



MINUTES OF THE SPECIAL COUNCIL MEETING

20 September 2023

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
20 SEPTEMBER 2023 COMMENCING AT 5.00PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 5:00pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Deputy President
Cr JR Holmes	Councillor
Cr HR McTaggart	Councillor
Cr AT Pearse	Councillor
Cr CV Farr	Councillor
Cr AR Smyth	Councillor

Apologies

Mr Shane Noon	Works Manager
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Staff

Mr Matt Fanning	Chief Executive Officer
Mrs Helen Sternick	Manager Corporate Services
Ms Erin Greaves	Governance and Community Manager

3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5.0 DECLARATIONS OF INTEREST

Cr JR Holmes disclosed a financial interest in Item 7.5 RAV Access Application – Coalseam Road.

6.0 RECOMMENDATIONS OF COMMITTEES

Nil.

7.0 OFFICER REPORTS

7.1 PROPOSED WORKFORCE ACCOMMODATION (ITEM FROM 18 AUGUST 2023)

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

Summary

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

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

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

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 – RESOLUTION# 01200923S
MOVED: Cr JD Bagley SECONDED: Cr AR Smyth

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

Conditions:

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

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

Advice Notes:

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

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

- 7.1.1 Drill Site Camp application
- 7.1.2 Schedule of Submissions

Background

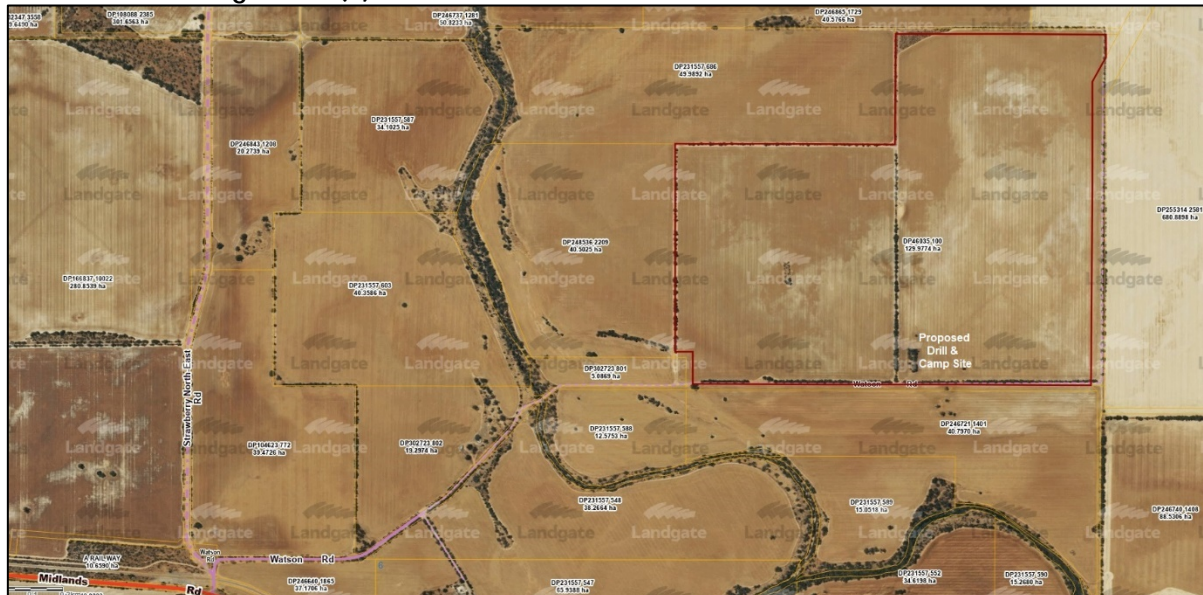
The applicant has been issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin.

