



# AGENDA

For the

## ORDINARY MEETING OF COUNCIL

To be held on

**Tuesday, 24 OCTOBER 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, 24 OCTOBER 2017**

**In the COUNCIL CHAMBERS,  
11-13 WALDECK STREET, DONGARA WA**

*At 3.45pm, prior to the commencement of the meeting, the newly elected Councillors will be provided an opportunity to publicly sign a Declaration before assuming office as a Councillor for the Shire of Irwin in accordance with the provisions of the Local Government Act 1995.*



Darren Simmons  
Chief Executive Officer

20 October 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, 24 OCTOBER 2017 AT 4.00PM

<b>PRESENT:</b>	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr B R Thompson 5 x Councillors Elect
	Staff	Mr D J Simmons – Chief Executive Officer Mr S D Ivers – A/Director Planning, Community & Infrastructure Mr B P Jeans – Manager Regulatory Services Mr C M Smith – Planning Officer Ms E Greaves – Coordinator Executive Services

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

*In accordance with the provision of the Local Government Act 1995, the Chief Executive Officer will declare the meeting open and preside until the election of the Shire President.*

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

### 3. ELECTION OF SHIRE PRESIDENT

*Nominations are to be lodged in writing, indicating consent of the nominee, prior to or at the Meeting. (Proforma nomination form provided under separate cover).*

### 4. ELECTION OF DEPUTY PRESIDENT

*Nominations are to be lodged in writing, indicating consent of the nominee, prior to or at the Meeting. (Proforma nomination form provided under separate cover).*

### 5. COUNCILLOR SEATING ALLOCATION

*Councillor seating allocation, will be in accordance with Clause 8.1 of the Shire of Irwin Meeting Procedures Local Law 2016. The Chief Executive Officer is to allocate Councillor seating positions by random draw.*

### 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 7. PUBLIC QUESTION TIME

### 8. APPLICATIONS FOR LEAVE OF ABSENCE

### 9. PETITIONS

**10. CONFIRMATION OF MINUTES**

**10.1. MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2017**

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A copy of the Minutes of the Ordinary Council Meeting held on 26 September 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 September 2017, be confirmed as a true and accurate recording of that meeting.***

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

The Presiding Member will undertake the annual Ratepayers Prize Draw.

NOTE: In 2015 the Presiding member confirmed that there was no objection to Councillors or staff being eligible to receive a prize should they meet the entry requirements and be drawn.

## 12.1 OFFICER REPORTS

### OFFICE OF THE CEO

CEO01 – 10/17

**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.
- 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 September 2017.

#### Officer's Recommendation:

That Council receives the Accounts paid during September 2017 as presented in Attachment Booklet – October 2017, represented by:

Payment Type/Numbers	Total Amount
EFT 21504 - 21639	\$517,877.94
Muni Cheques 31557 - 31577	\$155,517.58
Direct Debit - Credit Card	\$3,698.83
Direct Debit - Click Super	\$29,041.69
Direct Debit - Transport – PL300817 – PL270917	\$66,364.60
<b>Grand Total</b>	<b>\$772,500.64</b>

#### Attachment:

[Accounts for Payment – September 2017](#)

#### Background:

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

#### Officer's Comment:

Nil

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

Nil

**Statutory Environment:**

*The Local Government (Financial Management) Regulations 1996 provides as follows:*

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
  - (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:**

The likelihood of risk arising from accounts for payment is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Outcome 4.2 Effective governance, management and prudent financial responsibility.

Outcome 4.3 A local government that is professional, transparent and accountable.

**OFFICE OF THE CEO**

**CEO02 – 10/17**

**Subject:** Financial Statements for the Period ending 30 September 2017  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** Minute Book  
**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 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 and receive the Monthly Financial Statements for the period 1 July 2017 to 30 September 2017.

