



AGENDA

FOR THE

ORDINARY MEETING  
OF COUNCIL

TO BE HELD ON

TUESDAY, 25 JULY 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, 25 JULY 2017

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



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Darren Simmons  
Chief Executive Officer

20 July 2017

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## **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, 25 JULY 2017 AT 4.00PM**

<b>PRESENT:</b>	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr M Leonard
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Planning, Community and Infrastructure Mrs N Nelson – Manager Community Capacity Mr T G Dunstan – Bushfire Risk Planning Coordinator Miss C Morrison – Planning Officer Ms E Greaves – Coordinator Executive Services Miss S Warnock – Executive Support
	Leave of Absence	Cr Scott Cr Thompson
	Apology/Leave of Absence	Cr Kennedy

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Council approved a Leave of Absence for Cr Thompson and Cr Scott at the 25 June Ordinary Council Meeting.

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

Mr Rossiter raised the following question which was taken on notice:

1. How much did the new Shire Community Bus cost?

Response: The cost to the Shire for the new Shire Community Bus was \$118,425.

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Thompson has requested a leave of absence for the period 25 July to 30 September 2017 inclusive.

Cr Kennedy has requested a leave of absence for the period 25 to 29 July 2017 inclusive.

**6. PETITIONS**

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 JUNE 2017**

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A copy of the Minutes of the Ordinary Council Meeting held on 27 June 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 27 June 2017, be confirmed as a true and accurate recording of that meeting subject to the amendment of Council Decision 010617 as follows:***

***Delete:***

***‘ That Council grants a Leave of Absence to Cr Gumley for the period 24 July – 30 July 2017 and Cr Thompson for the 25 July 2017 Ordinary Council Meeting.’***

***And Insert:***

***‘That Council grants a Leave of Absence to Cr Scott for the period 24 July – 30 July 2017 and Cr Thompson for the 25 July 2017 Ordinary Council Meeting.’***

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**9.1 OFFICER REPORTS**

**OFFICE OF THE CEO**

**CEOO01 – 07/17**

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Chief Executive Officer  
**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.
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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 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 June 2017.

**Officer's Recommendation:**

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

Payment Type/Numbers	Total Amount
EFT 21067 - 21249	\$1,349,142.31
Muni Cheques 31501 - 31531	\$213,476.74
Trust Cheques 3139 - 3140	\$2,000.00
Direct Debit - Credit Card	\$7,263.41
Direct Debit - Click Super	\$30,708.92
Direct Debit - Transport PL300517 – PL280617	\$99,467.20
<b>Grand Total</b>	<b>\$1,702,058.58</b>

**Attachment:**

Accounts for Payment – June 2017

**Background:**

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

**OFFICE OF THE CEO**

**CEO02 – 07/17**

**Subject:** Financial Statements for the Period ending 30 June 2017  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

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

**Officer's Recommendation:**

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

**Attachment:**

Financial Statements for the month ending 30 June 2017.

**Background:**

The Monthly Financial Report to the 30 June 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 provisional financial position to the end of June 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$9,241,810	1.4% positive variance
Operating Expenditure	(\$9,376,475)	9.7% positive variance
Net Operating	(\$134,665)	
Capital Revenue	\$1,032,131	0.3% negative variance
Capital Expenditure	\$2,283,510	33.7% positive variance
Cash at Bank – Municipal	\$1,117,779	
Cash at Bank – Reserve	\$1,954,348	
Total Funds Invested	\$0	
Net Rates Collected	96.13%	
Receivables Outstanding	\$223,906	

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.

**OFFICE OF THE CEO**

**CEO03 – 07/17**

**Subject:** Bushfire Risk Management Plan  
**Reporting Officer:** Bushfire Risk Planning Coordinator  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** ES.PL.2  
**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 adoption by Council of the Bushfire Risk Management Plan.

