



AGENDA
FOR THE
ORDINARY MEETING
OF COUNCIL
TO BE HELD ON
TUESDAY, 23 MAY 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

TUESDAY, 23 MAY 2017

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



Darren Simmons
Chief Executive Officer

18 May 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.

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**AGENDA FOR ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBERS,
11-13 WALDECK STREET, DONGARA ON
TUESDAY, 23 MAY 2017 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 <i>by phone Shire of Leonora</i> Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Mrs C L Seymour – Rating and Payroll Officer Ms E Greaves – Coordinator Executive Services

-
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr Barker raised two questions at the 26 April 2017 Ordinary Council meeting that were taken on notice. A copy of those questions and a response is provided below:

The Building Act 2011 and Home Building Contracts (Home Indemnity Insurance Exemptions) Regulations 2002, provide for home indemnity. What will the Shire do differently, as the permit authority, to ensure the requirements of the legislation are met?

This question was taken on notice.

Response: The Shire has been working with the Building Commission since early 2017 to refine its practices and procedures with respect to the approval of building permit applications.

Can the Shire of Irwin confirm that the appropriate indemnity insurance policies were in place and adhered to from 2016 to present?

This question was also taken on notice.

Response: Section 20 of the *Building Act 2011* provides that the Shire must not grant a building permit if the relevant application does not comply with the requirements of section 16.

Section 16 of the *Building Act 2011* requires that applications for a building permit must be accompanied by evidence that an insurance policy compliant with the obligations set out in section 25D of the *Home Building Contracts Act 2011* has been procured.

The Shire has received 176 applications for building permits between 1 January 2016 and 18 May 2017.

The Shire is aware of its responsibilities and does not intend to provide commentary on the circumstances of the 176 applications (in the same way that it will not provide running commentary on its compliance with all other applicable Acts and Regulations).

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Leonard has requested a leave of absence for the 27 June 2017 to 25 July 2017 Ordinary Council meetings.

6. PETITIONS

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 APRIL 2017

A copy of the Minutes of the Ordinary Council Meeting held on 26 April 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 26 April 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 – 05/17

Subject: Accounts for Payment
Reporting Officer: Manager Customer Services
Responsible Executive: 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 April 2017.

Officer's Recommendation:

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

Payment Type/Numbers	Total Amount
EFT 20788 - 20917	\$630,767.39
Muni Cheques 31406 - 31473	\$71,156.96
Trust Cheque 3135	\$5,688.73
Direct Debit - Credit Card	\$4,661.74
Direct Debit - Click Super	\$31,136.32
Direct Debit - Transport PL300317 – PL260417	\$61,179.45
Grand Total	\$804,590.59

Attachment:

[Accounts for Payment – April 2017](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of April 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 – 05/17

Subject: Financial Statements for the Period ending 30 April 2017
Reporting Officer: Manager Customer Services
Responsible Executive: 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.
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- Review** When Council reviews decisions made by Officers.
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Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2016 to 30 April 2017.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 30 April 2017, as outlined in the Attachments Booklet – May 2017.

Attachment:

[Financial Statements for the month ending 30 April 2017.](#)

Background:

The Monthly Financial Report to the 30 April 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 April 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,763,317	9.7% negative variance
Operating Expenditure	(\$6,860,927)	7.5% positive variance
Net Operating	\$902,389	
Capital Revenue	\$391,223	58.6% negative variance
Capital Expenditure	\$1,252,400	61.1% positive variance
Cash at Bank – Municipal	\$2,065,553	
Cash at Bank – Reserve	\$2,173,869	
Total Funds Invested	\$4,050,693	
Net Rates Collected	94.51%	
Receivables Outstanding	\$94,824	

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 – 05/17

Subject: Differential Rates 2017/18
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: RV.RT.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.
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- 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 the proposed rates in the dollar for differential rating to be advertised prior to the adoption of the 2017/18 Budget.

