



# AGENDA FOR THE ORDINARY COUNCIL MEETING

16 JUNE 2021



**Ordinary Council Meeting Notice Paper**

**16 June 2021**

An Ordinary Meeting of Council is called for Wednesday, 16 June 2021, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay  
Chief Executive Officer  
11 June 2021

**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.

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

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 June 2021

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

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

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

### PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
16 JUNE 2021 COMMENCING AT 4.30PM**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE  
Nil.
- 4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES
- 7.1 ORDINARY COUNCIL MEETING HELD 19 MAY 2021

**OFFICER RECOMMENDATION - ITEM 10.1**

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 May 2021 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 AUDIT & RISK COMMITTEE MEETING 1 JUNE 2021

**OFFICER RECOMMENDATION - ITEM 10.1**

That the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held in the Council Chambers on 1 June 2021 be received.

**AUDIT & RISK COMMITTEE RECOMMENDATION - ITEM 10.2**

That Council:

1. Receives the Employment Practices and Fraud Risk Internal Audit Report as per Item 2 audit risk theme '1. Employment Practices 2. Fraud Management and 3. Misconduct' of the Internal Audit Plan; and
2. Notes the recommendations from the Employment Practices and Fraud Risk Internal Audit Report.

**11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER**

**11.1 ADOPTION OF THE SHIRE OF MINGENEW CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** CM.POL.1  
**Disclosure of Interest:** Nil  
**Date:** 17 February 2021  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

**Summary**

For Council to consider adoption of the Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates, Code of Conduct Behaviour Complaints Management Policy and establishment of a Behaviour Complaints Committee for dealing with Code of Conduct complaints.

**Key Points**

- Council are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates which is to include the Model Code provisions in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*
- The Model provides for local governments to establish their own procedures for dealing with complaints received under Division 3 of the Code
- It is proposed that a Behaviour Complaints Committee be established to deal with complaints received under the Code, in accordance with Terms of Reference presented
- A modified complaints form has been developed to meet the requirements for receiving written complaints

**OFFICER RECOMMENDATION – ITEM 11.1**

That Council, by Absolute Majority:

1. Adopts the 'Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates', in accordance with the *Local Government Legislation Amendment Act 2019 (Amendment Act)* and the *Local Government (Model Code of Conduct) Regulations 2021*, as attached;
2. Adopts the attached Code of Conduct Behaviour Complaints Management Policy and Procedure outlining how a complaint received under Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* is to be dealt with;
3. Adopts the amended complaint form for receiving complaints 'Code of Conduct Complaint Form'
4. Establishes a Behaviour Complaints Committee and delegates authority to that Committee to deal with complaints under Division 3 of the Code of Conduct as per the attached 'CDC02 Delegation – Behaviour Complaints Committee'
5. Adopts the 'Behaviour Complaints Committee Terms of Reference' as presented.



### **Attachment**

- 11.1.1 New Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates
- 11.1.2 New Shire of Mingenew Complaints Management Policy
- 11.1.3 Amended Code of Conduct Behaviour Complaints Form
- 11.1.4 New Delegation CDC02 – Behaviour Complaints Committee
- 11.1.5 New Behavior Complaints Committee Terms of Reference
- 11.1.6 Former Code of Conduct for Council Members and Committee Members (adopted March 2019)

### **Background**

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* was gazetted, introducing a mandatory Code of Conduct for Council Members, Committee Members and Candidates, as required under s.5.104 of the *Local Government Legislation Amendment Act 2019*.

The Model Code of Conduct Regulations have been developed to give effect to the Amendment Act, and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member. Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in council and on council committees, as set out in the Act.

An individual who has nominated as a candidate for election as a council member is also required to demonstrate professional and ethical behaviour during their election campaign. If elected, the individual must continue to comply with the Model Code in council and on council committees.

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the Shire address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by Council, then Council may determine that the matter is to be referred to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

At the 17 February 2021 Ordinary Council meeting, Council resolved to adopt a number of transitional provisions to ensure compliance with the legislation changes, as outlined below:

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.5 RESOLUTION# 11170221**

**MOVED:** Cr JD Bagley **SECONDED:** Cr HR McTaggart

**That Council:**

1. Notes the Model Code of Conduct as per Schedule 1 of the *Local Government (Model Code of Conduct) Regulations* is to be observed by Council members (including the Chief Executive Officer), Committee Members and Candidates, until the Shire of Mingenew adopts a reviewed Code of Conduct (by the 21 April 2021 Ordinary Council Meeting) that incorporates the model code [as per s5.104(5) of the *Local Government Legislation Amendment Act 2019*],
2. Requests the Chief Executive Officer to undertake a review of:
  - a) the Model code of conduct to determine if amendments are proposed to the model, in accordance with s5.104 of the *Local Government Legislation Amendment Act 2019*,
  - b) the Shire's Complaints management policy and procedures to ensure alignment with current legislative requirements;
3. Authorises the Chief Executive Officer to receive complaints and withdrawals of complaints in accordance with Regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* except where the complaint relates to conduct of the Chief Executive Officer, in which case the Shire President is authorised to receive complaints and withdrawals of complaints.
4. Endorses the 'Code of Conduct Complaint About Alleged Breach Form' as the complaint form required under Regulation 11; and
5. Resolves that if a complaint under Regulation 11 is received prior to Council's adoption of a new procedure, these complaints will be dealt with once a new procedure is adopted, in accordance with that procedure.

**VOTING REQUIREMENT:**

**CARRIED BY SIMPLE MAJORITY: 6/1**

**Comment**

Although the resolution required that a reviewed Code of Conduct be presented to Council by the 21 April 2021, the impact of TC Seroja on April 2021 has caused a delay in finalizing these documents, along with officers awaiting advice and templates from WALGA which were not released until May 2021.

