



**MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON**

**Wednesday 20 December 2017**

**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.

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## SHIRE OF MINGENEW

### MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 20 December 2017 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
CR Lucken	Councillor	Town Ward
KJ McGlinn	Councillor	Town Ward
LM Eardley	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward

##### STAFF

MG Whitely	Chief Executive Officer
D Ojha	Finance Manager
B Bow	Governance Officer
Simon Lancaster	Town Planner

##### PUBLIC

Marc Conway (4:32pm – 5:05pm)

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

Nil

#### 4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

#### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 6.0 DECLARATIONS OF INTEREST

Nil

#### 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 15 NOVEMBER 2017

COUNCIL DECISION – ITEM 7.1.1
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Moved Cr LM Eardley

Seconded Cr JD Bagley

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 November 2017 be confirmed as a true and correct record noting the amendment to the Delegate for the Local Emergency Management Committee being changed to RW Newton for Council Decision 9.1.1.

CARRIED 7/0

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.0 OFFICERS REPORTS**

DRAFT

## 9.1 CHIEF EXECUTIVE OFFICER

### 9.1.1 MURCHISON REGIONAL ABORIGINAL CORPORATION

**Location/Address:** 25 Crawford Street, Geraldton  
**Name of Applicant:** Murchison Aboriginal Regional Corporation  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0034  
**Date:** 14 December 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that Council consider a request from the Murchison Regional Aboriginal Corporation for a rates exemption.

#### Attachment

Murchison Aboriginal Corporation - Letter Requesting Additional Information  
Murchison Aboriginal Corporation Submission

#### Background

A request has been received from the Murchison Regional Aboriginal Corporation ("MRAC") seeking an exemption for property owned by MRAC and leased to a third party on the basis that the property does not constitute rateable land since it is used exclusively for charitable purposes.

#### Comment

Section 6.26(2) of the Local Government Act 1995 stipulates land that is considered as not rateable. MRAC argue that land within the Shire of Mingenew is exempt under Section 6.26(2)(g) since the land is used exclusively for charitable purposes.

The definition of a charitable purpose is generally required to fall under one of the following areas;

- The relief of poverty, age and impotence
- The advancement of education
- The advancement of religion, and
- Other purposes beneficial to the community

A person may make an objection under Section 6.76(1)(a)(ii) of the Local Government Act 1995 on the basis that the land or part of the land is not rateable land.

Section 6.76(2)(a) clearly identifies that an objection is to be made to the local government in writing within 42 days of service of a rates notice under Section 6.41 of the Local Government Act 1995.

Section 6.76(4) of the Local Government Act 1995 allows the local government to extend the time for making the objection for such period as it thinks fit.

As the objection is dated 18 September 2017 and was received by the Shire of Mingenew on 22 September 2017, this clearly falls inside of the 42 day period as specified under Section 6.76 of the Local Government Act 1995. As such Council are required to consider objections inside of this period under Section 6.76 of the Local Government Act 1995.

The applicant has the right under Section 6.78 of the Local Government Act 1995 to apply to the State Administrative Tribunal for a review of the decision of the local government should Council resolve to not allow the rates exemption.

MRAC own two properties in the Shire of Mingenew, a house located at 14 Field Street and vacant land located at 2 View Street. An exemption is only sought for the property at 14 Field Street which is currently tenanted to Ms Imelda Jones. Shire rates levied on this property in 2017/18 were \$1,466.80.

I did request some additional information from MRAC with regards to the current tenancy of the property and there response is attached for Council information.

Vacant land is not eligible for a rates exemption under the definition of a charitable purpose unless this land is used for charitable purposes at some stage in the future.

The CEO has delegated authority to write off amounts up to an amount of \$100.

### Consultation

Nil

### Statutory Environment

#### Local Government Act 1995

#### 6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
  - (a) land which is the property of the Crown and —
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except —
      - (I) where any person is, under paragraph (e) of the definition of *owner* in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
      - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of *owner* in section 1.4 occupies or makes use of the land;
  - and
  - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
  - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
  - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
  - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
  - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and

- (g) land used exclusively for charitable purposes; and
  - (h) land vested in trustees for agricultural or horticultural show purposes; and
  - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
  - (j) land which is exempt from rates under any other written law; and
  - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

*[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102; No. 24 of 2009 s. 506 (correction to reprint in Gazette 7 Sep 2012 p. 4329).]*

#### 6.76. Grounds of objection

- (1) A person may, in accordance with this section, object to the rate record of a local government on the ground —
- (a) that there is an error in the rate record —
    - (i) with respect to the identity of the owner or occupier of any land; or
    - (ii) on the basis that the land or part of the land is not rateable land;
  - or
  - (b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.
- (2) An objection under subsection (1) is to —
- (a) be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and
  - (b) identify the relevant land; and
  - (c) set out fully and in detail the grounds of objection.
- (3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.
- (4) The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.
- (5) The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.

- (6) After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.

**6.78. Review of decision to refuse to extend time for objection**

A person who is dissatisfied with a decision of the local government to refuse to extend the time for making an objection against the rate record may apply to the State Administrative Tribunal for a review of the decision.

*[Section 6.78 amended by No. 55 of 2004 s. 695.]*

**Policy Implications**

Nil

**Financial Implications**

If Council agree to the rates exemption an amount of \$1,466.80 in rates will be refunded.

**Strategic Implications**

Community Strategic Plan

Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other legislation.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.1**

**That Council**

1. Agree to the request from the Murchison Aboriginal Regional Corporation for a rates exemption for the property located at 14 Field Street, Mingenew (Assessment 219) for the 2017/18 financial year, and
2. Notify the Murchison Aboriginal Regional Corporation that similar requests for future financial years are required to be made to the Shire of Mingenew in accordance with Section 6.76 (2)(a) of the Local Government Act 1995.

**COUNCIL DECISION – ITEM 9.1.1**

Moved Cr LM Eardley

Seconded Cr CR Lucken

**That Council**

1. Agree to the request from the Murchison Aboriginal Regional Corporation for a rates exemption for the property located at 14 Field Street, Mingenew (Assessment 219) for the 2017/18 financial year, and
2. Notify the Murchison Aboriginal Regional Corporation that similar requests for future financial years are required to be made to the Shire of Mingenew in accordance with Section 6.76 (2)(a) of the Local Government Act 1995.

**CARRIED 7/0**

### 9.1.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0093  
**Date:** 14 December 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

Council is requested to review the current Local Emergency Management Committee arrangements.

#### Attachment

State EM Preparedness Procedures – Extract Only

#### Background

At the April 2017 Ordinary Meeting Council resolved to enter into a shared services arrangement of a Ranger & Emergency Services Officer with the Shire's of Three Springs and Carnamah. The decision made at April 2017 Ordinary Meeting resulted in the cessation of the previous arrangements for Ranger Services and the Community Emergency Services Manager.

Part of the role of the Community Emergency Services Manager was to act as the Executive Officer and coordinate arrangements for the Local Emergency Management Committee which was a joint arrangement between the Shire's of Mingenew, Morawa, Perenjori and Three Springs.

#### Comment

The Mingenew Morawa Perenjori Three Springs LEMC historically met every 3 months. The last meeting was held on 3 May 2017 and no meeting has been held since. The LEMC arrangements included having a rotating Chairperson, of which the Shire of Morawa is the current Chair effective from the date of the last meeting held in May 2017.

Although the Shire's of Three Springs and Mingenew have withdrawn from the Community Emergency Services Agreement with the Shire's of Morawa and Perenjori, the LEMC between the four Shires (Mingenew, Three Springs, Morawa and Perenjori) is still technically in place as no formal process has been undertaken to separate from the current LEMC arrangements.

An extract is attached from the State EM Preparedness Procedures outlining the process for amalgamation and separation of local governments for the purposes of emergency management.

On Friday 1 December discussions were held with the CEO's from Shire of Three Springs, Shire of Carnamah and the Office of Emergency Management to discuss the options for the Local Emergency Management Committee arrangements ("LEMC") going forward. These discussions evolved partly from the Council resolution at the April 2017 Ordinary Meeting when Council resolved to enter into a shared services arrangement of a Ranger & Emergency Services Officer with the Shire's of Three Springs and Carnamah and also with the demerger of the LEMC arrangements between the Shire of Carnamah and the Shire of Coorow. With the demerger of the LEMC arrangements between Carnamah and Coorow, Coorow have since formed an alliance with the Shire of Irwin, however the Shire of Carnamah are currently in limbo and to have not any formal LEMC arrangements in place. At this meeting it was agreed that the Shire's of Mingenew, Three Springs and Carnamah's preferred LEMC option was to include the Shire of Carnamah in the current LEMC arrangements in place for Mingenew, Morawa, Three Springs and Perenjori. As such it was agreed that the CEO's from the Shire's of Morawa and Perenjori be approached and get an indication

of their preferred LEMC option going forward given that there is now a Community Emergency Services Manager ("CESM") agreement in place between Morawa, Perenjori, Yalgoo and the Murchison.

A phone conference between the CEO's of the Shire's of Mingenew, Morawa, Perenjori, Three Springs, Carnamah and the Office of Emergency Management was held on Tuesday 12 December 2017. During the conference Mingenew, Three Springs and Carnamah all indicated that their preferred option was for Carnamah to join the existing four local governments and form a LEMC consisting of all five local governments. Subject to Morawa and Perenjori agreeing to the proposal the alternative would be that Mingenew, Three Springs and Carnamah form a LEMC in the event that Morawa and Perenjori opted to separate from the existing LEMC.

Advice was received on Thursday 14 December from the Shire of Morawa that Council have indicated they are interested in exploring the move from the existing four local governments to include Carnamah into the LEMC arrangements and that the item would be tabled for Council consideration for a formal position at the December Ordinary Council Meeting. The Shire of Perenjori has also indicated that a similar item would be tabled at their December Council meeting.