Officer's Recommendation:

That Council;

1. advertises its intention, in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2017/18 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	9.9974	\$965
<i>Unimproved Valuations</i>		
General Differential Rate	1.2706	\$965
Mining Differential Rate	17.5726	\$965

2. endorses the Statement of Objects and Reasons, as presented in the Attachments Booklet – May 2017 under separate cover.
3. confirms that expenditure has been reviewed and the following have been considered as part of budget deliberations:

Efficiency Measures:

- Implemented light fleet and plant replacement program;
- Implemented rural roads maintenance grading program;
- Market test future cleaning contract;

- **Cost savings on new contract for waste removal;**
- **Service levels and core business;**
- **Improve efficiencies by completing roadside slashing and oval aeration internally;**
- **Improve utility efficiencies for future savings; and**
- **Review each position as vacancies arise.**

Attachment:

[Statement of Objects and Reasons](#)

[Draft Rate Setting Statement](#)

Sample Properties have been provided under separate confidential cover, as per Local Government Act 1995 s5.23 (2)(b)

Background:

There is provision under the Local Government Act 1995 to impose differential rates within the local government’s boundaries and in considering this imposition, there are certain statutory obligations that the local government must comply with:

- Before any consideration to its Budget, the local government is required to give local public notice of its intention to impose differential rates;
- The local government must provide information of each new rate or minimum payment;
- Electors or ratepayers are invited to make submissions in respect of the proposed rate or minimum payment. This submission period must be for a minimum of 21 days; and
- Application to the Minister for Local Government; Heritage; Culture and the Arts seeking approval to impose a differential rate that is more than twice the lowest rate.

It has been the Shire’s long standing practice to use differential rates to levy a higher rate in the dollar for Mining Tenements than other Unimproved Valuation (UV) properties. This practice has been common within local governments and has come under considerable scrutiny by the former Minister for Local Government and Communities in recent years.

Last year the Department of Local Government allowed the Shire to apply a differential general rate that was more than twice the lowest rate in the unimproved value category, but encouraged the Shire in future years to consider “a review of expenditure and efficiency measures is undertaken before the rate in the dollar is advertised”.

The budgeted differential general rates for UV for 2016/17 were:

Differential Rate Category	Basis	2016/17 Rate (cents in the dollar)	2016/17 Minimum \$	2016/17 Rates	2016/17 Minimum Rates \$	% Rates Total
UV	UV	1.1817	932	1,376,700	40,500	29%
Mining	UV	16.9784	932	371,000	11,200	8%

A draft budget workshop was held on Monday, 15 May 2017. At this workshop Councillors reviewed the projected changes in operating income and expenditure, along with efficiency measures, proposed capital works, projects and new initiatives.

The differential rates will directly influence Council’s ability to fund expenditure requirements in the 2017/18 Budget.

The proposed rates in the dollar will generate sufficient funds to continue to provide services and facilities at the current level of service.

Officer’s Comment:

For Council to meet the requirements of the Act it is required to advertise the proposed differential rates within time frames to meet the 21 day period before the budget is adopted.

The Long Term Financial Plan (LTFP) that Council adopted in June 2013, has a forecast increase at 5.7% per annum. The LTFP rate increase of 5.7% comprises factors of 3.2% for inflation and 2.5% for population growth. Although the draft budget is not completed, a thorough review of the income and expenditure requirements of the Shire has indicated that an increase of 3.5% on the actual revenue raised in the 2016/17 financial year will meet requirements of the 2017/18 budget.

Differential rating allows Council to maintain a degree of equity between rates levied on all unimproved value assessments within the Shire of Irwin rate base whilst providing income annually to allow for the service requirements of all property owners.

The reasoning for levying the higher rate in the dollar can be found in the attached Statement of Objects and Reasons.

It is worth noting that while both UV Rural and UV Mining are based on “Unimproved Values” provided by the Valuer General, the *Valuation of Land Act 1978* prescribes different methods of calculating each one.

The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.

The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.

Unimproved Valuations

Landgate has advised that the total unimproved valuation for the Shire of Irwin has decreased by an overall average of approximately 4% to \$114,315,100 (previous year unimproved valuation was \$140,520,600 this includes the Springfield area).

The Valuer’s comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations.

In the letter, the Valuer also makes the following comments:

“OVERALL VARIATION TO UNIMPROVED VALUATIONS

There has been a small change to unimproved values effective 30 June 2016. There has been some upward movement in land values for broad acre farming properties in the period leading up to the revaluation but this has been offset by a reduction in values of small rural holdings due to a reduction in demand for this style of property.

Some changes to individual assessments may have occurred either as a product of the mass valuation process or where records have been amended or corrected for more up to date information about soil types etc.”

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued they will not necessarily reflect a 3.5% increase in rates on their property.