**Officer's Recommendation:**

**That Council adopts the Shire of Irwin Bushfire Risk Management Plan (BRMP) as presented in the Attachment Booklet – July 2017 being a requirement under the State Hazard Plan for Fire (Westplan Fire) for Shires that are exposed to a significant bushfire risk as mentioned in section 1.1 of the BRMP.**

**Attachment:**

[Shire of Irwin Bushfire Risk Management Plan](#)

**Background:**

In 2014 the Bushfire Risk Management Planning process was initiated. The process was a State Government response to the recommendations that were highlighted in the Keelty Report. This report was a summation of the inquiries into the Perth Hills and Margaret River Fires in 2011. Part of the recommendations were a more coordinated and tenure blind approach to dealing with bushfires especially in the planning and preparation stages of bushfire risk management. As a result under the State Emergency Plan for Fire also known as Westplan Fire, Local Governments exposed to a significant bushfire risk are required to develop a five year integrated Bushfire Risk Management Plan (BRMP).

The BRM Plan was approved by the Office of Bush Fire Risk Management on the 12 June and currently requires Council endorsement in order to be adopted and implemented by the Shire.

**Officer's Comment:**

The Shire of Irwin due to its geography and economy, contains large areas of indigenous vegetation and grasslands. The high fuel load exposes the community to a significant bushfire risk. However by implementing a BRMP the risk can be reduced to a safer and acceptable level. In the event of a significant bushfire, the likely impacts in the form of damage to property and loss of life will be reduced by implementing mitigation works and increasing community awareness and education. The BRM Plan will assist in protecting the local economy and lifestyle renowned to the Shire of Irwin as well as maintaining the natural environment for present and future generations.

**Stakeholder Engagement:**

During the development of the BRMP, relevant stakeholders have been consulted and provided vital information.

**Financial/Resource Implications:**

The 2017/18 Draft Municipal Budget provides for the revenue and expenditure requirements for the implementation of the BRMP for the Shire of Irwin.

**Statutory Environment:**

Local Government Act 1995  
Bush Fires Act 1954  
Emergency Act 2005

**Policy Implications:**

Nil

**Risk Implications:**

The risk implications for not approving the BRMP will negatively impact on all measures of consequences stated in 'The Risk Management Table' ranging from Health to the Environment.

Specifically, in terms of reputation, the consequence of a significant bushfire coming through is potentially catastrophic (5). However the likelihood of a significant bushfire is unlikely (2). Therefore the overall level of risk is high (10).

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

The BRMP is an Informing Strategy that assists in achieving the Shire's specific future aims in the key areas outlined in the Strategic Community Plan 2012-2022 and strengthen the overall objectives in the Integrated Planning and Reporting Framework.

**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**DPCI01 – 07/17**

**Subject:** Financial Assistance Funding Policy amendments.  
**Reporting Officer:** Manager Community Capacity  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** CM.PO.6  
**Voting Requirements:** Simple Majority

**Council Role:**

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**Report Purpose:**

For Council to review, update and adopt the Financial Assistance Funding Policy.

**Officer’s Recommendation:**

**That Council adopts the amended Financial Assistance Funding Policy as presented in attachment booklet – July 2017.**

**Attachment:**

[Financial Assistance Funding Policy](#)

**Background:**

The Community Assistance Scheme (CAS) Committee reviewed the CAS application and guidelines and aligned it with the Waiver of Fees and Charges and Sundry Donations applications.

The changes to the guidelines highlighted a need to review the supporting Financial Assistance Funding Policy. A summary of the changes to the Policy is provided in the table below;

Policy Amended 22 November 2016	Proposed Policy
<p><b>ELIGIBILITY</b>                      Not-for-profit community based organisations, groups, event organisers, athletes and individuals that provide economic, social, community projects that make a positive contribution to the Shire of Irwin.</p> <p><b>INELIGIBILITY</b></p>	<p><b>ELIGIBILITY</b>                      To be eligible for funding the applicant must be a not for profit, incorporated, community organisation or be sponsored by an incorporated organisation.</p>