The transitional arrangements allowed a review of the Shire's current Code of Conduct and the opportunity to seek advice from the Department and WALGA on how the requirements of the new legislation would best be met. WALGA released a set of template documents to assist local governments with complaints handling under Division 3 of the Code which have been used as a basis for the documents presented.

- The intent behind the complaint procedure is to encourage a resolution prior to proceeding to a formal investigation
- If a formal investigation and decision must be made it is recommended that it be referred to a Committee of Council. This avoids complications with regard to an Elected Member being a complainant or respondent and needing to vote on the matter (as it is WALGA's advice is that the elected members would only have an impartiality interest and therefore be obligated to vote on the complaint outcome).
- Whilst WALGA's template encourages the appointment of an independent assessor in accordance with the Shire's Purchasing Policy, provision has been made for this to be optional dependent on the nature of the complaint and should be a decision of Council.
- There is a requirement for the Behaviour Complaints Committee to include an independent member and provision has been made for this to be of a similar nature to the Shire's arrangement with Mr Battilana as the Audit & Risk Committee independent member.
- The Complaints form has been amended to include more information, including the opportunity for the complainant to provide potential resolution options that may avoid the complaint being referred to the Committee for a decision (if the complainant and respondent agree on an outcome the complaint can be withdrawn under the Complaints Management Policy). It also gives better clarity on what can form the basis for a complaint.

### Code of Conduct

In reviewing the modified Code against Council's existing Code of Conduct (which was adopted in March 2019), it is noted that there is no significant change to the principles or provisions regarding expected behaviours.

The major difference being the complaints handling process, which is intended to allow Councils (where appropriate) the authority and flexibility to deal with matters at a local level.

### Complaints

The Model Code provides the local government with flexibility in determining its own process for how complaints are to be handled and managed.

The WALGA template for complaints management has been used in developing the Shire's Complaints Management Policy which include referring complaints to a newly established Behaviour Complaints Committee (see further information below).

Clause 11 of the Regulations provides that a person can make a complaint alleging a breach of Division 3 of the Code within one month of the alleged breach occurring. The Regulations require that complaints must be received in writing in a form approved by the local government.

The complaint form has since been modified for ease of completion and clarifies the breach provisions that may form the basis for a complaint under the Code. The changes align with the Department's template and considers formatting suggested by WALGA.

It is noted that no complaints have been received under Regulation 11 in the lead up to the presentation of this report.

### Behaviour Complaints Committee

It is proposed that a Behaviour Complaints Committee be established to deal with behaviour complaints made under Division 3 of the Shire's Code of Conduct for Council Members, Committee Members and Candidates. It is intended that the Committee be delegated authority to make decisions on behalf of Council in relation to complaints received under the Code.

DLGSCI has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates. These Guidelines confirm that Council Members who have made a complaint, or are the subject of a complaint, would have an impartiality interest, however this does not require them to leave a meeting for debate or decision. WALGA's view, based on the sector's advocacy position, is that the presence and participation of Council Members directly involved in the complaint creates a clear apprehension of bias and is incompatible with the principles of procedural fairness. Therefore, WALGA proposes the option of establishing a Complaints Committee with delegated authority that can only be exercised in the absence of Council Members who are parties to the complaint.

Terms of Reference have been developed to outline the functions and responsibilities of the Committee.

### Consultation

WALGA

Local Government Professionals WA

Department of Local Government, Sport and Cultural Industries (Guidelines)

### Statutory Environment

Local Government (Model Code of Conduct) Regulations 2021

Local Government Legislation Amendment Act 2019.

**Policy Implications**

This is a new policy to be incorporated into Council's Policy Manual.

**Financial Implications**

There is no anticipated financial impact.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

## 11.2 ANNUAL REVIEW OF DELEGATIONS AND UPDATE OF REGISTER

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** GV.AUT.2  
**Disclosure of Interest:** Nil  
**Date:** 21 May 2021  
**Author:** Erin Greaves, Governance Officer  
**Authorising Author:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

### Summary

In order to meet the local government's statutory obligation to review its delegations at least once a year to facilitate effective and efficient decision making.

### Key Points

- Local governments are required to review its delegations at least once every financial year
- The last review was undertaken by Council in May 2020
- The Register provided, lists all delegations made from the state government to the local government, Council to Committees and Council to the Chief Executive Officer or other personnel
- The CEO may delegate to any employee a power or discharge where appropriate

### OFFICER RECOMMENDATION – ITEM 11.2

That Council adopts, by Absolute Majority, the updated Delegations Register (NLM211586) as presented in Attachment Booklet – June 2021, satisfying the requirement under s5.18 of the Local Government Act 1995 to undertake an annual review at least once every financial year.

### Attachments

11.2.1 Proposed Updated Delegations Register v1.6 (NLM201308)

11.2.2 Delegations Register adopted April 2019

### Background

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per *Local Government Act 1995* s5.18 and s5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council has not yet reviewed the Register this financial year.

Relevant management staff were consulted in the lead up to the preparation of this report.

A draft of the Delegations Register was also presented

### Comment

A summary of the changes is provided in the table below:

Delegation No.	Description of amendment	Page No.
<b>General</b>		
	<ul style="list-style-type: none"> <li>• Formatting improvements made</li> <li>• Cross references with Policy, procedures etc have been updated</li> <li>• Minor grammatical amendments</li> </ul>	
<b>Part 1 State Government Delegations</b>		

