



AGENDA FOR THE SPECIAL COUNCIL MEETING

16 NOVEMBER 2022



Special Council Meeting Notice Paper

16 November 2022

A Special Meeting of Council is called for Wednesday 16 November 2022, in the Council Chambers, Victoria Street, Mingenew, commencing at 5:00 pm.

The purpose of the meeting is to consider:

- Approval for the temporary occupation of a caravan upon 6 (Lots 15 & 16) Bride Street, Mingenew;
- Establishing a Special Purpose Reserve to receive donations for the Mingenew Day Care Project.

Matt Fanning
Chief Executive Officer
11 November 2022

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.

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| 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 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 to arrange your deputation.

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

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

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON
16 NOVEMBER 2022 COMMENCING AT 5.00PM**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 4.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 5.0 DECLARATIONS OF INTEREST

6.0 CHIEF EXECUTIVE OFFICER

6.1 PROPOSED TEMPORARY CARAVAN OCCUPATION

Location/Address: 6 (Lots 15 & 16) Bride Street, Mingenew
Name of Applicant: W. Bain
Disclosure of Interest: Nil
File Reference: A480
Date: 10 November 2022
Author: Simon Lancaster, Planning Advisor
Senior Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

A request to temporarily occupy a caravan upon a residential property in the Mingenew townsite is presented to Council for its consideration. This report recommends that the application be approved for a period not exceeding 12 months.

OFFICER RECOMMENDATION – ITEM 6.1

That Council approve the temporary occupation of a caravan upon 6 (Lots 15 & 16) Bride Street, Mingenew subject to the following:

Conditions

- 1 There being a current residence building permit having been issued by the local government relating to the property.
- 2 The temporary occupation shall not exceed 12 months (i.e. an expiry date of 16 November 2023).
- 3 The occupation shall comply with all relevant building and health requirements, including but not limited to construction separation and safety requirements, and wastewater/effluent disposal requirements.

Notes:

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.

Attachment

Nil

Background

6 (Lot 16) Bride Street, Mingenew is a 1,113m² property on the north-east corner of Bride Street and King Street in the Mingenew townsite. The lot contained a residence that was damaged by Cyclone Seroja.

33 (Lot 15) King Street, Mingenew is a 1,113m² property immediately east of Lot 16 that is owned by the same landowner. The lot contains the outbuilding associated with the residence and the 2 lots appear to form one landholding on-ground.

The Shire has issued a demolition permit for the damaged residence and a building permit for a replacement 2 bedroom, 1 bathroom residence was issued on 16 September 2022.

Following Federal and State Government COVID economic spending in 2020/2021 designed to stimulate the construction industry there have been significant delays in building works, this has been exacerbated by the inability for additional construction workers to enter Western Australia during the state's extended lockdown

and shortages in certain building materials due to supply chain and production issues COVID related and otherwise. These pressures on the building industry have been further increased in the MidWest due to the rebuilding demands arising from Cyclone Seroja.

Due to the delays being experienced in the construction industry the residence intended for 6 (Lot 16) Bride Street, Mingenew has been delayed and the landowner is seeking Council support to live on their property whilst they await their replacement home.