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2017 to 30 September 2017 be received, as provided in Attachment Booklet – October 2017.**

**Attachment:**

[Financial Statements for the Month Ending 30 September 2017.](#)

**Background:**

The Monthly Financial Report to the 30 September 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 & Type
- Statement of Cash Flows
- 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

**Officers Comment:**

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

Operating Revenue	\$6,343,141	2.6% negative variance
Operating Expenditure	(\$1,547,688)	29.7% positive variance
Net Operating	\$4,795,453	
Capital Revenue	\$140,000	62.8% negative variance
Capital Expenditure	\$410,847	176.3% positive variance
Cash at Bank – Municipal	\$2,115,009	
Cash at Bank – Reserve	\$1,960,328	
Total Funds Invested	\$2,681,052	
Net Rates Collected	65.59%	
Receivables Outstanding	\$321,150	

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 2017 - 2027

Outcome 4.2 Effective governance, management and prudent financial responsibility.

Outcome 4.3 A local government that is professional, transparent and accountable.

**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**PCI01 – 10/17**

**Subject:** Development Application for Multiple Dwellings at Lot 288 (No. 6)  
Herbert Street, Port Denison  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**Proponent:** Phillip Kerr on behalf of Mr and Mrs McBratney  
**File Reference:** P811/A8357  
**Voting Requirements:** Simple Majority

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**Council Role:**

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- 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 Development Application for a Multiple Dwelling at Lot 288 (No. 6) Herbert Street, Port Denison.

**Officer's Recommendation:**

**That Council, pursuant to Clause 10.3b) of the Shire of Irwin Local Planning Scheme No. 5, refuses the Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison, as presented in the attachments booklet – October 2017, for the following reasons:**

- 1. The visual impact of the height, bulk and scale of the proposed development is considered to detract from the character and amenity of the surrounding area, and does not satisfy Design Principle 6.1.1 (Building Size) of State Planning Policy 3.1: Residential Design Codes of Western Australia or Clause 10.2, subclause (o) and (n) of the Shire of Irwin Local Planning Scheme No.5.**
- 2. The level of excavation proposed is not considered to respond to the natural contours of the site, and does not therefore satisfy Design Principle 6.3.6 (Site Works) of State Planning Policy 3.1: Residential Design Codes of Western Australia or Clause 10.2, subclause (n) and (l) of the Shire of Irwin Local Planning Scheme No.5.**
- 3. The proposed development has not addressed the matters of landscaping, pedestrian access ways and bicycle storage, and does not satisfy Clause 6.3.2 (Landscaping) and 6.3.3 (Parking) of State Planning Policy 3.1: Residential Design Codes of Western Australia or Clause 10.2, subclause (t) and (v) of the Shire of Irwin Local Planning Scheme No.5.**

**Attachment:**

[Attachment 1 – Site Location/Site Photos.](#)

[Attachment 2 – Site Plan, Floor Plans and Elevations.](#)

[Attachment 3 – State Heritage Submission.](#)

[Attachment 4 – Neighbour Submissions.](#)

[Attachment 5 – Additional Written Justification from applicant.](#)

**Background:**

The subject land is located at the corner of Point Leander Drive and Herbert Street, Port Denison (**Attachment 1**). The lot is currently vacant and abuts a Local Reserve (41068) to the west and a vacant block of land to the north. The subject site rises from east to west and includes a mature tree close to the southern boundary. The site is in close proximity to the Heritage Listed Obelisks and Commemorative Plaques (Heritage Place No. 1242, Shire of Irwin Municipal Inventory No. 81). The obelisks were constructed in 1869 and have cultural heritage significance for their association with the early development of sea transport at Port Denison, and as a local landmark.

The proposal is for the construction of multiple dwellings (consisting of four dwelling units in total). The proposal and site photos can be viewed in **Attachment 1** and **Attachment 2**, respectively.

The proposal has been amended during the course of this application. The amendments can be summarised as follows:

- The secondary street setback area was increased from 1.54m to 2.04m
- The finished floor level of the undercroft has been lowered from 10.414 to 9.98, a total reduction of 434mm. As a result, the development is positioned lower on the site and the building height is reduced in relation to natural ground levels.

