



# AGENDA

FOR THE

ORDINARY MEETING  
OF COUNCIL

TO BE HELD ON

TUESDAY, 12 DECEMBER 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, 12 DECEMBER 2017**

IN THE FUNCTION ROOM, AT THE IRWIN REC  
RIDLEY STREET, PORT DENISON WA



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Darren Simmons  
Chief Executive Officer

7 December 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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**INDEX-ORDINARY COUNCIL MEETING 12 DECEMBER 2017**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4.	PUBLIC QUESTION TIME	1
5.	APPLICATIONS FOR LEAVE OF ABSENCE	1
6.	PETITIONS	1
7.	CONFIRMATION OF MINUTES	1
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 28 NOVEMBER 2017	1
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	1
9.1	OFFICER REPORTS	2
CEO01 – 12/17	<a href="#">Annual Meeting with the Council's Appointed Auditor</a>	2
CEO02 – 12/17	<a href="#">Accounts for Payment</a>	4
CEO03 – 12/17	<a href="#">Financial Statements for the Period ending 30 November 2017</a>	6
DPCI01 – 12/17	<a href="#">Budget amendments sponsorship requests</a>	9
DPCI02 – 12/17	<a href="#">Proposed Road Closure of Portion of Dee Street, Port Denison</a>	11
DPCI03 – 12/17	<a href="#">Development Application for Alterations to Existing Outbuilding at Loc 32926 Brand Highway, Bookara</a>	14
9.2	COUNCIL COMMITTEE REPORTS	17
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	17
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	17
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	17
13.	MATTERS BEHIND CLOSED DOORS	17
14.	CLOSURE	17



## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE FUNCTION ROOM, IRWIN REC, RIDLEY STREET, PORT DENISON ON TUESDAY, 12 DECEMBER 2017 AT 4.00PM

<b>PRESENT:</b>	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr S F Gumley Cr M Leonard Cr I Scott Cr K L Wilson Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director Planning, Community & Infrastructure Mr B Jeans – Manager Regulatory Services Ms E Greaves – Coordinator Executive Services Ms L E Tunbridge – Coordinator Organisational Performance
	Guest	Mr G Godwin, Moore Stephens (via phone), External Auditor

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **PETITIONS**
7. **CONFIRMATION OF MINUTES**
- 7.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2017**

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

**COUNCIL MOTION:**

**MOVED:** Cr \_\_\_\_\_

**SECONDED:** Cr \_\_\_\_\_

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

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

## 9.1 OFFICER REPORTS

### OFFICE OF THE CEO

CEO01 – 12/17

**Subject:** Annual Meeting with the Council's Appointed Auditor  
**Reporting Executive:** Coordinator Organisational Performance  
**File Reference:** FM.AD.17.18  
**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.
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#### Report Purpose:

To meet with Council's appointed Auditor (via phone).

#### Officer's Recommendation:

**That Council notes the verbal report provided by Mr Greg Godwin, Moore Stephens (Council's Appointed Auditor) in regards to the Shire's Annual Financial Report for the year ending 30 June 2017.**

#### Attachment:

[Financial Report for the year ending 30 June 2017.](#)

#### Background:

Council received and adopted the Annual Financial Report for the year ending 30 June 2017, along with the 2016/17 Annual Report at the 28 November 2017 Ordinary Council meeting. Given the requirement to meet with Council's appointed Auditor at least once every calendar year, it is considered appropriate that an overview of the Audit Report be provided.

#### Officer's Comment:

Having access to Council's Auditor provides an opportunity for Councillors to gain insight into the preparation of the financial reports and how to appropriately interpret the results.

#### Financial/Resource Implications:

Nil.

#### Statutory Environment:

*Local Government Act 1995*

7.12A. *Duties of local government with respect to audits*

- 1) *A local government is to do everything in its power to —*
  - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
  - (b) *ensure that audits are conducted successfully and expeditiously.*
- 2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- 3) *A local government must —*
  - (aa) *examine an audit report received by the local government; and*
  - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
  - (b) *ensure that appropriate action is taken in respect of those matters.*
- 4) *A local government must —*
  - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
  - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- 5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

**Policy Implications:**

Nil.

