respect of a claim that has before the amalgamation referred to in that subsection been settled or decided.*

88. Option to purchase or lease Crown land, grant of

- (1) *The Minister may —*
- (a) *grant an option to purchase the fee simple in, or lease, any Crown land; and*
 - (b) *fix the consideration to be paid for any such option; and*
 - (c) *impose conditions on the exercise of any such option.*
- (2) *A purchaser or lessee under an option granted under subsection (1) may, with the permission of the Minister, offset the whole or any portion of the relevant consideration fixed under that subsection against the purchase price or rent payable in respect of the land concerned.*

Land Administration Regulations 1998

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

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- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

Policy Implications

Nil

Financial Implications

Council's financial involvement in this matter is limited to the minor cost of advertising the road closure process, although there is long-term financial benefit to Council in removing unrequired assets and management responsibility.

Should the DPLH be in agreeance to the disposal of the land it will request the Valuer General to set a valuation for the road reserves.

The DPLH will require the landowner/purchaser to accept any incurred surveying and conveyancing expense, in addition to the cost of purchase of the land as set by the Valuer General, and this money is retained by the State Government and not the Local Government.

Strategic Implications

Strategic Community Plan 2023-2033

1.4 Engage with industry stakeholders to ensure accountability for quality road standards

13.7 CHANGE OF COUNCIL MEETING DATE – DECEMBER 2024

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: GV.CMT
Date: 16 August 2024
Author: Erin Greaves, Manager Governance and Community
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider a proposal to change the scheduled December Ordinary Council meeting date from Wednesday, 11 December to Thursday, 12 December 2024, as the current date conflicts with the Mingenew Primary School Presentation Night.

Key Points

- Council's December Ordinary Council meeting is scheduled for 5pm on Wednesday 11 December 2024
- The Mingenew Primary School Presentation Night is scheduled to be held the same evening
- It is proposed the meeting be rescheduled to the following evening on Thursday 12 December 2024
- Any changes to set meeting dates must be, as a minimum, published on the local government website

OFFICER RECOMMENDATION – ITEM 13.7

Council changes the December 2024 Ordinary Council meeting date scheduled for 11 December 2024 to Thursday, 12 December 2024 at 5pm in Council Chambers, and publishes the amended meeting date, including on the Shire's website in accordance with r.12 of the *Local Government (Administration) Regulations 1996*.

Background

Council adopted its meeting dates for 2024 in advance on 6 December 2023, as follows

AMENDED OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION# 13061223

MOVED: Cr AT Pearse

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

Officers have become aware the Mingenew Primary School Presentation Night is to be held on the evening of Wednesday, 11 December 2024 which may impact a number of council members who are part of the school community, as well as any members of the public interested in attending.

Comment

It is considered to be in the public interest to reschedule the December meeting date to a time that provides a greater opportunity for attendance and participation in Council meetings.

Council typically holds its December Council meetings on the second Wednesday of the month to ensure there is sufficient time post end of month to prepare financial reports, and to provide adequate time to action any council resolutions prior to closure for the holiday period.

Statutory Environment

Local Government Act 1995

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

Local Government (Administration) Regulations 1996

12. Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2023-2033

- 14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

MINGENew SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

14.0 WORKS

Nil.

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

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

17.0 CONFIDENTIAL ITEMS

PROCEDURAL MOTION – 17.0

Council closes the meeting to the public at ____pm to discuss item 10.1.2 as a matter affecting an employee, in accordance with s.5.23(2)(a) of the *Local Government Act 1995*, in order to discuss the CEO Performance Review.

17.1 CEO PERFORMANCE REVIEW 1 JULY 2023 TO 30 JUNE 2024

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION - 10.1.2

Council, by Absolute Majority:

1. Receives the Confidential CEO Performance Review Summary Report (enclosed under separate confidential cover);
2. Endorses the overall performance rating for Mr Matt Fanning, Chief Executive Officer for the review period 1 July 2023 to 30 June 2024, as 'Highly Satisfactory' (as meeting and exceeding performance requirements);
3. Authorises a variation to the CEO's total remuneration package as per the CEO Remuneration Proposal outlined at 5.1.1 of the CEO Performance Review Summary Report (enclosed under separate confidential cover);
4. Endorses the Focus Areas and Actions for the 1 July 2024 to 30 June 2025 review period; and
5. Schedules the 2025 annual CEO performance appraisal to be commenced by July 2025 and completed by the August 2025 Ordinary Council Meeting.

PROCEDURAL MOTION – 17.0

Council reopens the meeting to the public at ____pm.

MINGENNEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 AUGUST 2024

18.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday, 16 October 2024 commencing at 5.00pm.

19.0 CLOSURE

The meeting was closed at ____pm.

These minutes were confirmed at an Ordinary Council meeting on 16 October 2024

Signed _____
Presiding Officer

Date: _____