



## PM ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

21 August 2024 at 5:00pm

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



# MINUTES OF THE ORDINARY COUNCIL MEETING

19 JUNE 2024

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS  
ON 19 JUNE 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 JR Holmes	Councillor
Cr AT Pearse	Councillor
Cr RA Starick	Councillor
Cr AR Smyth	Councillor

**Leave of Absence**

Nil

**Apologies**

Cr JD Bagley	Councillor
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**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**

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 17 APRIL 2024

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2024 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 29 APRIL 2024

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 29 April 2024 be confirmed as a true and accurate record of proceedings.

7.3 SPECIAL COUNCIL MEETING HELD 6 MAY 2024

OFFICER RECOMMENDATION - ITEM 7.3

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 6 May 2024 be confirmed as a true and accurate record of proceedings.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 - 7.3 ENBLOC – RESOLUTION# 01190624

MOVED: Cr HR McTaggart

SECONDED: Cr JR Holmes

ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2024 be confirmed as a true and accurate record of proceedings.

ITEM 7.2

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 29 April 2024 be confirmed as a true and accurate record of proceedings.

ITEM 7.3

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 6 May 2024 be confirmed as a true and accurate record of proceedings.

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)

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Shire President acknowledged and congratulated the Shire of Mingenew on the recent announcement by the Office of the Auditor General as a 2022-23 best practice entity for timeliness and quality of financial reporting and controls. This is the second year the Shire's performance has been recognised.

The OAG's Local Government 2022-23 – Financial Audit Results can be viewed by [clicking here](#).

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING 12 JUNE 2024

OFFICER RECOMMENDATION - 10.1.1

Council receives the Minutes of the Shire of Mingenew Executive Management Committee Meeting held on 12 June 2024.

10.1.2 CEO PERFORMANCE REVIEW - KPIS 2024

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION - 10.1.2

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.

COMMITTEE RECOMMENDATION AND COUNCIL DECISION – ITEM 10.1.1-10.1.2 ENBLOC – RESOLUTION# 02190624

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

ITEM 10.1.1

Council receives the Minutes of the Shire of Mingenew Executive Management Committee Meeting held on 12 June 2024.

ITEM 10.1.2

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 6/0

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

## 11.0 CHIEF EXECUTIVE OFFICER

### 11.1 VOTING DELEGATES - WALGA STATE COUNCIL AGM 2024

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** GR.LRL.4  
**Disclosure of Interest:** Nil  
**Date:** 14 June 2024  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Minority

#### Summary

To consider, and to appoint Council's voting delegates for the meeting.

#### Key Points

- All WALGA member Councils are entitled to be represented by two voting delegates at the AGM
- The Annual General Meeting 2024 is to be held on Wednesday, 9 October 2024, in conjunction with the 2024 Local Government Convention at the Perth Convention Centre.
- Elected Members and senior officers are welcome to attend as observers
- Registrations for voting delegates close 27 September 2024

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 – RESOLUTION# 03190624**

**MOVED:** Cr RA Starick

**SECONDED:** Cr AT Pearse

**Council appoints Cr GJ Cosgrove and Mr Matt Fanning as voting delegates for the Shire of Mingenew at the 2024 WALGA State Council AGM on Wednesday, 9 October 2024.**

#### **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)*

#### Attachment

11.1.1 2024 WA Local Government Convention Program

11.1.2 WALGA-2024-AGM-Notice-of-meeting

11.1.3 Guideline-for-the-submission-of-Member-Motions

11.1.4 2024-AGM-Member-motion-template

#### Background

The WALGA State Council AGM is commonly held the week of the Local Government Convention and this year it will be held at 2:30pm on Wednesday 8 October 2024 at the Perth Convention Centre. A copy of the program for this event is provided as Attachment 11.1.1 and the AGM notice of meeting provided as attachment 11.1.2.

Member Local Governments are also invited to submit motions for inclusion in the Agenda for consideration at the AGM. Submission guidelines and template provided as attachments 11.1.3 and 11.1.4.

The closing date for any submissions of motions is 5pm Friday, 23 August. Any matters relevant to the State Council have gone through the Northern Country Zone of WALGA. No motion shall be accepted for debate at the Annual General Meeting after this closing date unless the Association President determines that it is of an urgent nature, sufficient to warrant immediate debate, and delegates resolve accordingly at the meeting.

#### Comment

It has been previous practice to appoint the Shire President and Chief Executive Officer as Shire representative voting delegates. Only registered delegates or proxy registered delegates will be permitted to

exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. Council may wish to nominate two proxy delegates.

The Agenda for the meeting was not available at the time of preparing this report but a copy of the Minutes from the 2023 AGM can be viewed at [https://walga.asn.au/awcontent/Web/Documents/WALGA%20Governance/2023-AGM-Minutes-\(ID-668893\).pdf](https://walga.asn.au/awcontent/Web/Documents/WALGA%20Governance/2023-AGM-Minutes-(ID-668893).pdf). A copy of the Agenda will be provided to Councillors once released.

All Voting Delegates will need to present at the WALGA Delegate Service Desk prior to the AGM to collect their electronic voting device (keypad) for voting and identification tag to gain entry into the Annual General Meeting.

The appointment does not preclude other Councillors or officers from attending the AGM.

Should Council wish to submit a motion or motions at the WALGA AGM, it is advisable this be considered at this meeting or at the latest, the 21 August 2024 Ordinary Council Meeting to ensure the deadline is met.

### **Consultation**

WALGA

### **Statutory Environment**

Local Government Act 1995

WALGA State Council Constitution

### **Policy Implications**

1.1.1 Elected Member entitlements Policy

1.1.5 Elected Member Training and Professional Development Policy

*"All Elected Members shall be entitled to attend the annual Western Australian Local Government Association (WALGA) Conference, with estimated costs to be included in the annual budget each year."*

The Draft Budget for 2024/25 currently makes provision for up to 4 attendees at the conference (as per 2023/24). Should any more than 4 elected members wish to attend, Council will need to consider an amendment to the motion to increase the Budget and number of Elected Members authorised to attend.

### **Financial Implications**

Nil.

### **Strategic Implications**

Strategic Community Plan 2023-2033

16.2 Participate in regional collaborations to advocate for local needs



11.2 LOCAL GOVERNMENT JOINT POSITION STATEMENT FOR THE CONTINUATION OF LIVE SHEEP EXPORT FROM WA

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
Disclosure of Interest: Nil  
File Reference: GR.LRL  
Date: 27 June 2024  
Author: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

**Summary**

Council is requested to endorse the actions of the President to formally support the joint Local Government Position Statement for the continuation of live sheep exports.

**Key Points**

- The *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024* proposes to ban the export of live sheep by sea from Australia from 1 May 2028
- An Inquiry into the *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024* was announced on 4 June 2024 with submissions closing 11 June 2024.
- Council was required to act out of session due to the submission closing date.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 – RESOLUTION# 04190624  
MOVED: Cr RA Starick                      SECONDED: Cr AT Pearce

Council formally endorses the actions of the President in signing the submission supporting the Local Government Joint Position Statement for the continuation of live sheep exports within Western Australia.

VOTING REQUIREMENTS:    CARRIED BY SIMPLE MAJORITY 6/0  
*(FOR: Cr GJ Cosgrove, Cr JR Holmes, Cr AT Pearce, Cr AR Smyth, Cr HR McTaggart and Cr RA Starick AGAINST: Nil)*

**Attachment**

11.2.1 Support Live Sheep Exports from WA – Joint Local Government Position Statement

**Background**

The *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024* proposes to ban the export of live sheep by sea from Australia from 1 May 2028.

An Inquiry into the *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024* was announced on 4 June 2024. The Bill would amend the Act to:

- prohibit absolutely the export from Australia of live sheep by sea on and after 1 May 2028;
- ensure that offences and civil penalties apply to a failure to comply with the prohibition on the export of live sheep by sea;
- allow the export of live sheep by air to continue;
- allow the export of all other livestock, by sea or by air, to continue (including the export of live cattle); and
- provide authority for Commonwealth spending to assist individuals, businesses and communities in relation to preparing for, or adapting or responding to the phasing out of the export of live sheep by sea, including sheep producers and sheep supply chain businesses.

The deadline for submissions to the Inquiry is 11 June 2024 resulting in any Council consideration of support being required to be made by the President out of session.

A Joint Local Government Position Statement has been prepared by the Shire of Pingelly and is provided as Attachment 11.2.1.

Australia is one of the world's largest exporters of sheep meat, encompassing both live exports and frozen products. In 2022–23, the estimated value of Australia's sheep meat exports was \$4.5 billion. Live sheep exports by sea made up less than 2% of this trade, at around \$77 million. Western Australia accounts for almost all of Australia's live sheep exports. In addition, the wool industry had a gross value of \$655 million in 2021/22, 49% of the total contribution of the sheep industry.

A \$107 million Federal transition support package for the Australian sheep industry has been announced. The package includes:

- \$64.6 million to assist sheep producers and the supply chain, particularly in Western Australia, to capitalise on existing and emerging opportunities so that they are well positioned when the trade ends. Funding will assist businesses to plan and implement transition actions and to expand domestic sheep processing capacity. It will also support community wellbeing activities and rural financial counsellors.
- \$27.0 million to enhance demand within Australia and internationally for sheep products to maintain and develop market opportunities. With a range of delivery partners, including Austrade, this will fund activities such as market analyses, consumer studies, product promotions and building business relationships. Agricultural counsellors and Austrade will also work to support diverse trade to and relationships in the Middle East and North Africa region.
- \$2.6 million to continue to improve sheep welfare standards so that they are practical and meet community expectations and for Australia to enhance its engagement in the World Organisation for Animal Health.
- \$1.7 million to appoint a Transition Advocate to facilitate two-way communication between industry and government, provide information to industry about the transition plan and support, and provide advice to government on how the transition is progressing.
- \$11.1 million for the implementation of the phase out, including a stocktake of transition progress in 2026-27 and to facilitate ongoing engagement with industry, communities, trading partners and other stakeholders.

The arguments in favour of the ban are summarised as follows:

- protect Australia's international reputation
- reflect community concern
- incentivise economically sustainable alternatives to live sheep exports.

The arguments against the ban are summarised as follows:

- hurts rural communities and the Australian economy
- hurts animal welfare internationally because a ban in Australia merely shifts animal welfare responsibilities to other countries that do not uphold Australia's high animal welfare standards

### Comment

Reflecting upon these arguments, it is considered that legislation should be informed by those impacted by it. In this case, legislation is being proposed which impacts the livelihood of rural people and communities, by largely people outside these communities. This leads to a mismatch between the legislation and local social values.

The hurt caused by this proposal appears to be underestimated and therefore the transition support package is insufficient. This is because only the direct impacts on the live sheep export are considered and also because the impacts on the wool industry are not considered. The removal of an entire industry without providing a replacement industry is harmful to the farmers, the local community and the whole of the Western Australian economy. This was a lesson learned through the withdrawal of support to the car manufacturing industry and clearly demonstrated that the decision makers are ill informed, and only politically based.

Even a small loss in economic vitality has an outsized impact within small rural communities including Mingenew. The loss of this industry will significantly impact local haulage businesses and regional sheering teams which could impact local families which could then impact school numbers, teachers and services which then impact whole communities.

**Consultation**

Local Pastoral industry operators

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2023-2033

- 2.1 Work collaboratively to grow resource, agricultural and service industries in Mingenew.
- 16.2 Participate in regional collaborations to advocate for local needs

The loss of the Live export industry will directly impact and appose our Strategic Community Planning priority 2.1.

## 12.0 CORPORATE SERVICES

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2024 AND 31 MAY 2024

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FM.FRP
<b>Date:</b>	27 June 2024
<b>Author:</b>	Jack Smith, Senior Finance Officer
<b>Authorising Officer:</b>	Helen Sternick, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority

#### Summary

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

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 – RESOLUTION# 05190624**  
**MOVED: Cr JR Holmes**                      **SECONDED: Cr AT Pearse**

Council receives:

- 1) the Monthly Financial Report, including the Statement of Financial Activity, for the period 30 April 2024, as included at Attachment 12.1.1;
- 2) the Monthly Financial Report, including the Statement of Financial Activity, for the period 31 May 2024, as included at Attachment 12.1.2.

**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)*

#### Attachment

12.1.1 Monthly Financial Report for the period ending 30 April 2024

12.1.2 Monthly Financial Report for the period ending 31 May 2024

#### Background

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

The Monthly Financial Report for the period ended 30 April 2024 and 31 May 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

- 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 30 April 2024	
Municipal Funds – Corporate cheque account	\$1,876,135
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 May 2024	
Municipal Funds – Corporate cheque account	\$1,714,350
Cash on Hand	\$100
Trust Fund	\$1
Term Deposit – Reserves	\$1,142,398

The road agreement with Terra Mining, as at 31 May 2024, has contributed \$45,644 towards the Community Infrastructure Fund, of which \$17,653 remains outstanding.

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

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

**Policy Implications**

Nil.

**Financial Implications**

No financial implications are indicated in this report.

**Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 APRIL TO 31 MAY 2024

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** FM.CRD  
**Date:** 27 June 2024  
**Author:** Maria Snowden-Giles, Payroll/Finance Officer  
**Authorising Officer:** Helen Sternick, Manager Corporate Services  
**Voting Requirements:** Simple Majority

### Summary

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

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.2 – RESOLUTION# 06190624**  
**MOVED: Cr AT Pearse** **SECONDED: Cr JR Holmes**

Council, in accordance with *Local Government (Financial Management) Regulations 1996* section 13 and 13A, receives the list of payments for the period of 1 April to 31 May 2024, as included at Attachment 12.2.1. represented by:

\$376,533.68	Municipal EFTs
\$27,689.06	Municipal EFT Purchasing Cards (Fuel Cards)
\$70,777.45	Municipal Direct Debit Department of Transport (Licencing) Payments
\$114,356.04	Municipal Direct Debit Other
\$12,269.14	Municipal Direct Debit Purchasing Cards (Credit and Fuel Cards)
<u>\$154,448.35</u>	Net Salaries
<u>\$756,073.72</u>	Total Payments

**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)

### Attachment

12.2.1 List of Payments – 1 April to 31 May 2024

### Background

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

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

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

### Comment

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

### Consultation

Nil.

