



SHIRE OF
DOWERIN
TIN DOG TERRITORY

AGENDA

Special Council Meeting

To be held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 30 June 2026
Commencing 4:00pm





NOTICE OF MEETING

Dear Councillors,

A Special Council Meeting will be held on Tuesday, 30 June 2026, in the Shire of Dowerin Council Chambers, 13 Cottrell Street, Dowerin, commencing at 4.00pm.

The purpose of the meeting is to consider the appointment of the WAEC Commissioner to conduct the Second Extraordinary Election and to determine an application from CBH Group for temporary development approval for site works associated with the construction of the approved rail loading facility.

Darrel Hudson
SHIRE PRESIDENT
29 June 2026

DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Dowerin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

It should be noted that the Attachment hyperlinks may not be functional from this document when sourced from the Shire of Dowerin's website. Attachment copies follow on from the end of the Agenda.

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Shire of Dowerin Special Council Meeting 4:00pm Tuesday 30 June 2026

1. Official Opening

The President welcomes those in attendance and declares the meeting open at 4:00pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr DP Hudson	President
Cr RI Trepp	Deputy President
Cr JA Graffin	
Cr AR Jones	
Cr CJ Meakins	
Cr JC Sewell	

Staff

Mrs M Barthakur	Chief Executive Officer
Ms K Rose	Manager of Governance and Community Services
Ms R Wall	Manager of Corporate Services

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Manager of Governance and Community Services for inclusion in the Disclosures Register.

5. OFFICER'S REPORTS - ASSET & WORKS

5.1 Extraordinary Election - Appointment and Method of Election

Governance & Compliance

Date:	29 June 2026
Location:	Nil
Responsible Officer:	Kahli Rose, Manager of Governance and Community Services
Author:	Kahli Rose, Manager of Governance and Community Services
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Organisation > Governance > Elections
Disclosure of Interest:	Nil
Attachments:	Attachment 5.1A - WAEC Cost Estimate Letter Attachment 5.1B - WAEC Written Agreement Letter Attachment 5.1C - Form 19 - Results of Election Attachment 5.1D - Letter to the Minister for Local Government

Purpose of Report

Executive Decision

Legislative Requirement

Summary

The Shire of Dowerin has received correspondence from the Western Australian Electoral Commission (WAEC) confirming the proposed date, cost estimate and written agreement to conduct a second Extraordinary Election following the unsuccessful 2026 Extraordinary Election.

The close of nominations for the initial Extraordinary Election occurred on 12 May 2026, with no nominations received. As a result, the election scheduled for Thursday, 25 June 2026 did not proceed and the councillor vacancy remains unfilled.

Council is required to formally resolve to appoint the Electoral Commissioner as responsible for the conduct of the second Extraordinary Election and determine that the election be conducted as a postal election. These resolutions are prescribed by the WAEC, must be passed by an absolute majority and cannot be amended.

Background

Following the resignation of Cr Adam Metcalf on 23 March 2026, Council resolved to conduct an Extraordinary Election to fill the resulting vacancy and appointed the Western Australian Electoral Commission (WAEC) to conduct the election by postal vote.

Nominations for the Extraordinary Election closed at 4.00 pm on Tuesday, 12 May 2026. No nominations were received and, in accordance with Form 19 – Results of Election, the councillor vacancy remained unfilled. Consequently, the Extraordinary Election scheduled for Thursday, 25 June 2026 did not proceed.

Following this outcome, the WAEC advised that a second Extraordinary Election is required. The Electoral Commissioner has approved Thursday, 24 September 2026 as the election day pursuant to section 4.9(2) of the Local Government Act 1995 and has provided a revised cost estimate of approximately \$11,000 (ex GST) together with written agreement to conduct the election on behalf of the Shire.

Following Council's request, the Chief Executive Officer and Shire President wrote to the Minister for Local Government seeking consideration of an exemption that would allow the councillor vacancy to remain unfilled until the 2027 Ordinary Election. The request outlined that no nominations had been received for the initial Extraordinary Election, that a second election would incur an estimated additional cost of approximately \$11,000, and that the next Ordinary Election is scheduled for October 2027.

