



AGENDA
FOR THE
ORDINARY MEETING
OF COUNCIL
TO BE HELD ON
WEDNESDAY, 26 APRIL 2017

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

WEDNESDAY, 26 APRIL 2017

IN THE COUNCIL CHAMBERS,
11-13 WALDECK STREET, DONGARA WA



Darren Simmons
Chief Executive Officer

20 April 2017

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

INDEX-ORDINARY COUNCIL MEETING 26 APRIL 2017

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	1
5.	APPLICATIONS FOR LEAVE OF ABSENCE	1
6.	PETITIONS	1
7.	CONFIRMATION OF MINUTES	1
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 28 MARCH 2017	1
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	2
9.1	OFFICER REPORTS	3
CC01 – 04/17	Accounts for Payment	3
CC02 – 04/17	Financial Statements for the Period ending 31 March 2017	5
CC03 – 04/17	Budget Review 2016/17	8
CC04 – 04/17	Tender 1-2017/18 Tennis Court Resurfacing	11
CC05 – 04/17	CSRFF Grant Application - Denison Bowling Club	13
PI01 – 04/17	Scheme Amendment No. 18 – Lot 51 Indian Ocean Drive, Arrowsmith	15
PI02 – 04/17	Development Application for Single House, Site Works and Retaining Walls at 94 Northshore Drive, Dongara	18
PI03 – 04/17	Supply and Lay Bitumen 2017	22
9.2	COUNCIL COMMITTEE REPORTS	25
9.2.1	Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council from 10 April 2017	25
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	26
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	26
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	26
13.	MATTERS BEHIND CLOSED DOORS	26
14.	CLOSURE	26



AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS, 11-13 WALDECK STREET, DONGARA ON WEDNESDAY, 26 APRIL 2017 AT 4.00PM

PRESENT:	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 Ms S van Aswegen – Director Planning and Infrastructure Ms N M Nelson – Manager Community Capacity Mrs H M Sternick – Manager Customer Services Ms E Greaves – Coordinator Executive Services Miss S J Clarkson – Finance Officer
	Leave of Absence	Cr I F West (Shire President)

-
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Cr West was provided a Leave of Absence from this meeting, as per the Council resolution from 28 March 2017 Ordinary Council Meeting (Minute#010317).

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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.

Response: The required repairs were extensive and involved replacing half of the internal ceiling. The works schedule was delayed due to sub-contractor availability in the New Year, which pushed out the completion date. Handover of the property was finalised on 31 March 2017 (from the builder) and the tenants occupied the unit in early April 2017.

Sunset clauses are used when purchasing or selling a property and not in rental agreements. The Shire's Rental Agreements are as per the Housing Authority as this is a joint venture.

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

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

Response: When dealing with unauthorised development, if it is not possible to attain a mediated outcome by way of retrospective approvals, a range of enforcement options are

available to the Shire. The circumstances surrounding each case of unauthorised development will assist in determining which option the Shire takes.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS

7. CONFIRMATION OF MINUTES

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

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

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

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

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 04/17

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 March 2017.

Officer's Recommendation:

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

Payment Type/Numbers	Total Amount
EFT 20634 - 20787	\$459,278.54
Muni Cheques 31383 - 31405	\$103,772.48
Direct Debit - Credit Card	\$5,377.31
Direct Debit - Click Super	\$31,508.26
Direct Debit - Transport PL280217 – PL290317	\$74,679.50
Grand Total	\$674,616.09

Attachment:

[Accounts for Payment – March 2017](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of March 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 – 04/17

Subject: Financial Statements for the Period ending 31 March 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 31 March 2017.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 31 March 2017, as outlined in the Attachments Booklet – April 2017.

Attachment:

[Financial Statements for the month ending 31 March 2017.](#)

Background:

The Monthly Financial Report to the 31 March 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 March 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,562,418	9.0% negative variance
Operating Expenditure	(\$6,209,659)	9.6% positive variance
Net Operating	\$1,352,760	
Capital Revenue	\$320,147	60.3% negative variance
Capital Expenditure	\$991,338	79.1% positive variance
Cash at Bank – Municipal	\$2,484,310	
Cash at Bank – Reserve	\$2,173,869	
Total Funds Invested	\$4,550,693	
Net Rates Collected	90.48%	
Receivables Outstanding	\$154,241	

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 – 04/17

Subject: Budget Review 2016/17
Reporting Officer: Manager Customer Services
Responsible Executive: Acting Director Corporate and Community
File Reference: FM.BU.16.17
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 and adopt the budget review for the 2016/17 financial year as presented in the Statement of Financial Activity for the period 1 July 2016 to 28 February 2017.