### **Statutory Environment**

*Local Government Act 1996, Section 6.4*

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

### **Policy Implications**

Payments have been made under delegation.

### **Financial Implications**

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

### **Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs





**Comment**

Processing the previous budget amendment in August 2023, to transfer funds from the Plant Reserve to balance the budget is in contradiction to the purpose of the reserve, which is for the purchase of plant and equipment. An alternative action is proposed regarding the transfer of funds from the Plant Reserve prior to end of year.

It is proposed \$160,827.19 be transferred from the Plant Reserve for the purchase of the skid steer loader, profiler and mulcher. Reducing the transfer from plant reserve and including the transfer of funds from the sale of the water truck will fund the purchases of plant as identified in the Draft Plant Replacement Program in the future.

The transfer to the Mingenew Day Care Centre Redevelopment Reserve is due to additional community contributions received from the Mingenew Tennis Club.

An interest rate of 5.11% was received at the commencement of the term deposit in August 2023, which is higher than the anticipated 3.2% within the budget, resulting in an additional \$15,142 to be received, as at 30 June 2024.

Original budget opening balances, including August 2023 proposed budget amendments:

Reserve	Budget					Budget Closing Balance
	Opening Balance	Budget Interest Earned	Budget Transfer In	Budget Transfer Out		
Aged Person Unit	12,859	532	1,000	0	14,391	
Employee Entitlement	77,063	2,776	0	0	79,839	
Plant	275,869	18,372	22	(258,265)	35,998	
Recreation	13,263	112	0	0	13,375	
Building & Land	71,080	9,851	0	0	80,931	
Environmental	19,734	709	0	0	20,443	
Land Development	7,020	0	0	0	7,020	
TRC/PO/NAB Building	22,351	807	0	0	23,158	
Insurance	43,481	838	0	0	44,319	
Economic Development & Marketing	20,534	373	0	0	20,907	
Mingenew Day Care Centre Redevelopment	25,688	904	37,000	0	63,592	
Community Infrastructure Fund Contribution	0	0	50,000	0	50,000	
<b>Total</b>	<b>588,942</b>	<b>35,274</b>	<b>88,022</b>	<b>(258,265)</b>	<b>453,973</b>	

Proposed budget amendments, with adjusted opening balances:

Reserve	Opening				Closing Balance
	Balance	Interest Earn	Transfer In	Transfer Out	
Aged Person Unit	15,217	718	1,000	0	16,935
Employee Entitlement	79,212	3,737	0	0	82,949
Plant	524,927	24,749	6,364	(160,827)	395,213
Recreation	13,633	643	0	0	14,276
Building & Land	323,061	15,240	0	0	338,301
Environmental	25,649	1,210	0	0	26,859
Land Development	7,216	340	0	0	7,556
TRC/PO/NAB Building	22,974	1,084	0	0	24,058
Insurance	44,693	2,108	0	0	46,801
Economic Development & Marketing	21,107	996	0	0	22,103
Mingenew Day Care Centre Redevelopment	25,688	1,913	39,138	0	66,739
Community Infrastructure Fund Contribution	0	0	50,000	0	50,000
<b>Total</b>	<b>1,103,377</b>	<b>52,738</b>	<b>96,502</b>	<b>(160,827)</b>	<b>1,091,790</b>

**Statutory Environment**

Local Government Act 1995

**6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) *is authorised in advance by resolution\**; or

(c) *is authorised in advance by the mayor or president in an emergency.*

\* *Absolute majority required.*

**Policy Implications**

Nil

**Financial Implications**

By adopting the recommended budget amendment, the Plant Reserve will have sufficient funds to be able to fund the Plant Replacement Program in the future. The budget amendment will reduce the anticipated closing surplus.

**Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

## 12.4 LONG TERM FINANCIAL PLAN 2025 - 2036

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.PLN.2
Date:	27 June 2024
Author:	Helen Sternick, Manager Corporate Services
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

The purpose of this report is for Council to consider the adoption of the Long Term Financial Plan (LTFP) 2025 - 2036.

### Key Points

- The LTFP anticipates a balanced budget for each year
- Assumptions for the average annual increase for rates between the years 1–4 is 7.5%; and years 5-12 is 5.0%
- Assumptions for the average annual increase for employee costs between the years 1-12 is 3.0%
- The LTFP accounts for an increase in residential housing through the use of borrowings

### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.4 – RESOLUTION# 08190624**

**MOVED: Cr HR McTaggart**

**SECONDED: Cr AR Smyth**

**Council adopts the Shire of Mingenew Long Term Financial Plan 2025 – 2036, as attached.**

### **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

12.4.1 Long Term Financial Plan 2025 – 2036

### Background

Local Governments are required to make future plans under Section 5.56(1) of the *Local Government Act 1995*. The Department of Local Government, Sport and Cultural Industries (DLGSC) has created an Integrated Planning and Reporting Framework to assist local governments to fulfil their strategic planning obligations under this provision.

The Long Term Financial Plan (LTFP) is a document that informs the Corporate Business Plan (CBP) and allocates the necessary resources to ensure that the Shire's priorities are achieved. From these planning processes, annual budgets that are aligned with strategic objectives can be developed.

The LTFP has used the operating baseline of the 2023/24 budget, removing one off expenditure and carry-overs to obtain a minimum level of revenue and expenditure that the Shire requires to operate current service levels. Capital and new operating initiatives, with accompanying funding sources, were then incorporated with key consideration for renewal requirements and meeting the initiatives of the CBP. Strategic decisions have been made to distribute funds to new capital and operating projects or changes to existing services, repayment of loan debt or transfers to reserves.

The first four years focus on construction of the daycare centre, six residential housing, aged persons residential housing, major refurbishment of the town hall, extension to the recreation centre, replacement of museum roof, construction of new shared pathways and construction of botanical garden at Mingenew Springs.

The years beyond the four year CBP timeframe provide an estimate of future financial impacts of strategic decision and identifies options to ensure a balanced and sustainable financial approach.

The development of the LTFP assists in the management of the local government's growth and provides guidance on the management of cashflows, funding requirements, community assets and risk. There is a high level of accuracy in the first two – three years of the plan, however as the plan extends the level of accuracy is reduced. For this reason, the LTFP will be reviewed and updated annually to ensure that current economic impacts are considered.

### Comment

Through the development of the 2025 – 2036 LTFP the Shire has identified key economic drivers that will influence the future cost of providing infrastructure, services and facilities and estimated revenue generated from rates, fees and charges and asset sales. This information has been compiled into the LTFP and provides a financial roadmap detailing the Shire's capacity to meet the competing demands of services and facilities required by the community.

The plan identifies a variety of measures available to enable the Shire to achieve its objectives. The LTFP balances the funding needs for renewal and new infrastructure assets, current service levels, rating expectations, fees and charges aligned to CPI, appropriate use of debt, use of funds held in reserve and strategic sale of assets.

The 2025-2036 LTFP has been developed with the following underlying assumptions:

- Balanced annual budget
- 10% increase in rate revenue decreasing to 5% from 2026/27 onwards
- A conservative 2% increase on interest earnings
- 1 change to staffing levels once the Mingenew Spring botanical garden is completed
- Employee costs annual increase of 3%
- Utilities costs annual increase of 3%
- Insurance annual increase of 3%
- New borrowings totally \$4.6m for the construction of residential housing
- \$300,000 annual transfer to Plant Reserve to self-fund plant purchasing in future years
- \$3,000 annual transfer to Aged Person Units Reserve
- Transfers from Plant Reserve to self-fund plant purchases

### Consultation

The information obtained through the MARKYT survey, various community and club workshops that has been conducted throughout 2022 and 2023 to inform the development of the Shire's Strategic Community Plan 2023-2033 and Corporate Business Plan 2023-2027 has also informed the development of the LTFP.

### Statutory Environment

*Local Government Act 1995*

#### **5.56. Planning for the future**

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

*Local Government (Administration) Regulations 1996*

Section 19, Division 3, outlines the requirements of Planning for the Future.

The Department of Local Government, Sport and Cultural Industries have provided guidelines for the Integrated Planning and Reporting Framework.

**Policy Implications**

Nil.

**Financial Implications**

The adoption of the Long Term Financial Plan does not have any financial implications, however, the document is used to guide the development of the annual budget.

**Strategic Implications**

Strategic Community Plan 2023-2033

- 15.1 Build our operational reserves to support long term goals and/or enable adaptation to changing needs
- 15.2 Balance value for money principles and compliance in procurement practices
- 15.3 Develop an updated LTFP that considers asset management capabilities
  - b Develop an updated Long Term Financial Plan (CBP)



- Rural / Mining (UV) \$1,389.00
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments:
    - Option 1 (Full Payment)  
Full amount of rates and charges including arrears, to be paid on or before 23 August 2024 or 35 days after the date of issue appearing on the rate notice whichever is the later.
    - Option 2 (Two Instalments)
      - First instalment to be made on or before 23 August 2024 or 35 days after the date of issue appearing on the rate notice whichever is later, including all arrears and half the current rates and service charges; and
      - Second instalment to be made on or before 25 October 2024 or 2 months after the due date of the first instalment, whichever is later.
    - Option 3 (Four Instalments)
      - First instalment to be made on or before 23 August 2024 or 35 days after the date of issue appearing on the rate notice whichever is later, including all arrears and half the current rates and service charges;
      - Second instalment to be made on or before 25 October 2024 or 2 months after the due date of the first instalment, whichever is later;
      - Third instalment to be made on or before 10 January 2025 or 2 months after the due date of the first instalment, whichever is later; and
      - Fourth instalment to be made on or before 14 March 2025 or 2 months after the due date of the first instalment, whichever is later.
  3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$17 for each instalment after the initial instalment is paid.
  4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and services charges through an instalment option.
  5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
  6. Pursuant to section 6.47 of the *Local Government Act 1995*, Council grants a 50% concession on rates assessments issued to all properties rateable on the basis of Gross Rental Valuation in the Yandanooka Townsite with the object of recognising the reduced level of service provided to properties in Yandanooka Townsite as compared to Mingenew Townsite. Rates for A219 (Charitable property) are exempt and subject to a 20% voluntary contribution by the ratepayer.

#### PART C – FEES AND CHARGES FOR 2024/25

Pursuant to Section 6.16 of the *Local Government Act 1995* and other relevant legislation, Council adopts the Fees and Charges included in the draft 2024/25 budget included as Attachment 12.5.1 of this agenda.

#### PART D – COUNCIL MEMBERS' FEES AND ALLOWANCES FOR 2024/25

In accordance with Section 5.99 of the *Local Government Act 1995*, and regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

- Shire President \$12,683
- Councillors \$4,114



In accordance with Section 5.98(5) of the *Local Government Act 1995*, Regulation 33 *Local Government (Financial Management) Regulations 1996* and Part 7.2(1) of the Determination for Local Government Elected Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, the annual allowance for the Shire President be set at \$13,026.

In accordance with Section 5.98A(1) of the *Local Government Act 1995*, Regulation 33A *Local Government (Financial Management) Regulations 1996* and Part 7.3(1) of the Determination for Local Government Elected Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, the annual allowance for the Deputy Shire President be set at \$3,256.

#### **PART E – MATERIAL VARIANCE REPORTING FOR 2024/25**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in the 2024/25 for reporting material variances shall be 15% or \$20,000, whichever is the greater.

#### **VOTING REQUIREMENTS:**

**CARRIED BY ABSOLUTE 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**

12.5.1 2024/25 Annual Budget

#### **Background**

The draft 2024/25 budget has been compiled based on the principles contained in the Strategic Community Plan 2023-2033 and is in accordance with the presentations made to Council at the budget workshops held 17 April 2024 and 15 May 2024.

#### **Comment**

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The features of the draft budget include:

- The budget has been prepared with a 10% rate increase in line with the forward financial plans contained in the Plan for the Future (5% general increase and 5% for road improvement program).
- Household and commercial waste charges are proposed to be increase by 5% and are itemised in the proposed schedule of fees and charges.
- The recurrent operating budget includes an overall increase in estimated expenditure of 5% (although individual line items may vary from this based on specific factors affecting each of these) and continues to focus on improved service delivery to the community. There is no increase in staff number planned.
- A capital works program totalling \$6.48m for investment in infrastructure, land and buildings, plant and equipment is planned. Expenditure on buildings is the major component of this (\$3.84m), renewal of day care facility, upgrade of recreation centre, 4 x new residential housing and road infrastructure expenditure of \$1.61m.
- Loan borrowings of \$1,600,000 to fund 4 x residential housing are proposed.
- An estimated surplus of \$575,000 is anticipated to be brought forward from 30 June 2024, however, this is unaudited and may change. Any change will be addressed as part of a future budget review.

#### **Consultation**

The 2024/25 draft budget is based on the Strategic Community Plan, which include input from the community. There has been internal consultation with staff and elected members throughout the preparation of the budget.

#### **Statutory Environment**

*Local Government Act 1995*

#### **6.2. Local government to prepare annual budget**

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

\* Absolute majority required.

Division 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2024/25 budget as presented is considered to meet statutory requirements.

*Waste Avoidance and Resource Recovery Act 2007*

**67. Local government may impose receptacle charge**

- (1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

*Salaries and Allowances Act 1975*

**7B. Determinations as to fees and allowances of local government councillors**

- (2) The Tribunal is to, from time to time as provided by this Act, inquire into and determine —
- (a) the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings; and
  - (b) the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
  - (c) the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the Local Government Act 1995 to elected council members.

The Determination on Local Government Chief Executive Officers and Elected Members requires local governments to set an amount within the relevant range determined for fees, expenses or allowances.