**Officer's Comment:**

Under the *Shire of Irwin Local Planning Scheme No.5* (LPS 5), the property is zoned Residential with a density coding of R50. 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 *State Planning Policy 3.1: 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 demonstrate compliance with the corresponding Design Principle. The proposal does not comply with the following Deemed-To-Comply Criteria of the R-Codes:

- Building Size (Plot Ratio):
  - o Deemed-To-Comply plot ratio is 0.6 (423m<sup>2</sup>), proposed plot ratio is 0.798 (562.58m<sup>2</sup>).
- Lot Boundary Setbacks:
  - o Deemed-To-Comply lot boundary setback (for Western lot boundary) ranges from 3.3m to 4.3m, proposed lot boundary setback is 0m for the under croft and 1.5m for the first and second floors.
- Landscaping:
  - o Proposal does not include a landscaping plan or pedestrian access ways.
- Parking:
  - o No bicycle parking bays have been provided (requires minimum of two).
- Site Works
  - o Deemed-To-Comply maximum excavation between the street and the building and within 1m of lot boundaries is 0.5m, proposed excavation ranges from 0.5m to 3.5m.
- Retaining Walls:
  - o Deemed-To-Comply maximum retaining wall height is 0.5m, proposed retaining wall ranges from 0.5m to 1.1m.

As such, the proposal must demonstrate compliance with the corresponding Design Principles, as assessed in the table below:

Design Principles	Officer Assessment
<p>6.1.1 Building Size                      Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p>	<p>It is important to note that there is no established built form or streetscape on this section of Herbert Street (Northern side of Point Leander drive). The three lots are vacant and have been for some time now. It is a sensitive location given that the lots are surrounded by Local Reserve and are the only residential lots that push forward of Point Leander Drive within the harbour locality. Excessive built form within this area will upset the openness and tranquillity of the surrounding area.</p> <p>The plot ratio is a way of controlling the overall bulk and scale of a development. At the time of zoning this land R50, the Council generally accepted the possibility of a development that fits the bulk and scale expected from an R50 development. In this instance, the permitted plot ratio is 0.6 which equates to 423m<sup>2</sup> of floor area. The proposed development achieves a plot ratio of 0.798 which equates to a floor area of 562.58m<sup>2</sup>. This is approximately 140m<sup>2</sup> (33%) of additional floor area for an R50 zoning.</p> <p>It is the officers' view that for such a sensitive location the bulk and scale of a development will need to blend into this location and not be obtrusive in nature. It is noted that the proposed design has attempted to do this by lowering the undercroft parking area and embedding the development into the bank leading up to the obelisk. Despite this design trait, it is considered that the development remains to be of a bulk and scale that is not consistent with the desired future built form of this area.</p> <p>A revised drawing (Site Elevation (South-East)) submitted by the architect puts the development in perspective with the surrounding topography and Obelisk. The revised drawings have lowered the overall development and brought the front elevation building height within the 9m height restriction (measured from natural ground level). Despite the height now falling within the Deemed-To-Comply height requirements, it is important to note that the top of the external staircase to the rear of the development will sit 1.86m higher than the base of the obelisk. In the context of the surrounding environment, the proposed height and scale of the development is considered to disrupt the 360degree views offered from the obelisk lookout and the surrounding area of the locality. In accordance with R-Codes it is important for developments to maintain access to views of significance.</p>
<p>6.1.4 Lot boundary setbacks                      Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> </ul>	<p>The element of non-compliance relates to the western boundary. The proposed development includes a parapet wall for the undercroft parking level, and then sets back the upper floors by 1.5m. The parapet wall is considered acceptable given that the majority of this will be underground. Furthermore, any future cut or fill of the neighbouring lot is likely to make use of this wall.</p> <p>The proposed setback of the upper floors is 1.5m, and the deemed-to-comply requirements range from 3.3m to 4.3m</p>

