



# MINUTES FOR THE ORDINARY COUNCIL MEETING

21 AUGUST 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON  
21 AUGUST 2019 COMMENCING AT 4.30PM**

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

The President HM Newton declared the meeting open at 4:30pm and welcomed all in attendance.

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

HM Newton	President	Town Ward
RW Newton	Deputy President	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward
AR Smyth	Councillor	Town Ward

**APOLOGIES**

JD Bagley	Councillor	Rural Ward
KJ McGlinn	Councillor	Town Ward

**STAFF**

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer

**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 JULY 2019**

**OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 7.1 - Resolution 19082101**

Moved: Cr Smyth      Seconded: Cr Cosgrove

**That Council:**

- 1) Notes the correction to Item 14.1 Adoption of 2019/20 Budget: Part B – General and Minimum Rates and Instalment Payment Arrangements, Point 2 which is to show the 2<sup>nd</sup> quarterly instalment due date as '29 October 2019'; and
- 2) Subject to that correction being made, the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 July 2019 be confirmed as a true and accurate record of proceedings.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil.

**9.0 DECLARATIONS OF INTEREST**

Cr Smyth disclosed a financial interest in Item 11.1 as the owner of the property seeking approval for an outbuilding, and therefore did not participate in or vote on the matter.

Cr Eardley disclosed an interest in Item 10.2 as the owner of the business that benefits from the fuel contract held between WEX Motorpass and the Shire, that is referred to in relation to a recommendation to review the contract to ensure continued value for money and good procurement process, in the Auditor's Management Letter. Council are only asked to receive the Audit Management Letter and therefore the degree of separation on this matter is considered appropriate enough for Cr Eardley to continue to participate in the meeting, but a disclosure was made for the sake of openness and transparency.

**10.0 RECOMMENDATIONS OF COMMITTEES**

**10.1 EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 30 JULY 2019**

**OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 10.1.1 - Resolution 19082102**

Moved: Cr Newton      Seconded: Cr Eardley

That the minutes of the Executive Management Committee meeting held in the Council Chambers on 30 July 2019 be received.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

**COUNCIL DECISION - ITEM 10.1.1 - Resolution 19082103**

Moved: Cr Newton      Seconded: Cr Eardley

That the meeting be closed to members of the public and attending staff members at 4:06pm in order to discuss a matter affecting staff, in accordance with Section 5.23(2)(a), relating to the CEO Performance Review.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

*Staff left the meeting at 4:06pm.*

*The Shire's Governance Officer was invited to return to the meeting at 4:45pm.*

**EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 10.1.2**

Moved: Cr Cosgrove                      Seconded: Cr Eardley

That Council:

1. Endorses the overall performance rating for Mr Hay as the Shire of Mingenew's Chief Executive Officer (CEO) for the review period July 2018 to January 2019 as 'Satisfactory (Meets Performance Requirements)';
2. Endorses the Focus Areas and Actions for July 2019 to June 2020;
3. Schedules the 2019 annual appraisal to be commenced by the July 2020 Ordinary Meeting of Council and completed by the August 2020 Ordinary Meeting of Council; and
4. Endorses an increase to the CEO's base salary of 1% to \$151,500 (TRP of \$183,712) effective 16 July 2019.

**AMENDMENT TO POINT 1 & 2.**

Moved: Newton                              Seconded: Cr Smyth

1. Remove "period July 2018 to January 2019" and replace with "period January 2019 to July 2019";
2. Remove "endorses the Focus Areas and Actions for July 2019 to June 2020" and replaces with "authorises the Executive Management Committee to renegotiate the Focus Areas and Actions for July 2019 to June 2020 with the CEO".

**SUBSTANTIVE MOTION – ITEM 10.1.2 – Resolution 19082104**

That Council:

1. Endorses the overall performance rating for Mr Hay as the Shire of Mingenew's Chief Executive Officer (CEO) for the review period July 2018 to January 2019 as 'Satisfactory (Meets Performance Requirements)';
2. Endorses the Focus Areas and Actions for July 2019 to June 2020;
3. Schedules the 2019 annual appraisal to be commenced by the July 2020 Ordinary Meeting of Council and completed by the August 2020 Ordinary Meeting of Council; and
4. Endorses an increase to the CEO's base salary of 1% to \$151,500 (TRP of \$183,712) effective 16 July 2019.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

**COUNCIL DECISION - ITEM 10.1.1 - Resolution 19082105**

Moved: Cr Eardley                      Seconded: Cr Newton

That the meeting be reopened to members of the public and staff at 4:45pm.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

*The Chief Executive Officer and Finance Manager returned to the meeting at 4:50. No members of the public were present.*

## 10.2 AUDIT & RISK COMMITTEE TO BE HELD 21 AUGUST 2019 (AT 3PM)

The Audit & Risk Committee meeting is scheduled to be held at 3pm, 21 August 2019 (prior to this scheduled Council meeting).

NOTE: Whilst Cr Eardley remained present and voted on Item 10.2 following the disclosure of a potential matter of interest being raised.

### AUDIT & RISK COMMITTEE RECOMMENDATION TO COUNCIL AND COUNCIL DECISION EN BLOC- ITEM 10.2 – Resolution 19082106

Moved: Cr Cosgrove                      Seconded: Cr Eardley

1. That the minutes of the Audit & Risk Committee meeting held in the Council Chambers on 30 July 2019 be received;
2. That Council receives this report in regard to the significant issue raised in the Audit Report for 2017/18 – Operating Surplus Ratio below DLG standard;
3. That Council receives the Draft Interim Management Letter prepared by Butler Settineri and the comments provided by the CEO;
4. That Council receives the Financial Management Review 2019 undertaken by Butler Setterini on behalf of the CEO, in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 and acknowledge the result of this review; and
5. That Council:
  - a) Revokes the Discrimination, Harassment and Bullying Policy adopted 21 November 2018 and removes it from Council's Policy Manual;
  - b) Endorses the Human Resource (HR) Policies and Procedures Manual version 2019.1 (reference NHR191109) which is herein managed, amended and reviewed for continuous improvement by the Chief Executive Officer;
  - c) Acknowledges the adoption of the HR Policies and Procedures Manual as satisfying the requirement to assess the effectiveness of the Shire's HR strategies and management processes including recruitment, staff retention, termination, disciplinary actions, performance management, training and development. within the 3-Year Internal Audit Plan.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

## 11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

*Having disclosed a financial interest in the matter, prior to discussion of Item 11.1 Cr Smyth exited the meeting at 4:52pm.*

### 11.1 PROPOSED OUTBUILDING

**Location/Address:** Lot 18 corner Phillips & Bride Streets, Mingenew  
**Name of Applicant:** Shoreline Outdoor World for A. Smyth  
**Disclosure of Interest:** Nil  
**File Reference:** A426  
**Date:** 9 August 2019  
**Author:** Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley  
**Senior Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

#### Summary

Council is in receipt of an application to extend an existing shed upon Lot 18 on the corner of Phillips & Bride Streets in the Mingenew townsite. The application has been advertised for comment and no objections were received. This report recommends that Council approve the application.