*Local Government Act 1995*

**5.98. Fees etc. for council members**

- (1) A council member who attends a council or committee meeting is entitled to be paid —
- (a) the fee determined for attending a council or committee meeting; or
  - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
- (a) the annual local government allowance determined for mayors or presidents; or
  - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

**5.98A. Allowance for deputy mayor or deputy president**

- (1) A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

\* Absolute majority required.

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

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

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

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

\* Absolute majority required.

**5.99A. Allowances for council members in lieu of reimbursement of expenses**

(1) A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount, and only reimburse the member for expenses of that type in excess of the amount of the allowance.

\* Absolute majority required.

Regulations 30, 31, 32, and 34 ACA of the *Local Government (Administration) Regulations 1996* set the limits, parameters and types of allowances that can be paid to Elected Members.

**Policy Implications**

Nil.

**Financial Implications**

As outlined in the body of this report and as itemised in the draft 2024/25 budget attached for adoption.

**Strategic Implications**

Strategic Community Plan 2023-2033

14 Operating with a high standard of good governance and transparency

15 Financial practices are responsive to compliance requirements and revenue needs

13.0 GOVERNANCE AND COMMUNITY

13.1 CONTRACT FOR SERVICES – ENVIRONMENTAL HEALTH

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew and Shire of Irwin  
Disclosure of Interest: Nil  
File Reference: CP.DSC.5  
Date: 27 June 2024  
Author: Erin Greaves, Governance and Community Manager  
Authorising Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Simple Majority

Summary

To consider resourcing of environmental health services (EHO services) for the Shire of Mingenew.

Key Points

- Council operated under an MOU with the Shire of Irwin between 2015-2023
- In 2023 (for the 2023/24 financial year) Council resolved to contract an external provider
- The external provider has indicated they do not wish to renew the contract beyond 30 June 2024

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.1 – RESOLUTION# 10190624**

**MOVED: Cr JR Holmes**

**SECONDED: Cr AT Pearse**

Council authorises the Chief Executive Officer to negotiate and enter into a Contract for Services for Environmental Health Services with the Shire of Irwin as per the proposal received (commercial in confidence as per s5.23(2)(c) and (e)(iii) of the *Local Government Act 1995*), commencing 1 July 2024 with a contract value of up to \$10,000 ex GST for the 2024/25 financial year based on:

- At least one in-person visit to the Shire of Mingenew per month
- Additional site visits as required and approved by the CEO
- Remote work as required and approved by the CEO.

**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

*In accordance with s.5.23(2)(c) and (e)(iii) of the Local Government Act 1995, attachments for this item are provided under separate confidential cover as it refers to a contract that may be entered into that has commercial value.*

13.1.1 CONFIDENTIAL: Proposed MOU from the Shire of Irwin for provision of EHO Services

Background

From 2015-2023, the Shire of Mingenew received support for environmental health services from the Shire of Irwin under a resource sharing arrangement. The Memorandum of Understanding (MOU) between the Shire of Irwin and the Shire of Mingenew concluded 30 June 2023. Under this MOU, Ramsay Constructions Pty Ltd was engaged by the Shire of Irwin to provide shared services to the Shires of Mingenew, Three Springs and Carnamah.

Environmental health services include:

- Carrying out mandatory food inspections of Food Businesses and Public Buildings, and any other food inspections, as required under the Food Act 2008
- Carry out assessments and inspections for the installation of septic systems and issue permits
- Provide advice and investigate complaints relating to health and building

- Reporting on compliance with regard to the Food Act 2008, Public Health Act 2016 and any other applicable legislation

Towards the end of the 2023/24 financial year, Ramsay Constructions Pty Ltd advised they would not be continuing with the shared arrangement under contract with the Shire of Irwin but was willing to offer services to individual local governments under a separate agreement.

Council considered the options at the 21 June 2023 Ordinary Council Meeting to continue with a MOU arrangement with the Shire of Irwin (they were in the process of trying to secure an Environmental Health Officer as an internal resource, but this was not guaranteed at the time) or consider engaging Ramsay Constructions Pty Ltd to provide EHO services under a new contract for services. Below is an extract from the Council Minutes indicating Council's decision to accept the proposal from Ramsay Constructions Pty Ltd:

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.3 – RESOLUTION# 10210623**

**MOVED: Cr Holmes**

**SECONDED: Cr Bagley**

**Council:**

1. **Authorises the Chief Executive Officer to negotiate and enter into a Contract for Services for Environmental Health Services with Ramsay Constructions Pty Ltd as per the proposal received (commercial in confidence as per s5.23(2)(c) and (e)(iii) of the *Local Government Act 1995*), for a period of 12 months from 1 July 2023 to 30 June 2024 at a contract value of up to \$10,000 ex GST (including accommodation, travel and other overheads) based on:**
  - **At least one in-person visit to the Shire of Mingenew per month for 10 of the 12 months**
  - **Additional site visits as required and approved by the CEO**
  - **Remote work as required and approved by the CEO**
2. **Advises the Shire of Irwin of its intention not to renew the Memorandum of Understanding for shared environmental health services in 2023/24.**

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

In February 2024, Allan Ramsay indicated he would be retiring from local government work at the end of this financial year and the Shire has been considering viable options to ensure continuity of service.

**Comment**

In response to this, the Shire reached out to the Shire of Irwin to enquire if they had capacity and interest in considering a resource sharing arrangement once again. In response, the Shire has provided a draft MOU for consideration (provided under separate, confidential cover).

The proposed MOU terms from the Shire of Irwin include:

- MOU to take effect 1 July 2024
- Provision of services 1 day per calendar month (with maximum of 9 hours per day, inclusive of travel)
- Charge out rate per hour for in-person services, including travel time, and invoiced monthly
- Charge out rate per hour for email and phone services
- Per kilometre charge for travel (in addition to officer time)
- Includes provision to proportion costs if the shared service extends to other local governments

Service charges proposed within the MOU are competitive with the arrangement provided under Ramsay Constructions.

The Shire has not pursued alternative arrangements to engage a suitably qualified employee or seek expressions of interest for consultancy services.

Local Government Professionals WA undertook a research project to explore workforce challenges in local government in WA in 2023 and reported that recruitment of Environmental Health Officers is the most challenging occupation to fill in the sector. Given this a specialised, highly skilled role, it is suggested that the Shire would have great difficulty in recruiting directly (particularly given the Shire would not require a full FTE), and there is a significant shortage generally for contract services to engage a suitable consultant. In this regard, a resource sharing arrangement would offer best value for money for local governments and offer attractive and meaningful work for any officer engaged.

**Consultation**

Shire of Irwin

Ramsay Constructions Pty Ltd

LG Professionals WA – [2023 Local Government Workforce Shortage Survey in WA](#)

**Statutory Environment**

Local Government Act 1995

Food Act 2008

Public Health Act 2016

Building Act 2011

**Policy Implications**

Nil.

**Financial Implications**

The Shire budgeted \$5,000 for the consultancy service provided under the Shire of Irwin MOU in 2022/23 but the actual costs were around \$10,000 for the year. As at 30 April 2024, services have cost \$9,265.93, with May and June's still to be issued.

The additional costs expected in 2023/24 are reflective of the additional work Ramsay has provided in following up untidy blocks.

It is difficult to estimate actual costs for the year as the contract is intentionally flexible to allow response to unforeseen events that may require support and advice on environmental health matters.

**Strategic Implications**

Strategic Community Plan 2023-2033

- 16.1 Investigate resource sharing and partnership opportunities where feasible
  - c Continue to participate in regional discussions and resource sharing opportunities



### **Comment**

WALGA's Delegations Register template has been used to form the Shire's updated Delegations Register and there have been no changes to the Delegations by Council except for additional condition added to Delegation 8.1.1 Dealing with and Approving Development Applications.

The Shire received notification from the Department of Planning, Lands and Heritage on 16 May 2024, advising of reform changes regarding decision making on development of single houses (copy enclosed in Attachment Booklet). These changes were amended within the *Planning and Development Amendment Act 2023* and will be reflected within the *Planning and Development Act 2005* (the Act) and *Planning and Development (Local Planning Schemes) Regulations 2015*. An extract of the changes in the Act have been provided below under Statutory Implications.

As of 1 July 2024, the CEO (or a person delegated by the CEO) must make decisions in regard to single house development and associated development i.e. additions, alterations, patios or carports and the decision cannot be referred to Council. This authority excludes development for a heritage protected place.

These changes are expected to reduce processing times for single house developments, provide consistency across the State and create efficiencies in the decision making process. Further information on planning reform can be found at <https://www.planning.wa.gov.au/planning-reform/current-reform-initiatives/planning-and-development-amendment-act-2023-and-associated-regulations>.

### **Statutory Environment**

*Local Government Act 1995*

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

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

*\* Absolute majority required.*

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

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

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

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

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

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

(1) *A local government can delegate —*

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

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

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

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

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

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

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

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

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

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



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

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

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

**5.43. Limits on delegations to CEO**

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

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

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

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

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

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

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

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

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

*Planning and Development Act 2005*

**257C. Regulations dealing with performance of functions under local planning schemes in relation to single house development**

(1) *In this section —*

*ancillary structure means a building, structure, fixture, or feature, that is ancillary or incidental to a single house;*

*CEO, in relation to a local government, means the chief executive officer of the local government;*

*development approval function means a function of a local government under a local planning scheme in relation to development applications, approvals of development or ancillary or incidental matters;*

*Examples for this definition:*

1. *Receiving, administering or considering development applications.*
2. *Granting or refusing approvals of development.*
3. *Imposing conditions on approvals of development.*
4. *Receiving, administering or considering applications for any of the following —*
  - (a) *an amendment to an approval of development;*
  - (b) *an amendment to conditions imposed on an approval of development;*
  - (c) *the cancellation of an approval of development.*
5. *Amending approvals of development or conditions imposed on approvals of development.*
6. *Cancelling approvals of development.*

*single house means a dwelling, other than a dwelling on land that is, or is to be, subject to —*

*(a) a strata scheme under the Strata Titles Act 1985; or*

*(b) a community titles (building) scheme under the Community Titles Act 2018;*

*single house development means development that consists of —*

*(a) the erection of, or alterations or additions to, a single house; or*

*(b) the erection or installation of, or alterations or additions to, an ancillary structure.*

(2) *Without limiting section 256, regulations under section 256(1) may prescribe provisions that —*

*(a) specify development approval functions of the local government (the prescribed development approval functions); and*

*(b) provide that, when the prescribed development approval functions are performed in relation to single house development, or single house development of a specified class, the functions —*

*(i) must be performed for and on behalf of the local government by the CEO or employees of the local government authorised by the CEO; and*

*(ii) cannot be performed by the local government in any other manner (for example, by the council of the local government or a committee of that council); and*

*(c) otherwise deal with or regulate —*

*(i) the performance of the prescribed development approval functions as referred to in paragraph (b); and*

*(ii) authorisations referred to in paragraph (b)(i); and*

*(iii) supplementary or incidental matters.*

(3) *Provisions of a kind referred to in subsection (2), and regulations prescribing those provisions, have effect despite any provision of the Local Government Act 1995.*

**258. Regulations for procedure and costs for local planning schemes**

- (1) *The Governor may make regulations for regulating the procedure to be observed —*
  - (a) *with respect to the preparation or adoption of a local planning scheme;*
  - (b) *with respect to obtaining the approval of the Minister to a local planning scheme so prepared or adopted;*
  - (c) *with respect to the review, amendment or repeal of a local planning scheme;*
  - (d) *with respect to any inquiries, reports, notices, or other matters required in connection with the preparation, adoption or approval of a local planning scheme, or preliminary to the preparation, adoption or approval of the scheme.*
- (2) *Provision is to be made by the regulations for ensuring that —*
  - (a) *notice of the proposal to prepare or adopt a scheme is to be given, at the earliest stage possible, to any local government interested in the land; and*
  - (b) *the local government of the district in which any land proposed to be included in a scheme is given —*
    - (i) *a notice of any proposal to prepare or adopt such a scheme; and*
    - (ii) *a copy of the draft scheme before the scheme is made; and*
  - (c) *the local government is entitled to be heard at any inquiry held by the Minister in regard to the scheme.*
- (3) *Without limiting the generality of subsection (1) regulations made under that subsection with regard to the amendment of a scheme may require the payment by the owner of land of the costs incurred in the publication under the regulations of any notice prescribed in the regulations relating to an amendment to a local planning scheme where the amendment is made at the request of that owner and is in respect of land owned by that owner.*

**Policy Implications**

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

**Financial Implications**

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

**Strategic Implications**

Strategic Community Plan 2023-2033

- 14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness
- 14.2 Prepare and respond in a timely manner to Local Government Act reforms

### 13.3 SIGNAGE AND INFRASTRUCTURE STYLE GUIDE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	CM.POL
Date:	27 June 2024
Author:	Erin Greaves, Governance and Community Manager
Authorising Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

A new policy has been developed providing guidance for signage and infrastructure installed in public spaces within the Shire of Mingenew to ensure safety, consistency, value for money and enhancing the functionality and visual appeal.

#### Key Points

- A new policy 'Signage and Infrastructure Guide' has been developed for Council consideration
- The policy incorporates a number of principles to guide decision making whilst providing appropriate flexibility to continue to meet the needs of the community
- Whilst safety and functionality are key factors, the intent is to provide consistency and visual appeal in design principles to appropriately capture and promote the Shire's identity

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 13.3 – RESOLUTION# 12190624**  
**MOVED: Cr JR Holmes**    **SECONDED: Cr AR Smyth**

**Council adopts the new Council Policy 1.5.5 Signage and Infrastructure Style Guide, as provided in GCM Attachment Booklet – June 2024.**

**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

13.3.1 Council Policy 1.5.5 Signage and Infrastructure Style Guide

#### Background

To ensure a consistent approach to signage and infrastructure design and purchases across the Shire, a Guide has been developed to establish agreed principles and practical applications.