The most obvious hurdle with Carnamah joining the current LEMC is the appointment of an Executive Officer for the LEMC. The previous CESM Rick Ryan was the Executive Officer for the LEMC. Mr Ryan is now employed as the CESM for Morawa, Perenjori, Yalgoo and Murchison. My thoughts are that both Mr Ryan and Grant Fidoch (Ranger & Emergency Services Officer – Mingenew, Three Springs & Carnamah) would work together in adding Carnamah into the current LEMC arrangements. Going forward, a suggestion would be that the Executive Officer for the new LEMC could be rotated, similar to that of the position of Chairperson, between the Morawa, Perenjori, Yalgoo and Murchison CESM and the Mingenew, Three Springs & Carnamah Ranger & Emergency Services Officer

My recommendation to Council is that an invitation is extended to the Shire of Carnamah to join the current LEMC. This seems to be the most logical solution since all five Shire's have commonalities in place that we all share the same emergency services, as and if required. It should also be noted that the Shire of Carnamah were previously actively involved with the existing LEMC through the involvement of President Merle Isbister in her capacity as a St John's Ambulance Officer.

In the event that Morawa and Perenjori resolve that their preferred option is to separate from the current LEMC then my recommendation to Council is that the Mingenew, Three Springs and Carnamah form a LEMC.

#### **Consultation**

Jonelle Tyson, Office of Emergency Management  
Ian Comben, DFES  
Shire's of Three Springs, Morawa, Perenjori & Carnamah

#### **Statutory Environment**

State EM Preparedness Procedures

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan

Outcome 3.7.3 – Continuously improve emergency services

Outcome 4.2.1 – Continue to deliver quality local government services and facilities.

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.2**

That Council

1. Extend an invitation to the Shire of Carnamah to join the Mingenew Morawa Perenjori Three Springs Local Emergency Management Committee, and
2. Convene a Local Emergency Management Committee between all the Shire's to discuss the process of amalgamating the Shire of Carnamah into the existing Local Emergency Management Committee, and
3. That if in the event of not all five local governments supporting to form a Local Emergency Management Committee that the Shire of Mingenew approach the Shire's of Three Springs and Carnamah to form a Local Emergency Management Committee and
4. Authorises the CEO to make the necessary arrangements to implement the Local Emergency Management Committee as outlined above.

**COUNCIL DECISION – ITEM 9.1.2**

Moved Cr RW Newton

Seconded Cr KJ McGlinn

That Council

1. Extend an invitation to the Shire of Carnamah to join the Mingenew Morawa Perenjori Three Springs Local Emergency Management Committee, and
2. Convene a Local Emergency Management Committee between all the Shire's to discuss the process of amalgamating the Shire of Carnamah into the existing Local Emergency Management Committee, and
3. That if in the event of not all five local governments supporting to form a Local Emergency Management Committee that the Shire of Mingenew approach the Shire's of Three Springs and Carnamah to form a Local Emergency Management Committee and
4. Authorises the CEO to make the necessary arrangements to implement the Local Emergency Management Committee as outlined above.

CARRIED 7/0

### 9.1.3 BUSH FIRE RISK MANAGEMENT PLAN

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0147  
**Date:** 14 December 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

Council is requested to review and endorse the Bushfire Risk Management Plan.

#### Attachment

Draft Bushfire Risk Management Plan

#### Background

The Shire was successful in obtaining funding under the National Bushfire Mitigation Program funded by the Department of Fire & Emergency Services and the State Emergency Management Committee Secretariat to have a Bushfire Risk Management Plan completed for the Shire of Mingenew. The purpose of the project was to have a Bush Fire Management Plan ("BRM") that can be clearly integrated with the Shire's Local Emergency Management Plan, Townsite Strategy Plan, Community Strategic Plan and other related key Shire strategic plans.

#### Comment

This BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan

Expressions of interest were obtained and Mr Ralph Smith was engaged to complete the Bushfire Risk Management Plan. Mr Smith, who is now semi retired, was instrumental in preparing many like plans during his distinguished career at DFES.

The BRM Plan has been prepared in great detail and in accordance with the requirements of Westplan Fire and the Guidelines for Preparing a Bushfire Risk Management Plan (Guidelines). The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZS ISO 31000:2009 Risk management - Principles and guidelines (AS/NZS ISO 31000:2009), as described in the Second Edition of the National Emergency Risk Assessment Guidelines (NERAG 2015). This approach is consistent with the policies of the State Emergency Management Committee, specifically the State Emergency Management Policy 2.9 - Management of Emergency Risks.

The BRM Plan also includes recommendations to assist the Shire with the implementation of the Plan including a Communications Plan for key stakeholders.

#### Consultation

Ralph Smith, Smith Consulting

#### Statutory Environment

Westplan Fire and Guidelines for Preparing a Bushfire Risk Management Plan (Guidelines)  
State Emergency Management Policy 2.9 – Management of Emergency Risks  
Risk management - Principles and guidelines  
National Emergency Risk Assessment Guidelines

## Policy Implications

### 2013 RISK MANAGEMENT POLICY

#### **PURPOSE**

The Shire of Mingenew (“the Shire”) Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire’s strategies, goals or objectives.

#### **POLICY**

It is the Shire’s Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire’s Integrated Planning Framework.

The Shire’s Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as, direct and monitor implementation, practice and performance.

Every employee within the Shire is recognized as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

#### **DEFINITIONS (from AS/NZS ISO 31000:2009)**

**Risk:** Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organization-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organization with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

#### **RISK MANAGEMENT OBJECTIVES**

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organizational resilience.
- Identify and provide for the continuity of critical operations.

#### **RISK APPETITE**

The Shire quantified its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organizational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilized; however these cannot exceed the organizations appetite and are to be noted within the individual risk assessment.

### **ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES**

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

### **MONITOR AND REVIEW**

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed within a three year cycle.

### **Financial Implications**

Funding was received to have the Bushfire Risk Management Plan prepared and funds were allocated in the 2017/18 Budget.

### **Strategic Implications**

Community Strategic Plan

Outcome 3.7.3 – Continuously improve emergency services

Outcome 4.2.1 – Continue to deliver quality local government services and facilities.

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

### **Voting Requirements**

Simple Majority

## **OFFICER RECOMMENDATION – ITEM 9.1.3**

That Council

1. Endorse the Bushfire Risk Management Plan as tabled, and
2. Public Notice is given as to the endorsement of the Bushfire Risk Management Plan

## **COUNCIL DECISION – ITEM 9.1.3**

Moved Cr JD Bagley

Seconded Cr LM Eardley

That Council

1. Endorse the Bushfire Risk Management Plan as tabled, and
2. Public Notice is given as to the endorsement of the Bushfire Risk Management Plan

**CARRIED 7/0**

## 9.2 FINANCE

### 9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 NOVEMBER 2017

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 13 December 2017  
**Author:** Durga Ojha, Manager of Finance  
**Senior Officer:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 November 2017 is presented to Council for adoption.

#### Attachment

Finance Report for period ending 30 November 2017

#### Background

The Monthly Financial Report to 30 November 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

#### Comment

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Fund & Cash on Hand	\$352,396
3 Month Term Deposit @ 2.45%	\$750,000
3 Month Term Deposit @ 2.45%	\$750,000
Restricted Funds ( Unspent Grants)	\$568,498
Trust Fund	\$71,623
Reserve fund (6 Month Term Deposit) @ 2.55%	\$396,475

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 December 2017

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 30 November 2017:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	51,547	0	11,080	1,606	64,233

Rates Outstanding at 30 November 2017 were:

	November 2017	October 2017
Rates	417,233	585,914
Rubbish	15,938	22,125
ESL	6,468	7,301
<b>TOTAL</b>	<b>439,639</b>	<b>625,340</b>

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2017/18 financial year.

**Consultation**

Martin Whitely, Chief Executive Officer

**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.

- (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**

Financial implications are outlined in comments.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.1**

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 30 November 2017 be received.

**COUNCIL DECISION – ITEM 9.2.1**

Moved Cr RW Newton

Seconded Cr LM Eardley

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 30 November 2017 be received.

**CARRIED 7/0**

## 9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 NOVEMBER 2017

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 13 December 2017  
**Author:** Durga Ojha, Manager of Finance  
**Senior Officer:** Martin Whitely, Chief Executive Officer

### Summary

This report recommends that Council confirm the payment of creditors for the month of November 2017 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### Attachment

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

### 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

### Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.2

That Council confirm the accounts as presented for November 2017 from the Municipal & Trust Fund totalling \$100,755.24 represented by Electronic Funds Transfers of EFT 11146 to EFT11190, Direct Deduction DD8263.1, 2, 3, 4, 5 & 6 , DD 8272.1, 2, 3, 4,&6, DD 8294.1, 2, 3, 4,&6and Municipal Cheque numbers 8530.

COUNCIL DECISION – ITEM 9.2.2

Moved Cr CR Lucken

Seconded Cr JD Bagley

That Council confirm the accounts as presented for November 2017 from the Municipal & Trust Fund totalling \$100,755.24 represented by Electronic Funds Transfers of EFT 11146 to EFT11190, Direct Deduction DD8263.1, 2, 3, 4, 5 & 6 , DD 8272.1, 2, 3, 4,&6, DD 8294.1, 2, 3, 4,&6and Municipal Cheque numbers 8530.

CARRIED 7/0

DRAFT

## 9.3 ADMINISTRATION

### 9.3.1 COUNCIL MEETING DATES FOR 2017

Location/Address: Shire of Mingenew  
Name of Applicant: Shire of Mingenew  
File Reference: ADM0228  
Disclosure of Interest: Nil  
Date: 20 November 2017  
Author: Martin Whitely, Chief Executive Officer

#### Summary

Council is requested to formally agree to the Council meeting dates for 2018 as outlined below.