<p>Groups that are ineligible for funding include local state and federal government departments, private companies, individuals (unless representing at elite level) and private and public schools including employees of these bodies acting on behalf of their employers (excluding relevant community purpose representative bodies such as P&amp;C Associations).</p>	
<p><b>Recurring grants</b> were listed within the policy.</p> <ul style="list-style-type: none"> <li>• <b>Australia Day – Dongara Denison Lions Club Inc - \$500</b></li> <li>• <b>Mid West Group of Affiliated Agricultural Societies Inc - \$300</b></li> <li>• <b>Anzac Day Celebrations - \$500</b></li> <li>• <b>Easter Races - \$1,500</b></li> </ul>	<p><b>Recurring Grants</b> have been removed from the policy and the budget.</p> <p>No applicant can be guaranteed funding nor can any applicant be guaranteed to receive the full amount requested to promote fairness and equity to all applicants.</p> <p>Organisations previously listed as recurring grants will be required to apply for funding as outlined in the policy or be listed in the budget elsewhere.</p>
<p><b>Restrictions on Funding</b> The Community Organisation is not to have already received funding from the Shire by way of a Sponsorship, Donation, Community Assistance Scheme Funding or Council Contribution or received financial assistance from the Shire under any existing written agreement during the current financial year.</p>	<p><b>Restrictions on Funding</b> Each organisation eligible for financial assistance, as described in the Financial Assistance Funding Policy, will not be granted funding that exceeds \$5,000 in any financial year. The maximum \$5,000 may be sought through the Community Assistance Scheme only or as a combination of In-Kind Assistance, Sundry Donation and the Community Assistance Scheme.</p>
<p><b>Sundry Donations</b> Only one application per financial year (July to June) may be lodged. Donation funding is available to a maximum amount of \$500.00.</p>	<p><b>Sundry Donation</b> funding is available to a maximum amount of \$500 per application.</p> <p>Each organisation is eligible to submit several applications per financial year, provided the total cumulative amount of successful applications does not exceed \$1,000.</p> <p>The total amount of Sundry Donation provided to an organisation is deducted from the maximum \$5,000 financial assistance available to each eligible organisation.</p> <p>The maximum \$5,000 may be sought through the Community Assistance Scheme (CAS) only or a combination of In-Kind Assistance, Sundry Donation and Community Assistance Scheme funding.</p>
<p><b>Waiver of Fees and Charges</b> Only one application per financial year (July to June) may be submitted at any time</p>	<p><b>In-Kind Assistance</b> is available to a maximum value of \$1,000 per application.</p>

<p>during the year.</p>	<p>Each organisation is eligible to submit several applications per financial year, provided the total cumulative amount of successful applications does not exceed \$1,000.</p> <p>The total amount of In-Kind Assistance provided to an organisation is deducted from the maximum \$5,000 financial assistance available to each eligible organisation.</p> <p>The maximum \$5,000 may be sought through the Community Assistance Scheme (CAS) only or a combination of In-Kind Assistance, Sundry Donation and Community Assistance Scheme funding.</p>
<p><b>Community Assistance Scheme</b>                  Only one application per financial year (July to June) may be submitted at any time during the year.</p>	<p>Community Assistance Scheme funding is available to a maximum value of \$5,000 per application.</p> <p>Each organisation is eligible to submit one application per round, provided the total cumulative amount of successful applications does not exceed \$5,000.</p> <p>The total amount of Community Assistance Scheme funding provided to an organisation is deducted from the maximum \$5,000 financial assistance available to each eligible organisation.</p> <p>The maximum \$5,000 may be sought through the Community Assistance Scheme (CAS) only or a combination of In-Kind Assistance, Sundry Donation and Community Assistance Scheme funding.</p>

**Officer’s Comment:**

Through best practice the CAS Committee have reviewed and amended all documentation after receiving feedback from applicants and officers. It is the view that the updated document is now succinct and better reflects the Shires intention to provide financial support within the community.

**Stakeholder Engagement:**

Community Assistance Scheme Committee meetings on the 27 February 2017, 27 March 2017, 22 May 2017 and 4 July 2017.