Officer's Recommendation:

That Council

- a) **adopts the 2016/17 Budget Review, as presented in the Attachments Booklet – April 2017;**
- b) **authorises the allocation of additional funds \$258,100 to Rural Road Maintenance account (133820) to grade rural roads.**

Attachment:

[Budget Review 2016/17](#)

Background:

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government.

Officer's Comment:

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and greater than \$5,000 for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

- This report provides information by program and is based on the eight month period from 1 July 2016 to 28 February 2017.
- The budget review reflects a view of the position of the Shire of Irwin – projected full year income and expenditure against full year original budget.
- The projected actual are based on the information provided for each program, with an estimated increase in Net Operating Profit of \$168,036 compared to original budget.

In the attachment is an explanation of identified major expenditure and revenue expectations of specific projects not proceeding, reduction in revenue or timing issues.

Stakeholder Engagement:

Responsible officers have predicted the balances on their activities.

Financial/Resource Implications:

The adoption of this budget review will forecast the budget with an estimated surplus of \$168,036. It is suggested that the estimated surplus be retained in the Municipal accounts to be brought forward into next financial year.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Australian Accounting Standards

Policy Implications:

Nil.

Risk Implications:

The associated risks would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. It is therefore considered to have a high risk rating however the completion of the budget review ensure that the local government is following good governance practices and mitigates associated risks.

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

CC04 – 04/17

Subject: Tender 1-2017/18 Tennis Court Resurfacing
Reporting Officer: Coordinator Recreation
Responsible Executive: Acting Director Corporate and Community
File Reference: FM.TE.16.17
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 tenders that were submitted for the resurfacing of three natural grass tennis courts.

Officer's Recommendation:

That Council awards the contract to West Coast Synthetic Surfaces for the amount of \$190,930 ex GST for the resurfacing of three natural grass tennis courts with artificial grass.

Attachment:

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

Background

Listed in the current budget is the provision for resurfacing the grass tennis courts with an artificial grass surface on three courts. Converting three natural grass courts to an artificial surface is a large capital project requiring a sizeable allocation in the budget. Given the unsustainability of maintaining four natural grass tennis courts the importance of this project is reflected in Council's willingness to fund this project through a loan.

This loan was approved by the Western Australian Treasury Corporation on 21 March 2017.

A tender was advertised and closed 12 noon on 10 April 2017. Five submissions were received and assessed by a panel of four Council officers. This information is provided under separate confidential cover.

Officer's Comment:

The costs associated with maintaining four natural grass tennis courts is becoming unsustainable, with the rising cost of water and the intensity of labour required to maintain the courts to a high standard. Whilst the football oval is watered with a mixture of 50% bore and 50% scheme water, that option is not available for the tennis courts which require 100% scheme water. To continue to maintain the four natural grass courts into the future, our ageing reticulation system and the two concrete holding tanks will require replacement in the next year or two.

The objectives of this project are to:

- Provide the community and our major stakeholder, the Dongara Tennis Club, quality tennis courts which are playable all year and provide a more consistent bounce and therefore enjoyable playing experience.
- Dramatically reduce the costs associated with maintaining four natural grass courts through labour hours, infrastructure replacement (tanks and retic system), machinery maintenance and service costs (water).

Stakeholder Engagement:

10 November 2015 – four committee members of the Dongara Tennis Club including the President, Vice President and Secretary were invited to the Council Forum to discuss the Club's future requirements for tennis courts.

14 December 2015 – the Irwin Rec South Precinct Working Group held its first meeting and discussed this project.

13 January 2016 – five committee members of the Dongara Tennis Club met with the Irwin Rec South Precinct Working Group to again discuss their needs going forward.

23 May 2016 – the Irwin Rec South Precinct Working Group met to discuss budget considerations for the 2016/17 Draft Budget including the conversion of natural grass courts to synthetic grass.