#### Comment

The Shire has a number of large community infrastructure projects in the pipeline for the next 5-10 years and this document will assist in guiding design and development.

The new Policy (or Guide) is intended to be used by:

- Council staff when preparing detailed designs for streets and open spaces as part of public domain improvements; streetscape upgrades and asset replacement;
- The community and Councillors to provide an understanding of the values, priorities and design principles that guide our approach to the public domain;
- Developers, designers and consultants when preparing proposals that affect the public domain and its components when undertaking works in accordance with conditions of consent; and
- Council's Planning team when assessing and approving development applications.

The Design Principles identified within the Policy are:

- Character and design – how it looks and interacts with affiliated spaces
- Consistency – same branding and colouring
- Functionality – considers user experience and intent
- Availability – ease of supply and maintenance
- Life Cycle Costs
- Maintenance

Another factor is giving consideration to people with disability, which is a requirement of the Shire's Disability Access and Inclusion Plan (2019-2024). An outcome of the Shire's DAIP is to ensure *"People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority."* And some of the tasks include:

- All new or redeveloped facilities allow for access for people with physical, cognitive, sensory and psychiatric disability through the application of specific building and planning codes. This includes ramped elevations, rails, and appropriate signage, line marking and raised footholds at intersections where practicable.

This Policy may be varied and improved by Council over time, but this is the first step in outlining a standardised and considered approach. A broad view, overarching policy has been considered to provide sufficient flexibility to suite a wide range of signage and infrastructure needs

### **Consultation**

Works Manager  
Main Roads WA

### **Statutory Environment**

Local Government Act 1995  
Disability Discrimination Act 1992

### **Policy Implications**

This is a new policy for consideration.

### **Financial Implications**

There are not considered to be any significant financial implications in adopting this policy.

### **Strategic Implications**

Strategic Community Plan 2023-2033

- 6.1 Community facilities continue to be fit for purpose, multi-use and meet sustainable community needs
- 7.2 Support and include disabled and vulnerable community members
- 8.4 Identify and monitor key community safety and health needs



The implementation of this Policy allows Council to formalise any arrangements with local contractors (including farmers) who may wish to contribute to Shire road projects or other road maintenance tasks.

**Strategic Implications**

Strategic Community Plan 2023-2033

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

15.2 Balance value for money principles and compliance in procurement practices





MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 19 June 2024

<i>School community events e.g. carnivals, graduation, concert etc)</i>	<i>100% waiver for all venues</i>
<i>Fitness, dance or yoga classes</i>	<i>Where charge to clients is less than \$20 per one hour session – 100% waiver for all venues, otherwise 50% discount may apply</i>
<i>Health and counselling services to local residents only</i>	<i>Where no charge to clients - 100% waiver for all venues (Co-working space preference), otherwise 50% discount may apply</i>
<i>CWA Meetings</i>	<i>100% waiver for all venues</i>
<i>Wake / Funeral Reception</i>	<i>50% discount for receptions for former Mingenew residents</i>
<i>Free community forums / workshops</i>	<i>100% waiver for all venues (where broader community participation is sought)</i>
<i>Free local community and sporting group meetings / functions</i>	<i>75% discount for bookings outside of lease or MOU arrangements</i>
<i>Mingenew CRC community events (free to local residents)</i>	<i>75% discount for events not supported through other funding</i>
<i>Small local businesses</i>	<i>75% discount for Co-working space or private room hire at relevant venues</i>
<i>Regular use (e.g. more than 6 consecutive weeks, school term etc.)</i>	<i>10% discount applies (may be used in conjunction with other discounts)</i>

*A discount or waiver cannot be applied where funding has been granted to the hirer through any other means, including the Shire's Community Assistance Scheme grants (Annual or Quick Response).*

*The discounts apply to the hire of venues only and do not include costs for setup or other charges which may be charged out at the relevant labour / plant / equipment hire charges.*

*Small local business is defined as a business that operates within the Shire of Mingenew as a sole trader or less than two employees. The business must be owned by a person or persons living in the Shire of Mingenew and at the time of venue use, catering its goods and/or services predominantly to the local community.*

As shown above, changes to the Policy provide for a 75% discount to automatically apply to local community and sporting groups for bookings made outside of an established MOU or annual fee arrangement. For example, where the hire charge for the Rec Centre Function Room is \$140 for a whole day, the community group would be charged \$35 with the discount applied. This is similar to the charge under the previous structure (\$34).

The previous fees structure included a local and non-local fee structure however, it is rare for individuals or groups, outside the Shire to hire our facilities and therefore this has been removed. The set rate would now apply for non-locals unless they could demonstrate alignment with the Shire's Strategic Community Plan and apply or a waiver under other terms already provided for within the Policy.

It is anticipated that will be minimal changes or even some savings to individuals and groups in the application of the new Fees & Charges and Policy.

A copy of the 2023/24 Fees and Charges for venue hire is provided below:

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 19 June 2024

VENUE HIRE		Local Business	External Organisation / Other
<b>Recreation Centre</b>			
Meetings, demonstrations, community workshops	per day	\$34.00	\$118.00
Business forums, private parties, weddings, other functions	per day	\$181.00	\$263.00
<b>Turf Bar / Pavilion / Offices</b>			
Special events, parties, functions	per day	\$130.00	\$189.00
Meetings	per day	\$34.00	\$118.00
<b>Autumn Centre</b>			
Kitchen / Office (per room)	per hour	\$6.00	\$15.00
	per day	\$24.00	\$58.00
<b>Co-working Space</b>			
Office space (per desk)	per hour	\$10.00	\$16.00
more than 3 hrs	per day	\$30.00	\$40.00
5 days per week or more	per week	\$150.00	\$200.00
<b>Railway Station</b>			
Meetings, demonstrations, visiting professionals	per hour	\$6.00	\$15.00
	per day	\$23.00	\$55.00
Functions, parties and events	per day	\$124.00	\$180.00
<b>Other (not exclusive to specific venue)</b>			
Fitness Classes	per day	N/A	N/A
Social, not-for-profit activities (e.g. seniors, toy library, arts & crafts)	per day	N/A	N/A

For comparison, the Shire's proposed Fees & Charges for 2024 (subject to Council approval at this meeting) are provided below:

VENUE HIRE					
<i>See Council's 'Supporting the Community' Policy for concessions, discounts and waivers</i>					
<i>Daily rates charged for bookings of more than 3 hrs</i>					
<b>Recreation Centre</b>					
Function Room only	per day	\$140.00	C	Y	
	per hour	\$40.00	C	Y	
Kitchen only	per day	\$140.00	C	Y	
	per hour	\$40.00	C	Y	
Function Room & Kitchen	per day	\$220.00	C	Y	
	per hour	\$60.00	C	Y	
Changerooms	per day	\$50.00	C	Y	
<b>Turf Bar / Pavilion / Offices</b>					
Office only	per day	\$90.00	C	Y	
	per hour	\$22.50	C	Y	
Bar / Pavilion	per day	\$180.00	C	Y	
	per hour	\$45.00	C	Y	
Coolroom	per day	\$100.00	C	Y	
<b>Tennis Clubhouse</b>					
Clubhouse (excludes Mingenew Tennis Club events)	per day	\$160.00	C	Y	
	per hour	\$40.00	C	Y	
<b>Town Hall (*limited use)</b>					
Main Hall only	per day	\$100.00	C	Y	
	per hour	\$25.00	C	Y	
<b>Autumn Centre</b>					
Office only	per day	\$60.00	C	Y	
	per hour	\$15.00	C	Y	
Kitchen / Main Hall	per day	\$140.00	C	Y	
	per hour	\$40.00	C	Y	
<b>Railway Station</b>					
Private Room	per day	\$60.00	C	Y	
	per hour	\$15.00	C	Y	
Main Function Room	per day	\$96.00	C	Y	
	per hour	\$24.00	C	Y	
Entire Venue	per day	\$124.00	C	Y	
	per hour	\$31.00	C	Y	
<b>Sports Club</b>					
Private Room	per day	\$120.00	C	Y	
	per hour	\$30.00	C	Y	
Main Function Room	per day	\$160.00	C	Y	
	per hour	\$40.00	C	Y	
Entire Venue	per day	\$240.00	C	Y	
	per hour	\$60.00	C	Y	
<b>Co-working Space</b>					
Office space (per desk, hourly rate)	per hour	\$16.00	C	Y	
Office space (per desk, daily rate)	per day	\$40.00	C	Y	
Office space (per desk, weekly rate for 5 days per week or more)	per week	\$200.00	C	Y	

The fees now include hire charges for the Sports Club, Tennis Club and Town Hall (although the Hall will only be hired if the activity is suitable for the Hall in its current state), until such time as a future is determined.

### **Comment**

Similar to Council's recent review of operating costs to determine the annual fees for sporting and community groups, the Shire is looking to undertake a review of facility operating costs and calculating actual cost of recovery through the fees and charges. The Shire's new receipting system will provide capacity for tracking of any waivers and discounts applied and will create internal efficiencies (including general journaling).

The intention is trial this structure in 2024/25 and establish a more inform set of fees based on improved data collection over the year.

### **Consultation**

Executive Leadership Team

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

As indicated above.

### **Financial Implications**

This financial year, Council gained approximately \$3,000 in revenue from fees and charges relating to venue hire. As a result of the proposed changes to the Fees & Charges and Policy in 2024/25 it is expected that there may be a minor variance (reduction) in revenue, but significant internal efficiencies gained and Council will be better informed in establishing the fees in 2025/26.

### **Strategic Implications**

Strategic Community Plan 2023-2033

13.1 Demonstrated delivery of priority projects and SCP outcomes

14.1 Seek innovative ways to continually improve organisational efficiency and effectiveness

14.0 WORKS

Nil.

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

Nil.

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

Nil.

**17.0 CONFIDENTIAL ITEMS**

Nil.

**18.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 21 August 2024 commencing at 5.00pm.

**19.0 CLOSURE**

The meeting was closed at 5:23pm.

These minutes were confirmed at an Ordinary Council meeting on 21 August 2024

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

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



# MINUTES OF THE SPECIAL COUNCIL MEETING

17 JULY 2024

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS  
ON WEDNESDAY, 17 JULY 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 RA Starick	Councillor
Cr AR Smyth	Councillor

**Apologies**

Nil.

**Staff**

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

**Members of the Public**

Mr Peter Horwood, Elector  
Mr Shane Kiely, Mineral Resources Ltd

**3.0 DECLARATIONS OF INTEREST**

Nil.

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

Mr Horwood outlined that as a ratepayer and owner of property impacted by the increased road use by the resource sector, particularly on Mooriary Road and Yandanooka West Road (acknowledging that other roads and ratepayers are also being impacted), he notes that there is damage to the condition of these roads and these roads are being accessed during road closures.

He further outlined that an opportunity exists to work with proponents to ensure the roads are established and maintained to an agreed standard and if the resource sector requires a higher standard to operate under all weather conditions, then they should be paying (not ratepayers / the Shire). Noting that any contributions to road repairs and upgrades should not be considered a "community contribution" as it is not a benefit to the broader community and not necessary for existing road users.



Mr Horwood raised questions in relation to resource development in the Shire and concerns in regard to degraded road conditions and use of the roads:

**1. *Does the Shire have a Road User Agreement, in which the road, and the community impact, is protected?***

The Shire President indicated that Road User Agreements are utilised. The Shire establishes the road condition prior to commencement of development and the proponent is required to maintain the road to an agreed condition level at their cost.

The industry party can either contract the road repair work to an external party or have the Shire conduct the repair work at their cost. The Shire has stepped in to grade Moorriary Road, approximately 3 months ago.

**2. *Due to Mineral Resources' developments on Moorriary Road, there is going to be a significant increase to non-agricultural traffic, potentially for the next 30+ years. If this road remains as gravel, who is going to pay to have the road repairs done that is caused by this increased road use (as it should not be the ratepayer)?***

Through the President, the CEO advised that this would be determined when considering development applications, such as the one being considered today, and further established within Road User Agreements.

Mr Horwood thanked the Shire for the opportunity to raise his concerns.

5.0 CHIEF EXECUTIVE OFFICER

5.1 ENERGY & RESOURCE INDUSTRY – COMMUNITY BENEFITS POLICY

Location/Address: Shire of Mingenew  
Name of Applicant: N/A  
Disclosure of Interest: Nil  
File Reference: CM.POL.1 / GV.CMT.4  
Date: 23 July 2024  
Author: Matt Fanning, Chief Executive Officer  
Authorising Officer: Matt Fanning, Chief Executive Officer  
Voting Requirements: Absolute Majority

**Summary**

This report is for the establishment of a process which enables the Council to enter into negotiations with the Energy and Resource Industry sector to deliver and respond to the need for the establishment of legacy commitments to benefit the Shire of Mingenew resulting from such projects establishing within the Shire.

The establishment of a mechanism for developer agreements is currently only through discretion and is voluntary as there is no planning legislation at this stage to facilitate community benefits sharing schemes for local communities impacted by industry within the State of Western Australia as there are in other states of Australia.

This report provides the necessary governance and model framework for these voluntary developer agreements.

**Key Points**

- The Energy and Resource Industry sector has many projects listed for the Shire of Mingenew none of which at this stage have a negotiated community benefits developer agreement
- Community Benefit Sharing schemes aim to sustainably integrate energy and resource industry projects into local communities by contributing to the community's future vitality and success.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.1- RESOLUTION#01170724S**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr AR Smyth**

**Council:**

- 1) Adopts the Energy and Resource Industry – Community Benefits Policy as presented.
- 2) Establishes a Community Benefits Advisory Committee, adopting the Community Benefits Fund Advisory Committee – Terms of Reference as presented, and by Absolute Majority, appoints the following Elected Members to the Committee, Cr HR McTaggart, Cr AT Pearse, Cr GA Cosgrove and other members as per the Terms of Reference; and
- 3) Instructs the Chief Executive Officer to distribute this policy to its industry partners as a mechanism to reinforce discussions and provide a necessary governance framework surrounding any commitments to the Shire of Mingenew community.