**Financial/Resource Implications:**

As per 2017/2018 Draft Budget allocation Council allocates approximately 1% of the value of rates revenue per financial year to the Financial Assistance Policy. The allocated funding is then distributed between four funding categories in the following way:

- **80%** is allocated to the **Community Assistance Scheme** and
- **20%** is allocated to the
  - **Assistance for Resident Elite Athletes,**

- ***In-Kind Assistance*** and
- ***Sundry Donations*** combined.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Financial Assistance Funding Policy

**Risk Implications:**

Minor non-compliance is considered possible resulting in a moderate risk ranking. The risk is acceptable with regular monitoring such as this.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

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

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



**PLANNING COMMUNITY AND INFRASTRUCTURE**

**DPCI02 – 10/16**

**Subject:** Proposed Road Closure of Portion of Dee Street, Port Denison  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** RD.RO/A9166  
**Voting Requirements:** Simple Majority

**Council Role:**

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**Report Purpose:**

For Council to initiate the closure of portion of Dee Street, Port Denison by way of advertising for public comment.

**Officer's Recommendation:**

**That Council, pursuant to Section 58 of the *Land Administration Act 1997*, initiate the road closure process for portion of Dee Street, Port Denison, as shown as Lot 303 on Deposited Plan 44445, by advertising proposed road closure for public comment, as presented in the Attachment Booklet – July 2017, under a separate cover.**

**Attachment:**

- Attachment 1 – [Reserve 26494 Aerial Photo](#)  
Attachment 2 – [Deposited Plan 44445](#)  
Attachment 3 – [Deposited Plan 41494](#)

**Background:**

The Shire of Irwin have proposed to the Department of Lands to amend the area of Reserve 26494 (Transfer Station) and enter into a new Management Order over the amended Reserve. The proposal is as follows:

**Proposed Amendment to Reserve 26494 and Management Order:**

It is proposed to increase the area of Reserve 26494 (Attachment 1) by including the following land parcels into it:

- a) Unallocated Crown Land (UCL) Lots 300-301 on Deposited Plan 41494; and
- b) Portion of Dee Street, Port Denison;

This will form one Lot, as shown as Lot 304, as shown on Deposited Plan 44445 (Attachment 2).

In order to undertake an amendment to the Reserve area, a portion of Dee Street, Port Denison is required to be closed (as highlighted on Attachment 3 – Deposited Plan 41494).

**Officer’s Comment:**

To ensure compliance with statutory requirements, it is recommended that Council formally initiate the closure of portion of Dee Street, Port Denison, by way of resolving to advertise the proposed road closure for public comment.

**Stakeholder Engagement:**

Should Council resolve to advertise the proposed road closure, the proposal shall be publically advertised for a period of 35 days to the public and referred to any relevant State Government Departments and agencies for comment.

**Financial/Resource Implications:**

Should Council resolve to advertise the proposal, the Shire shall bear the cost of advertising.

**Statutory Environment:**

Land Administration Act 1997  
Land Administration Regulations 1998  
Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

Should Council resolve to advertise the proposed road closure, the likelihood of risk occurring will be rare and the consequences insignificant. Therefore, the risk is low (1).

**Strategic Implications:**

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

**PLANNING COMMUNITY AND INFRASTRUCTURE**

**DPCI03 – 07/17**

**Subject:** Development Application for Outbuilding (Storage Shed) at 39 Emily Way, Dongara  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** P822 / A9161  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

For Council to consider an application for an outbuilding at 39 Emily Way, Dongara.

**Officer's Recommendation:**

**That Council approve the application for the proposed outbuilding at 39 Emily Way, Dongara as presented in the Attachments Booklet – July 2017, provided under a separate cover, subject to the following conditions and advice notes:**

**Conditions**

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

**Advice Notes**

1. In accordance with the Building Act, the approved development requires a Building Permit.
2. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Irwin will take 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:**

Attachment 1 – [Aerial plan, site plan and elevations](#)

Attachment 2 – [Site photos](#)

Attachment 3 – [Neighbour submissions](#)

**Background:**

The subject land is located on the corner of Emily Way and Northshore Drive, Dongara (race course end). The proposal is for an outbuilding (storage shed) on a relatively flat area of land. The proposed outbuilding is located 0.5m from the boundary of the north and west boundaries. The outbuilding is to be clad in Colorbond, coloured grey ('Wallaby' and 'Bashalt'). This existing dwelling is the only development located on this portion of Emily Way. Site photos can be reviewed in Attachment 2.

