



## PREVIOUS MINUTES ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

19 June 2024 at 5:00pm

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# MINUTES FOR THE ORDINARY COUNCIL MEETING

17 APRIL 2024

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 17 APRIL 2024 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 HR McTaggart	Deputy President
Cr JD Bagley	Councillor
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr RA Starick	Councillor
Cr AR Smyth	Councillor

**Leave of Absence**

Nil

**Apologies**

Ms Erin Greaves	Governance and Community Manager
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**Staff**

Mr Matt Fanning	Chief Executive Officer
Mrs Helen Sternick	Manager Corporate Services
Mr Shane Noon	Works Manager

**Members of the Public**

Nil

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 21 FEBRUARY 2024

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 February 2024 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 20 MARCH 2024

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 20 March 2024 be confirmed as a true and accurate record of proceedings.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 & 7.2 ENBLOC – RESOLUTION# 01170424

MOVED: Cr JR Holmes

SECONDED: Cr AR Smyth

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 February 2024 be confirmed as a true and accurate record of proceedings with an amendment made to the MACC noted removing the word expressing the intent to manage and coordinate the railway station.

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 20 March 2024 be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

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

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 DECLARATIONS OF INTEREST

Nil

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 11 MARCH 2024

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 11 March 2024.

*NOTE: The Local Emergency Management Arrangements were endorsed by Council at the 20 March 2024 Special Council meeting.*

10.2 SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

10.2.1 MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 11 MARCH 2024

OFFICER RECOMMENDATION - 10.2.1

Council receives the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Meeting held on 11 March 2024.

10.2.2 ELECTION OF CAPTAINS AND DEPUTY CAPTAINS FOR BRIGADES

COMMITTEE RECOMMENDATION - 10.2.2

That the following persons be appointed to the position of Captain or Deputy Captain for the following Bush Fire Brigades / Farm Response Units:

Yandanooka

- a) Captain: Justin Bagley
- b) Deputy Captain: Jarrad Spencer

Lockier

- a) Captain: Daniel Michael
- b) Deputy Captain: Paul Flanders

Guranu

- a) Captain: Ben McTaggart
- b) Deputy Captain: Robert Holmes

Mingenew North

- a) Captain: Alex Pearse
- b) Deputy Captain: Andrew Green

Mingenew Town

- a) Captain: Anthony Smyth
- b) Deputy Captain: Jarrad Kupsch

10.2.3 NOMINATIONS FOR SHIRE OF MINGENEW BUSHFIRE CONTROL OFFICERS

COMMITTEE RECOMMENDATION - 10.2.3

That the following persons be nominated to the position of Bushfire Control Officer for the Shire of Mingenew:

Murray Thomas and Paul Flanders.

10.3 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

10.3.1 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 13 MARCH 2024

OFFICER RECOMMENDATION - 10.3.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 13 March 2024.

*NOTE: The 2023 Compliance Audit Report was adopted by Council at the 20 March 2024 Special Council meeting.*

OFFICER / COMMITTEE RECOMMENDATIONS AND COUNCIL DECISION - 10.2.1-10.2.3 & 10.3.1  
ENBLOC – RESOLUTION# 02170424

MOVED: Cr AT Pearse

SECONDED: Cr RA Starick

ITEM 10.1.1

Council receives the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 11 March 2024.

ITEM 10.2.1

Council receives the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Meeting held on 11 March 2024.

ITEM 10.2.2

That the following persons be appointed to the position of Captain or Deputy Captain for the following Bush Fire Brigades / Farm Response Units:

Yandanooka

- a) Captain: Justin Bagley
- b) Deputy Captain: Jarrad Spencer

Lockier

- a) Captain: Daniel Michael
- b) Deputy Captain: Paul Flanders

Guranu

- a) Captain: Ben McTaggart
- b) Deputy Captain: Robert Holmes

Mingenew North

- a) Captain: Alex Pearse
- b) Deputy Captain: Andrew Green

Mingenew Town

- a) Captain: Anthony Smyth
- b) Deputy Captain: Jarrad Kupsch

ITEM 10.2.3

That the following persons be nominated to the position of Bushfire Control Officer for the Shire of Mingenew:

Murray Thomas and Paul Flanders.

ITEM 10.3.1

Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 13 March 2024.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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



- 11.0 CHIEF EXECUTIVE OFFICER  
Nil.

## 12.0 CORPORATE SERVICES

### 12.1 FINANCIAL REPORTS FOR THE PERIOD ENDING 29 FEBRUARY 2024 & 31 MARCH 2024

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.FRP  
**Date:** 23 April 2024  
**Author:** Helen Sternick, Manager Corporate Services  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Council is required by legislation to consider and adopt the Monthly Financial Report, including Statement of Financial Activity for the period ended 29 February 2024 and 31 March 2024, as required by Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 – RESOLUTION# 03170424**  
**MOVED: Cr HR McTaggart**                      **SECONDED: Cr AR Smyth**

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period ending 29 February 2024, as included at Attachment 12.1.1;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period ending 31 March 2024, as included at Attachment 12.1.2.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

#### Attachments

12.1.1 Monthly Financial Report for the period ending 29 January 2024

12.1.2 Monthly Financial Report for the period ending 31 March 2024

#### Background

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

The Monthly Financial Report for the period ended 29 February 2024 and 31 March 2024 includes the following:

- Statement of Financial Activity by Nature or Type
- Statement of Financial Position
- Statement of Financial Activity Information
- Explanation of Material Variances
- Cash and Financial Assets
- Reserve Accounts
- Capital Acquisitions
- Disposal of Assets
- Receivables
- Other Current Assets
- Payables
- Rate Revenue
- Borrowings

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 17 APRIL 2024

- Lease Liabilities
- Other Current Liabilities
- Grants, Subsidies and Contributions
- Capital Grants, Subsidies and Contributions
- Budget Amendments

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 29 February 2024	
Municipal Funds – Corporate cheque account	\$1,911,754
Cash on Hand	\$100
Trust Fund	\$1
Term Deposit – Reserves	\$1,142,398

Summary of Funds as per bank statements – Shire of Mingenew as at 31 March 2024	
Municipal Funds – Corporate cheque account	\$2,151,245
Cash on Hand	\$100
Trust Fund	\$1
Term Deposit – Reserves	\$1,142,398

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

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

Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the relevant month; and
- actual amounts of expenditure, revenue and income to the end of the relevant month; and
- material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

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

### **Policy Implications**

Nil.

### **Financial Implications**

No financial implications are indicated in this report.

### **Strategic Implications**

Strategic Community Plan 2023-2033 Strategies

- 14 Operating with a high standard of good governance and transparency
- 15 Financial practices are responsive to compliance requirements and revenue needs



### **Statutory Environment**

*Local Government Act 1996, Section 6.4*

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

#### **13A. Payments by employees via purchasing cards**

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

### **Policy Implications**

Payments have been made under delegation.

### **Financial Implications**

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

### **Strategic Implications**

Strategic Community Plan 2023 - 2033 Strategies

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs.

### 12.3 DISASTER RECOVERY FUNDING ARRANGEMENTS - TC SEROJA

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** GS.PRG.16  
**Date:** 23 April 2024  
**Author:** Helen Sternick, Manager Corporate Services  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Provision of a summary report advising of the total amount claimed from the Essential Public Asset Reconstruction (EPAR) and Category C works under the event, Severe Tropical Cyclone Seroja, funded by the Department of Fire and Emergency Services (DFES).

#### Key Points

- Department of Fire and Emergency Services' approved estimated cost of repairs was \$3,367,209 for EPAR
- Actual EPAR expenditure and claim \$2,769,982.72
- Total EPAR amount received \$2,590,804.71
- Received \$38,616.29 under the Category C program

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.3 – RESOLUTION# 05170424**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr AT Pearse**

Council notes the amounts received from the Disaster Recovery Funding Arrangements specifically the Essential Public Asset Reconstruction (EPAR), \$2,769,982.72, and Category C, \$38,616.29, programs.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

#### Attachments

12.3.1 Mingenew Summary of Claims

#### Background

On the evening of 11 April 2021 Severe Tropical Cyclone Seroja made landfall between Kalbarri and Port Gregory in the Shire of Northampton. The dangerous system brought destructive winds and heavy rainfall to coastal areas and continued inland impacting additional communities, including Mingenew.

Severe Tropical Cyclone Seroja was proclaimed an eligible disaster under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) on 14 April 2021, pursuant to clause 5.1 of the Disaster Recovery Funding Arrangements (DRFA), issued by the Commonwealth Government Department of Home Affairs. The State Government provided financial assistance to communities who were affected through joint State and Commonwealth disaster relief and recovery arrangements.

DRFAWA is jointly funded by the State and Commonwealth Governments and administered by the Department of Fire and Emergency Services (DFES), with assistance from other agencies. Through DRFAWA, the Western Australian and Commonwealth Governments provided assistance to the Shire of Mingenew, who suffered from the direct impact of a proclaimed disaster event.

**Comment**

DFES approved the estimated EPAR cost of repairs, being \$3,367,209. After the approval, the repair works commenced in July 2021 after appointing consultants to manage the repair works. Progress claims were submitted regularly during the progression of the repair works. The final repair works were completed by 30 June 2023 and the final progress claim was approved by DFES in March 2024.

The total amount of the EPAR claim was \$2,769,982.72. Under the funding agreement Council was required to contribute \$179,178.01 towards the repairs works, resulting in a total amount of \$2,590,804.71 being received.

The EPAR expenditure includes:

- consultants to project manage;
- contractors to supervise;
- contractors to repair roads; and
- shire own resources to repair roads.

The total amount of the Category C claim was \$40,735.59. Unfortunately, a portion of our own resources was not accepted in the claims due to ineligibility, resulting in the total amount of \$38,616.29 being received.

The approved Category C expenditure includes:

- removal of asbestos and footings from the Tennis Clubhouse; and
- push-up debris and building materials at the Transfer Station.

**Consultation**

Nil.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Strategic Community Plan 2023-2033 Strategies

14 Operating with a high standard of good governance and transparency



## 13.0 GOVERNANCE AND COMMUNITY

### 13.1 STANDARDISED MEETING PROCEDURES DISCUSSION PAPER

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** WALGA  
**Disclosure of Interest:** Nil  
**File Reference:** GV.CMT / LE.LLW.2  
**Date:** 23 April 2024  
**Author:** Erin Greaves, Governance and Community Manager  
**Authorising Officer:** Helen Sternick, Acting Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Council has an opportunity to provide feedback on WALGA's Discussion Paper on Standardised Meeting Procedures that are in development by the Department of Local Government, Sport and Cultural Industries. A proposed response to WALGA and the Department is provided for Council consideration.

#### Key Points

- As part of the DLGSC's Local Government Reform package, standardised meeting procedures are in development to provide consistency and make it easier for members of the public to participate in and observe council and/or committee meetings
- The Shire of Mingenew, like most other local governments, rely on Local Laws and policy to determine the conduct at meetings
- DLGSC have issued a Consultation Paper and a survey (closing 29 May 2024)
- WALGA have recently issued a Discussion Paper to help guide feedback on the reform and are seeking responses by Monday 29 April 2024 to determine an advocacy position on behalf of the sector
- Staff have prepared responses for Council consideration

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION# 06170424**  
**MOVED: Cr HR McTaggart**                      **SECONDED: Cr AT Pearse**

**Council receives the Standardised Meetings Discussion Paper prepared by WALGA and endorses the responses provided in the attached Standardised Meeting Procedures Discussion Paper Response.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

#### Attachments

13.1.1 Shire of Mingenew Response to Standardised Meeting Procedures Discussion Paper

13.1.2 Shire of Mingenew Standing Orders Local Law 2017

#### Background

The following is an extract from the Department of Local Government, Sport and Cultural Industries (DLGSC) Consultation Paper:

"The State Government is implementing a number of reforms to the *Local Government Act 1995* (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures (for instance, if a person repeatedly and unreasonably disrupts a meeting).

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of council meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings.

The *Local Government Amendment Act 2023* inserts section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

It is intended that the new standard meeting procedures (also known as “standing orders”) apply to all council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

It is envisaged that relevant elements of Parts 2 and 3 of the *Local Government (Administration) Regulations 1996* (the Regulations) would be incorporated into the new standardised meeting procedures.