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SD01 Instruction of Authorisation – Local Government CEOs – Sign Development Applications for Crown Land as Owner	Updated title from 'Planning and Development Act – Development Applications', to better describe delegation authority (as per WALGA template delegation). A correct has also been made to the previous delegation to include the full list of impacted LGs and Minister authorisation.	6
SD02 WA Planning Commission – Powers of Local Governments – Strata Titles [s.15]	Updated title from 'Planning and Development Act – Strata Titles Act', to better describe delegation authority (as per WALGA template delegation). The recorded delegation was updated in March 2020.	9
SD03 Traffic Management - Events	Updated title from 'Road Traffic Code 2000 - Events', to better describe delegation authority (as per WALGA template delegation)	10
SD04 Traffic Management – Road Works	Updated title from 'Road Traffic Code 2000 - Events', to better describe delegation authority (as per WALGA template delegation).	11
SD05 Approval for Certain Local Government Vehicles as Special Use Vehicles	Updated title from 'Road Traffic (Vehicles) Act 2021 – Special Use Vehicles', to better describe delegation authority (as per WALGA template delegation).	12
SD52 Noise Control - Environmental Protection Notices [Reg.65(1)]	Updated title from 'Environment Protection Act – Noise', to better describe delegation authority (as per WALGA template delegation)	13
SD112 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-complying Events	Updated title from 'Environment Protection Act – Noise', to better describe delegation authority (as per WALGA template delegation)	14
SD119 Noise Management Plans – Construction Sites	Updated title from 'Environment Protection Act – Noise', to better describe delegation authority (as per WALGA template delegation)	15
<b>Part 2 Council Delegations to Committees</b>		
CDC01 Chief Executive Officer's Performance Appraisal	Only Committee delegation – no change proposed	16
CDC02 Dealing with Code of Conduct Behaviour Complaints	NEW – As discussed at Concept Forum in May	17
<b>Part 3 Council Delegations to the Chief Executive Officer</b>		
CD03 Rates Recovery	Whilst no change is proposed for this delegation, it is recommended that staff review Rates processes that are eligible for delegation as there are numerous processes in the one delegation that may benefit from being separated out or adjusted according to industry advice..	22
CD04 Expressions of Interest, Tenders and Tender Exempt Procurement	REVOKED at 19 May 2020 meeting – replaced with CD24-CD28	24
CD08 Thoroughfares	Provided additional clarity with regard to obstructions of a thoroughfare, as recommended by WALGA, within the Uniform Provisions. Removed reference to crossovers and included in separate delegation for clarity.	28
CD09 Closing of Thoroughfares	Provides requirement to notify affected owners and give public notice before action to fix or alter a thoroughfare.	31
CD10 Powers of Entry	Removed a number of conditions provided within original delegation which are already provided for within existing legislation (as struck out and highlighted in red). The amendments align with WALGA's template.	32
CD11 Remove, Impound and Dispose of Uncollected Goods or Animals	Additional authority for CEO to declare, on behalf of the local government, that a vehicle is an 'abandoned vehicle wreck'. Also, authority to determine when an impounded animal is ill or injured, that treating it is not practical, and to humanely dispose of the animal.	33
CD12 Building and Demolition Permits	Updated title from 'Building Act 2011', to reduce content and clarify requirements for this specific function. Removed all other Building functions and created new separate delegations.	35
CD13 Bush Fires Act 1954	REVOKED – but replaced with CD37-38 and CA2	38
CD15 Designated Authorised Officers – Public Health Act	Wording amended to reflect WALGA template and wording in legislation	41
CD16 Performance Certain Duties under the Food Act	Change to conditions as recommended by WALGA, aligning with current statutory requirements.	43
CD18 Certain duties under the Dog Act 1976	Changed to reflect recent legislation changes harmonising delegations and authorisations across multiple legislation (removing need delegate	47

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	authority to appoint authorised persons – now built into legislation). Also includes the delegation of operational duties around seizing dogs, declaring dangerous dogs and recouping reasonable costs. Clarity has also been provided around objection and appeal rights.	
CD19 Certain duties under the Cat Act 2011	Changed to reflect recent legislation changes harmonising delegations and authorisations across multiple legislation (removing need delegate authority to appoint authorised persons – now built into legislation).	50
CD29 Application of Regional Price Preference	Provides the CEO with discretion to not apply the Regional Price Preference (RPP) Policy for certain tenders (conditional). This might apply where a tender has been called for a low value and applying the RPP may not provide value for money.	66
CD30 Crossing – Construction, Repair and Removal	NEW – to provide for dealing with crossover applications, repairs and removal, to align with Council's new Crossover Policy	67
CD31 Occupancy Permits or Building Approval Certificates	NEW – separated from CD12 Building Act 2011 to differentiate Building Permit and Demolition Permit process from Occupancy Permits and Building Approval Certificates	68
CD32 Designate Employees as Authorised Persons	NEW – authority to designate authorised persons for enacting the Building Act and Regulations	69
CD33 Building Orders	NEW – deals with authority to make a Building Order for building work, demolition work or an existing building or incidental structure.	70
CD34 Inspection and Copies of Building Records	NEW – provides the CEO with authority to determine if an application to inspect or obtain a copy of a building permit for permitted purposes as outlined in s.131(1) and r.13.	72
CD35 Referrals and Issuing Certificates	NEW – allows the CEO to refer uncertified building applications to other local governments (i.e. CGG under the MOU for service arrangements)	73
CD36 Smoke Alarms – Alternative Solutions	NEW – to respond to any applications for alternative solutions for fire detection and early warning, including smoke alarms (Council set a fee for this service in its Fees & Charges).	74
CD37 Make Request to FES Commissioner – Control of Fire	NEW – to request that a DFES Bush Fire Liaison Officer or another person take over control of fire operations where it is warranted	75
CD38 Prohibited Burning Times – Control Activities	NEW – outlines authority to determine activities outside of what is authorised during Restricted and Prohibited burning periods subject to notice requirements. Also provides for cost recovery where an owner or occupier fails to comply with Prohibited Burning requirements and the local government has incurred costs to extinguish a fire on that land during that period	76
CD39 Restricted Burning Times – Vary and Control Activities	NEW - relates to varying the restricted burning times (where appropriate), to recoup bush fire brigade expenses and recover costs expended by Shire, and prohibiting vehicle movement during restricted burning times.	77
CD40 Burning Garden Refuse / Open Air Fires	NEW - Provides the CEO with authority to respond to burning of garden refuse and open-air fires restricted burning periods. Removed reference to "prohibited burning periods" as recommended by the Audit & Risk Committee.	79
CD41 Firebreaks	NEW - Provides authority to enact requirements of the Shire's annual Firebreak Notice and requirements	81
CD42 Recovery of Expenses Incurred through contraventions of the Bush Fires Act	NEW - Authority to recover expenses incurred and a result of an offence against the Bush Fires Act.	82
CA2 Prohibited Burning Times - Vary	NEW – Recommended by WALGA that seasonal variation to prescribed burning times is undertaken jointly with President and Chief Bush Fire Control Officer.	84

Should Council not agree with any of the proposed changes or additions, the Delegations Review may be resolved, subject to the exclusion or further amendment of certain delegations.