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

Figure 7.1(a) – Location map of Lot 100 Watson Road, Lockier



Figure 7.1(b) – Aerial Photo of Lot 100 Lockier Road, Lockier

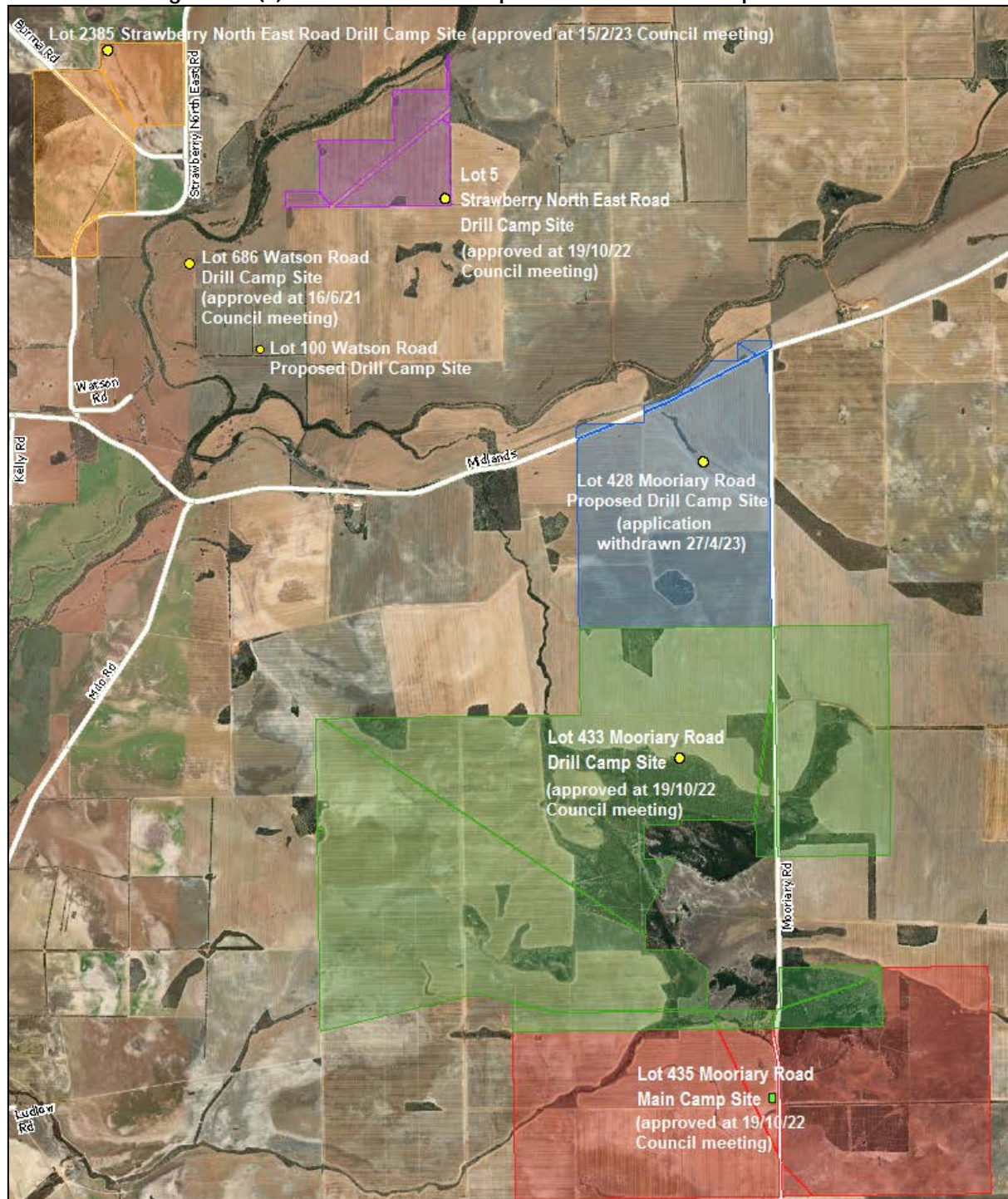


Comment

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

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

Figure 7.1(c) – Previous and Proposed Workforce Camp Locations



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

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

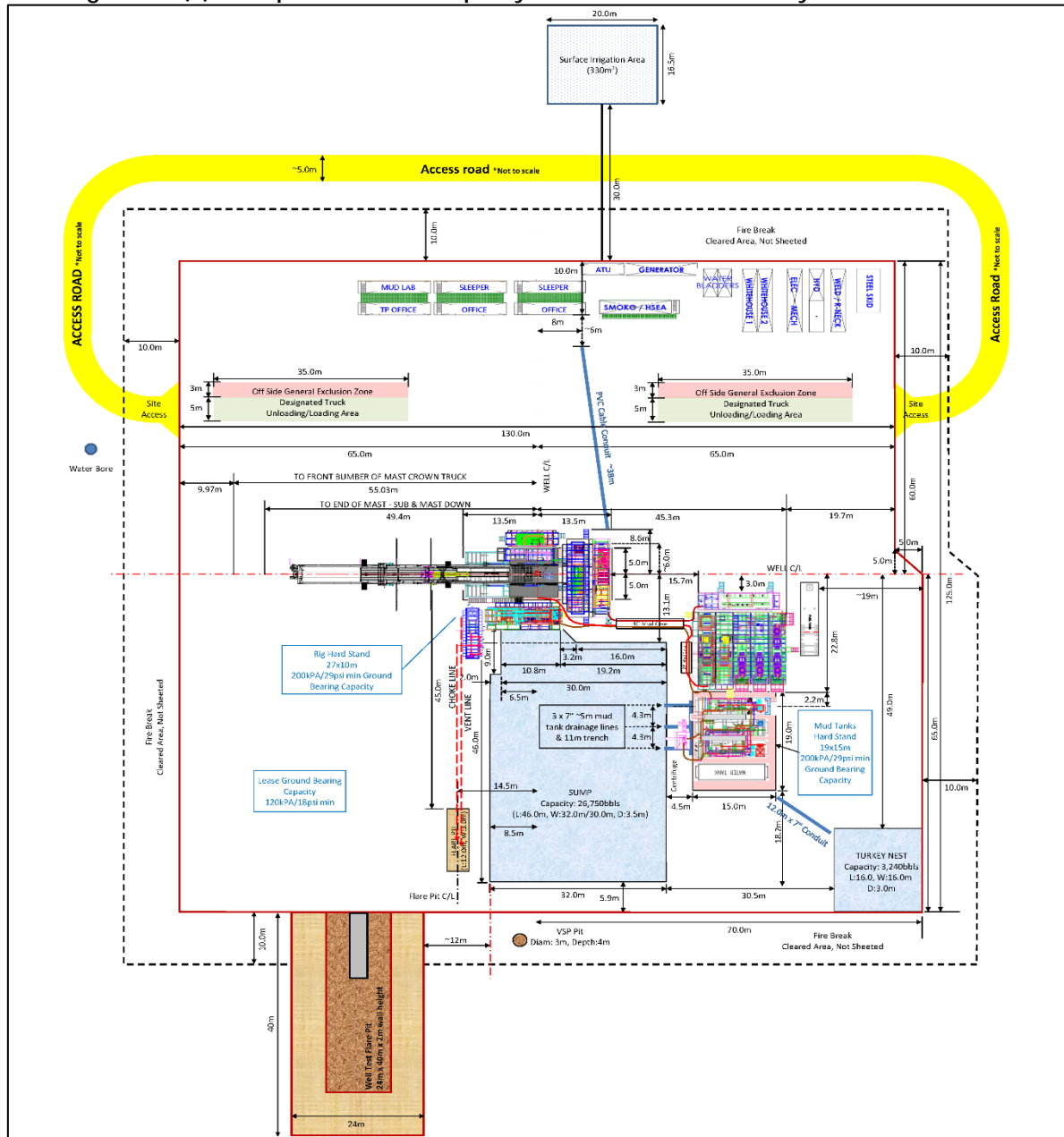
The exploration drilling activities are anticipated to commence October 2024 and would be in place for approximately 60 days, with some potential returning to the site for further exploration, maintenance and testing work over a subsequent 2 year period.

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

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

The drill camp application is provided as separate Attachment 7.1.1.

Figure 7.1(d) - Proposed Drill Camp Layout - Lot 100 Strawberry North East Road



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

Figure 7.1(e) – Aerial photo of previous camp site upon Lot 686 Watson Road, Lockier



Consultation

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

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

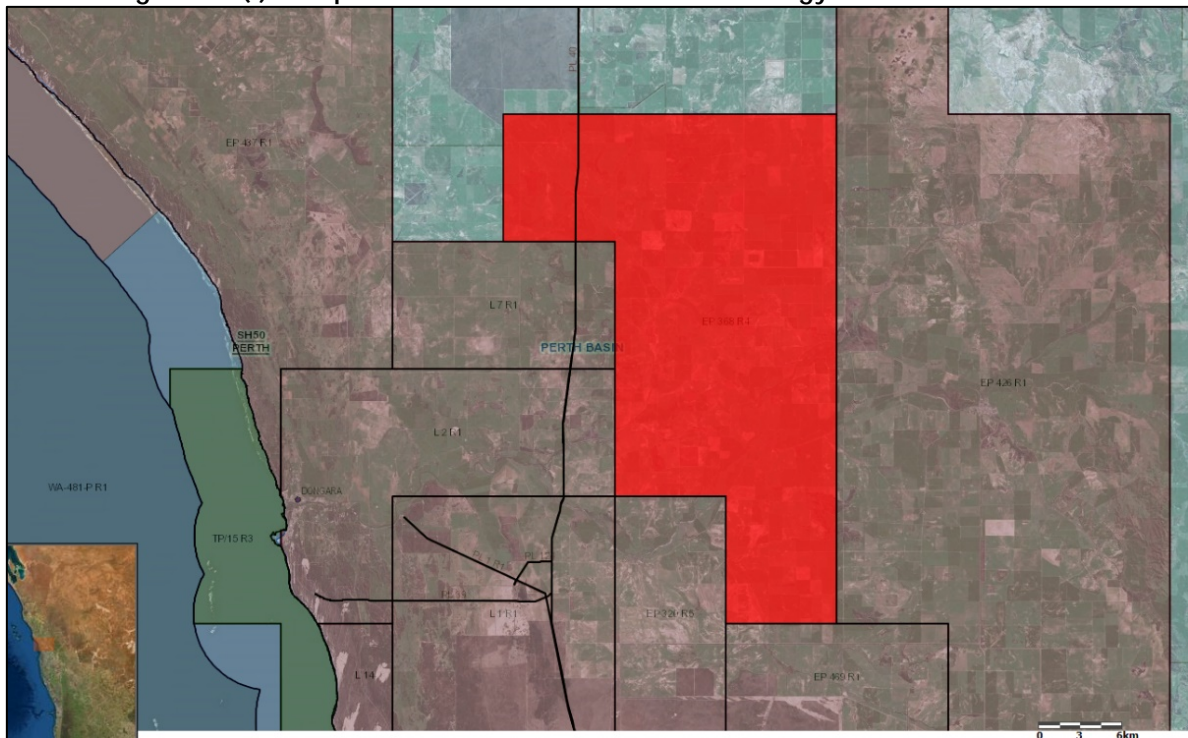
At the conclusion of the advertising period the Shire had received 6 submissions, all from government agencies either offering no objection or technical comment. A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 7.1.2** and a copy of the received submissions can be provided to Councillors upon request.