#### **OFFICER RECOMMENDATION – ITEM 11.1 – Resolution 19082107**

**Moved:** Cr Cosgrove                      **Seconded:** Cr Eardley

That Council grant formal planning approval for an outbuilding extension to be constructed upon Lot 18 corner Phillips & Bride Streets, Mingenew subject to the following:

#### **Conditions**

- 1 Development shall be in accordance with the attached approved plans dated 21 August 2019 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 building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 All stormwater is to be disposed of on-site to the approval of the local government.
- 4 Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.
- 5 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

#### **Notes:**

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.



- (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 DETAILS:

CARRIED BY SIMPLE MAJORITY: 4/0

### Attachment

Attachment 11.1 - Copy of submitted development application

### Background

Lot 18 is a 1,396m<sup>2</sup> property containing a residence and outbuilding located on the north-west corner of the Phillips and Bride Street intersection.

Figure 11.1(a) – Location Plan for Lot 18 corner Phillips & Bride Streets, Mingenew



The applicant is proposing to construct a 54m<sup>2</sup> carport to the south of their existing 54m<sup>2</sup> shed, to create a total outbuilding area of 108m<sup>2</sup>. The Shire of Mingenew Outbuildings Local Planning Policy sets a maximum outbuilding area of 80m<sup>2</sup> for Mingenew townsite lots that are less than 1,500m<sup>2</sup>. As the application proposes variation to the policy it is unable to be determined by Shire staff under delegated authority and is presented to Council for its consideration.

The proposed shed extension would have a post/total height of 3.34m and would utilise colorbond to match the existing shed. The shed is proposed to be setback 4.5m from the front (Phillips Street) property boundary and 1.5m from the side (southern) property boundary. The applicant's submitted site, elevation and floor plans and supporting correspondence are provided as **Attachment 11.1**.



Figure 11.1(b) – Aerial Photograph of Lot 18 corner Phillips & Bride Streets, Mingenew



Figure 11.1(c) – View looking north-east at Lot 18 from Phillips Street



#### Comment

It is considered that conditional approval of the application is warranted in this instance, based upon the following:

- Lot 18, being 1,396m<sup>2</sup>, is only marginally smaller than the 1,500m<sup>2</sup> lot area, at which point the Outbuildings Policy permits sheds of 200m<sup>2</sup>;
- whilst the proposed 108m<sup>2</sup> total outbuilding area exceeds the 80m<sup>2</sup> Outbuildings Policy requirement (for lot under 1,500m<sup>2</sup>) it is noted that half of this floor area would be an open sided carport and as such would have a lesser visual impact than an enclosed shed;
- the proposed outbuilding extension would not dominate the streetscape as it would be setback in-line with the residence and the floor level would be lower than the street level;

- the proposed shed would comply with the height requirements of the Outbuildings Policy;
- the applicant is proposing to retain stormwater runoff from their outbuilding via downpipes to a rainwater tank upon their property;
- the carport would enable the landowner to park vehicles out of the weather;
- the acceptance of the proposed outbuilding extension as being within the character of the surrounding area has been demonstrated through no objections being received when the application was advertised for comment.

### Consultation

The Shire wrote to the landowners of the 5 surrounding properties on 3 July 2019 providing details of the application and inviting comment upon the proposal prior to 31 July 2019, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period no submissions had been received.

### Statutory Environment

Lot 18 corner Phillips & Bride Streets, Mingenew is zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.3 ('the Scheme'), upcoming Scheme No.4 proposes no change to this zoning.

Section 4.2 of the Scheme lists the objectives of the 'Residential' zone as being:

*"The use of land in the Residential Zone shall be consistent with the following objectives:*

- *the zone shall be predominantly residential in use.*
- *non-residential uses permitted under the provisions of the Scheme shall be of service to, compatible in character and of a scale and operation which is not detrimental to the predominant residential use.*
- *any non-residential use shall not detract from or adversely affect the residential amenity of the area."*

Schedule 1 Part 3 Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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."*

Section 5.17.1 of the current Scheme No.3 (that will shortly be superseded by Scheme No.4 and the Outbuildings Policy) requires that:

*"Within all Residential, Town Centre or Special Use zoned land, Planning Consent will be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following—*

- (a) *In the Residential, Town Centre and Special Use Zone of the Shire where the lot size is 1,500m<sup>2</sup> or less in area.*
  - (i) *The area of an outbuilding of zincalume construction shall not exceed 55m<sup>2</sup>;*

- (ii) *An outbuilding of other than zincalume construction shall not exceed 75m<sup>2</sup>, and shall have no parapet wall longer than 8m;*
- (iii) *The wall height of any outbuilding, including any parapet walls, shall not exceed 3m. The building height for gable roof construction shall not exceed 4m and the maximum wall height is 3.3m, providing adjacent landowners give written approval where the wall height exceeds 3m;*
- (iv) *A planning application will be required for parapet wall construction on any boundary. The applicant shall obtain written comments on the proposal from the adjacent landowners for the local government's consideration;*
- (v) *An outbuilding will not be approved by the local government on a lot containing no dwelling.*
- (vi) *Any development application which does not comply with the above, shall be referred to Council for consideration."*

As the application proposes a total outbuilding area of 108m<sup>2</sup> (this being greater than the Scheme requirement of 75m<sup>2</sup> and policy requirement of 80m<sup>2</sup>) it exceeds the delegated authority of Shire staff and is required to be presented to Council for determination.

Scheme Section 5.5 'Variations to site and development standards and requirements' states that:

*"5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*

*5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—*

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

*5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that—*

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

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;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and*

- Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;...*
- ...(g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including 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;...*
- ...(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**

Shire of Mingenew Local Planning Scheme No.4 was adopted for final approval by Council at its 17 April 2019 meeting and subsequently forwarded to the WAPC seeking Ministerial approval and gazettal. Scheme No.4 is therefore considered a 'seriously entertained document' that can be given regard by Council in the assessment of this application.

