



# AGENDA FOR THE ORDINARY COUNCIL MEETING

19 AUGUST 2020



**Ordinary Council Meeting Notice Paper**

**19 August 2020**

An Ordinary Meeting of Council is called for Wednesday, 19 August 2020, to be held in the Council Chambers at 21 Victoria Street, Mingenew commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay  
Chief Executive Officer  
14 August 2020

**DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

## PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<b>Petitions</b> A formal process where members of the community present a written request to the Council.	<b>Deputations</b> A formal process where members of the community request permission to address Council or Committee on an issue.	<b>Presentations</b> An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government
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### PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

### PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

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- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

### PROCEDURE FOR PUBLIC QUESTION TIME

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision-making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.
- Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.
- Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS AT  
21 VICTORIA STREET, MINGENEW ON 19 AUGUST 2020 COMMENCING AT 4.30PM**

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

The Presiding Member declared the meeting open at \_\_\_\_pm.

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

**COUNCILLORS**

JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Town Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward
CV Farr	Councillor	Town Ward

**APOLOGIES**

**STAFF**

N Hay	Chief Executive Officer
J Clapham	Finance Manager
B Bow	Governance Officer
R Brennan	Works Supervisor

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

Nil.

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

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

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

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 15 JULY 2020**

**OFFICER RECOMMENDATION- 7.1**

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 15 July 2020 be confirmed as a true and accurate record of proceedings.

**7.2 SPECIAL COUNCIL MEETING HELD 23 JULY 2020**

**OFFICER RECOMMENDATION- 7.2**

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 23 July 2020 be confirmed as a true and accurate record of proceedings.

**8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**9 DECLARATIONS OF INTEREST**

**10 RECOMMENDATIONS OF COMMITTEES**

**10.1 AUDIT AND RISK COMMITTEE MEETING HELD 13 JULY 2020**

**COMMITTEE RECOMMENDATION- 10.1**

That the Minutes of the Audit and Risk Committee Meeting held on 13 July 2020 be received.

**10.2 EXECUTIVE COMMITTEE MEETING HELD 29 JULY 2020**

**COMMITTEE RECOMMENDATION- 10.2**

That the Minutes of the Executive Committee Meeting held on 29 July 2020 be received.

**EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION- 10.2**

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 2019 to July 2020 as 'Satisfactory';
2. Endorses the Focus Areas and Actions for July 2020 to June 2021 as per attachment 3;
3. Schedules the 2020 annual appraisal to be commenced by the July 2021 Ordinary Meeting of Council and completed by the August 2021 Ordinary Meeting of Council; and
4. Notes that Mr Hay has not requested an increase in his remuneration package

**VOTING DETAIL:**

## 11 CHIEF EXECUTIVE OFFICER REPORTS

### 11.1 PROPOSED OUTBUILDING

**Location/Address:** 10 (Lot 137) Enanty Street, Mingenew  
**Name of Applicant:** NuSteel Patios & Sheds for R.Tyndale-Powell  
**Disclosure of Interest:** Nil  
**File Reference:** A208  
**Date:** 10 August 2020  
**Author:** Simon Lancaster, DCEO/Planning Advisor, Shire of Chapman Valley  
**Senior Officer:** Nils Hay, Chief Executive Officer

#### Summary

Council is in receipt of an application for a 144m<sup>2</sup> shed upon 10 (Lot 137) Enanty Street 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- 11.1**

That Council grant formal planning approval for an outbuilding to be constructed upon 10 (Lot 137) Enanty Street, Mingenew subject to the following:

##### Conditions

- 1 Development shall be in accordance with the attached approved plans dated 19 August 2020 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 DETAIL:**

#### Attachment

Attachment 11.1 - Copy of submitted development application

#### Background

Lot 137 is a 1,133m<sup>2</sup> property on the corner of Enanty Street and Phillip Street.



Figure 11.1(a) – Location Plan for 10 (Lot 137) Enanty Street, Mingenew



The applicant is proposing to construct an 18m x 8m (144m<sup>2</sup>) shed, with a wall height of 3.2m and a total gable roof height of 4.27m. The shed would be clad in Classic Cream colorbond wall and roof sheeting and roller doors, with Manor Red colorbond downpipes, gutters and flashing.

The shed would be sited 12m to the rear/east of the existing residence, setback 5m from the rear/eastern property boundary, 2m from the northern side boundary, and 5m from the Phillip Street/side property boundary.

Figure 11.1(b) – Aerial Photograph of 10 (Lot 137) Enanty Street, Mingenew





Figure 11.1(c) – View of Lot 137 looking east from Enanty Street



The applicant's submitted site, elevation and floor plans and supporting correspondence are provided as Attachment 11.1.

Figure 11.1(d) – View of Lot 137 looking north from Phillip Street



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> (and 200m<sup>2</sup> for lots greater than 1,500m<sup>2</sup>). Lot 137 is 1,133m<sup>2</sup> in area and 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 would comply with the 4m maximum wall height and 5m maximum total roof height set by the Outbuildings Policy.

### Comment

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

- whilst the proposed 144m<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 the outbuilding would be orientated north-south so that it would be presenting its lesser elevation to the Phillip Street secondary street frontage;
- the proposed outbuilding extension would not dominate the streetscape as it would comply with the height requirements of the Outbuildings Policy and be sited behind a 1.8m high existing colorbond fence;
- the requested outbuilding area is required for the parking of a vehicle, caravan and general storage and it may be considered preferable for these items to be secured out of the weather rather than about the rear yard, not just for the applicant but also for general amenity and appearance;
- the outbuilding would be clad in matching colours to the existing colorbond fence;
- the acceptance of the proposed outbuilding as being within the character of the surrounding area may be considered to have been demonstrated through no objections being received when the application was advertised for comment.

### Consultation

The Shire wrote to the landowners of the 10 surrounding properties on 3 July 2020 providing details of the application and inviting comment upon the proposal prior to 24 July 2020, 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 objections had had been received, and 1 submission expressing support was received.

### Statutory Environment

Lot 137 corner Enanty & Phillip Streets, Mingenew is zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.4.

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."*

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;...*
- ...(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;*

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- (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**

The Shire of Mingenew 'Outbuildings' Local Planning Policy was adopted by Council at its 17 April 2019 meeting and reviewed at its 21 August 2019 meeting.

The Outbuildings Policy 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.