Statutory Environment

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

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

Figure 7.1(f) – Exploration Permit 358 issued to Energy Resources Limited



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

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

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

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

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

- "• To provide for the maintenance or enhancement of specific local rural character.*

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

Section 9 – Aims of the Scheme notes the following:

"The aims of this Scheme are...

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

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

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

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

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

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*

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

Policy Implications

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

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

Control	Not control
1) Where a planning application is required, the terms of an approval related to: <ul style="list-style-type: none"> (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location & appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	1) Any matters specified by a State Agreement Act. 2) The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for 'any other purpose directly connected with mining operations' (may be located in a townsite). 3) That workforce accommodation needs to be met by permanent accommodation rather than 'camps'. 4) That workforce accommodation be located in a town rather than a mine-site. 5) Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6) Requirements for 'community contributions' by workforce accommodation proponents. 7) Requirements for workforce accommodation to achieve 'legacy benefits'.

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

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

Financial Implications

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

Strategic Implications

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

"8.8 Mining Activity

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

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

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."

7.2 DRAFT STRATEGIC COMMUNITY PRIORITIES AND PUBLIC CONSULTATION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: CM.PLN.1
Disclosure of Interest: Nil
Date: 11 September 2023
Author: Erin Greaves, Governance and Community Manager
Authorising Author: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider the Draft Strategic Community Plan Summary for 2023-2027 (incorporating the Shire's Corporate Business Plan 2023-2027) and setting out the next phase in community consultation as part of the SCP major review process.

Key Points

- Development and review of the Strategic Community Plan (SCP) and Corporate Business Plan (CBP) is a requirement of the *Local Government Act 1995* and subsidiary *Local Government (Administration) Regulations 1996*. A major review of the SCP must be conducted every four years and must include community consultation
- The reviewed (major) SCP will address the period 2023-2027, and the reviewed CBP will address 2023-2027, which the Shire is looking to combine into the one document
- Caroline Robinson from 150Square is currently working to collate information for the full SCP and CBP document for consideration by the community and present at another consultation session
- This report provides Council with an opportunity to view the draft strategic priorities and actions, capturing the key elements of the updated plans, before presenting them to the community

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.2 – RESOLUTION# 02200923S

MOVED: Cr AR Smyth **SECONDED:** Cr JD Bagley

Council:

1. Accepts the Draft Strategic Community Plan 2023-2027 and Corporate Business Plan 2023-2027 Summary as outlined in the Attachment Booklet – September 2023, and
2. Seeks community feedback on the above, to develop the final 10 Year Strategic Community Plan (incorporating the 4 Year Corporate Business Plan 2023-2027) for consideration and adoption.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

Attachments

7.2.1 Draft Strategic Community Plan 2023-2027 and Corporate Business Plan (2023-2027) Summary

Background

In March 2023, quotes were sought for suitably qualified suppliers to support the Shire in undertaking a major review of the Strategic Community Plan 2019-2029 and Corporate Business Plan 2023-2027, and Caroline Robinson of 150Square was engaged in April 2023.

The scope of the consultant's role in the review was as follows:

1. Preliminary desktop review (completed)
2. Development of suitable engagement strategies (completed)
3. Document development (drafted)

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Following a review of Council's existing suite of documents, including results of the Community Scorecard in mid-2022, Caroline prepared a community survey that delved a little deeper into some of the asset and service needs of local community and sporting groups. These surveys were issued directly to the relevant groups and many representatives were contacted by Caroline to gain further context on some of the responses to obtain a good understanding of community needs, expectations and visions.

To gain a broader community perspective and to share some of the Shire's projects, strategies and activities proposed for 2023, an initial community consultation workshop was held 15 June 2023. 11 community members attended and provided verbal and written feedback to inform the review.

Since this session, the information collated from the community workshop, liaison with community groups and stakeholders, and direct feedback from Council, staff and individual community members to inform the development of the draft 10 year strategic priorities and 4 year projects/actions (forming the basis of the Strategic Community plan 2023-2033 and Corporate Business plan (2023-2027).

The next phase of the community consultation process is to provide a draft plan for consideration and seek further feedback.