During the preparation of Scheme No.4 the current outbuilding area, height and boundary setback requirements were reviewed with regard to how they might be refined to better meet community demand and Council expectations. Council adopted, following advertising, the Shire of Mingenew 'Outbuildings' Local Planning Policy at its 17 April 2019 meeting.

The current 'Outbuildings' Local Planning Policy increases the area and height requirements for residential lots under 1,500m<sup>2</sup> (such as Lot 18) from 55m<sup>2</sup>(zincalume)/75m<sup>2</sup>(colorbond & masonry) to 80m<sup>2</sup> area.

A proposed update to the current 'Outbuildings' Local Planning Policy as contained in the 21 August 2019 Council Agenda recommends that the 3m wall height and 4m total height for lots less than 1,500m<sup>2</sup> (such as Lot 18) be increased to 4m and 5m respectively.

The new Outbuildings Policy also lists the following:

#### *"Objectives*

- 1 To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 To provide a clear definition of what constitutes an "outbuilding".*
- 3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 To limit the visual impact of outbuildings.*
- 5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

#### *"Policy Provisions*

##### *General*

- 1 *Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.*
- 2 *Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.*
- 3 *The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.*

*Height, Size and Setbacks*

*Outbuildings within the Residential, Rural Townsite or Tourism zones shall;*

- (a) be single storey;*
- (b) be located behind any dwelling on site;*
- (c) meet all setback requirements set out in the Local Planning Scheme and this policy;*
- (d) not be approved by the local government on a lot not containing a dwelling;*
- (e) be attached to, or setback 1.8m from any dwelling and 1.2m from any septic tank."*

A Local Planning Policy does not bind the local government in respect of any application for planning approval, but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

**Financial Implications**

The application would not have a budgetary impact to Council.

**Strategic Implications**

The Mingenew Townsite Local Planning Strategy notes in Section 4.26 'Architectural Style' that:

*"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."*

Council adopted its Outbuildings Policy at its 17 April 2019 meeting as part of the Scheme Review process that recognised that the Outbuilding provisions as contained within Scheme No.3 were too onerous, as was recommended by the Strategy in Section 6.6:

*"Urban Design P5.8*

*The development standards for outbuildings in Clause 5.17 of TPS3 should be relaxed to accommodate larger outbuildings."*

ATTACHMENT 11.1



To whom this concerns,

**Regarding the proposed variations to the carport at 33 BRIDE STREET MINGENEW WA 6530**

On behalf of Anthony Smyth of the above address Shoreline Outdoor world verify that the proposed variation to the carport at the above address will;

A – Still provide adequate direct sun due to there being enough and the same remaining open space to the surrounding yard.

B – The carport will not impact on ventilation as there are no walls to the carport and air freely flows through. This in turn will not affect the free-flowing air to adjoining properties.

C – There is no direct impact on the building bulk on the adjoining properties as this is a replacement for what is already there.

D - There are no extra overlooking issues present or will be caused by erecting a carport in this position, further there is no added height to the floor level of this patio that could cause an overlooking issue to adjoining properties. The owner requires this carport to house a horse float to protect it from the elements

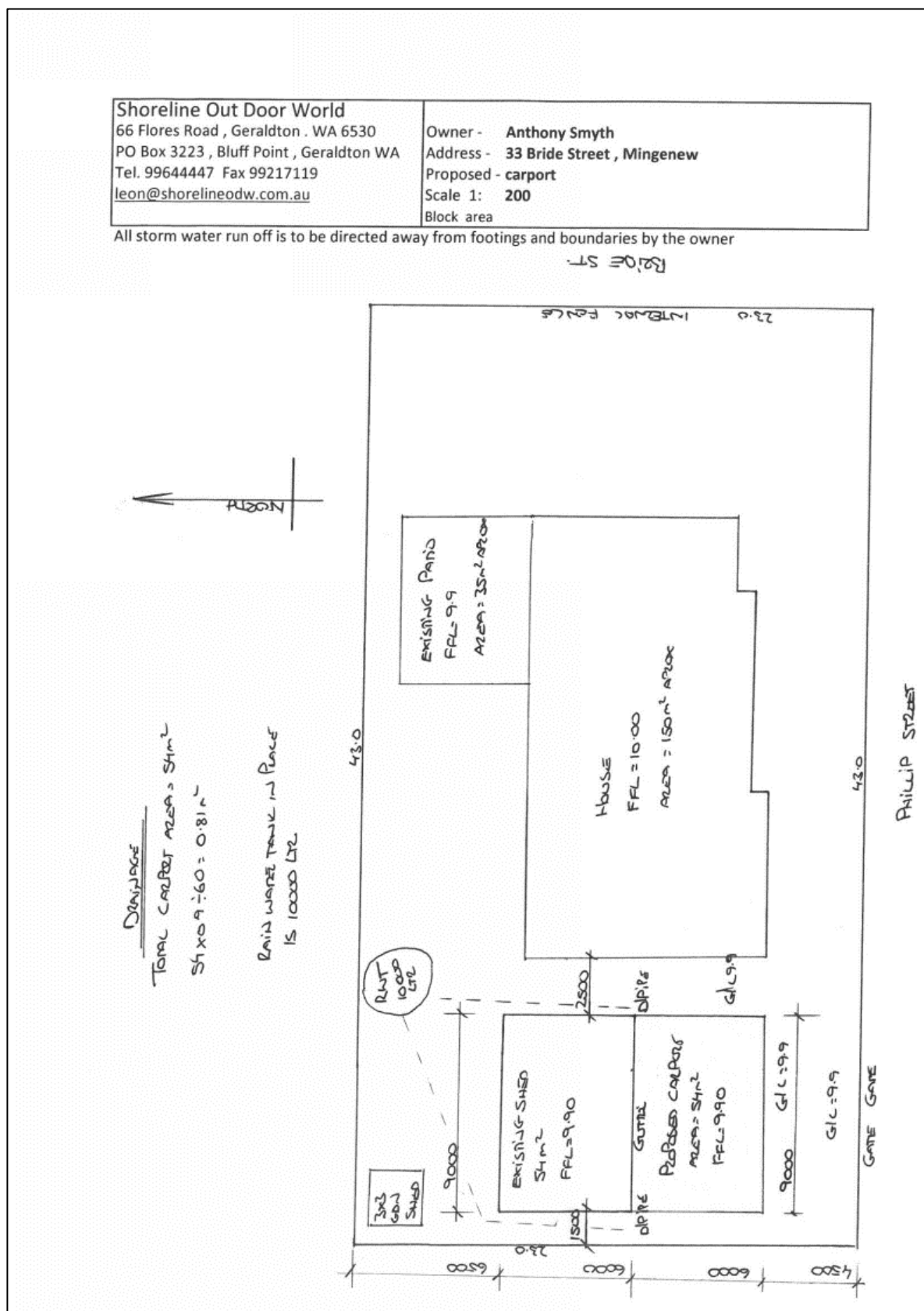
Shoreline Outdoor world trust that these explanations will suffice in order to progress the planning application, however should you require further information please let us know.