A review of Delegations (sub-delegations) and Authorisations will be undertaken following Council's review to ensure alignment with the changed and new delegations.

## **Statutory Environment**

*Local Government Act 1995*

### **5.16. Delegation of some powers and duties to certain committees**

(1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

### **5.17. Limits on delegation of powers and duties to certain committees**

(1) *A local government can delegate —*

(a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*

(i) *any power or duty that requires a decision of an absolute majority of the council; and*

(ii) *any other power or duty that is prescribed; and*

(b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

(c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

(i) *the local government's property; or*

(ii) *an event in which the local government is involved.*

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

### **5.18. Register of delegations to committees**

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

### **5.42. Delegation of some powers and duties to CEO**

(1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43; or*

(b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

### **5.43. Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties —*

(a) *any power or duty that requires a decision of an absolute majority of the council;*

(b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

(c) *appointing an auditor;*

(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

(e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*

(f) *borrowing money on behalf of the local government;*

(g) *hearing or determining an objection of a kind referred to in section 9.5;*

(ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*



- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

**5.44. CEO may delegate powers and duties to other employees**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

**5.45. Other matters relevant to delegations under this Division**

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

**5.46. Register of, and records relevant to, delegations to CEO and employees**

- 1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- 2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- 3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

*Specific statutory requirements are outlined within the Register for each delegation made.*

**Policy Implications**

The Delegations Register will link with and guide some Council and internal policies. Reference to the relevant Council Policy for each delegation is listed within the register.

**Financial Implications**

Delegations allow for a more streamlined and timely service for its ratepayers and stakeholders creating resourcing efficiencies, where Council oversight is not required as direction has been provided through the delegation, policy or other instrument, or an employee is suitably qualified and/or experienced to undertake the power/duty.

**Strategic Implications**

Strategic Community Plan 2019-2029

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

### 11.3 STRATEGIC COMMUNITY PLAN MINOR REVIEW

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: ADM0120  
Date: 9 June 2021  
Author: Nils Hay, CEO  
Voting Requirement: Absolute Majority

#### Summary

We are required to conduct a biennial strategic review of our Strategic Community Plan (SCP). This represents the first (minor) strategic review our SCP has undergone.

#### Key Points

- Desktop review only, as per Departmental guidelines
- Minor changes made to some KPIs
- Overall, document structure and aims unaltered

#### **OFFICER RECOMMENDATION – ITEM 11.3**

**That Council, by Absolute Majority, endorses the Strategic Community Plan 2019-2029 (Desktop Review).**

#### Attachment

- 11.3.1 SCP Document with Tracked Changes  
11.3.2 SCP Review Document Final for Adoption (Unformatted)

#### Background

Council adopted its 2019-2029 Strategic Community Plan at a special meeting on 1 May 2019 following extensive community consultation. The document serves as the centerpiece of our Integrated Planning and Reporting Framework.

#### Comment

This constitutes the first (minor) strategic review for the Shire's current Strategic Community Plan. As per the Department of Local Government's 2016 IPR Framework and Guidelines:

*"Every second year, the process enters the Strategic Review. The Strategic Review alternates between the minor and major versions. The minor version is generally a desktop review process and tends to focus on resetting the Corporate Business Plan. The major version involves re-engagement with the community on vision, outcomes and priorities, and a comprehensive review of the whole IPR suite."*

Given that only a desktop review was carried out (and the relative recency of the document) there are few notable changes.

- Updated Message from Shire President
- Updated Message from Chief Executive Officer
- Updated KPIs/Targets for each of the 5 Strategy Areas
- Minor typo corrections

Upon endorsement, the document will be suitably reformatted.

**Consultation**

- Councillors
- Leadership team

**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) Regulation 1996:

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community 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 strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
- (6) the capacity of its current resources and the anticipated capacity of its future resources; and
- (7) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
- (8) demographic trends.
- (9) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (10) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.
- (11) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (12) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (13) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19D. Public notice of adoption of strategic community plan

- (1) If a strategic community plan is adopted, the CEO must —
  - (a) give local public notice that the plan has been adopted; And
  - (b) publish the plan on the local government's official website.
- (2) If modifications to a strategic community plan are adopted, the CEO must —
  - (a) give local public notice that modifications to the plan have been adopted; and
  - (b) publish the modified plan on the local government's official website.

**Policy Implications**

Nil

**Financial Implications**

The Plan influences a range of other key documents, including the Corporate Business Plan, which in turn feed into the budget

**Strategic Implications**

This is a key strategic document and the primary document in Councils Integrated Planning and Reporting Framework.

## 11.4 CORPORATE BUSINESS PLAN ANNUAL REVIEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0120
Date:	8 June 2021
Author:	Nils Hay, CEO
Voting Requirement:	Absolute Majority

### Summary

We are required to review the Shire's Corporate Business Plan 2019-23 on an annual basis, this document proposes an updated version of the CBP for the 21/22 Financial Year.