17 January 2017 – the Shire's Coordinator Recreation met with members of the Dongara Tennis Club to update them on a future direction for the courts and to also get an indication of the Club's commitment to the project. The Club have always indicated a preference for an artificial grass surface.

Financial/Resource Implications:

As per 2016/17 Budget allocation, a loan has been approved.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

Should a hard court resurfacing option be taken, any risk implications are related to reputation with the consequence risk considered to be moderate. However resurfacing with synthetic grass would reduce this risk to insignificant and the likelihood would be rare, therefore an overall reputational risk level would be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

CORPORATE AND COMMUNITY

CC05 – 04/17

Subject: CSRFF Grant Application - Denison Bowling and Recreation Club
Reporting Officer: Manager Community Capacity
Responsible Executive: Acting Director Corporate and Community
File Reference: GS.PR.1
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 supporting the Department of Sport and Recreation (DSR) Community Sport and Recreation Facilities Fund (CSRFF) small grant application from the Denison Bowling and Recreation Club for the final costs to replace the lighting towers.

Officer's Recommendation:

That Council supports the Community Sport and Recreation Facilities Fund (CSRFF) small grant application for the replacement of lighting towers at the Denison Bowling and Recreation Club facility as Council's first and only priority for the Department of Sport and Recreation (DSR) selection process.

Attachment:

A copy of the grant application has been provided to Councillors under separate confidential cover.

Background:

The Shire of Irwin have been in communications with the Denison Bowling and Recreation Club for several years in regards to the required replacement of the lighting towers. During a storm in 2016 one of the towers fell down and was replaced through LGIS insurance. The Shire assisted the Club in submitting a Community Chest funding application for half of the costs to replace the remaining three towers. This was successful with the condition that a CSRFF small grant funding application was also sort for any remaining costs. The Shire arranged for an Engineer to inspect the structures who recommended they be removed urgently. The Shire arrange for this to occur and currently the Club are using portable lighting towers.

As the only application presented to Council this application is prioritised as number one.

Officer's Comment:

The Denison Bowling and Recreation Club (DBRC) committee work hard and run many events including Corporate Bowls, which is hosted during sunset and going into dark. This event attracts many locals and the lighting is required in order to get those who work business daylight hours Monday through Friday, this event increases the profile of the facility.

Lawn bowling is ideal for summer evenings as the days can be hot, which require lighting. Lawn bowling has proven to have great health benefits and is considered popular with our senior residents, which the Shire has a higher than state average population base. It also allows the DBRC members to be socially inclusive.

The replacement of the lights is considered urgent and is scheduled to begin in July/August using the part funding from the Community Chest Fund (CCF). This application will greatly assist the finances of the DBRC who have other emerging capital replacements and ongoing maintenance costs.

Stakeholder Engagement:

The DBRC attended a Council Forum in August 2016 to provide a general overview of the financial requirements of the club and again in September 2016 in regards to the lighting towers replacement. Shire staff met with the Club to assist with the two funding applications being the CCF and the CSRFF.

Financial/Resource Implications:

The DSR contribution for a successful CSRFF small grant submission is one third of the project costs. The DBRC has successfully received more than half the costs through the CCF with the Mid West Development Commission and DBRC will cover the remainder. The Shire has already contributed towards the engineer structure report, making the existing poles safe and have assisted through in-kind resourcing when claiming for insurance for one pole and developing the two funding applications.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The CSRFF grant application process requires applications to be lodged with the Local Government Authority, in the event multiple applications are received in the same funding round Council is required to rank each application before being submitted to DSR. As this is the only application in the Shire of Irwin for this funding round the likelihood of any risk to reputation is expected to be unlikely, the consequence is insignificant, therefore the overall risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

PLANNING AND INFRASTRUCTURE

PI01 – 04/17

Subject: Scheme Amendment No. 18 – Lot 51 Indian Ocean Drive, Arrowsmith
Reporting Officer: Planning Officer and Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
Applicant/Proponent: Peter D Webb and Associates on behalf of Mary Donald Nominees Pty Ltd
File Reference: LP.PL.2.18 / A8591
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 to initiate and advertise Amendment 18 to the Shire of Irwin Local Planning Scheme No. 5 to rezone Lot 51 Indian Ocean Drive, Arrowsmith from 'General Farming' to 'Special Use (SU29): Tourist Site'.