<ul style="list-style-type: none"> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>	<p>(corresponding to the natural ground level which rises to the back of the lot). An appropriate setback is assessed against its impact on the adjoining lot (No. 4 Herbert Street). The western elevation wall height ranges from 6.5m-8.5m. It is considered that a wall of this height and proximity would negatively affect the future development of a single storey dwelling on the neighbouring lot. However, in the event of a multi-storey dwelling or a similar multiple dwelling unit complex there is the option for the neighbour to work with the proposed development and make use of reduced setbacks along this boundary to free up space in other areas of the lot.</p> <p>With the above being said, the neighbouring property owner has not objected to the impact of this wall height and setback on his property. The main concern is in relation to overlooking from the South-West elevations and external material choice. This is addressed in the Stakeholder Engagement section of the report (See below). For this reason, the reduced setbacks are not considered to warrant a reason for refusal.</p>
<p>6.3.2 Landscaping                  The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> <li>• meets the projected needs of the residents;</li> <li>• enhances security and safety for residents; and</li> <li>• contributes to the streetscape.</li> </ul>	<p>A landscaping plan has not been submitted. This is very important in ensuring that the development contributes to the streetscape character of the surrounding area. Furthermore, no pedestrian paths have been highlighted on the plans. These matters can be addressed via a condition of planning approval, however it is recommended that these matters be addressed before an application is considered for approval.</p>
<p>6.3.3 Parking                  Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• the type, number and size of dwellings;</li> <li>• the availability of on-street and other off-site parking; and</li> <li>• the proximity of the proposed development in relation to public transport and other facilities.</li> </ul>	<p>A development of this nature requires the provision of at least two bicycle spaces. No provision has been accommodated for in the plans. It is acknowledged that this is a minor matter and one which could easily be accommodated for in the undercroft area of the proposal. In the event of approving this application, a bicycle storage area can be requested via condition.</p>
<p>6.3.6 Site works                  Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p>	<p>The proposed development will require a substantial amount of excavation. The undercroft maintains a finished floor level of 9.98 all the way through to the rear of the lot, equating to 3.4m of excavation at its greatest point. It is acknowledged that the architect is attempting to nestle the development into the site and therefore reduce the impact on the surrounding environment and view corridors. However, it is considered that a development of</p>

Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.	this bulk and sale is putting too much pressure on the alteration of natural ground levels. It is considered that a development which is in compliance with the deemed-to-comply plot ratio would have a much lesser impact on the natural contours of the site.
Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.	The proposed retaining walls range from 0.5m to 1.8m. It is noted that retaining will also be incorporated into the undercroft parking area boundary walls and these will extend to at least 3m in height. It is acknowledged that this is allowing for more land to be used for the benefit of residents. Nevertheless, the degree of excavation and retaining for this location is considered to be unacceptable in this instance.

**External Referrals:**

The application was advertised to State Heritage, The Department of Water, The Department of Transport and the Department of Planning. The Council received one response from State Heritage and their submission can be found in **Attachment 3**.

In summary, State Heritage believe that the impact of the proposal on the assessed cultural heritage significance of the place (two obelisks and commemorative plaques) will be minor; however, due to the close proximity to the remaining obelisk, there could be damage due to vibrations from the excavation works for the proposed basement. Accordingly, State Heritage have made the following comments:

*The proposed development, in accordance with the plans submitted, is supported subject to the following conditions:*

1. *A dilapidation survey of the Obelisk, prepared to the satisfaction of the Assistant Director General, Heritage Service, shall be completed prior t the commencement of works.*
2. *A program of monitoring any structural movement and potential vibrational impacts on the Obelisk shall be implemented at the commencement of works.*
3. *The Heritage Council shall be immediately notified of any damage to the Obelisk during works.*

**Stakeholder Engagement:**

The development application was referred to surrounding landowners (twenty in total). Four submissions were received (see **Attachment 4**) and they can be summarised in the table below. Please note that further justification was submitted by the applicant and this can be viewed in **Attachment 5**.