**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)*

**Attachments**

- 5.1.1 Energy and Resource Industry – Community Benefits Policy
- 5.1.2 Community Benefit Fund Advisory Committee – Terms of Reference

## **Background**

### *What is Community Benefits Sharing?*

Community Benefits Sharing involves sharing the rewards of Energy and Resource Industry development with local communities. It aims to sustainably integrate these projects into their local communities by contributing to the community's future vitality and success.

Generally, these projects are state significant and will allocate funds towards a nominated community benefit program. Funds can be distributed in many ways, including via grants, scholarships, long-term funding partnerships, or via opportunities for co-ownership or investment.

The Shire of Mingenew in recent years has started to feel the impact of the Energy and Resource Industry through growth in Energy transition, mineral sands and other natural product exploration and project proposals.

While each of these proponents may have their own unique methods of consultation and collaboration there has been no identifies or agreed mechanism available for these proponents to discuss Community Benefit Sharing outside of small club or community group grant programs.

## **Comment**

Benefit-sharing initiatives can offer a clear and transparent way of demonstrating how developments contribute to and benefit host communities and can assist in building community support.

Some of the reasons that make benefit sharing particularly relevant to the consideration and assessment of large-scale Energy and Resource Industry proposals and warrant a unique approach are:

- society as a whole benefits from the growth of the energy and resources sector, however, the impacts of development are not evenly distributed. Regional communities experience the most pressure and changes, including impacts from individual projects, as well as broader changes to the local landscape and community that may be difficult to foresee and plan for in advance.
- Other forms of development are commonly accompanied by financial contributions to local communities, however standard methods of collecting revenue from new development have not always been applied to energy and resources projects or have had limited application

Benefit sharing initiatives from energy and resource projects provide a practical and transparent method of addressing these concerns. They can ensure that affected local communities receive direct social and economic benefits from projects in their area.

The proposed framework presented is essential for building positive relationships between a project proponent and the hosting communities.

Communities will benefit from a more strategic co-designed and coordination approach which will serve as intergenerational leaving lasting positive impacts.

By establishing a community benefit sharing fund, then multiple proponents can assist in contributing to multiple projects leaving a greater impact on important local issues and address key community aspirations. In addition, the establishment of such a fund can reduce consultation fatigue where there are multiple projects all seeking similar information regarding desired benefits and community input.

The overriding principles of Benefit Sharing are:

- Develop strong and meaningful partnerships between proponents and communities
- Making a positive contribution in host communities

- Delivering value and positive connections in the communities that surround a project
- Having planned strategies
- The project being valued by community
- Community willingness for change
- Recognising the shared value of energy and natural resources

### **Community Benefit Sharing Value/Benchmarks**

Globally there is a move to establish benchmark rates for community benefits sharing through Government Policy. By way of example some European countries have established rates of between \$2,000 - \$8,000 /megawatt/annum for the life of the project generally 25 years which is significantly higher than the current Australian benchmarks.

The states of New South Wales, Victoria, Queensland and Tasmania have established or are in the process of establishing legislation which will facilitate strong Community Benefit Sharing for community investment resulting from Energy Transition projects. The policy presented intends to use the same methodology across all Energy and Resource Industry partners.

Some examples of the proposed benefit sharing benchmarks are:

Narrogin WA – 1.5% of CIV annualised over the life of the project – LPP WindFarm/Turbines  
Warrumbungle, Dubbo, and Mid-Western councils LPP NSW – 1.5% of CIV  
NSW Govt - \$850/MW/annum Solar  
              - \$1,050/MW/annum Wind  
Tas Govt - \$1,800/MW of installed capacity per year for Tasmania north west REZ

These benchmarks generally are derived from the long term 1.5% of CIV (Capital investment Value) which is considered equitable. This figure however, would need to be descaled for projects of significant CIV for example projects valued over \$5B. The development of a social impact assessment would then be used to determine what benefit sharing arrangement would be required.

The unit of benefit may be by product or output for example Tonne of product transported, Energy generating capacity, % of CIV or even set \$ amounts for specific projects or programs all of which would be identified in a Development Agreement or common law Agreement.

The establishment of a mechanism for developer agreements is currently only through discretion and is voluntary as there is not planning legislation at this stage to facilitate community benefits schemes for local communities impacted by industry as there are in other states of Australia.

The framework which has been presented includes an overarching Community Benefit Policy underpinned by a Terms of reference for the establishment of a "Community Benefit Fund Advisory Committee". The role of the Advisory Committee is to make recommendations to Council for the expenditure of monetary contributions made in connection with Energy and Resource Industry developments, including the allocation of funds from the Mingenew Community Benefit Fund.

A draft model developer agreement has also been drafted to assist in negotiations and documenting any resulting community benefit sharing outcomes.

Expenditure of funds from the Mingenew Community Benefit Fund must:

1. be for a public purpose
2. not be used for operational costs of Shire of Mingenew;
3. be done having considered the recommendations of the Mingenew Committee; and

4. be consistent with any policy adopted by the Shire of Mingenew in relation to an Energy & Resource Industry community benefit restricted fund (as in force from time to time) or, if no such policy has been adopted, the policy principles set out in any benefit sharing guideline prepared by the Department of Planning, or its successors (as in force from time to time).

### Consultation

Other local and state government entities both intrastate and external to WA

### Statutory Environment

#### **State Planning Policy 3.6 Infrastructure Contributions - April 2021**

The Policy provides a system for local governments to plan and charge for community infrastructure items that are not included in the standard provisions through development contribution plans and introduces a framework for the requesting of contributions for community infrastructure.

#### *State Planning Policy 3.6 Infrastructure Contributions - April 2021*

##### 6.9 Developer Agreements

*Contributions may also be implemented in limited circumstances through Developer Agreements or by a voluntary agreement between a landowner or developer and the relevant local government, pursuant to a request from the landowner or developer.*

*Circumstances include large-scale, single ownership projects with a long development timeframe, or in regional areas where a formal DCP is not considered by local government and contributing owners to be necessary to achieve desired infrastructure delivery outcomes.*

*Notwithstanding that Developer Agreements do not form part of a local planning scheme, infrastructure contributions prepared under this arrangement should be consistent with the principles outlined in this policy and any decision to deviate from these principles, including the provision of facilities of a higher quality or specification than standard, should be a voluntary decision by all parties to the agreement.*

#### *State Planning Policy 3.6 Infrastructure Contributions Guidelines - April 2021*

##### 2.3 Imposition of infrastructure contributions

##### *(iii) Developer Agreements*

*Developer Agreements may be considered in limited circumstances – usually large-scale projects under single ownership – and pursuant to a request from the landowner or developer, or in regional areas where a formal DCP is not considered by local government and contributing landowners to be necessary to achieve the desired infrastructure delivery outcomes.*

*Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles, including the provision of facilities of a higher-quality or specification than standard, should be a voluntary decision by all parties to the agreement.*

### National Legislative Framework/Policy Development

The 2024 National General Assembly of Local Government endorsed motion "to implement a nationwide compulsory community benefit sharing framework. This framework would eliminate the need for individual councils to negotiate separate voluntary planning agreements for each project proposal within their respective Local Government Area."

### Policy Implications

Nil – This report is to establish such

**Financial Implications**

The establishment of a Community Benefit Sharing framework will assist in facilitating the generation of necessary funds to help communities adjust and grow as a result of the Energy and Resources Industry growth and establishment amongst local communities.

Funds will be held in the existing Community Infrastructure Fund Contribution Reserve which has the purpose: *to fund the acquisition, restoration, extension and improvement of community infrastructure.*

**Strategic Implications**

The following strategies and actions from the Shire's Strategic Community Plan are considered relevant in Council's assessment of this matter:

**Grow Mingenew**

2 Attract investment and grow resident population:

- 2.1 Work collaboratively to grow resource, agricultural and service industries in Mingenew
- 2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options

**Love Mingenew**

6 Strong sense of community and culture

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

**Protect Mingenew**

10 Valued and protected natural environment

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

## 5.2 PROPOSED WORKFORCE ACCOMMODATION

Location/Address:	Lots M433 & M451 Mooriary Road, Mooriary
Name of Applicant:	Mineral Resources Limited
Disclosure of Interest:	Nil
File Reference:	A603
Date:	11 July 2024
Author:	Simon Lancaster, Planning Advisor
Senior Officer:	Matt Fanning, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

Council is in receipt of an application from Mineral Resources Ltd to establish the following in association with their Exploration Drilling Program within their Petroleum Licence issued separately under the *Petroleum and Geothermal Energy Resources Act 1967*:

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

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

This report recommends that Council approve the application subject to conditions, the most significant of which is that the applicant must seal the initial section of Mooriary Road (south from Midlands Road) for a distance of 7km, to the Shire's satisfaction.

### **OFFICER RECOMMENDATION – ITEM 5.2**

Council grants formal planning approval for temporary workforce accommodation (main camp site and 3 exploration drill camp sites) upon Lots M433 & M451 Mooriary Road, Mooriary subject to compliance with the following:

#### Conditions:

- 1 Development shall generally be in accordance with the approved plans dated 17 July 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant must seal the initial section of Mooriary Road (south from Midlands Road) for a distance of 7km to the approval of the local government to ensure that all weather access is available for the development.
- 4 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 5 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received, the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- 6 The location, design and construction/upgrading of the access point(s) onto the road network shall be to the requirements of the local government.

- 7 The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network and relating to the development shall be to the requirements of the local government.
- 8 All parking of vehicles associated with the development shall be provided for within the property boundary.
- 9 The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the satisfaction of the local government).
- 10 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
- 11 The development shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 12 The applicant must obtain any/all necessary consents of the landowner(s) relevant to the sites and the access to the sites.

Advice Notes:

- a) In relation to condition 3 the applicant can undertake the roadworks at its expense to the Shire's satisfaction or make financial contribution to the Shire (to an amount to the Shire's satisfaction) for the Shire to undertake the roadworks.
- b) In relation to condition 4 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management, Noise/Light/Dust Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government. In the event that the camp is sited within an area identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas the Fire Management Plan must be submitted as a separate document and prepared and implemented to the requirements of the Department of Fire & Emergency Services.
- c) The development is located within the Irwin River surface water area and Arrowsmith groundwater area, and if groundwater is required for the development the landowner will need to contact the Department of Water & Environment Regulation's licensing section.
- d) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation, and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- e) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- f) If an applicant is aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

An amended motion was foreshadowed by Cr HR McTaggart to:

- Clarify that the sealing of Moorriary Road must be actioned prior to commencing operation (amendment to Condition 3)
- Ensure Council are made aware of any complaints concerning the operation of development (amendment to Condition 5)
- Minimise the impact of traffic on Moorriary Road by stipulating the development use is for the applicant only (additional Condition 13)
- Place a timeframe on the development approval (additional Condition 14).



The meeting was adjourned at 5:26pm in order for the CEO to seek planning advice on the proposed amendments.

The meeting was reconvened at 5:30pm.

**AMENDED MOTION AND COUNCIL DECISION – ITEM 5.2- RESOLUTION#02170724S**

**MOVED:** Cr HR McTaggart

**SECONDED:** Cr AT Pearse

Council grants formal planning approval for temporary workforce accommodation (main camp site and 3 exploration drill camp sites) upon Lots M433 & M451 Moorriary Road, Moorriary subject to compliance with the following:

**Conditions:**

- 1 Development shall generally be in accordance with the approved plans dated 17 July 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the development or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant must seal the initial section of Moorriary Road (south from Midlands Road) for a distance of 7km to the approval of the local government to ensure that all weather access is available from commencement of occupation.
- 4 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 5 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received, the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan. Complaints are to be reported to Council on at least an annual basis.
- 6 The location, design and construction/upgrading of the access point(s) onto the road network shall be to the requirements of the local government.
- 7 The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network and relating to the development shall be to the requirements of the local government.
- 8 All parking of vehicles associated with the development shall be provided for within the property boundary.
- 9 The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development (or where agreed to by the local government, the applicant may instead arrange for such repair, reinstatement or replacement works to be undertaken to the satisfaction of the local government).
- 10 The development shall be connected to on-site wastewater and effluent disposal systems that are located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
- 11 The development shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 12 The applicant must obtain any/all necessary consents of the landowner(s) relevant to the sites and the access to the sites.
- 13 The main camp is for applicant's use only. Any other usage of this facility will need to make application to Council.