The Department of Local Government, Sport and Cultural Industries (DLGSC) will also develop reference materials for council members, local government staff and communities to assist in ensuring consistency throughout the sector.”

WALGA has developed a Discussion Paper on the proposed standardised meeting procedures and is seeking early feedback from local governments in order to prepare a consolidated advocacy position that reflects the aggregated views of the sector. A formal response is requested by Monday, 29 April 2024.

The WALGA discussion paper is intended to be read in conjunction with the Department’s Consultation Paper.

### **Comment**

The Department’s Consultation Paper and WALGA’s Discussion Paper have been combined into the response document for readers to easily follow the main points of contention. An Officer’s Comment has been provided, along with the proposed recommendations for submission to WALGA.

Comments provide an overview of implications for the Shire, any issues that have arisen in the past regarding conduct at meetings and any other general comments. The Shire may wish to provide a formal response to the Department, in addition to WALGA.

Should Councillors have differing views or additional points to include in the response, an amendment to the motion would be required.

### **Consultation**

WALGA  
DLGSC

The Department’s survey is open to local governments, council members, CEOs, local government employees and members of the community until Wednesday, 29 May 2024 and can be accessed by clicking the following link - [online survey](#).

**Statutory Environment**

Local Government Act 1995

Local Government (Administration) Regulations 1996

Shire of Mingenew Standing Orders Local Law 2017

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Strategic Community Plan 2023-2033

14.2 Prepare and respond in a timely manner to Local Government Act reforms

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





- Terra Mining road use
  - The road use agreement has been extended for 12 months.
  - It would appear that there is quite a lot of material being moved now as the trucks on the road appear to have increased.
  - The streets are being monitored and inspected 3 times a week.
  - There are some signs of deterioration in the roads.
  - The parking and the travel into the town streets has declined and the contractors have improved the compliance in regard to road signage.
- Sealed roads
  - Repairs done on the new seal Coalseam Road where a tractor screwed on the seal and lifted the seal.
  - Patching on Nanekine Road, seal patching was carried out where the surface was lifting on very old sections of seal. Reseal required or high level of maintenance in sections of this road in the near future.



- General comments,
  - The team have progressed quite well moving through the works.
  - The pump on the water tanker has blown the main seal at the back of the water pump. This has been sent to Geraldton for repairs.
  - While carrying out the removal of the pump it has been noticed that there is some cracked welds and rusting occurring in some areas. This tank will require some upgrading in the near future.



- Further gravel re-sheeting works are required on Strawberry North East Road 1.5 km in 2 sections. These works may require considering in the 2024 – 2025 Budget.
- Yandanooka West Road requires some gravel patching. The patching gravel has been laid out ready for the team once we complete the bottom section of Moorinary Road. This section of road will need to be considered for gravel re-sheeting in the 2024 2025 Budget.
- Image resources are investigating carrying out exploration works along the Yandanooka West Road. This will require works within the road reserve and road re-habitation as required. Currently working with the team to outline requirements once the scope of works is fully identified.
- Karara Mining are looking to undertake maintenance on the water line which runs along Enokurra Road and Will Road. Works in the road reserve are required and appropriate safety measures and re-habitation requirements will need to be meet.

## URBAN SERVICES

- General garden and town maintenance
  - General maintenance is continuing.
    - The team has been quite busy doing the general maintenance. Weeding and pruning of the shrubs and plants in the prominent gardens has taken place. When conditions allow the team are spraying the weeds and mulching the gardens.
    - The main works have been carried out in the MIG building surrounds and the carpark opposite the Council administration.
    - Quite a few shrubs and trees in the urban gardens and around the Council Chambers have died. Some may come back with a heavy cut back and others will need to be removed.
    - Along the road to the rec centre there have been a number of large trees which appear to have died. Some may shoot back but unfortunately most of the ones that have died back are not going to reshoot.



- Main oval
  - The main oval is being maintained. The team are currently preparing the oval for the upcoming winter sports season.
  - Line marking for the season start has been completed.
- Hockey field
  - The hockey field still has some dry spots and we are working on addressing this issue.
  - One of the solutions is to place a new row of sprinklers along the south-western side of the oval to counter the wind blowing the water away and leaving these sections bare. This option requires capital works budgeting.
  - The team are preparing the field for the upcoming winter sports season.
  - Seed and fertilizer have been purchased to place on the field to encourage growth in the bare areas.
  - Line marking for the start of the upcoming season has been completed



- Race track
  - The race track is being looked at by an expert to provide feedback to improve the track.
  - There are also some trees that have been identified that effect the grass growing capacity in this area. This is not a new issue but one that has existed for a very long time.
  - The Shire is working with the Turf Club to come up with the best and cost effective solution for this area.
  - The plan recommended to rectify the issues faced with the race track are as follows (budget and costs need to be considered):
    - Mow the track as short as possible.
    - Allow the undesired grasses to grow back to a height of 120mm to 150mm.
    - Wik-wipe the undesired grasses with glyphosate.
    - Verticut the track would be preferred.
    - Spread kikuyu seed mixed with sand.
    - Top dress with sand (sand has already been carted in).
    - Water the entire track all year round as required if not raining.
    - Mow track short all year round, once per week. Keep the grass short and encourage the kikuyu and cooch grass to take over the inside  $\frac{3}{4}$  of the track.
  - The above outlined program has significant cost implications for the maintenance of this track and will need to be considered as part of the annual budget process.
  
- Tennis Club
  - The tennis courts have been maintained. The team have brush cut and sprayed around the fence.
  - Evoke Living homes have requested the Shire to provide a defect list for the 6 months maintenance period. There are a number of items which have previously been raised with Evoke which will be going on this list with the expectation that the items will be rectified.
  - The Shire is currently preparing grant applications for upgrading the lights. There are a number of requirements that need to be met to be able to submit a viable grant application. We are working through the requirements to ensure we check each box.
  - Annual court renovations will be the next maintenance program that we will be preparing for early next financial year.
  
- Bowling Club
  - The green has been maintained and watered.



- The club are planning to carry out the annual refurbishment in April this year which will give the green a good opportunity to rejuvenate and grass to cover the bare patches that will be created by the refurbishment.
- There are some mould patches along the northern side of the Bowling green. This will need to be treated and grass encouraged to grow back.
- General comment
  - The team have been working hard to keep the water up to the fields and open spaces. This has been quite challenging due to the dry conditions.
  - Investigations into extending the bore water reticulation to Shire houses and existing open spaces, which are currently using Water Corp water, are underway for budgeting purposes, with support from potential grant funding.

### INFRASTRUCTURE PROJECTS

- The Community garden
  - Preparation and ordering of materials are under way for the construction of the community garden.
- Mingenew Spring Project
  - Boundary pegging has been completed and scoping works are under way. The Shire is working with the Perth botanical gardens. Site visit is expected during the week of 6 May 2024.
- Waste Management
  - Operational waste management is being undertaken.
  - We have received quite a lot of waste material this month which required significant loader time to manage the tip face in accordance with regulation.
  - Options are being investigated as part of the contract quotation that is required. The current contract expires in September 2024.
  - Further survey works have been completed and sent to the consultant who is working on the required useful life closure plan for the site.
  - Works required:
    - Closure fill plan and footprint drawing (survey was required for these works)
    - Closure plan guided by the fill plan
    - Closure plan costings forecast for auditing requirements and budgeting.



- Drum Muster clean up
  - We have commenced cleaning up the large mess left from the drum muster oil program.
  - These practices need to stop. The existing oil reciprocal will be relocated out to the waste facility beside the existing one. All clean used oils will need to be disposed of into these receptacles. The oil will then be collected by Wren Oil. This is a charge to the Shire.
  - Wren Oil is booked in to collect the oil on its next run north. Approximately 5,000L at this stage.



- Street beautification Project.
  - Draft plans are complete.
  - Currently working with Kings Park curators and DCBA on tree selection.
- Plant replacement
  - The new bob cat has arrived with the new attachments.
    - Staff have been trained on operating and maintaining the new plant and attachments by Westrac.
    - We are currently working through the Safe Work Method Statements (SWMS) for safe operation of the equipment especially the mulcher as this is a high risk item of plant.
    - We have received draft SWMS from Westrac which will form the base of our documentation. Once the appropriate documentation is in place we will get this equipment moving on the shoulders of the sealed roads.
    - The first road we will trial on will be Victoria Road to the Mingenew South Road. This area will give us a good guide before venturing out to Depot Hill Road.
  - 6 wheel water cart has been sold at auction for \$7,000
  - Mitsubishi Triton plant number P0626 has been sold for \$4,200
  - Investigations into obtaining a replacement 6 wheeler have commenced. This would be quite versatile for the workforce and obtaining staff with the appropriate licence is more effective. We need a back up water cart to ensure works can continue when we have water cart breakdowns.
  - A plant replacement program is being developed.
    - This will enable Council to make informed decisions on plant and plan for future purchases.



- Staff recruitment
  - We have completed interviews for the apprentice role in the parks and gardens area. We have a good candidate which I believe will fit into the role quite well. They are scheduled to commence in the role 6 May 2024
  - This will assist council in succession planning.

### **Consultation**

Nil.

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil.

### **Financial Implications**

All works have been completed to Budget.

### **Strategic Implications**

Strategic Community Plan 2023-2033

- 1.2 Develop, deliver and review the Shire's local roads improvement plan and Shared Pathways Plan
- 1.4 Engage with industry stakeholders to ensure accountability for quality road standards
- 4.3 Delivery of well-maintained and accessible attractions and amenities
- 5.2 Offer career opportunities - "Grow Your Own" targeted at the local market
  - b Appoint a Horticulture trainee/apprentice
- 7.1 Utilise, activate and showcase community spaces to deliver successful local and regional events and programs
- 10.1 Community jointly engages in the management of invasive species and environmental initiatives
- 10.2 Fully compliant Mingenew Waste facility (Transfer Station)

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 POLICY POSITION ON NEW ASSETS

Cr HR McTaggart lodged the following notice of motion with Chief Executive Officer on 27 March 2024, in accordance with clause 3.10 of the Shire of Mingenew Standing Orders Local Law 2017.

**NOTICE OF MOTION (CR HR MCTAGGART) AND COUNCIL DECISION – ITEM 15.1 – RESOLUTION# 08170424**

**MOVED: Cr JR Holmes**

**SECONDED: Cr RA Starick**

**Council:**

1. develops a policy for considering new community infrastructure that includes decision making criteria to take into consideration asset management principles including the proposed assets life cycle cost; and
2. advises all sporting and recreation clubs / groups that until such time that a Sport & Recreation Master Plan is established and endorsed, no new infrastructure will be considered to ensure new proposals align with this Plan.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 5/2**

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

**CEO Comment**

The Shire has undertaken to prepare a Sport & Recreation Master Plan, in consultation with local sporting and recreational groups, to ensure a wholistic, integrated, financially responsible and collaborative approach to infrastructure and programming decisions for relevant facilities with regard to local area needs.

The Shire's Asset Management Policy states:

*"The Shire of Mingenew delivers a variety of services to the community and in doing so, must ensure that the assets supporting these services are:*

- a) *Managed in a way that promotes maximum performance for the most cost-effective 'Life Cycle' cost;*
- b) *Meeting community expectations of time, quality, and value for money.*

*Achieving this objective in an affordable and sustainable manner requires a strategic and long-term approach to asset planning and management. The Shire aims to deliver this through:*

- a) *Agreed levels of service that are cost effective and relevant;*
- b) *The adoption of a continuous improvement approach to asset management;*
- c) *Community and key stakeholder consultation in regard to expected levels of service; and*
- d) *Endeavouring to achieve Asset Ratio benchmarks as set by the Department of Local Government, Sport and Cultural Industries (although these ratios are no longer required to be included in the Annual Financial Statements)"*

This current Asset Management Policy could be reviewed and updated to specify how Council should deal with requests for new assets / community infrastructure.

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

17.0 CONFIDENTIAL ITEMS  
Nil.

18.0 TIME AND DATE OF NEXT MEETING  
Next Ordinary Council Meeting to be held on Wednesday, 19 June 2024 commencing at 5.00pm.