Yours sincerely

*Kitty Boyes*

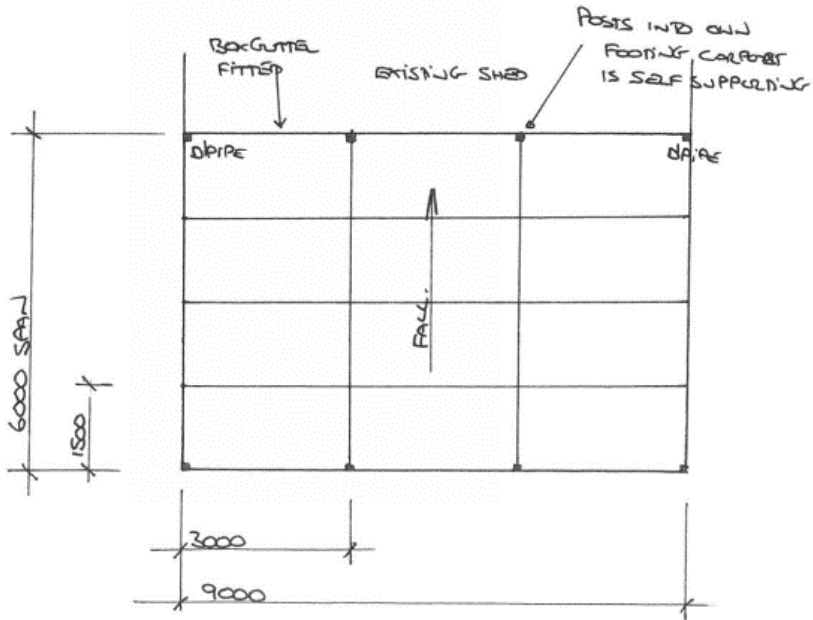
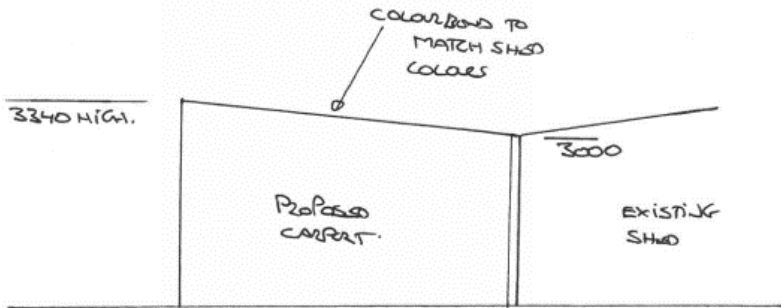
Kitty Boyes on behalf of Shoreline Outdoor World





<b>Shoreline Out Door World</b> 66 Flores Road , Geraldton . WA 6530 PO Box 3223 , Bluff Point , Geraldton WA Tel. 99644447 Fax 99217119 <a href="mailto:leon@shorelineodw.com.au">leon@shorelineodw.com.au</a>	Owner - <b>Anthony Smyth</b> Address - <b>33 Bride Street (cnr of phillip street)</b> Proposed - <b>carport</b> Scale 1: <b>100</b> Block area
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All storm water run off is to be directed away from footings and boundaries by the owner



*Cr Smyth re-entered the meeting at 4:54pm*

## 11.2 GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT

Location/Address:	various lots
Name of Applicant:	Department of Planning, Lands & Heritage
Disclosure of Interest:	Nil
File Reference:	ADM0491
Date:	9 August 2019
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

### Summary

Council is in receipt of further correspondence from the Department of Planning, Lands & Heritage seeking comment in relation to 6 freehold lots within the Shire of Mingenew that have been identified as areas of interest for the native title claimants and are currently being considered for inclusion into the Indigenous Land Use Agreements.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 19082108**

Moved: Cr Smyth      Seconded: Cr Newton

That Council endorses and forwards the Shire response to the Department of Planning, Lands & Heritage as outlined in Attachment 11.2.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

### Attachment

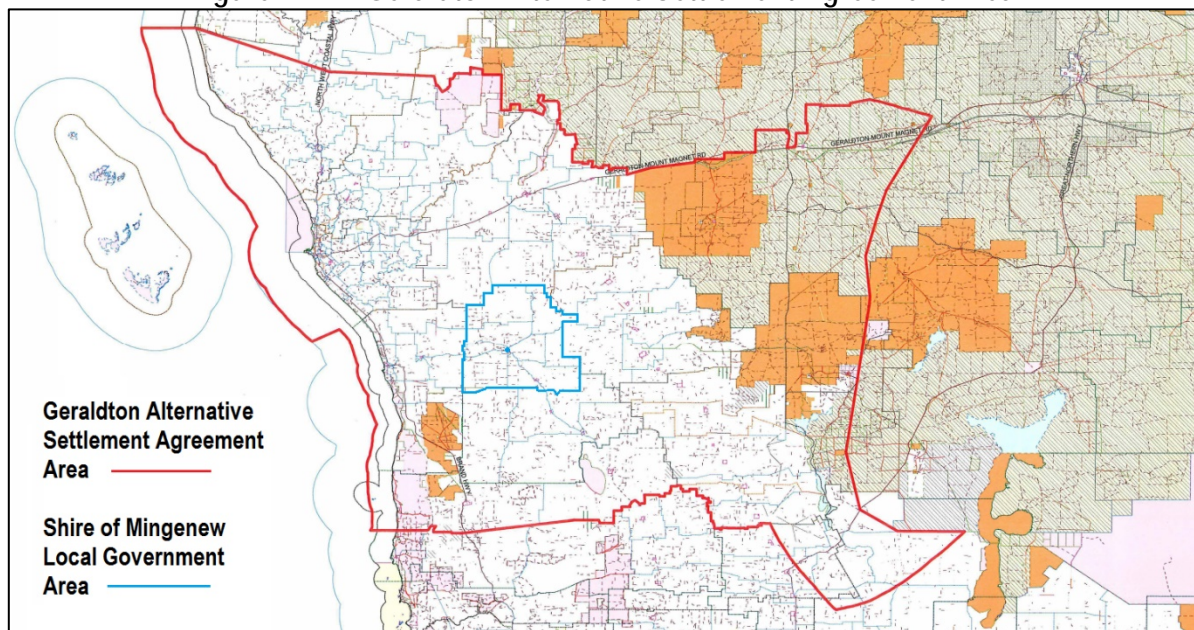
Attachment 11.2 - draft Shire response for Council discussion (provided as separate CONFIDENTIAL Attachment)

### Background

The State of Western Australia is currently negotiating an alternative native title settlement in the greater Geraldton region with four native title claimant groups (Southern Yamatji, Hutt River, Widi Mob and Mullewa Wadjari).