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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."*

### **Voting Requirements**

Simple Majority

## 11.2 WARD BOUNDARIES AND REPRESENTATION REVIEW STAGE 2

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0384  
**Disclosure of Interest:** Nil  
**Date:** 23 July 2020  
**Author:** Belinda Bow Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

### Summary

The purpose of this report is to consider submissions received, if any, regarding the review of ward boundaries and elected member representation and to formulate Council's recommendation to the Local Government Advisory Board (LGAB) of its preferred ward structure and elected member representation model.

### Key Points

- All options discussed in this report give Council compliant elector representation ratios, meaning that electors have equitable access to their representatives irrespective of ward system or structure
- No public submissions were received during the consultation process

### OFFICER RECOMMENDATION- 11.2

#### OPTION ONE- [RETAIN]

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. the ward system for the Shire of Mingenew be RETAINED and no change to the ward structure (two wards- Town Ward and Rural Ward) or boundary is required.
2. Retain the current number of offices of councillor on the Council at seven (7) and their current distribution (Town Ward-4 and Rural Ward-3).

#### OPTION TWO- [ABOLISH]

In accordance with Schedule 2.2(9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. An order be made under s2.2(1)(d) to DISCONTINUE the ward system for the Shire of Mingenew and ABOLISH all wards within the district;
2. Retain the current number of offices of councillor on the Council at seven (7); and
3. Councillors whose terms do not expire at the next ordinary election continue to serve in the district ward;

#### OPTION THREE- [AMEND]

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. the ward system (2 wards- Town Ward and Rural Ward) for the Shire of Mingenew be RETAINED;
2. That an order be made under s2.2(1)(c) to AMEND the ward boundary as per figure 3 within this report; and
3. Retain the current number of offices of councillor on the Council at seven (7) and their current distribution (Town Ward-4 and Rural Ward-3).

**VOTING DETAIL:** [Requires absolute majority]



## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

### Attachments

Nil

### Background

Schedule 2.2 cl. 6 of the *Local Government Act* 1995 (the Act) requires local governments with wards to carry out a review of its ward boundaries and the number of councillor representatives from time to time so that no more than eight years elapses between successive reviews.

The Shire of Mingenew (the Shire) last undertook a formal review of its ward boundaries and representation in 2012. The outcomes of the 2012 review were:

1. The retention of the existing two Wards; [Town and Rural], and
2. The retention of the existing number of offices of councillor for each ward [being 3 Rural and 4 Town].

Given the length of time since the last review and in preparation for the 2021 elections, Council resolved on 17 June 2020 to undertake further review of its ward and representation system. A Discussion Paper for public consultation was endorsed (on the 17 June 2020) which detailed the current system, provided a broad assessment of the Shire's characteristics against factors required to be considered as per the act (communities of interest, demographic trends, economic factors, topographical and physical features and councillor to elector ratio) and proposed to electors alternatives to retaining the status quo. The two alternatives explored in the discussion paper were the discontinuation of the ward system and the amendment of the existing boundary to encompass peri-urban blocks. Whilst the reduction or increase in Councillor numbers (representation) was not mentioned explicitly, the paper conveyed that electors had the opportunity to submit their views around how they would like to be represented going forward.

To comply with the LGA, public notice of the review was given via the The Midwest Times on 24 June 2020, advertising also occurred via the Shire's official website page, social media page, and SMS text service. The Mandatory 6-week consultation period closed on the 10th August 2020 (see time and schedule below).

Fig 1- Ward Boundary & Representation Review- Prescribed Schedule and Proposed Timeline

Date	Action	Status
20 May 2020	Concept Forum- Discussion paper put to councillors for feedback	Completed
17 June 2020	Council meeting –Council resolve that the Shire will conduct a Ward Boundary & Representation Review following the provision of local public notice as required by the Act	Completed
27 June 2020	Notice provided and the community consultation period opens – Shire provides six weeks local public notice of review, and invites submissions	Completed
10 August 2020	Public consultation closes 5pm.	Completed
11 August 2020	Review conducted - GO reviews statutory requirements and submissions / public comments and provides a discussion paper recommending ward and representation changes (if any). An executive summary to be completed.	Completed
19 August 2020	Council meeting – Council considers recommendations and may, by absolute majority, propose changes to the LGAB in writing	Pending
21-25 August	Notification to Local Government Advisory Board	Pending
	Local Government Advisory Board considers review and makes a recommendation to the Minister	
	Minister to implement any changes prior to 2021 Local Government Election	

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On close of submissions, no public feedback had been received. Council are now required to consider the below listed options and determine what course of action they would like to recommend to the Local Government Advisory Board (LGAB).

- The creation of new wards;
- The changing of ward boundaries;
- Abolishing any or all wards;
- The changing of the name of a district or a ward;
- Changing of the number of Councillors;
- Specifying or changing of the number of offices of Councillor for a ward; and/or
- Retaining the status quo.

### Comment

When considering changes to wards and representation, Schedule 2.2 of the Act requires certain factors be considered by the local government during examination, including:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of elected members to electors in the various wards (ratio must be within 10%).

These factors have been described in detail below for each scenario.

**Current situation and Option 1** – RETAIN the current multi-ward structure (Town and Rural) and the seven (7) councillor offices with 4 being in Town Ward and 3 being in Rural Ward):

The Ward system, boundary and councillor offices, both in number and in distribution, remain as they are. Given that the ratio of electors to council members currently complies with the requirements of the Act, it is not necessary for any changes to be made to the wards or representation system.