#### Attachment

Nil

#### Background

Council has an obligation under the Local Government Act 1995 and associated regulations to advertise at least once a year the proposed meeting dates, times and place for the coming year.

There is the ability to change the date and/or time of a meeting if required and also the ability to call a Special Council meeting if required. These changes are to be advertised if time permits.

The Shire of Mingenew has traditionally met on the third Wednesday of the month and the Ordinary Council meetings have commenced at 4.30pm in the Council Chambers, Victoria Street, Mingenew.

Council does not usually hold a meeting in January but has the option of calling a meeting if required.

#### Comment

The meeting dates proposed for 2018 are as follows:

January 2018	No meeting
21 February 2018	
21 March 2018	
18 April 2018	
16 May 2018	
20 June 2018	
18 July 2018	
22 August 2018	
19 September 2018	
17 October 2018	
21 November 2018	
19 December 2018	

The Easter public holidays for 2018 are Friday 30 March and Monday 2 April 2018.

Mingenew Expo is scheduled for 15 & 16 August 2018. Given that the WALGA Local Government Convention is usually in the first week of August I have recommended that we put the August meeting date back a week to the following Wednesday.

**Consultation**

Nil

**Statutory Environment**

Local Government Act 1996, Section 5.25(1)g

Local Government (Administration) Regulations 1996, Sections 12(1)

**Policy Implications**

Nil

**Financial Implications**

Advertising costs are included in the annual operational budget

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.3.1**

That Council set the 2018 Council meeting dates to be held in the Shire of Mingenew Council Chambers, 21 Victoria Street, Mingenew commencing at 4.30pm as below and that Public Notice of the meetings dates is given:

January 2018	No meeting
21 February 2018	
21 March 2018	
18 April 2018	
16 May 2018	
20 June 2018	
18 July 2018	
22 August 2018	
19 September 2018	
17 October 2018	
21 November 2018	
19 December 2018	

COUNCIL DECISION – ITEM 9.3.1

Moved Cr KJ McGlinn

Seconded Cr CR Lucken

That Council set the 2018 Council meeting dates to be held in the Shire of Mingenew Council Chambers, 21 Victoria Street, Mingenew commencing at 4.30pm as below and that Public Notice of the meetings dates is given:

- January 2018
  - 21 February 2018
  - 21 March 2018
  - 18 April 2018
  - 16 May 2018
  - 20 June 2018
  - 18 July 2018
  - 22 August 2018
  - 19 September 2018
  - 17 October 2018
  - 21 November 2018
  - 19 December 2018
- No meeting

DRAFT

CARRIED 7/0

### 9.3.2 FREEDOM OF INFORMATION ACT 1992 – INFORMATION STATEMENT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0303
Date:	14 December 2017
Author:	Belinda Bow, Governance Officer
Senior Officer:	Martin Whitely, Chief Executive Officer

#### Summary

This report includes a copy of the revised Shire of Mingenew Information Statement (IS) and recommends that Council review and endorse the Information Statement as amended.

#### Attachment

Revised Shire of Mingenew Information Statement for 2017-2018

#### Background

Part 5 of the *Freedom of Information Act 1992* (WA) (the FOI Act) requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections 96 and 97 of the FOI Act).

Further, the Act requires that all Local Governments have an information statement made available for inspection and/or purchase by members of the public.

#### Comment

Information Statements are an important part of FOI legislation. They assist members of the public to exercise their rights under the FOI Act, by describing the information and records available, together with a summary of the responsibilities and functions carried out by each agency.

The Information Statement can be published electronically on Council's website, as a stand-alone hard copy or incorporated into Council's Annual Report or a combination of all the options. A copy of the Information Statement must also be provided to the Information Commissioner when first produced and when any amendments are made.

#### Consultation

Alison McCubbin, Senior Advisory Officer, Office of the Information Commissioner

#### Statutory Environment

Freedom of Information Act, 1992

#### s.94 Publication of information about agencies

A reference in this Act to an *information statement*, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —

- (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
  - (ii) which kinds of documents can be purchased; and
  - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
- (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
  - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
- (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
  - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

**s.96 Information statement, each agency to publish annually**

1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —

- (a) within 12 months after the commencement of this Act; and
- (b) at subsequent intervals of not more than 12 months.

**s.97 Information statement and internal manual, each agency to make available etc.**

(2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.

**Policy Implications**

Nil

**Financial Implications**

There are costs associated with producing copies of the Information Statement, however the FOI Act allows Council to charge members of the public for a copy of the Information Statement and other documents that may be requested.

**Strategic Implications**

The Shire of Mingenew Community Strategic Plan supports the notion of open and accountable government.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.3.2**

That Council

1. Review and endorse the amended Freedom of Information – Information Statement,
2. Publish the Information on the Shire of Mingenew Website, and
3. Provide a copy of the amended Information Statement to the Information Commissioner.

**COUNCIL DECISION – ITEM 9.3.2**

Moved Cr KJ McGlinn

Seconded Cr JD Bagley

That Council

1. Review and endorse the amended Freedom of Information – Information Statement, and
2. Publish the Information on the Shire of Mingenew Website
3. Provide a copy of the amended Information Statement to the Information Commissioner.

CARRIED 7/0

## 9.4 TOWN PLANNING

### 9.4.1 SHIRE OF MINGENEW LOCAL PLANNING SCHEME REVIEW

Location/Address:	Whole of Shire
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0110
Date:	12 December 2017
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer:	Martin Whitely, Chief Executive Officer

#### Summary

Council resolved at its 14 August 2017 meeting to initiate the preparation of Shire of Mingenew Local Planning Scheme No.4. Draft Scheme No.4 has now been prepared and this report recommends that Council resolve to forward the Scheme to the Environmental Protection Authority ('EPA') and the Western Australian Planning Commission ('WAPC') seeking consent to advertise.

#### Attachment

Draft Shire of Mingenew Local Planning Scheme No.4  
Draft Shire of Mingenew 'Outbuildings' Local Planning Policy

#### Background

The current Shire of Mingenew Local Planning Scheme No.3 was gazetted on 18 April 2008 and requires review to ensure the Shire's statutory planning document is consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations'). The review of the Scheme has also provided an opportunity to update it with regard for the Mingenew Townsite Local Planning Strategy that was adopted by Council at its 18 November 2015 meeting and endorsed by the WAPC on 18 January 2017.

The consultant will be making a presentation to Councillors at 2:00pm at the 20 December 2017 Concept Forum Session.

#### Comment

The current Shire of Mingenew Local Planning Scheme No.3 can be viewed at the following link to the WAPC website:

[https://www.planning.wa.gov.au/LPS/DATA/Local%20Planning%20Schemes/Mingenew%20-%20Shire%20of%20\(Scheme%203\)/index.aspx](https://www.planning.wa.gov.au/LPS/DATA/Local%20Planning%20Schemes/Mingenew%20-%20Shire%20of%20(Scheme%203)/index.aspx)

The Scheme Review process was not one of major overhauling of Scheme No.3, rather a fine-tuning exercise with changes generally limited to the following:

- Updating the Scheme text provisions to reference those as contained in the Regulations to ensure consistency and assist Council in statutory matters;
- Minor modifications to the Scheme map around the Mingenew townsite to reflect Council's planning directions as contained in the Mingenew Townsite Local Planning Strategy; &
- Review of the zonings to ensure that privately owned land was not identified for public purposes and that zonings for public/Crown land matched the management purpose.

#### Consultation

Following its resolution to prepare a new Local Planning Scheme at the 14 August 2017 meeting, Council was required as per Part 4 of the Regulations to provide notification of the resolution to stakeholders that may be affected by the scheme. The Shire therefore wrote to 22 government agencies and service

authorities and the 4 surrounding local governments, inviting within 21 days any recommendations in respect of the resolution and requests for issues for consideration in Scheme No.4.

In the event that Council and the WAPC are satisfied with draft Scheme No.4, the consultation process required for the advertising of a Local Planning Scheme is set by the Regulations. It is proposed that Scheme No.4 would be advertised for a period of 3 months, and the advertising would include the following actions:

- display of Scheme No.4 at the Shire office;
- display of Scheme No.4 at the WAPC office;
- display of Scheme No.4 on the Shire website;
- notice inviting comment to be published in a newspaper circulating in the district (i.e. Mid West Times);
- notice inviting comment being sent to all relevant government agencies.

At the conclusion of the advertising period Scheme No.4 would be returned to Council for its consideration of the received submissions.

A Stakeholder Engagement Strategy was also provided as an attachment with the 14 August 2017 Council Agenda that summarised the consultation actions that have informed the Mingenew Scheme Review process.

### **Statutory Environment**

Section 88 of the *Planning and Development Act 2005* ('the Act') requires local governments to review their planning scheme every five years. Schemes are prepared and adopted under Part 5 of the Act and in compliance with the Regulations.

Should Council be satisfied with draft Scheme No.4, then Section 81 of the Act and Section 48 of the *Environmental Protection Act 1986* require the Scheme to be forwarded to the EPA for assessment, and the EPA have the authority under these Acts to call in the Scheme for Environmental Review. Given that the Scheme does not propose wholesale rezoning of land, rather more detailed refinement of existing zones, then it is anticipated that there would not be any basis for an Environmental Review to be requested. In the event that an Environmental Review was requested by the EPA this matter would be returned to Council for its further consideration.

Should the EPA not require the preparation of an Environmental Review, then Scheme No.4 can then be forwarded to the WAPC seeking its consent to advertise.

A chart illustrating the Scheme Review process was provided as an attachment with the 14 August 2017 Council Agenda.