Comment

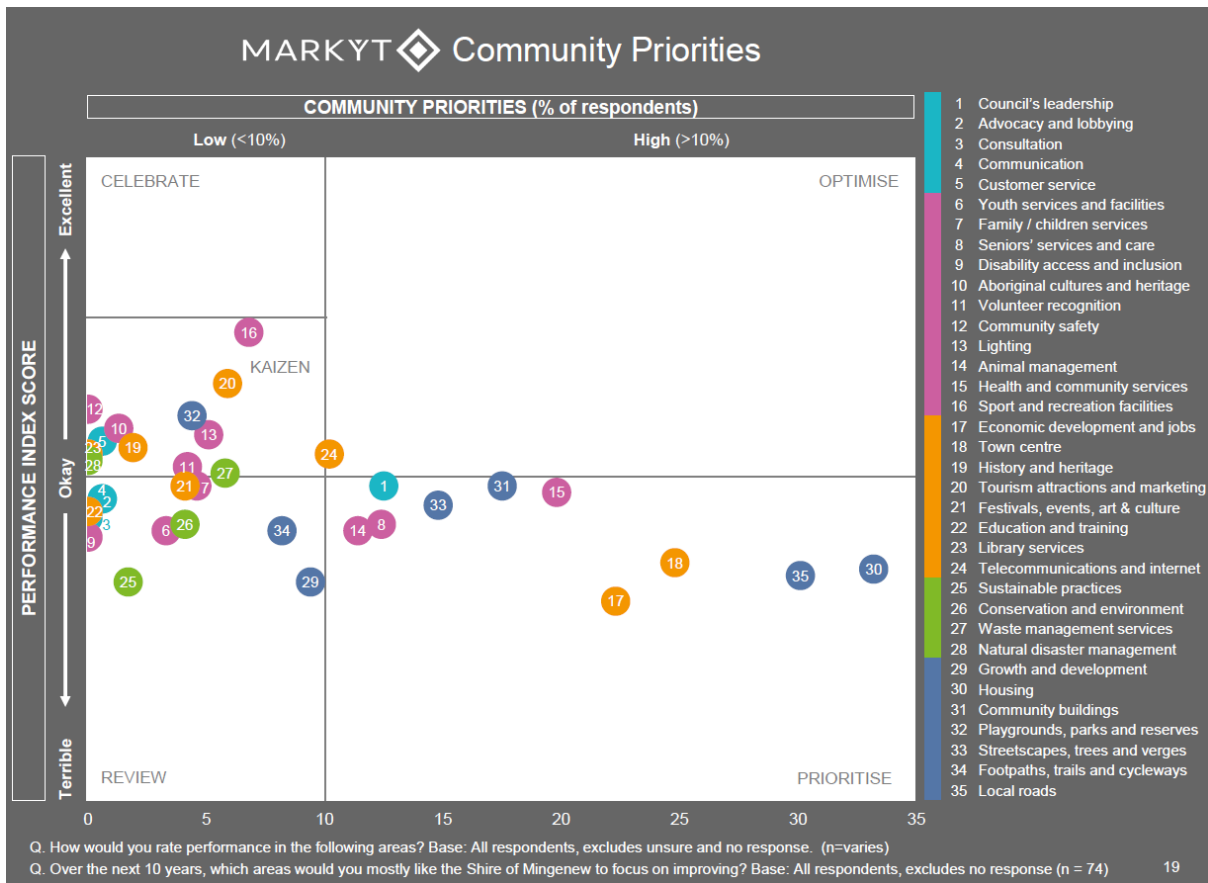
The reviewed SCP and CBP aims to capture key priorities, objectives and vision of the Shire of Mingenew community in consideration of any changes that may have occurred since its original adoption in 2019 and report on its performance and achievements. This provides Council with an opportunity to check in and ensure it continues to focus on the current and future needs, as identified by the community.

To make the information more accessible and user-friendly, the Shire will be combining the Strategic Community Plan 2023-2033 and Corporate Business Plan 2023-2027.

In consideration of the results of the Community Scorecard results received in 2022, and feedback received through the consultation process to-date, the following focus areas have driven the development of the draft SCP and CBP:

- Local road improvements
- Housing availability and affordability
- Town Centre development and activation
- Economic Development and jobs

The final SCP document will report on the Community Scorecard results and demonstrate an alignment with feedback generally received through the SCP review consultation process, linking with strategic priorities and actions. Another Community Scorecard will be conducted This will enable the community to track Council's performance and achievement of the SCP outcomes over time.



The reviewed SCP and CBP has also been developed to clarify Council role in achieving community objectives, in order to communicate and manage community expectations around local government functions and resourcing capacities.

To commence the next phase in consulting with the community on the draft SCP and CBP, it is proposed that a second community consultation session be held on Tuesday, 10 October 2023.

This second consultation session will be held at 5:30pm, and will aim to encourage interaction and communication from attendees, and facilitate ideas sharing.

Following the group session Councillors, staff and the consultant would be available to speak with community members individually, if a later time or engagement-style is preferred. This would be in a similar style to the 2023 Expo booth, at which the draft SCP would be available as well as concept designs and information on key projects that are proposed as part of the SCP and CBP. This may provide community members an opportunity to be engaged in a less formal session and reach a broader cohort of the community.

Sharing the main vision, and 10 year strategic priorities and 4 year action plan in this format will provide staff and the consultant time to develop a final

Consultation

Caroline Robinson, 150Square
Sporting and Community Groups
Business Stakeholders
Wider community

Statutory Environment

Local Government Act 1995 – section 5.56

Local Government (Administration) Regulations 1996 – Regulation 19C

Policy Implications

Nil.

Financial Implications

Council budgeted up to \$20,000 in 2023/24 (OTH GOV – Consultancy – Strategic) to undertake the Strategic Community Plan major review. Based on feedback from the consultant at this stage, it is expected that the project will come in under budget for the year.

Strategic Implications

Strategic Community Plan 2019-2029

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

7.3 EXTRAORDINARY ELECTION – POLLING DAY TO BE SET

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	GV.ELE
Disclosure of Interest:	Nil
Date:	11 September 2023
Author:	Erin Greaves, Governance and Community Manager
Authorising Author:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

At the close of nominations for the four vacant positions (four-year terms to 2027) at 4pm on Thursday 7 September, three nominations were received. As there are less candidates than vacancies, an extraordinary election is required to fill the remaining vacancy.

Key Points

- At 4pm, 7 September 2023 nominations closed for the 2023 Local Government Elections and three nominations were received (four vacancies)
- Crs Hellene McTaggart, Justin Bagley and Gary Cosgrove were elected unopposed
- Section 4.57 of the Local Government Act states that an extraordinary election must be held for the remaining vacant position
- The Act requires that the Shire President or Council may set the date of the Polling Day for an Extraordinary Election whilst having regard to the procedural requirements and time lines
- The statutory election timeframe requires that the polling day is held at least 92 days from when the vacancy occurs (day after nominations close – 8 September) but within 4 months – it is proposed that the Election Day be scheduled for December before the Christmas break
- The earliest an Extraordinary Election may be held is 9 December 2023 (Saturday) and the latest is 7 January 2024 (Sunday)
- If no nominations are received at close of nominations in the extraordinary election, Council may appoint an eligible person by absolute majority decision

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.3 – RESOLUTION# 03200923S
MOVED: Cr AT Pearse SECONDED: Cr JR Holmes

Council:

1. in response to receiving less candidates than vacancies in the 2023 Ordinary Local Government Election at the close of nominations 4pm, 7 September 2023, sets the Polling Day for the 2023 Extraordinary Election for one vacancy (term to 16 October 2027), to be Wednesday, 13 December 2023 in accordance with s4.9 of the *Local Government Act 1995*; and
2. holds the Extraordinary Election as an in-person Election to be run by the Shire of Mingenew.

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

Attachment

7.3.1 Proposed Election Timeline

Background

For the 2023 Local Government Election there were four vacancies, with the following Councillors' terms expiring on 21 October 2023 (Election Day);

Cr Gary Cosgrove
Cr Justin Bagley

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 20 September 2023

Cr Hellene McTaggart

Cr Carol Farr

Each vacancy is a four-year term and each Council position is to represent the whole of the Mingenew district following the decision to abolish the ward system in 2020 (effective for this election).