**Officer's Comment:**

Under the *Shire of Irwin Local Planning Scheme No. 5* (the Scheme), 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 *Residential Design Codes of Western Australia* (the R-Codes).

Under the R-Codes, where a proposed development does not comply with the relevant Deemed-To-Comply Criteria of the R-Codes, the proposal must comply with the corresponding Design Principle. Under 5.4.3 Outbuildings, the proposal complies with the Deemed-To-Comply for the floor area, ridge height and secondary street setback. However, does not comply with the Deemed-To-Comply Criteria of the wall height and lot boundary setbacks (north and east).

The proposal was referred to neighbouring properties for comment. The Shire received one response to the proposal. This can be reviewed under Attachment 3.

The Deemed-To-Comply Criterion for the wall height is 2.4m. The proposed wall height varies from 2.65m to 2.68m above Natural Ground Level (NGL) including the 100mm concrete pad. The Deemed-To-Comply setback of the northern lot boundary is 1.5m, the Deemed-To-Comply setback of the eastern lot boundary is 1m. The proposed setback of the northern and eastern lot boundaries are 0.5m.

Noting that the wall height is a minor variation and the lot boundary setbacks are a more significant variation, the following table provides an assessment against the relevant Design Principle for Outbuildings:

	<b>Officer Assessment</b>
<b>Design Principle 5.4.3                      P3 Outbuildings</b> Outbuildings that do not detract from the streetscape or the visual amenity of neighbouring properties.	When viewed facing from north to south, the proposed outbuilding is likely to be acceptable due to: <ul style="list-style-type: none"> <li>• Outbuilding being enclosed within the existing building form (i.e. existing buildings onsite provide a backdrop of built form that means the outbuilding would not be overly prominent within the streetscape)</li> </ul>
	When viewed facing from west to east, the proposed outbuilding is likely to be acceptable due to: <ul style="list-style-type: none"> <li>• The topography of the land, the proposal will be located at a lower ground levels to the neighboring property (as shown on the contour and feature plan within Attachment 1).</li> </ul>
<b>Design Principle 5.1.3 P3.1 Lot Boundary Setback</b>	The reduced setbacks are likely to be acceptable due to: <ul style="list-style-type: none"> <li>• Adequate sunlight and ventilation to the existing</li> </ul>

<p>Buildings setback from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• Reduce impact of building bulk on adjoining properties (see Outbuildings assessment);</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>	<p>buildings and open space; and</p> <ul style="list-style-type: none"> <li>• The minimal overlooking or privacy issue on surrounding lots.</li> </ul> <p>Taking the above matters into consideration, the proposed outbuilding is considered to satisfactorily comply with the Design Principle 5.4.3 P3, and conditional approval is recommended.</p>
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**Stakeholder Engagement:**

The Development application was referred to two neighbouring landowners (north and east). One submission was received during the consultation period, objecting to the proposal. The concerns are summarised and discussed in the table below:

<b>Concerns</b>	<b>Officer Comment</b>
That the proposed outbuilding will be used for business operations.	The proposed outbuilding is to be used for storage. Regardless, a standard condition shall be implemented to ensure the proposed outbuilding will not be used for human habitation, commercial or industrial purposes.
The proposed wall height and setbacks exceed the Deemed-To-Comply Criteria	As stated above, the proposed development is considered to satisfactorily comply with Design Principle 5.4.3 P3.
The location of the outbuilding will not allow room for maintenance	The R-Codes do not consider maintenance when assessing development applications for outbuildings.
That the proposal does not comply with Restrictive Covenants on the relevant Certificate of Title	<p>The following statement made by Council at the May Ordinary Council Meeting held 24 May 2016 applies:</p> <p><i>Restrictive covenants and planning controls are not related and provide for different forms of restriction. A restrictive covenant is a restriction on title whereas planning controls arise from legislation regarding the use and enjoyment of land but which do not create an interest in land. Therefore, the existence of a restrictive covenant is not a relevant planning consideration in the determination of a development application except where the restrictive covenant arises from a planning decision.</i></p> <p><i>The same applies for Building Services where due consideration to restrictive covenants is only given if the covenant was part of a planning decision.</i></p> <p><i>Therefore, if the subdivider/developer has put such restrictive covenants on titles outside the planning process, the Shire has no power or mandate to enforce such covenants and the responsibility to enforce the covenant lies with the developer. Where the Shire is aware of such covenants, staff advise the proponent to discuss their proposed house design with the subdivider/developer before submitting an application.</i></p>

Subject to building application assessment, the Shire of Irwin’s Development Control Unit has no objections in principle.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

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

**Policy Implications:**

Nil.

