



MINUTES
FOR THE
ORDINARY MEETING
OF COUNCIL
HELD ON
TUESDAY, 28 MARCH 2017

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

INDEX-ORDINARY COUNCIL MEETING 28 MARCH 2017

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1	
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1	
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1	
4.	PUBLIC QUESTION TIME	2	
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3	010317
6.	PETITIONS	3	
7.	CONFIRMATION OF MINUTES	3	
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2017	3	020317
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	4	
9.1	OFFICER REPORTS	5	
CORPORATE AND COMMUNITY			
CC01 – 03/17	Accounts for Payment	5	030317
CC02 – 03/17	Financial Statements for the Period ending 28 February 2017	7	040317
CC03 – 03/17	Tender 2 – 2017/18 Age Appropriate Housing Project	10	050317
CC04 – 03/17	Event Application – Circus Royale	13	060317
PLANNING AND INFRASTRUCTURE			
PI01 – 03/17	Shire of Irwin's Draft Industrial Land Use Strategy	15	070317
PI02 – 03/17	Development Application for Outbuilding at 3 Hendy Street, Port Denison	17	080317 090317 100317
PI03 – 03/17	Request to remove No. 38 Moreton Terrace, Dongara from Local Planning Scheme No 5's Heritage List	21	110317 120317 130317
PI04 – 03/17	Proposal to name a new road – Calytrix Road	25	140317
PI05 – 03/17	Mt Adams Road and Tomkins Road Intersection Realignment – Land Vesting Request	27	150317
OFFICE OF THE CEO			
CEO01 – 03/17	Customer Service Charter Review	29	160317
CEO02 – 03/17	Appointment of External Auditor	31	170317
CEO03 – 03/17	Change of Method of Valuation - Rates Concession for Properties Levied with a 2016/17 Interim Rates Increase	34	180317
9.2	COUNCIL COMMITTEE REPORTS	38	
9.2.1	Receipt of Tidy Towns Sustainable Committee (TTSC) Minutes and Recommendations to Council from 8 March 2017	38	190317 200317 210317 220317
9.2.2	Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council from 13 March 2017	39	230317 240317 250317
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	40	
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	40	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	40	
13.	MATTERS BEHIND CLOSED DOORS	40	
14.	CLOSURE	40	

I certify that this copy of the Minutes is a true and correct record of the meeting held on
28 March 2017

Signed:
Presiding Elected Member

Date:.....



MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 28 MARCH 2017 COMMENCING AT 4.00PM

PRESENT:	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr N Nelson – Acting Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Mr D Fotheringham – Manager Regulatory Services Mrs Y Robb – Regulatory Support Officer Ms E Greaves – Coordinator Executive Services
	Guests	Mr Craig Smith, Regional Superintendent, Department of Fire and Emergency Services (DFES)
	Gallery	Mr J Arden, Mr P Barker, Mr J Rossiter, Mr K Pollitt, Mr B Wyse and Miss E Honeybone.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:00pm. Prior to commencing the formal meeting, the Shire President advised of the recent passing of Mr Ian Carpenter, former Mayor of the City of Greater Geraldton, and recognised his contributions to the sector and his community. One minute silence was held in his honour.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Rossiter raised the following questions at the 28 February 2017 Ordinary Council Meeting, which were taken on notice, and the response is summarised below:

Did the Irwin Shire Planning Department accept the plans for the carpark at Lot 13 Point Leander Drive, Dongara and, if so, why wasn't there any allowance for the planting of trees in this area?

The Shire President advised that this was missed in the original plan but provision has already been made for plantings to occur.

Additional Information:

It has now come to my attention that the Shire's planning approval for the medical centre and carpark, included landscaping as a condition of approval. Subsequently, the developer's landscaping plan has been submitted and approved with the developer responsible for its implementation.

Why were there new park settings installed on the foreshore, if it was because of corrosion why wasn't the playground replaced instead of being removed?

It was indicated that the park was not safe for use and therefore removed. As he was not sure why it was not replaced the Shire President took the question on notice.

Response: The playground and picnic settings were considered a risk to public safety and therefore removed (corrosion being the main cause). The reason for not replacing the playground at that time is uncertain, however, the Shire is focused on considering current and future needs through the Port Denison Foreshore Redevelopment Project and ongoing sound asset management practices.

Mrs Tracy Barker outlined that she is experiencing issues with a neighbour in regards to a boundary wall that has been built without approval. This matter has been raised with the Shire's planning department and would like some clarification.

The Shire President outlined that this question would need to be taken on notice.

Response: Shire staff are currently liaising with Mr and Mrs Barker to address this complex issue.

4. PUBLIC QUESTION TIME

Mr Rossiter submitted the following written questions and the response provided by the Shire President is summarised below:

1. Why is it that the obelisk, Grannies Beach, Surf Beach, Rec Centre and Batavia Health carparks all have problems with vehicles towing caravans inherent in their designs?

The Shire President indicated that this was a matter of opinion, one which he did not share.

2. Why has it taken over 7 months to renovate Unit 16 at the Aged Persons Units (APUs) and is still not fit for habitation? Was there a sunset clause written into the contract?

This question was taken on notice.

Mr Barker, indicated he believed that his spouse asked a question at the last meeting that was not recorded. The question referred to 5 months passing without a resolution being provided by the Shire's Planning Department in regards to the unauthorised wall built on Mr & Mrs Barker's property at 14 Bartlett Place, Port Denison.

The Shire President referred to the Manager Regulatory Services for a response. Mr Fotheringham advised that he has been liaising with all parties involved and the matter is ongoing.

Mr Barker asked if Council believe the landowner should be pursued?

As an investigation is underway, the question was taken on notice.

Mr Barker also enquired if the Shire, when issuing a building permit, reviews the builder's registration?

Mr Fotheringham indicated that it is the builder's responsibility to provide valid registration details when submitting an application. The CEO added that the Building Commission is responsible for registrations and enforcements relating to builders. The local government does have responsibilities in regards to enforcing any conditions or compliance matters relating to development approvals.

5. APPLICATIONS FOR LEAVE OF ABSENCE

The Shire President submitted a Leave of Absence for the period 20 April to 9 May 2017.

COUNCIL DECISION 010317:

MOVED: Cr Leonard

SECONDED: Cr Thompson

That Cr West (Shire President) be approved a leave of absence for the period 20 April 2017 to 9 May 2017 (inclusive).

VOTING DETAILS:

CARRIED 8/0

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2017

A copy of the Minutes of the Ordinary Council Meeting held on 28 February 2017 has been provided to all Councillors under separate cover.