***Special Announcement***

*Prior to closing the meeting, Council expressed condolences to Erin Greaves, Governance and Community Manager for the loss of her grandfather today, Robert Atkins and requested that condolences be passed on to the Greaves family.*

19.0 CLOSURE  
The meeting was closed at 5:32pm.

These minutes were confirmed at an Ordinary Council meeting on 19 June 2024.

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

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



# MINUTES OF THE SPECIAL COUNCIL MEETING

29 APRIL 2024

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON MONDAY, 29 APRIL 2024 COMMENCING AT 5:00PM.**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member, Cr GA Cosgrove opened the meeting at 5:00pm.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

**Councillors**

Cr GJ Cosgrove	Shire President
Cr HR McTaggart	Deputy President
Cr JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr AR Smyth	Councillor
Cr RA Starick	Councillor

**Staff**

Mr Matt Fanning	Chief Executive Officer
Ms Erin Greaves	Governance and Community Manager

**Apologies**

Cr JD Bagley	Councillor
Mrs Helen Sternick	Manager Corporate Services
Ms Erin Greaves	Governance and Community Manager

**Members of the Public**

Mrs Naomi Obst

**Members of the Press**

Ms Alice Angeloni	ABC Midwest and Wheatbelt
Ms Piper Duffy	ABC Midwest and Wheatbelt

**3.0 DECLARATIONS OF INTEREST**

Nil



4.0 CHIEF EXECUTIVE OFFICER

4.1 PROPOSED GAS EXTRACTION WELLS, GAS PROCESSING FACILITY AND WORKFORCE ACCOMMODATION

Location/Address: (Shire of Mingenew)  
Lot 686 Watson Road, Lockier  
Lot 2385 Strawberry North East Road, Lockier  
Lot 100 Watson Road, Lockier  
Lot M433 Moorriary Road, Moorriary  
(Shire of Irwin)  
Lots 3558 & 3561 Midlands Road, Mount Horner  
Name of Applicant: Energy Resources Limited & Westranch Holdings Pty Ltd  
Disclosure of Interest: Nil  
File Reference: ED.INT.1  
Date: 26 May 2024  
Author: Simon Lancaster, Planning Advisor  
Senior Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

**Summary**

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

This report recommends that Council advise the DPLH that it supports the approval of the gas processing facility and wellheads subject to conditions, but that it opposes the workforce accommodation component of the project.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 4.1- RESOLUTION #01290424S**

**MOVED: Cr AR Smyth                      SECONDED: Cr HR McTaggart**

Council advises the Department of Planning, Land & Heritage in relation to the Lockyer Gas Project application that:

- 1 Council objects to the approval of any permanent workforce accommodation onsite noting that:
  - (a) The proposed development is sited 17km west of Mingenew townsite and 30km east of the Dongara townsite, and both of these townsites offer existing community facilities, medical facilities, retail facilities, recreational facilities and have land available for development with utility servicing.
  - (b) The approval of the workforce accommodation component would be contrary to the Aims of both the Shire of Mingenew and Shire of Irwin Local Planning Schemes.
  - (c) The approval of the workforce accommodation component would be contrary to the strategies and outcomes of both the Shire of Mingenew and Shire of Irwin Strategic Community Plans.
  - (d) The approval of the workforce accommodation component does not satisfy the matters that are to be given due regard under Schedule 2 Part 9 Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- (e) The approval of the workforce accommodation component would be contrary to the WAPC Position Statement: Workforce Accommodation that seeks to site workforce accommodation in established towns.
- (f) The approval of the workforce accommodation component would be contrary to the principles and objectives of the State Planning Strategy that seeks to create places where people want to live and work and sustainable and resilient regions.
- (g) The approval of the workforce accommodation component does not align with Statement of Planning Policy No.3 – Urban Growth and Settlement that has the objective of building on existing communities.
- (h) Insufficient information regarding the impact of the development on the local community has been provided and the application should include a social impact assessment and stated goals and actions to assist in this regard.
- (i) The approval of a permanent workforce accommodation camp within a 30-minute drive of an existing townsite (and in this case 2 townsites) does not align with best practice as identified by multiple local governments' planning documents.
- (j) The housing of workers in a townsite environment that has a community culture and lifestyle with supporting police presence, community facilities, medical facilities, recreational facilities and commercial facilities rather than on-site in a camp arrangement may be considered to better serve employees and assist in bringing about culture change as identified in the Western Australian Parliamentary Committee Report 'Enough is Enough-Sexual Harassment against women in the FIFO mining industry'.

2 Council seeks the application of the following conditions in the event that the DPLH approves the gas processing facility component upon Lot 3558 (1,239ha) and Lot 3561 (803ha) Midlands Road, Mount Horner:

- (a) The upgrading of Strawberry North-East Road to a sealed standard to the local government specifications at the applicant's expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.
- (b) The construction of the unnamed road between the development site and Strawberry North-East Road to a sealed standard to the local government specifications at the applicant's expense and the construction works are to be implemented in full prior to commencement of the development.
- (c) The upgrading of the Midlands Road and Strawberry North-East Road intersection to Main Roads WA specifications at the applicant's expense and the upgrade and construction works are to be implemented in full prior to commencement of the development.
- (d) Prior to the commencement of the development a Construction Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter, the plan shall address but not be limited to:
  - (i) hours of construction;
  - (ii) site access and egress;
  - (iii) construction traffic management;
  - (iv) deliveries and storage of construction materials and machinery;

- (v) management of vibration, dust and erosion;
- (vi) management of construction noise and other site generated noise;
- (vii) construction waste management, recycling and removal;
- (viii) public communication and complaint handling;
- (ix) road upgrades.

- (e) Prior to the commencement of the development a Light Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter.
- (f) Prior to the commencement of the development a Waste Management Plan shall be submitted to the DPLH for approval and approved (on advice of the Shires of Irwin and Mingenew) and the development shall operate in accordance with the plan thereafter.
- (g) 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 satisfaction of the DPLH.

3 Council seeks the application of the following condition in the event that the DPLH approves the gas production wells and wellhead facilities component upon Lots 100 & 686 Watson Road, Lot 2385 Strawberry North East Road, Lockier and Lot M433 Mooriary Road, Mooriary:

- (a) The applicant shall be responsible for the upgrade, 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, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
- (b) 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 satisfaction of the DPLH.

4 Any approval of the development should be made subject to the applicant submitting to the DPLH for approval (on advice of the Shires of Irwin and Mingenew) a Social Impact Statement and Local Community Investment Program, and requirement for the applicant to enter into a legal binding agreement, at their cost, to ensure the implementation of the Social Impact Assessment and the associated Local Community Investment Program for the life of the project.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 6/0**

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

**Attachments**

Attachment 4.1.1 - Development application (provided as separate attachments 4.1.1.a – 4.1.1.m)

Attachment 4.1.2 - Schedule of Submissions (provided as separate attachment)

Note: The development application report was accompanied by the following technical documents which are available for viewing at the following links to the DPLH and EPA websites:

- Communication Summary;
- Economic Benefit Statement;

- Access Memorandum
- Transport Impact Assessment;
- Environmental Noise Assessment;
- Waste Management Plan;
- Environmental Impact Assessment Overview;
- Heritage Report Summary;
- Visual Impact Report Summary;
- Bushfire Management Plan.

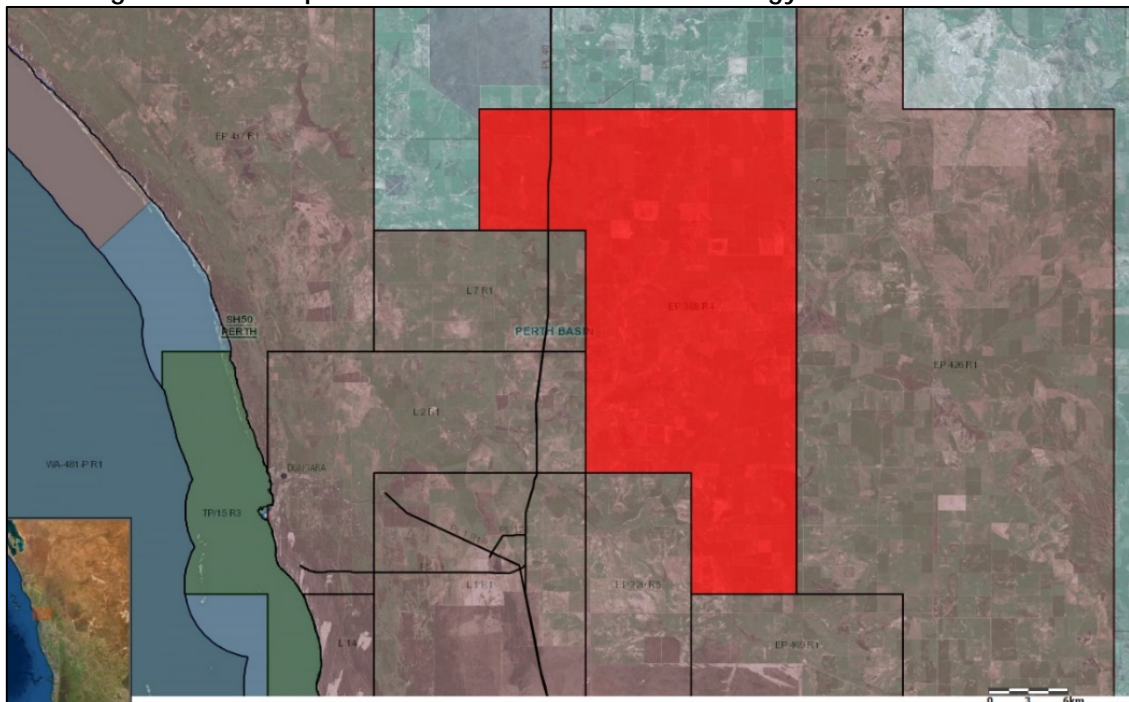
<https://consultation.dplh.wa.gov.au/reform-design-state-assessment/mt-lockyer-gas-extraction-and-processing/>

<https://www.epa.wa.gov.au/proposals/lockyer-conventional-gas-project>

### **Background**

The applicant was issued with a petroleum exploration permit (EP368) by the Department of Mines, Industry Regulation & Safety (DMIRS) on 30 June 2015 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.