The State's proposal, under the Geraldton Alternative Settlement Agreement ('GASA') is that a settlement package will be agreed in exchange for the surrender of all native title rights and interests within the external boundaries of the GASA.

Figure 11.2 – Geraldton Alternative Settlement Agreement Area



Negotiations may include the following matters:

- development of, and initial support for, appropriate governance structures to ensure successful implementation of a final agreement;
- a heritage regime based on the Government Standard Heritage Agreement;
- **provision by the State of a land base;**
- joint vesting and/or management of conservation areas, including areas not yet reserved for conservation purposes;
- development of a ranger program;
- financial assistance for business and economic development opportunities; &
- recognition of traditional ownership.

The State's offer under the GASA includes provision by the State of a land base to the claimant groups. The negotiation of this part of the agreement entails members of the groups' Traditional Owner Negotiation Team selecting various parcels of land within the agreement area which they seek to have transferred to them, or management thereof. The Department of Planning, Lands & Heritage is responsible for reviewing these parcels to identify which of them might be eligible for transfer, what is the appropriate tenure and under what conditions (e.g. freehold, leasing, sole management or joint management of reserves).

### Comment

The Department of Planning, Lands & Heritage are seeking Council's comment upon 6 lots with respect to the following:

- 1 *Are there any future proposals for the land identified? If so, in what time frame?*
- 2 *Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?*
- 3 *Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?*
- 4 *Are there any known land management issues with the land identified e.g. contamination etc?"*

**Separate CONFIDENTIAL Attachment 11.2** provides maps and comments upon the 6 lots and it is suggested that this form the basis for Council's discussion and response to the Department of Planning, Lands & Heritage.

The Department of Planning, Lands & Heritage have advised that the parties to the proposed agreement are negotiating under tight timeframes imposed by the Federal Court and the Shire comment is required to be provided by 19 September 2019.

#### Consultation

The Department of Planning, Lands & Heritage advised the Shire on 21 December 2018:

*"Please note that this process is being carried out in the context of a Federal Court mediation which is confidential. Accordingly, you are not permitted to share any of the matters pertaining to this referral to a third party."*

In relation to Council's query arising from its 19 September 2018 meeting the Department of Planning, Lands & Heritage advised the Shire on 23 October 2018:

*"Please note that the GASA team will not be referring to adjoining land owners, noting that this Agreement is mediated by the federal court. The GASA Team will be referring to Main Roads WA and the Department of Biodiversity, Conservation and Attractions, as well as a number of other agencies, for comments."*

The Department of Planning, Lands & Heritage have also advised that the Shire's comments may be provided to the Traditional Owner Negotiation Team members for their consideration.

#### Statutory Environment

Section 14 of the *Land Administration Act 1997* requires that:

*"Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise."*

#### Policy Implications

Nil.

#### Financial Implications

The GASA is following a similar process to that previously undertaken for the South West Native Title Claim Area, which is at a more advanced stage, that also sought to identify Unallocated Crown Land that might be either transferred to the Noongar Boodja Trust as freehold title or leasehold or managed reserves. The South West Native Title Settlement Fact Sheet, previously prepared by the Department of Premier & Cabinet in 2015 for that process, provides some general guidance on frequently asked questions, noting that:

*"What is the difference between Freehold land and Managed Reserve Land?"*

*Each form of land tenure has different benefits.*

*Freehold is land that the Noongar Boodja Trust will own like any other private land owner in the State. It allows for the land to be developed, used for commercial purposes, used as security against loans, or to be sold. Like all other freehold land, there are costs that must be met, including local government rates and charges, insurance, fire service levies and any land management cost.*

*Managed reserves are areas of Crown land that has been reserved for a particular purpose. The Trustee will consult with the Noongar community as to the use of any individual reserve – i.e. whether it is held for particular Noongar social, cultural, or economic benefit, whether it can be subdivided, and so on."*

*"Will the Noongar Boodja Trust need to pay rates on the Freehold land allocated under the Settlement?*

*As the owner of the freehold land, the Noongar Boodja Trust will be required to meet the normal costs, including rates or service charges, associated with owning freehold land. Freehold land can be exempted from rates under s.6.26(2)(g) of the Local Government Act 1995 (WA) where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates."*

### **Strategic Implications**

The Shire of Mingenew Strategic Plan notes the following:

- Objective 2     A sustainable natural and built environment that meets current and future community needs.
- Outcome 2.2    Our indigenous and cultural heritage is acknowledged.
  - 2.2.1 Continue to liaise with the local indigenous and cultural groups (Key Partners: Local community, DCA, DIA)

### 11.3 OUTBUILDINGS LOCAL PLANNING POLICY

**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0489  
**Date:** 9 August 2019  
**Author:** Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley  
**Senior Officer:** Nils Hay, Chief Executive Officer  
**Voting requirements:** Simple Majority

#### Summary

The Shire of Mingenew Outbuilding Local Planning Policy has been reviewed with regard to increasing the permitted shed height, and this report recommends that the revised Outbuildings Local Planning Policy be adopted.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 - Resolution 19082109**

Moved: Cr Newton    Seconded: Cr Smyth

That Council resolve, pursuant to Schedule 2 Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the Shire of Mingenew 'Outbuildings' Local Planning Policy as contained in Attachment 11.3 and proceed to give notice to this effect.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

#### Attachment

Attachment 11.3 – draft Shire of Mingenew Outbuildings Local Planning Policy

#### Background

Council discussed at its July 2019 Forum whether the current maximum height requirements under its Outbuildings Policy met with the needs of its community, with consideration given to raising the maximum height by 500mm.