Officer's Recommendation:

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Initiate proposed Scheme Amendment 18 to the Shire of Irwin Local Planning Scheme No. 5, as presented in the Attachments Booklet – April 2017;
2. Specify that the proposed Amendment 18 is a 'Standard Amendment' as defined under Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason:
 - a. An amendment that is not a complex or basic amendment;
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer a copy of the proposed Scheme Amendment 18 documentation to the Environmental Protection Authority for review and comment; and
4. Should the Environmental Protection Authority not require an environmental assessment, advertise Scheme Amendment 18 pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Attachment:

[Proposed Scheme Amendment No. 18](#)
[Indicative Concept Plan](#)

Background:

The Shire of Irwin has received a proposal from Peter D Webb and Associates on behalf of the landowner to rezone Lot 51 Indian Ocean Drive, Arrowsmith (Lot 51) from 'General Farming' to 'Special Use (SU29): Tourist Site'. The proposed amendment report is at Attachment 1. Lot 51 is located approximately 40km south of Dongara 30km north of Leeman and directly to the east of North Knobby Head. Lot 51 is approximately 148ha, and is currently undeveloped.

With regard to this report, Council's role is to determine whether to initiate the Scheme Amendment process for the proposal. If Council does initiate the process, the Scheme Amendment will be referred to the Environmental Protection Authority (EPA) for comment. If the EPA does not require any additional environmental assessments to be undertaken, the Scheme Amendment can be publicly advertised and referred to agencies for comment. Following conclusion of public advertising, Council may reconsider Scheme Amendment 18 including any proposed modifications, along with any submissions lodged with the Shire of Irwin during the public consultation period. Following this, if Council decides to adopt the Amendment 18, the details will be forwarded to WAPC for consideration before the planning scheme can be amended.

Officer's Comment:

Within the Shire's Local Planning Scheme No. 5, the proposal is to rezone Lot 51 Indian Ocean Drive, Arrowsmith from 'General Farming' to 'Special Use (SU29)'. The Special Use zone is to consist of the following land uses:

- Caravan Park;
- Chalet Park;
- Camping Ground;
- Manager's Residence and Staff Accommodation;
- Convenience Shop;
- Restaurant Facilities;
- Fuel Outlet (fuel bowsers only); and
- Incidental uses to the permitted uses.

If the rezoning proposal is eventually approved by Council and endorsed by the Western Australian Planning Commission (WAPC), all of the land in Lot 51 will become zoned Special Use – Tourism. This will result in the proposed zoning details and conditions being added to the Schedule of Special Use zones within the planning scheme and changes being made to the relevant zoning map.

Once rezoned, Condition 1 of the proposed zone requires the land to be developed in accordance with a future Local Development Plan (LDP). This means the future LDP will set the extent of the land that will be developed. For example, the developer may choose a similar size and layout to the Development Concept discussed under Section 6.0 of the proposed amendment report (page 21 in Attachment 1). This Development Concept is shown as an indicative Concept Plan in Annexure 8 of the amendment report (see Attachment 2 of this report). While the developer may or may not propose to develop this particular indicative Concept Plan, Council's control over the future LDP process will ensure that an appropriate development is achieved for this location.

The process to initiate and advertise is outlined under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). Under Regulation 35(2), Council must specify whether the Scheme Amendment is complex, standard or basic, in accordance with the Terms Used (Regulation 34). The proposed Scheme Amendment is consistent with the Draft Shire of Irwin Local Planning Strategy (the Draft Strategy). The Department of Planning have indicated that, although the Draft Strategy has not yet been approved by the WAPC, this Scheme Amendment may be considered a 'Standard Amendment'. Shire Officers agree with this recommendation, as the Local Planning Strategy is far advanced and considered to be a 'seriously entertained planning document'. Further, the proposal may be considered a standard amendment as it is not a complex or basic amendment.

It is recommended that Council initiate Scheme Amendment No. 18 of the Shire of Irwin Local Planning Scheme No. 5 as a Standard Amendment, and to advertise the Scheme Amendment. This will allow the proposal to be thoroughly examined, and may result in modifications before being considered further by Council at a later date.