**Figure 4.1.1 – Exploration Permit 358 issued to Energy Resources Limited**

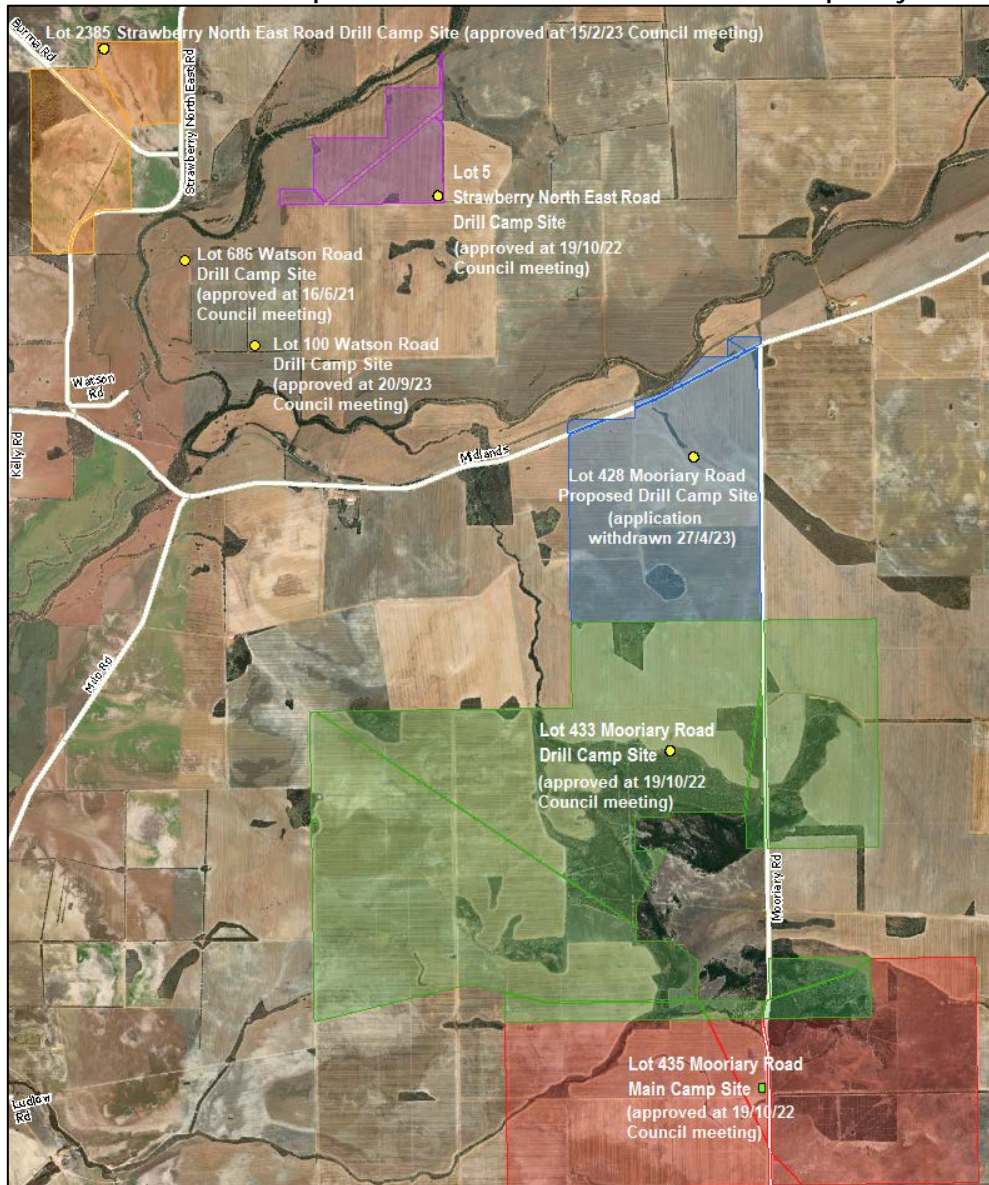


Council has previously approved applications for temporary workforce accommodation camps from the applicant at the following locations:

- temporary exploratory drill site camp – Lot 686 Watson Road, Lockier (16 June 2021 Council meeting);
- temporary exploratory phase main camp – Lot 435 Moorriary Road, Moorriary (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 433 Moorriary Road, Moorriary (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 5 Strawberry North East Road, Lockier (19 October 2022 Council meeting);
- temporary exploratory drill site camp – Lot 2385 Strawberry North East Road, Lockier (15 February 2023 Council meeting);
- temporary exploratory drill site camp – Lot 100 Watson Road, Lockier (20 September 2023 Council meeting);

Given that the applicant had been issued with a petroleum exploration permit by DMIRS the previous Council decisions were limited to the matter of the temporary drill camps and the access points onto, and use of the local road network, and not the purpose for which the camps were to serve, as this had been addressed prior by the overriding State approval.

**Figure 4.1.2 – Location of exploration drill sites and associated temporary drill camps**



The Lockyer Gas Project proposes to collect natural gas from conventional gas wells and direct the gas via a pipeline to a central processing facility where the raw gas would be treated to the specification required for export by pipeline to the Dampier to Bunbury Natural Gas Pipeline (DBNGP). The condensate by-product would be treated onsite and transferred offsite via B-double road trains to a location suitable for marine export.

The gas production wells, and wellhead facilities contained in this application are located in the Shire of Mingenew on the following properties:

- Lockyer Deep 1 - Lot 686 Watson Road, Lockier;
- Lockyer 3 - Lot 2385 Strawberry North East Road, Lockier;
- Lockyer 4 - Lot 100 Watson Road, Lockier;
- Lockyer 5, North Erregula Deep 1 & North Erregula 2 – Lot M433 Moorriary Road, Moorriary.

The applicant's layout and elevation plans for the wellheads can be viewed as **separate Attachment 4.1.1.d** and at the following link:

[Applicants Architectural Plans Wellheads - Attachment 2.pdf \(planning.wa.gov.au\)](https://planning.wa.gov.au/Attachments/Attachments/Attachment%202.pdf)

The gas processing facility would be located in the Shire of Irwin, immediately west of the Shire of Mingenew boundary, on Lot 3558 (1,239ha) and Lot 3561 (803ha) Midlands Road, Mount Horner.

Figure 4.1.3 – Lockyer Gas Project Map



The site would gain access back to Midlands Road via Strawberry North East Road and an unnamed road reserve leading west off this. The initial 2km section of Strawberry North-East Road and the unnamed road reserve leading west off this are both within the Shire of Irwin (Strawberry North East Road enters the Shire of Mingenew immediately north of the unnamed road).

Figure 4.1.4 – Strawberry North East Road and Shire boundary



The gas processing facility would occupy a 5.4ha footprint and consist of separation and compression infrastructure, evaporation ponds and condensate truck loading pad, there would also be associated infrastructure including power generation, telecommunications, administration building, warehouse building, workshop, car parking, internal vehicle network, water and monitoring bores and effluent disposal system.

The site, elevation and floor plans for the gas processing facility can be viewed as separate **Attachment 4.1.1.c** and at the following link:

[Applicants Architectural Plans Central Processing Facility - Attachment 2.pdf \(planning.wa.gov.au\)](#)

**Figure 4.1.5 – Concept Model of proposed Gas Processing Facility**



The applicant is also seeking approval for a permanent 24 bedroom onsite workforce accommodation camp.

The applicant's site, elevation and floor plans for the workforce accommodation camp can be viewed at the following link:

[Applicant Architectural Plans Operations Village - Attachment 2.pdf \(planning.wa.gov.au\)](#)

**Figure 4.1.6 – Concept Model of proposed workforce accommodation**



The applicant has lodged this application directly to the State Department for Planning, Lands & Heritage under the significant development pathway, further information on which can be found at the following link:

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

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

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

### Comment

The proposed gas processing facility would be 17km west of Mingenew townsite and 30km east of the Dongara townsite.

The proposed development is estimated to create up to 350 jobs during the construction phase and approximately 40 permanent staff once operational with a focus on local employment and skills. It is considered appropriate that a construction phase project may require onsite accommodation for temporary workers to assist in the efficient delivery of a project. However, it is not agreed that permanent workers should be accommodated onsite, particularly when located in proximity to existing settlements.

The provision of onsite workforce accommodation suggests the project will cater for workers who do not live within the surrounding area and should be considered a lesser outcome in terms of corporate social responsibility and engagement with the surrounding community. Whilst it is recognised that projects do have an underlying objective of maximising the proponent's interests there is still ability for it to have regard and concern for the wider social context of the region in which it is located. Without such regard it might be asked; *if the project were to not proceed would the local community be any the worse off?*, indeed it might be better off as the local community will bear the impacts to its own transport activities and networks, particularly during the construction phase, the impact on its rural amenity through visual, noise and light impacts, and the environmental risks both during the operation and post-operation legacy phases when a proponent, who is from outside the region, has made their profits and moved on.

The introduction of onsite workforce accommodation, when nearby townsites offer existing community facilities, medical facilities, retail facilities, recreational facilities and have land available for development with utility servicing, does not serve to grow communities and is not reflective of the way in which other local governments seek to address this issue.

It is considered appropriate to give regard for how other regional local governments who have faced this issue and have addressed it, with some examples provided below.

The Town of Port Hedland 'Workforce Accommodation Position Statement' states that:

*"Proximity - The Town encourages workforce accommodation for projects in proximity to the Town being located within the townsite boundary, where a safe driving distance to site and return can be achieved. This will ensure these developments realise the immediate and sustainable value for the community and maximise psychosocial outcomes for industry workforces."*



*“Location - The Town supports long-term workforces being accommodated in permanent residential-style developments, with a preference that these be integrated within higher activity centres to enhance amenity, stimulate local business activity, support town-based services and infrastructure, and encourage community integration.”*

*“A well-planned proposal for workforce accommodation benefits the Town, local businesses, industry proponents and FIFO workforces by:*

- establishing a process of upfront and ongoing engagement with the community to identify and mitigate/manage impacts, harness project opportunities, respond to community expectations and resolve misunderstandings*
- planning for, and offsetting, demand on limited physical and community infrastructure and services, and the community’s social structure, through applying a defined process of economic and social impact assessment and management*
- revealing issues relevant to land use planning decisions, resulting in a more environmentally, economically and socially sustainable environment*
- potentially reducing development approval timeframes and associated costs by applying a consistent and structured planning and approvals process*
- collocating workforce accommodation to achieve mutual benefit through community and service integration*
- providing transition processes (where relevant) from workforce accommodation to residential settlement within the Town*
- enhancing the amenity and safety of the accommodation and ancillary developments for workforces and adjacent residents*
- understanding community values, identity and cultural beliefs*
- effectively managing the supply and use of accommodation and associated redundancy, including during resource sector economic cycles”*

A copy of the Town of Port Hedland ‘Workforce Accommodation Position Statement’ can be viewed at the following link:

[https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/200702\\_Position\\_Statement\\_-\\_Workforce\\_Accommodation\\_Post\\_June\\_OCM.pdf](https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/200702_Position_Statement_-_Workforce_Accommodation_Post_June_OCM.pdf)

The location of the gas processing facility would easily satisfy the researched measure of a 30 minute one-way commute to either Mingenew or Dongara as referenced in the Town of Port Hedland ‘Workforce Accommodation’ Local Planning Policy (which notes that workforce accommodation within a 30 minute commute from a townsite should not be permitted).

A copy of the Town of Port Hedland ‘Workforce Accommodation’ Local Planning Policy can be viewed at the following link:

[https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/201216\\_LPP\\_05\\_-\\_Workforce\\_Accommodation\\_FINAL.pdf](https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/201216_LPP_05_-_Workforce_Accommodation_FINAL.pdf)

The Shire of Ashburton local planning policy for Transient Workforce Accommodation states:

*“The Council of the Shire of Ashburton does not support fly-in fly-out mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. The Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established.”*

A copy of the Shire of Ashburton ‘Transient Workforce Accommodation’ Local Planning Policy can be viewed at the following link:

<https://www.ashburton.wa.gov.au/documents/192/lpp13-transient-workforce-accommodation>

The City of Karratha 'Workforce Accommodation' Local Planning Policy has the following objective:

*"Facilitate development which enables occupants to integrate with the community and town services, recognising that an appropriately integrated workforce accommodation facility has the potential to form the foundation for the development of an urban centre."*

The City of Karratha policy also notes that:

*"The Council's preference is for workers to be accommodated in more integrated forms of townbased accommodation wherever possible, preferable dwellings. Operational workers are employed on a long term basis and ideally from a local community perspective, these workers should be residential. There should at least be plans or options for these workers to transition to residential."*

*While Council's preference is clear, where FIFO operational workers are to be accommodated on a long term basis, Council expects their accommodation to be: of a high standard; suitably integrated with surrounding development and the community; and not a typical camp design or layout appropriate to an isolated/remote camp. Integration can bring a range of advantages – to the community in the form of an increased population within commercial catchments with consequent commercial and social benefits – and to the FIFO workforce with opportunities for involvement in the wider community on a regular basis.*

*The objectives of this Policy are consistent with the report on the parliamentary enquiry into FIFO practices by the House of Representatives Standing Committee on Regional Australia which noted:*

*...the (FIFO) work practice is eroding the liveability of some regional communities to such an extent that it is increasingly removing the choice to 'live-in' rather than simply 'cash-in' and*

*Policy makers must develop a policy mix that ensures the FIFO/DIDO (Drive-In Drive-Out) work practice does not become the dominant practice, as it could lead to a hollowing out of established regional towns, particularly those inland.*

*In light of the above, workforce accommodation must be managed carefully, with a long term aim to minimise its use and maximise the residential workforce. This is a consistent approach for policy settings across all tiers of government in most if not all communities with a strong resources economy."*

- "d) The Council's preference is for operational workers to be town-based and the City will work with industry and the State Government to pursue options for increasing town-based workers;*
- e) The Council's aspiration is for workforce accommodation needs to be met as much as possible through more permanent forms of town-based accommodation;*
- f) The Council is committed to helping to grow and develop the local community and the local economy. Workforce accommodation facilities incur a relative loss of contribution compared to a resident workforce;*
- g) It is Council's intention to transition towards a residential workforce over time. Accordingly, workforce accommodation is approved on a temporary basis in all cases. The intention to transition over time towards a residential workforce should be shared;*
- h) Only Workforce Accommodation developments that are sufficiently integrated into the community shall receive longer term approval provided they meet the requirements of this policy"*