Gross Rental Valuations

Landgate provided a new Gross Rental Valuation (GRV) which took effect as of 1 July 2015, this covers a four year period and therefore there is no general change to GRV’s in 2017/18. The change in method of valuation completed in 2017/18 has increased the GRV through interims.

Mining Valuations

The Mining Valuation Roll is not received until the beginning of the new financial year and therefore projections for mining rates are based on current valuation including interims.

In previous years, the proposed rate in the dollar has been calculated by using the actual rates raised as at 1 July and then adjusted by any full year equivalent increase or decrease for interims received for the year.

2016/17	Actuals (full year equivalent)
GRV as at 1 July 16	3,032,980
UV Mining as at 1 July 16	379,798
UV Rural as at 1 July 16	1,417,665
Total	4,830,443
3.5% increase for 2017/18	4,999,508
Plus anticipated Interims	15,000
Total	5,014,508

The attached rates setting statement is a result from the Council workshop held on Monday, 15 May 2017 and provides details of anticipated operating income and expenditure, capital income and expenditure resulting in a draft budget deficiency before rates of \$5,014,500. This amount includes the 3.5% increase on last year's rates of \$4,999,500 and anticipated interim revenue of \$15,000. The draft budget has been prepared using a surplus, this is subject to change due to the finalisation of the end of financial year processes.

The weighted median CPI for the 12 months to December 2016 is 0.5% (source: Australian Bureau of Statistics, Department of Treasury) and though this is a metropolitan based index it can be used as a guide when considering any proposed rates levied.

WALGA provides an economic forecast each year and the Local Government Cost Index (LGCI) which is a report on the costs and factors affecting local government. The forecast of the 2017/18 financial year is the LGCI is expected to be around 1% increase in local government costs (source WALGA Economic Forecast February 2017).

The LGCI forecast is that while both the LGCI & CPI are trending downwards, State debt and the State's poor financial position remains the biggest concern in the WA economy. The report advises local governments to be prepared for the possibility of changes to State funding, or cost shifting as programmes and services are cut or reduced.

Stakeholder Engagement:

Once adopted the proposed differential rates together with the objects of imposing differential rates and reasons for each rate category must be advertised for a minimum period of 21 days. This period of advertising allows ratepayers to consider the proposed rates and make any submissions to Council. The advertising process does not prevent Council from amending the rate in the dollar at budget adoption.

It is also proposed to write to all Mining Tenement owners.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2017/18 financial year.

The following table provides a comparison of the proposed rates yield to 2016/17:

Rates Categories	2016/17 Rate Yield Actual (\$)	2016/17 Rate Yield (%)	Proposed Rate Yield (\$)	Proposed Rate Yield (%)	% Increase/ (Decrease)
GRV	3,032,980	62.66	3,139,100	62.79	3.50
UV	1,417,665	29.48	1,467,200	29.35	3.50
Mining Tenements	379,798	7.86	393,100	7.86	3.50

The percentage changes in rate yields are affected by a number of factors, including the rate in the dollar and the value of any interim rates.

Statutory Environment:

Local Government Act 1995

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

Policy Implications:

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- o zoning
- o land use
- o vacant land.

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- o whether or not it is situated in a town-site
- o whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison

and was given at least 21 days to make submissions to the local government on the proposal.

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- prepared and made publically available a document clearly describing the object of and reason for each differential general rate;

- given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
- published the notices after 1 May in the relevant year.

The public notice published by the local government contained:

- details of each differential general rate that the local government intends to impose
- an invitation for submissions to be made by an elector or ratepayer
- a closing date for submissions which is at least twenty one days after the day on which the notice is published
- advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.

The council of the local government has:

- considered each ratepayer submission (if any)
- resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Risk Implications:

Given the nature of this matter is to adopt a differential rate for future rating and will be subject to further community consultation it is assessed that any risk is unlikely to occur and would be insignificant resulting in a low risk rating.

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.

PLANNING AND INFRASTRUCTURE

PI01 – 05/17

Subject: Speed Zoning Proposal Melaleuca Road
Reporting Officer: Manager Technical Services
Responsible Executive: Director Planning and Infrastructure
File Reference: RD.LI.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.
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Report Purpose:

To consider a speed zoning proposal by Main Roads Western Australia (MRWA) for Melaleuca Road, Bonniefield.

Officer's Recommendation:

That Council supports the 70 km/hr speed zone proposed by Main Roads Western Australia for Melaleuca Road.