Fig 2- Current ward boundary

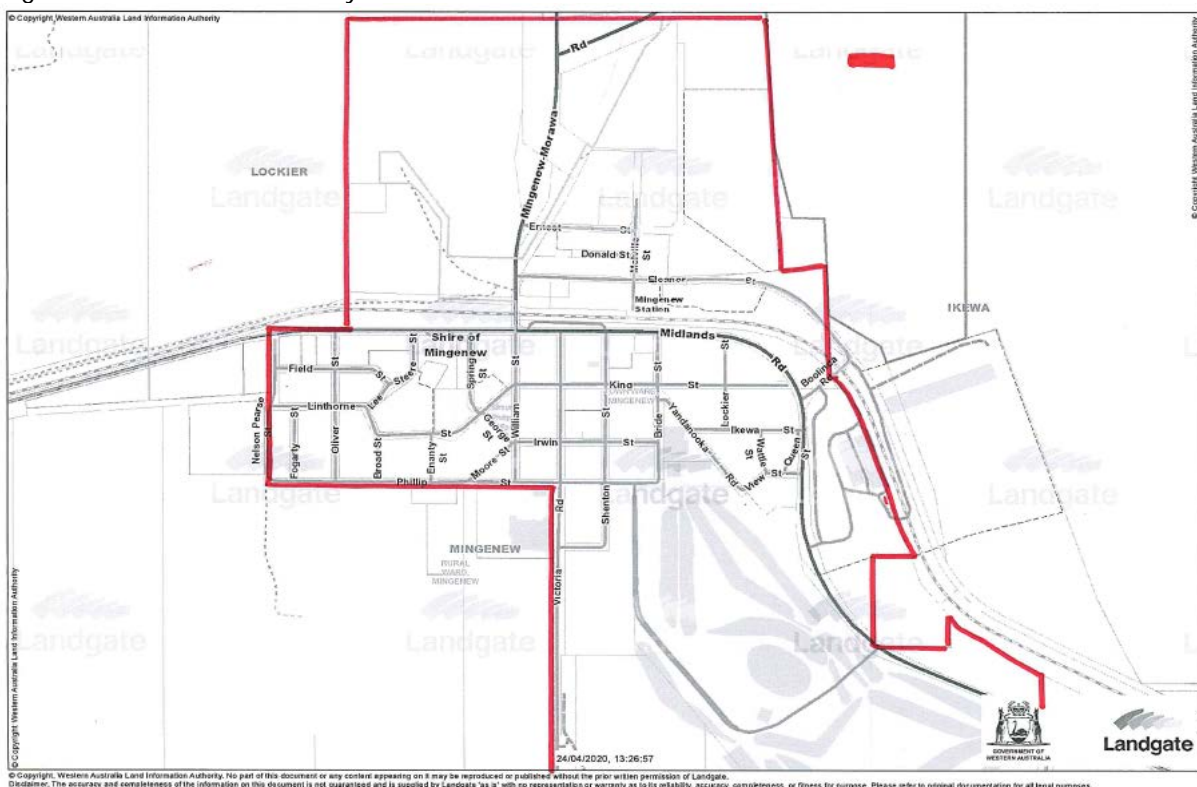




Fig 3-Advantages and disadvantages of a multi-ward system:

Advantages of a multi-ward system	Disadvantages of a multi-ward system
Councillors are more likely to be truly local representatives, easily accessible to residents and aware/understanding of local issues.	Councillors may be elected on minor or parochial issues and lack a perspective of what policies benefit the local government as a whole.
Major communities of interest are more likely to be represented within a ward as opposed to a no ward system.	Groups may form within the Council based on multi councillor wards, leading to possible division between councillors.
	Electors whom own properties in multiple wards and are registered on the Owners and Occupiers Role are able to vote in and therefore influence, a ward election which is not their primary ward.
	Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
	Inequity may occur in situations where potential elected members in a more socioeconomically advantaged ward own properties (and can therefore run for office) in multiple wards, whilst those in less socioeconomically advantaged wards are limited in their ability to run for office in multiple wards

## Consideration of Factors as required by the LGA for Option 1

### 1- Ratio of elected members to electors in the various wards

*The percentage ratio deviation is a measurement that is considered by the LGAB to be the principal consideration when reviewing wards and representation. It is the percentage difference between the average councillor/elector ratio for the whole district and the councillor/elector ratio for each ward. This ratio should be as even as possible across wards so that electors have equal representation, however given that some variation is inevitable, the LGAB requires any deviation to be within plus or minus 10% of the district average.*

The table below demonstrates the Shire's current ward and representation system and its percentage ratio deviation. It is evident from the statistics below that the Shire's current system results in a comparable elected member ratio across its 2 wards with its percentage ratio deviation falling within the acceptable range as required by the Board.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

Ward	Number of Electors*	Number of Councillors	Elected Member Ratio	Percentage Ratio Deviation
Rural	123 [41.84%]	3	1:41	+2.38%**
Town	171 [58.16%]	4	1:42.75	-1.79%**
Total	294 [100%]	7	1:41.87	N/A

\* Statistics extracted from the WA Electoral Commission's "Local government enrolment statistics reports 2 April 2020".

\*\*A negative (-) indicates underrepresentation whilst a positive (+) indicates overrepresentation.

### 2- Physical and Topographic features

*These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.*

*The most significant natural features of the Shire are Coalseam Conservation Park, Depot Hill, Mingenew Hill and the Parmelia Aquifer that runs under a large portion of the Shire.*

*Significant physical features within the Shire include the Arc Infrastructure rail track, the CBH site and the main arterial roads including:*

1. *Mingenew Morawa Rd*
2. *Midlands Rd*
3. *Mingenew South Road*
4. *Mingenew Mullewa Rd.*

Currently the ward boundary partially skirts the townsite's perimeter via minor suburban roads and dissects the landmarks of Mingenew Hill and the CBH site. It does not follow the gazetted townsite boundary nor the town planning scheme zones. Given this, it is clear that specific topographic and/or physical features have not been used to inform the specific placement of the current ward boundary. However, in terms of the ward system, having the boundary largely delineating the townsite from the rural area means that a town/rural ward system captures the predominant characteristics of the areas concerned.

### 3- Demographic Trends

*Characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.*

*According to the ABS census data the districts population has declined 5.26% over a 5 year period (2011-2016). The total population for the district at the 2016 census was 455 persons with a median age of 42.*

It is likely that the rural ward has little capacity for population growth if the lands remain in the ownership of broadacre farming businesses. Whilst farms may be sold to buyers outside of the district, this would only see the rural ward elector numbers preserved not increased. A decrease in the rural ward elector numbers could be projected as farm properties are bought by and sold to neighbouring property owners who are already electors of the ward.

With the current focus of the Shire being on townsite housing, district tourism and business development, a small increase in new dwellings or the take up of existing empty dwellings/businesses within the town ward

could occur, though unlikely to be significant enough to alter the ward's councillor/elector ratio to unacceptable parameters.