Stakeholder Engagement:

Should Council resolve to initiate Scheme Amendment No. 18, the proposal shall be publicly advertised and referred to state government agencies for comment for a period of no less than 42 days.

Financial/Resource Implications:

If the Scheme Amendment is initiated, the application fee will cover advertising and administration costs.

Statutory Environment:

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Irwin Local Planning Strategy
Shire of Irwin Local Planning Scheme No. 5

Policy Implications:

The proposed amendment reflects the strategic direction for Lot 51 and Policy Area H, as outlined in the Draft Shire of Irwin Local Planning Strategy, which is about to be approved by the WAPC.

Risk Implications:

The likelihood of compliance risk occurring should Council resolve to initiate the amendment process is expected to be rare, and the consequences insignificant. Therefore, the risk is low (1).

Strategic Implications:

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

PLANNING AND INFRASTRUCTURE

PI02 – 04/17

Subject: Development Application for Single House, Site Works and Retaining Walls at 94 Northshore Drive, Dongara
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
Proponent: Nordic Builders Pty Ltd on behalf of S Doulman and M Nutthongmuang
File Reference: P768 / A8673
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 a development application for a single house, site works and retaining walls at 94 Northshore Drive, Dongara.

Officer's Recommendation:

That Council, pursuant to Clause 10.3a) of the Shire of Irwin Local Planning Scheme No. 5, approves the Development Application for a Single House, Site Works and Retaining Walls at 94 Northshore Drive, Dongara, as presented in the Attachments Booklet – April 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 vehicle crossover shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction of the Shire of Irwin, and thereafter maintained.
3. The driveway/accessway shall be constructed, sealed (concrete, asphalt or brick pavers) and thereafter maintained.
4. The approved development shall be connected to a reticulated sewer network.
5. The approved development shall be connected to a reticulated water supply by a licensed water provider.
6. Any soils disturbed or deposited on site shall be stabilised and retained on site to the satisfaction of the Shire of Irwin.

7. All stormwater and drainage runoff from all roofed and impervious areas is to be retained onsite to the satisfaction of the Shire of Irwin.
8. External clothes drying area(s) appurtenant to the dwelling shall be provided in a location such that they are screened from public view of the street.

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 or 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.

Attachment:

[Site Plan, Floor Plan and Elevations](#)

[Site Photos](#)

[Neighbour Consultation](#)

Background:

The subject land is located at 94 Northshore Drive, Dongara (Attachment 1). This property is within the Residential zone (i.e. an urban residential area). There are four adjoining lots. The roadside verge is approximately 6m wide. Site photos can be viewed in Attachment 2.

The proposal is for a single house, site works (excavation) and retaining walls (Attachment 3). At the time of submission of the Development Application, the lot was vacant and the land generally sloped downwards from the south east corner to the north-west corner. The applicants intend to level the lot to meet the Natural Ground Level (NGL) in the middle of the lot, resulting in filling towards the front of the lot and excavation towards the rear of the lot. This requires retaining walls along the northern, eastern and southern lot boundaries. All adjoining lots are vacant. A single house is also proposed.

The initial application was submitted on 6 February 2017. The proponent submitted amended plans on 28 February 2017. These plans were referred to neighbouring properties (see Stakeholder Engagement below). An initial site inspection was undertaken on 3 March 2017 (see first photo in Attachment 2). Following submission of another set of amended plans, a second site inspection was undertaken on 7 April 2017 (see other photo's in Attachment 2). During the second inspection, it was noted that site works (excavation and fill) had been undertaken without approval.

Officer's Comment:

Under the *Shire of Irwin Local Planning Scheme No. 5* (LPS 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 Regulations), the application must be assessed against the relevant provisions of the R-Codes.

The proposal largely complies with the relevant Deemed-to-Comply Criteria of the R-Codes. The Deemed-to-Comply Criteria of the R-Codes which are not complied with are set out in the table below and the variations are assessed in terms of compliance with the relevant Design Principles. The planning assessment below is based on the land as it was at the time the application was submitted i.e. before the unauthorised site works. As such, all levels and building heights are based on the proposed plans shown in Attachment 1.