**Risk Implications:**

The likelihood of any risk occurring from Council recommending approval of the proposal 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, COMMUNITY AND INFRASTRUCTURE**

**DPCI04 – 07/17**

**Subject:** Draft Springfield Structure Plan  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** LP.SU.2  
**Voting Requirements:** Simple Majority

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**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 advertising the Draft Springfield Structure Plan for public comment.

**Officer's Recommendation:**

**That Council advertises the Shire of Irwin's Draft Springfield Structure Plan, as presented in the Attachments Booklet - July 2017 provided under separate cover, for a period of 28 days in order to seek public comment.**

**Attachment:**

[Draft Springfield Structure Plan](#)

**Background:**

In July 2016, the State Government's Department of Planning provided funding for the Shire to engage consultants to prepare a Structure Plan for Springfield, between Point Leander Drive, Port Denison and the rail line. The Shire engaged GHD (consultants) and initiated the project in September 2016.

On 21 January 2017, the consultants hosted a community workshop for all landowners within the Structure Plan area. This was to provide the landowners an opportunity to discuss their ideas with the consultant, with specific regard to the indicative road layout. From this community workshop (and all submissions received) the consultants have worked with Shire Officers to create a Draft Springfield Structure Plan.

The consultants presented the Springfield Structure Plan project to Council at the May Council Forum. Direction received from Council at this forum assisted the consultants and Shire Officers to create the Draft Springfield Structure Plan.

**Officer's Comment:**

The purpose of the draft Springfield Structure Plan is to guide and facilitate subdivision and development within the Springfield Structure Plan area, guide movement and access through Springfield and to ensure adequate bushfire management measures are in place. Some of the recommended requirements may influence the development of the Shire's Local Planning Scheme Review (another project currently underway). It is worth noting that the current draft Springfield Structure Plan does not propose any changes to existing subdivision potential of properties within the structure plan area.

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, the Draft Springfield Structure Plan shall be advertised publically for a minimum of 14 days and maximum of 28 days. Officers propose to advertise the draft strategy for period of 28 days, in order to seek feedback from the public, landowners, various government agencies and other interested parties. Following advertising, Officers would liaise with the consultants to modify the strategy, then present it to Council for further considerations following public advertising.

**Stakeholder Engagement:**

GHD have hosted a community workshop, have undertaken studies with professional consultants and have been communicating with Shire Officers to create this Draft Springfield Structure Plan.

**Financial/Resource Implications:**

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

**Statutory Environment:**

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council resolving to advertise the draft Springfield Structure Plan is expected to be rare and the consequences would be insignificant. Therefore, the risk is low (1).

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

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



## 9.2 COUNCIL COMMITTEE REPORTS

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

#### ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

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

#### ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council endorse the construction of a footpath along Martin Street, Dongara in the 2017/18 Footpath Program.

### 9.2.2 Receipt of Community Assistance Scheme Committee (CAS) Minutes and Recommendations to Council from 4 July 2017.

#### COMMUNITY ASSISTANCE SCHEME COMMITTEE MINUTES:

That Council receives the Minutes of the Community Assistance Scheme Committee meeting held on 4 July 2017, as provided within the Attachment Booklet – July 2017.

#### COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION TO COUNCIL:

That Council approves the following funding allocation for the Community Assistance Scheme round one of the 2017/2018 financial year as presented in Attachment Booklet – July 2017 under separate cover.

ORGANISATION	PROJECT DESCRIPTION	FUNDS REQUESTED	FUNDS APPROVED
<i>Dongara Denison Community Festival Association Inc</i>	<i>Larry Lobster Festival</i>	\$5,000	\$5,000

**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

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