#### 4- Economic Factors

*Any factor that reflects the character of economic activities and resources in the area. This includes the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks*

*Industry in the town ward is focused on service delivery and retail provision. Local administration, primary education and transport accounts for 21.6% of the district's employment. Agriculture is mainstay for both wards however grain-sheep, grain-beef and other grain growing accounts for 54.3% of employment which is entirely located in the rural ward.*

*Whilst the economic health of the town ward is somewhat reliant on the success of the farming activities in the rural ward the interdependence of the wards for employment is considered noteworthy.*

Currently the ward boundary largely reflects the character of economic activities in the district with the boundary delineating peri-urban/urban living and industry from broad acre cropping, livestock farming and rural living. Such delineation has historically been considered appropriate by Council due to the dissimilar nature of industries and occupations, lifestyle, income, property size, infrastructure and concerns between the two wards.

#### 5- Community Interests

*Sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. Dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspaper and other publications. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.*

As the Shire is a large geographical area with distinct zones of differing economic activity and lifestyle, the current urban/rural ward structure largely reflects the similarities in the characteristics of the residents in the rural and town communities and similarities in economic activities.

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**Option 2-** ABOLISH the multi-ward system and retain the seven (7) councillor offices.

Under this option wards are dispensed with altogether. Given that s2.10 of the Act requires an elected member to represent the interests of electors, ratepayers and residents of the *district* and not vote along ward lines, the eradication of the ward system should have minimal impact to electors. The table below summarises the possible advantages and disadvantages of Option 2 to provide further detail:

Advantages of 'no wards'	Disadvantages of 'no wards'
Elected members are elected by the whole community, not just a section of it.	Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
Knowledge and interest in all areas of the Council's affairs would result in broadening the views beyond the immediate concerns of those in a ward.	There is potential for an interest group to dominate the Council.

# MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

Promotes the concept of a whole-of-Shire focus, with Council members being elected by, and concerned for, the local government as a whole rather than narrower interests.	Large numbers of candidates might be confusing for voters
Members of the community who want to approach an elected member can speak to any elected member, not just their ward representative.	May be difficult for voters to assess the performance of individual Council members.
There is balanced representation with each elected member representing the whole community.	May lead to significant communities of interest and points of view to be underrepresented.
The election process is much simpler for the community to understand and administer.	
Each voter has the opportunity to express a preference for every candidate for the council election.	
Cost saving to the rate payer as it removes the need to (re)define internal ward boundaries or conduct future ward boundary reviews.	
Electors who are registered on both the Electoral Roll and the Owners and Occupiers Role are only able to vote once for the district and not for multiple wards.	
All potential elected member candidates have equal opportunity to run for the district positions (as opposed to a situation where some may be eligible to run in multiple wards, whilst others cannot)	

For comparison sake, the ward system of neighbouring Shires within the North Midlands region is included below. Using Western Australian Electoral Commission figures, as at 2 July 2018 Mingenew was the only district to retain a ward system despite having the equal smallest elector numbers. Further, out of 137 WA Local Governments, 89 currently do not have a ward structure.

Local Government	Number of electors	No of Elected Members	Councillor Ratio	Comments
Shire of Carnamah	382	7	1:55	No Wards
Shire of Coorow	743	8	1:93	No Wards
Shire of Irwin	2656	8	1:332	No Wards
Shire of Mingenew	294	7	1:42	2 Wards
Shire of Morawa	394	7	1:56	No Wards

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Shire of Moora*	1640	9	1:182	No Wards
Shire of Perenjori	294	7- Only recently downgraded from 9 after R/V.	1:42	No Wards
Shire of Three Springs	319	7	1:46	No Wards
Shire of Chapman Valley*	987	7	-	No Wards

\*Whilst not located within the North Midlands region, the Shires are within the broader Midwest region.

### Consideration of Factors as required by the LGA for Option 2- [ABOLISH]

#### 1- Ratio of elected members to electors-

District	Number of Electors*	Number of Councillors	Elected Member Ratio	Percentage Ratio Deviation
Shire of Mingenew	294 [100%]	7	1:42	0.00

\*\*A negative (-) indicates underrepresentation whilst a positive (+) indicates overrepresentation.

#### 2- Topographical or Physical Features- N/A

#### 3- Demographic Trends- N/A

#### 4- Economic Factors

Whilst option 1 & 3 reflect the differences in the character of economic activities within the district, the economic interdependence of both wards in terms of retail and employment opportunities suggests that abolishing the ward system would not create a large difference in terms of reflecting or impacting economic activities.

#### 5- Community Interests

Whilst option 1 or 3 [retaining a ward system] could be seen by some to better represent the Shire's communities of interest, the below-listed factors could negate such an argument:

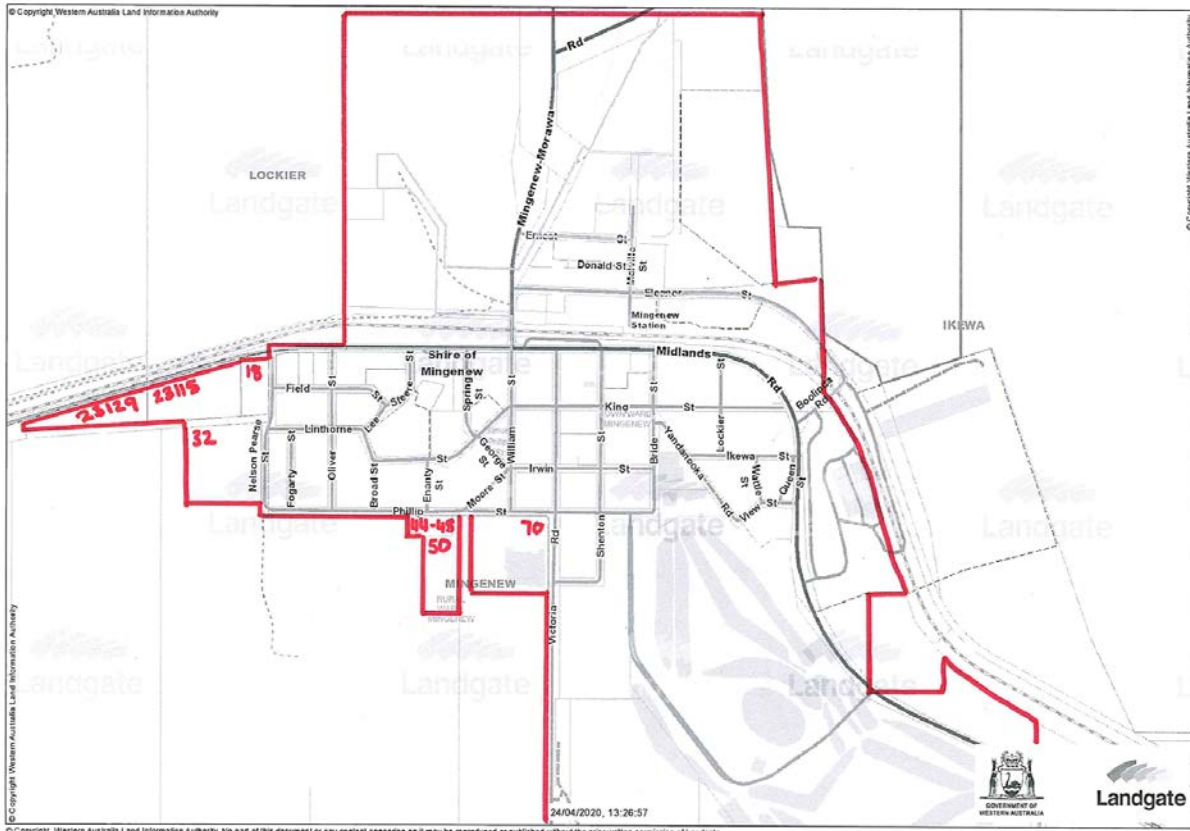
- The district's small population size;
- The dependence of both wards on the shared facilities of the district which are reflected in the local district school and Mingenew sporting teams;
- Volunteer groups and incorporated bodies in the name of the Shire are inclusive of both wards (the exception being the Shire's Volunteer Bush-Fire Brigades which are gazetted in the names of the Shire's previous ward system- Guranu, Lockier, Yandanooka, North and Town; wards which were abolished in 2004 with the exception of town ward.).
- The rural location of the entire district.