COUNCIL DECISION 020317:

MOVED: Cr Thompson

SECONDED: Cr Scott

That the Minutes of the Ordinary Council Meeting, held on 28 February 2017, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 9 March 2017 CEO and Coordinator Executive Services attended a workshop in Mingenew to discuss shared issues with implementation Local Government Act and Department of Local Government and Communities' (DLGC) guidelines.
- 12 March 2017 Golf Winter Season Opening – The Dongara Golf Club have written thanks for Council's sponsorship of this event.
- 15-17 March 2017 Interim Audit conducted by Moore Stephens
- 17 March 2017 CEO and Coordinator Executive Services attended a Regional Subsidiaries workshop facilitated by DLGC, and further discussion on shared services with North Midlands and Batavia local governments.
- Manager Customer Services and Rating and Payroll Officer attended a Rate Setting Workshop facilitated by DLGC to clarify DLGC requirements and assist with setting rates and budget adoption.
- 21 March 2017 Shire President, Cr Thompson and A/Director Planning and Infrastructure attended the Regional Road Group meeting in Geraldton.
- 27 March 2017 Skate Park Concept Plan – Community Workshop and Councillor briefing at the Irwin Recreation Centre (Function Room).

Acknowledgements

Volunteer Employer Recognition Awards

Mr Craig Smith, Regional Superintendent at DFES presented the Shire President with the Silver Volunteer Employer Recognition Award, recognising the Shire of Irwin's role in the delivery of emergency services in WA.

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 03/17

Subject: Accounts for Payment
Reporting Officer: Manager Customer Services
Responsible Executive: Acting Director Corporate and Community
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during February 2017.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030317:

MOVED: Cr Scott

SECONDED: Cr Kennedy

That Council receives the Accounts paid during February 2017, represented by:

Payment Type/Numbers	Total Amount
EFT 20513 - 20633	\$545,583.61
Muni Cheques 31367 - 31382	\$61,278.26
Direct Debit - Credit Card	\$2,793.61
Direct Debit - Click Super	\$30,680.82
Direct Debit - Transport PL300117 - PL270217	\$70,022.10
Grand Total	\$710,358.40

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Accounts for Payment – February 2017](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of February 2017.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Risk Implications:

It is considered that by reviewing the Accounts for Payment any risk arising would be rare and insignificant in measures of consequence and therefore the risk rating would be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

CORPORATE AND COMMUNITY

CC02 – 03/17

Subject: Financial Statements for the Period ending 28 February 2017
Reporting Officer: Manager Customer Services
Responsible Executive: Acting Director Corporate and Community
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2016 to 28 February 2017.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040317:

MOVED: Cr Gumley

SECONDED: Cr Thompson

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 28 February 2017, as outlined in the Attachments Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Financial Statements for the month ending 28 February 2017](#)

Background:

The Monthly Financial Report to the 28 February 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Statement of Cashflows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- 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 and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer’s Comment:

The financial position to the end of February 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,362,735	7.5% negative variance
Operating Expenditure	(\$5,478,783)	12.5% positive variance
Net Operating	\$1,883,952	
Capital Revenue	\$256,957	64.2% negative variance
Capital Expenditure	\$938,335	68.5% positive variance
Cash at Bank – Municipal	\$2,872,789	
Cash at Bank – Reserve	\$2,173,869	
Total Funds Invested	\$5,135,921	
Net Rates Collected	88.48%	
Receivables Outstanding	\$127,788	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Statutory Environment:

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

Section 34 Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);

- (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (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;
 - (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;
 - (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 to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil

Risk Implications:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be low.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 – 03/17

Subject: Tender 2 – 2017/18 Age Appropriate Housing Project
Reporting Officer: Manager Community Capacity
Responsible Executive: Acting Director Corporate and Community
File Reference: PH.SE.2/GS.AP/A8925
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider awarding the tender for the consultant to manage the design for the Age Appropriate Housing Project

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 050317:

MOVED: Cr Leonard

SECONDED: Cr Thompson

That Council accepts the Tender received by Fratelle Group for the submitted price of \$153,140 (excluding GST), for Tender 2/2016-17 Age Appropriate Housing Project on the basis that it is the Shire's Age Appropriate Housing Working Group's view that:

"Fratelle Group demonstrated a sophisticated knowledge with industry experience which includes contemporary design. They have experience and knowledge in Dementia design and ageing in place projects. Their submission was very well rounded and addressed everything within the selection criteria. Their experience is vast with similar projects including regional locations."

VOTING DETAILS:

CARRIED 8/0

Attachment:

Copies of the tender submissions have been provided under separate confidential cover, as per Local Government Act 1995 s5.23 (2)(c).

Background:

The Shire have been successful in receiving grant funds of \$2.419 million including GST through the Department of Regional Development, supported by Royalties for Regions, as part of the Southern Inland Health Initiative (SIHI) Stream 6 funding – Residential Aged Care and Dementia

Investment Program to construct a minimum of six 2 bedroom age appropriate accommodation units.

It is the principal intention that the units enable residents to age in place and live independently within the region. The units will be located at 2 Henry Road, Port Denison adjacent to the Dongara Eneabba Mingenew Health Service Facility, reserve 46855 zoned Special use Aged Persons Village.

Tenders were requested through WALGAs eQuotes and were advertised on the Shire’s website and through social media in February this year. Submissions closed 12 noon on 8 March 2017 and six submissions were received however one after the closing period which could not be assessed and another one has since withdrawn.

Officer’s Comment:

The Age Appropriate Housing Working Group consisting of Cr West, Cr Smith, Cr Scott, Manager Technical Services and the Manager Community Capacity met on Wednesday 15 March to assess the submissions. A summary of their comments are stated below:

Company	Score	Comment
Eastman Poletti Sherwood	53/100	The company is thin on resources compared to other submissions. Continually state the responsibility is on the Client. No external review/reference to quality standards/best practice are stated. Do not state what types of technologies and design features they have included in their previous projects.
Lycopodium	60/100	No aged housing experience, not many regional projects listed, what experience was listed were extremely dated. The application seemed to be one used for other projects such as a café, not ageing in place focused.
Fratelle Group	100/100	Demonstrated a sophisticated knowledge with industry experience which includes contemporary design. Experience and knowledge in Dementia design and ageing in place projects. Submission was very well rounded and addressed everything within the selection criteria. Their experience is vast with similar projects including regional locations.
Scribe	25/100	No evidence with ageing in place experience, listed only Building Certification not design. Wordy application not addressing the criteria. Payment terms and conditions are significant. No mention of types of design or technology features they have experience in or could be used. No mention of Quality Assurance.
KPA		<i>Arrived after closing period.</i>
Eekos		<i>Withdrew</i>

Working Group recommend the successful application be awarded to the Fratelle Group.