At 4pm on Thursday, 7 September 2021, nominations closed for candidates in the Ordinary Local Government Elections for the Mingenew District, at which time three nominations had been received and one Council position therefore, remains vacant. Section 4.57 of the Local Government Act states that *"If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations"*. Whilst Ordinary Elections must be held on the third Saturday in October, an Extraordinary Election date can be held on any day the President or Council decide [s.4.9 of the Local Government Act 1995].

Nominations were received from Cr Hellene McTaggart, Cr Justin Bagley and Cr Gary Cosgrove (renominated) and they were declared elected unopposed (swearing will occur prior to the November Council Meeting). No election will be required on 21 October 2023 but, because a seat remains vacant, and Extraordinary Election will be held once a date can be set.

If, after close of nominations in the Extraordinary Elections, no nominations have been received, Council may appoint an eligible person who is willing to accept the appointment, in accordance with s.4.57(3) and (4). Section 4.37(3) provides that a new Residential and Owners and Occupiers Roll does not need to be prepared if it is required for an extraordinary election and the extraordinary election day is less than 100 days after the election day for another election. In this instance, the Ordinary election day in 2023 is 21 October 2023 and 100 days after this date is 31 January 2024 (calculated in accordance with s.61(1)(g) of the Interpretation Act 1984). The CEO will need to provide a written request to the Commissioner to approve the use of the most recently prepared rolls following the setting of a date for the new Election Day.

Comment

Practical dates for consideration re outlined in the table below. Dates excluded from list are those where the election or nomination date falls on a weekend day.

Proposed Election Date	Nominations Open	Nominations Close
13 December 2023 (Wed)	23 October 2023 (Mon)	30 October 2023 (Mon)
14 December 2023 (Thurs)	24 October 2023 (Tue)	31 October 2023 (Tue)
15 December 2023 (Fri)	25 October 2023 (Wed)	1 November 2023 (Wed)
20 December 2023 (Wed)	30 October 2023 (Mon)	6 November 2023 (Mon)
21 December 2023 (Thurs)	31 October 2023 (Tue)	7 November 2023 (Tue)
*27 March 2024 (Wed)	5 February 2024 (Mon)	12 February 2024 (Mon)

**permission must be sought to hold the extraordinary election more than 4 months*

The proposed date of Wednesday, 13 December 2023 for the Extraordinary Election Day has been chosen as:

- it falls within the 92 days to four months' timeframe
- it is the earliest viable date for holding an election
- it minimises the period for which Council operates without one Councillor

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- Whilst the time of year for nominations in early November and Election Day potentially in December is not ideal, as many electors may be busy with harvest, holiday preparation and end of year events, it is considered a more viable option than January, with many more people out of town.
- Election duties can occur on a Wednesday without additional resourcing required
- The Council meeting agenda and associated preparations will have occurred mostly the week prior therefore, minimising the impact on staff workload

To understand the proposed timing for preparing electoral rolls, statutory notices and nominations, a draft timeline has been prepared based on the recommended Polling Day (Attachment 11.2.1).

The CEO is proposing to be on leave from the week commencing 11 December 2023 therefore, the Deputy Returning Officer will be required to conduct the Election.

It is also proposed that the Shire Administration will be closed for the holiday period from Friday, 22 December 2023, reopening Monday, 8 January 2024.

*Council does have the ability to seek approval from the Electoral Commissioner to hold the election later than 4 months under section 4.9(2), but this would require the Shire to give public notice of the close of rolls and prepare new electoral rolls for the election. If this option is preferred, it is suggested that the nomination period be held at the beginning of February 2024, once most people have returned from holiday break and school recommences for 2024 (on or around 31 January 2024).

In this instance it is proposed the Election Day be held 27 March 2023, with nominations opening Monday, 5 February 2024 and closing Monday, 12 February 2024. The February 2024 Ordinary Council meeting will most likely occur on 21 February (third Wednesday) and the next Ordinary meeting would be 17 April 2024. Given that Council has not needed to go to a vote in an Ordinary Election since 2019 and the difficulties it has faced in filling vacancies in the past, another option would be to consider reducing the number of councillors permanently however, a separate statutory process is required and it does not negate the need to follow the extraordinary process. A formal review of elected member representation would need to be followed that includes a public consultation period and business case to be submitted to the Local Government Advisory Board (in accordance with Schedule 2.2 of the *Local Government Act 1995*). Should this process for a reduction in councillors be considered, the change would only apply on or from a future ordinary or extraordinary election day.

Statutory Environment

Local Government Act 1995

Local Government (Elections) Regulations 1996

4.57. Less candidates than vacancies

- (1) *If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*
- (2) *If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —*
 - (a) *the candidate or candidates is or are elected; and*
 - (b) *an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.*
- (3) *If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

* Absolute majority required.

- (4) *A person appointed under subsection (3) is to be regarded as having been elected.*

4.9. Election day for extraordinary election

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- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

Policy Implications

Nil.

Financial Implications

There may be additional advertising costs due to requirements of holding an extraordinary election however this is not expected to be significant.

The Election process can take up a significant amount of resources in preparing notices, rolls, nomination packs, information sessions, managing records, ballot papers, reports and templates however, the cost to the local government if the Electoral Commission were to run the election as a postal election is significantly more. If Council did wish to consider this as an option, based on the recommended Polling Day, the Shire would need to notify the Electoral Commissioner by 24 September 2021 of its intent.

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.

7.4 NOMINATION OF PROJECTS FOR LGRF AND RPPP

Location/Address: Shire of Mingenew
 Name of Applicant: Shire of Mingenew
 File Reference: GS.PRG
 Disclosure of Interest: Nil
 Date: 12 September 2023
 Authorising Author: Matt Fanning, Chief Executive Officer
 Voting Requirements: Simple Majority

Summary

To consider the nomination of projects for the Cyclone Seroja Local Government Resilience Fund and Regional Precincts and Partnerships Program (Stream 2).

Key Points

- It is proposed that a number of key projects be nominated for funding under the Local Government Resilience Fund and Regional Precincts and Partnerships Program in order to provide guidance in preparing the relevant applications
- Key Projects include: Upgrade to the Mingenew Recreation Centre (as a Community Emergency Hub), and the Water Play Space.
- Council gave in-principle support for the projects in establishing the 2023/24 Budget but further designs, costings and community consultation was necessary before proceeding

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.4 – RESOLUTION# 04200923S MOVED: Cr AT Pearce SECONDED: Cr AR Smyth

Council supports the following projects, as budgeted, to be nominated for applications in the listed grant schemes:

Project Name	Grant amount sought	Other Funding	Total Project Value
Cyclone Seroja Community Benefit Fund			
Mingenew Water Play Space	\$150,000	\$0	\$150,000
Mingenew Tennis Clubhouse	\$50,000	\$350,000	\$400,000
Cyclone Seroja Local Government Resilience Fund			
Mingenew Recreation Upgrade (Community Emergency Hub)	\$455,000	\$500,000	
Rec Centre Play Equipment Repairs	\$15,000	\$0	\$15,000
Digital Information Sign	\$30,000	\$0	\$30,000

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 4/3

(FOR: Cr JD Bagley, Cr CV Farr, Cr JR Holmes and Cr AR Smyth, AGAINST: Cr GJ Cosgrove, Cr HR McTaggart and Cr AT Pearce)

Attachments

- 7.4.1 Mingenew Local Community Recovery Plan
 7.4.2 Mingenew Water Play Space Concept Design

Background

The Shire has an opportunity to access several grant funding schemes to financially support the development of several projects for the Mingenew community. Whilst these projects have been presented to Councillors and the community in early design form and funds have been budgeted for some design and construction, the availability of grant funding may be able to expedite the delivery.