14 Planning Approval is granted for 3 years, and any extension is to be referred to Council for a decision.

**Advice Notes:**

- 1) In relation to condition 3 the applicant can undertake the roadworks at its expense to the Shire's satisfaction or make financial contribution to the Shire (to an amount to the Shire's satisfaction) for the Shire to undertake the roadworks.
- 2) In relation to condition 4 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan, Waste Management, Noise/Light/Dust Management and Post Camp Rehabilitation (that details post-closure obligations and clean-up and rehabilitation of the site) to the approval of the local government. In the event that the camp is sited within an area identified upon the Department of Fire & Emergency Services State Map of Bushfire Prone Areas the Fire Management Plan must be submitted as a separate document and prepared and implemented to the requirements of the Department of Fire & Emergency Services.
- 3) The development is located within the Irwin River surface water area and Arrowsmith groundwater area, and if groundwater is required for the development the landowner will need to contact the Department of Water & Environment Regulation's licensing section.
- 4) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the obtaining of any required approvals from the Department of Health, the Department of Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation, and Main Roads WA. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- 5) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- 6) If an applicant is aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

**Attachments**

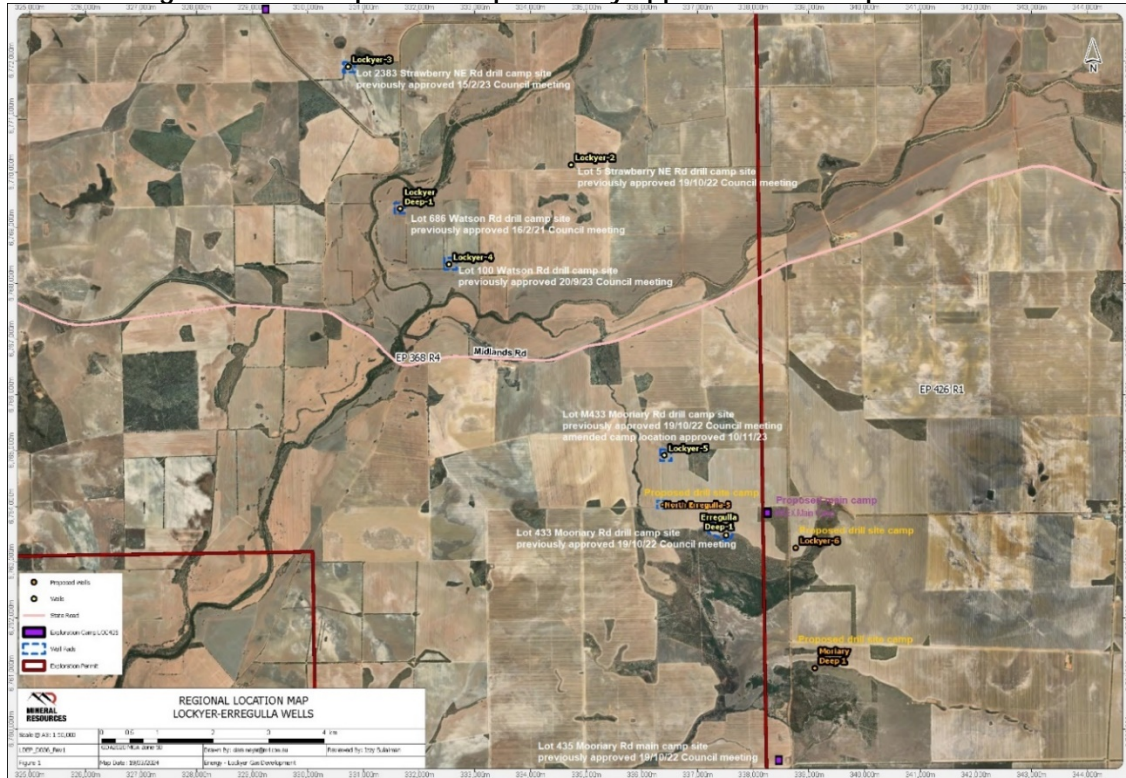
- 5.2.1 Proposed Main Camp (MREX) – Lot M433 (P2984) Moorriary Road, Moorriary
- 5.2.2 Proposed Temporary Drill Camp (Moorriary Deep 1) application – Lot M451 (P2982) Moorriary Road, Moorriary
- 5.2.3 Proposed Temporary Drill Camp (Lockyer 6) – Lot M433 (P2984) Moorriary Road, Moorriary
- 5.2.4 Proposed Temporary Drill Camp (North Erregulla 3) – Lot M433 (P2984) Moorriary Road, Moorriary
- 5.2.5 Schedule of Submissions

**Background**

The applicant has been issued with a petroleum exploration permit (EP368 & EP426) by the Department of Mines, Industry Regulation & Safety under the *Petroleum and Geothermal Energy Resources Act 1967* over the western portion of the Shire of Mingenew and eastern portion of the Shire of Irwin.

Lot M433 is a 2,359.6917ha property on the western side of Moorriary Road and Lot M451 is a 849.296ha property on the eastern side. Lots M433 and M451 are owned by Perpetual Corporate Trust Ltd and located approximately 11km south-west of the Mingenew townsite. Both lots are largely cleared excepting for pockets of remnant vegetation on outcrops and along tributary lines and used for agricultural purposes

Figure 5.2.1 – Proposed and previously approved drill camp locations



**Comment**

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

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

The main camp is proposed to be located west of Mooriary Road (and 4.5km south of Midlands Road) and would accommodate personnel to support the well drilling operations in the area. The main camp would consist of 24 transportable accommodation units that would each contain 2 x 1 bedroom/1bathroom workers accommodation. The main camp would also have transportable buildings providing amenities such as kitchen, dining area, gyms, storerooms and laundry, along with generators, refuelling areas, water tanks and on-site aerobic waste treatment systems. It is anticipated that the main camp would be required for a 2 year period. The main camp application is provided as **separate Attachment 5.2.1**.

Figure 5.2.2 - Proposed Main Camp Layout



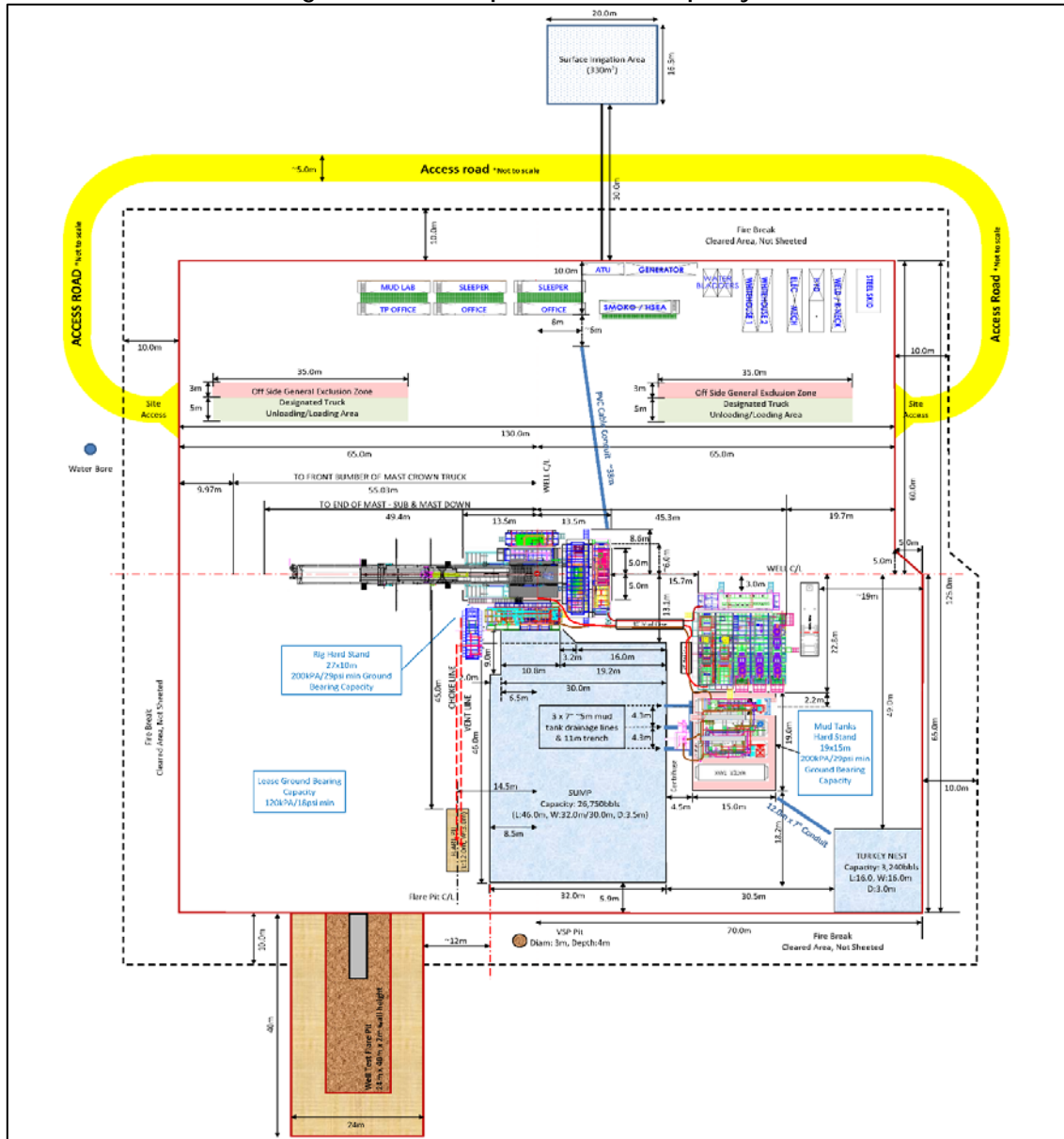
The drill site camps would consist of 2 x 3 person transportable accommodation buildings and other modular buildings (typically 12m x 2.72, 32.64m<sup>2</sup>) associated with the drill operations delivered to the site by truck. The drill sites would have drilling activities conducted continuously on a 24-hour basis with 2 crews (6 personnel operating the drill and up to 22 additional personnel) working on 12-hour shifts necessitating a workforce accommodation camp at the drill sites. The drill camps would be serviced by a mobile wastewater system and food preparation will be done off-site at the main camp.

The exploration drilling activities (and associated need for the accompanying drill camp) are anticipated to take place over approximately 60 days at each site, with some potential returning to the site for further exploration, maintenance and testing work over a subsequent 2 year period.

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

The drill camp applications are provided as **separate Attachments 5.2.2 – 5.2.4.**

Figure 5.2.3 - Proposed Drill Camp Layout



The most consistent issue arising from the prior operation of gas drilling operations in the Shire has been the impact upon its road network. This report therefore recommends that the applicant must seal the initial section of Mooriary Road (south from Midlands Road) for a distance of 7km to the Shire's satisfaction.

Given that the temporary workforce accommodation development will be in place for a 2 year period this is a reasonable condition to impose (and past developments indicate that the operation period may be longer than 2 years).

The need for upgrading is further underlined by the impact the applicant's use of Mooriary Road (and other roads) over several years prior to this application has had.

The condition to seal the 7km length of Mooriary Road is reasonable when considered in the wider context that the applicant would use Mooriary Road on a permanent basis, in addition to during the temporary workforce accommodation camp period, when they install and service their permanent gas wells as proposed under their State Development Assessment Unit application SDAU-067-23.

### Consultation

This application was advertised for comment from 30 May 2024 until 28 June 2024 with the Shire undertaking the following actions:

- notice being placed on the Shire website;
- correspondence inviting comment being sent to the landowners within 4km of the proposed temporary workforce accommodation sites;
- correspondence inviting comment being sent to the following government agencies and service authorities:
  - Australian Gas Infrastructure Group;
  - ATCO Gas
  - Department of Biodiversity, Conservation & Attractions
  - Department of Health
  - Department of Jobs, Tourism, Science & Innovation
  - Department of Mines, Industry Regulation & Safety
  - Department of Planning, Lands & Heritage
  - Department of Primary Industries & Regional Development
  - Department of Water & Environment Regulation
  - Main Roads WA
  - Telstra
  - Water Corporation
  - Western Power
- display of the application at the Shire office.

At the conclusion of the advertising period the Shire had received 6 submissions, all from government agencies either offering no objection or technical comment. A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 5.2.5** and a copy of the received submissions can be provided to Councillors upon request.

It is noted that the Department of Primary Industries & Regional Development submission contained the following, which echoes Council's own position regarding the applicant's separate gas processing facility State Development Assessment Unit application SDAU-067-23:

*"While DPIRD does not object to the placement of temporary 'Workforce Accommodation' on land zoned 'Rural', DPIRD does not support the establishment of permanent "Workforce Accommodation" facilities in the Rural landscape. DPIRD would expect a permanent 'Workforce Accommodation' to be located within a town boundary area, as outlined in the DPLH Planning Position Statement - Workforce accommodation."*

### Statutory Environment

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

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

Lots M433 & M451 Mooriary, Mooriary are zoned 'Rural' under the Shire of Mingenew Local Planning Scheme No 4 ('the Scheme').

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

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

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

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

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

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

Section 9 – Aims of the Scheme notes the following:

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

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

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

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

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

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

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting, including –*

- (i) *the compatibility of the development with the desired future character of its setting; and*
- (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...*
- ...(q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ... (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

**Policy Implications**

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

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

Control	Not control
1) Where a planning application is required, the terms of an approval related to: (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location & appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2) Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	1) Any matters specified by a State Agreement Act. 2) The issuing of a mining tenement made under the <i>Mining Act 1978</i> – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite). 3) That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’. 4) That workforce accommodation be located in a town rather than a mine-site. 5) Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6) Requirements for ‘community contributions’ by workforce accommodation proponents. 7) Requirements for workforce accommodation to achieve ‘legacy benefits’.

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

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



**Financial Implications**

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

**Strategic Implications**

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

*"8.8 Mining Activity*

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

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

*In determining an application for extractive industry Council shall have regard to and may impose conditions relating to the demand for additional services, facilities and infrastructure, the impact on surrounding land uses, and shall require a management plan to manage the impact of the extractive industry."*

### 5.3 PROPOSED SECOND-HAND DWELLING

**Location/Address:** 3 (Lot 165) Broad Street, Mingenew  
**Name of Applicant:** W. Davey  
**Disclosure of Interest:** Nil  
**File Reference:** A364  
**Date:** 23 July 2024  
**Author:** Simon Lancaster, Planning Advisor  
**Authorising Officer:** Matt Fanning, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Council is in receipt of an application seeking approval to permanently site a transportable building upon 3 (Lot 165) Broad Street, Mingenew. The application also seeks to undertake additional works including a patio/decking area to be attached to the building, constructing a freestanding carport and fencing the property.

The application has been advertised for comment and 3 submissions expressing support for the application and 2 objections were received.

This report recommends that the application be approved subject to conditions relating to the visual appearance of the building and property, and the timeframe for completion of the works.