Stakeholder Engagement:

Calls for tender were sent through WALGA eQuotes, on the Shire website and Facebook page. The announcement of the funding has been widely publicised throughout various newspapers from Minister Announcements including the Rag.

Financial/Resource Implications:

Land at 2 Henry Road, Port Denison plus \$129,800 inclusive of GST which includes Project Management, Planning Approvals, advertising, and administration costs.

Statutory Environment:

Local Government Act 1995
Local Government Act Regulations 1996
State Records Act

Policy Implications:

Consistent with C13 Purchasing Policy for amounts over \$150,000 conduct a public tender process.

Risk Implications:

The likelihood of financial risk arising from awarding the Age Appropriate Housing Project tender is possible and the consequence would be major. Therefore the overall risk is high however the selection panel has gone through a proper selection process to reduce this risk.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 3.1 High quality and well maintained community infrastructure.
Strategy 3.3 Increased availability of aged care facilities.
Strategy 4.1 A well informed and engaged community.

CORPORATE AND COMMUNITY

CC04 – 03/17

Subject: Event Application – Circus Royale
Reporting Officer: Manager Community Capacity
Responsible Executive: Acting Director Corporate and Community
File Reference: PH.PE.1
Proponent: Circus Royale
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider approving the use of the Town Oval by Circus Royale to operate a circus on 11 and 12 April 2017.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060317:

MOVED: Cr Kennedy

SECONDED: Cr Leonard

That Council notes the Event Application from Circus Royale to hold a Circus event from 10 - 13 April 2017 and approves the use of the Town Oval on Waldeck Street for this purpose.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Event Application Circus Royale](#)

Background:

The Shire has received an Event Application from Circus Royale to run a Circus on 11 and 12 April 2017. The Circus is on a touring route throughout the region. As a professional company who run this type of event throughout Australia regularly they have been able to provide all the necessary documentation, which is attached.

In previous years this event was held at the Dongara Racecourse however with the dates so close to the Dongara Easter Races event the location is best suited to the Town Oval. The Circus brings their own toilet facilities and will clean up the area, leaving it as they found it.

Officer's Comment:

The timing of this event is ideal as it is during school holidays. The Retro Festival is on 8 April, then the Circus will begin on 11 April and it will be finished before the Easter long weekend when the overflow camping area will be required. At this stage it is likely the overflow will be required on the weekend of the Retro Festival also however this will only be required for the weekend.

The Circus has sent a site plan and have allowed an allocation for parking for the public on the oval as suggested by Manager Technical Services. The Shire will do a letter drop to nearby residents to inform of potential changes to normal traffic and any increase in noise level.

There is no cricket on during this time and no other bookings for the oval.

Stakeholder Engagement:

The Shire has spoken to the Secretary of the Dongara Irwin Race Club to ensure they were happy for the Shire to take this booking for this year, which they are. Circus Royale will advertise this event throughout, using various mediums.

The Development Control unit have no objections, in principle, to the application.

Financial/Resource Implications:

The Shire will collect funds, as per the Shire of Irwin Fees and Charges, for the hire of the Oval.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The reputational consequence of approving this event application is minor with the likelihood being possible therefore the overall risk rating is considered moderate. All risk assessments have been assessed as part of the Event Application process.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.6.5 Continue to support and fund community events such as Larry Lobster Community Festival, Australia Day Celebrations, Kite Stock, Easter Saturday Races and others.

PLANNING AND INFRASTRUCTURE

PI01 – 03/16

Subject: Shire of Irwin's Draft Industrial Land Use Strategy
Reporting Officer: Manager Regulatory Services
Responsible Executive: Acting Director Planning and Infrastructure
File Reference: LP.PL.15
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider advertising the Shire of Irwin's Draft Industrial Land Use Strategy.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 070317:

MOVED: Cr Thompson

SECONDED: Cr Gumley

That Council advertises the Shire of Irwin's Draft Industrial Land Use Strategy, as presented in the Attachments Booklet - March 2017, for a period of 21 days for the purpose of public consultation.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Draft Industrial Land Use Strategy](#)

Background:

In July 2016, the State Government's Department of Planning provided funding for the Shire to engage consultants to prepare an Industrial Land Use Strategy. The Shire engaged Geografia (consultants) and initiated the project in October 2016. This project is expected to be completed in July 2017.

Officer's Comment:

The draft strategy aims to maximise the economic potential of the Shire's industrial areas, by identifying opportunities to engage with local, regional, national and international markets. Requirements for industrial land to become market-ready for development are recommended through the strategy's objectives and actions. Some of the recommended requirements may

influence the development of the Shire's Local Planning Scheme Review (another project currently underway, which is expected to be completed in 2018).

Officers propose to advertise the draft strategy for period of 21 days, in order to seek feedback from the public, landowners, various government agencies and other interested parties.

While advertising the draft strategy is not a statutory requirement, it provides an opportunity to receive valuable feedback that can positively influence the development of the strategy. Following advertising, Officers would liaise with the consultants to modify the strategy, then present it to Council for further considerations in May 2017.

Stakeholder Engagement:

Geografia and their sub-consultants, Calibre Consulting, have analysed the industrial areas, the Shire's economic profile and have had initial discussions with some stakeholders, including landowners in the industrial areas and state agencies. If Council agree to advertise the draft strategy, this will enable more comprehensive stakeholder engagement.

Financial/Resource Implications:

Advertising costs will be funded by the grant received from the Department of Planning.

Statutory Environment:

Planning and Development Act 2005.

Policy Implications:

Nil

Risk Implications:

The likelihood of risk arising from Council resolving to advertise the draft strategy is expected to be rare and the consequences would be insignificant. Therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure.

Strategy 1.1.3 Review current guidelines and provide appropriately zoned land to support commerce and industry.

PLANNING AND INFRASTRUCTURE

PI02 – 03/17

Subject: Development Application for Outbuilding at 3 Hendy Street, Port Denison
Reporting Officer: Planning Officer
Responsible Executive: Acting Director Planning and Infrastructure
File Reference: P759 / A2248
Proponent: Geraldton Sheds'n'homes on behalf of Mr Geoffrey Harrison
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider a development application for a proposed outbuilding (garage) at No. 3 Hendy Street, Port Denison.