Attachment:

[Speed Zoning Proposal Feedback from Residents](#)

Background:

Main Roads Western Australia (MRWA) are the authorising body for speed zones on all public roads in Western Australia. Speed zones allows Western Australian Police to manage safety on roads and the ability to issue an infringement notice should it be required.

The objective of speed zoning is to provide credible speed limits which meet driver expectations while achieving a balance between road safety, land use amenity and transport efficiency. As a general rule for speed zoning, the posted speed limit should be within 10km/h of the 85th percentile for operating speed as determined by MRWA.

Melaleuca Road is currently unzoned. The bitumen seal width of the road varies from 5.8m to 7.2m. The roadside development is considered "Partially Built-up" with varying residential development along the road. MRWA assessment of Melaleuca Road indicates an 85th percentile speed of 77.76 km/hr.

Taking into consideration the road characteristics, roadside development and the 85th percentile speed, in February 2017 MRWA proposed a 70 km/hr speed limit on Melaleuca Road and requested feedback from the Shire.

Officer's Comment:

The recommendation from MRWA is supported for a 70 km/hr speed limit on Melaleuca Road.

Stakeholder Engagement:

The Shire consulted with the following stakeholders in preparing the above recommendation to Council.

- Melaleuca Road residents; and
- Main Roads Mid West-Gascoyne.

The Shire sent letters to Melaleuca Road residents in March 2017 informing them of the proposal and requesting feedback. Two written submission were received as per the attachments, both in favour of the proposal. Anecdotal contact with local residents suggests that there is further support for the proposal.

Financial/Resource Implications:

There is no anticipated financial or resource implications for the Shire of Irwin.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The introduction of a speed limit on Melaleuca Road is a risk management tool and therefore reduces both the probability and severity of a traffic accident plus the ability to issue traffic infringement notices for non-compliant users.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

Strategy 3.8.7 Partner with the Mid West Road Safety Alliance and other road safety organisations.

PLANNING AND INFRASTRUCTURE

PI02 – 05/17

Subject: Shire of Irwin Industrial Land Use Strategy
Reporting Officer: Planning Officer
Responsible Executive: 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 adopting the Shire of Irwin Industrial Land Use Strategy.

Officer's Recommendation:

That Council adopts the Shire of Irwin Industrial Land Use Strategy to guide future urban planning and economic development decisions, as presented in the Attachments Booklet – May 2017.

Attachment:

[Shire of Irwin Industrial Land Use Strategy
Schedule of Submissions](#)

Background:

The Shire of Irwin received funding from the Department of Planning to undertake an Industrial Land Use Strategy. The studies involved and the strategy has been created by Geografia.

The purpose of the Industrial Land Use Strategy is to:

1. Outline the currently supply and demand of industrial land within the Shire of Irwin;
2. Analyse supply chain networks and identify opportunities for the innovative clustering of businesses to maximise economic synergies;
3. Identify the locations and analyse constraints for:
 - a. All industrial zones; and
 - b. An innovation precinct with provision for a business incubator;
4. Provide planning provisions and identify requirements for each zone and precinct to become suitable for development (market ready).

The Shire of Irwin Industrial Land Use Strategy outlines a number of Priority Actions and Strategic Objectives that reflect the supply and demand studies (Attachment 1).

Following studies being undertaken by Geografia, a Draft Shire of Irwin Industrial Strategy was developed and advertised publically for comment.

Officer's Comment:

The Strategic Objectives and Priority Actions have been formed based on the supply and demand of industrial land within the Shire of Irwin. The Strategy was modified to reflect comments from the Department of Agriculture and Food and the Department of Water. The comments made from Department of Agriculture and Food and the Department of Water are based on recent studies of the area, focusing on the appropriateness of the land for horticultural and agricultural land uses. As such, these responses were considered reasonable and modifications made.

It is recommended that the Shire of Irwin Industrial Land Use Strategy be approved as presented in Attachment 1 to guide future urban planning and economic development decisions.

Stakeholder Engagement:

The Shire of Irwin Industrial Land Use Strategy was advertised between 31 March 2017 and 24 April 2017. The Strategy was advertised on the Shire website and public noticeboard, in the Dongara Denison Local Rag, a letter sent to all affected landowners and it was also available for viewing by the public in the Shire of Irwin Administration Office. The Draft Strategy was also provided to relevant State Government agencies.