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**Option 3-** RETAIN the multi-ward system, retain the seven (7) councillor offices and their distribution and AMEND the town boundary to include properties on the perimeter of the townsite.

Fig 3- Option 3 Amended Ward Boundary

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020



Under the current ward system [and established boundary] there are several properties located on the townsite perimeter that are included in the rural ward despite being within the gazetted townsite boundary. Specifically, properties numbered 40-50 and 70 Phillips Street. A gazetted townsite boundary map can be found in attachment 1. It is proposed that the ward boundary be amended to follow the perimeter fencing of these properties before re-joining back up at Victoria Rd and Phillips St, aligning electors with the appropriate community and ward economic profile. It should be noted that property 70 is the district school so its inclusion would not affect the ward's percentage ratio deviation.

The south west border would also be extended to include properties numbered 18 and 32 Nelson Pearce St and properties numbered 23129 and 23115 Midlands Rd.

The boundary would extend north from Phillips St and follow the south and west boundary of property #32 Nelson Pearce St. It would then extend along the south boundary of property #23115 and south and south west of #23129 Midlands Rd. The boundary would follow Midlands Rd east until it re-joined at the intersection of Nelson Pearce St and Midlands Rd.

### Consideration of Factors as required by the LGA for Option 3- [RETAIN BUT AMEND]

#### 1- Ratio of elected members to electors-

The impact to the elected member ratio would see a slight over-representation of electors in the rural ward, however the percentage ratio is still within the acceptable parameters as set by the LGAB. (Based on the assumption that the population shifted are enrolled electors):

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

Ward	Number of Electors*	Number of Councillors	Elected Member Ratio	Percentage Ratio Deviation
Rural	115 [38.4%]	3	1:38	+8.73%**
Town	179 [61.6%]	4	1:45	-6.55%**
Total	294 [100%]	7	1:42	N/A

\*\*A negative (-) indicates underrepresentation whilst a positive (+) indicates overrepresentation.

### 2- Topographical or Physical Features-

By amending the boundary as proposed, it would align the entire south and south east town ward boundary with the gazetted townsite boundary which, whilst wards are not required to do so, does achieve a sense of consistency and practicality for electors. Further by implementing the above alteration, the town ward would then encompass all urban (town) and peri-urban areas of the district.

Whilst ideally the boundary dissecting Mingenew Hill would be altered to retain the integrity of the natural feature, the current absence of population in that area negates an amendment as it would deliver little benefit for this review period. As per option 1 while there are no physical or topographical features that could be readily applied to assist in deciding how wards might be structured, an urban/ rural ward structure does reflect the predominant characteristics of the areas concerned.

### 3- Demographic Trends- N/A

### 4- Economic Factors- N/A

### Community Interests-

As per option 1 an urban/rural ward structure largely reflects similarities in the characteristics of the residents in the rural and town communities and similarities in economic activities.

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### Consultation

- Nils Hay, Chief Executive Officer
- Simon Lancaster, Shire of Chapman Valley (Planning advice)
- Department of Local Government, Sport and Cultural Industries- A Guide for Local Governments "How to conduct a review of wards and representation for local governments with and without a ward system, October 2017"
- Whilst no responses were received, a concerted effort was made to consult with the community

### Statutory Environment

*Local Government Act 1995*

Part 2 Division 1- Constitution of local government- Districts and Wards

Part 4 - Elections and other polls

Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts

Schedule 2.2 – Provisions about names, wards and representation

#### **2.2. Districts may be divided into wards**

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
- (a) *dividing a district into wards; or*
  - (b) *creating new wards in a district that is already divided into wards; or*
  - (c) *changing the boundaries of a ward; or*
  - (d) *abolishing any or all of the wards into which a district is divided; or*
  - (e) *as to a combination of any of those matters.*

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

- (2) *For the purposes of this Act —*
  - (a) *an order that divides a district into wards is to be regarded as establishing a ward system for the district; and*
  - (b) *an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.*
- (3) *Schedule 2.2 (which deals with wards and representation) has effect.*
- (4) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.*

### **2.18. Fixing and changing number of councillors**

- (1) *When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —*
  - (a) *specify the number of offices of councillor on the council of the local government; and*
  - (b) *if the district is to have a ward system, specify the numbers of offices of councillor for the wards.*
- (2) *When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.*
- (3) *The Governor, on the recommendation of the Minister, may make an order —*
  - (a) *changing the number of offices of councillor on a council; or*
  - (b) *specifying or changing the number of offices of councillor for a ward; or*
  - (c) *as to a combination of those matters.*
- (4) *The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.*