At the time of preparing this report, the Shire has been advised that a response from the Minister is expected by 6 July 2026.

Comment

The close of nominations for the initial Extraordinary Election occurred on 12 May 2026, with no nominations received. As a result, the election scheduled for 25 June 2026 did not proceed and the councillor vacancy remains unfilled.

Following this outcome, the WAEC has advised that a second Extraordinary Election is required. The Electoral Commissioner has approved Thursday, 24 September 2026 as the election day under section 4.9(2) of the Local Government Act 1995 and has provided a revised cost estimate together with written agreement to conduct the election on behalf of the Shire.

In accordance with Council's request, the Chief Executive Officer subsequently wrote to the Minister for Local Government requesting consideration of an exemption from holding a second Extraordinary Election, seeking approval for the vacancy to remain unfilled until the 2027 Ordinary Election. At the time of preparing this report, the Shire has been advised that a response is expected by 6 July 2026.

Advice received from the WAEC indicates that section 4.8(1) of the Local Government Act 1995 requires that where the office of a councillor becomes vacant, "an election to fill the office is to be held", except where the vacancy is filled under Schedule 4.1A or Schedule 4.1B. The advice further notes that the Act does not appear to provide a mechanism for the Minister to defer or waive the requirement to hold an Extraordinary Election until the next Ordinary Election.

Accordingly, unless an exemption is granted or alternative legislative advice is received, the Shire is required to continue progressing the legislative process for the second Extraordinary Election. The WAEC has advised that, to facilitate the September 2026 election program, Council must resolve to appoint the Electoral Commissioner and determine the method of election by 8 July 2026.

The WAEC has also advised that the required resolutions must be presented to Council exactly as drafted, cannot be amended in any way and must be passed by an absolute majority.

Consultation

Councillors,

Manisha Barthakur, Chief Executive Officer

Kahli Rose, Manager of Governance and Community Services,

Western Australian Electoral Commission,

Department of Local Government, Industrial Relations, and Safety

Policy Implications

Nil.

Statutory Implications

Local Government Act 1995

Section 4.8(1) - Filling of vacancies

"If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32, an election to fill the office is to be held, except if the vacancy is filled under Schedule 4.1A or 4.1B."

Section 4.9 - Extraordinary elections

"(1) If a vacancy occurs in the office of councillor, the local government is to hold an extraordinary election to fill the vacancy, and is to fix the day on which the election is to be held, which is to be not more than 4 months after the date of the vacancy.

(2) The Electoral Commissioner may approve a day later than that referred to in subsection (1)."

Section 4.20(4) - Electoral Commissioner may conduct elections

"A local government may, by absolute majority, declare the Electoral Commissioner to be responsible for the conduct of an election, poll or referendum on behalf of the local government."

Section 4.61(2) - Method of conducting election

"A local government may, by absolute majority, decide that an election is to be conducted as a postal election."

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *Deliver a high standard of governance and administration*

Outcome: 4.1

Reference: 4.1f

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Short term non-compliance but with significant regulatory requirements imposed
Consequence Rating	Major (4)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (8)
Key Controls (in place)	Legislative requirements prescribed under the Local Government Act 1995; WAEC guidance and written agreement; Council reporting processes.
Action (Treatment)	Adoption of the required statutory resolutions and timely notification to the WAEC to enable election preparations to commence.
Risk Rating (after treatment)	Effective

Financial Implications

The WAEC has provided a revised cost estimate of approximately \$11,000 (ex GST) to conduct the second Extraordinary Election.

Final costs may vary depending on actual election requirements, including staffing, postage services and supplier costs.