The Shire received a response from the Department of Agriculture and Food, Department of Water and Main Roads WA, and one response from a community member. Based on these responses, modifications were made to the document. These modifications are outlined in Schedule of Submissions (Attachment 2).

Financial/Resource Implications:

Nil.

Statutory Environment:

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

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk occurring should Council resolve to adopt the Shire of Irwin Industrial Land Use Strategy is rare, and the consequences insignificant, therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.1.3 Review current guidelines and provide appropriately zoned land to support commerce and industry.

PLANNING AND INFRASTRUCTURE

PI03 – 05/17

Subject: Proposed Subdivision of Lot 304 Tyford Road, Dongara
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: WAPC155097/A9436
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 an application to subdivide Lot 304 Tyford Road, Dongara as referred by the Western Australian Planning Commission (WAPC) for comment by Council.

Officer's Recommendation:

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 304 Tyford Road, Dongara (Ref:WAPC155097) as presented in the Attachment Booklet – May 2017, subject to the following conditions:

1. Prior to commencement of subdivisional works, a detailed area plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development to the satisfaction of the Western Australian Planning Commission.
2. Engineering drawings and specifications are to be submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant.
3. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision.

Attachment:

[Subdivision Plans](#)

[Site Photos](#)

[Officers Assessment](#)

Background:

Council does not determine the outcome of subdivision applications. Subdivision applications are lodged and determined by the WAPC. Council acts as a referral agency i.e. Council makes a recommendation on such applications for the WAPC to consider.

The proposed subdivision is located on Lot 304 Tyford Road, Dongara, to the north of the Moreton Bay Estate. The Moreton Bay Estate received subdivision approval by the WAPC for Stage One and Stage Two (WAPC129561) on 10 March 2006, subject to standard conditions and advice notes. Such standard conditions included the provision of a dual use path along one side of Tyford Road, and along one side of Bayliss Road at the developer's expense. The Shire of Irwin deferred this condition until Stage Two commenced. Stage Two did not commence, and the approval for this application has since lapsed. As such, the Shire cannot enforce this condition for dual use paths. For this subdivision application, a new condition requesting shared paths has however been included in the recommendation.

Officer's Comment:

The proposed subdivision is consistent with the relevant provisions of the LPS 5 and the relevant provisions of the Local Planning Strategy's Policy Area B (Attachment 3). The proposed lot sizes range from 2001m² to 2067m², which meet the minimum lot size provision under the LPS 5.

The subdivision application has also been referred to other agencies (Water Corporation, Western Power etc) by the WAPC, who will recommend their own conditions from the same WAPC manual.

Stakeholder Engagement:

This application was referred to the Shire of Irwin's Development Control Unit. There were no objections, in principle, following referral.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005

Local Planning Strategy

Local Planning Scheme No. 5

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council supporting the proposed subdivision is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI04 – 05/17

Subject: Request to Extend Big 4 Caravan Park to Reserve 46561
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: A8369
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:

For Council to consider a request from the Fowler Group to extend Big 4 Caravan Park onto Reserve 46561.

Officer's Recommendation:

That Council advises the Fowler Group of Council's intent to rezone and utilise Reserve 46561, Lot 947 Ocean Drive, Port Denison, for the purpose of 'Passive Recreation' to align with the Port Denison Foreshore Redevelopment Masterplan adopted at the Council Meeting held 25 October 2016.

Background:

Council has received a request from the Fowler Group, owner of the Big 4 Caravan Park, to extend the caravan park to the south, being Reserve 46561. This Reserve is designated for 'Recreation'. The Reserve is zoned 'Special Use: Eating House' under the Shire of Irwin Local Planning Scheme No. 5.

Officer's Comment:

Councillors have expressed the desire to utilise this land for the purpose of 'Passive Recreation'. As the Reserve is currently zoned for an 'Eating House', the process to rezone the Reserve to Recreation can be done through the Shire of Irwin Local Planning Scheme Review.

It is recommended that Council advises the Fowler Group of their intent to utilise Reserve 46561 for the purpose of 'Passive Recreation'.

Stakeholder Engagement:

Nil.

Financial/Resource Implications:

Should there be additional infrastructure constructed on Reserve 46561, the initial and ongoing maintenance costs will be the responsibility of the Shire of Irwin.

Statutory Environment:

Local Government Act 1995

Shire of Irwin Local Planning Scheme No. 5 (inc. Scheme Review).