#### Key Points

- 3 (Lot 165) Broad Street, Mingenew is zoned 'Residential'
- The application is for a second-hand building to be sited upon Lot 165 and additional works be undertaken and the building to be used as a residence.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 5.3- RESOLUTION#03170724S**

**MOVED:** Cr RA Starick

**SECONDED:** Cr AR Smyth

**Council grants planning approval for a second-hand dwelling and associated works upon 3 (Lot 165) Broad Street, Mingenew subject to the following:**

#### **Conditions:**

- 1** Development shall be in accordance with the approved plan(s) dated 17 July 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2** Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan(s) requires further application and planning approval for that use/addition.
- 3** Works must not commence until connection of Lot 165 to the reticulated power network has been completed, use of a generator for the works or for occupation of the site is not permitted.
- 3** The colour of the wall sheeting is required to be of a different (yet complementary) colour to the uniform colour used for the roof sheeting, posts, downpipes and guttering, to create the visual appearance of a permanent habitable building and not a donga. All external materials must be to a finish and colour to the approval of the local government.
- 4** Skirting is required to be installed between the floor level of the building and the ground level to the approval of the local government and using materials and colours that are to the approval of the local government.
- 5** Landscaping is required to be installed and maintained about the development for the purpose of softening the visual impact of the building to the approval of the local government.

- 6 Front fencing and side fencing (extending westwards for a distance of not less than 7.5m from the front boundary line) to a height not greater than 1.2m is required to be installed and maintained for the purpose of softening the visual impact of the building to the approval of the local government and must be of materials, finish and colours to the approval of the local government.
- 7 Side fencing (commencing at a distance of not less than 7.5m behind the front boundary line) and rear fencing to a height not greater than 1.8m is required to be installed and maintained for the purpose of softening the visual impact of the building to the approval of the local government and must be of materials, finish and colours to the approval of the local government.
- 8 The development is required to be connected to an on-site wastewater and effluent disposal system that is located, designed, installed and operated to the requirements of the Department of Health and the approval of the local government.
- 9 Any soils disturbed or deposited on site must be stabilised to the satisfaction of the local government.
- 10 All stormwater must be contained and disposed of onsite to the satisfaction of the local government.
- 11 The development is only to be used for habitable purposes, and general storage purposes associated with the predominant habitable use, and must not be used for commercial or industrial purposes.
- 12 The development must not be occupied until compliant with the requirements of the Building Code of Australia, the *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974*.
- 13 All parking of vehicles (and trailers) associated with the development must be provided for within the property boundary.
- 14 The installation and maintenance of the vehicle access/crossing place onto Broad Street must be to the satisfaction of the local government.
- 15 The removal of materials from Lot 165 at completion of the development works deemed unsightly by the local government.
- 16 The conditions relating to this approval (inclusive of the completion of the patio/decking area, carport and fencing) must be complied with to the approval of the local government within 12 months of the date of approval (i.e. 17 July 2025).

Notes:

- (a) This planning consent does not constitute a building permit, which must be sought and obtained from the Shire's Building Department and will require the applicant's demonstration of compliance with the requirements of the *Building Act 2011* and Building Code of Australia. Also, other separate approvals to undertake certain activities may be required from other government agencies under separate legislation of which it is the applicant's responsibility to investigate and address.
- (b) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

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

**Attachments**

- 5.3.1 3 Broad Street, Mingenew - Application
- 5.3.2 3 Broad Street, Mingenew - Submissions

**Background**

3 (Lot 165) Broad Street is a 916m<sup>2</sup> rectangular property on the western side of Broad Street in the Mingenew township.

Figure 5.3.1 – Location Plan for 3 (Lot 165) Broad Street, Mingenew

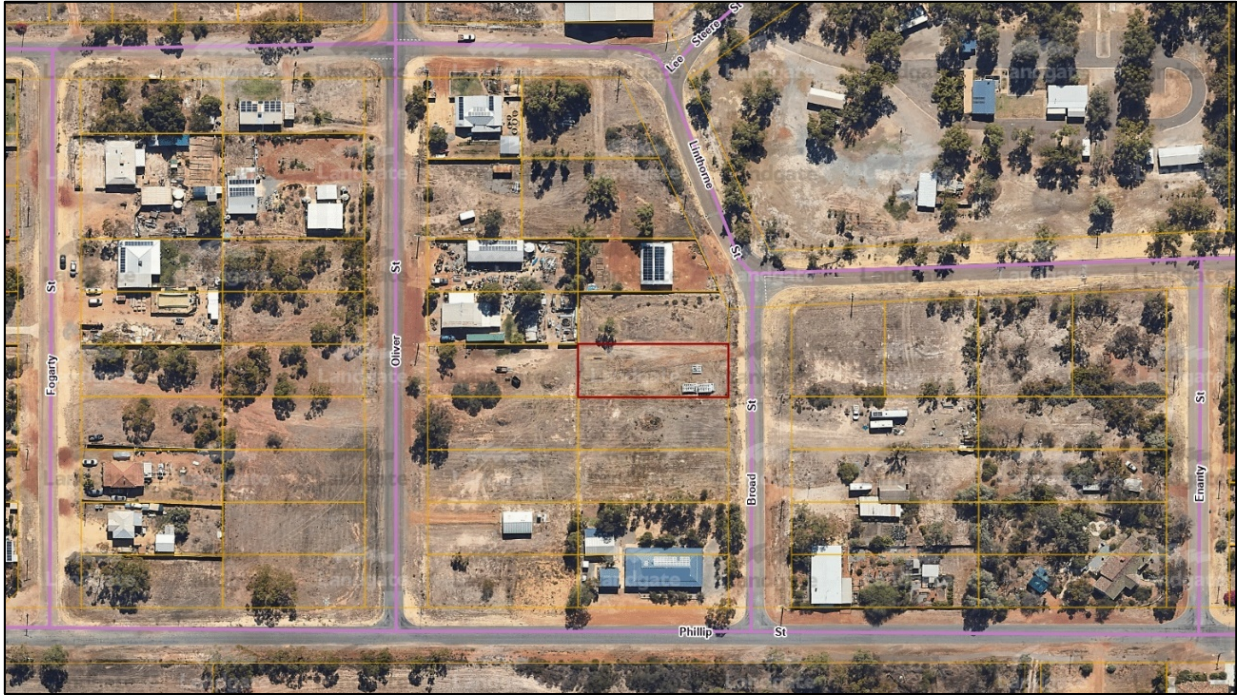


Figure 5.3.2 – Aerial Photograph of 3 (Lot 165) Broad Street, Mingenew



The applicant is seeking approval for the permanent siting of a 12m x 3m (36m<sup>2</sup>) transportable building upon Lot 165 in the south-west, rear corner, 2m off the side and rear boundaries. The applicant is proposing to re clad the exterior walls in colorbond sheeting and add insulation, and reroof the building with trimdeck roof sheeting, in doing so raising the roof height 65mm to allow for insulation. The building would have a final height of 3.3m (comprising 0.5m raised floor height + 2.5m wall height + 0.3m roof gable height).

The applicant also proposes to construct a 6m x 3m (18m<sup>2</sup>) timber decking area and a 6m x 3m (18m<sup>2</sup>) metal patio along the 12m northern elevation of the building. The patio roof would be trimdeck to match the new roof of the building. Lattice would be installed around the skirt of the building and decking area between the floor level and ground level.

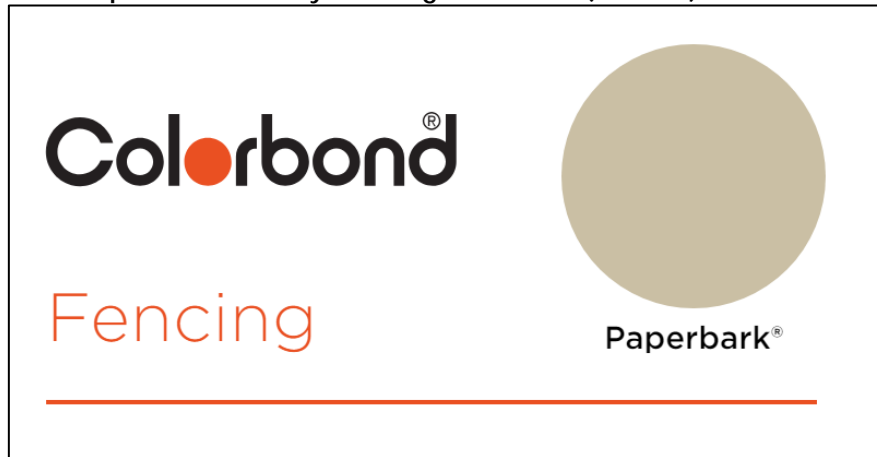
The applicant also seeks approval for a freestanding 9m x 6m (54m<sup>2</sup>) carport with paved floor that would be sited 1.41m north of the patio/deck extension to the building, and 2m from the western/rear boundary and 1.2m from the northern/side boundary. The carport would have a 4.2 column height and 4.5m total/gable height and would have trimdeck roof sheeting to match the residence.

The building is proposed to serve as the residence initially but is sited in a rear location so that it can in time become the ancillary dwelling ('granny flat') when a main residence is built forward/eastwards on Lot 165.

The applicant proposes to install 2 septic tanks and 2 x 9m leach drains to the east of the 'granny flat' building in a position that would then also service the future main residence.

0.9m high Colorbond fencing is proposed to be installed along the front boundary and along the side boundaries to a distance of 9m back from the front boundary (which would be in-line with the front wall of the future 'main residence'). 1.8m high colorbond fencing would then continue along the side boundaries westwards, and also along the rear boundary.

Figure 5.3.3 – Proposed Boundary Fencing Colour - 3 (Lot 165) Broad Street, Mingenew



The applicant has advised the following in regards to their proposed timeframe for the works:

*“Expected time frame of 6 months from commencement to having the donga, patio, decking and fencing completed.*

*A further 3 months to have the carport, driveway and gates completed.*

*Whilst application for 2 bedroom house is awaiting approval. Hoping to achieve finalisation within 12-15 months. Making the total build time from start to finish of 2 years.”*

The submitted application is provided as **separate Attachment 5.3.1**.

Figure 5.3.4 – Site plan and elevation plans for residence

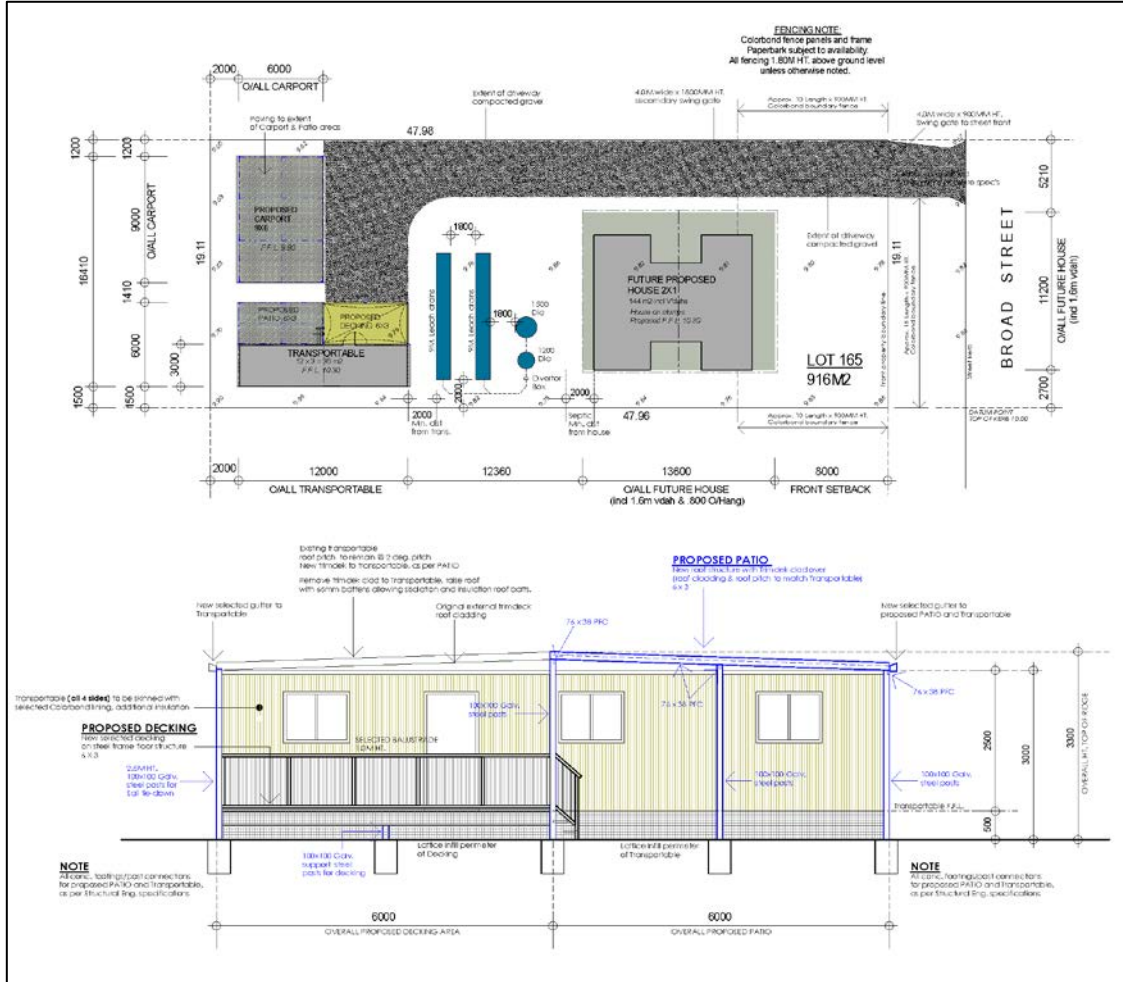


Figure 5.3.5 – View looking north-west at Lot 165 from Broad Street



Figure 5.3.6 – View looking south-west at Lot 165 from Broad Street



### Comment

The appearance of the transportable building in isolation might be considered too small, or more akin to a workers accommodation camp, than would be appropriate within the context of a residential townsite. However, with the addition of a patio/verandah, decking, skirting between the ground level and floor level, along with other measures such as fencing and landscaping this application could be considered an acceptable form of development.

Council might also consider that a condition be imposed requiring the lodgement of a bond by the applicant, that would be held by the Shire until the additional external works had been completed, to encourage the applicant to complete the works in a timely fashion.