Voting Requirements

- Simple Majority
 Absolute Majority

Officer's Recommendation

That Council, by Absolute Majority, in accordance with sections 4.9(1), 4.20(4) and 4.61(2) of the *Local Government Act 1995*:

1. Declare. In accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required;
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

5.2 CBH Group Temporary Development Approval for Site Works on Lot 25 Goomalling - Wyalkatchem Road

Governance & Compliance

Date:	26 June 2026
Location:	Lot 25 Goomalling - Wyalkatchem Road
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Julian Goldacre, Environmental Health and Regulatory Advisor
Legislation:	<i>Planning and Development Act 2005</i>
SharePoint Reference:	Compliance > Development Applications
Disclosure of Interest:	Nil.
Attachments:	Attachment 5.2A - CBH Group plan 361-ENG-CI-SKT-0009

Purpose of Report

Executive Decision

Legislative Requirement

Summary

For Council to consider an application from CBH Group for temporary development approval for the construction and use of temporary access roads, a temporary weighbridge and associated laydown area on Lot 25 Goomalling-Wyalkatchem Road for a period not exceeding 12 months, to facilitate construction of the previously approved Stage One and Stage Two rail loading facility.

Background

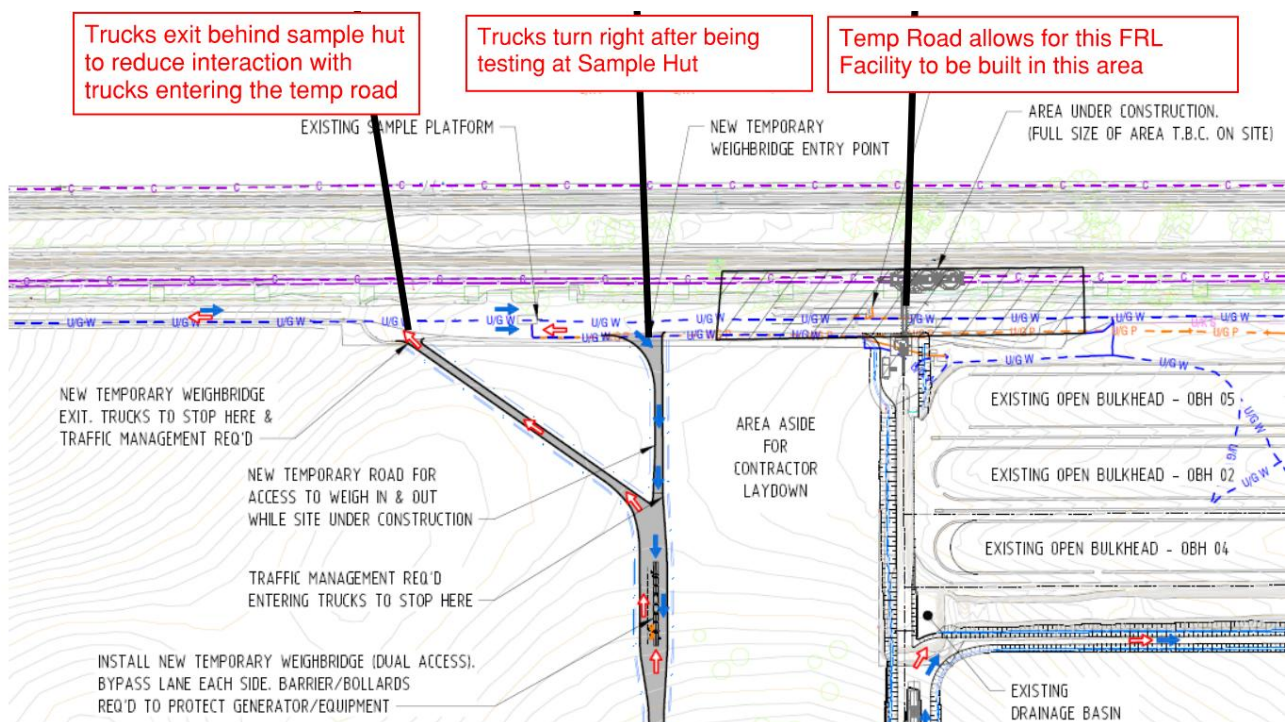
On the 6 May 2026, the Shire of Dowerin received an enquiry seeking temporary works approval to support the Stage 1 and 2 development approvals construction (Council Resolution 1275, & 1307), and road diversion works to allow continuation of the CBH Group grain operations. On the 26 May 2026, the CBH Group site plan map showing proposed temporary works was received (Attachment 1), reviewed, and challenges made given the potential to affect the nearby (190 meters from proposed temporary road junction) sensitive premise on Lot 340 Goomalling - Wyalkatchem Road; on the 4 June 2026 CBH Group responded to provide mitigating information. The Environmental Health Officer / Regulatory Advisor (EHO/RA) followed up the mitigation matters as presented which were then further listed and clarified by CBH Group by email dated 24 June 2026.