**Risk Implications:**

Meeting with Council's Auditor provides Council with an opportunity to increase its knowledge and understanding of its financial position and ensures compliance with Act in regards to meeting with the Auditor. Any risk associated with compliance and finance is considered to be unlikely and consequences minor, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**OFFICE OF THE CEO**

**CEO02 – 12/17**

**Subject:** Accounts for Payment  
**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 list of accounts paid under delegated authority during November 2017.

**Officer's Recommendation:**

**That Council receives the Accounts paid during November 2017 as presented in Attachment Booklet – December 2017, represented by:**

<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 21799 - 21964</b>	<b>\$528,717.86</b>
<b>Muni Cheques 31601 - 31627</b>	<b>\$78,594.72</b>
<b>Trust Cheque 3147</b>	<b>\$400.00</b>
<b>Direct Debit - Credit Card</b>	<b>\$2,189.74</b>
<b>Direct Debit - Click Super</b>	<b>\$30,402.72</b>
<b>Direct Debit - Transport – PL301017 – PL281117</b>	<b>\$78,765.05</b>
<b>Grand Total</b>	<b>\$719,070.09</b>

**Attachment:**

[Accounts for Payment – November 2017](#)

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of November 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:**

To ensure compliance with relevant legislation a listing of accounts for payments from the previous month has been prepared for Council to consider. Any risk associated with compliance and finance is considered to be rare and minor, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**OFFICE OF THE CEO**

**CEO03 – 12/17**

**Subject:** Financial Statements for the Period ending 30 November 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 consider and receive the Monthly Financial Statements for the period 1 July 2017 to 30 November 2017.

**Officers Recommendation:**

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

**Attachment:**

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

**Background:**

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

Operating Revenue	\$7,135,161	1.1% positive variance
Operating Expenditure	(\$3,403,494)	6.1% positive variance
Net Operating	\$3,731,667	
Capital Revenue	\$412,711	16.3% negative variance
Capital Expenditure	\$805,132	139.3% positive variance
Cash at Bank – Municipal	\$3,330,291	
Cash at Bank – Reserve	\$1,960,818	
Total Funds Invested	\$4,681,052	
Net Rates Collected	77.41%	
Non Rates Receivables Outstanding	\$192,221	

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:**

To ensure compliance with relevant legislation the monthly financial statements has been prepared for Council to consider. Any risk associated with compliance and finance is considered to be unlikely and minor due to reporting past events, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**DPCI01 - 12/17**

**Subject:** Sponsorship Requests – Dongara Chaplaincy and Mingenew Irwin Group  
**Reporting Officer:** Manager Community Capacity  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**File Reference:** CM.PO.6  
**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.
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**Report Purpose:**

For Council to review the allocation of the Community Assistance Scheme (CAS) funding as outlined in the 2017/2018 Shire of Irwin Budget which includes sponsorship and membership requests that do not fit under the CAS funding criteria or the Sundry Donation Application.

**Officer's Recommendation:**

**That Council:**

1. Remove Chaplaincy and Mingenew Irwin Group from the Community Assistance Scheme budget item 2812 and reduces the allocated amount as required below;
2. Allocates \$5,000 to Dongara Youthcare's Dongara District High School Chaplaincy to account 1002 Other Education Expenses; and
3. Allocates \$5,000 to the Mingenew Irwin Group to account 3872 Landcare Expenses and adjusts the 2017/18 Budget accordingly.

**Attachment:**

[Shire of Irwin Budget 2017/2018 line items](#)  
[Chaplaincy request](#)  
[MIG Membership request](#)

**Background:**

The 2017/2018 Budget 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,**
- **Waiver of Fees and**
- **Sundry Donations combined.**

Each category is subject to an eligibility criteria and is assessed against the criteria by the CAS committee or by delegated authority of the Chief Executive Officer.

As per Council's request this year's budget also included two line items being the Chaplaincy funding support and Mingenew Irwin Group support into the Community Assistance Scheme provisions. In previous budgets Chaplaincy has been allocated \$5,000 from line 1002.09 'Other Education Expenses' and the Mingenew Irwin Groups has been allocated \$5,000 from line 3872.02 Land Care.

**Officer's Comment:**

Neither the Chaplaincy nor the Mingenew Irwin Group meet the criteria for Community Assistance Scheme funding or Sundry Donations Application. It therefore does not appear the best course of action to direct the organisers through this application process.