COUNCIL DECISION 080317:

MOVED: Cr Leonard

SECONDED: Cr Meares

That Council suspends Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 4:19pm.

VOTING DETAILS:

CARRIED 8/0

COUNCIL DECISION 090317:

MOVED: Cr Smith

SECONDED: Cr Gumley

That Council reconvenes the meeting under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 4:28pm.

VOTING DETAILS:

CARRIED 8/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 100317:

MOVED: Cr Gumley

SECONDED: Cr Thompson

That Council, pursuant to Clause 10.3a) of the Shire of Irwin Local Planning Scheme No. 5, approves the application for the proposed outbuilding at No. 3 Hendy Street, Port Denison, as presented in the Attachments Booklet – March 2017, subject to the following conditions and advice notes:

Conditions

- 1. The approved development shall be in accordance with the attached stamped approved plans.**
- 2. The approved outbuilding shall not be used for human habitation, commercial or industrial uses.**
- 3. All stormwater or drainage run off from all roofed and impervious areas is to be retained on site to the satisfaction of the Shire of Irwin.**
- 4. Any soils disturbed or deposited shall be stabilised and retained on site to the satisfaction of the Shire of Irwin.**

Advice Notes

- 1. In accordance with the Building Act, the approved development requires a Building Permit.**
- 2. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Irwin takes no responsibility for incorrectly located buildings.**
- 3. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants.**

VOTING DETAILS:

CARRIED 8/0

Attachment:

- [Aerial Photo](#)
- [Site Plan and Elevations](#)
- [Attachment 3 – Site Photos](#)
- [Attachment 4 – Neighbour Submissions](#)

Background:

The subject land is located at 3 Hendy Street, Port Denison (Attachment 1). The proposal is for an outbuilding, and is to be located on a flat area of land 3.2m from the front setback, between the existing house and the lot boundary. The outbuilding is to be clad in Colorbond (green). The verge in front of the property is approximately 4.5m wide. There are no outbuildings in the front setbacks of nearby properties. The site photos can be viewed in Attachment 3.

Officer's Comment:

Under Local Planning Scheme No. 5, the property is zoned Residential with a density coding of R12.5. Under the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the application must be assessed against the relevant provisions of the Residential Design Codes of Western Australia (R-Codes).

Under the R-Codes, where a proposed development does not comply with the relevant Deemed-to-Comply Criteria of the codes, the proposal must comply with the corresponding Design Principle. Under clause 5.4.3 Outbuildings, the proposal complies with the Deemed-to-Comply Criteria for floor area, ridge height and open space. However, it does not comply with the Deemed-To-Comply Criteria for wall height, front setback and side (eastern) lot boundary setback.

The proposal was initially referred to neighbouring properties with a front setback of 3m. Following this referral, where the Shire received one objection, the proponent relocated the outbuilding to 3.2m from the front setback.

The Deemed-To-Comply Criteria for street setback is 7.5m (this may be reduced to 3.75m where there is adequate compensating area, i.e. open space beside the house, which can reduce the visual impact when viewed from the street). The proposed primary setback is 3.2m. The Deemed-To-Comply Criteria for the wall height is 2.4m. The proposed wall height is 2.8m (including 100mm concrete pad).

Noting that the wall height is a minor variation and the street setback variation is a more significant variation, the following table provides an assessment against the relevant Design Principle for Outbuildings.

Design Principle 5.4.3 Outbuildings P3	Officer Assessment
<p>Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>	<p>When viewed facing west from east, the streetscape impacts of the proposed outbuilding are likely to be acceptable due to the:</p> <ul style="list-style-type: none"> • Outbuilding being enclosed within the existing building form (i.e. existing buildings onsite and adjacent provide a backdrop of built form that means the shed would not be overly prominent within the streetscape); • There is vegetation along the verge screening the outbuilding; and • Topography of the land, the proposed outbuilding would be located at a lower natural ground level than the eastern neighbouring property, lessening the likelihood of adverse amenity impacts when viewed from the east. <p>When viewed facing south east from Hendy Street, the streetscape impacts of the proposed outbuilding are likely to be acceptable due to the:</p> <ul style="list-style-type: none"> • Outbuilding being enclosed within the existing building form. <p>When viewed by residents from neighbouring properties on the opposite side of the road (north) the proposed outbuilding is unlikely to have an adverse impact on the visual amenity of neighbouring properties due to the topography of the land, the proposed outbuilding would be located at lower ground levels to the neighbouring property.</p> <p>The neighbour adjacent and to the south-east has expressed no concerns to the proposal.</p> <p>Taking all of the above matters into consideration, the proposed outbuilding is considered to satisfactorily comply with Design Principle 5.4.3 P3, and conditional approval is recommended.</p>

Stakeholder Engagement:

Initially, the Development Application was referred to neighbouring landowners. One submission was received during the consultation period, objecting to the proposal. Following the referral period, the proponent agreed to relocate the outbuilding a 0.2m further back from the front boundary and closer to the side (south-east) boundary. The proposal was referred again to neighbouring properties. The Shire received three submissions during the second referral period (Attachment 4). Two submissions express no concerns. The submitter that objected during the first referral period, made another submission to express their concerns. The concerns are summarised and is discussed in the table below:

Concerns	Officer Comment
The setback appears to be a major concession being allowed for the erection of this shed.	As stated above, the proposed development is considered to satisfactorily comply with Design Principle 5.4.3 P3
The concession made on the height which is 400mm higher than the Councils own rules.	
I believe all development applications should be in accordance with the Shire's statutory planning framework, ensuring all relevant legislation and standards should be upheld.	
The proposed shed is not consistent with the housing character of Hendy Street.	
There are other options to where the proposed shed could be placed.	The proposed use of the outbuilding is to store vehicles. The proposed outbuilding cannot be located at the rear of the existing house due to the location of an existing effluent disposal system at the rear.
The shed would be built directly in front of my house, it would destroy my view.	The proposed outbuilding would be located below the submitter's house, which is located across the road from the proposal. Further, the outbuilding would be enclosed within the existing building form, which is comprised of the existing house onsite and other buildings in the area.
It is stated that the proposed outbuilding is to be used as a garage. The size and height of the shed appears to be used for more than just storing a motor vehicle. My fear is that it will be used as a workshop and I will have the added problem of noise.	The proponent has indicated that the proposed outbuilding would be used for the storage of vehicles. Industrial and commercial land uses are not permissible within the Residential zone. A condition of approval would ensure that the outbuilding cannot be used for commercial or industrial purposes.