<b>Concerns</b>	<b>Officer Comment</b>
<ul style="list-style-type: none"> <li>- Significant change to the density of the plot and I feel the height of the proposed dwellings will have an adverse impact upon this particular area.</li> <li>- There were once low rise dwellings in this location which were much more sympathetic to the site.</li> </ul>	<ul style="list-style-type: none"> <li>- This is noted and addressed in the officers' assessment regarding plot ratio.</li> <li>- It is acknowledged that historically there were single dwellings in this location. It is noted that the R-coding of this site generally controls the overall scale and height of development. This site is zoned R50 and the site is therefore open to the possibility of multiple dwellings.</li> </ul>

<ul style="list-style-type: none"> <li>- No objection, provided that when we develop our property in the future we be given the same proposed plot ratio of 0.798.</li> </ul>	<ul style="list-style-type: none"> <li>- The plot ratio is addressed in the officers' assessment above. In this case the proposed plot ratio is not being supported so there is no precedent being set.</li> </ul>
<ul style="list-style-type: none"> <li>- Approval for this property to exceed the Deemed-To-Comply plot ratio of 0.6 will in fact set a precedent and attract other proposals to also exceed this density, which will be difficult to not consider positively if this application is approved.</li> </ul>	<ul style="list-style-type: none"> <li>- The plot ratio is addressed in the officers' assessment above. In this case the proposed plot ratio is not being supported so there is no precedent being set.</li> <li>- Approval of this development is considered to set a negative precedent in relation to the bulk and scale of the proposal, especially given the undeveloped nature of Herbert Street on this side of Point Leander Drive.</li> </ul>
<ul style="list-style-type: none"> <li>- Seeks the screening of the two upper bedroom windows on the south-west elevation as they will cause overlooking into the adjoining lot (No. 4 Herbert Street).</li> <li>- Concerns over the appearance of the proposed face brickwork on the north-west elevation.</li> </ul>	<ul style="list-style-type: none"> <li>- In the event of an approval, the architect/owner have agreed to accept the provision of privacy screening (controlled via a condition of planning consent).</li> <li>- In the event of an approval the architect/owner have agreed to make use of a painted render rather than face brickwork, as proposed on the remaining elevations (note: this would need to be highlighted on amended plans before approval is considered).</li> </ul>

In summary, the proposed development is not supported as the height, bulk and scale of the proposal is considered to be inconsistent with the future desired built form of this locality. Furthermore, the overall size of the development is putting further pressure on the requirement for substantial excavation and retaining and to this effect, the development is not considered to be responding to the natural contours of the site.

**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 refusal of the proposal is expected to be rare and the consequences insignificant. Therefore, the risk is low (1).

**Strategic Implications:**

Strategic Community Plan 2017 - 2027  
 Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.



**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**PCI02 – 10/17**

**Subject:** Gravel Resheeting 2017  
**Reporting Officer:** Manager Technical Services  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** RD.MA.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.
- 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:**

Seek approval to proceed with the approved gravel resheeting work as per the 2017/18 Budget.

**Officer's Recommendation:**

**That Council award the gravel resheeting work to Quadrio Earthmoving Pty Ltd for the amount of \$203,392 excluding GST as per the approved 2017/18 Budget.**

**Attachment:**

- [Attachment 1 - CONFIDENTIAL - Evaluation Workbook – Resheeting Works 2017-18 v0.2](#)
- [Attachment 2 - eQuote RFQ – 2017/18 Resheeting Program](#)

**Background:**

The approved 2017/18 Budget included a Roads to Recovery funded allocation of \$310,300 for gravel resheeting where the roads were to be determined from community needs and condition assessments. The table below outlines both the roads nominated for resheeting and the associated length.

<i>Road Name</i>	<i>Length (m)</i>	<i>Gravel Cartage* (km)</i>	<i>Water Cartage* (km)</i>
Steele Road	3,500	25	30
Francisco Road	300	28	5
Bonniefield East Road	2,000	31	7
Burma Road	5,000	2.5	20
Cattle Drive	200	35	8

\* The values shown in this table are a guide only.

The value of the gravel resheeting work was estimated to be more than \$150,000. To comply with the Shire's Purchasing Policy, the WALGA eQuotes tendering process was utilised. The summary of the bidders and associated outcomes can be found in the attached Evaluation Workbook – Resheeting Works 2017-18 v0.2 under Confidential Cover.