#### Comment

It is appropriate that the Outbuildings Policy be modified to allow for slightly higher sheds in the Mingenew townsite where residents may often own, and seek to store out of the elements, larger items such as 4WD's, trailers, horse-floats, caravans, campervans and boats.

A review of the policies for several neighbouring Midwest local governments confirms that increasing the Shire of Mingenew Outbuilding Policy height requirements would achieve a level of regional consistency, better reflect localised planning issues, and streamline the processing of applications.

Maximum standards	Shire of Mingenew	Shire of Three Springs*	Shire of Coorow	City of Greater Geraldton
<b>Residential &amp; Townsite (R10 and higher density) (i.e. lots generally &lt; 1,500m<sup>2</sup>-2,000m<sup>2</sup>)</b>				
Area (total aggregate)	80m <sup>2</sup>	80m <sup>2</sup>	120m <sup>2</sup>	150m <sup>2</sup> (120m <sup>2</sup> enclosed/30m <sup>2</sup> open)
Wall Height	3m	4m	4m	3.6m
Overall Height	4m	5m	4.5m	4.5m (with 5m permitted subject to conditions e.g. not being higher than dwelling)
<b>Residential (R5 and lower density) (i.e. lots generally &gt; 1,500m<sup>2</sup>-2,000m<sup>2</sup>)</b>				
Area (total aggregate)	200m <sup>2</sup>	80m <sup>2</sup>	180m <sup>2</sup>	270m <sup>2</sup> (210m <sup>2</sup> enclosed/60m <sup>2</sup> open)



Wall Height	4m	4m	4.5	4.2m
Overall Height	5m	5m	5m	5m (5.5m permitted subject to conditions e.g. not being higher than dwelling)

\* draft currently being advertised

On this basis a revised Outbuildings Local Planning Policy has been provided as **Attachment 11.3** for Council's consideration, the proposed modifications to the policy have been **displayed in red in the attachment** to be of assistance. The draft policy proposes to increase by 1m the outbuilding height requirements for Residential and Rural Townsite lots less than 1,500m<sup>2</sup>, this would mean an increase in the maximum wall height from 3m to 4m, and the total (i.e. roof pitch) height from 4m to 5m.

The current and draft policy establish the procedure by which the Shire processes applications for outbuildings. Applications that comply with the policy provisions are approved by staff under delegated authority and applications that propose variation are advertised for comment and presented to Council for its determination.

### Consultation

Schedule 2 Part Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council advertise a proposed Local Planning Policy for a minimum period of 21 days with a notice being placed in a locally circulating newspaper. At the conclusion of the advertising period which Council can review any submission received and proceed with the policy with/without modification, or not proceed with the policy.

Council may therefore wish to advertise the proposed modification to its Outbuildings Policy and consider this matter again at a future meeting.

However, the Officer Recommendation does not suggest that consultation be undertaken, as the proposed modification is considered minor, given that it seeks to achieve height consistency within the Shire of Mingenew's Residential and Rural Residential zones, and also consistency with that of neighbouring Shires' policies.

The current and draft Outbuildings Policy requires that shed applications seeking variation to the requirements of the policy (i.e. 'overheight' or 'oversized') are advertised by the Shire for comment to surrounding landowners, prior to the application, and any received submissions, being placed before a meeting of Council for consideration.

### Statutory Environment

Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') provides Council with the ability to prepare Local Planning Policies.

#### "3 Local planning policies

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy —*
  - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
  - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*

- (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

4 *Procedure for making local planning policy*

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*
    - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
  - (a) *review the proposed policy in the light of any submissions made;*  
*and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
  - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

5 *Procedure for amending local planning policy*

- (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
- (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*

6 *Revocation of local planning policy*

*A local planning policy may be revoked —*

- (a) *by a subsequent local planning policy that —*
  - (i) *is prepared in accordance with this Part; and*
  - (ii) *expressly revokes the local planning policy;*

- or  
(b) *by a notice of revocation —*  
    (i) *prepared by the local government; and*  
    (ii) *published in a newspaper circulating in the Scheme area."*

It is suggested that the proposed increase in policy delegation relevant to outbuilding height is minor in nature and could be considered under Schedule 2 Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (i.e. without advertising) however, should Council wish to advertise the draft policy for comment it has the ability to do so.

### **Policy Implications**

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Scheme provisions and allow for more local planning considerations than the state-wide R-Codes. A Policy is still considered as reasonable basis for Council to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal, but a Policy also has an improved, more responsive ability to be modified by Council where it considers that a Policy is no longer in-line with its planning, or Council considers that an individual application should be supported based upon its displayed merits.

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire and provide a consistent approach to approving land use and development.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### **Financial Implications**

The application would not have a budgetary impact to Council.

### **Strategic Implications**

The Mingenew Townsite Local Planning Strategy notes in Section 4.26 'Architectural Style' that:

*"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."*

Council adopted its Outbuildings Policy at its 17 April 2019 meeting as part of the Scheme Review process that recognised that the Outbuilding provisions as contained within the Scheme were too onerous, as was recommended by the Strategy in Section 6.6:

*"Urban Design P5.8  
The development standards for outbuildings in Clause 5.17 of TPS3 should be relaxed to accommodate larger outbuildings."*

ATTACHMENT 11.3



# OUTBUILDINGS

## LOCAL PLANNING POLICY

### PURPOSE

Local Planning Policies assist the local government in making decisions under the Scheme.

It is not intended that a policy be applied rigidly, but each planning application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, will be limited to the policy provisions and that mere compliance will result in an approval.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances, the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination. The Scheme prevails should there be any conflict between this Policy and the Scheme.

### OBJECTIVES

1. To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.
2. To provide a clear definition of what constitutes an "outbuilding".
3. To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
4. To limit the visual impact of outbuildings.
5. To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
6. To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

### DEFINITIONS

**'Outbuilding'** means an enclosed non-habitable structure that is detached from any dwelling. For the purpose of this policy an open sided, roofed patio completely detached from the dwelling is also considered an outbuilding. For the purpose of this policy a non-enclosed addition to an existing outbuilding (e.g. veranda, patio, lean-to or carport etc.) shall constitute an extension to that outbuilding.

**'Front Building Line'** means the closest point of a house to the front boundary, drawn parallel to the that boundary. In the case of a corner lot, the front building line applies to both streets.

## POLICY PROVISIONS

### General

1. Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m<sup>2</sup> in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.
2. Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
3. The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.