### **Schedule 2.2 — Provisions about names, wards and representation**

#### **6. Local government with wards to review periodically**

- (1) *A local government the district of which is divided into wards is to carry out reviews of —*
  - (a) *its ward boundaries; and*
  - (b) *the number of offices of councillor for each ward,*  
*from time to time so that not more than 8 years elapse between successive reviews.*
- (2) *A local government the district of which is not divided into wards may carry out reviews as to —*
  - (a) *whether or not the district should be divided into wards; and*
  - (b) *if so —*
    - (i) *what the ward boundaries should be; and*
    - (ii) *the number of offices of councillor there should be for each ward,*  
*from time to time so that not more than 8 years elapse between successive reviews.*
- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*  
*[Clause 6 amended: No. 49 of 2004 s. 68(5) and (6).]*

#### **7. Reviews**

- (1) *Before carrying out a review a local government has to give local public notice advising —*
  - (a) *that the review is to be carried out; and*
  - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

#### **8. Matters to be considered in respect of wards**

- (1) *Before a local government proposes that an order be made —*
  - (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
  - (b) *to specify or change the number of offices of councillor for a ward,*  
*or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —*
    - (c) *community of interests; and*
    - (d) *physical and topographic features; and*
    - (e) *demographic trends; and*



## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

- (f) *economic factors; and*
- (g) *the ratio of councillors to electors in the various wards.*

*[Clause 8 amended: No. 49 of 2004 s. 68(7).]*

### **9. Proposal by local government**

- (1) *On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*  
*\* Absolute majority required.*

### **10. Recommendation by Advisory Board**

- (1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*
  - (a) *one of a minor nature; and*
  - (b) *not one about which public submissions need be invited,*  
*the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*
- (2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*
- (3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*
  - (a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*
  - (b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.*  
*\* Absolute majority required.*
- (4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*  
*\* Absolute majority required.*

### **Policy Implications**

There are no perceived policy implications arising from the officer's recommendation.

### **Financial Implications**

A small financial saving could be realised if the ward structure were abolished due to the Shire no longer having to fulfil the statutory ward boundary review every 8 years and the running of 2 separate ward elections every 2 years.

### **Risk Management Implications**

Nil. Community consultation has occurred.

### **Strategic Implications**

The officer recommendation is consistent with the Shire's Strategic Community Plan priority areas:

1.3.1- Provide a high level of compliance with external regulators;

1.2.2- Enhance open and trusting communication between council and the community.

### 11.3 WALGA STATE COUNCIL MEETING – 2 SEPTEMBER 2020

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
File Reference: ADM0118  
Disclosure of Interest: Nil  
Date: 12 August 2020  
Author: Erin Greaves  
Authorising Officer: Nils Hay, Chief Executive Officer  
Voting Requirements: Simple Minority

#### Summary

To consider and vote on the WALGA State Council Matters for Decision and submit those to the Council.

#### Key Points

- The WALGA State council Meeting is scheduled to be held on 2 September 2020 commencing at 4pm.
- The Shire of Mingenew is represented at State Council by Cr Karen Chappel, Deputy President of WALGA and Chair of the Northern Country Zone of WALGA.
- The next WALGA Northern Country Zone meeting is proposed to be held on 24 August 2020

#### OFFICER RECOMMENDATION- 11.3

##### PART A

That Council supports WALGA's recommendations submitted in the 2 September 2020 WALGA State Council Meeting Agenda, as follows:

##### Item 5.1 Park home Approvals and the *Caravan Parks and Camping Grounds Act 1995* (05-018-02-0002 VJ)

That WALGA requests the State Government to:

1. Urgently amend the *Caravan Parks and Camping Grounds Act 1995* to allow the continued lawful placement of new manufactured homes on caravan park sites until 2030; and
2. Undertake a full review of the *Caravan Parks and Camping Grounds Act 1995* and associated legislation and regulations.

##### Item 5.2 Submission on Decision Paper – Swimming Pool and Safety Barrier Control (05-015-02-0010 VJ)

That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.

##### Item 5.3 Development Assessment Panels (05-047-01-0016 CH)

That the findings and recommendations of the *Development Assessment Panels, 2011-20 Review* be endorsed and that WALGA advocate for:

1. The abolishment of the current 'mandatory' mechanism which requires Development Assessment Panel to act as the decision maker where the proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism on all proposals;
2. Raising the Development Assessment Panel threshold from the current \$2 million back to \$3 million; and
3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.

##### Item 5.4 Air Handling Discussion Paper Part Two (05-031-01-0001 BW)

That the submission to the Department of Health in response to the Air Handling discussion paper Part Two be endorsed.

## **PART B**

That Council notes the Information Reports provided within the 2 September 2020 WALGA State Council Meeting Agenda, as follows:

Item 6.1 COBID-19 Pandemic – Update

Item 6.2 *Planning and Development Amendment Act 2020* (06-03-01-2001 VJ)

Item 6.3 Australian Fire Danger Rating System (AFDRS) Program (05-024-03-0035 EDR)

Item 6.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

Item 7.1 Key Activity Reports

7.1.1 Commercial and Communications

7.1.2 Governance and Organisational Services

7.1.3 Infrastructure

7.1.4 Strategy, Policy and Planning

Item 7.2 Policy Forum Reports

## **VOTING DETAILS:**

### **Attachment**

11.3.1 WALGA State Council Agenda – 2 September 2020

### **Background**

The WALGA State Council Agenda provides significant background around each matter presented for decision however a summary and comment for each Item is provided below:

#### **Item 5.1 Park home Approvals and the Caravan Parks and Camping Grounds Act 1995 (Page 5)**

The State Administrative Tribunal (SAT) has identified a number of conflicting controls within the current WA legislation in relation to manufactured homes on caravan park sites. Under the Act currently, park homes are required to have a chassis, axles and wheels which are structurally able to bear the weight of the park home giving it the capacity to be drawn by another vehicle on a public road.

New regulations have addressed this issue in relation to park homes in place in mid-2019 but it does not change the controls for homes beyond this point. It is therefore, proposed by WALGA that the legislation be reviewed to provide clarity and regulatory control in the short term.

#### **Item 5.2 Submission on Decision Paper – Swimming Pool and Safety Barrier Control (Page 7)**

The Department of Mines, Industry, Regulation and Safety (DMIRS) recently released a Decision Paper outlining proposed legislation changes recommended in relation to swimming pool and safety barrier controls that has been informed by previous local government consultation.