Clause	Deemed-to-Comply Criteria	Proposed variation to the Deemed-to-Comply criteria	Compliance with Design Principles
5.1.2 Street Setback	7.5m from the front boundary.	The proposed street setback is 3.75m.	<p>Due to the 6m wide verge the proposed 3.75m setback is unlikely to result in adverse streetscape impacts.</p> <p>Given this, the variation complies with Design Principles 5.1.2 P2.1 and P2.2.</p>
5.1.3 Lot Boundary Setback	The proposed garage wall is to be 8.39m long and ranges in height between 3.1m and 3.4m. The Deemed-to-Comply Criteria for this wall is 1m (setback from boundary).	The garage wall on the north east boundary is to be built up to the boundary (0m setback)	<p>The adjoining lot is undeveloped and the proposed garage wall is of a fairly standard height and length and is unlikely to have unacceptable impacts in terms of building bulk. There are other examples of similar garage walls located close to lot boundaries within the area (e.g. 98 Northshore Drive). Further, the wall would not cause overshadowing, loss of privacy or loss of amenity for the adjacent lot. Furthermore, there are no active habitable spaces on the adjoining lot that may be adversely impacted by the garage wall.</p> <p>Given this, the proposed garage wall complies with Design Principles 5.1.3 P3.1 and P3.2.</p>
5.3.7 Site Works	Within 1m of a lot boundary excavation or fill up to 0.5m from NGL	The land in the south-east corner of the lot is to be excavated to a maximum of 0.6m from NGL.	<p>The proposed excavation is fairly minimal and responds reasonably well to the natural slope of the site. Further, the proposed excavation will ensure that the rear of the site can be adequately used for outdoor living. Furthermore, the neighbour did not object.</p> <p>Given this, the excavation complies with Design Principles 5.3.7 P7.1 and P7.2.</p>
		The land in the north-west corner of the lot is to be filled to a maximum of 0.8m from NGL.	<p>The proposed filling is fairly minimal and responds reasonably well to the natural slope of the site. Further, the proposed filling will ensure that the lot is capable of development. Furthermore, the neighbour did not object.</p> <p>Given this, the filling complies with Design Principles 5.3.7 P7.1 and P7.2.</p>
5.3.8 Retaining Walls	Within 1m of a lot boundary a retaining wall up to 0.5m above NGL	The retaining wall in the north-west corner of the lot exceeds 0.5m, with the maximum height being 0.8m above NGL.	<p>The proposed retaining wall will result in land that can be effectively used by the owner. Further, the proposed retaining walls are unlikely to detrimentally affect neighbouring properties. Furthermore, the neighbour did not object.</p> <p>Given this, the retaining wall complies with Design Principles 5.3.8 P8.</p>

Given the planning assessment above, the proposal is considered to satisfactorily comply with all of the relevant provisions of the R-Codes. As the proposal complies with the R-Codes, it also complies with Local Planning Scheme No. 5, and is recommended for conditional approval.

While the unauthorised site works should not have occurred until determination of this development application, it should be noted that the excavation and filling is fairly minor and the neighbours did

not object to this part of the proposal. Given this, enforcement action against the developer is not warranted. Officers have reminded the developer that excavation or fill within 1m of a lot boundary which exceeds 0.5m from NGL will always require development approval, and should not be carried out without the approval being granted first.

Stakeholder Engagement:

The development application was referred to two neighbouring properties (north-east and south-west) between 1 March 2017 and 17 March 2017 for a period of 16 days. One submission was received (from the north-east neighbour) during the consultation period. This submission objected to the proposed garage wall being built up to the dividing (side) boundary. Amended plans, showing the garage wall approximately 0.5m shorter, were then received and also referred to the submitter, who maintained their objection to the proposal on similar grounds. The submitter's concerns are summarised and discussed in the table below:

Submission	Officer Comment
"It is not just the height of the wall that is the problem, we would like the wall to be the same as the residents in 98 Northshore Drive." *Please Note that the garage wall at 98 Northshore Drive is set back 0.3m from the lot boundary.*	As detailed in the planning assessment above, with regard to the R-Codes' clause 5.1.3 Lot Boundary Setback, the proposal is considered to satisfactorily comply with Design Principles 5.1.3 P3.1 and P3.2.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
State Planning Policy 3.1 Residential Design Codes of Western Australia
Shire of Irwin Local Planning Scheme No. 5
Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of compliance risk occurring should Council approve the application is expected to be rare, and the consequences insignificant. Therefore, the risk is low (1).