### Key Points

- Annual review has seen addition of some new projects and changes to timing/scope of others
- Document updated to reflect FY19/20 financials
- Updated organizational chart also added
- Most changes relate to projects involving Drought Community Program or Local Roads and Community Infrastructure grants

### **OFFICER RECOMMENDATION – ITEM 11.4**

**That Council endorses the reviewed version of the Corporate Business Plan 2019-2023, as presented.**

### Attachment

- 11.4.1 CBP Excerpt with tracked changes
- 11.4.2 CBP Review Document Final for Adoption (Unformatted)

### Background

Council adopted the Corporate Business Plan 2019-23 at the July 2019 Ordinary Council Meeting and reviewed it at the July 2020 Ordinary Council Meeting.

A proposed review document was discussed at the May 2021 Concept Forum and updated to following that discussion. The tracked changes excerpt is attached (as not all areas required changes), as is a final version for adoption with those changes incorporated.

### Comment

The following changes were made in reviewing the document for the 21-22 Financial Year:

#### Integrated Strategic Planning Framework

- Updated text to reflect adoption of Workforce Plan in FY20/21

#### Review Cycle

- Updated to reflect adoption of Workforce Plan
- Addition of FY23/24 items

#### Strategic Direction

- Removed tables as they duplicate content included in later sections of the document

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 June 2021

### Minor Review of the Strategic Community Plan

- New section added to provide update on this process

### Four Year Priorities

- Fix typos

### Unforeseen Impacts

- New section added to address TC Seroja impacts

### Organisational Structure and Functional Responsibilities:

- Updated in line with Workforce Plan

### Key projects:

- Added:
  - 1.1.2g Public Noticeboard in town centre
  - 1.2.2c Manage the recovery process following Tropical Cyclone Seroja
  - 1.3.2d Mingenew Addressing Rationalisation
  - 2.4.2f Mingenew Spring Improvements
  - 3.1.1c Investigation of rural residential land development around Mingenew Hill
  - 5.2.2c Audit of local home-based/micro-businesses

### Financial Profile:

- Updated to reflect FY19/20 Annual Report figures

### Resourcing Requirements:

- 1.1.1a: Moved to completed section
- 1.1.1c: Yarragadee Bridge works delivery moved to FY22/23
- 1.1.1d: Project delivery of Phillip Street Parking extended into FY21/22
- 1.1.1e: Completion of town street sealing works extended into FY22/23
- 1.1.2a: Railway Station works extended into FY21/22
- 1.1.2b: Planning and funding of Mingenew Town Hall extended into FY21/22 and 22/23 respectively
- 1.1.2c: Town car parks sealing extended into FY21/22
- 1.1.2d: Solar power system installation moved to completed section
- 1.1.2e: Upgrade of recreation centre water infrastructure moved to completed section
- 1.1.2f: Upgrade of shire depot shedding to take place with municipal funds in FY21/22
- 1.1.2g Public noticeboard in town centre added
- 1.2.1d: Review of rural rating moved to completed section
- 1.2.2b: Community Satisfaction Survey pushed into FY21/22
- 1.2.2c: Manage TC Seroja recovery process item added
- 1.2.3a: Workforce Plan moved to completed section
- 1.2.3b: HR policy and procedure framework moved to completed section
- 1.2.3c: Staff remuneration item moved to completed section
- 1.2.3d: LG Professionals membership item moved to completed section
- 1.2.3f: Shire Local Laws delivery moved into FY21/22
- 1.2.4b: ICT Environment Upgrade moved to completed section
- 1.3.2b: Road Safety Audits planning and delivery moved to FY21/22 and 22/23 respectively
- 1.3.2c: Mingenew Fire Shed timeline pushed back 12 months
- 1.3.2d: Mingenew addressing rationalization project added
- 1.4.2a: Transition to transfer station moved to completed section
- 1.4.2c: Container deposit scheme moved to completed section

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 June 2021

- 2.1.1a: Installation of equipment pushed back due to current lack of suitable venue
- 2.1.1b: Delivery of telehealth services moved into FY21/22
- 2.2.1a: Delivery DCP-funded child care centre upgrade extended into FY21/22
- 2.3.1c: Planning and delivery of cultural events pushed back 12 months due to COVID impacts
- 2.3.1d: Amended arts and cultural project from delivery to support role
- 2.3.2c: Remote camera project extended into FY21/22
- 2.4.2b: Footpath audit project updated to reflect funding success for 10-year plan
- 2.4.2c: Mingenew hill walk trail project extended into FY21/22
- 2.4.2d: Recreation facility consolidation planning pushed back to FY21/22 and FY22/23 due to project load
- 2.4.2f: Mingenew Spring item added
- 3.1.1c: Rural residential land development item added
- 3.2.6a: Space precinct business case development taking place in FY21/22-22/23
- 5.1.1a: Public wi-fi proposed to be delivered in FY21/22 with LRCI R2 funding
- 5.2.2b: Small business incubator delivery extended into FY21/22
- 5.2.2c: Micro-business audit added

### Workforce Plan:

- Text updated to reflect activities which took place in FY20/21

### Long Term Financial Plan:

- Updated, along with ratio information, to reflect current state

### Risk Management:

- Updated to reflect updated Risk Register

### Measuring performance:

- Staff turnover KPI updated
- Comments added/updated

### Completed items:

- Section added and relevant items moved to this section

It should be noted that – as with many of our planning documents – the CBP remains an ambitious set of targets for an organization our size to hit. This is reflected in the number of items that have had timeframes pushed out following the first two years (although acknowledging that a number of new items have also been inserted). As has been the case over FY21-22, an update on this progress will be provided as part of the Concept Forum reporting each month.

Upon endorsement the attached document will be appropriately formatted.

### Consultation

- Councillors
- Leadership team

### Statutory Environment

Local Government Act 1995:

5.56. Planning for the future

- (3) A local government is to plan for the future of the district.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 16 June 2021

- (4) 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) Regulation 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.
- (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 Plan is the key driver for the annual budget and the long-term financial plan. This linkage ensures that community priorities are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

The financial references in this review document reflect those in the draft budget following the 1 June 2021 Budget Workshop.