A copy of the City of Karratha 'Workforce Accommodation' Local Planning Policy can be viewed at the following link:

[https://karratha.wa.gov.au/sites/default/files/2021-05/DP10\\_Workforce\\_Accommodation\\_Nov2019.pdf](https://karratha.wa.gov.au/sites/default/files/2021-05/DP10_Workforce_Accommodation_Nov2019.pdf)

The issue of workforce accommodation has been one that proponents, communities and Federal, State and local governments have been seeking to manage effectively with a number of studies into this, including the following:

Australian House of Representatives

Standing Committee on Regional Australia 'Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia'

[file:///cv1-prw-rd01/home%20drives/dceo/Downloads/https\\_\\_\\_aphref.aph.gov.au\\_house\\_committee\\_ra\\_fifodido\\_report\\_fullreport%20\(3\).pdf](file:///cv1-prw-rd01/home%20drives/dceo/Downloads/https___aphref.aph.gov.au_house_committee_ra_fifodido_report_fullreport%20(3).pdf)

[https://www.infrastructure.gov.au/sites/default/files/migrated/departments/ips/files/FIFO\\_Government\\_Response-Tabled\\_4\\_June\\_2015.pdf](https://www.infrastructure.gov.au/sites/default/files/migrated/departments/ips/files/FIFO_Government_Response-Tabled_4_June_2015.pdf)

The Queensland University of Technology

'Social Impact of Mining Survey: Aggregate Results Queensland Communities'

<https://eprints.qut.edu.au/42056/1/42056.pdf>

Planning Institute of Australia

'Position Statement – Resource Communities'

<https://www.planning.org.au/documents/item/5049>

The Western Australian Parliamentary Committee Report 'Enough is Enough-Sexual Harassment against women in the FIFO mining industry' reached the conclusion that sexual harassment is prevalent in the mining industry and made multiple recommendations to bring about cultural change.

It might be argued that the project proponent would be better caring for its workforce by housing them in a townsite environment that has a community culture and lifestyle with supporting police presence, community facilities, medical facilities, recreational and commercial facilities rather than on-site in a camp arrangement which is a model that has not always best served employees.

The committee report can be viewed at the below link:

[https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/EF1DF1A3F5DF74A848258869000E6B32/\\$file/20220621%20-Report%20No%202.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/EF1DF1A3F5DF74A848258869000E6B32/$file/20220621%20-Report%20No%202.pdf)

Consultation

This application was advertised for comment by the DPLH from 13 March 2024 until 18 April 2024 and the Shire is required to submit its comments to the DPLH by 1 May 2024.

The DPLH consultation included the following actions:

- public notice placed in the Midwest Times;
- correspondence sent to landowners within 5km of the site and relevant state government departments and utilities;
- notice of the application and links to the DPLH website where the application was available for viewing were placed on the Shire of Mingenew and Shire of Irwin websites.

At the conclusion of the advertising period the DPLH had received 14 submissions, 6 in objection, 6 seeking changes to the application (primarily the removal of the workforce camp aspect) and 2 in support.

A summary of submissions that was prepared by the DPLH and provided to the Shire on 25 April 2024 which has been provided as **separate Attachment 4.1.2**.

Ordinarily an application (whether run through a standard process or a Development Assessment Panel process) would be advertised by a local government and the Shire Councillors would be provided with a copy

of the received submissions and given sufficient time to review the submissions and provided with a Schedule of Submissions that summarised each submission and provided individual comment to the issues raised within them. Shire Councillors are democratically elected to represent their local communities and a thorough, transparent consultation process is an important component of a Councillors' ability to represent their communities. The significant development pathway process has not provided this.

The Lockyer Conventional Gas Project was also advertised by the Environmental Protection Authority from 2 April 2024 until 9 April 2024 inviting comment on whether or not the EPA should assess the proposal under Part IV of the *Environmental Protection Act 1986* and, if so, what level of assessment was considered appropriate:

<https://www.epa.wa.gov.au/proposals/lockyer-conventional-gas-project>

<https://consultation.epa.wa.gov.au/seven-day-comment-on-referrals/lockyer-conventional-gas-project/>

### **Statutory Environment**

The *Petroleum and Geothermal Energy Resources Act 1967* provides for the State's ability to grant petroleum exploration and production approvals within a permit area. Under Section 5 of the Act petroleum is defined to include any naturally occurring hydrocarbon whether in gaseous, liquid or solid state.

The application was lodged under Part 17 'Special provisions for COVID 19 pandemic relating to development applications' of the *Planning and Development Act 2005*, that established the WAPC as the decision-making authority for significant development applications.

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

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

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

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

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

Previously an applicant would have been required to lodge a Scheme Amendment that gave specific regard for the development and its impact on surrounding land (with particular regard for emissions upon third party landholders and their residences and future development potential) and ordinarily have rezoned the land to 'General Industry' with an accompanying 'Special Control Area' (i.e. buffer) zoning.

Under such a scenario, prior to lodging their Scheme Amendment, the applicant would have been prudent to have engaged with surrounding landowners who had portions of their rural land within the buffer area and reached private financial agreement to implement legal agreements that precluded the development of habitable buildings upon third party land within the emission/buffer area. This would have ensured the surrounding landowners were compensated and in exchange the applicant had assurance that their business would not be encroached upon by houses.

Instead under the significant development pathway the decision making process is centralised, hastier and enables decision making that is outside of the statutory requirements of the local planning scheme. Views on

whether this is a beneficial or problematic outcome may vary depending on whether the party is an applicant or a neighbour, remote or local.

'Workforce Accommodation' is not listed in the Shire of Irwin Local Planning Scheme and Section 4.4.2 of that Scheme would therefore apply:

- "4.4.2 If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –*
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
  - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
  - c) determine that the use is not consistent with the objectives of the particular zone and therefore not permitted."*

The housing of workers onsite rather than having the workforce for the development living in, and contributing to the existing nearby townsites can be considered contrary to the following aims of the Shire Mingenew and Shire of Irwin Local Planning Schemes:

(Shire of Mingenew)

- "9(a) to preserve, protect and enhance the amenity and character of Mingenew Townsite, and areas of cultural, heritage and natural and biodiversity significance across the Shire"*
- "9(c) to provide for a range of accommodation and lifestyle choices that meet the needs and aspirations of the community"*
- "9(d) provide opportunities for the ongoing use and potential expansion of commercial areas, and tourist facilities to serve the needs of the residents and visitors"*
- "9(g) ensuring that mining-related land uses and developments such as workforce accommodation are developed within existing townsites where appropriate"*

(Shire of Irwin)

- "1.6.c to provide for housing choice and variety with a community identity and high levels of amenity"*

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

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

- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- ...(q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following –*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
  - (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses...*
- ... (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.

*"Where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, to facilitate their ongoing sustainability" (page 1)*

*"Where the requirement for development approval under the Planning and Development Act applies, a local government has the ability to control the location, permissibility, terms of operation and development standards of workforce accommodation through its local planning scheme and other local planning instruments. Generally, proposals for workforce accommodation for operational workforces that are outside the jurisdiction of the Mining Act or State Agreement Acts should be located in a town and integrated with town services, in so far as practicable." (page 2)*

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

### **Financial Implications**

In the event that the traffic movements associated with the wellhead 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**

Housing workers onsite rather than in the existing townsites is considered contrary to the following strategies and outcomes of the Shire of Mingenew and Shire of Irwin Strategic Community Plans:

(Shire of Mingenew)

*"10 Year Outcomes*

*2 Attract investment and grow resident population*

*Strategic Priorities 2023-2033*

*2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options"*

*4 Year Priority Actions*

*d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects."*

*"10 Year Outcomes*

*3 Supporting infrastructure initiatives that makes business easy and support them to thrive*

*Strategic Priorities 2023-2033*

*3.3 Advocate for and promote local spending and business partnerships"*

*"10 Year Outcomes*

*5 Local talent returns and is retained to support the local workforce*

*4 Year Priority Actions*

*d. Encourage resource companies to support local employment, development and training opportunities for youth."*

*"Strategic Priorities 2023-2033*

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

*4 Year Priority Actions*

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

(Shire of Irwin)

*"Outcome 1.1.2*

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

The gas processing facility aspect of the application can be considered to align with the WAPC's State Planning Strategy desired 2050 outcome of energy production and consumption that minimises carbon emissions and is more affordable, and objective of enabling secure, reliable, competitive and clean energy that meets the State's growing demand.

The workforce accommodation aspect of the application can be considered to be contrary to the following aspects of the State Planning Strategy:

*"By 2050, Western Australia will have a diverse range of interconnected and vibrant local communities and regional centres. The people in these communities will be healthy, resilient, active, prosperous, respectful of cultural difference and participate in the public domain." (page 20)*

*"Planning for community betterment can balance aspirations for creating wealth, caring for the environment and building communities of which people feel proud." (page 22)*

*"Of particular importance to the State's resources economy will be the planning of:*

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- *regional centres and towns that are desirable places to live;*
- *regional towns that have services comparable to regional centres; and*
- *resource projects which can source the majority of their needs from regional supply chains and local knowledge where practical.” (page 42)*

The State Planning Strategy has the following strategic goals of relevance:

Strategic Goal 2 - Strong and resilient regions

The priorities of this strategic goal are:

STATE VISION	PRIORITIES
Diversity	embracing diverse economic and social opportunities
Liveability	creating places where people want to live and work
Connectedness	building strong relationships and accessibility
Collaboration	enabling collaborative advantages across and within regions

Strategic Goal 3 - Sustainable communities:

The priorities of this strategic goal are:

STATE VISION	PRIORITIES
Diversity	community-specific development, responsive to diverse needs, places and contexts
Liveability	communities with attractive, liveable environments
Connectedness	providing natural and built connections within and between communities
Collaboration	collaborative and inclusive planning

The State Planning Strategy 2050 can be viewed at the following link:

<https://www.wa.gov.au/government/publications/state-planning-strategy-2050>

The WAPC’s Statement of Planning Policy No.3 – Urban Growth and Settlement has the following objectives, that are considered relevant to the assessment of the workforce accommodation component of this application:

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.”*

SPP3 also notes that:

*“In the regions, whilst the larger regional centres such as Geraldton, Kalgoorlie, Broome and Esperance have continued to grow, some of the smaller country towns have declined due to reduced employment opportunities and social change as people have moved out of the rural settlements into urban centres. In the mining and resource sector, improvements in mobility brought about by more cost effective travel, has seen the growth of the fly-in fly-out workforce often accommodated at mine sites. There are concerns that fly-in fly-out working arrangements do little to contribute to the local economy and the viability of regional towns and communities. The resources sector, however, regards fly-in fly-out as critical for remote mining operations and in attracting skilled workers. There is a need to promote investment in regional communities whilst recognizing that fly-in fly-out arrangements will often be necessary due to remoteness and to attract skilled workers.”*

SPP3 can be viewed at the following link:

[https://www.wa.gov.au/system/files/2021-06/SPP\\_3\\_urban\\_growth\\_settlement.pdf](https://www.wa.gov.au/system/files/2021-06/SPP_3_urban_growth_settlement.pdf)



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**5.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**6.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil.

**7.0 CONFIDENTIAL ITEMS**

Nil.

**8.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 19 June 2024 commencing at 5.00pm.

**9.0 CLOSURE**

The meeting was closed at 5:07pm.

These minutes were confirmed at an Ordinary Council meeting on 19 June 2024

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

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



# MINUTES OF THE SPECIAL COUNCIL MEETING

6 MAY 2024

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON MONDAY, 6 MAY 2024 COMMENCING AT 5:00PM.**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member, Cr GA Cosgrove opened the meeting at 5:00pm.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

**Councillors**

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

**Staff**

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

**Members of the Public**

Mr David Bagley, Mingeneew Turf Club

**3.0 DECLARATIONS OF INTEREST**

Nil.



**Attachment**

11.1.1 Confidential – Evaluation Report circulated as a separate confidential attachment as per s.5.23(2)(e)(ii)(iii)

**Background**

The Shire has been developing the delivery of a new increased capacity Early Childhood Education Facility.