### Height, Size and Setbacks

Outbuildings within the Residential, Rural Townsite or Tourism zones shall;

- (a) be single storey;
- (b) be located behind any dwelling on site;
- (c) meet all setback requirements set out in the Local Planning Scheme and this policy;
- (d) not be approved by the local government on a lot not containing a dwelling;
- (e) be attached to, or setback 1.8m from any dwelling and 1.2m from any septic tank.

The following maximum standards apply to outbuildings:

Zone / Lot Size	Maximum area (m <sup>2</sup> )	Maximum wall length (m)	Maximum wall height (m) <small>(to be measured at natural ground level)</small>	Maximum roof height (m)
Rural, Rural Residential	Exempt from the area and height requirements of this policy			
All other zones - on lots under 1,500m <sup>2</sup>	80	10	4	5
All other zones - on lots over 1,500m <sup>2</sup>	200	N/A	4	5

(Table 1 – Site layout requirements)

### Materials

The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned 'Rural Residential' or 'Rural'.

### Consultation

Applications that propose variation to any part of the Policy may require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 14 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.

*Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.*

*The local government in determining the application will take into account the submissions received but is not obliged to support those views.*

## ADMINISTRATION

### REFERENCES

*Shire of Mingenew Local Planning Scheme No.4*  
*Residential Design Codes Western Australia*  
*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*

### ADOPTION

VERSION	STATUS	DATE	REFERENCE
DRAFT V1	Advertising	21/2/18	Minute Ref: 9.4.1
FINAL	Adoption	17/4/19	Minute Ref: 17041908
REVISION 1		21/8/19	

### REVIEW

Review timeframe: Annually  
Review responsibility: Chief Executive Officer

## 11.4 DISABILITY ACCESS AND INCLUSION PLAN 2019 - 2024

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0193  
**Disclosure of Interest:** Nil  
**Date:** 5 June 2019  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirement:** Simple Majority

### Summary

An updated 5-year Disability Access and Inclusion Plan (DAIP) is presented for Council consideration in order to meet the Shire's commitment to ensuring that the community is an accessible community for people with a disability, their families and carers. The DAIP provides a framework for understanding local barriers, identifying areas of improvement, and establishing appropriate strategies to provide for people with a disability to have equal access to facilities, services, information and opportunities.

### Key Points

- The Shire is required to develop, implement and review a DAIP at least every five years in accordance with the *Disability Services Act 1993*.
- Access refers to the physical ability to get to, into, and around facilities. This access is created by removing structural barriers and including mechanisms to enable structural access. Inclusion refers to the ability to participate as fully as possible in programs and services provided by organisations in an integrated and holistic manner that does not exclude, ostracise, embarrass or humiliate.
- The DAIP affects many operational areas of the Shire including; events, building maintenance and new infrastructure, website development, information provision, communication and recruitment.
- Feedback from the community consultation process considered to develop this Plan is summarised under Consultation within this report and further outlined within the DAIP (from page 6).
- The Implementation Plan can be found within the DAIP (from page 13) which includes the strategies and tasks that are proposed, an estimated timeline for achievement and the responsible officer for each task.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 - Resolution 19082110**

Moved: Cr Eardley    Seconded: Cr Newton

#### **That Council:**

1. Notes the submissions received from the community regarding disability access and inclusion, as documented within this report; and
2. Adopts the Shire of Mingenew Disability Access and Inclusion Plan 2019 – 2024 (reference NCR191122) as presented in Attachment 11.4.1.

#### **VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

### Attachment

11.4.1 Shire of Mingenew Disability Access and Inclusion Plan 2019-2024

### Background

The Shire of Mingenew has prepared a Disability Access and Inclusion Plan (DAIP) 2019-2024 in accordance with the *Disability Services Act 1993*, which outlines the Shire's commitment to improving Council facilities, activities and



services for those with a disability. In developing the Plan, the Shire commits to meeting the seven outcomes required:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The DAIP is required to be reviewed at least every five years, and as the current DAIP was adopted in 2013 by the Shire, a review was undertaken during the first half of 2019. The new DAIP supersedes the Shire of Mingenew DAIP 2013 – 2019 and includes a progress summary on the strategies that have been progressed since the last DAIP.

### **Comment**

In June 2019 local public notice was provided through the Mingenew Matters, Shire website, Facebook and the Geraldton Guardian, seeking feedback from the community on how to better provide for people with a disability living in and visiting our community. Feedback was encouraged from those with a disability, carers of those living with a disability, businesses and community groups that may be key stakeholders to affected parties.

The DAIP has been developed with the aim of implementing proactive and achievable initiatives that enables the Shire to cater to the access and inclusion needs of anyone with a disability.

Operationally, staff are progressing with a number of initiatives highlighted in the Plan, particularly with regard to improving communication on where and how to access alternative formatted documents and broader community consultation, to factor in access and inclusion needs.

Should Council decide to not accept the presented DAIP, Council risks not meeting its statutory obligations under the Disability Services Act 1993 (the Act) and potential reputational damage in not having consideration for diversity needs.

### **Consultation**

Community consultation – via community survey or direct submissions.

Internal Review

The community consultation process did not identify any specific barriers to equitable access and inclusion. However, there were a number of individual matters raised through the online survey and direct consultation with the Mingenew Silver Chain Branch Committee. The below table summarises and paraphrases the feedback received:

<b>Matter/theme raised</b>	<b>Action proposed to address concern</b>
Councillors, staff and contractors were considered 'not very' friendly and welcoming when interacting	Update staff on any identified disability and access issues through internal means

with people with a disability (provided by a respondent that cares for or supports someone with a disability).	Develop a Customer Service Charter that establishes some guidelines on how to provide good service to people with a disability
Lack of awareness of ACROD parking in town	Undertake an audit of dedicated ACROD parking areas and implement a program to rectify non-compliance. Ongoing planning of Phillip Street parking will address this matter in part also.
Desire to see improved access to toilets, the shop, Silver Chain, open spaces and Expo.	Legal requirements with regard to disability access are checked prior to approval of development and building applications. Ensure the needs of people with disability are planned for and provided at events by using the access resource kit as provided by DSC.
Lip of ramp (onto the road) in front of the Post Office/IGA is considered potentially harsh in height for wheelchair users and trolleys.	This specific matter isn't addressed within the Plan. However, the matter will be considered through an operational response.

Whilst these matters have been addressed, as appropriate, within the DAIP, given the limited feedback received, these views do necessarily represent those of the broader community.