The tender prices in the Evaluation Workbook – Resheeting Works 2017-18 v0.2 do not include gravel supply or gravel push-up, which is additional cost of approximately \$60,000 the Roads to Recovery allocation must fund. Gravel supply is managed under the royalty agreement as specified in the Shire's Policy Manual with local land owners. To manage specific requirements of local landowners, gravel push-up is managed on a case by case basis but compliant with the Shire's Procurement Policy.

**Officer's Comment:**

Quadrio Earthmoving Pty Ltd submission met all the qualitative criteria requirements. Refer to the attached tender evaluation worksheet for further details regarding the compliance and qualitative criteria for all tenders submitted.

**Stakeholder Engagement:**

As per the requirements for the approved 2017/18 Budget and Roads to Recovery funding guidelines.

**Financial/Resource Implications:**

As per the 2017/18 budget allocations

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

C12 Localised Purchasing  
C13 Purchasing

**Risk Implications:**

As the work is an already approved 2017/18 Budget item and the tender evaluation worksheet demonstrates in clear terms the successful Tenderer, in terms of compliance the measure of consequence is considered to be insignificant with a rare likelihood, therefore the overall risk rating in Council awarding the contract as recommended is 'low'.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027  
Strategy 2.6 Physical assets are maintained efficiently and effectively.

## 12.2 COUNCIL COMMITTEE REPORTS

### 12.2.1 Receipt of Tidy Towns Sustainable Committee Minutes and Recommendations to Council from 13 September 2017.

#### TIDY TOWNS SUSTAINABLE COMMITTEE MINUTES:

That Council receives the Minutes of the Tidy Towns Sustainable Committee meeting held 13 September 2017, as provided within the Attachment Booklet – October 2017.

#### TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council considers allocating \$20,000 in the 2018/2019 budget to continue implementing the actions detailed in the Irwin River Estuary Management Plan.

### 12.2.2 Receipt of Shire of Irwin Community Assistance Scheme Advisory Committee Minutes and Recommendations to Council from 3 October 2017.

#### COMMUNITY ASSISTANCE SCHEME COMMITTEE MINUTES:

That Council receives the Minutes of the Community Assistance Scheme Committee held 3 October 2017, as provided within the Attachment Booklet – October 2017.

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

That Council approves the following funding allocations for the Community Assistance Scheme round two of the 2017/2018 financial year as presented in attachment booklet – October 2017 under separate cover.

ORGANISATION	PROJECT DESCRIPTION	FUNDS REQUESTED	FUNDS APPROVED
<i>Dongara Irwin Race Club</i>	<i>2018 Easter Race Meeting</i>	<i>\$1,150</i>	<i>\$1,150</i>
<i>Midwest Autumn Craft Round Up Inc</i>	<i>Midwest Autumn Craft Round Up 2018</i>	<i>\$4,250</i>	<i>\$3,190</i>
<i>Dongara Community Resource Centre</i>	<i>Community Easter Egg Hunt 2018</i>	<i>\$4,990</i>	<i>\$4,990</i>
<i>Dongara Wildfire</i>	<i>Rocksolid XVIII Youth Event</i>	<i>\$4,458.40</i>	<i>\$2,000</i>
<i>Dongara Port Denison Sub Committee - MWCCI</i>	<i>Lobster and Land Food Festival</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Rogue Riders Australia (MSC) Perth Chapter</i>	<i>Rogue Riders/Camp Quality 2nd Annual Dongara Poker Run</i>	<i>\$5,000</i>	<i>\$2,000</i>

### 12.2.3 Receipt of Asset Management Advisory Committee Minutes and Recommendations to Council from 9 October 2017.

#### ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Asset Management Advisory Committee held 9 October 2017, as provided within the Attachment Booklet – October 2017.

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

That Council host an information session with local business owners and community members to raise awareness of planning, building and procurement requirements in the building and construction industry.

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**15. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

**16. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

**17. CLOSURE**

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

\_\_\_\_\_.