### **Policy Implications**

Part 5 of current Scheme No.3 contains a number of sections that provide prescriptive direction relating to planning issues. It is suggested that some of these sections have been superseded by state-wide legislation that provide for enforcement including the *Environmental Protection Act 1986*, *Environmental (Noise) Regulations 1997*, *Caravan and Camping Grounds Act 1995*, *Local Government Act 1995*, *Land Administration Act 1997* and Residential Design Codes 2015.

Schedule 2 Part 2 Division 2 of the Regulations also provides Council with the ability to prepare Local Planning Policies.

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.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between a Policy and the Scheme.

It is suggested that in areas where Council wishes to establish development guidelines and assessment criteria that a Local Planning Policy can be more suited than Scheme provisions. 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.

A draft 'Outbuildings' Local Planning Policy has been prepared for Council's consideration, and were Council to be satisfied with this approach, the Policy would sit alongside Scheme No.4 and effectively replace Section 5.17 of Scheme No.3.

In the event that draft Scheme No.4 was given consent to advertise by the WAPC it is proposed that the draft 'Outbuildings' Local Planning Policy would be advertised concurrently to provide the opportunity for comment to be made, and for Council to consider those comments in its final deliberation upon the Scheme No.4 and Local Planning Policy.

#### **Financial Implications**

The cost of preparation of the new Scheme is being funded through a grant received by the Shire from the Royalties for Regions Northern Planning Funding Program.

The Shire called for expressions of interest in accordance with the procedures laid out in its Policy Manual, and received 7 submissions that were subsequently reviewed against evaluation criteria, with Urbis being appointed as the successful firm.

#### **Strategic Implications**

The Scheme review will provide opportunity to ensure that the outcomes identified within the Shire of Mingenew Strategic Community Plan are incorporated into its statutory planning and zoning document.

#### **Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.4.1</b>
--

That:

- 1 Council resolve to adopt Shire of Mingenew Local Planning Scheme No.4 pursuant to Part 5 of the *Planning and Development Act 2005* and forward, in accordance with Part 5 Division 3 Section 81 of the *Planning and Development Act 2005*, notice of the resolution to adopt and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed.
- 2 Forward the Shire of Mingenew Local Planning Scheme No.4, in accordance with Part 4 Division 2 Section 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the Western Australian Planning Commission seeking its consent to advertise.

- 3 Delegate to the Chief Executive Officer to undertake minor modifications to the Shire of Mingenew Local Planning Scheme No.4 that do not significantly alter the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model or Deemed provisions; updates necessitated by Scheme Amendments, Structure Plans, Policies or other Strategies that have been given approval in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.
- 4 Upon receipt of the Western Australian Planning Commission's advice that the Shire of Mingenew Local Planning Scheme No.4 can be advertised, and compliance with Part 5 Division 3 Section 82 of the *Planning and Development Act 2005*, proceed to advertise the Scheme in accordance with Part 4 Division 2 Section 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 5 At the conclusion of the advertising period return the draft Shire of Mingenew Local Planning Scheme No.4, and any received submissions, to Council for its further consideration.
- 6 Adopt draft Local Planning Policy – Outbuildings as a draft for public comment and advertise it concurrently with the Shire of Mingenew Local Planning Scheme No.4 pursuant to Section 2.4 of the Shire of Mingenew Local Planning Scheme No.3. and Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MOTION

Moved Cr LM Eardley

Seconded Cr RW Newton

- 1 Council resolve to adopt Shire of Mingenew Local Planning Scheme No.4 pursuant to Part 5 of the *Planning and Development Act 2005* and forward, in accordance with Part 5 Division 3 Section 81 of the *Planning and Development Act 2005*, notice of the resolution to adopt and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed.
- 2 Forward the Shire of Mingenew Local Planning Scheme No.4, in accordance with Part 4 Division 2 Section 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the Western Australian Planning Commission seeking its consent to advertise.
- 3 Delegate to the Chief Executive Officer to undertake minor modifications to the Shire of Mingenew Local Planning Scheme No.4 that do not significantly alter the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model or Deemed provisions; updates necessitated by Scheme Amendments, Structure Plans, Policies or other Strategies that have been given approval in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.
- 4 Upon receipt of the Western Australian Planning Commission's advice that the Shire of Mingenew Local Planning Scheme No.4 can be advertised, and compliance with Part 5 Division 3 Section 82 of the *Planning and Development Act 2005*, proceed to advertise the Scheme in accordance with Part 4 Division 2 Section 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 5 At the conclusion of the advertising period return the draft Shire of Mingenew Local Planning Scheme No.4, and any received submissions, to Council for its further consideration.
- 6 Adopt draft Local Planning Policy – Outbuildings as a draft for public comment and advertise it concurrently with the Shire of Mingenew Local Planning Scheme No.4 pursuant to Section 2.4 of the Shire of Mingenew Local Planning Scheme No.3. and Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### AMENDMENT

Moved Cr RW Newton

Seconded Cr CR Lucken

That Council defer its determination on endorsing the Shire of Mingenew Local Planning Scheme No. 4 until after the February meeting to allow for further consideration of exempting residents and outbuildings from the requirement to make planning application in Rural Zone.

COUNCIL DECISION – ITEM 9.4.1
-------------------------------

President HM Newton put the motion:

That Council defer its determination on endorsing the Shire of Mingenew Local Planning Scheme No. 4 until after the February meeting to allow for further consideration of exempting residents and outbuildings from the requirement to make planning application in Rural Zone.

CARRIED 7/0

President HM Newton advised the meeting that the reason for the change would need to be recorded in the minutes:

Moved Cr RW Newton

Seconded Cr CR Lucken

That the reason the officer recommendation was changed was because elected members felt more time was needed to consider and discuss the Draft Shire of Mingenew Local Planning Scheme No. 4.

CARRIED 7/0

**9.4.2 MINGENEW TOWNSITE REVITALISATION PLAN**

**Location/Address:** Mingenew Townsite  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0175  
**Date:** 12 December 2017  
**Author:** Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley  
**Senior Officer:** Martin Whitely, Chief Executive Officer

**Summary**

The Mingenew Townsite Revitalisation Plan has been undertaken and is now presented to Council. This report recommends that Council receive the Mingenew Townsite Revitalisation Plan as a document of reference to inform future decision making.

**Attachment**

Mingenew Townsite Revitalisation Plan

**Background**

The Mingenew Townsite Revitalisation Plan is a document that considers the issues raised in Council's Strategic Community Plan and Mingenew Townsite Local Planning Strategy and make recommendations on actions that can achieve these goals.

The Mingenew Townsite Revitalisation Plan does not seek to bind Council to a series of actions or timeframes, rather identify a range of projects of varying scale that Council may wish to consider in due course. The identified projects range from small-scale items that might be achievable in the shorter term through to more visionary proposals that would only be achieved in partnership with other parties (e.g. external funding providers, state government agencies etc.). It should also not be construed that all recommendations within the Plan should be the responsibility of Council, and that many of these might be implemented by community groups or private landowners.

**Comment**

The Mingenew Townsite Revitalisation Plan was prepared as follows:

Task	Activities
Stage One: Vision, analysis, preparation and background research	<ul style="list-style-type: none"> <li>• Formal inception meeting with Shire representatives.</li> <li>• Conduct site investigation, stakeholder consultation and report on findings.</li> </ul>
Stage Two: Preparation of draft Revitalisation Plan	<ul style="list-style-type: none"> <li>• Analysis and considerations of all issues raised in the consultation process and/or identified in the Strategic Community Plan.</li> <li>• Preparation of draft Revitalisation Plan.</li> <li>• Preparation of draft schedule of estimated costs and prioritisation list.</li> <li>• Draft Revitalisation Plan and Schedule of Estimated costs presented to Council</li> </ul>
Stage Three: Final Revitalisation Plan	<ul style="list-style-type: none"> <li>• Make modifications required by Council</li> <li>• Final Plan to be presented to Council</li> <li>• Council approval/adoption of the Revitalisation Plan</li> </ul>

**Consultation**

The consultant made a presentation to Councillors of their preliminary findings at the 18 October 2017 Forum Session.

The Mingenew Townsite Revitalisation Plan draws upon the recommendations of the Shire's Strategic Community Plan and Townsite Local Planning Strategy that were previously subject to community consultation and adopted by Council. On this basis it is not suggested that the Mingenew Townsite Revitalisation Plan be advertised for comment. Further, given that the Mingenew Townsite Revitalisation Plan is an informing document only for Council, and its implementation will be subject to availability of funds (through a range of sources including Council budgetary decision relating to own resource and financial allocation, external funding availability and potentially community 'in-kind' input) over an unspecified timeframe then it is suggested that the advertising of the document might give rise to unrealistic expectation over its delivery. However, should Council consider that the document should be advertised for comment this can be undertaken, and a further report detailing the received submissions can be prepared for a future meeting of Council for further consideration.

**Statutory Environment**

The Mingenew Townsite Revitalisation Plan is not a statutory document, rather a strategic document used to inform Council's future decision making and can be referenced where Council seeks to access external funding to implement the plan's recommendations.

**Policy Implications**

The Shire called for expressions of interest in accordance with the procedures laid out in its Policy Manual, and received 7 submissions that were subsequently reviewed against evaluation criteria, with Rural Planning Services ('RPS') being appointed as the successful firm.

**Financial Implications**

The Mingenew Townsite Revitalisation Plan was funded through a grant received by the Shire from the Royalties for Regions Northern Planning Funding Program.

The Mingenew Townsite Revitalisation Plan provides estimated costs for the recommended actions. These costings are indicative only and will be subject to variation dependant upon the timeframes in which they are undertaken.

**Strategic Implications**

The Mingenew Townsite Revitalisation Plan seeks to draw upon Council's adopted strategic planning documents, particularly the Strategic Community Plan and Townsite Local Planning Strategy, and offer a variety of projects for Council's later consideration in its formulation of future budgets and grant applications. The purpose of the plan is not to provide a prescriptive scope of works or budgeting for Council but a rather a range of projects, varied in scale, priority and achievable timeframe for consideration in its future budgeting and also in the event that external funding opportunities arise.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.4.2**

That Council receive the Mingenew Townsite Revitalisation Plan as a document of reference.