### **Statutory Environment**

Disability Services Act 1993

### **Policy Implications**

The DAIP includes an Access and Inclusion Policy Statement:

*"The Shire of Mingenew is committed to ensuring that the community is an accessible community for people with disability, their families and carers, via the following;*

- The Shire of Mingenew believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice.*
- The Shire of Mingenew is committed to consulting with people with disability, their families and carers and, where required, disability organisations to ensure that barriers to access are addressed appropriately.*
- The Shire of Mingenew is committed to ensuring that its agents and contractors work towards the desired outcomes in the Disability Access and Inclusion Plan."*

The DAIP proposes that the Shire updates its policy framework with the aim of improving information and services for people with a disability, as recommended by the Disability Services Commission. New or amended policies will be presented to Council in accordance with the proposed timeline for each specific task, outlined within the Implementation Plan.

### **Financial Implications**

Whilst there are no direct financial implications for the Shire, there are resourcing implications for staff in reviewing, preparing and reporting on the DAIP. This includes annual Progress Reports to the Department of Communities and ensuring ongoing implementation of the strategies/tasks outlined within the Plan.

### **Strategic Implications**

The DAIP suggests incorporating the objectives and strategies of DAIP into the Shire's existing planning processes, including the Strategic Community Plan. This should be considered when undertake the next SCP Review.

The Shire's current Strategic Community Plan has a goal to "*Develop health care and recreation services for all the community to ensure the well-being and health of all age groups within the community.*" The DAIP progresses achievement of this goal in addressing diversity and inclusiveness that supports people living in Mingenew.

## 11.5 SELECT COMMITTEE INTO LOCAL GOVERNMENT

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0059  
**Disclosure of Interest:** Nil  
**Date:** 14 August 2019  
**Author:** Nils Hay, Chief Executive Officer  
**Voting Requirement:** Simple Majority

### Summary

Western Australia Local Government Association (WALGA) have prepared a submission to the Select Committee into Local Government, and Council have been afforded an opportunity to provide any feedback.

### Key Points

The proposed Shire of Mingenew / WALGA submissions:

- call for differentiation of local governments (and associated compliance burden) on the basis of size and scale
- support existing calls to try to make the new regulatory framework less complex and 'cluttered'
- seek to prevent the State from imposing responsibilities on Local Government without provision of resources to meet those responsibilities
- call for a review into rating exemptions
- seek to access additional funding (through the State's Waste Avoidance and Resource Recovery Levy) to support Local Government in the ongoing improvement and modernisation of waste management practices
- highlight the fact that half of the spending on WA roads is borne by Local Government rates and other revenues
- note the gap between the amount spent on WA road maintenance (\$584m) is well short of the amount believed to be required to maintain it to a reasonable standard (\$717m)
- seek to outline – beyond the traditional 'roads, rates and rubbish' the many other functions that local government performs, including Tourism; Economic development; Community events; Parks and recreation; and Libraries, museums, cultural activities etc.
- raise the issue of a decline in the resourcing of the Department of Local Government and its ability to support and respond to issues within the sector
- seek to clarify the role/responsibilities of Councillors and CEO within the legislative framework
- note the importance of Financial Assistance Grants as a revenue source, and the desire to see them restored to 1% of Commonwealth Taxation Revenue (as they were in 1996 – currently at 0.55%)

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 - Resolution 19082111**

**Moved:** Cr Cosgrove                      **Seconded:** Cr Newton

**That Council endorses the Shire of Mingenew - Select Committee into Local Government submission, prepared by the Chief Executive Officer as attached; to be submitted to the Select Committee.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

### Attachment

11.5.1 Proposed Shire of Mingenew submission to the Select Committee

11.5.2 WALGA Select Committee into Local Government submission

### Background

Please refer to the attachments regarding WALGA's consultation conducted on behalf of the local government sector and note the submission prepared by the Chief Executive Officer.

**Consultation**

WALGA

**Statutory Environment**

Local Government Act 1995 and associated regulations.

**Policy Implications**

The Select Committee may make recommendations with respect to the Local Government Act Review process which could have further policy implications for local governments.

**Financial Implications**

There are various financial implications outlined within the submission that may impact local governments should there be any changes to the Local Government Act and associated Regulations resulting from the Select Committee's review.

**Strategic Implications**

Some of the proposed changes would significantly impact the Shire's strategic position, potentially reducing some of the financial, governance and resourcing burdens placed on the Shire of Mingenew, increasing revenue/funding opportunities and simplifying legislative requirements that will enable the Shire to better focus resources on community aspirations (as outlined within its Strategic Community Plan).

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund

- Explanation of Material Variances

### Comment

Summary of Funds – Shire of Mingenew as at 31 July 2019	
Municipal Fund	\$692,769
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,000
Trust Fund	\$15,365
Reserve fund (3 Month Term Deposit) @ 2.50%	\$308,490

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 2019/20 financial year.

### Consultation

Nil

### Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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 that 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 month to which the statement relates; and
  - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and



- (b) an explanation of each of the material variances referred to in sub regulation (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 may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
  
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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**

Nil

## 12.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JULY 2019

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – July 2019  
**Disclosure of Interest:** Nil  
**Date:** 2 August 2019  
**Authorising Officer:** Jeremy Clapham, Finance Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period ending 31 July 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### Key Points

- Due to a system error Municipal EFT12609 to EFT12660 are cancelled payments.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 - Resolution 19082112**

**Moved:** Cr Newton                      **Seconded:** Cr Eardley

**That Council receive the attached list of payments for the month of July 2019 as follows:**

\$13,244.48	Municipal Cheques 8609 to 8612;
\$425,089.52	Municipal EFT12661 to EFT12759;
\$5,135.74	Trust EFT12756;
\$10,187.31	Municipal Direct Debit Superannuation payments;
\$49,252.47	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$1,247.19	Municipal Direct Debit National Australia Bank Credit Card and Fees; and
\$21,256.70	Municipal Direct Debit Other.

**Totalling \$525,413.41 as per attached list of payments.**

**Net Salaries not included in the attached list of payments - \$64,461.45**

**Total of all payments - \$589,874.86.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 5/0**

### Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes 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, Sections 12, 13 and 15

**Policy Implications**

Payments have been made under delegation.

**Financial Implications**

Funds available to meet expenditure.

**Strategic Implications**

Nil

**13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING**

Nil.

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

Nil.

**15.0 CONFIDENTIAL ITEMS**

Nil.

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 18 September 2019 commencing at 4:30pm.

**17.0 CLOSURE**

The meeting was declared closed at 5:08pm.

These minutes were confirmed at an Ordinary Council meeting on 18 September 2019.

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

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