### **Strategic Implications**

This is a key strategic document; each item has been identified in terms of its links to the Strategic Community Plan 2019-29. It also has links to:

- Annual Budget
- Long Term Financial Plan
- Workforce Plan
- Asset Management Plan



## 11.5 PROPOSED WORKFORCE ACCOMMODATION

Location/Address: Lot 686 Watson Road, Lockier  
Name of Applicant: Energy Resources Limited  
Disclosure of Interest: Nil  
File Reference: A753  
Date: 9 June 2021  
Author: Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley  
Senior Officer: Nils Hay, Chief Executive Officer  
Voting Requirements: Simple Majority

### Summary

Council is in receipt of an application for a temporary workforce accommodation camp upon Lot 686 Watson Road, Lockier. This report recommends that Council approve the application subject to conditions.

### OFFICER RECOMMENDATION – ITEM 11.5

That Council grant formal planning approval for a temporary workforce accommodation camp upon Lot 686 Watson Road, Lockier subject to compliance with the following:

#### Conditions:

1. Development shall generally be in accordance with the approved plans dated 16 June 2021 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
3. The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
4. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
5. The location, design and construction/upgrading of the access point(s) onto the road network shall be to the requirements of the local government.
6. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network and relating to the development shall be to the requirements of the local government.
7. All parking of vehicles associated with the development shall be provided for within the property boundary.
8. The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road

in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the satisfaction of the local government).

9. The applicant must obtain any/all necessary consent of the landowner(s) relevant to the site and the access to the site.

**Advice Notes:**

- a. In relation to condition 3 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government.
- b. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Racing, Gaming & Liquor, the Department of Water & Environment Regulation, and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- c. If an applicant is aggrieved by this determination, there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Attachments**

Attachment 11.5(a) - Copy of submitted application

Attachment 11.5(b) - Copy of received submissions

**Background**

The applicant has been issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin. The applicant proposes to commence exploratory drilling for conventional gas resources and is seeking approval to operate a temporary workforce accommodation camp at the drill site.

Lot 686 is a 49.9892ha property used for broad acre agricultural activities (cropping) that forms part of a larger 1,278.9073ha farm owned by BF Kelly & Sons Pty Ltd.

Lot 686 is cleared excepting for a strip of remnant vegetation running along the Irwin River that borders the property to the west.

Figure 11.5(a) – Location Plan for Lot 686 Watson Road, Lockier

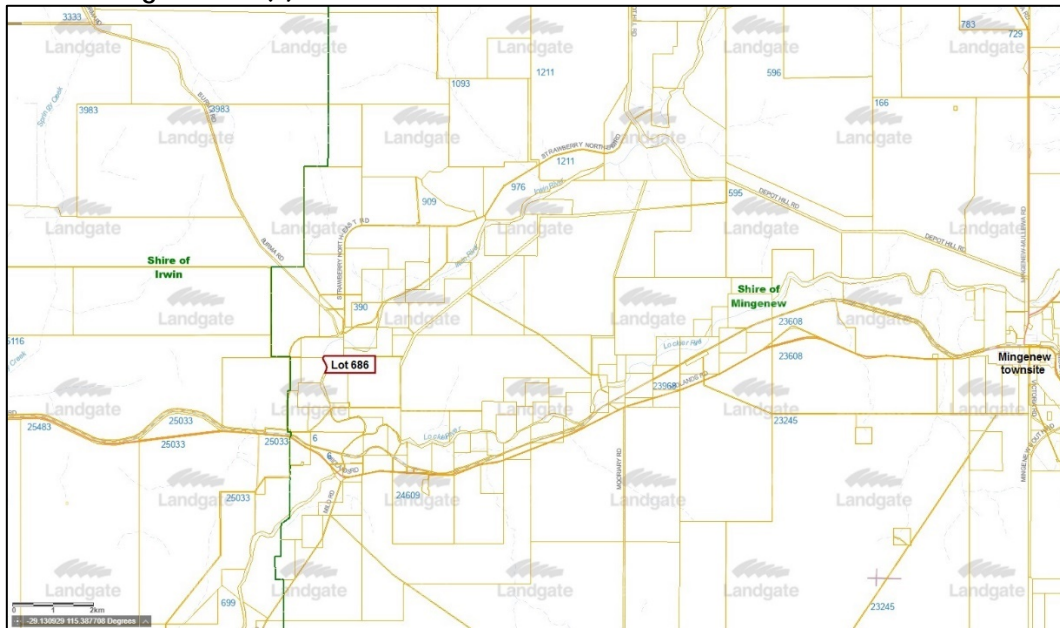
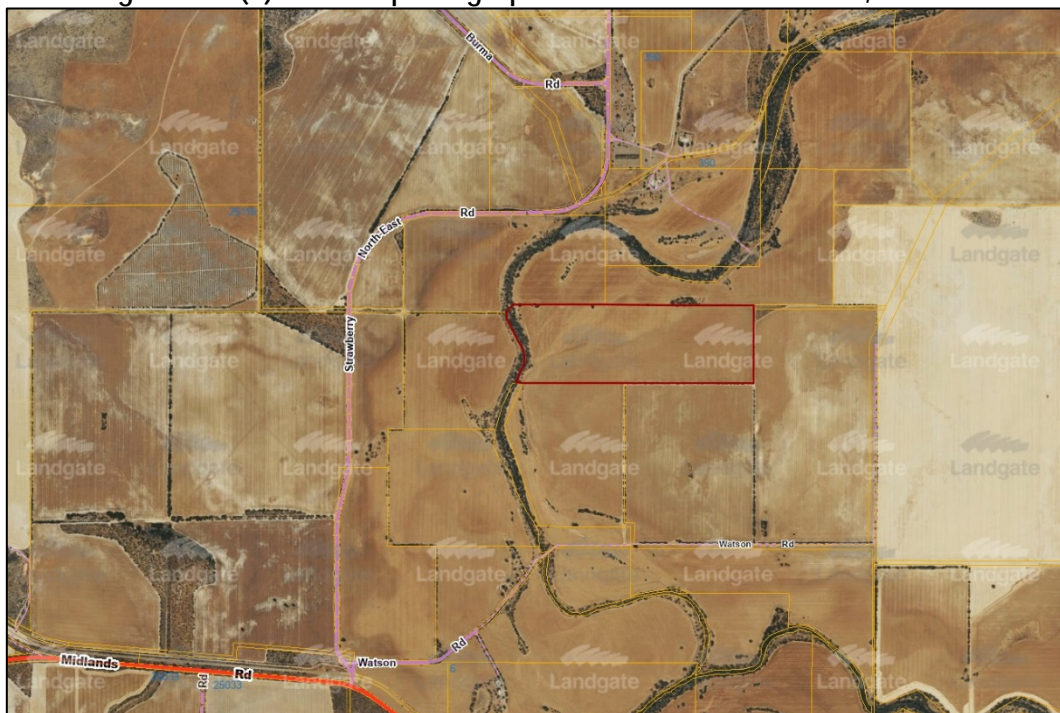