Tenders were advertised 7 October 2023 through the Tenderlink portal and closed 14:30 AWST on 10 November 2023.

Council considered these tenders as its 15 November 2023 Special Council Meeting and resolved not to accept any offers and proceed down a tender exempt process in an attempt to secure a builder for the Daycare. The resolution from the 15 November 2023 Special Council Meeting is provided herewith.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION# 03151123S</b>	
<b>MOVED: Cr AT Pearse</b>	<b>SECONDED: Cr RA Starick</b>
<b>Council:</b>	
<ol style="list-style-type: none"> <li>1. <b>Notes the evaluation matrix, as included in Confidential Attachment 11.1.1,</b></li> <li>2. <b>In accordance with the <i>Local Government (Functions and General) Regulation 1996, Regulation 18, resolves to <u>not</u> accept any tenders for RFT01 2023-24 Mingenew Early Childhood Education Facility – Design and Construct, as the only tender received in excess of the project budget.</i></b></li> <li>3. <b>Instructs the CEO to obtain alternate offers under a tender exempt process for the delivery of the Mingenew Early Childhood Education Facility, as per Regulation 11 of the <i>Local Government (Functions and General) Regulation 1996.</i></b></li> </ol>	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 6/0</b>
<i>(FOR: Cr GJ Cosgrove, Cr JD Bagley, Cr JR Holmes, Cr HR McTaggart, and Cr RA Starick, AGAINST: Nil)</i>	

Council under a tender exempt process issued eighteen (18) invites to builders seeking offers for the design and construction of the Mingenew Early Childhood Education Facility.

Invites were issued to the following companies.

Invited Tenderer
Crothers Construction
Evoke Living Holmes
AKRON Building Partners
KITCO Builders
Plunkett Group
Port Denison Builders
Davcon Geraldton
GBSC
McAullay Builders
Bradley Smith Builders
Fleetwood

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Building Base
Tunbridge Construction and Maintenance
SipForm
TRHolmes
Valley Building
Modular WA
Coral Coast Homes WA

Of the eighteen (18) invites issued, six (6) offers were received and assessed.

**Comment**

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

Criteria	Weighting
(a) Experience and Capacity	15%
(b) Experience and Capacity of Respondent's Key Personnel, Subcontractors, Suppliers and Consultants	15%
(c) Methodology	15%
(d) Proposed concept design, inclusions and technical data (noting the Principal's budget is \$900,000)	55%

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

A rating scale of zero-to-ten (0 - 10) was used for evaluating the Tender submissions in accordance with the Qualitative Criteria, with 0 being lowest and 10 being highest.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as confidential Attachment 11.1.1.

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

Ranking	Tenderer
1	Tunbridge Construction & Maintenance
2	AKRON
Not Ranked as exceeded approved budget	Building Base
	GBSC
	Modular WA
	Fleetwood

Firstly, the Offers from Building Base, GBSC, Modular WA and Fleetwood were excluded from full assessment as they all exceeded the approved budget for the project and as a result were not financially viable.

The proposal from Tunbridge Construction & Maintenance provides the best value for money at ~\$1,964/m<sup>2</sup> as against ~\$2,400/m<sup>2</sup> for the AKRON option.

The proposal from Tunbridge Construction & Maintenance provides for a built insitu solution which generally have a longer useful life as compared to a modular solution.

The Offer from Tunbridge Construction & Maintenance received a 2.5% Regional price preference as per Councils policy.

Based on the evaluation both the offers from AKRON and Tunbridge Construction & Maintenance were considered suitable offers with the offer from Tunbridge Construction & Maintenance being recommended as the preferred Offer based on best value for money and preferred building method.

### **Consultation**

Internal Staff

### **Statutory Environment**

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

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

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

*11. When tenders have to be publicly invited*

*(2) Tenders do not have to be publicly invited according to the requirements of this Division if —*

*(c) within the last 6 months —*

*(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment;*

*18. Rejecting and accepting tenders*

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

### **Policy Implications**

In obtaining a public tender, the Shire's Purchasing Policy (1.3.1) requirements have been met. Our Local Price Preference Policy was also applied in the attached tender assessment document.

Council has proceeded with a tender exempt process following the unsuccessful open tender process as reported to the 15 November 2023 Special Council meeting which permits the council to obtain offers without public notification.

### **Financial Implications**

A total of \$1,000,000 was included in the FY23/24 budget for these works allowing a contingency of \$100,000, resulting in a project budget of \$900,000 to perform the design and construction of the facility.



The preferred tender response from Tunbridge Construction & Maintenance is considered the best value for money offer from the responses received.

**Strategic Implications**

Strategic Community Plan 2023-2033:

5.1 Deliver a fit for purpose Mingenew Early Education & Childcare Centre to support current demand and future needs

## 5.0 GOVERNANCE AND COMMUNITY

### 5.1 TURF BAR SHADE STRUCTURE PROPOSAL – MINGENEW TURF CLUB

**Location/Address:** Mingenew Turf Bar / Recreation Grounds  
**Name of Applicant:** Mingenew Turf Club  
**Disclosure of Interest:** Nil  
**File Reference:** CP.DSC.1 / RC.LSN.11  
**Date:** 23 May 2024  
**Author:** Erin Greaves, Governance and Community Manager  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

The Mingenew Turf Club has submitted correspondence to Council requesting consideration of their proposal to erect a shade structure (extension of the existing roof line) at the Mingenew Turf Bar / Pavilion which is to be fully funded by the Turf Club.

#### Key Points

- The annual Mingenew Races is a valued community event that provides significant economic and social benefit to Mingenew and the greater region
- The Mingenew Turf Club are proposing to increase the sheltered area at the Pavilion to improve spectator and user experience for the Mingenew Races and other community events, and reduce their operating costs to annually hire a marque
- Council resolved to temporarily hold off approving any new community infrastructure requests until a policy is developed to guide Council in its decision making for new assets and the Mingenew Sport & Recreation Master Plan is developed

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1- MOTION LOST**

**MOVED:** Cr HR McTaggart                      **SECONDED:** Cr JR Holmes

Council, in regards to the Mingenew Turf Club's proposal to erect a new shade structure to the west of the Turf Bar / Pavilion:

- a) Advises the Turf Club that it acknowledges the importance of the annual Mingenew Race Day and associated infrastructure requirements;
- b) Includes this project as part of the Mingenew Sport & Recreation Master Plan, as resolved at its 17 April 2024 Ordinary Council meeting (Resolution#08170424);
- c) Arranges a meeting with the Turf Club to better understand the current and future operational costs for the racetrack and associated facilities in light of this year's event track management issues; and
- d) Holds over a final decision on the project until such time as a meeting is held, to appropriately inform Council on the Club's needs and priorities, and to help determine agreed cost recovery methods.

#### **VOTING REQUIREMENTS:**

**MOTION LOST SIMPLE MAJORITY 3/4**

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

**ALTERNATIVE MOTION AND COUNCIL DECISION – ITEM 5.1- RESOLUTION#02060524S**

**MOVED:** Cr JD Bagley

**SECONDED:** Cr AT Pearse

Council conceptually approve the Mingenew Turf Club's proposal to erect a new shade structure to the west of the Turf Bar / Pavilion, as a minimum consideration should be subject to the Mingenew Turf Club presenting to Council:

- a) A Project summary, outlining need, proposed use, community benefit and Shire resources applicable),
- b) Building application, including detailed site and floor plans and construction details,
- c) Evidence of the Club's financial capacity to fund the project, including contingency planning,
- d) Evidence of consultation with and support from other stakeholders e.g. letters of support, and
- e) Anticipated maintenance and replacement costs and life expectancy of the facility.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 4/3**

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

**Attachments**

5.1.1 Correspondence from Mingenew Turf Club

5.1.2 Proposed Building Plans

**Background**

The Mingenew Turf Club (Turf Club) has developed a plan to extend the hard structured shaded area to the west of the current Turf Bar / Pavilion (extending the building's existing roof line).

The proposed structure is 12m (wide), 21.6m (long) and 2.7m (high), with a concrete slab, limestone block retaining, gabled roof and sliding doors allowing accessibility from rear (south), and open viewing at the front (track side) and playground.

The rough timeline for the project is as follows:

- Engage draftsman to prepare formal plans
- Collate and submit Building Application
- Order materials
- Grounds and foundation preparation
- Construction proposed for August / September 2024

The Turf Club has given consideration to the fact that the construction phase is likely to be occurring during Expo 2024 and have included the purchase of security fencing in the total project cost which will mitigate safety risks associated with the site during the event (and provides the fencing resource to be utilised in the future for Races and potentially other events).

The total project is approximately \$150,000 and is to be fully funded by the Turf Club (with a contribution from the Football Club) to cover external contractor costs and in-kind works, with no cash contribution expected from the Shire. There may be minor in-kind works requested for labour and plant usage in preparation of the foundation, but no formal request has been received or accounted for in the Shire's draft Budget for 2024/25.

Only draft foundation and conceptual plans are available at this stage as the supplier for the shed requires a deposit before releasing the formal plans. The Club does not wish to commit funds to the shed supplier without conceptual approval from Council. Subject to Council's decision, the Club will arrange for formal engineering and site plans to be developed and submitted with a Building Application for Council approval.

The Turf Club have indicated that there have been discussions with Expo and the Football Club for the future fitout of the space (as a second phase to the project) with features such as blinds on the open sides to provide for all-weather use, installation of TVs, BBQs etc. so that the space has broad community benefit and usage. These features are not included in the current project scope.

As outlined by the Turf Club in the attached letter, the project has been in development for approximately three years, while the club sought grant funds which were not successful, however, Councillors were only presented with the concept and early drafts of the proposed plans in February 2024. The project was also raised at the first Mingenew Sport and Recreation Master Plan workshop that was held on 7 March 2024.

Two members of each sporting/recreation group were invited to attend the workshop and provide feedback on their Clubs ideas for improving participation and future infrastructure needs. The session enabled the facilitator to pool all the information and will enable to the group, and ultimately Council, to prioritise and plan sport and recreation facilities and activities collaboratively and effectively. The next workshop is proposed for June 2024.

At the 17 April Ordinary Council meeting, Council resolved to develop a policy to guide how new community infrastructure is to be considered, as per the below extract:

<b>NOTICE OF MOTION (CR HR MCTAGGART) AND COUNCIL DECISION – ITEM 15.1 – RESOLUTION# 08170424</b>	
<b>MOVED: Cr JR Holmes</b>	<b>SECONDED: Cr RA Starick</b>
<b>Council:</b>	
1. <b>develops a policy for considering new community infrastructure that includes decision making criteria to take into consideration asset management principles including the proposed assets life cycle cost; and</b>	
2. <b>advises all sporting and recreation clubs / groups that until such time that a Sport &amp; Recreation Master Plan is established and endorsed, no new infrastructure will be considered to ensure new proposals align with this Plan.</b>	
<b>VOTING REQUIREMENTS:</b>	<b>CARRIED BY SIMPLE MAJORITY 5/2</b>
<i>(FOR: Cr GJ Cosgrove, Cr AT Pearse, Cr AR Smyth, Cr HR McTaggart and Cr RA Starick AGAINST: Cr JD Bagley and Cr JR Holmes)</i>	

The Mingenew Turf Club were advised of this outcome and subsequently wrote to Council seeking an exemption from this decision.

### Comment

The Turf Club have indicated that the building application process and ordering of materials needs to commence as soon as possible in order for the structure to be ready for the 2025 Races event and are therefore, seeking Council's permission now to proceed with the project.

The project will have a significantly positive benefit to the Mingenew Turf Club and Race Day event, as well as providing a flow on benefit for other events and to users, such as the Football Club and Mingenew Expo.

The cost to hire and erect a marque for the Mingenew Races each year is approximately \$3,000 and for Expo the bar marque is around \$11,000 (including lighting and exit signs etc), which are major contributing factors in delivering this project. The long term investment of a permanent structure is considered better value for money (return on investment) and provides another outdoor functional space for other community events and activities.

The Turf Club indicates support for their project from the Mingenew Football Club and Mingenew Expo, and this was confirmed at the Sport & Recreation Plan workshop. However, the commitment was given without the context and consideration of other future plans, including proposed upgrades to the Recreation Centre. At the meeting, it was suggested that there is no crossover in purpose between the Rec Centre extension plans and this project.