The Shire's Development Control Unit has no objections in principle.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Shire of Irwin Local Planning Scheme No. 5
 State Planning Policy 3.1 Residential Design Codes.

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk occurring from Council recommending approval of the proposal is expected to be rare and the consequences insignificant. Therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
 Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

PLANNING AND INFRASTRUCTURE

PI03 – 03/17

Subject: Request to remove No. 38 Moreton Terrace, Dongara from Local Planning Scheme No 5's Heritage List
Reporting Officer: Planning Officer
Responsible Executive: Acting Director Planning and Infrastructure
File Reference: DB.RE.2 / A451
Proponent: Mr Robert Scaddan
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider a request to remove No. 38 Moreton Terrace, Dongara ('Toko's') from Local Planning Scheme No 5's Heritage List.

COUNCIL DECISION 110317:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council suspends Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 4:29pm.

VOTING DETAILS:

CARRIED 8/0

COUNCIL DECISION 120317:

MOVED: Cr Meares

SECONDED: Cr Leonard

That Council reconvenes the meeting under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 4:33pm.

VOTING DETAILS:

CARRIED 8/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 130317:

MOVED: Cr Meares

SECONDED: Cr Gumley

That Council, pursuant to Schedule 2 – Deemed Provisions for Local Planning Schemes, Part 3, Clause 8.3.d) of the Planning and Development (Local Planning Schemes) Regulations 2015, does not accede to the request to remove No. 38 Moreton Terrace, Dongara from Local Planning Scheme No 5's Heritage List, due to the demonstrated heritage significance of the place with its charming, charismatic, iconic recognisable and uniquely designed historic building, which incorporates high quality aesthetics and strong associations with the social, cultural and economic fabric of the Dongara town centre.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Public submissions](#)

[Proponents correspondence after reviewing submissions](#)

Background:

On 4 October 2016, the proponents requested that the Shire of Irwin remove No. 38 Moreton Terrace, Dongara from the Shire's Scheme Heritage List. Shire Officers initiated the process by publicly advertising the request, in accordance with the *Deemed Provisions* of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

The building at No. 38 Moreton Terrace, Dongara was built in 1906 by Ned Carter for Samuel Fortesque Moore (S.F. Moore), a prominent merchant and grazier, for use as a shop and storeroom. Other notable owners were Iris and Bruce Williams, who used the building as 'The Elite Supply' and the Brennand family, who used this building as a shop and tea rooms. These people are prominent throughout Dongara's history. The removal of this building from the Scheme Heritage List will lead to the loss of heritage protection for the building, and the link to these prominent families.

The heritage place has changed ownership and uses throughout the years, and is now commonly known as 'Toko's Restaurant' amongst the community. The place was added to the Shire's Municipal Inventory in 1996, and subsequently to the Shire of Irwin Scheme Heritage List in 1998.

Officer's Comment:

Based on the public submissions received during the public advertising period (Attachment 1), various submitters consider the building at No. 38 Moreton Terrace to be iconic with a unique design and prominent, recognisable characteristics incorporating high quality aesthetics at the entry to Dongara town centre. Submitters also consider that the place has a significant social, cultural and economic association with the community. This association may be lost if the place was removed from the Shire's Scheme Heritage List.

Officers consider the building at No. 38 Moreton Terrace, Dongara to be a charming, charismatic and striking entry statement to the Dongara town centre. The location and design of this building is a unique identifier, much-photographed by intrigued tourists. While the heritage place may have been modified over the years, the modifications have been sympathetic to the original aesthetics of the building. The protection conferred by No. 38's inclusion within the Local Planning Scheme No. 5's Heritage List has contributed to the maintenance of the building's unique design and prominent, recognisable characteristics.

The proponents response to the submissions received during the advertising period (Attachment 2) does not alter the fact that No. 38 has sufficient enough heritage significance and community value to warrant inclusion within the scheme's Heritage List, which provides protection from inappropriate

development of the property. Given this, it is recommended that Council does not agree to the request to remove 38 Moreton Terrace, Dongara from the Heritage List.

Stakeholder Engagement:

In accordance with the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the request was publically advertised between 23 November and 19 December 2016 for a period of 26 days. The Shire received 14 submissions, all objecting to the proponents request (Attachment 1).

The main concerns and objections are discussed in the table below:

Submission	Officer Comment
<i>"I conclude that 38 Moreton Terrace should remain on the local heritage list because it remains of local heritage significance for its Associational, Historical, Aesthetic, Technological and Social values."</i>	Agreed.
<i>"The building and the façade are a welcoming sight into the entry of an old town." "It is a key entry feature to both historic townships." "It contributes to the overall aesthetic effect of the town entrance and heritage appeal of the main street." "This is a focal point to the main entry to Dongara's Township."</i>	Agreed.
<i>"This place is significant to our local history and has seen many uses over a long period of time." "The use as Toko's Restaurant has been considered an important part of the town's local history."</i>	Agreed.
<i>"It has been a landmark for this town and a memorable place for so many people."</i>	Agreed.

All submissions received during the advertising period were forwarded to the proponent for consideration. The proponent's response can be viewed in Attachment 2.

Financial/Resource Implications:

Nil

Statutory Environment:

Shire of Irwin Local Planning Scheme No. 5
 Planning and Development (Local Planning Scheme) Regulations 2015
 Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council refusing the request to remove 38 Moreton Terrace, Dongara from the Scheme Heritage List is expected to be rare, and the consequences insignificant. Therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.1.1 Promote and maintain the Municipal Inventory of Heritage Places

PLANNING AND INFRASTRUCTURE

PI04 – 03/17

Subject: Proposal to name a new road – Calytrix Road
Reporting Officer: Regulatory Support Officer
Responsible Executive: Acting Director Planning and Infrastructure
File Reference: WAPC154252/A9325
Proponent: BSO Development Consultants on behalf of Mr Stephen & Mrs Lorraine Mawer.
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider a proposal to name a new road adjacent and to the South of Beagle Road, Bonniefield.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 140317:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council, under Section 26A (2)(a) of the Land Administration Act 1997, approves the proposed name 'Calytrix Road' for the new road shown in the carriageway plan as presented in the Attachment Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Proposal to name a new road: Calytrix Road](#)

[Carriageway plan showing new road](#)

[Letter from adjacent land Owner \(Administrator for the Estate\)](#)

Background:

Following the Western Australian Planning Commission's recent approval of a subdivision proposal for Lot 2575 Melaleuca Road, Bonniefield, the landowner's agents have made a proposal to name a new road (Attachment 1). The new road is to be created as a result of the subdivision approval, and its location is shown in the attached carriageway plan (Attachment 2). The proposal is to name the new road 'Calytrix Road'. The word Calytrix is taken from *Calytrix Brevifolia*, which is the botanical name for an endemic shrub. Most are small to medium shrubs with star-like flowers ranging in colour from white through, yellow, pink and purple to red.

In accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia, Council must consider proposals to name new roads. If Council approves the proposed name of the new road, the Shire would then submit the approved name to Landgate for approval.

Officer's Comment:

Discussions with Landgate confirmed that the proposed road name is not already used in the vicinity, and does not conflict with Landgate's policies. No issues were raised through stakeholder engagement (see section below). Given this, Officer's recommend that Council approves the proposed name for the new road.

Stakeholder Engagement:

In accordance with Landgate's policies, the proposal was referred to an adjoining landowner. The administrator of the adjoining landowner's estate submitted a letter of support for the proposed road name (Attachment 3). There is no requirement to consult with other parties.

Financial/Resource Implications:

Nil.

Statutory Environment:

Land Administration Act 1997
Land Information Authority Regulations 2007

Policy Implications:

The Policies and Standards for Geographical Naming in Western Australia.

Risk Implications:

The likelihood of risk arising from Council approving the new road name is expected to be rare and the consequences would be insignificant. Therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.1.1 Implement an efficient and effective approval process
Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

PLANNING AND INFRASTRUCTURE

PI05 – 03/17

Subject: Mt Adams Road and Tomkins Road Intersection Realignment – Land Vesting Request
Reporting Officer: Planning Officer
Responsible Executive: Acting Director Planning and Infrastructure
File Reference: UCL12453/RD.RO
Proponent: Shire of Irwin
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider requesting to the Minister of Lands to dedicate a portion of Unallocated Crown Land (UCL), adjacent and to the west of the Mount Adams Road and Tomkins Road intersection, as road.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 150317:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council, pursuant to Section 56 of the Land Administration Act 1997, requests the Minister for Lands to dedicate a portion of Unallocated Crown Land (UCL) adjacent and to the south-west of the Mount Adams Road and Tomkins Road intersection, as road, as shown in the Indicative Plan for Dedication of Road presented in the Attachment Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Location Plan](#)
[Indicative Plan for Dedication of Road](#)

Background:

A Road Safety Audit was conducted in August 2014. This audit recommended that the road layout of the intersection of Mount Adams Road and Tompkins Road, Arrowsmith be reconfigured. The location of the intersection is shown in Attachment 1. All land surrounding this intersection is UCL.

The Shire has received Black Spot Program funding for construction of the proposed reconfiguration.

The proposed intersection reconfiguration requires the Shire to acquire a portion of UCL. Under Section 56 of the Land Administration Act 1997, the Minister for Lands has the power to dedicate a portion of the UCL as road reserve. The Council can request the Minister to dedicate the road and forward an indicative plan to identify the land. An indicative plan has been created to identify the portion of UCL the Shire needs to acquire for the reconfiguration (Attachment 2). If the Minister agrees to such a request, the Shire must contract a surveyor to provide survey plans upon request of the Department of Lands.

Officer's Comment:

As the Shire has received funding for the road reconfiguration, it is recommended that Council request the Minister to dedicate the portion of UCL, as identified on the indicative plan (Attachment 2).

Stakeholder Engagement:

Should Council agree to request the Minister dedicate the portion of UCL to road reserve, Shire Officers liaise with the Department of Lands.

Financial/Resource Implications:

Should Council agree to request the Minister to dedicate the portion of UCL to road reserve, and the Minister agrees to the request, the Shire of Irwin must contract a surveyor to provide survey plans upon request of the Department of Lands.

Statutory Environment:

Land Administration Act 1997
Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The risk arising from Council requesting the Minister to dedicate the land as road is expected to be rare and the consequences would be insignificant. Therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.6.1. Maintain road assets and ancillary infrastructure.

OFFICE OF THE CEO

CEO01 – 03/17

Subject: Customer Service Charter Review
Reporting Officer: Coordinator Organisational Performance
Responsible Executive: Chief Executive Officer
File Reference: CU.PR
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to consider adoption of the updated Customer Service Charter and new Vision, Mission, Values and Behaviours.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 160317:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council:

- 1. Adopts the updated Customer Service Charter, incorporating new Vision, Mission and agreed values and behaviours as presented in the Attachments Booklet - March 2017; and**
- 2. Authorises the Chief Executive Officer to make future operational alterations that does not change the spirit and intent of the document in order to ensure that it continues to remain relevant to the needs of the Community.**

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Customer Service Charter](#)

Background:

Within the 2016 MARKYT Scorecard feedback, results indicated that the Community valued the Shire personnel for being 'approachable, helpful, capable and efficient'. Customer Service was also highlighted as an area in which achieved an above average satisfactory rating when compared to other Councils participating in the survey and was considered to be at the higher end of performance when compared to the other 37 benchmarked areas for the Shire.

Given the Scorecard feedback as well as the Council previously having adopted the Customer Service Charter 2013 at the Ordinary Council Meeting held on 26 March 2013 (which has subsequently been amended by staff over time to ensure relevance is maintained) it is considered to be an opportune time for Council to review the Customer Service Charter document in its entirety.

Officer's Comment:

Taking into account the 2016 MARKYT Scorecard feedback, the Shire's ambition to continuously deliver high level customer service as well as the recently adopted values of innovation, accountability, integrity and respect it is considered that the adoption of this document will help ensure transparency by outlining the minimum standards that all Shire Councillors and employees should adhere to when dealing with all ratepayers, residents, visitors, tourists, colleagues and organisations from the public and private sector.

If adopted the Customer Service Charter will be made available via our website and in hard copy upon request.

It is suggested that adoption by Council and compliance of the Customer Service Charter will go a long way in meeting the expectations of the community and adhering to better practice principles.

Stakeholder Engagement:

The Executive Management Team reviewed the attached document at their meeting held 25 January 2017.

Both the Executive and Collaborative Management Teams have been engaged when reviewing this document over the past number of years, with consultation from various levels within the organisation.

Financial/Resource Implications:

Nil.

Statutory Environment:

Whilst the new Charter will not have legal status, the Charter will prescribe key performance indicators and other requirements which specify the level of service to be provided by the Shire and outline expectations of staff as they undertake their work.