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk occurring should Council advise the Fowler Group of its future intention regarding Reserve 46561 is rare, and the financial, reputational and property consequences are insignificant. Therefore, the overall risk is considered low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.3.2 Continue to maintain Shire Reserves.

Strategy 3.1.3 Review current use and rationalise community infrastructure assets

OFFICE OF THE CEO

CEO01 – 05/17

Subject: Approval for Extraordinary Election to be consolidated with Ordinary Election – Councillor Resignation
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: GV.EL.1
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 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:

For Council to consider the options available with respect to the vacancy created by the resignation of Cr Meares.

Officer's Recommendation:

That Council, by an Absolute Majority vote:

- 1. Notes the resignation of Cr Meares;**
- 2. Acknowledges Cr Meares for his commitment and service to the Shire of Irwin;**
- 3. Fixes the date of the extraordinary election for the resulting vacancy as the date of the next ordinary local government elections being 21 October 2017 and;**
- 4. Seeks approval from the Electoral Commissioner, to postpone the extraordinary election to the next ordinary local government elections being 21 October 2017 in accordance with s4.16 (4) of the Local Government Act 1995.**

Attachment:

[Resignation letter from Cr Meares](#)

Background:

Cr Meares was first elected as a Councillor of the Shire of Irwin in October 2015 and served on a number of Council advisory committees. Cr Meares has formally tendered his resignation from Council with the Chief Executive Officer (CEO) which is effective 16 May 2017.

According to s2.32(b) of the Local Government Act 1995 (the Act) the office of a member of Council as a councillor becomes vacant if the member resigns from the office.

Cr Meares' term was due to expire in 2019.

At the 28 February 2017 Ordinary Council Meeting it was resolved:

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 160217:

MOVED: Cr Scott

SECONDED: Cr Gumley

That Council;

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

Section 4.16 of the Local Government Act 1995 provides postponement of elections to allow consolidation. Section 4.16(4) outlines:

(4) If a member's office becomes vacant under section 2.32 —

- (a) after the third Saturday in January in an election year; but*
- (b) before the third Saturday in July in that election year,*

the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

Officer's Comment:

It is common for approval to be sought from the Electoral Commissioner before Council considers allowing the position to remain vacant however it seems appropriate to recognise the resignation and give the Commissioner an indication that Council supports this, prior to sending the written request letter.

The final outcome will be determined once a response is received from the Commissioner.

Stakeholder Engagement:

Advice has previously been sought from the WA Electoral Commission on how to proceed with seeking similar approval and it has been indicated that the chosen process for Council to first consider the matter would satisfy the Act and the Commissioner's requirements.

Financial/Resource Implications:

Other than some minimal savings in member allowances, it is anticipated there are no other financial or resource implications should Council approve to not fill the vacancy. However, should Council wish to fill the vacancy through an extraordinary election, there would be some financial and resource implications that have not been budgeted for in facilitating an election.

Statutory Environment:

Local Government Act 1995 s2.32 and s4.16.

Policy Implications:

Nil

Risk Implications:

It is important to consider the minor risk associated with the unbudgeted financial/resource implications should an extraordinary election be called to fill the vacancy. This risk is likely and therefore an overall moderate risk rating is relevant.

There may also be some minor reputational risk should the position remain vacant with only 7 elected members remaining on Council however this risk is mitigated by present good governance systems.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Roadwise Committee Minutes from 27 March 2017

ROADWISE COMMITTEE MINUTES:

That Council receives the Minutes of the Roadwise Committee meeting held 27 March 2017, as provided within the Attachment Booklet – May 2017.

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

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

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

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That, given consideration to the age, condition and ongoing maintenance requirements of the John Deere Grader, Council resolves to dispose of the equipment by public online auction.

9.2.3 Receipt of Tidy Towns Sustainable Committee (TTSC) Minutes and Recommendations to Council from 11 May 2017

TIDY TOWNS SUSTAINABLE COMMITTEE MINUTES:

That Council receives the Minutes of the Tidy Towns Sustainable Committee meeting held 11 May 2017, as provided within the Attachment Booklet – May 2017.

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council:

- 1. supports the Retreat Boulevard location for the initial canoe launch site**
- 2. investigates the feasibility of a canoe launch site at Waldeck Street/Hunts Road**

Please note: Staff will be presenting draft design of the canoe launch facility at the June Council Forum.

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council includes the installation of drinking water fountains in key public access locations in the 2017/2018 Budget deliberations.

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

_____.