A summary of the grant funding opportunities is provided below:

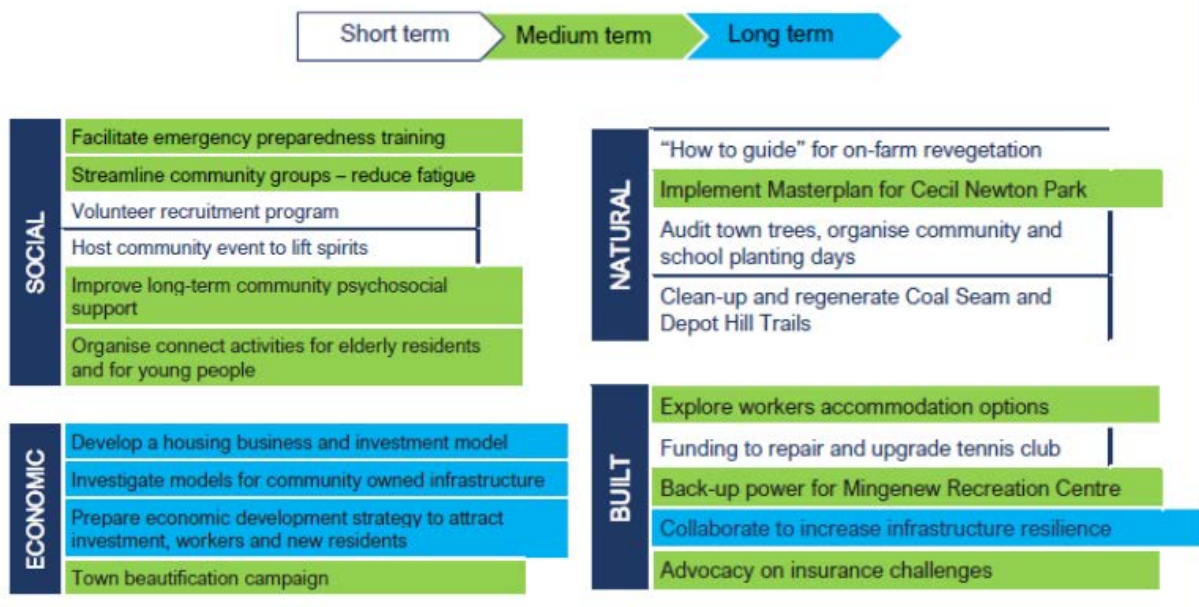
Cyclone Seroja Community Benefit Fund

The Community Benefit Fund (CBF) is provided to local government's impacted by Cyclone Seroja, to fund community-driven recovery activities that align with its Local Operational Recovery Plan (LORP).

Funding of up to \$200,000 may be granted and applications close 30 September 2023.

It is recommended that the Water Park and Mingenew Tennis Club be funded by this grant.

A copy of the Shire of Mingenew Local Operational Recovery Plan's short to long term priorities are provide below:



Cyclone Seroja Local Government Resilience Fund (LGRF)

The Local Government Resilience Fund (LGRF) is available to local government's impacted by Cyclone Seroja, to fund initiatives to improve community resilience, including community infrastructure such as evacuation facilities.

DFES Up to \$500,000 total grant funding available. Applications are now open and close 30 September 2023.

It is recommended that the transformation of the Rec Centre into an Emergency Hub, Repairs to the Shade Structures and digital signs be funded by this grant.

In addition, Council will be applying for an \$455,000 from the Emergency Resilience fund to contribute to the Rec Centre Emergency Hub Project.

Regional Precincts and Partnerships Program (RPPP)

The Department of Infrastructure, Transport, Regional Development, Communications and Arts' (DITRDCA) Regional Precincts and Partnerships Program (RPPP) supports ready to commence projects that support the establishment of regional precincts to service local communities and complement the broader region.

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Stream Two of the Program is focused on the delivery of a specific projects or projects that form part of and develop a precinct, and can include public infrastructure (roads, pathways etc.), open spaces, or a building/s that drive other investment within a precinct. Partnerships also need to form an essential part of the project. The minimum grant amount is \$5 million and maximum is \$50 million, with the opportunity for up to 100% of eligible expenditure being funded and a requirement to demonstrate contributions to the project. Projects must be completed by 26 March 2026.

Eligible expenditure includes:

- Materials for construction
- Hire / leased plant
- Labour expenditure (for technical costs, not administrative) including on-costs and administrative overheads
- Contract expenditure
- Travel expenditure

The RPPP is a non-competitive open grant scheme but assessment of projects occurs twice a year in September/October and March / April.

Council is in the Process of developing a Mingenew Liveability Precinct Plan in order to apply for this grant.

Potential projects identified for inclusion to date are:

- Mingenew Hill
- Mingenew Spring
- Town Beautification
- Littlewell Interpretive Project
- Mingenew Town Hall

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

These projects have been identified for inclusion in the 2023/24 Budget but specific grant funding had not been identified or confirmed at the time of Budget preparation.

Projects (Capital)	Income (Grant)	Council Contributions	Total Project Budgeted	*Current expenditure
Mingenew Water Play Space	\$150,000	0	\$150,000	\$1,500
Mingenew Recreation Upgrade	\$455,000	0	\$455,000	0
Mingenew Tennis Clubhouse	\$50,000	\$350,000	\$400,000	~\$300,000
Rec Centre Shade Structure	\$15,000	0	\$15,000	0
Repairs				
Digital Display Sign	\$30,000	0	\$30,000	0

** Some funds have been expended to prepare the various concept designs for community consultation (including Expo)*

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.

Prior to discussion on Item 7.5, Cr JR Holmes disclosed an interest, did not participate in voting or discussions, and left the meeting at 5:20pm.

7.5 RAV ACCESS APPLICATION – COALSEAM ROAD

Location/Address: Shire of Mingenew
Name of Applicant: Robert Holmes
File Reference: RD.PER.1
Disclosure of Interest: Cr Holmes
Date: 6 September December 2022
Author: Matt Fanning, CEO
Voting Requirements: Simple Majority

Summary

Main Roads Western Australia (MRWA) has forwarded an application to have a section of Coalseam Road, between Nanekine Road and SLK 21.88 (Property Access), added to the Restricted Access Vehicle (RAV) network for Level 7 ("AAB" combination) for the haulage of 2,000 Tonne per annum.