WALGA's submission on the Decision Paper reflect the following issues:

- The fee structures cannot claim to be cost recovery if a maximum fee is regulated
- Further work is required regarding the boundary barrier requirements
- Owners of empty pools should be charged an inspection fee, rather than other ratepayers subsidising the inspection of their empty pool.

The positions advocated by WALGA have been developed based on consultation with local government experts in this field.

#### **Item 5.3 Development Assessment Panels (Page 16)**

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

Following a review of the Development Assessment Panels system, WALGA are advocating for various reform proposals (as provide in the recommendations above) to improve statutory compliance, transparency, efficiency and processing times of applications.

### Item 5.4 Air Handling Discussion Paper Part Two (Page 18)

Air Handling Units (A.H.U's) condition and distribute air within a building, usually medium to large commercial and industrial buildings. Several regulatory changes have been proposed as part of Phase 5 of the transition from requirements under the *Health Act 1911* to the *Public Health Act 2016*. The changes are focused on reducing health risks and improving enforcement and controls, although the report does note this is a low risk matter for local governments. To monitor and regulate these systems quite specific, technical knowledge is required and this would be challenging to enforce by local government given the minimal amount of systems in operation and local governments affected, therefore the Department of Health is recommended as the appropriate enforcement agency.

### Comment

The Council Agenda also provides a number of reports for information purposes. Comment is provided below on any matters considered of interest or applicable to the Shire:

### Item 6.1 COVID-19 Pandemic

The State Recovery Controller has indicated that Local Government's role in COVID-19 recovery will be to:

1. collect and provide local impacts to the State Recovery Coordinator to inform recovery planning and implementation
2. align local recovery plans to the State Recovery Plan where required to ensure consistency
3. build on the strong work already undertaken by local governments in:
  - a) reviewing or adopting financial hardship policies to support ratepayers to provide rate, fee and tenancy relief to businesses and individuals in distress
  - b) reviving community services, sports and recreation to promote wellbeing and enable the community to resume active, connected lives in a COVID-safe manner
  - c) supporting arts culture, events and tourism activities and content in local areas and helping these industries to innovate to operate in the future
  - d) accelerating small capital works projects to provide vital employment channels and use local materials, contractors and labour services to support vulnerable parts of the workforce
  - e) streamlining or fast-tracking approval processes and relieving compliance burdens on businesses and households where possible to stimulate local economic activity (Page 28 of 63)
4. monitor recovery progress and report any emerging issues and key actions taken at the local level to the State.

The State's Recovery Plan includes initiatives aimed at promoting regional WA investment and boosting local economies that are targeted at road safety improvements, funding for sport and community infrastructure, renewable energy biodiversity projects. Information regarding the Plan and impacts on Local Governments will be rolled out progressively.

### Item 6.2 Planning and Development Amendment Act 2020 (Page 31)

WALGA advise of two applicable policy positions in regard to the Planning and Development Amendment Act 2020:

- 6.2 Planning Reform - The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.
- 6.5 Development Assessment Panels - The Association does not support Development Assessment Panels (DAPs), in their current structure.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 August 2020

Whilst the amendments to the Planning and Development Act 2005 were in response to the COVID-19 Pandemic and general improvements of the planning system, WALGA notes a number of concerns regarding the exclusion of local input for planning and development decision making for certain developments, the haste with which reform measures had been developed and minimal consultation provided from the Local Government industry.

Regulations will now be drafted to provide guidance on the implementation of the new Act.

### Item 6.3 Australian Fire Danger Rating System (AFDRS) Program (Page 34)

A new national fire danger rating system, the Australia Fire Danger Rating System (AFDRS), is being developed based on recent learnings and scientific research, to improve the overall fire risk. An Implementation Plan is being developed by Department of Fire and Emergency Services (DFES) to ensure affected stakeholders understand and will be prepared for any changes.

DFES advise Local Governments that they should suspend investment in current fire danger rating signage (where applicable) until a final prototype has been finalised.

### Item 6.4 Report Municipal Waste Advisory council (MWAC) (Page 36)

This Information report summarises the outcomes of the MWAC's most recent meeting held 24 June 2020. Key outcomes of the meeting include:

Draft Waste Reform Submission – MWAC endorsed the draft Submission on the DWER Consultation Paper Closing the Loop: Waste Reforms for a Circular Economy.

Draft Waste Levy Submission – MWAC endorse the draft Submission on the Review of the Waste Levy.

Waste Authority Business Plans and Annual Report – MWAC noted the analysis of the 2018/19 and 2019/20 Waste Authority Business Plans and 2018/19 Annual Report.

No further comment is provided on WALGA's Key Activity Reports or Policy Forum Reports.

### Consultation

WALGA

### Statutory Environment

Local Government Act 1995

### Policy Implications

Nil.

### Financial Implications

Nil.

### Strategic Implications

Community Strategic Plan

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner.

## 11.4 DISPOSAL OF SHIRE LAND BY PUBLIC TENDER

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	A308, A211, A353, A351, A350, A349, A503, A502 & A285,
Date:	11 August 2020
Author:	Nils Hay, CEO
Voting Requirement:	Simple Majority

### Summary

Council is seeking to dispose of up to 9 blocks of land in the Mingenew Townsite, by public tender process. The sales process will be designed to support the growth of Mingenew's population.

### Key Points

- Council has nine blocks in the townsite proposed for disposition by tender
- Preference to be given to those looking to build and live in, and contribute to Mingenew
- State and Federal incentives to build are currently in place, until at least 31 December 2020
- Selection criteria have been developed to allow Council to target buyers who will invest in the town and community

### **OFFICER RECOMMENDATION – ITEM 11.4**

That Council:

1. Seeks to dispose, by way of public tender, the following parcels of land in the Mingenew townsite: Lots 14 and 19 on DP222813, Lots 163, 164, 176, 177, 178 and 184 on P2893 and Lot 100 on DP174741; and
2. Intends to utilize the selection criteria in attachment 11.4.3 to assess tender submissions.