Figure 11.5(b) – Aerial photograph of Lot 686 Watson Road, Lockier



### Comment

The proposed Lockyer Deep-1 exploration drill site is located approximately 300m east of the Lot 686 western boundary/Irwin River and would operate for approximately 60 days, with some potential returning to the site for further exploration, maintenance and testing work over the subsequent 2 year period. The drill would operate on a 24-hour basis, with 2 crews operating on a 12 hour shift basis necessitating the siting of a workforce accommodation camp at the drill site.

The temporary workforce camp would provide accommodation for up to 28 people (6 personnel operating the drill and up to 22 additional personnel) and consist of modular transportable buildings (typically 12m x 2.72, 32.64m<sup>2</sup>) brought to the site on trucks.

[illegible]

## Consultation

- notice being placed on the Shire website;
- correspondence inviting comment being sent to all landowners within 2km of the application site;
- correspondence inviting comment being sent to the following government agencies and service authorities:
  - ATCO Gas
  - Department of Biodiversity, Conservation & Attractions
  - Department of Fire & Emergency Services
  - Department of Health
  - Department of Jobs, Tourism, Science & Innovation
  - Department of Mines, Industry Regulation & Safety
  - Department of Planning, Lands & Heritage
  - Department of Primary Industries & Regional Development
  - Department of Water & Environment Regulation
  - Main Roads WA
  - Telstra
  - Water Corporation
  - Western Power

- display of the application at the Shire office.

At the conclusion of the advertising period the Shire has received 4 submissions, with all of these being from government agencies either offering no objection or technical comment. A summary of the received comments is provided below, and copies of the received submissions have been included as **Attachment 11.5.2**.

(Department of Mines, Industry Regulation & Safety)

This proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

(Department of Planning, Lands & Heritage)

This proposal does not intersect with any recorded Aboriginal Heritage place, and no objections are made to the proposed work area. It is noted that the works are in the vicinity of registered Aboriginal place ID 18907 (Irwin River), which includes the bed and banks of the watercourse. Should any future works at this drilling area encroach into the bed and banks of the Irwin River, the proponent will need to consult with the relevant Native Title Group and local Aboriginal knowledge holders in regard to a section 18 application. It is also recommended that the proponent take into consideration the DPLH's Aboriginal Heritage Due Diligence Guidelines as part of any future ground disturbing works, which have been developed to assist proponents to identify any risk.

(Department of Health)

Drinking water provided on any mine site or camp must comply with DoH requirements. Non-drinking water provided should be clearly identified so as to not be mistaken for drinking water.

Any hydraulic fracturing operation in WA also needs to comply with requirements as set out on the DMIRS Hydraulic Fracture Stimulation website, particularly the 'water use and management for hydraulic fracturing' requirements.

Approval is required for any on-site wastewater treatment process (by DoH or local government) with such proposals being in accordance with DoH publications. Based on the information provided, for the proposed Aerobic Treatment Unit (4,000L per day capacity) the maximum number of people that can accommodate the village is 22 persons (22 accommodating x 180L per person = 3960Uday). Irrigation area required for 22 persons would be 1,131m<sup>2</sup>.

(Main Roads WA)

The proposed development site is not located within or adjacent to a road reserve under MRWA jurisdiction. It is considered that the proposal would not have a detrimental impact on the level of service, amenity or safety of users of the existing MRWA network.

Notwithstanding, MRWA advises that transport routes that are not approved for the proposed heavy vehicle combinations will require consultation with MRWA Heavy Vehicle Services branch to ascertain any approval requirements.

The applicant was provided with a copy of the received submissions and invited to make comment in relation to any of the issues raised during the advertising period. The applicant's comments in its consultation with MRWA are as follows:

*"Mobilisation*

*Based on the proposed schedule the plan is to move the rig late June, 2021 from its current location off Natta road where it is operating for Strike Energy to the Energy Resources Lockyer Deep-1 well location. This move would take ~5 days and involve ~75 trailers. The load list is attached to this email. The transport would enter onto Midlands Road off Mooriary Road, travel ~9kms along Midlands Road and exit Midlands Road into Strawberry Northeast Road and into the Kelly's farm.*



*Operation*

*The drilling activity will be undertaken over an ~2 month period with completion by end of August 2021. Would anticipate on average one semi trailer every second day from Perth to site and return throughout the activity until the rig is demobilised as well as small vehicle personnel movement from the main camp off Natta Road to site.*