This item is for Council to consider adding sections of Coalseam Road, to the MRWA Level 7 (36.5) RAV network.

Council is requested to support the application by Holmwood PL as it will improve road freight efficiency within the Mingenew Shire and adjoining pastoral properties.

Key Points

- The road requested is already on the RAV network at level 5
- Main Roads should the Council concur with the request must undertake a thorough assessment of the road to ensure that it meets the necessary guidelines prior to adding a road to that RAV category network.

OFFICER RECOMMENDATION – ITEM 7.5

That with respect to the application to amend the Restricted Access Vehicle Network on the Coalseam Road between SLK chainage 14.25km to 21.88km:

- i. Council supports the application to add this section to the Level 7 Restricted Access Vehicle network,
- ii. This support is subject to the roads being thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and
- iii. That the approval be subject to a CA07 condition that stipulates the following:
 - Max Speed: 70k/ph.
 - Visibility: Lights must be turned on at all times
 - All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
 - Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
 - Operation is not permitted while a school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

AMENDED MOTION AND COUNCIL DECISION – ITEM 7.5 – RESOLUTION# 05200923S

MOVED: Cr AT Pearce

SECONDED: Cr JD Bagley

That with respect to the application to amend the Restricted Access Vehicle Network on the Coalseam Road between SLK chainage 14.25km to 21.88km:

- iv. Council supports the application to add this section to the Level 7 Restricted Access Vehicle network,
- v. This support is subject to the roads being thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and
- vi. That the approval be subject to a CA07 condition that stipulates the following:
 - Max Speed: 70kph.
 - Visibility: Lights must be turned on at all times
 - All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
 - Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
 - Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver. Truck operators to proceed with caution whilst school buses operate on the road. Truck operators must slow to a safe speed (less than 40kms per hour) when passing/overtaking school buses.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr CV Farr, Cr HR McTaggart, Cr AT Pearce and Cr AR Smyth, AGAINST: Nil)

Attachments

- 7.5.1 RAV Application – Holmwood PL
- 7.5.2 RAV network assessment guidelines
- 7.5.3 Prime Mover Trailer Combinations – Vehicle Categories

Background

Holmwood PL applied to MRWA to amend the RAV network categories for a section of the Coalseam Road. The applicant wishes for the sections to be increased to a RAV level 7.

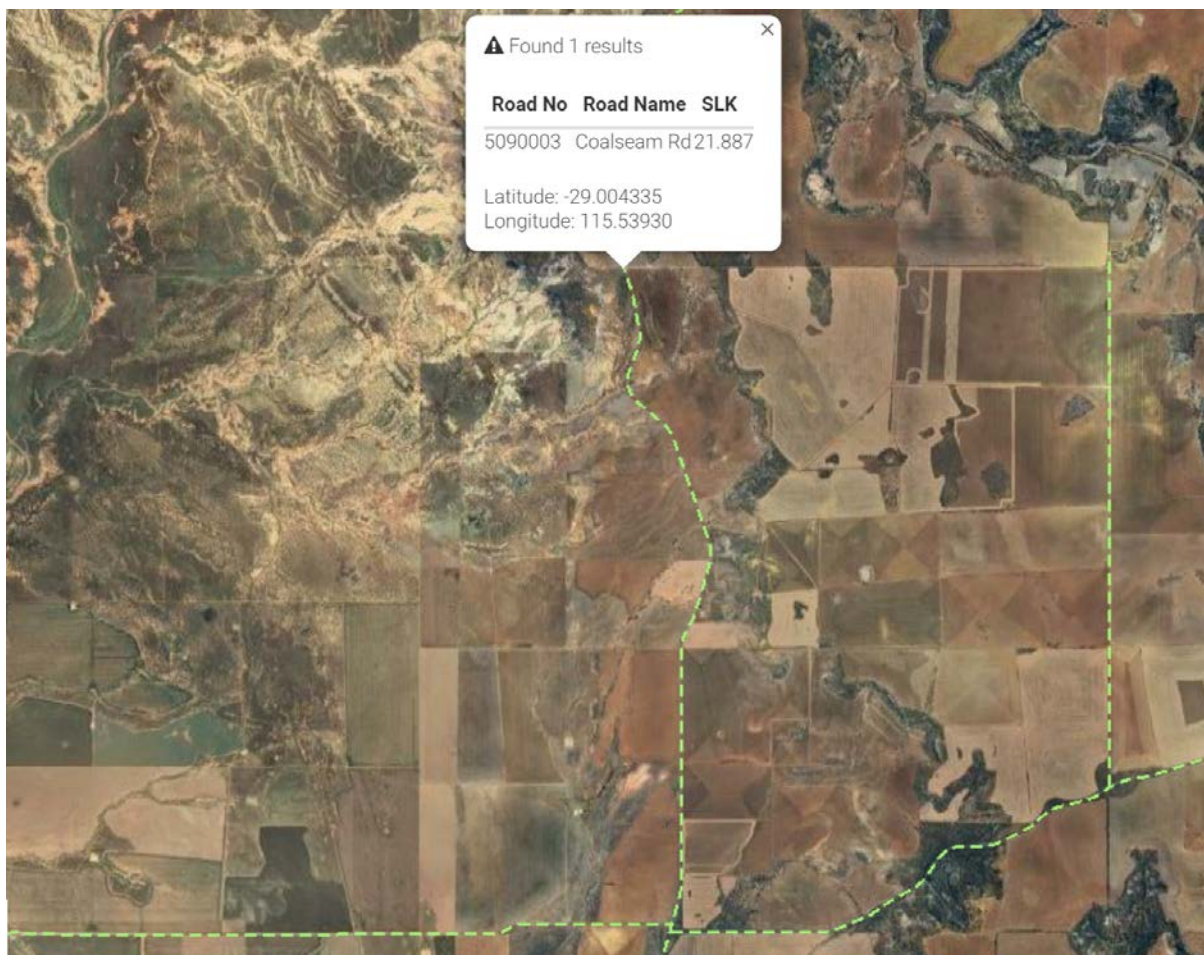
The following table outlines the route for which the application applies.