Figure 6.1(a) – Location Plan for 6 (Lots 15 & 16) Bride Street, Mingenew

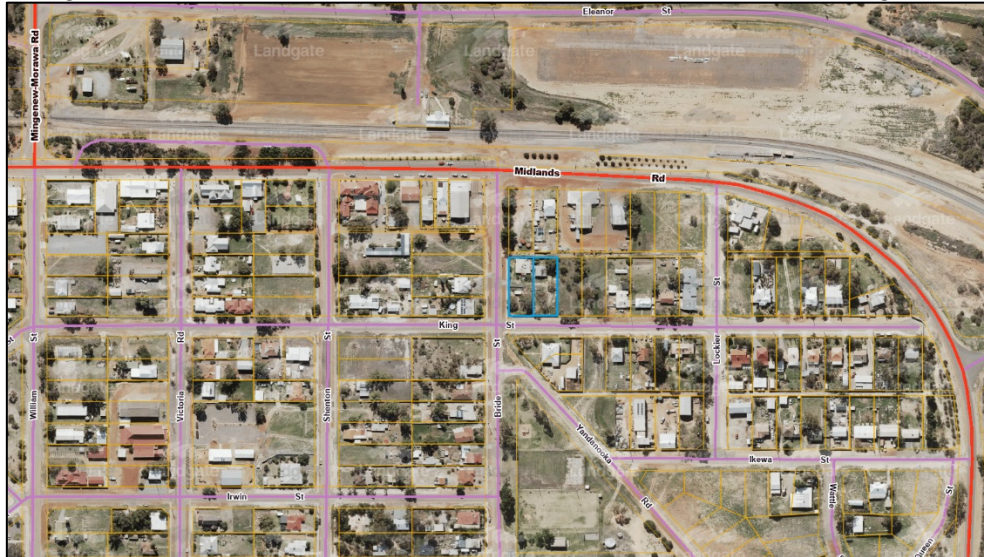


Figure 6.1(b) – Aerial Photo of 6 (Lots 15 & 16) Bride Street, Mingenew

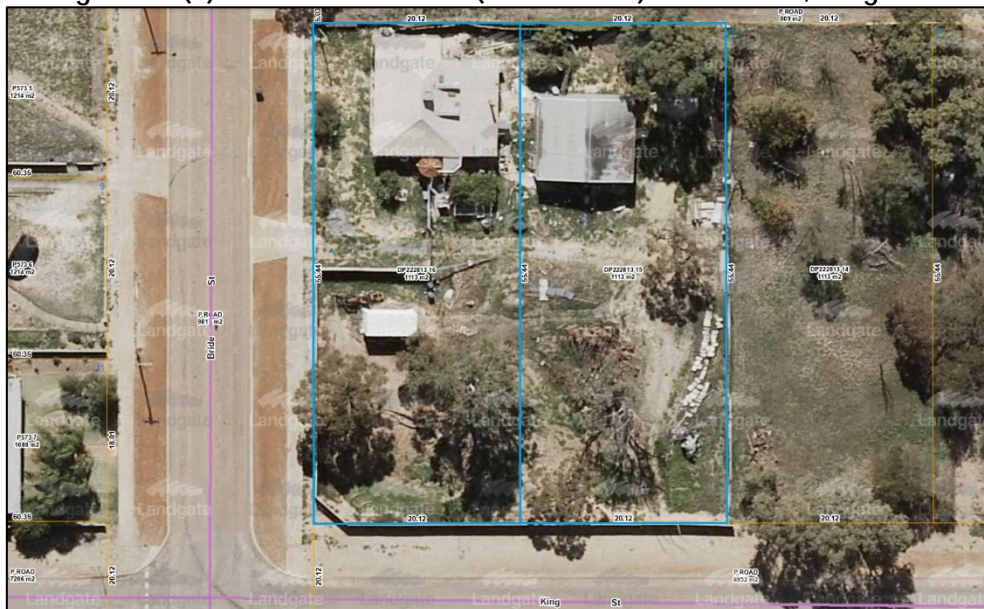


Figure 6.1(c) – View of 6 (Lots 15 & 16) Bride Street, Mingenew looking north-east



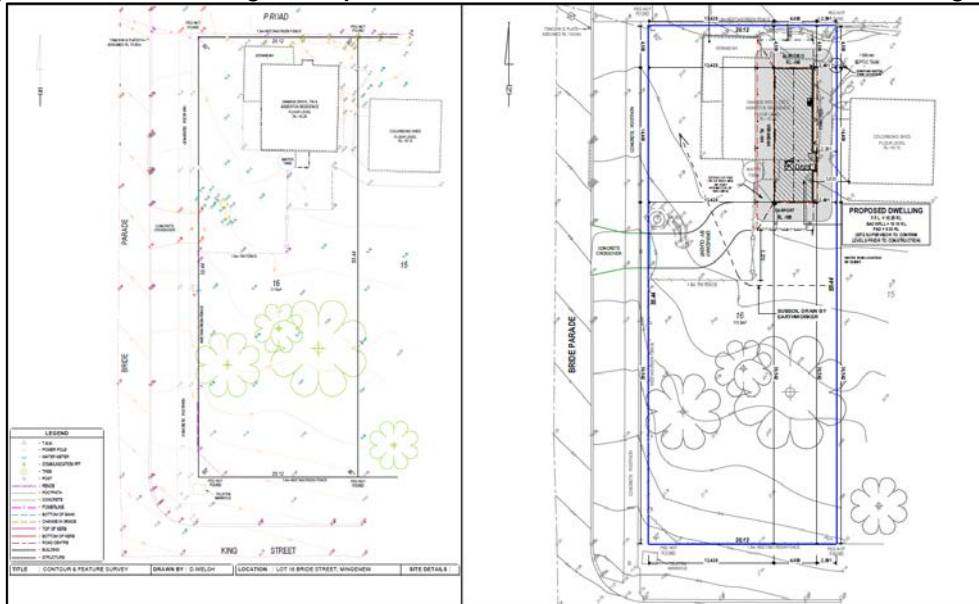
Figure 6.1(d) – Cyclone Seroja damage to residence upon 6 (Lot 16) Bride Street, Mingenew



Figure 6.1(e) – Replacement Residence for 6 (Lot 16) Bride Street, Mingenew



Figure 6.1(f) – Existing & Proposed Site Plans for 6 (Lot 16) Bride Street, Mingenew



Comment

It is considered that the hardship circumstances in this instance warrant Council support.