Policy Implications:

Nil

Risk Implications:

The risks associated with the adoption of the Customer Service Charter are related to reputation.

The risk to reputation, should the Charter be adopted, is considered 'low' due to an assessment of both the likelihood and perceived consequence that having a customer service charter could cause.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 –Ensure compliance whilst embracing innovation and best practice principles.

OFFICE OF THE CEO

CEO02 – 03/17

Subject: Appointment of External Auditor
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: FM.AD
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To recommend to Council the appointment of the Shire's Auditors for the 2017/18 financial year as per the Local Government Act 1995 s7.3.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 170317:

MOVED: Cr Kennedy

SECONDED: Cr Meares

That Council appoints by an Absolute Majority Vote, the following registered company auditors from Moore Stephens as the provider of audit services for the 2017/18 financial year:

Mr G Godwin – Registered Company Auditor No 310219

Mr DJ Tomasi – Registered Company Auditor No 15724

Mr Wen-Shien Chai – Registered Company Auditor No 299761

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment:

[Moore Stephens – Expression of Interest](#)

[Department of Local Government and Communities – circular N° 31-2016](#)

Background:

The Department of Local Government and Communities provided circular N° 31-2016 which outlines the following:

'In March 2016, local governments were notified of the Liberal National Government's proposal for the Auditor General to undertake financial and performance audits of the local government sector.

'It was proposed that the Auditor General and the Office of the Auditor General take responsibility for local government financial audits from 1 July 2017. Local governments were requested not to extend or renew audit contracts past the 2016-17 audit in anticipation of the Local Government Amendment (Auditing) Bill 2016 taking effect.

On 25 August 2016 the Local Government Amendment (Auditing) Bill 2016 was introduced into the Legislative Assembly. However, the Bill will not pass before the dissolution of Parliament.

With the State election scheduled for March 2017, local governments are encouraged to extend or renew audit contracts until the 2017-18 audit, with the option of annual extensions.'

In light of this advice, the Shire approached Moore Stephens in order to seek their level of interest in continuing their current auditing arrangements. In responding they indicated:

'We are definitely interested in continuing as auditors of the Shire of Irwin for the 2017/18 financial year as an extension of our existing contract arrangement. All services provided would be in accordance with the same terms and conditions as the existing contract. We would also be able to maintain the fee structure for the 2017/18 year at the same level and terms as the 2016/17 level.'

Officer's Comment:

Given that Moore Stephens is currently appointed as the Shire's Auditors, their level of interest in extending the contract arrangements and the positive working relationship identified, it is recommended that the Shire extend their contract for the 2017/18 financial year.

Stakeholder Engagement:

The recommendation is presented to the Shire's Audit Committee to consider and make a subsequent recommendation to Council. This is informed by the expression of interest provided by Moore Stephens.

Financial/Resource Implications:

Auditing fees for 2017/18 – same as those incurred for the 2016/17 audit arrangements.

Statutory Environment:

The Local Government Act provides at Section 7.13:

7. 3. Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.

* Absolute majority required.

- (2) The local government may appoint one or more persons as its auditor.
- (3) The local government's auditor is to be a person who is —
 - (a) a registered company auditor; or
 - (b) an approved auditor.

Policy Implications:

Nil

Risk Implications:

Appointment of an Auditor is a statutory requirement of Council. As such, if an Auditor is not appointed this may result in major compliance risks, with an almost certain occurrence. This would result in an overall risk rating of extreme.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

Prior to consideration of item CEO03-03/17, Cr Meares and Cr Leonard disclosed a financial interest, as landowners who may be affected by the rate change. Cr Meares and Cr Leonard left the meeting at 4:36pm and did not participate in the discussion or vote on the matter.

OFFICE OF THE CEO

CEO03 – 03/16

Subject: Change of Method of Valuation - Rates Concession for Properties Levied with a 2016/17 Interim Rates Increase
Reporting Executive: Chief Executive Officer
File Reference: RV.VP
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider providing a rates concession for properties levied with a 2016/17 interim rates increase emanating from the recent change in method of valuation from Unimproved Valuation (UV) to Gross Rental Value (GRV) by waiving in the 2016/17 interim rates imposed.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 180317:

MOVED: Cr Gumley

SECONDED: Cr Scott

That Council, by Absolute Majority vote, waives all 2016/17 interim rate increases levied on properties as a result of the 28 June 2016 gazetted change in method of valuation from Unimproved Valuation to Gross Rental Valuation.

VOTING DETAILS:

LOST FOR WANT OF AN ABSOLUTE MAJORITY VOTE 4/2

Attachment:

[Summary listing of rates changes for properties affected by the change in valuation from GRV to UV.](#)

Background:

At the Ordinary Council Meeting held on 24 November 2015, Council resolved to:

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 041115:

MOVED: Cr Scott

SECONDED: Cr Smith

That Council consults with property owners giving 28 days to comment on the proposal to change the method of valuation from Unimproved Value to Gross Rental Value for those properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway as outlined under separate, confidential cover.

VOTING DETAILS:

CARRIED 6/0

Subsequent to Council's resolution, Land Use Declaration forms were sent out to all affected landowners with a covering letter explaining the process along with a two page Frequently Asked Questions sheet. Property owners were given 28 days to return the form, although forms were accepted after this time frame.

Of the 179 properties being considered for change, the following responses were received:

- a) 89 No Land Use Declaration was received (stated within the letter that accompanied the Land Use Declaration form, if the declaration form was not returned it would be assumed that the land is used predominately for non rural purposes)
- b) 76 Answered 'No' to the property being used for Rural Purposes
- c) 5 Answered 'Yes' to the property being used for Rural Purposes, 'No' to the property being used 'Predominately' for Rural Purposes
- d) 9 Answered 'Yes' to the property being used for Rural Purposes, 'Yes' to the property being used 'Predominately' for Rural Purposes, 'No' to livelihood

At its meeting held on 23 February 2016, Council, having considered these responses and the additional information provided within the report of the then Manager Corporate Services resolved:

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060216:

MOVED: Cr Leonard

SECONDED: Cr Gumley

That Council applies to the Minister for Local Government and Communities for a determination pursuant to Section 6.28 (1) of the Local Government Act 1995, to change the basis of rates for properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land of these properties have been determined to be residential or non-rural and not of commercial rural nature.

VOTING DETAILS:

CARRIED 7/0

As a result of Council's application and the subsequent approval by the Minister's delegate, the change of method of valuation from UV to GRV was gazetted on 28 June 2016.