It is considered that with application of conditions of approval requiring the applicant to install fencing, landscaping and (singular) wall colour and complementary (yet differentiated) roof sheeting that the visual appearance of the development might become more in keeping with the amenity of the area.

There is also capacity through applied approval conditions to address aspects relating to off-street car parking, vehicular access and stormwater management.

However, in the event that Council deems that the application should not be supported it might consider the following alternative wording appropriate in its deliberations:

*“Council refuses the application for a second-hand dwelling upon 3 (Lot 165 Broad Street, Mingenew for the following reasons:*

- 1 The proposed development is not deemed to meet the objectives for the ‘Residential’ zone as established in Clause 3 of the Shire of Mingenew Local Planning Scheme No.4.*
- 2 The proposed development is not deemed to meet the requirements for a repurposed dwelling/second hand dwelling as established in Schedule 1 of the Shire of Mingenew Local Planning Scheme No.4.*
- 3 In its consideration of the application Council is not satisfied that the development satisfies the matters under Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 4 Approval of this application would set an undesirable precedent for future variation to the Shire’s statutory and policy requirements, which in time could prove to be detrimental to the amenity of the ‘Residential’ zone.*

*Advice Note:*

*Should the applicant be aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination."*

**Consultation**

The application was advertised for comment from 30 May 2024 until 28 June 2024 with the Shire writing to the landowners of the 20 surrounding properties, placing an advisory sign on-site, placing a copy of the application on the Shire website, and making the application available for viewing at the Shire office.

At the conclusion of the advertising period 5 submissions had been received, 3 expressing support for the application and 2 in objection.

Copies of the received submission are provided as **separate Attachment 5.3.2**.

The applicant was provided with redacted copies of the submissions (as per standard Shire practice) and invited to make comment/respond to the issues raised in the submission period. No response was received from the applicant prior to date of this report.

2 of the submissions raised the issue of a generator causing nuisance and it is proposed that a condition of any approval be requirement that the applicant must install power network connection to Lot 165 prior to commencement of works, to address this concern.

**Statutory Environment**

3 (Lot 165) Broad Street, Mingenew is zoned 'Residential R12.5' under Shire of Mingenew Local Planning Scheme No.4 ('the Scheme').

Table 2 of the Scheme lists the objectives of the 'Residential' zone as being:

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

The development is considered to be a 'Second-hand Dwelling' which is defined by the Scheme as being:

*"second-hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location."*

The application might also be considered under the definition of a 'Repurposed Dwelling; which is defined by the Scheme as being:

*"repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling."*

Both 'Second-hand Dwelling' and 'Repurposed Dwelling' are listed as an 'A' use within the 'Residential' zone which is a use that must be advertised for comment prior to consideration.

Schedule 1 of the Scheme notes the following for 'Repurposed dwellings and second-hand dwellings':

- "1 *The standards of finish of Repurposed Dwellings and/or Second-Hand Dwellings shall be agreed on between the applicant and the local government prior to the issue of development approval*



*and must be consistent with those prevailing in the locality in which the building is to be located or any policy adopted by local government.*

- 2 *Local government may permit the erection or placement of a Repurposed Dwelling and/or Second-Hand Dwelling on a lot providing that the design of the building is to the satisfaction of the local government and:*
- (a) is in a satisfactory condition;*
  - (b) will not detrimentally affect the amenity of the area;*
  - (c) is permanently affixed to the ground; and*
  - (d) is finished to a high standard."*

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by Council 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;...*
  - ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
  - ...(fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;...*
- ...(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;...*
- ...(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;...*
- ...(w) the history of the site where the development is to be located;*
- (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."*

The following Aims of the Scheme from Clause 9 of the Shire Scheme may be considered of relevant in this matter:

*"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;  
to ensure there is sufficient supply of serviced and suitable land within Mingenew for existing and future housing, employment, commercial activities, community facilities, recreation and open space;  
to provide for a range of accommodation and lifestyle choices that meet the needs and aspirations of the community"*

### **Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

The following strategies and actions from the Shire’s Strategic Community Plan are considered relevant in Council’s assessment of this matter:

Strategy	Strategies/Actions	Council’s Role	Partners
2.3 Cultural & Heritage	2.3.3 Enhance our natural and built environment and promote and protect the history and heritage within Mingenew	Support and manage	Community Groups
3.1 Housing	3.1.2 Develop local housing market (support new business model)	Investigate and support	Dept. Housing, Local entrepreneurs
4.1 Diversity of accommodation	4.1.1 Development of existing and future diverse accommodation options for business travellers and tourism	Facilitate	Local entrepreneurs and businesses

The Mingenew Townsite Local Planning Strategy notes the following:

*“4.2.6 Architectural Style*

*Architectural style refers to a combination of factors that influence building construction, such as built form, construction materials and local character. Architectural styles evolve over time and reflect the historic context and growth of an area. The local architecture of Mingenew spans many eras from the 1890s to the present, and there are still common elements from different periods that can, when possible, be incorporated into new development. Older development in Mingenew is characterised by the usage of local stone, gabled roofs and fenestration detail (see Plates 6 and 7).*

*Early residences incorporate hipped roofs and large verandahs (see Plate 6).*

*Present day residential development is characterised by houses with little to no roof pitch, constructed of weatherboard, corrugated iron and/or Colorbond sheeting (see Plate 8). Some newer homes have returned to passive climate responses typical of earlier housing and incorporate eaves and verandahs into the design detail. In keeping with the rural nature of the community many homes have open style fencing, larger sheds and outbuildings, rain water tanks and other modern improvements.*

*To promote flexibility and encourage new residential development, it is not recommended that any design controls be implemented for residential dwellings, however developers will be encouraged to draw from the architectural palette of traditional homes in the townsite when planning new development.”*

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 17 JULY 2024



Plate 6 Historic Residence



Plate 7 Police Residence



Plate 8 Contemporary Residence

## 6.0 GOVERNANCE AND COMMUNITY

### 6.1 MARKETING & COMMUNICATIONS STRATEGY

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

#### Summary

To consider adoption of the Shire of Mingenew Marketing and Communications Strategy (the Strategy) prepared by Market Creations Agency Pty Ltd (Market Creations).

#### Key Points

- In 2023, Council resolved to develop a Marketing and Communications Strategy to ensure our marketing activities align with the Shire's Strategic Community Plan
- Market Creations were engaged through a Request for Quote process via WALGA's eQuotes and were selected based on offering the best value for money and service
- Market Creations facilitated a workshop in April 2024 with Councillors and Executive staff and then provided Councillors with a final presentation at the June Concept Forum for the Marketing and Communications Strategy

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 6.1- RESOLUTION#04170724S**  
**MOVED: Cr HR McTaggart                      SECONDED: Cr AR Smyth**

Council:

1. Adopts the Marketing and Communications Strategy prepared by Market Creations Agency Pty Ltd, as presented, including the Communications Policy at Appendix 2; and
2. Prioritises implementation of the following key recommendations from the Strategy in 2024/25 through internal resourcing and agency support, within capacity and as required:
  - Develop a Brand Style Guide that focuses on residents first and encompasses all touchpoints of the brand and includes communication guidelines for all channels.
  - Develop a Partnership Prospectus for the Resource Sector and Government Agencies that clearly outlines investment opportunities.
  - Develop Sponsorship and Donations Prospectus for a local target audience.
  - Develop an Investment Prospectus to promote investible opportunity.
  - Redesign the website with residents in mind.
  - Create a shorter Strategic Community Plan brochure focusing on the four pillars and develop a half yearly Shire achievements flyer.
  - Develop a digital advertising strategy focusing on Meta (Facebook) and LinkedIn to attract investment.

Promote the benefits of living in the Shire through Out of Home advertising.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 7/0**

*(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)*

#### Attachments

6.1.1 Marketing and Communications Strategy

### **Background**

In July 2023, Council agreed to undertake the development of a Marketing and Communications Strategy to inform direction, drive communications and engagement, and focus on strategic priorities.

The development of a Marketing and Communications Strategy aimed to provide a framework for:

- how our Shire and community is promoted internally, locally and beyond
- what the most effective forms of engagement are for our target audiences
- ensure effective and consistent messaging across a variety of media channels
- consideration of accessibility and reaching disengaged members of the community
- increased awareness of Shire services, activities, opportunities and achievements
- set a policy position in terms of communications.

As demonstrated during the development of the Strategic Community Plan and from the feedback received in the Community Satisfaction Survey conducted in 2022, three major priorities exist for our community

- Liveability
- Local investment
- Supporting business development

The Shire prepared a Request for Quote through WALGA eQuotes (or VenderPanel) and received three quotations, with only one supplier quoting within Council's set Budget for the project and demonstrating an ability to meet the scope, Market Creations Agency Pty Ltd (Market Creations). Market Creations have a long relationship working with local governments and have an office based in Geraldton.

Market Creations were engaged in early 2024 to commence work on the Strategy and facilitated workshops with Council and the Executive team in April.

Based on the desktop review they conducted and the meetings and workshops, Market Creations held a final workshop with Councillors in June 2024 to present the final Marketing and Communications Strategy.

In addition to the Strategy, Market Creations have provided a Communications Policy, Draft Crisis Communications Plan, Content Calendar, Draft Implementation Plan and an Evaluation Tool for measuring marketing performance which will be reviewed and used operationally to improve our systems and activities.

### **Comment**

The Shire of Mingenew has established a really strong brand and enjoyed successful tourism campaigns, with the 'We'll See You in Mingenew' campaign, wildflower and stargazing seasons and event promotion, which has been due to a great working partnership with marketing agency, Lateral Aspect.

Tourism remains a key economic driver for our community, and it is important that this work continues through maintaining the brand and tourism opportunities however, there is an opportunity to leverage our past success to promote the transition of focus to liveability, local investment and growth, with the ultimate goal of increasing our resident population.

With the development of the recently updated Strategic Community Plan 2023-2033 and the need to go out to market for marketing services, it has been timely for Council to reset and communicate its strategic path so that marketing efforts align with community needs and the vision.

The Strategy will be used to formulate an appropriate scope of works, that includes implementation of the Strategy, as well as operational needs that cannot be resourced internally, including:

- Website hosting, design and management
- Digital media content design and production
- Mainstream advertising
- Reporting and analysis

The Shire has, or is the process of, implementing some of the recommendations, such as redesigning the website to be more user friendly and focused on residents, reestablishing the Shire's LinkedIn page, developing a social media calendar, developing templates and engaging with the community through another MARKYT survey (which will be commencing in the coming months).

**Consultation**

Councillors  
Executive Team  
Community Resource Centre

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

New – Communications Policy, as presented.

**Financial Implications**

The Marketing and Communications Strategy has been developed within the budget provided for the project (\$30,000).

Before determining if implementation of the Strategy is achievable within our existing Marketing budget, it is necessary for a scope of works to be developed and quotes to be sought.

**Strategic Implications**

Strategic Community Plan 2023-2033

- 13.1 Demonstrated delivery of priority projects and SCP outcomes
- 13.2 Community expectations are measured and reported
- 13.3 Develop effective communication, engagement and marketing strategies
  - a. Implement the staged Marketing and Communications Strategy based on priority and available resources

MINGENEW SHIRE COUNCIL SPECIAL MEETING MINUTES – 17 JULY 2024

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

Nil.

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

Nil.

**9.0 CONFIDENTIAL ITEMS**

Nil.

**10.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday, 21 August 2024 commencing at 5.00pm.

**11.0 CLOSURE**

The meeting was closed at 5:39pm.

These minutes were confirmed at an Ordinary Council meeting on 21 August 2024

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

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



**MINUTES OF THE  
EXECUTIVE MANAGEMENT COMMITTEE MEETING  
HELD 15 AUGUST 2024**



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**MINUTES OF THE EXECUTIVE MANAGEMENT COMMITTEE MEETING TO BE HELD IN COUNCIL CHAMBERS ON 15 AUGUST 2024 COMMENCING AT 5:00PM**

*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 5:05pm

**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

**3.0 DECLARATIONS OF INTEREST**

Matt Fanning, Chief Executive Officer – Item 4.1 (CEO Performance Review) - Financial Interest – The report directly relates to his employment with the Shire.

**4.0 REPORTS**

**PROCEDURAL MOTION – ITEM 4.0**

**MOVED:** Cr HR McTaggart

**SECONDED:** Cr JD Bagley

That discussion on Item 4.1 CEO Performance Review 2023/24 be closed to members of the public at 5:06pm, 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)*

**4.1 CEO PERFORMANCE REVIEW 2023/24 - 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*.

A copy of the Confidential CEO Performance Review Summary Report was issued to Committee Members and the CEO as a separate, confidential attachment.

Mr Matt Fanning was requested to leave the meeting at 5:06pm to allow the committee to discuss the confidential performance review and attachment proposed KPIs.

Mr Matt Fanning was requested to rejoin the meeting at 5:20pm to discuss the results of the confidential performance review and attachment proposed KPIs.

**EXECUTIVE MANAGEMENT COMMITTEE DECISION & RECOMMENDATION TO COUNCIL– ITEM 4.1**

**MOVED:** Cr GJ Cosgrove

**SECONDED:** Cr JD Bagley

**Council, by Absolute Majority:**

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

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 3/0**

6. (FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, AGAINST: Nil)

**PROCEDURAL MOTION AND COMMITTEE DECISION – ITEM 4.0**

**MOVED:** Cr HR McTaggart

**SECONDED:** Cr JD Bagley

That the meeting be reopened to the public at 5:25pm, in accordance s5.23(2)(a) of the *Local Government Act 1995*.

**VOTING REQUIREMENTS:**

**CARRIED BY SIMPLE MAJORITY 3/0**

(FOR: Cr GJ Cosgrove, Cr HR McTaggart, Cr JD Bagley, AGAINST: Nil)

**5.0 CLOSURE**

The meeting was closed at 5:26pm.