Council is in a position that it must consider the broader financial, social and economic impacts of the project and how the decision interplays with other projects and priorities, its Strategic Community Plan and Long Term Financial Plan. The decision to hold off on new community infrastructure requests indicates a desire from Council to have a more strategic and structured approach to asset management.

Given the discussions around the track condition and requirements to possibly upgrade / maintain the track to a higher level of service, as a result of the cancellation of the racing event at this year's Mingenew Races, Council may wish to have further consideration to the operating costs of the track and facility, and annual contributions from the Club, before approving the shade structure project.

One of the main purposes of the sport and recreation master planning sessions are to educate the community on the impacts of their decision making in future planning and encourage a more collaborative and informed approach to their individual club planning with Council. In considering the information at hand about the Turf Club's project, and future plans of the Shire and other sporting groups, the Turf Club does not consider this project to have any conflicting impact.

Council may decide to maintain its position outlined in the recent Notice of Motion and Decision to hold off on new community infrastructure considerations or exempt this project and approve the concept, subject to further information being supplied; compliance with the Building Act and associated regulations, alignment with Council's strategic plans and adequate consideration of asset management principles.

Should Council wish to conceptually approve the Mingenew Turf Club's proposal to erect a new shade structure to the west of the Turf Bar / Pavilion, as a minimum consideration should be subject to the Mingenew Turf Club presenting to Council:

- f) A Project summary, outlining need, proposed use, community benefit and Shire resources required (if applicable),
- g) Building application, including detailed site and floor plans and construction details,
- h) Evidence of the Club's financial capacity to fund the project, including contingency planning,
- i) Evidence of consultation with and support from other stakeholders e.g. letters of support, and
- j) Anticipated maintenance and replacement costs and life expectancy of the facility.

### **Consultation**

The concept was first presented to Councillors at the February 2024 Concept Forum.

The project was also raised at the Sport & Recreation Master Plan workshop in March 2024. There was some discussion at the meeting about the plans tying in with the Shire's project to upgrade and fit out the Recreation Centre as an Evacuation Centre.

As this was the first time the project had been presented to the broader stakeholders, it was advised by the facilitator that further discussions were necessary to prioritise need and design of the overall recreational grounds.

### **Statutory Environment**

Building Act and Regulations  
Local Government Act 1995

### **Policy Implications**

The Shire's Asset Management Policy states:

*"The Shire of Mingenew delivers a variety of services to the community and in doing so, must ensure that the assets supporting these services are:*

- a) Managed in a way that promotes maximum performance for the most cost-effective 'Life Cycle' cost;*
- b) Meeting community expectations of time, quality, and value for money.*

*Achieving this objective in an affordable and sustainable manner requires a strategic and long-term approach to asset planning and management. The Shire aims to deliver this through:*

- a) Agreed levels of service that are cost effective and relevant;*
- b) The adoption of a continuous improvement approach to asset management;*
- c) Community and key stakeholder consultation in regard to expected levels of service; and*

- d) *Endeavouring to achieve Asset Ratio benchmarks as set by the Department of Local Government, Sport and Cultural Industries (although these ratios are no longer required to be included in the Annual Financial Statements)"*

### **Financial Implications**

The Mingenew Turf Club have indicated that the project's construction costs are fully funded by the Turf Club, including a contribution from the Mingenew Football Club. Total project costs are estimated at up to \$150,000 (current cost). It is noted that if the project is delayed costs are more than likely going to increase and the Club will be contributing another \$3,000 to a marquee for next year's event.

The Turf Club receives funds from its annual event and fundraising, including the community crop funds raised from the Airport Reserve.

The shade structure will have minimal ongoing utility and maintenance costs to the Shire and Council may consider increasing Club annual fees to cover costs by the users, rather than general ratepayers.

The Shire allocates approximately \$50,000 each year to maintenance of the race track and this is exclusive of costs associated with maintaining and operating the Turf Bar building and surrounds. Following the cancellation of the race events in 2024, the Shire is anticipating that this cost may double in 2024/25 if it is to ensure the track is fit for use next year. The Mingenew Turf Club's annual lease fee for 2023/24 was \$5,857.

### **Strategic Implications**

Strategic Community Plan 2023-2033

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

- a. Develop and facilitate implementation of a Sport and Recreation Master Plan, with a focus on rationalising assets

7.1 Utilise, activate and showcase community spaces to deliver successful local and regional events and programs

- b. Continue to partner with and support Mingenew Expo to increase participation and attendance
- c. Continue to partner with and support the Turf Club for the Mingenew Races

5.2 PROPOSED CLOSURE OF ROADS – WATSON ROAD

Location/Address: Shire of Mingenew  
 Name of Applicant: Shire of Mingenew  
 Disclosure of Interest: Nil  
 File Reference: RD.RDC / A753 / A748  
 Date: 23 May 2024  
 Author: Erin Greaves, Governance and Community Manager  
 Authorising Officer: Matt Fanning, Chief Executive Officer  
 Voting Requirements: Simple Majority

**Summary**

To consider a request from a rural landowner to close Watson Road and other unnamed road reserves within A753 and A748, as the roads are currently only utilised for internal farm access or are unmade road reserves (paper roads).

**Key Points**

- A request has been received from the landowners of A753 and A748 to close a number of internal roads (not made or used) within their farming property
- The process to close a road is administered by the Department of Planning, Lands and Heritage, and is in accordance with the Land Administration Act 1997
- The Shire does not have any identified use for these proposed road closures

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.2- RESOLUTION#03060524S**  
 MOVED: Cr AT Pearse                      SECONDED: Cr JR Holmes

**Council:**

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

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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







located within the portion of road reserve being considered for closure. The Shire will ask the service authorities if services can be modified, removed or relocated, if necessary, what costs are involved and any conditions that they wish to be applied.

It should be noted that, on occasions, services and servicing plants are too costly to modify or the service authority will not allow it and therefore the application cannot proceed.

### **Step 3. Advertising for public comment (35 days)**

The proposed road reserve closure is advertised for public comment for a minimum period of 35 days. Advertising involves writing to all adjoining landowners to the road reserve requesting comments and an advertisement in the local newspaper. The advertising period allows residents to submit an objection or support for the proposal.

### **Step 4. Consideration by Council**

A report is prepared for consideration by Council following after the advertising period. Comments from all submissions are included in this report. If Council does not support the application, the closure cannot proceed.

Subject to Council approval, the applicant/s may be required to provide the Shire with a draft Deposited Plan or sketch ("Plan") from a licenced surveyor approved by Landgate.

### **Step 5. Action by Department of Planning, Lands and Heritage (DPLH)**

If Council supports the application, the Shire will forward the request and documentation to DPLH for consideration by the Minister for Lands (Minister). If the Minister does not support the application for closure, the application cannot proceed.

If the Minister grants the request, formal actions are commenced by DPLH to close the road reserve and the applicant is contacted directly by DPLH for this purpose. DPLH will provide a cost for the purchase of the portion of road to be closed (based on a formal valuation undertaken by the DPLH's Valuation services team).

### **Comment**

The closing of these roads are not considered to have any significant impact on Council. Given the roads serve to access internal farming property or are not even constructed and commonly known as "paper roads".

### **Consultation**

The *Land Administration Act 1997* requires that a notice of its intention to close the road/s must be advertised for at least 35 days, during which time members of the public (including landowners) may make a submission. Council would then consider any submissions. A request is then to be made to the Minister for Lands.

### **Statutory Environment**

Land Administration Act 1997

#### **58. Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - (a) *by order grant the request; or*

- (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
  - (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

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

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

*the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.*
- (3) *If —*
  - (a) *a parcel of land comprised in a road that is closed, whether under this Act or the repealed Act, is Crown land; and*
  - (b) *part of the land through which that closed road passes or which it adjoins is taken under Part 9 for the purpose of a road to replace that closed road; and*
  - (c) *as a result of that taking, the person holding the fee simple of, or a lease granted by the Minister under this Act in respect of, the adjoining land (the landholder) is entitled to compensation under Part 10 from the person who took that part (the taker),*  
*the Minister may, with the consent of the landholder and the taker and on payment to the Minister of any price, or of any initial instalment of rent, as the case requires, agreed with the landholder, by order —*
    - (d) *convey to the landholder in fee simple or lease to the landholder, as the case requires, by way of satisfaction or part satisfaction of the compensation payable to the landholder, so much of that parcel as is, in the opinion of the Minister, equivalent in value to the whole or the relevant part of that compensation; and*
    - (e) *amalgamate the land so conveyed or leased with the adjoining land.*
- (4) *When land has been conveyed or leased under subsection (3)(d), the taker must, if required by the Minister to do so, pay to the Minister forthwith the amount of the compensation in satisfaction of which that land has been so conveyed or leased.*
- (5) *On the amalgamation under subsection (2) or (3) of the whole or part of a parcel of Crown land with the adjoining land —*
  - (a) *that parcel or part becomes, if the adjoining land is —*
    - (i) *land held in freehold, part of the adjoining land and held in the same freehold; or*
    - (ii) *Crown land held under lease, part of the adjoining land and held under the same lease, and, if the adjoining land is subject to any encumbrance, that parcel or part becomes subject to that encumbrance as if it had been part of the adjoining land when that encumbrance was created; and*

- (b) the Registrar must alter the certificate of title or the certificate of Crown land title and the Register so as to show that that parcel or part forms part of the adjoining land.*
- (6) If the freehold or lease of the adjoining land is, at the time of the amalgamation of the adjoining land with the whole or part of a parcel of Crown land under subsection (2) or (3), in the course of being sold under a contract of sale and the purchaser under that contract consents —*
  - (a) the purchase price or consideration set out in that contract is to be taken to be increased by an amount equal to the unimproved value of that whole or part; and*
  - (b) the conditions of that contract are taken to apply to that whole or part as if that whole or part had been part of the adjoining land when that contract was entered into.*
- (7) Despite anything in subsection (6), that subsection does not affect the rights of any person in respect of a claim that has before the amalgamation referred to in that subsection been settled or decided.*

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

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

Land Administration Regulations 1998

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

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

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

**Policy Implications**

Nil.

**Financial Implications**

The process of closing the road will have minimal cost to the Shire, with the exception of local notice requirements.

Local governments typically charge for applications for road closures, and this may be a consideration for the 2024/25 Fees and Charges.

**Strategic Implications**

Strategic Community Plan 2023-2033

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

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 6 MAY 2024

**6.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**8.0 CONFIDENTIAL ITEMS**

Nil.

**9.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 19 June 2024 commencing at 5.00pm.

**10.0 CLOSURE**

The meeting was closed at            pm.

These minutes were confirmed at an Ordinary Council meeting on 19 June 2024

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

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



**MINUTES OF THE  
EXECUTIVE MANAGEMENT COMMITTEE MEETING  
HELD 12 June 2024**

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**MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD IN COUNCIL  
CHAMBERS ON 12 June 2024 COMMENCING AT 6:00PM**

*Authority to review the performance of the Chief Executive Officer under s5.38 of the Local Government Act 1995*

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 6:00pm

**2.0 RECORD OF ATTENDANCE/APOLOGIES**

Committee Members

Cr GJ Cosgrove	President
Cr HR McTaggart	Deputy President
Cr JD Bagley	Councillor

Matt Fanning, Chief Executive Officer

**4.0 DECLARATIONS OF INTEREST**

Matt Fanning, Chief Executive Officer – Item 5.1 (CEO Performance Review – KPI's 2024) - Financial Interest – The report directly relates to his employment with the Shire.



## 5.0 REPORTS

## PROCEDURAL MOTION AND COMMITTEE DECISION – ITEM 5.0

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

That discussion on Item 5.1 CEO Performance Review 2023/24 be closed to members of the public at 6:00pm, in accordance s5.23(2)(a) of the *Local Government Act 1995* as the matter relates to an employee of the Shire of Mingenew.

**VOTING REQUIREMENTS:****CARRIED BY SIMPLE MAJORITY 3/0***(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley AGAINST: Nil)*

## 5.1 CEO PERFORMANCE REVIEW – KPI 2024 - CLOSED [s5.23]

This matter will be dealt with as a confidential item in accordance with section 5.23(2)(a) of the *Local Government Act 1995*.