Comment

CBH Group is seeking approval for temporary works comprising a temporary access roads connecting the site to Irvine Road, the proposed temporary weighbridge, and existing site roads, and the construction of a laydown area. The temporary works are proposed for a period of up to 12 months and are intended to support construction of the Council approved Stage One and Two rail loading facility.

The temporary access roads will provide a separate route for operational grain transport vehicles during construction. This separation is intended to minimise interactions between construction traffic and operational grain movements and maintain safe and efficient site operations. The proposed road alignment has been designed so that vehicle movements occur away from the adjoining sensitive premises where practicable. Access and egress arrangements have also been configured to reduce vehicle interaction near the existing sample hut and minimise turning movements that may contribute to dust generation. The temporary weighbridge has been positioned to accommodate both inbound and outbound vehicle movements during the construction period. The *Figure 1* below describes this in detail as does Attachment 1.

Figure 1. Temporary Works Road Alignments



CBH Group has advised that the construction contractor has prepared management plans addressing dust management, noise management, emergency response procedures, and health and safety management. The applicant has advised that these plans have been prepared in accordance with relevant statutory and regulatory requirements. Furthermore, CBH Group has indicated that Sunday works may be required to expedite completion of the project. Should out-of-hours works be proposed, a Noise Management Plan will be submitted to the Shire of Dowerin for assessment and approval prior to commencement of those activities.

CBH Group has advised that discussions have occurred with the owner of the adjoining sensitive premises regarding the proposed temporary works and construction activities. The applicant has further advised that notification will be provided to the nearby resident should Sunday works be approved and scheduled.

Officer Comment

The temporary works are directly associated with construction of the Council approved rail loading facility and are proposed as an interim arrangement to maintain site operations during the construction phase. Subject to appropriate conditions addressing dust, noise, and traffic management, the proposal is considered capable of being managed for the limited duration requested.

Consultation

Ms. Emma Haak, Planning & Approvals Lead, CBH Group.

Policy Implications

Nil.

Statutory Implications

*Planning and Development Act 2005,
 Planning and Development (Local Planning Schemes) Regulations 2015, &
 Shire of Dowerin Local Planning Scheme No. 2*

Strategic Implications

Strategic Community Plan

Community Priority	Our Economy
Objective	Prioritise key economic drivers.
Reference	2.3

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Temporary works are undertaken without appropriate management, resulting in impacts to neighbouring landowners or non-compliance with approval conditions.
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Temporary development approval with conditions requiring management of dust, noise and emergency response, together with ongoing monitoring by the Shire.
Action (Treatment)	Monitor compliance with approval conditions and liaise with CBH Group and its contractors to address any issues. Where required, utilise compliance and enforcement provisions available under the Planning and Development Act 2005.
Risk Rating (after treatment)	Effective

Financial Implications

Temporary Works administration fee of \$500.00.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council, by Simple Majority, in accordance with the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, and *Shire of Dowerin Local Planning Scheme No. 2*,

1. approves for a period exceeding 48 hours but not exceeding 12 months the following temporary works by the CBH Group for the:
 - a. provision of a new weighbridge entry and road,
 - b. a new weighbridge exit and road,
 - c. a new road to access a new weighbridge with new bypass lanes,
 - d. and a new designated area set aside for contractor laydown all as shown in Attachment 1 - CBH Group plan 361-ENG-CI-SKT-0009;
2. and with the following condition:
 - a. That CBH Group and their site Contractors for the temporary works purposes as required are to prepare, action and manage the temporary works activities related dust management plan, noise management plan, and emergency response management plan. And furthermore, that CBH Group and their Contractors, if not already accomplished, to severally or collectively designate a person or persons as the lead contact person to manage in the first instance CBH Group and/or Contractors temporary works activities complaints or concerns.

6. Closure