The landowner has obtained a building permit for a replacement home on their property and the delays are beyond their control with the residence unlikely to be completed prior to July 2023.

The landowner has been housed temporarily at the Mingenew Commercial Hotel, however, Department of Communities funding support for the accommodation has ceased and their stay has been extended until 10 November 2022 through support from charitable organisations. Beyond this time the landowner does not have accommodation prospects that suit their situation.

Consultation

Nil

Statutory Environment

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6 (Lots 15 & 16) Bride Street, Mingenew, Mingenew are zoned 'Residential' under the Shire of Mingenew Local Planning Scheme No.4. Table 2 of the Scheme lists the objectives of the 'Residential' zone as being:

- “• To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”

Regulation 11(2)(c) of the *Caravan Parks & Camping Grounds Regulations 1997* allows for camping on-site with local government approval where a permit has been issued:

- “(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.”

The following Regulation 11(3) defines 'permit' as being:

“permit means a building permit or a demolition permit as defined in the Building Act 2011 section 3”

Under the Regulations therefore a local government can permit a landowner to live in a caravan on their property for a period not longer than 12 months.

However, this is subject to a building permit having been issued by the local government for that property (and potentially an accompanying septic approval if required).

Policy Implications

Nil

Financial Implications

Nil.

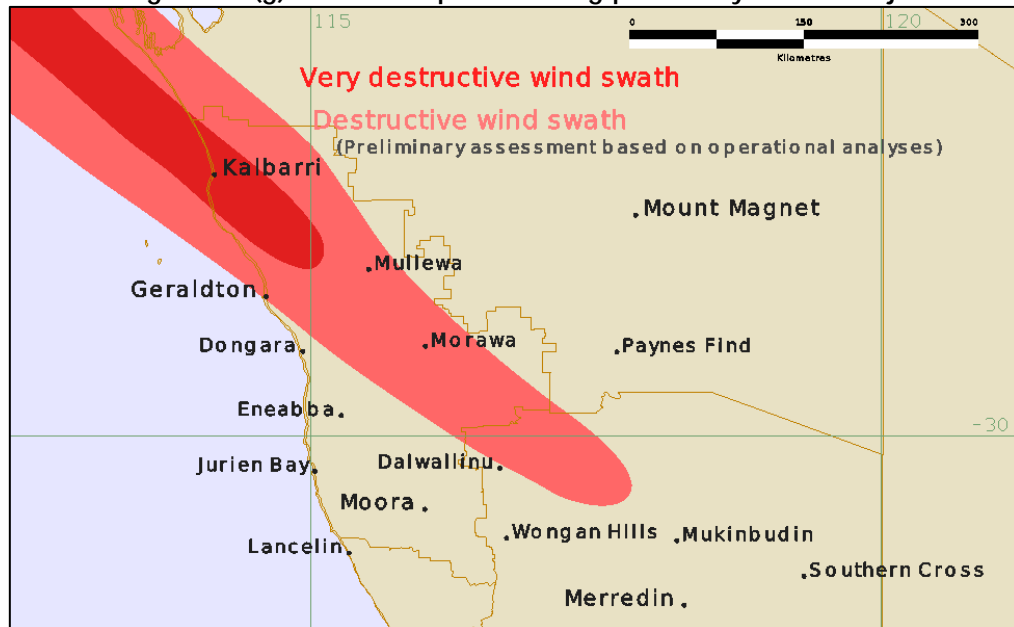
Strategic Implications

Tropical Cyclone Seroja was an event that lead to death of at least 177 people in Indonesia, 42 people in Timor, and the displacement of thousands, with the cyclone's impacts, along with widespread associated flooding and landslides, causing infrastructure damage running into the hundreds of millions of dollars in these countries.

The Midwest, Gascoyne and Central Midlands areas were also impacted by Cyclone Seroja when it crossed the West Australian coast on 11 April 2021 with the Insurance Council of Australia's data at close of 2021 indicating the damage bill had reached more than \$305 million.

Department of Fire & Emergency Services records as at 10 May 2021 indicated that there were 54 cyclone damaged buildings within the Shire of Mingenew.