However, as the Shire was in receipt of UV valuations only from Landgate (the responsible State Government valuation agency) at the time of levying the 2016/17 council rates, affected properties were rated on this basis with the view that once GRV valuations became available and processed, interim rates notices would be distributed in accordance the Shire's legal obligations.

On this basis, the Shire has recently levied interim rates to approximately 170 properties within the Springfield, Light Industrial Area and Racecourse estate precincts for which the following tables summarise the broader financial impact from the distribution of the interim rate notices:

Precinct and (Number of properties affected)	Number and (Percentage) of Properties – Rates Reduced	Number and (Percentage) of Properties – Rates Increased	Number and (Percentage) of Properties – Rates Remained the Same
Springfield (103)	48 (47%)	52 (50%)	3 (3%)
Light Industrial (49)	31 (63%)	2 (4%)	16 (33%)
Racecourse (18)	9 (50%)	9 (50%)	0 (0%)
Totals (170)	88 (52%)	63 (37%)	19 (11%)

Precinct	\$ Range of Rate of Reductions	Average Reduction	\$ Range of Rate of Increases	Average Increase
Springfield	\$11.61 - \$1,573.20	\$360.32	\$6.08 - \$625.10	\$181.38
Light Industrial	\$430.25 - \$3,794.80	\$832.10	\$12.30 - \$660.64	\$336.47
Racecourse	\$112.06 - \$769.65	\$467.44	\$29.77 - \$267.59	\$133.48
Totals	\$11.61 - \$3,794.80	\$537.47	\$6.08 - \$660.64	\$66.50

Overall, the distribution of the interim rates notices due to the change in method of valuation has resulted in a nett reduction of \$35,991 being \$47,297 in total rates reduced offset by \$11,306 in rate increases.

Officer’s Comment:

It is suggested, that from the overall results of the impact of changing the method of valuation from UV to GRV for the properties subject to review, Council’s desire to achieve a fairer rating system has largely been achieved with most properties receiving rates reductions or remaining as is by staying on the minimum rate. (By seeking a fairer rating system, it is important to note that the change in method of valuation relates to such rating purposes only and is thus not associated with local planning scheme zoning matters).

However, it is also suggested that whilst the Shire has met its legal obligations in respect to implementing the change in the method of valuation, and due to circumstances beyond the Shire’s control (mainly emanating from the time required for approval and new valuation processes to be finalised) the necessity to levy interim rates so late in the financial year may be seen to represent an unfair burden on those properties that have seen an increase in rates levied.

As such, it is considered open to Council provide a one-off (goodwill-based) concession to the ratepayers of properties in receipt of a rates increase, by waiving the additional 2016/17 rates identified on the respective interim rates notice.

Stakeholder Engagement:

Shire President

Financial/Resource Implications:

Whilst a nett reduction in rates levied was anticipated at the time of the 2016/17 Budget adoption, should Council wish to waive the additional rates levied this would represent a further reduction in rate receipts of approximately \$13,000 which is considered to be within the Shire’s means.

Statutory Environment:

Local Government Act 1995 Section 6.47 states:

“6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required”.*

Policy Implications:

Nil.

Risk Implications:

The risks associated with the adoption of the recommendation to provide a rates concession under the circumstances are related to finance and reputation.

The risk is considered ‘low’ due to an assessment of both the likelihood and perceived consequence of providing a rates concession.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 – Ensure compliance whilst embracing innovation and best practice principles

Following discussion on Item CEO03 – 03/17 and prior to 9.2, Cr Meares and Cr Leonard returned to the meeting at 4:41pm.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Tidy Towns Sustainable Committee (TTSC) Minutes and Recommendations to Council from 8 March 2017

COUNCIL DECISION 190317:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council receives the Minutes of the Tidy Towns Sustainable Committee meeting held 8 February 2017, as provided within the Attachment Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council agrees to support the development of the Irwin River Estuary Management Plan's canoe launches project, which will initially focus on the two sites off Waldeck Street and Retreat Boulevard.

CEO'S ALTERNATIVE RECOMMENDATION AND COUNCIL DECISION 200317:

MOVED: Cr Thompson

SECONDED: Cr Scott

That due to new information being received by staff following the 8 March 2017 meeting that may impact the implementation of this project, the recommendation be referred back to the Tidy Towns Sustainable Committee.

VOTING DETAILS:

CARRIED 8/0

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council closes the pathway, which leads steeply up the hill, from Church Street (opposite the old Kailis site), due to an unacceptable threat to public safety, and directs staff to use brushing to facilitate natural vegetation regrowth.

CEO'S ALTERNATIVE RECOMMENDATION AND COUNCIL DECISION 210317:

MOVED: Cr Scott

SECONDED: Cr Gumley

That Council notes that staff have initiated a temporary close and requests the Chief Executive Officer to initiate a safety assessment and undertake appropriate remedial action of the pathway from Church Street (opposite the old Kailis site).

VOTING DETAILS:

CARRIED 8/0

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION AND COUNCIL DECISION 220317:

MOVED: Cr Scott

SECONDED: Cr Thompson

That Council appoints, by Absolute Majority Vote, Mrs Yvette Robb, Regulatory Support Officer as a member of the Tidy Towns Sustainable Committee.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

9.2.2 Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council from 13 March 2017

COUNCIL DECISION 230317:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 13 March 2017, as provided within the Attachment Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION AND COUNCIL DECISION 240317:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council requests the Manager Technical Services (through the Chief Executive Officer) to further investigate and report to the Asset Management Advisory Committee on appropriate rural road maintenance programming and prioritisation options with a view to:

- 1. Retaining relevant road plant (such as a grader and roller);**
- 2. Providing additional staff grading capacity to allow an in-house rapid response for rural road maintenance issues; and**
- 3. Increasing the current service level of 0.5 grades of the road network to an aspirational 1.5 grades of the road network.**

VOTING DETAILS:

CARRIED 8/0

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION AND COUNCIL DECISION 250317:

MOVED: Cr Kennedy

SECONDED: Cr Leonard

That Council requests the Manager Technical Services (through the Chief Executive Officer) to investigate a combined geofabric membrane and sand replenishment program as a short term measure to manage coastal erosion along Surf Beach, Port Denison.

VOTING DETAILS:

CARRIED 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4:53pm.

An electronic copy of the Minutes are available for download from the Shire's website
<http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>.

<p>I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 March 2017 <i>Signed:</i> Presiding Elected Member Date:.....</p>
--