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
5090003	Coalseam Rd	Nanekine Rd (14.25)	Property Access (21.88)	Tandem Drive Network 5	Tandem Drive Network 7

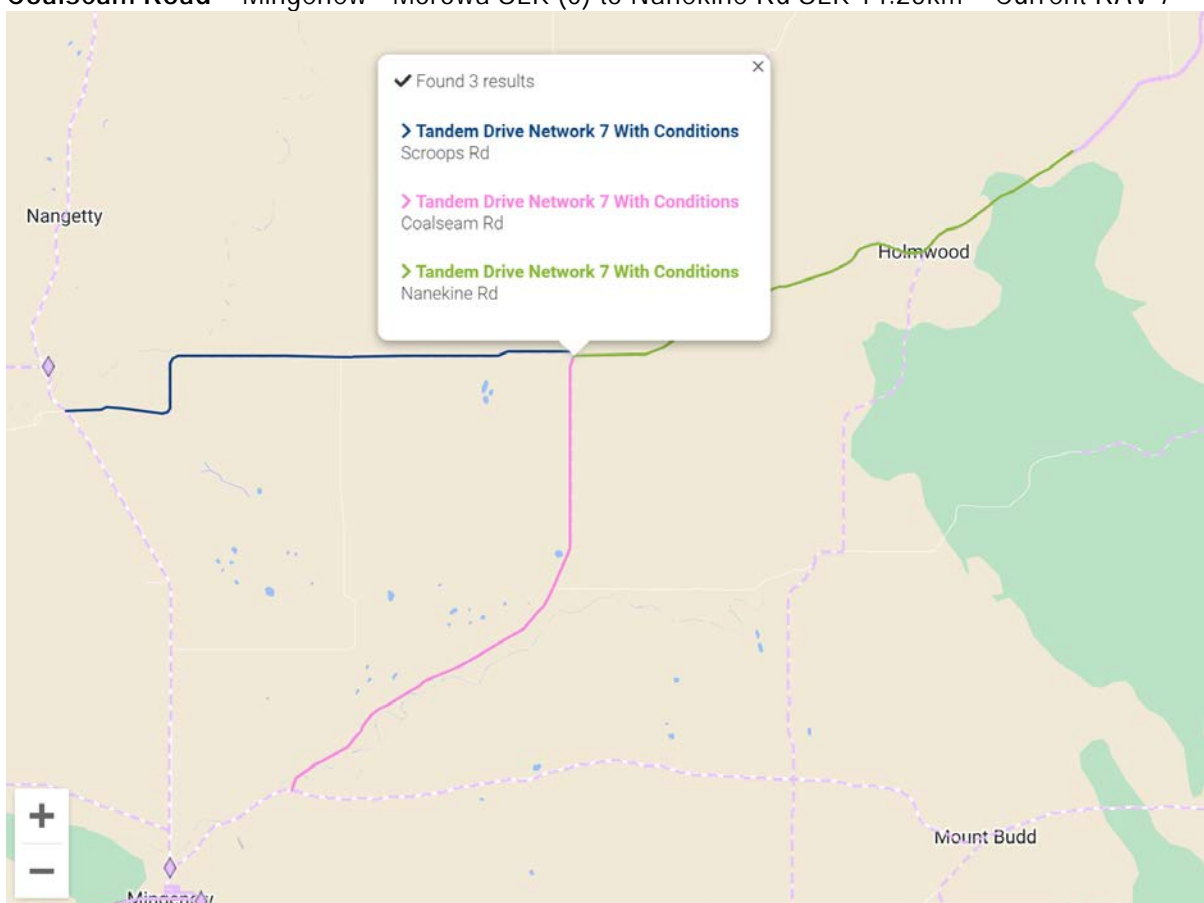
A copy of the proposed route application and map is attached as attachments 11.1.1 and 11.1.2 and presented below for ease of reference.

Coalseam Road – Nanekine Rd SLK (14.25) to SLK 28.88km – Current RAV 5
 Proposal to extend RAV7 from SLK 14.25 to SLK 21.88km

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Coalseam Road – Mingenew - Morowa SLK (0) to Nanekine Rd SLK 14.25km – Current RAV 7



Comment

It is important to ensure that the safety of other road users is considered when making comment on RAV applications. School bus routes, weather conditions and speed limits are generally requested to be placed on RAV approvals from Local Government.

The Standard condition placed by Local Government is termed a CA07 condition as follows:

The Shire of Mingenew supports the application for the above-mentioned roads to be included on the RAV 7 network on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a CA07 condition that stipulates the following:

- Max Speed: 70k/ph.
- Visibility: Lights must be turned on at all times
- All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
- No operation on unsealed road segment when visibly wet, without the road owner's approval.
- Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
- Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

Statutory Environment

Road Traffic (Vehicles) Act 2012

Division 3 - Access restrictions on certain vehicles that comply with mass or dimension requirements.

Main Roads Western Australia administer the Restricted Access Vehicle (RAV) network. Should the application pertain to a local government controlled road, concurrence from the Council is sought.

The Council as the asset owner is requested to consider any restricted access vehicle (RAV) application and provide its consideration as to whether to include any proposed route onto the restricted access vehicle network.

The Council has the ability to place limited conditions onto a RAV approval. The standard local government condition used for these applications is the CA07 as follows:

Policy Implications

Nil

Financial Implications

The inclusion of a road onto the HVS RAV network may improve road freight efficiency. However, there is also the potential for additional road user damage especially at intersections and after wet events.

Strategic Implications

Strategic Community Plan 2019-2029:

1.1.1 Provide and support cost effective transport network

Following a decision on Item 7.5 and prior to discussion on Item 8.0, Cr JR Holmes rejoined the meeting at 5:33pm.

8.0 CONFIDENTIAL ITEMS

8.1 RATES – REPURCHASE OF LAND (A308 / A502)

To be held in closed session under s5.23 (2)(b) of the Local Government Act 1995 as the matter to be considered relates to the personal affairs of a person.

Copy of Confidential Report provided to Councillors under separate, confidential cover.

PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 8.0 – RESOLUTION# 06200923S

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

Council closes the meeting to the public at 5:34pm in order to discuss Confidential Item 8.1, in accordance with s.5.23(e)(iii) of the *Local Government Act 1995*, as the matter pertains to the business, professional, commercial or financial affairs of a person.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 8.1 – RESOLUTION# 07200923S

MOVED: Cr JD Bagley

SECONDED: Cr McTaggart

Council, by Absolute Majority:

1. Agrees to re-purchase 7 (Lot 163 on DP2893) Broad Street Mingenew, and engross all necessary documentation required for the finalisation of the return of the land to the Council.
2. Under section 6.12 of the Local Government Act 1995, write off all rates, service charges associated with 7 Broad Street for the 2023/24 financial year.
3. Under section 6.12 of the Local Government Act 1995, waive Seller Settlement Fees and Council pay all settlement costs associated with the transfer of both 35 King Street and 7 Broad Street, Mingenew back to the ownership of the Council.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 7/0

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

PROCEDURAL MOTION AND COUNCIL DECISION – ITEM 8.0 – RESOLUTION# 08200923S

MOVED: Cr JR Holmes

SECONDED: Cr AR Smyth

Council reopens the meeting to the public at 5:36pm.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

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9.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 18 October 2023 commencing at 5.00pm.

10.0 CLOSURE

The meeting was closed at 5:37pm.

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

Signed _____
Presiding Officer

Date: _____