COUNCIL DECISION – ITEM 9.4.2

Moved RW Newton

Seconded Cr JD Bagley

That Council receive the Mingenew Townsite Revitalisation Plan as a document of reference.

CARRIED 7/0

DRAFT

### 9.4.3 PROPOSED BOUNDARY RATIONALISATION, YANDANOOKA

**Location/Address:** Lots 107, 110 & 500 Midlands Road, Yandanooka  
**Name of Applicant:** HTD Surveyors for S & F Fowler  
**Disclosure of Interest:** Nil  
**File Reference:** A124  
**Date:** 12 December 2017  
**Author:** Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley  
**Senior Officer:** Martin Whitely, Chief Executive Officer

#### Summary

The Western Australian Planning Commission ('WAPC') is seeking Council's comment upon a modified application to amend the boundaries of Lots 107, 110 & 500 Midlands Road, Yandanooka. This report recommends that Council support the modified application.

#### Attachment

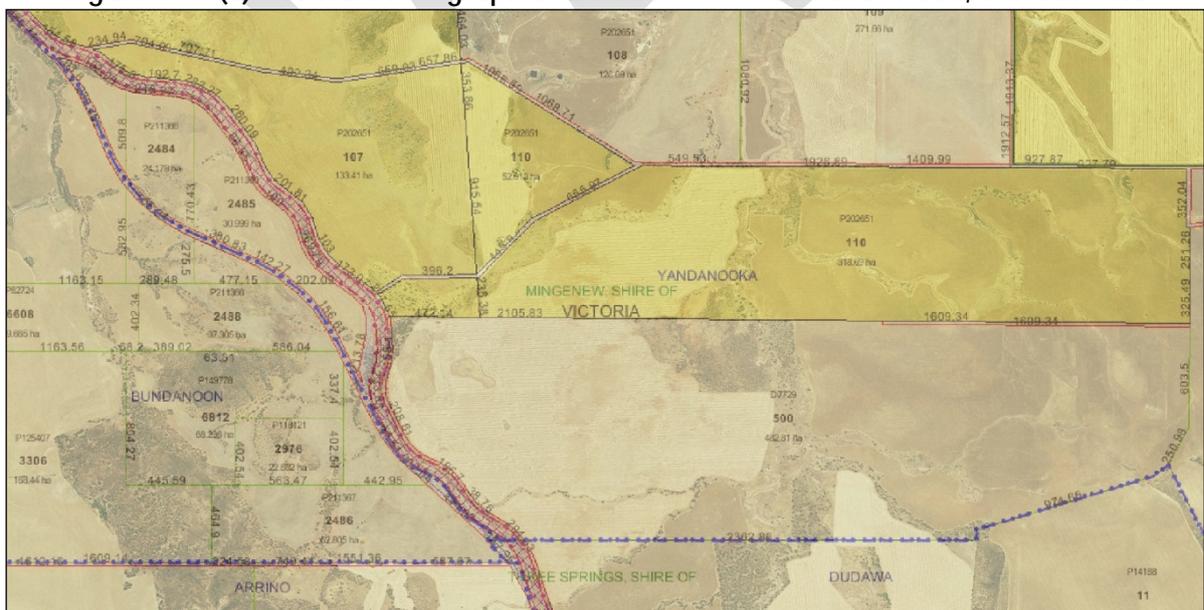
- 9.4.3(a) – originally submitted subdivision application
- 9.4.3(b) - modified subdivision application

#### Background/Comment

Lot 110 Midlands Road, Yandanooka is a 370.83ha property, owned by Steve & Francene Fowler, located on the eastern side of Midlands Roads and the southern side of Mount Scratch Road. Lot 110 contains a residence and associated outbuildings.

Lot 500 Midlands Road, Yandanooka is a 494.71ha property, owned by Spring Valley Pty Ltd (Directors Steve & Francene Fowler), located on the eastern side of Midlands Roads. Lot 500 is located immediately north of the local government boundary with the Shire of Three Springs.

**Figure 9.4.3(a) – Aerial Photograph of Lots 110 & 500 Midlands Road, Yandanooka**



Both properties are largely cleared and used for cropping purposes, with the exception of some remnant vegetation along watercourse tributaries and outcrops.

The applicant originally sought to realign the boundary of the 2 lots to create a 36.2ha lot that contained the existing residence and outbuildings, and a balance 829.3ha lot that contained the farming area. The applicant's original supporting correspondence and subdivision plan, has been provided as **Attachment 9.4.3(a)**.

Figure 9.4.3(b) – View of residence and outbuildings upon Lot 110



The WAPC wrote to the Shire on 2 May 2017 seeking its comment upon this application. Council resolved at its 21 June 2017 meeting as follows:

*"That Council advise the Western Australian Planning Commission that it supports the proposed boundary rationalisation of Lots 110 & 500 Midlands Road, Yandanooka (WAPC Application No.155126) subject to the following:*

*Condition:*

- 1 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.*
- 2 Easement being created upon Lot 107 providing right of access to Lots 1 and 2.*

*Advice Note:*

- (a) That the subdivider/future landowners of Lot 1 & 2 be advised that should the creation of Lots 1 and 2 give rise to any expectation that the standard of vehicle access requires upgrading to service Lots 1 & 2, that the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades."*

Given that the application did not propose to create any additional lots, and the current access to the proposed lots were only utilised by the applicant it was considered by the Shire that the creation of an easement along the existing access alignment, rather than construction of the road alignment would be appropriate in this instance.

The WAPC advised the applicant on 25 July 2017 that it would defer its decision upon this application, as it required that vehicle access be provided by a constructed and gazetted public road. The WAPC then further advised the applicant on 1 August 2017 that the Public Transport Authority required the existing railway crossing to be upgraded from a private to a public level crossing.

Figure 9.4.3(c) – Public Transport Authority map of private railway crossing



The WAPC's requirement for the formation of the access along the road reserve alignment, and the upgrade of the rail crossing to a public crossing standard may make the proposed subdivision unviable for the applicant, and this is an aspect the applicant will need to consider.

The applicant queried with the WAPC whether the application could be amended to incorporate the southern severance of adjoining Lot 107 into the subdivision so that the house lot (proposed Lot 1) would then have frontage to the road running alongside the railway line. If this option were pursued the applicant queried whether road construction condition would only be required for the length of road as indicated in **Figure 9.4.3(d)**, rather than the full construction of the road from the western boundary of the current subject lots.

The WAPC advised the applicant on 3 August 2017 that:

- *The road reserve(s) upgrades will likely be required at a standard specified by the Local Government; from the rail crossing identified on your attachment to proposed Lot 1.*
- *The level crossing identified on the attachment will require to be designated as a public crossing."*

Figure 9.4.3(d) – Applicant’s amended application query to WAPC



Figure 9.4.3(e) – View looking east at railway crossing and access alignment



The applicant has now submitted a revised application, a copy of which has been provided as **Attachment 9.4.3(b)** for Council's consideration.

The revised application still proposes to realign the boundaries of existing Lots 110 & 500 to create a 36ha lot and 829ha lot, but the application area has been expanded to include Lot 107 (owned by Peter & Kate Mills) so that a new 8,830m<sup>2</sup> road alignment, that corresponds to the existing track alignment, is created across Lot 107 to provide a legal means to access to the 2 lots to the east. The application would amend Lot 107 from a 445.99ha lot to a 445.8ha lot.

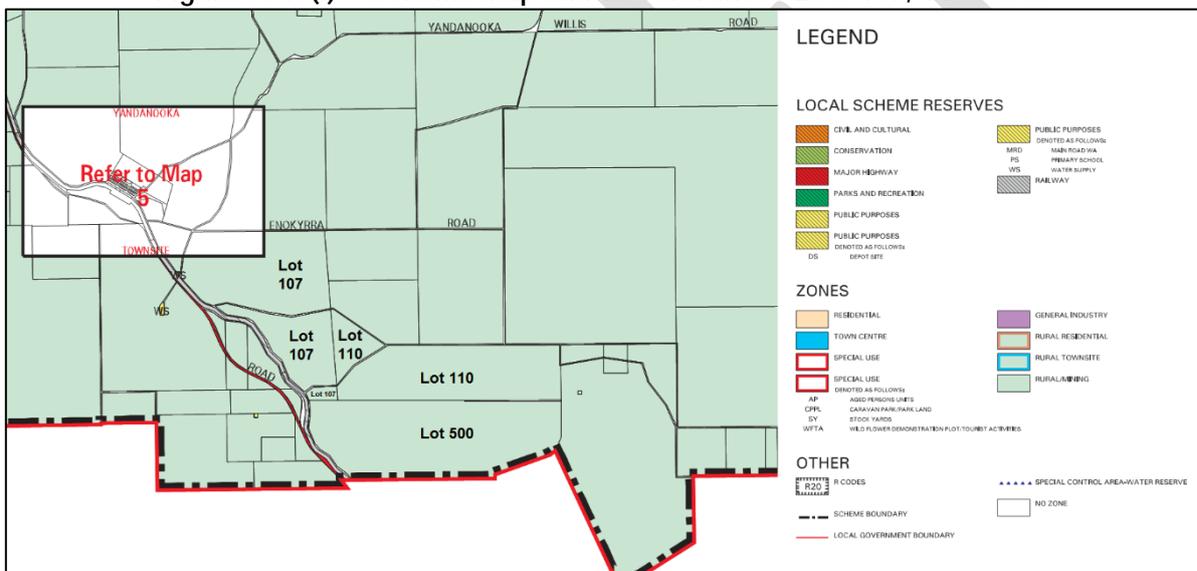
**Consultation**

The WAPC is not obliged to undertake any public consultation in its assessment of subdivision applications, but has referred the application out to the Shire of Mingenew, Department of Mines and Petroleum, Department of Parks and Wildlife, Main Roads WA, Public Transport Authority, Water Corporation and Western Power inviting comment.

**Statutory Environment**

Lots 107, 110 & 500 Midlands Road, Yandanooka are zoned 'Rural/Mining' under the Shire of Mingenew Local Planning Scheme No.3 ('the Scheme').

**Figure 9.4.3(f) – Scheme Map extract relevant to Lots 107, 110 & 500**



In its consideration of this application Council should give regard to Section 4.2 of the Scheme, which lists the objectives of the 'Rural/Mining' zone as follows:

- "The use of land in the Rural-Mining Zone shall be consistent with the following objectives:*
- *to provide for rights of vehicular access, unfettered as to time, location and circumstance, to any land subject of a planning approval;*
  - *to ensure the preservation of the rural character and appearance of land within the zone;*
  - *to protect the economic viability of agricultural production via support only for subdivision or boundary relocation which retains or results in lot or location sizes which facilitate ongoing agricultural activity.*

- *to preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna."*

The application may be considered to meet the objectives of the Shire's 'Rural/Mining' zone, as it would not create any additional lots, would not require the removal of remnant vegetation, and the smallest lot arising from the boundary rationalisation would not be smaller than several existing lots to the south-west in the Yandanooka locality.

The Shire of Mingenew Local Planning Strategy (2006) notes the following in relation to subdivision in the 'Rural/Mining' zone.

*"Section 7.5 (f) Rural Mining*

*This zone embraces the majority of the Shire area and the major objective of the zone classification is to preserve the current agricultural practice which exists throughout the same. With the above in mind Council is mindful of the need to preserve the present system of land tenure via its non-support of further rural land subdivision."*

Council should also give consideration to Section 5.23.4 of the Scheme, which lists the following relevant to subdivision in the 'Rural/Mining' zone:

*"5.23.4.1 Council will only support subdivision of rural land that is consistent with Commission Policy DC3.4 'Subdivision of Rural Land'.*

*5.23.4.2 Council will not approve any development of land where, in the opinion of Council, such development would adversely affect the rural landscape or be contrary to the continued agricultural usage of the land."*

The application's level of consistency with WAPC Policy DC3.4 is discussed in the Policy Implications section of this report.

### **Policy Implications**

The WAPC have the following policies relevant to this application:

- Statement of Planning Policy 2.5 – Rural Planning (2016); &
- Development Control Policy 3.4 - Subdivision of Rural Land (2016).

State Planning Policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the *Planning and Development Act 2005*. The WAPC and local governments must have due regard to the provisions of State Planning Policies when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of State Planning Policies when determining appeals.

Statement of Planning Policy 2.5 has the following objectives

- "(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*

- (b) *provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) *outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) *provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) *avoid and minimise land use conflicts;*
- (f) *promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) *protect and sustainably manage environmental, landscape and water resource assets."*

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy No.1 State Planning Framework. Development Control Policy 3.4 is used by the WAPC as the basis for determining applications for the subdivision of rural land.

WAPC Policy No.3.4 has a general presumption against the subdivision of rural land but makes some provision as follows:

*"5 General policy provisions*

*It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly.*

*When determining subdivision proposals on rural land, the following measures will be applied:*

- (a) *the creation of new or smaller lots will be by exception;*
- (b) *proposals will be considered against strategies and schemes;*
- (c) *adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) *proposals will be assessed against any relevant State planning policies and/or operational policies.*

*6 Circumstances under which rural subdivision may be considered*

*In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:*

- (a) *to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) *to protect and actively conserve places of cultural and natural heritage;*
- (c) *to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) *in the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- (e) *for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.*

*Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision of rural land may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision, which may result in additional dwelling entitlements, are considered to provide incentives for rural subdivision. As such the remainder of this policy outlines the applicable standards for rural subdivision."*

*"6.3 Property rationalisation to improve land management*

*Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots.*

*Multiple lots in one ownership may be rationalised provided that:*

- (a) there is no increase in the number of lots;*
- (b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;*
- (c) no new roads are created, unless supported by the local government;*
- (d) new vehicle access points on State roads are minimised; and*
- (e) rural living sized lots (1-40 hectares), created as a result of the rationalisation, have appropriate buffer from adjoining farming uses and water resources, and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.*

*Former road reserves and small remnant portions of lots are not considered lots for the purpose of boundary rationalisation.*

*In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional development is proposed, applications for property rationalisation may be unconditionally approved.*

*"6.6 Homestead lots*

*The creation of Homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.*

*Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:*

- (a) the land is in the DC 3.4 Homestead lot policy area (refer Appendix 2);*
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*

- (c) *there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) *the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) *the homestead lot has access to a constructed public road;*
- (f) *the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) *a homestead lot has not been excised from the farm in the past;*
- (h) *the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- (i) *the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

*Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application."*

The proposed Lot 1 would not meet the requirements of a homestead lot under WAPC Policy DC3.4 being 36.2ha in area, but the application could be considered to meet the criteria of Parts 6(a) and 6.3.

WAPC Policy DC1.1 requires the provision of constructed vehicle access from the gazetted public road system to each new lot as follows:

*"3.7 Vehicular access*

*3.7.1 New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot.*

*3.7.2 Where new roads are needed, the subdivider will be required to dedicate, construct and drain these roads to the specifications and satisfaction of the WAPC on the advice of the local government. The WAPC may also require existing roads or rights-of way to be widened, constructed, upgraded or dedicated to ensure compliance with this policy."*

**Financial Implications**

The construction of the road on-ground within the presently unconstructed/unformed and to-be-created road reserve would be at the expense of the subdivider as the requirement for its formation has arisen by reason of this subdivision. The local government would require the road formation works to be undertaken by the subdivider to its satisfaction, or undertake the works at the expense of the subdivider. The road, once constructed, would thereafter become part of the Shire's asset network with ongoing maintenance responsibility being with the Shire, as is standard for the remainder of the general road network.

**Strategic Implications**

**Road Naming**

In addition to providing its comment to the WAPC on this boundary rationalisation application, it is also suggested that Council should give consideration to the naming of the road reserve that exists between Midland Road and Mount Scratch Road as this road is unnamed.

Section 26A of the *Land Administration Act 1997* provides for the naming of roads, and the Department of Land's Geographic Names Committee are responsible for the final approval of road names and ensuring that road names are not duplicated wherever possible. The Geographic Names Committee deem under their road naming guidelines that the following are not suitable:

- names of living persons;
- first names;
- derogatory or discriminatory names;
- company or commercialised names;
- names that are duplicated or similar to existing road names within a 50km radius.

Council may wish to consider applying a road name that could derive from the surname of a person or family that has made a notable contribution to the surrounding area, or a name of local significance such as local flora and fauna, or a notable landscape or built form feature, or a local event.

### Road Closure

The application is proposing to create an 8,830m<sup>2</sup> section of road reserve to correspond to the existing on-ground track alignment, and in exchange close a section of 7,256m<sup>2</sup> road reserve that exists cadastrally but not physically.

Section 58 of the *Land Administration Act 1997* provides for the closure of public roads. Should Council initiate the road closure, it is required to be publicly advertised for a period of 35 days in accordance with the requirements of the Act, this would include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed closures;
- Letters being sent to surrounding landowners;
- Letters being sent to relevant government agencies/service authorities; &
- A sign detailing the proposed road closures being erected onsite.

At the conclusion of the advertising period the matter is returned to a meeting of Council for its consideration of any submissions received prior to being presented to the Department of Lands. The amalgamation of the area of closed road into the neighbouring landholding can be undertaken upon the same survey diagram as the creation of the superseding road reserve alignment.

### Voting Requirements

Simple Majority

## OFFICER RECOMMENDATION – ITEM 9.4.3

That Council:

- 1 Advise the Western Australian Planning Commission that it supports the modified application 155126, as shown upon Drawing No.12717AS1-1-1 (dated 20/11/17), proposing a boundary rationalisation of Lots 107, 110 & 500 Midlands Road, Yandanooka subject to the following:  
Conditions:
  - (a) All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
  - (b) Lots 2 & 3 having frontage to a road constructed at the subdivider's cost to the requirements of the local government.

Advice Notes:

- (c) In relation to condition (b) the local government advises that it will require the road to be constructed to a basic gravel standard, this being considered appropriate for the level of vehicle movement that would arise from this boundary rationalisation. Should the creation of Lots 2 & 3 give rise to expectation that the standard of vehicle access requires further upgrading to service Lots 2 & 3, then the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades.
- (d) The local government advises the Western Australian Planning Commission and the applicant that, in the event that the railway crossing upgrade requirements of the Public Transport Authority are considered unreasonable, consideration be given to the viability of the subdivider providing access from the east by constructing on-ground the approximate 1.5km east-west length from Mount Scratch Road to provide constructed road frontage to proposed Lot 3. In the event that this alternative access arrangement were undertaken then it may be considered appropriate that an easement be created upon Lot 107 providing right of access to Lots 2 & 3, to ensure that a secondary means of access is provided to the west in event of emergency.
- 2 Advise the Department of Land's Geographic Names Committee that it supports the assignation of the road name '\_\_\_\_\_ Road' to the unnamed road reserve running between Midland Road and Mount Scratch Road, and '\_\_\_\_\_ Road' as an alternative in the event that the initial selection is not accepted by the Department.
- 3 Pursuant to Section 58 of the *Land Administration Act 1997* initiate closure action for the 7,256m<sup>2</sup> section of road reserve and its amalgamation into adjoining Lot 107 (proposed Lot 1) as shown upon Drawing No.12717AS1-1-1 (dated 20/11/17), subject to the creation of the alternative 8,830m<sup>2</sup> section of road reserve as also shown upon Drawing No.12717AS1-1-1 (dated 20/11/17).

COUNCIL DECISION – ITEM 9.4.3

Moved Cr LM Eardley

Seconded Cr CR Lucken

That Council:

- 1 Advise the Western Australian Planning Commission that it supports the modified application 155126, as shown upon Drawing No.12717AS1-1-1 (dated 20/11/17), proposing a boundary rationalisation of Lots 107, 110 & 500 Midlands Road, Yandanooka subject to the following:  
Conditions:
- (a) All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
- (b) Lots 2 & 3 having frontage to a road constructed at the subdivider's cost to the requirements of the local government.

Advice Notes:

- (c) In relation to condition (b) the local government advises that it will require the road to be constructed to a basic gravel standard, this being considered appropriate for the level of vehicle movement that would arise from this boundary rationalisation. Should the creation of Lots 2 & 3 give rise to expectation that the standard of vehicle access requires further upgrading to service Lots 2 & 3, then the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades.
  - (d) The local government advises the Western Australian Planning Commission and the applicant that, in the event that the railway crossing upgrade requirements of the Public Transport Authority are considered unreasonable, consideration be given to the viability of the subdivider providing access from the east by constructing on-ground the approximate 1.5km east-west length from Mount Scratch Road to provide constructed road frontage to proposed Lot 3. In the event that this alternative access arrangement were undertaken then it may be considered appropriate that an easement be created upon Lot 107 providing right of access to Lots 2 & 3, to ensure that a secondary means of access is provided to the west in event of emergency.
- 2 Advise the Department of Land's Geographic Names Committee that it supports the assignation of the road name 'Ward Road' to the unnamed road reserve running between Midland Road and Mount Scratch Road, and 'Woopenatty Way' as an alternative in the event that the initial selection is not accepted by the Department.
- 3 Pursuant to Section 58 of the *Land Administration Act 1997* initiate closure action for the 7,256m<sup>2</sup> section of road reserve and its amalgamation into adjoining Lot 107 (proposed Lot 1) as shown upon Drawing No.12717AS1-1-1 (dated 20/11/17), subject to the creation of the alternative 8,830m<sup>2</sup> section of road reserve as also shown upon Drawing No.12717AS1-1-1 (dated 20/11/17).

CARRIED 7/0

ATTACHMENT 9.4.3(a)



24 Durlacher Street, Geraldton  
 PO Box 820, GERALDTON WA 6531  
 Ph: (08) 9921 3111 Fax: (08)9921 8072  
 Email: htddsurveys@htds.com.au  
 Website: www.htds.com.au

**Our Ref: 127/17**  
**Enquiries: Brad Collard**

21<sup>st</sup> April 2017

The Regional Manager  
 Department for Planning and Infrastructure  
 Midwest Regional Office  
 10/209 Foreshore Drive  
 GERALDTON WA 6531



Dear Sir/Madam

**Proposed Subdivision: 110 & 500 Midlands Road, Yandanooka**

The attached application proposes to subdivide lots 110 and 500 to create 2 lots. It is proposed to create lot 1 which contains an existing dwelling and associated outbuildings to separate it from the existing farming operations carried out on the remainder of the land. The soil within lot 1 is sandy light soil vulnerable to wind erosion which isn't generally suitable for cropping. As the existing farming operations mainly comprise cropping the subdivision to create proposed lot 1 will have negligible impact on the existing rural operations. Also the existing dwelling on proposed lot 1 is surplus to the requirements of the existing farming operation.

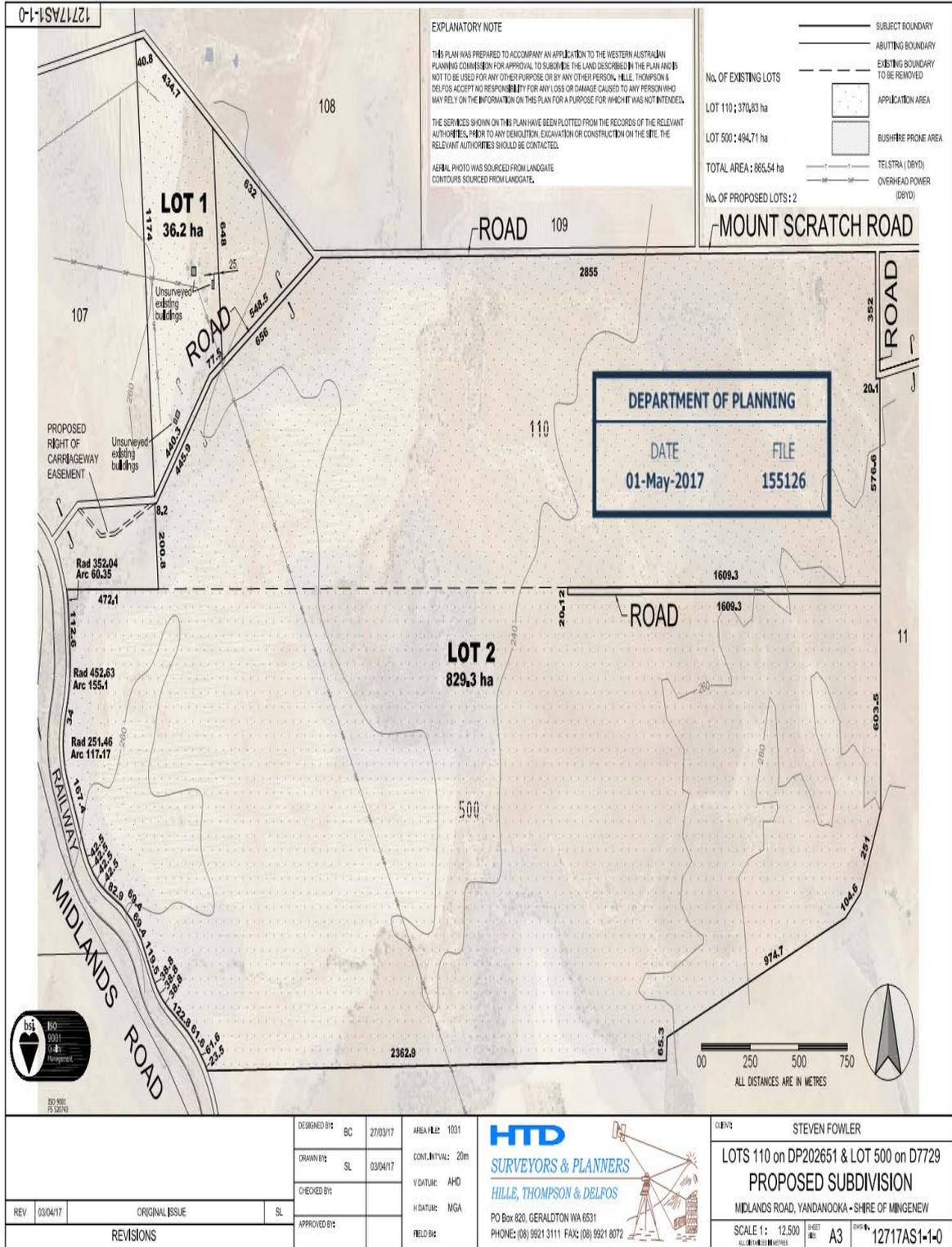
The separation of proposed lot 1 will allow it to be used in a manner more appropriate to the existing soil conditions such as a grazing operation where with suitable stocking levels vegetation levels could be maintained to stabilise the soil. The subdivision would allow and encourage the land to be managed in a more environmentally sustainable manner. The proposed lot configuration will minimise any potential land use conflicts. The subdivision will help with the retention of the population levels within this rural area without having an adverse impact on the rural use or production capability.

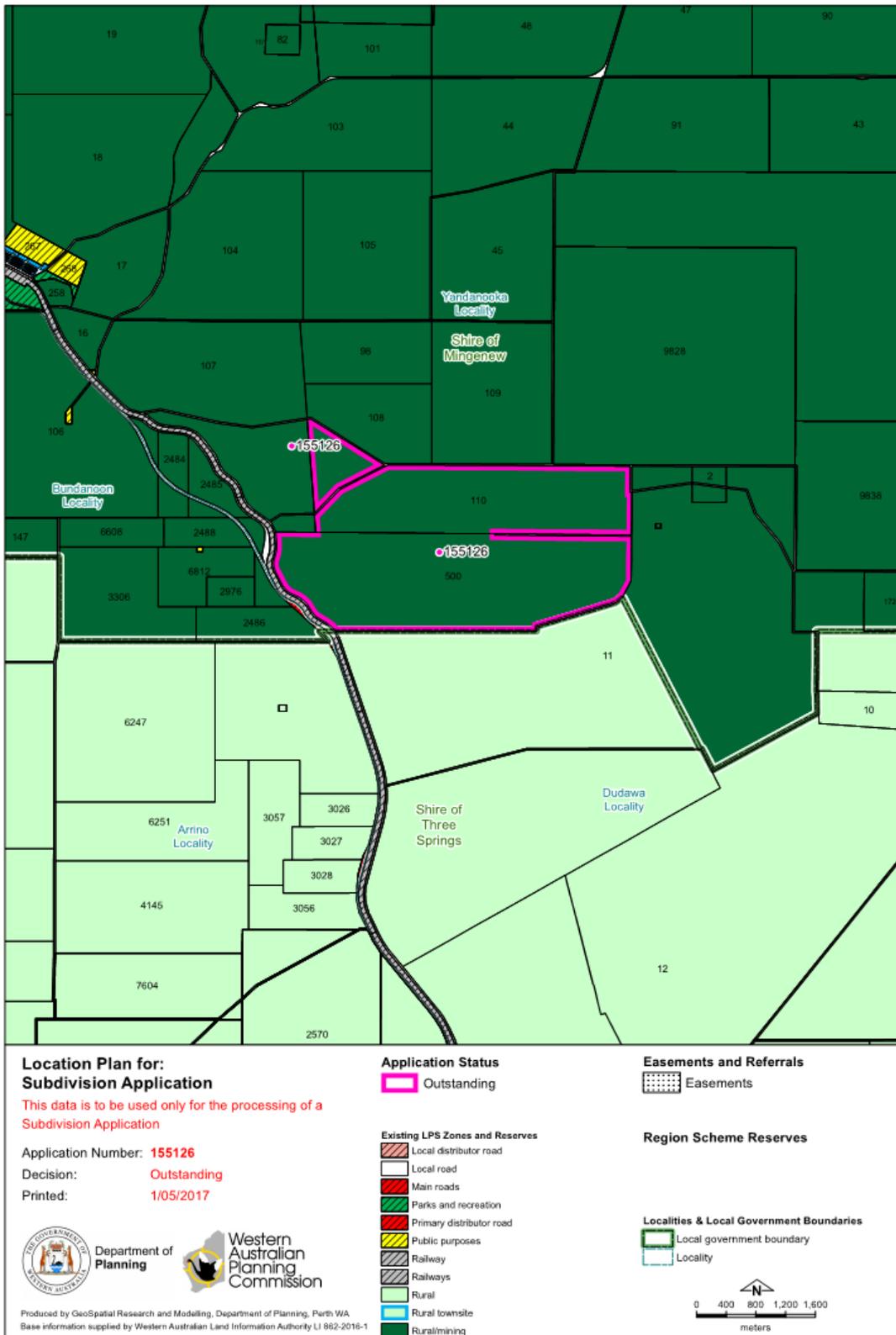
Access to proposed lot 1 is intended to be secured by creating an easement over the existing access track which passes over adjoining lot 107 through to the Midlands Road.

Portions of the subject land are classified as bushfire prone areas under the Department of Fire and Emergency Services Map of Bushfire Prone Areas 2016. A Bushfire Attack Level Assessment/Bushfire Management Plan in accordance with State Planning Policy 3.7 has been omitted from this subdivision application based on the following:

The proposed subdivision does not:

- Result in the intensification of development (or land use);
- Result in an increase of residents or employees;
- Involve the occupation of employees on site for any considerable amount of time; or
- Result in an increase to the bushfire threat





23<sup>rd</sup> November 2017

The Western Australian Planning Commission  
c/o Planning Administration  
The Department of Planning  
140 William Street  
PERTH WA 6000

Dear Planning Administration Team Leader

**RE – CONSENT OF LANDOWNERS  
PROPOSED SUBDIVISION OF LOTS 107, 110 & 500 MIDLANDS ROAD, YANDANOOKA**

I refer to the application to subdivide the land known 20836 Midlands Road, Yandanooka more fully described as Lot 107 on Deposited Plan 202651 contained within Certificate of Title Volume 1229 Folio 772 ("the Application").

This application was made by Hille Thompson & Delfos in the capacity of Surveying and Town Planning Consultant.

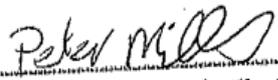
The following company is recorded as the owner of the land:

1. Ikewa Grazing Pty Ltd

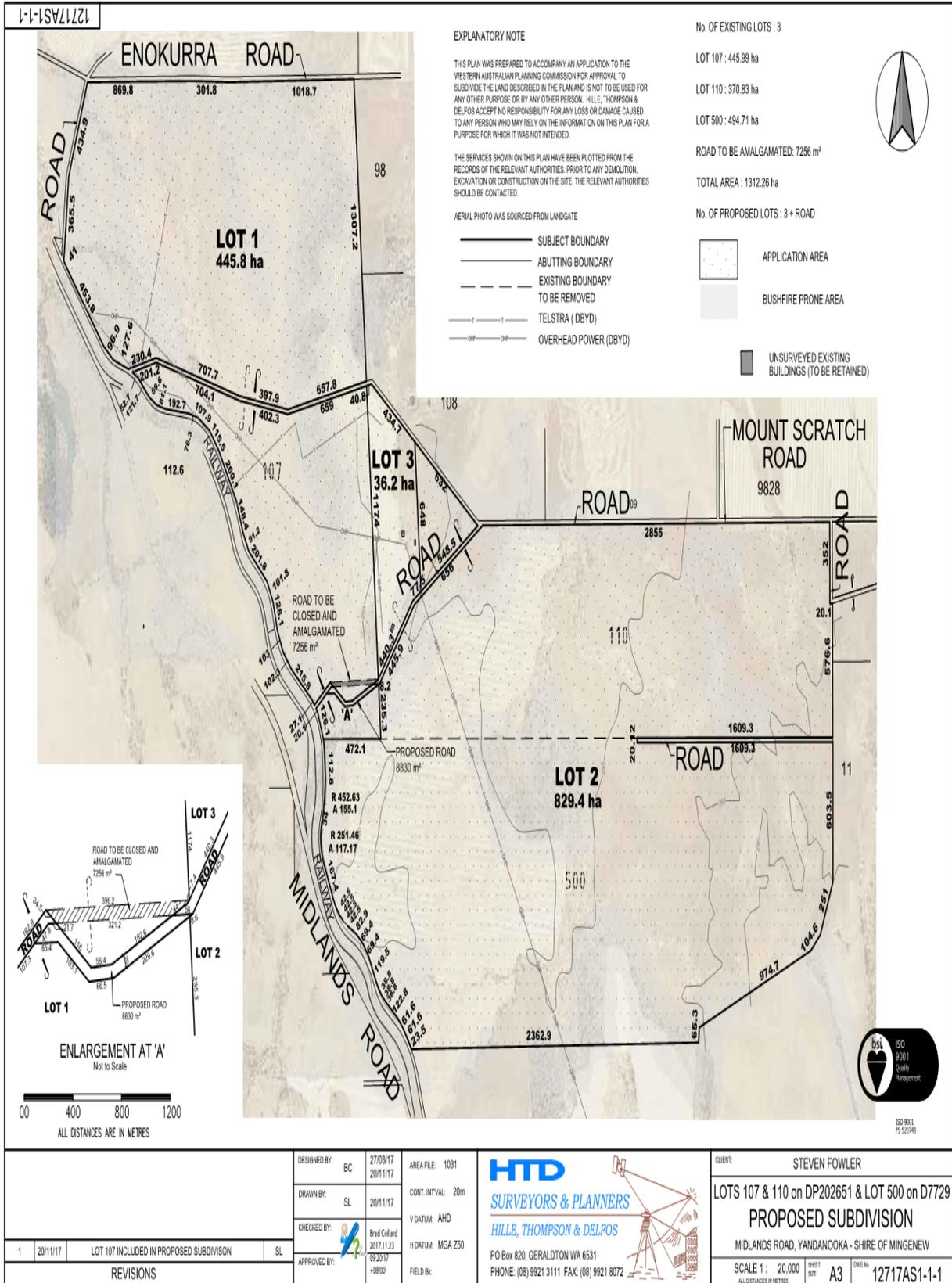
We as representatives of the abovementioned company, hereby consent to the Application being made in relation to the land described above.

Further, we have appointed Brad Collard of Hille Thompson & Delfos to act for us as our authorised representative.

Executed by the Ikewa Grazing Pty Ltd (ACN 077 130 762)

  
Peter Francis Kennedy Mills - Director

  
Kate Elizabeth Mills – Director/ Secretary



**9.5 BUILDING**

Nil

**10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**11.1 ELECTED MEMBERS**

Nil

**11.2 STAFF**

Nil

**12.0 CONFIDENTIAL ITEMS**

**12.1 BUILDING & ENVIRONMENTAL HEALTH SERVICES**

This matter will be dealt with as a confidential item in accordance with section 5.23 of the Local Government Act 1995 as it contains information about a matter affecting an employee and/or contract entered into, or which may be entered into by the local government, and which relates to a matter to be discussed at the meeting.

**COUNCIL DECISION - MEETING CLOSED TO PUBLIC**

Moved Cr CR Lucken

Seconded Cr LM Eardley

That the meeting will be closed to members of the public in accordance with section 5.23 of the Local Government Act 1995 as it contains information about a matter affecting an employee and/or contract entered into, or which may be entered into by the local government, and which relates to a matter to be discussed at the meeting.

CARRIED 7/0

The meeting was closed to the public at 5.05pm

**COUNCIL DECISION- ITEM 12.1**

Moved Cr CR Lucken

Seconded Cr JD Bagley

That Council

1. Approves the arrangement with the Shire of Irwin to provide the Shire of Mingenew Environmental Health Services proposed by Mr Gordon Houston of Dallywater Consulting, and

2. Authorises the CEO to finalise any necessary agreement with the Shire of Irwin to enable the appointment and ongoing Environmental Health Services to the Shire of Mingenew via the Shire of Irwin;
3. Authorises the CEO to extend the Environmental Health Services agreement post 30 June 2018 if that is beneficial for the Shire of Mingenew; and
4. Approves the Memorandum of Understanding arrangement with the City of Greater Geraldton for it to provide the Shire of Mingenew's ongoing Building Services.

CARRIED 7/0

Full details of Item 12.1 Ranger & Emergency Services Officer are held in the Shire of Administration office in a "Confidential Items" file.

**COUNCIL DECISION- MEETING REOPENED TO PUBLIC**

Moved Cr CR Lucken

Seconded Cr JD Bagley

CARRIED 7/0

The meeting was reopened to members of the public at 5:10pm.

**13.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 21 February 2018 commencing at 4.30pm.

**14.0 CLOSURE**

The President thanked all for attending and declared the meeting closed at 5:12pm

These minutes were confirmed at an Ordinary Council meeting on 21 February 2018

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

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