*Demobilisation*

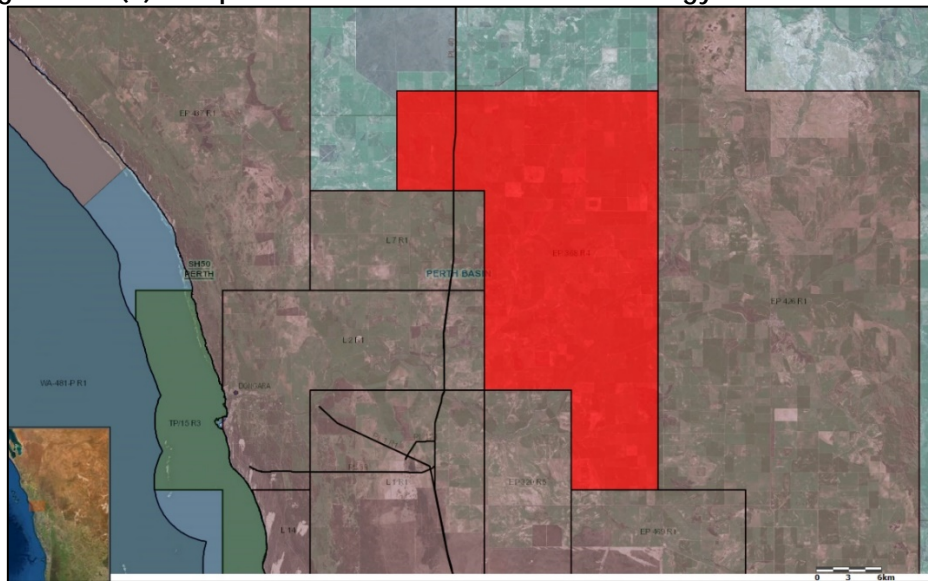
*On completion of the activity the rig will be released back to Strike Energy who have multiple options for the rig after this well in the area."*

**Statutory Environment**

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

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

**Figure 11.5(d) – Exploration Permit 358 issued to Energy Resources Limited**



Lot 686 Watson Road, Lockier is zoned 'Rural' under the Shire of Mingenew Local Planning Scheme No 4 ('the Scheme').

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

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

*"workforce accommodation means premises, which may include modular or relocatable buildings, used —*

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

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

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

Section 9 – Aims of the Scheme notes the following:

*"The aims of this Scheme are...*

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

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

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

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

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

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including,*

*but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;**
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...*
- ...(r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;**
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ... (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

#### **Policy Implications**

There are no local planning policies relevant to this application.

#### **Financial Implications**

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

#### **Strategic Implications**

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

##### *"8.8 Mining Activity*

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

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

*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."*



## 12.0 FINANCE

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2021

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.FRP  
**Attachment/s:** Monthly Financial Report – May 2021  
**Disclosure of Interest:** Nil  
**Date:** 9 June 2021  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

#### Summary

This report recommends that the Monthly Financial Report for the period ending 31 May 2021 as presented to the Council be received.

#### **OFFICER RECOMMENDATION – ITEM 12.1**

**That the Monthly Financial Report for the period 1 July 2020 to 31 May 2021 be received.**

#### Attachment

Monthly Financial Report for period ending 31 May 2021

#### Background

The Monthly Financial Report to 31 May 2021 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Bonds and Deposits
- Explanation of Material Variances

#### Comment

**Summary of Funds as per bank statements – Shire of Mingenew as at 31 May 2021**

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Municipal Funds – Corporate cheque account	\$2,216,800.74
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,353,624

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

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2020/21 financial year.

The Opening Funding Surplus on 1 July 2020 is different to the Closing Funding Surplus at 30 June 2020. The reason for this is that the Closing Funding Surplus at 30 June 2020 was estimated in order to prepare the budget, due to the June 2020 accounts not yet being finalised. There were a number of adjustments made after year end, mainly to do with legislation changes (the treatment of income, the treatment of leases and the treatment of loss allowances). The largest of these adjustments was to do with the Bridge Funds received in 2016/17 but not yet spent, amounting to \$146,667. An adjustment was required as the funds received needed to be shown as a liability rather than as income. When the funds get paid to MRWA for the work done, they will be transferred back to income and increase the Funding Surplus once more.

### Consultation

Nil

### Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**Policy Implications**

Nil

**Financial Implications**

No financial implications are indicated in this report.

**Strategic Implications**

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 MAY TO 31 MAY 2021

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.CRD  
**Attachment/s:** List of Payments – May 2021  
**Disclosure of Interest:** Nil  
**Date:** 9 June 2021  
**Author:** Helen Sternick, Senior Finance Officer  
**Authorising Officer:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 March to 31 May 2021 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION**

That Council receive the attached list of payments for the period of 1 May to 31 May 2021 as follows:

\$245,558.79 Municipal EFT's;  
\$21,739.40 Municipal Direct Debit Department of Transport (Licencing) Payments;  
\$24,364.82 Municipal Direct Debit Other;  
\$1,232.40 Municipal Other Charges;  
\$78,441.28 Net Salaries  
\$371,336.69 Total Payments

### Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

### Comment

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

### Consultation

Nil

### Statutory Environment

Local Government Act 1996, Section 6.4

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

### Policy Implications

Payments have been made under delegation.

### Financial Implications

Funds available to meet expenditure.

### Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

Nil.

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

15.0 CONFIDENTIAL ITEMS

PROCEDURAL MOTION

That Council:

1. returns Confidential Item: Organisational Structure Amendment to the table for discussion, as presented behind closed doors at the 19 May 2021 Ordinary Council Meeting (Resolution#19190521); and
2. accepts a new confidential attachment that provides additional information to the original report.

15.1 CONFIDENTIAL [5.23(2)(a)] – CONFIDENTIAL: ORGANISATIONAL STRUCTURE AMENDMENT  
*[provided under separate, confidential cover to Elected Members]*

PROCEDURAL MOTION

That Council closes the meeting to members of the public at \_\_\_\_pm in accordance with s5.23(2)(a) of the *Local Government Act 1995*, as the matter to be discussed pertains to a matter affecting an employee or employees.

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**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 21 July 2021 commencing at 4.30pm.

**17.0 CLOSURE**

The meeting was closed at \_\_\_\_pm.

These minutes were confirmed at an Ordinary Council meeting on 21 July 2021.

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_