Mr Matt Fanning was requested to remain in the meeting to discuss the revised confidential attachment proposed KPIs and structure of the next CEO performance review.

## EXECUTIVE MANAGEMENT COMMITTEE DECISION &amp; RECOMMENDATION TO COUNCIL – ITEM 5.1

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

The Executive Management Committee recommendation to Council:

1. Endorses the revised Key Performance Indicators for 2024 which aligns to the newly adopted Strategic Community Plan 2023-2033.
2. Schedules the 2024 annual appraisal to be commenced by early August 2024 and completed by the 21 August 2024 Ordinary Council Meeting.

**VOTING REQUIREMENTS:****CARRIED BY SIMPLE MAJORITY 3/0***(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley AGAINST: Nil)*

## PROCEDURAL MOTION AND COMMITTEE DECISION – ITEM 5.0

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

Committee reopens the meeting to the public at 6:21pm.

**VOTING REQUIREMENTS:****CARRIED BY SIMPLE MAJORITY 3/0***(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley AGAINST: Nil)*

## 6.0 CLOSURE

The meeting was closed at 6:22pm

**CBP - CEO KPI 2023/24**

	Target Date	Reviewer Score (Please tick the relevant box)					Reviewers Comment
		Achieved	In Progress	Not Achieved	Unable to rate	N/A	
<b>GROW MINGENEW - Develop key enabling and underpinning investments to foster population growth</b>							
<b>1 Safe, efficient and connected transport network</b>							
1.2 a Develop and implement a Roads Improvement Plan	Q4 Yearly						
1.3 a Receive the Mingenew Bypass study and determine next course of action	Q4 2023/24						
1.3 b Continue to liaise with CBH and Main Roads on expansion plans to represent local traffic and grower needs	Quarterly						
1.4 a Negotiate and establish road user agreements with relevant industry stakeholders, as required	Quarterly						
<b>2 Attract investment and grow resident population</b>							
2.1 a Proactively promote local investment and seek out opportunities to leverage support for local employment	Quarterly						
2.1 b Continue to partner and engage with the Mingenew Irwin Group and local grower groups	Quarterly						
2.1 c Maintain relations with space industry stakeholders to support the Mingenew Space Precinct	Quarterly						
2.3 a Partner with government agencies and stakeholders to address housing shortages and explore solutions	Quarterly						
2.3 b Development of a regional housing strategy for increasing key worker housing accommodation	Quarterly						
2.3 c Identify external funding sources and apply to support the expansion of quality housing stock	Quarterly						
2.3 d Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects	Quarterly						
2.4 c Participate in "More Than Mining" Initiative	Quarterly						
<b>3 Supporting infrastructure initiatives that makes business easy and supports them to thrive</b>							
3.1 b CAS support for improvements and promotion of local business	Q4 Yearly						
3.2 a Advocate to ensure telecommunication services are consistently reliable	Quarterly						
3.2 b Identify and advocate for funding to improve mobile blackspots	Quarterly						
3.3 a Continue to participate in the local Business Alliance	Quarterly						
3.3 b Ensure shared facilities are accessible and affordable for mobile business	Quarterly						
3.3 c Continue to practice procurement activities that support local business	Quarterly						
3.4 a Ensure the Shire's website is relevant and current	Quarterly						
<b>4 Visitors have a positive experience and extend their length of stay</b>							
4.1 a Agreement to deliver tourism and information services	Q3 Yearly						
b Review local visitor servicing model in conjunction with CRC to continue to cultivate and share local knowledge and delivery of tourism and information services	Q3 Yearly						
4.2 a Maintain and broaden 'See you in Mingenew' and 'Make Mingenew the Centre of your Universe' campaigns	Quarterly						
4.3 a Deliver a water play space at Cecil Newton Park	Q2 2024/25						
4.3 b Design and consult on development of the Mingenew Spring Botanical Garden	Q2 2024/25						
4.4 a Advocate for the continuation of Wildflower Country	Q4 23/24						
4.4 b Identify and cultivate partnership opportunities with Tourism WA, Australia's Coral Coast, Astrotourism WA etc.	Quarterly						
<b>5 Local talent returns and is retained to support the local workforce</b>							
5.1 a Build a value for money and fit for purpose Centre for early education and childcare	Q2 2025/26						
5.2 a Appoint a Cadet Engineer	Q4 2023/24						
5.2 b Appoint a Horticulture trainee/apprentice	Q4 2023/24						
5.2 c Promote the Shire to secondary and tertiary institutions as potential career path	Quarterly						
5.2 d Encourage resource companies to support local employment, development and training opportunities for youth							
<b>LOVE MINGENEW - A place where people are welcomed, can live a healthy life, and where people can reach their potential</b>							
<b>6 Strong sense of community and culture</b>							
6.1 a Develop and facilitate implementation of a Sport and Recreation Master Plan, with a focus on rationalising assets	Q2 2024/25						
6.1 b Facilitate minor upgrades to the CRC	Q2 2025/26						
6.2 a Ensure the Community Assistance Scheme (CAS) is adaptive to deliver positive community-based outcomes	Q4 Yearly						
6.2 b Establish and maintain sponsorship agreements for community and sporting groups	Quarterly						
6.2 c Manage community cropping to support financially sustainable initiatives	Quarterly						
6.2 d Activate and promote arts, crafts and cultural activity at the Mingenew Railway Station	Quarterly						
6.3 a Investigate options for the Town Hall	Q1 2024/25						
6.4 a Support service and operation of the Museum and Historical Society	Quarterly						
6.4 b Continue to support and work with our traditional owners	Quarterly						
<b>7 Mingenew is valued as a livable community that supports diversity</b>							

	Target Date	Reviewer Score (Please tick the relevant box)					Reviewers Comment
		Achieved	In Progress	Not Achieved	Unable to rate	N/A	
7.1 a Acknowledge funders and contributors of community projects and outcomes	Quarterly						
7.1 b Continue to partner with and support Mingenew Expo to increase participation and attendance	Quarterly						
7.1 c Continue to partner with and support Turf Club for the Mingenew Races	Quarterly						
7.1 e Develop a Community Garden	Q4 2023/24						
7.2 b Continue to support the CRC in the delivery of seniors activities	Quarterly						
<b>8 A healthy and active community with access to local health services and facilities</b>							
a Develop and continue to support service delivery agreements with service providers to ensure regular (at least fortnightly) doctor services are offered in							
8.1 Mingenew	Quarterly						
8.1 b Provide quality facilities to encourage visiting health service providers	Quarterly						
8.2 a Support and promote local St John Ambulance services	Quarterly						
8.2 b Advocate for in-home care and ageing in place services	Quarterly						
8.2 c Continue to advocate for sustained and enhanced health services provided through WACHS	Quarterly						
8.2 d Support seniors activities and aged health services from the Autumn Centre	Quarterly						
8.2 e Continue to promote and maintain the Autumn Centre for aged and health services	Quarterly						
8.3 a Maintain and upgrade existing Aged Persons Units / Independent Living Units	Quarterly						
8.4 b Continue to support the WA Police in running youth engagement programs	Quarterly						
<b>9 Increased participation in sport and recreational activities</b>							
9.1 a Facilitate discussions on improving club efficiencies and governance	Q4 2024/25						
9.1 b Provide resources and support training and development opportunities to build local governance skills	Quarterly						
<b>PROTECT MINGENEW - Healthy natural environment with sustainable use of resources</b>							
<b>10 Valued and protected natural environment</b>							
10.2 a Audit of Mingenew Transfer Station is regular and compliant	Q4 2023/24						
b The Shire promotes and sets the expectation that Towards Sustainable Mining (TSM) benchmarks and principles are implemented by resource							
10.3 companies operating locally	Quarterly						
<b>11 The community is resilient and prepared for emergencies and natural disasters</b>							
11.1 a Ensure LEMC functions effectively	Quarterly						
11.1 c Establish appropriate minimum standards for bushfire volunteers	Q4 2023/24						
11.1 d Advocate for DFES to increase resources to support local government in management of emergency volunteers	Quarterly						
11.1 e Advocate for increased funding for emergency preparedness and recovery	Quarterly						
11.2 a Implement Council-led actions from Local Community Recovery Plan	Quarterly						
11.2 c Advocate for adequate resourcing to support local volunteer emergency services e.g. fire brigades and St John Ambulance	Quarterly						
<b>12 Sustainable Council practices</b>							
12.1 b Advocate for effective and adequately funded Commonwealth and State Government climate change policies and programs	Quarterly						
12.1 c Investigate and implement feasible renewable, energy efficient utilities and services for facility renewals / builds	Quarterly						
12.1 d Investigate water efficiency initiatives for sporting rounds, recreational facilities, staff housing and public open spaces	Quarterly						
<b>LEAD MINGENEW - Responsible, accountable and transparent leadership to deliver our priorities</b>							
<b>13 Community feel they are heard and can understand Council decision making</b>							
13.1 a Report quarterly on achievement of priority projects	Quarterly						
13.2 b Report outcomes of community engagement activities and outcomes, as required	Quarterly						
13.3 a Implement the staged Marketing and Communications Strategy based on priority and available resources	Q1 2024/25						
<b>14 Operating with a high standard of good governance and transparency</b>							
14.1 b Continually review the Shire's Information Communications and Technology (ICT) services	Quarterly						
14.2 a Monitor and comply with Local Government Act reform requirements	Quarterly						
14.2 b Advocate for Reform changes to consider resourcing capabilities of small, rural local governments	Quarterly						
14.3 a Actively participate and represent local matters through the Northern Country Zone of WALGA	Quarterly						
14.4 a Continue to participate in the LGIS Regional Risk Coordinator Program	Quarterly						
<b>15 Financial practices are responsive to compliance requirements and revenue needs</b>							
15.3 b Develop an updated Long Term Financial Plan	Q4 2023/24						
<b>16 Resources are sourced efficiently through cooperation and collaboration</b>							
16.1 a Continue to support shared Planning Services	Quarterly						
16.1 b Continue to support shared Building Services	Quarterly						
16.1 c Continue to participate in regional discussions and resource sharing opportunities	Quarterly						
16.2 a Continue to participate in the Midwest Library Consortium	Quarterly						
16.2 b Participate in regional discussions and connect with organisations that can deliver value to our community and Shire	Quarterly						

	Target Date	Reviewer Score (Please tick the relevant box)					Reviewers Comment
		Achieved	In Progress	Not Achieved	Unable to rate	N/A	
<b>17 Competent, invested and capable Council and organisation</b>							
17.1 b Identify and establish opportunities to engage youth to be involved in decision making	Quarterly						
17.1 c Advocate for increased incentives to support a diverse Council	Quarterly						
17.2 a Adopt an Attraction and Retention Plan	Q2 2023/24						
17.2 b Continue to offer quality and affordable residential options for Shire employees	Quarterly						
17.2 c Actively promote the Shire as an Employer of Choice	Quarterly						

<p><b>Functions of CEO</b> (s5.41 LGA 1995)</p>	<p>(a) advise the council in relation to the functions of a local government under this Act and other written <u>laws</u>;</p> <p>(b) ensure that advice and information is available to the council so that informed decisions can be made; cause council decisions to be <u>implemented</u>;</p> <p>(c) manage the <u>day to day</u> operations of the local government;</p> <p>(d) liaise with the mayor or president on the local government's affairs and the performance of the local government's <u>functions</u>;</p> <p>(e) speak on behalf of the local government if the mayor or president <u>agrees</u>;</p> <p>(f) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);</p> <p>(g) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and</p> <p>(h) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.</p>	<ul style="list-style-type: none"> <li>• Timely, relevant and accurate Council reports</li> <li>• Annual Budget adopted and reviewed in accordance with legislative requirements</li> <li>• Fortnightly, or as required meetings (phone or in person) with Shire President</li> <li>• Monthly updates to Councillors through Concept Forums</li> <li>• Advocacy matters prioritised in accordance with SCP</li> <li>• Performance reviews for all employees conducted annually</li> </ul>
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**Overall Performance Assessment**

Performance as CEO during the July 2023 to June 2024 review period is assessed as:

- Highly Satisfactory:
- More than Satisfactory:
- Satisfactory:
- Just Satisfactory:
- Unsatisfactory:

Comment: