



MINUTES FOR THE ORDINARY COUNCIL MEETING

19 JUNE 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
19 JUNE 2019 COMMENCING AT 4.30pm**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

HM Newton	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward
A Smyth	Councillor – Elect	Town Ward

APOLOGIES

KJ McGlinn	Councillor	Town Ward
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STAFF

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

3.0 SWEARING IN / DECLARATION BY ELECTED MEMBER

Councillor-Elect Anthony Smyth read aloud and signed the Declaration by Elected Member of Council (Form 7), Local Government (Constitution) Regulations 1998, section 13(1)(c) witnessed by Pr Newton

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7.0 DECLARATIONS OF INTEREST

Nil.

8.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING HELD 17 APRIL 2019

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 8.1 & 8.2 EN BLOC - Resolution 19061901
Moved: Cr Newton Seconded: Cr Eardley

- 1) That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2019 be confirmed as a true and accurate record of proceedings.
- 2) That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 May 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

OFFICER RECOMMENDATION- ITEM 8.1

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

8.2 ORDINARY MEETING HELD 15 MAY 2019

OFFICER RECOMMENDATION- ITEM 8.2

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 15 May 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

9.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

10.0 REPORTS/MINUTES OF COMMITTEES

10.1 SHIRE OF MINGENEW AUDIT AND RISK COMMITTEE MEETING HELD 01 MAY 2019

OFFICER RECOMMENDATIONS AND COUNCIL DECISION EN BLOC - ITEM 10.1 - Resolution 19061902

Moved: Cr Cosgrove Seconded: Cr Bagley

That Council:

- 1) receives the minutes of the Shire of Mingenew Audit and Risk Committee Meeting held in Council Chambers on 01 May 2019;
- 2) and the Audit and Risk Committee receive and note the update provided in regards to the 2017/18 Financial Year Interim and End of Year Financial Year Audits;
- 3) and the Audit and Risk Committee:
 - 1) Note the updated Shire of Mingenew Risk Register as presented in attachment
 - 2) Endorse the Strategic Risk Register for incorporation with the Shire of Mingenew Risk Register.
- 4) and the Audit and Risk Committee:
 - 1) Note the proposed Audit Plan for the financial years 2019/20, 2020/21 & 2021/22.
 - 2) Recommend that Council endorse the Audit Plan as presented in attachment 2; and
- 5) and the Audit and Risk Committee receives the Regulation 17 Progress Report 1.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

OFFICER RECOMMENDATION – ITEM 10.1.1

That Council receives the minutes of the Shire of Mingenew Audit and Risk Committee Meeting held in Council Chambers on 01 May 2019.

VOTING DETAILS:

COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 10.1.2

That Council and the Audit and Risk Committee receive and note the update provided in regards to the 2017/18 Financial Year Interim and End of Year Financial Year Audits.

VOTING DETAILS:

COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 10.1.3

That Council and the Audit and Risk Committee:

1. Note the updated Shire of Mingenew Risk Register as presented in attachment
2. Endorse the Strategic Risk Register for incorporation with the Shire of Mingenew Risk Register.

VOTING DETAILS:

COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 10.1.4

That Council and the Audit and Risk Committee:

1. Note the proposed Audit Plan for the financial years 2019/20, 2020/21 & 2021/22.
2. Recommend that Council endorse the Audit Plan as presented in attachment 2.

VOTING DETAILS:

COMMITTEE RECOMMENDATION TO COUNCIL – ITEM 10.1.5

That Council and the Audit and Risk Committee receives the Regulation 17 Progress Report 1.

VOTING DETAILS:

11 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 PROPOSED OUTBUILDING

Location/Address:	Lot 95 corner Wattle & Ikewa Streets, Mingenew
Name of Applicant:	Aussie Sheds Group for T. Nitschke
Disclosure of Interest:	Nil
File Reference:	A276
Date:	11 June 2019
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council is in receipt of an application for a shed to be built upon Lot 95 which is a vacant property on the corner of Wattle & Ikewa Streets in the Mingenew townsite. The application has been advertised for comment and an objection was received. This report recommends that Council refuse the application. Alternate suggested wording is also provided in the report in the event that Council consider that the application should be approved.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 - Resolution 19061903

Moved: Cr Eardley Seconded: Cr Cosgrove

That Council refuse the application for an outbuilding prior to a residence upon Lot 95 corner Wattle & Ikewa Streets, Mingenew for the following reasons:

- 1 The development is considered contrary to Section 1.6 of the Shire of Mingenew Local Planning Scheme No.3.
- 2 The development is considered contrary to Section 4.2 of the Shire of Mingenew Local Planning Scheme No.3.
- 3 The development is considered contrary to Section 5.17 of the Shire of Mingenew Local Planning Scheme No.3.
- 4 In its consideration of the application Council is not satisfied that the development satisfies the matters under Section 10.2 of the Shire of Mingenew Local Planning Scheme No.3 or Schedule 2 Part 9 Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 5 The development is considered contrary to the objectives and policy provisions of the Shire of Mingenew Outbuildings Local Planning Policy.

Note:

- (a) Should the applicant be aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- (b) Council issues delegated authority to the Shire CEO to approve an application for an outbuilding upon the subject property with the proposed floor area, height and boundary setback as contained within the submitted application, at such time as a residence upon the property has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently or substantial works have been deemed to have been undertaken on the residence should a form of construction that does not involve a concrete slab be proposed e.g. siting of a new transportable residence or stumped home).

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 4/2

Attachment

Attachment 11.1(a) - Copy of submitted development application

Attachment 11.1(b) - Copy of received submissions (provided as separate attachment)

Attachment 11.1(c) - Copy of applicant's response to issues raised in submissions

Background

Lot 95 is an 817m² property located on the south-east corner of the Wattle and Ikewa Street intersection.

Figure 11.1(a) – Location Plan for Lot 95 corner Wattle & Ikewa Streets, Mingenew



The applicant is proposing to construct a 111.92m² shed, consisting of a 79.92m² enclosed area and a 32m² open bay. The shed would have a wall height of 3.5m and a total height of 4.278m and the walls and roof would be clad in classic cream colorbond, with 2 woodland grey coloured roller doors and a P.A. door. The shed is proposed to be sited in the south-eastern corner of Lot 95 1m away from the property boundaries. The applicant's submitted site, elevation and floor plans and supporting correspondence are provided as **Attachment 11.1(a)**.

The applicant has been presented to Council for its consideration as it exceeds the delegated authority of Shire staff relating to its proposed size and also as it is proposed to be constructed upon a residential zoned property that does not contain a residence.

Figure 11.1(b) – Aerial Photograph of Lot 95 corner Wattle & Ikewa Streets, Mingenew



Figure 11.1(c) – View looking east at Lot 95 from Wattle Street



Comment

Council's current Local Planning Scheme and its Outbuildings Local Planning Policy maintain a presumption against sheds being constructed prior to residences upon residential zoned properties. In the formulation of the Scheme and Policy it was considered that the purpose of a shed in a residential area is to be incidental/ancillary to a main residence. The establishment of sheds upon vacant lots creates the potential for them to become used for either habitation or commercial purposes leading to amenity issues with the surrounding residential area.

This report recommends refusal of the application in-line with the Shire's Local Planning Scheme and Local Planning Policy. However, the Strategic Implications section at the end of this report does raise the precedents that exist within the Mingenew townsite and provides an alternative recommendation in the event that Council consider that the application should be given conditional approval.

Consultation

The Shire wrote to the landowners of the 13 surrounding properties on 21 May 2019 providing details of the application and inviting comment upon the proposal prior to 7 June 2019, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 3 submissions had been received, 1 expressing support for the application, 1 in objection, and 1 offering a query relating to boundary setback. Copies of the received submissions have been provided as **separate Attachment 11.1(b)**.

The applicant was provided with the opportunity to respond to the issues raised during the submission period and a copy of their response has been provided as **Attachment 11.1(c)**.

Statutory Environment

Lot 95 corner Wattle & Ikewa Streets, Mingenew is zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.3 ('the Scheme'), upcoming Scheme No.4 proposes no change to this zoning.

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

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

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

Schedule 1 Part 3 Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the objectives of the 'Residential' zone as being:

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

Section 5.17.1 of the Scheme requires that:

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

- (a) In the Residential, Town Centre and Special Use Zone of the Shire where the lot size is 1,500m² or less in area.*
 - (i) The area of an outbuilding of zincalume construction shall not exceed 55m²;*
 - (ii) An outbuilding of other than zincalume construction shall not exceed 75m², and shall have no parapet wall longer than 8m;*
 - (iii) The wall height of any outbuilding, including any parapet walls, shall not exceed 3m. The building height for gable roof construction shall not exceed 4m and the maximum wall height is 3.3m, providing adjacent landowners give written approval where the wall height exceeds 3m;*

- (iv) *A planning application will be required for parapet wall construction on any boundary. The applicant shall obtain written comments on the proposal from the adjacent landowners for the local government's consideration;*
- (v) *An outbuilding will not be approved by the local government on a lot containing no dwelling.*
- (vi) *Any development application which does not comply with the above, shall be referred to Council for consideration."*

As the application proposes an outbuilding on a lot that does not contain a residence, and also proposes a total outbuilding area of 111.92m² (this being greater than the Scheme requirement of 75m²), a wall height of 3.5m (this being greater than the Scheme requirement of 3m), and a total height of 4.278m (this being greater than the Scheme requirement of 4m) it exceeds the delegated authority of Shire staff and is required to be presented to Council for determination.

Section 5.17.1(c) of the Scheme also requires that:

- "(ii) Metal or Wood Framed Construction—Garages, Patios, Pergolas, sheds and all other outbuildings except Carports—*
 - (a) In the Residential, Town Centre or Special Use Zones—*
 - Garages, Sheds and all other outbuildings except Patios and Pergolas are to be detached from and at least 1.8m clear of the dwelling and any leach drains. Clearance to side and rear boundaries and to any septic tanks onsite is to be at least 1.2m.*
 - Patios and Pergolas are to be setback at least 1.2m from any lot boundary unless otherwise approved by Council."*

As the application proposes a side and rear boundary setback distance of 1m (this being less than the Scheme requirement of 1.2m) it exceeds the delegated authority of Shire staff and is required to be presented to Council for determination.

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

- "5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*
- 5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—*
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
 - (b) have regard to any expressed views prior to making its determination to grant the variation.*
- 5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that—*
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*

- (b) *the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

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

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;...*
- ...(g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

Policy Implications

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

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

Whilst the 'Outbuildings' Local Planning Policy does increase the area and height requirements for residential lots under 1,500m² (such as Lot 95) to 80m² area and maintains the 3m wall height and 4m total height, the proposed shed would still not comply with the new policy requirements.

The new policy also lists the following:

"Objectives

- 1 To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.*
- 2 To provide a clear definition of what constitutes an "outbuilding".*
- 3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 4 To limit the visual impact of outbuildings.*

- 5 *To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 6 *To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

"Policy Provisions

General

- 1 *Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.*
- 2 *Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.*
- 3 *The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.*

Height, Size and Setbacks

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

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

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

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

Financial Implications

The application would not have a budgetary impact to Council.

Strategic Implications

Lot 95 falls within the area at the eastern end of the townsite identified on the Mingenew Townsite Local Planning Strategy Map as being suitable for rezoning to 'Special Use' to allow for the development of a Live-Work Area.

Section 4.3.9 'Amenity Impacts of Existing Industrial Development' of the Mingenew Townsite Local Planning Strategy notes that:

"Existing industrial development in proximity to the Mingenew townsite, particularly the CBH grain receival point, is considered by residents to have some off-site amenity impacts, such as noise and dust. As a result, the vacant residential land south of Ikewa Street and north of View Street is not seen locally as being attractive for development.

There may be an opportunity to consider a live/work investigation area (i.e. for home-based businesses and workshops) in this section of Mingenew."

"Objective 5.1 - Allow for a mixture of residential and small-scale mixed business/light industrial uses to provide work-live options.

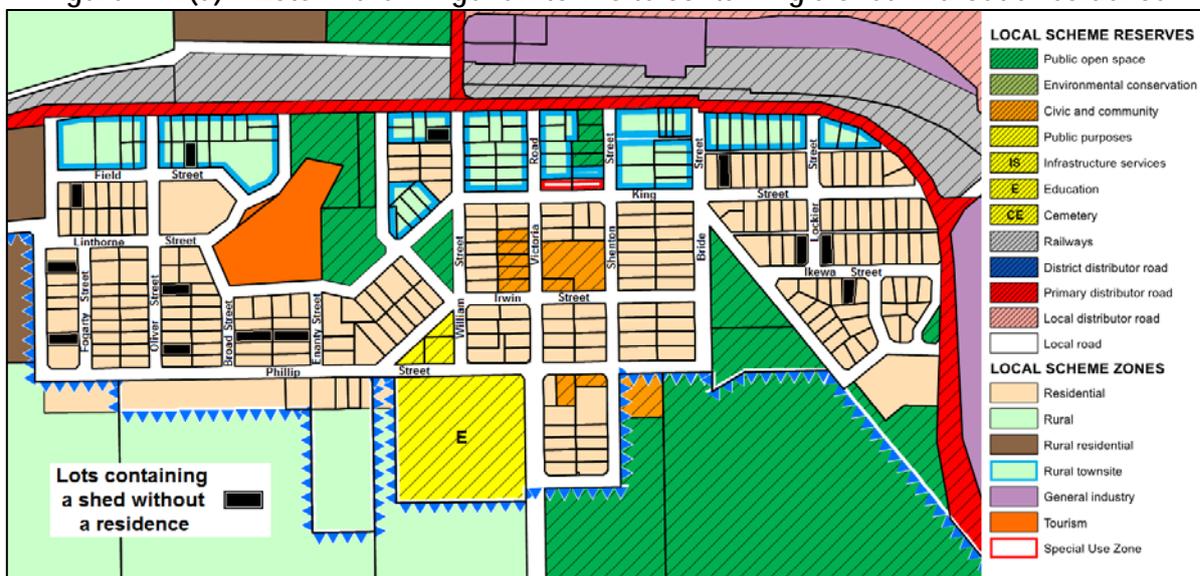
Planning Provision 5.1 - Rezone the area between Ikewa and View Streets to a Special Use zone, with small scale light industrial uses to be permitted in association with a residence."

It is considered that the proposed variation to the outbuilding area and height requirements of the Shire's Scheme and Policy could be supported by Council. Whilst the proposed total outbuilding area would be 111.92m² (this being greater than the current Scheme requirement of 75m² and the new Scheme/Policy requirement of 80m²), this would be mitigated somewhat by the fact that 79.92m² of the building would be enclosed and the remaining 32m² is open bay, and more akin to a lean-to. The proposed total shed height of 4.278m, whilst being higher than the required 4m, is considered a relatively minor variation.

The main issue of variation to the Scheme and Policy requirement is in relation to a shed being built upon a residential property that does not contain a house, with the applicant providing no timeframe or undertaking in this regard.

However, it is noted that the Mingenew townsite does already contain 13 lots that have a shed without a residence upon the property, and Council may consider these historical legacies provide a precedent for its support of this application.

Figure 11.1(d) – Lots in the Mingenew townsite containing a shed without a residence



If Council considers that the application should be approved, it may consider the following alternative wording appropriate in its determination:

"That Council grant formal planning approval for an outbuilding to be constructed upon Lot 95 corner Wattle & Ikewa Streets, Mingenew subject to the following:

Conditions

- 1 *Development shall be in accordance with the attached approved plans dated 19 June 2019 and subject to any modifications required as a consequence of any condition(s) of this*

approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

- 2 *Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.*
- 3 *The outbuilding is only to be used for the storage of the landowner's domestic items and must not be used for habitation, commercial or industrial purposes. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.*
- 4 *All stormwater is to be disposed of on-site to the approval of the local government.*
- 5 *Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government.*
- 6 *Installation of crossing place/s to the standards and specifications of the local government.*
- 7 *If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.*

Notes:

- (a) *Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.*
- (b) *If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.*
- (c) *Council in its determination of this application notes the existence of other residential zoned properties within the Mingenew townsite that contain a shed without a residence and reserves its right to consider each such application on-merit and determination of this application should not be considered to set a precedent for its future determinations."*

11.2 MIDLANDS BIOSECURITY GROUP

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0516
Date:	9 June 2019
Author:	Nils Hay, Chief Executive Officer
Voting Requirement:	Simple Majority

Summary

The Shire of Mingenew has been approached by the West Midlands Group as they seek to establish a formal Recognised Biosecurity Group, the Midlands Biosecurity Group (MBG). This paper seeks to provide additional information to Councillors and give an opportunity for Council to endorse (or otherwise) this endeavour.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 19061904

Moved: Cr Cosgrove Seconded: Cr Smyth

That Council:

1. Endorses the establishment of the Midlands Biosecurity Group; and
2. Directs the Chief Executive Officer to notify the Midlands Biosecurity Group of this endorsement; and
3. Directs the Chief Executive Officer to request an application for associate membership for the Midlands Biosecurity Group.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachments

- 11.2.1 Shire Support letter from MBG
- 11.2.2 Declared Pest Rates Info Sheet
- 11.2.3 Recognised Biosecurity Groups FAQ

Background

Chris O'Callaghan from West Midlands Group presented to Council at the April 2019 Concept Forum.

Subsequently, the Chief Executive Officer has sought further information regarding the MBG to assist Councillors to make a decision to endorse the Group. In addition to the attached documents, Mr. O'Callaghan provided the following information via email on 24 May 2019:

Regarding Pest Rates:

"I have attached an information sheet on the declared pest rate, which on page 3 outlines the flat rate that is being charged by other biosecurity groups in the South. The Central Wheatbelt Biosecurity Association (Morawa, Perenjori, Dalwallinu, Koorda), charge on an ad valorem basis and in 2019/20 they are proposing to charge an amount of 0.0315 cents in the dollar on the unimproved land value. Here is a link to their rate proposal which provides a little more detail <https://www.cwba.org.au/declared-pest-rate/>.

I completely understand that there is significant interest in how much the rate will be, however at this stage I can't pre-empt what type or exact amount will be decided upon for the Midlands region. I can outline the process that we will follow though. We will be completing a budget for managing declared pests within the next month or so. This will be made up of contracts for Licensed Pest Management Technicians, on-ground activities such as baiting/shooting programs, some consumables and administration costs. The Department of Primary Industries & Regional Development will then do some modelling for us to work out what different types of rates would look like in our area, given the different land values and sizes. We will then 'road test' some different rate scenarios with the committee members to see whether the amount would be acceptable. A recommendation is then made by the committee and is then proposed to the Minister who puts it out to public consultation."

Regarding the role of the Mingenew Irwin Group (MIG):

"In terms of the role MIG will play - they will be providing input into a regional feral pig management strategy that we are currently completing that will guide our activities going forward. This will also link into the state feral pig management strategy that is due to be released in the coming months. The regional strategy will identify what work needs to be done to control feral pigs and who needs to do it. It will also guide future grant funding rounds and in turn allow groups like MIG to have a better chance of accessing funding in this space as they will be able to be supported by or partner with the MBG. I also see MIG as being a crucial partner to the Biosecurity Group as they have the local knowledge around what pests are in the area, which will assist in developing management strategies for any future pest incursions. They will also have a significant role in directing the activities of the Licensed Pest Management Technicians that are contracted in the future and potentially there is also a role for them to play in communications and delivery of any on-ground activities if that is something they would like to be involved with."

Comment

Whilst no formal endorsement is required from the Shire for the RBG to form, MBG have sought such and offered the Shire the opportunity to be an associate member:

"The MBG will be offering two classes of membership: a full membership to be available to persons who own or occupy at least 100 hectares within a shire covered by the MBG, and an associate membership available to any organisations that control, care or manage land within this region - with these organisations being represented by a 'member authorised nominee'. A shire would fall under this category of membership. There will be no fee associated with MBG membership, however an application for membership will need to be submitted."

Should the group be established, it is likely that some form of Pest Rate will be established across the region, however this is a State charge and will be administered by the WA Government, not the Shire. It is noted that any funds raised through this are matched 1:1 by the State.

As the Shire currently has very limited capacity to conduct or support feral pest management activities, any additional investment in this area is conceptually a positive addition. This is based upon the assumption that the funds raised are used productively, and that any pest rate does not represent an onerous burden on landholders.

To represent the interests of Shire ratepayers, it would be prudent to seek associate membership with MBG if Council chooses to support its establishment (and probably even if Council were not to).

Consultation

Chris O'Callaghan, West Midlands Group

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

As per the letter provided to Council:

"The MBG is not seeking financial support from participating shires but do request operational support in the form of assistance with communications of group activities e.g. through shire newsletters or other relevant communication material."

This support, if provided, is not expected to be significant from a resourcing perspective.

Strategic Implications

Our current Corporate Business Plan supports the following action:

- 12 Support and promote environmental practices
- 13 Lobby government for the protection of the natural environment
- 14 Continue to manage noxious weeds and feral animals

11.4 APPOINTMENT OF VOTING DELEGATES FOR WALGA AGM 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0118
Disclosure of Interest: Nil
Date: 12 June 2019
Author: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Minority

Summary

To nominate Council's voting delegates for the 2019 WA Local Government Association (WALGA) AGM set to be held on Wednesday, 7 August 2019.

COUNCIL DECISION - ITEM 11.3 - Resolution 19061905

Moved: Cr Smyth Seconded: Cr Eardley

That Council:

- A) nominates Pr Newton and Cr Cosgrove as the Shire of Mingenew's voting delegates; and
- B) nominates Cr Bagley and Cr Eardley as proxy delegates,

at the 2019 WA Local Government Association (WALGA) AGM to be held on Wednesday 7 August 2019.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

OFFICER RECOMMENDATION – ITEM 11.3

That Council:

- A) nominates Cr _____ and Cr _____ as the Shire of Mingenew's voting delegates;
and
- B) nominates Cr _____ and Cr _____ as proxy delegates,

at the 2019 WA Local Government Association (WALGA) AGM to be held on Wednesday 7 August 2019.

Attachment

11.4.1 WALGA AGM Notice

Background

As a member Council of WALGA, the Shire is entitled to be represented by two (2) voting delegates at the Annual General Meeting of the WA Local Government Association each year.

The 2019 WALGA AGM is scheduled to be held on Wednesday, 7 August 2019 at the Perth Convention Centre, coinciding with the annual WA Local Government Convention.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

Comment

Once the delegates have been nominated, the Shire must provide notice of the delegates by Friday, 7 July 2019 using the attached form.

Consultation

Not applicable.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Community Strategic Plan

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

12. REPORTS OF ADMINISTRATION

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MAY 2019

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0304
Date:	10 June 2019
Author:	Jeremy Clapham – Finance Manager
Voting Requirement:	Simple Majority

Summary

This report recommends that the Monthly Financial Report for the period ending 31 May 2019 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 - Resolution 19061906

Moved: Cr Bagley Seconded: Cr Newton

That the Monthly Financial Report for the period 1 July 2018 to 31 May 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

Monthly Financial Report for period ending 31 May 2019

Background

The Monthly Financial Report to 31 May 2019 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

SUMMARY OF FUNDS – SHIRE OF MINGENEW as at 31 May 2019	
Municipal Fund	\$873,041
Cash on Hand	\$300
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$548,563
Trust Fund	\$19,111
Reserve fund (3 Month Term Deposit) @ 2.50%	\$413,855

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2018/2019 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, considering 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

No financial implications are indicated in this report.

Strategic Implications

Nil

12.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 MAY 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – April 2019
Disclosure of Interest: Nil
Date: 6 May 2019
Author: Helen Sternick – Finance Officer
Authorising Officer: Jeremy Clapham, Finance Manager
Voting Requirement: Simple Majority

Summary

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

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 - Resolution 19061907

Moved: Cr Smyth Seconded: Cr Newton

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

\$10,200.40	Municipal Cheques 8602 to 8603;
\$318,926.46	Municipal EFT12445 to EFT12515;
\$12,320.07	Municipal Direct Debit Superannuation & Payroll Deduction Payments;
\$29,659.00	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$315.37	Municipal Direct Debit National Australia Bank Fees; and
\$22,299.20	Municipal Direct Debit Other.

Totalling \$393,720.50 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$138,214.37

Total of all payments - \$531,934.87.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

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

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

13.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

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

14.1 ELECTED MEMBERS
Nil.

14.2 STAFF
Nil.

15.0 CONFIDENTIAL ITEMS
Nil

16.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday 17 July 2019 commencing at 4.30pm.

17.0 CLOSURE

The Presiding Member closed the meeting at 5.00pm.

These minutes were confirmed at an Ordinary Council meeting on 17 July 2019.

Signed _____
Presiding Officer

Date: _____