### **VOTING DETAILS:**

### Attachment

- 11.4.1 Map showing lots proposed for sale
- 11.4.2 Valuations of lots proposed for sale (Confidential)
- 11.4.3 Proposed tender selection criteria

### Background

Following the recent relinquishment of 6 blocks of land back to Council, coupled with time-limited State and Federal incentives for home-builders, the coming months are a potentially opportune time for Council to seek to dispose of land in the Mingenew townsite, with a view to encouraging new development and growth. The following blocks of land (indicated in the attached map) have been proposed:

- 35 & 38 King Street (L14 and L19 on DP222813)
- 29, 36, 38 & 40 Oliver Street (L184, 176, 177 & 178 on P2893)
- 5 & 7 Broad Street (L164 & 163 on P2893)
- 4 Queen Street (L100 on DP174741)

The valuations of those blocks have also been independently obtained and are attached under confidential cover.

For contracts signed before 31 December 2020, buyers may be eligible for the Federal Government's HomeBuilder grant and the State Government's Building Bonus scheme.

Input has been sought from Civic Legal, with regards to the drafting of contracts and management of sales process, Lateral Aspect with regards to the marketing of the properties and strategic implications and RSM have

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been requested to provide indicative financial modelling for potential buyers – particularly for local business owners who may consider purchasing a block to house staff.

### Comment

The current situation presents an opportunity for Council to seek to progress one of the key pillars of its 2019-29 Strategic Community Plan – Growing Mingenew; a supply of land exists and there are significant external incentives available courtesy of the State and Federal Governments for private parties to develop that land.

It is important though that we as a Shire use this opportunity strategically; the benefit of attracting landowners who will invest in our Shire is significant. Likewise, the risk of forgoing land to parties who will ultimately not invest, or invest minimally, in the Shire will outweigh any benefit derived from incremental increases in our rates income. As such, the sales process should be viewed as an opportunity for us to find people who will add value to our town and our community. To that end, the attached selection criteria are proposed for the tender process.

The process will allow for buyers to nominate their preferred block/s of land and for Council to assess each request on its merits. Council will reserve the right not to award a given block to any party if they do not deem any of the tender responses suitably meritorious.

The marketing will reflect this; it will be targeted at:

- Local business owners who may be looking to build affordable housing for staff to support operations in Mingenew
- Larger corporations who may be looking to build affordable housing for staff in Mingenew to support regional operations
- Existing renters in the area seeking an affordable house of their own
- Self-employed people/families seeking an affordable lifestyle change
- Investors/developers seeking an opportunity to build affordable rental property
- People/families who are looking to relocate to the region to purchase or start a business

The tender process is proposed to run for 4-6 weeks, from early September to early-mid October, allowing Council to make a decision at the 21 October 2020 Council meeting, and providing approximately two months for purchasers eligible for government incentives to sign contracts in order to access those incentives.

### Consultation

- Councillors
- Leadership team
- Civic Legal
- Lateral Aspect
- RSM

### Statutory Environment

Local Government Act 1995:

#### **3.58. *Disposing of property***

(1) *In this section —*

***dispose*** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

***property*** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

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- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
  - (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
  - and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
  - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

### *Local Government (Functions and General) Regulations 1996*

#### **14. Publicly inviting tenders, requirements for**

- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
  - (a) *is required to invite a tender; or*
  - (b) *not being required to invite a tender, decides to invite a tender,*

*the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
  - (a) *a brief description of the goods or services required; and*



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- (b) *particulars identifying a person from whom more detailed information as to tendering may be obtained; and*
  - (c) *information as to where and how tenders may be submitted; and*
  - (d) *the date and time after which tenders cannot be submitted.*
- (4) *In subregulation (3)(b) a reference to detailed information includes a reference to —*
  - (a) *such information as the local government decides should be disclosed to those interested in submitting a tender; and*
  - (b) *detailed specifications of the goods or services required; and*
  - (c) *the criteria for deciding which tender should be accepted; and*
  - (d) *whether the local government has decided to submit a tender.*
  - [(e) *deleted*]
- (5) *After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.*

### **Policy Implications**

Nil

### **Financial Implications**

Valuations for the land in question have been obtained, and are provided in a confidential attachment. Given the proposed starting tender price of \$1 and non-weighting of price, any sales are expected to be at a loss.

A budget item exists for the legal services anticipated to support the process.

Once transferred to a new owner, each block of land will again become rateable, resulting in an increase in the Shire's rates income.

### **Strategic Implications**

Growing Mingenew is a key strategic pillar under the 2019-29 Strategic Community Plan.

Item 3.1.1b of the 2019-23 Corporate Business Plan relates to the Investigation of promotional opportunities for local land.

## 12.0 FINANCE AND ADMINISTRATION MANAGER REPORTS

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0304  
**Attachment/s:** Monthly Financial Report – July 2020  
**Disclosure of Interest:** Nil  
**Date:** 10 August 2020  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

#### Summary

This report recommends that the Monthly Financial Report for the period ending 31 July 2020 as presented to the Council be received.

#### **OFFICER RECOMMENDATION- 12.1**

That the Monthly Financial Report for the period 1 July 2020 to 31 July 2020 be received.

#### **VOTING DETAILS:**

#### Attachment

Monthly Financial Report for period ending 31 July 2020

#### Background

The Monthly Financial Report to 31 July 2020 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- 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

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### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 July 2020	
Municipal Funds	\$484,548.97
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 0.9%	\$164,613
Trust Fund	\$1
Reserve fund - 3 Month Term Deposit @ 0.9%	\$427,012

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 2020/21 financial year.

The Monthly Financial Report for the period ending 31 July 2020 has not yet been audited and is subject to change. No significant changes are foreseen.

### 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 —*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates; and*
- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *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 —*

- (a) *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.*

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- (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 1 JULY 2020 TO 31 JULY 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – July 2020  
**Disclosure of Interest:** Nil  
**Date:** 10 August 2020  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 July 2020 to 31 July 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION- 12.2**

That Council receive the attached list of payments for the period of 1 July 2020 to 31 July 2020 as follows:

\$263.57	Municipal Cheques
\$253,230.53	Municipal EFT's;
\$46,508.60	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$78,726.02	Municipal Direct Debit Other;
\$1,380.65	Municipal Other Charges;
\$90,831.74	Net Salaries

Totalling \$470,941.11 as per attached list of payments.

### **VOTING DETAILS:**

### 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

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**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**

**15.0 CONFIDENTIAL ITEMS**

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 16 September 2020 commencing at 4.30pm.

**17.0 CLOSURE**

These minutes were confirmed at an Ordinary Council meeting on 16 September 2020.

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

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