Strategic Implications:

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

PLANNING AND INFRASTRUCTURE

PI03 – 04/17

Subject: Supply and Lay Bitumen 2017
Reporting Officer: Manager Technical Services
Responsible Executive: Director Planning and Infrastructure
File Reference: RD.MA.2/RD.MA.3
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:

Seek approval to proceed with the approved road sealing work as per the 2016/17 Budget.

Officer's Recommendation:

That Council awards the contract to Bitutek Pty Ltd for the amount of \$306,466 ex GST for the road sealing work including the seal design and supply of aggregate as per the approved 2016/17 Budget.

Attachment:

[eQuote RFQ – Bitumen Sealing MTS V1.0](#)

[D Minor Works Contract oct 15 V1.0](#)

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

Background:

The approved 2016/17 Budget include a schedule of roads for bitumen resealing. Table 1 below outlines both the approved program and budget allocations.

The crack sealing and pre-sealing work has been completed and the value of the work was \$37,185, which excludes any variations.

The value of the road sealing work was estimated to be more than \$150,000. To comply with the Shire's Purchasing Policy, the road sealing must be put out to a competitive public tender. The Shire normally does not use the WALGA eQuotes competitive public tendering system as many local suppliers are not registered on that system and it would therefore result in a breach of the Shire's Localised Purchasing Policy. However, in this case there are no potential local bidders for road

sealing works, so the WALGA eQuotes tendering process was utilised. The summary of the bidders and associated outcomes can be found in the attached Tender Evaluation – Road Sealing, under Confidential Cover.

Table 1- Schedule of Sealing Works

Road	2016/17 Budget Allocation*	Comments
Burgess Street Slk 0.00 – Slk 0.18	\$9,500	Crack sealing, pre-sealing and road resealing
Hunt – Waldeck St # 1 Slk 0.00 - Slk 1.31	\$67,200	Crack sealing, pre-sealing and road resealing
Martin Street Slk 0.30 – Slk 0.11	\$6,600	Crack sealing and road resealing
Milo Road Slk 0.30 – Slk 0.70	\$40,600	Pre-seal and road sealing
Allanooka Springs Rd Slk 16.0 – Slk 24.0	\$297,500	Road resealing (70% RRG Funded)
Total Budget Allocation	\$421,400	

* The budgeted amount includes crack sealing, pre-sealing and bitumen sealing

Given the weather is cooling, the tender requirements has a strong focus on seal design, ability to commence work immediately upon award and quality management to ensure the bitumen is not applied in unfavourable conditions.

Officer’s Comment:

Bitutek Pty Ltd submission met all the qualitative criteria requirements, clearly outlining their capacity to meet Shire of Irwin requirements specific to this project. Refer to the attached tender evaluation worksheet for further details regarding the compliance and qualitative criteria for all tenders submitted.

Stakeholder Engagement:

As per the requirements for the approved 2016/17 Budget and Regional Road Group funding submissions.

Financial/Resource Implications:

As per 2016/17 Budget allocation

Statutory Environment:

Local Government Act 1995

Policy Implications:

C12 Localised Purchasing
 C13 Purchasing

Risk Implications:

The work will be executed during the month of May 2017. The contract has measures in place to prevent bitumen being sprayed if the ambient temperature becomes too cold, which could result in bitumen adhesion issues. However, unfavourable weather could result in lengthy time delays pushing the completion date beyond 30 June 2017. There is no funding risks should the work be delayed due

to unfavourable weather provided the Shire maintains correspondence with the MRWA Customer Service Manager for the Mid West-Gascoyne Region during these type of weather events.

Having considered the above comments, the recommendation provided by the reporting officer presents a low risk solution for Council.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 2.6.1 Maintain road assets and ancillary infrastructure.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council from 10 April 2017

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 10 April 2017, as provided within the Attachment Booklet – March 2017.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council approves the disposal of the John Deere CH670 Grader by public auction, as per the 2016/17 Plant Replacement Program.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council endorses the Dongara Cemetery Revitalisation Project Initiation Form and requests Council to include the provision of \$40,000 for initial works during its 2017/18 Budget consideration.

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

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

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at
_____.