Figure 6.1(g) – DFES Map illustrating path of Cyclone Seroja



6.2 MINGENEW DAY CARE CENTRE REDEVELOPMENT RESERVE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.INV
Disclosure of Interest: Nil
Date: 11 November 2022
Author: Jeremy Clapham Finance & Admin Manager
Approved by: Matt Fanning CEO
Voting Requirement: Absolute Majority

Summary

To help raise funds for the redevelopment of the Day Care Centre, a member of the community has proposed that any community members or organisations that are willing to contribute, direct their contribution to the Shire to hold on behalf of the redevelopment. For the Shire to do this, Council is required to endorse the creation of a Special Reserve Fund where this money can sit until it is required. A report around further Governance arrangements will be prepared for the December Ordinary Council Meeting.

OFFICER RECOMMENDATION – ITEM 6.2

Council, by Absolute Majority, endorses the creation of a Mingenew Day Care Centre Redevelopment fund raising program and establish a Reserve in line with Part 6.11 (1) of the Local Government Act – 1995 for the purposes of holding funds raised externally, to be used for the future redevelopment of the Mingenew Day Care Centre.

Background

The Mingenew Day Care Centre is a vital community asset for the town and district of the Shire of Mingenew. The facility is underperforming due to its current capacity not even meeting 50% of the requested capacity.

In addition, the facility needs updating to ensure that it complies with the necessary legislation. The amount of funding needed to redevelop this facility is extremely high and beyond the current capacity of available funds held by the Shire and the CRC (Community Resource Centre). This means that additional funding needs to be sought.

To help with raising funds for this project, a member of the community has proposed that any community members or organisations that are willing to contribute, direct their contribution to the Shire to hold on behalf of the redevelopment. In order for the Shire to do this, Council is required to endorse the creation of a Restricted Reserve Fund where this money can sit until it is required.

The fundraising avenues currently being pursued are:

- requesting farmers to donate grain tonnes to a CBH grower number held by the Shire and tonnes to be sold to CBH at the close of Mingenew bin, with proceeds delivered to a Shire bank account.
- requesting farmers to allocate grain sold to Viterro to the Shire, to receive the 20 cents/ tonne Viterro donation (community grains program).
- approaching Strike Energy, CBH, Energy Resources and other companies for a cash contribution.
- organise a "battery drive" or other similar fundraising activities.
- encourage direct donations from community members via letter drop.

Comment

In order for Council to facilitate such a fundraising mechanism and receive funds it is required to establish appropriate governance and financial controls. The Council will first need to endorse the development of a "Mingenew Day Care Centre Redevelopment Fund" as proposed by the proponent and endorse the

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establishment of the necessary accounting mechanisms being the creation of a new specific purpose Reserve Fund for the purpose of holding funds collected from community fund raising efforts for the redevelopment of the Mingenew Day Care Centre.

Consultation

Erin Greaves – Governance and Community Manager
CEO – Matt Fanning

Statutory Environment

Local Government Act 1995, Part 6.11

Policy Implications

Policy 1.3.3 – Investment of Surplus Funds Management,
Policy 1.4.1 – Community Engagement,
Policy 1.4.2 – Supporting the Community.

Financial Implications

The costs for the redevelopment of the Mingenew Day Care Centre from a 12 to 24 place facility at this stage is thought to be between \$800,000 and \$1M all depending on the redevelopment model chosen.

At this stage the only secured funding contributions are:

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| • Shire Local Roads & Community Infrastructure (Commonwealth) | \$150,000 |
| • Shire Own Resource Funds | \$ 30,000 |
| • CRC Contribution | \$150,000 |
| Total | <u>\$330,000</u> |

In addition, the Council has made the following funding applications:

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|--|-------------------------|
| • Building Better Regional (Commonwealth Gov't) | \$399,500 |
| • Regional Economic Development Scheme (State Gov't) | \$250,000 |
| Total | <u>\$649,500</u> |

Council has however, been advised that the Building better Regions Grant will not be proceeding removing the possibility of \$399,500 resulting in significant funding shortfall. Other grant opportunities may be forthcoming however no information regarding their release is to hand.

The proposal recommended in this report has no financial implications other than a potential positive generation of funds to go towards this project.

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

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

8.0 CONFIDENTIAL ITEMS

9.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 14 December 2022 commencing at 5.00pm.

10.0 CLOSURE

The meeting was closed at ____pm.

These minutes were confirmed at an Ordinary Council meeting on 14 December 2022.

Signed _____
Presiding Officer

Date: _____