**Stakeholder Engagement:**

Nil.

**Financial/Resource Implications:**

As per 2017/2018 Budget allocation of \$49,000 to the Community Assistance Scheme. This amount is then distributed between four funding categories in the following way:

- **\$39,200 - 80% is allocated to the *Community Assistance Scheme* and**
- **\$9,800 - 20% is allocated to the**
  - **Assistance for Resident Elite Athletes,**
  - **Waiver of Fees and**
  - **Sundry Donations combined.**

There is the capacity to remove the approved sponsorship funding amounts for the Chaplaincy and Mingenew Irwin Group from the \$49,000 set aside for CAS which is potentially up to the value of \$10,000.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Financial Assistance Funding Policy

**Risk Implications:**

Council should consider there may be a moderate reputational risk in not continuing support for these initiatives given the Shire's history of support provided. As there is a possibility of this occurring, or the potential to reduce the support, the overall reputational risk is considered to be High.

Removing the two items from the CAS budget ensures compliance is maintained and the Shire are aligning with existing policies, resulting in insignificant compliance consequences with the likelihood possible. Therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 3.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors).

Strategy 3.2.3 Support community-initiated projects and activities.

**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**DPCI02 – 12/17**

**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/A7351  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

For Council to consider the closure of portion of Dee Street, Port Denison.

**Officer's Recommendation:**

**That Council resolves, under Section 58 (1) of the Land Administration Act 1997, to request the Minister for Lands to permanently close the portion of Dee Street, Port Denison as shown as Lot 303 on Deposited Plan 44445, as presented in the Attachment Booklet – December 2017.**

**Attachment:**

- Attachment 1 – [Reserve 26494 Aerial Photo](#)
- Attachment 2 – [Deposited Plan 44445](#)
- Attachment 3 – [Deposited Plan 41494](#)
- Attachment 4 - [Submissions](#)

**Background:**

The Shire of Irwin have requested the closure of a portion of Dee Street, Port Denison 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 shall form one Lot as shown as Lot 304 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:**

The proposal was initiated on 25 July 2017, when it was presented to Council at the July 2017 Ordinary Council Meeting. At this meeting, Council recommended to publically advertise the proposal as required under Section 58 (1) of the Land Administration Act 1997.

The proposal was then publically advertised in the Dongara Denison Local Rag, on the Shire’s webpage and the Shire’s Noticeboard. The proposal was also referred to a number of public agencies (see Stakeholder Engagement).

Based on the below comments, it is recommended that Council resolve to request to the Minister of Lands that the portion of Dee Street, Port Denison be closed.

**Stakeholder Engagement:**

The proposed road closure was publically advertised in the Dongara Denison Local Rag, on the Shire’s webpage and the Shire’s Noticeboard between 2 August 2017 and 21 August 2017 for a period of 20 days. The proposal was also referred to the following public agencies:

- Department of Fire and Emergency Services;
- Main Roads WA;
- (former) Department of Planning;
- Telstra;
- Water Corporation; and
- Western Power.

The Shire received no public submissions and three submissions from public agencies (Main Roads WA, Telstra and Water Corporation). A summary of responses is outlined in the table below:

Agency	Comment	Officer Response
<b>Main Roads</b>	It is considered that the proposal would have no impact on the safety, amenity or operation of the Main Roads network or its users. Accordingly, Main Roads has no objections to the proposed road reserve closure and can confirm we have no services/infrastructure located within the proposed road closure area.	Noted.
<b>Telstra</b>	Subject to compliance with the below conditions, Telstra has no objections to the proposed discontinuances: <ul style="list-style-type: none"> <li>• All individuals have a legal “Duty of Care” that must be observed when working in the vicinity of Telstra’s communication plant. It is the constructor’s/land owner’s responsibility to anticipate and request the nominal location of Telstra plant via Dial Before You Dig number in advance of any construction activities in the vicinity of Telstra’s assets;</li> <li>• On receipt of plans, notwithstanding the recorded location of Telstra’s plant, the constructor/landowner is responsible for obtaining a Telstra Accredited Asset Plant Locator to perform cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work. Telstra reserves all rights to recover compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, any subsequent development or works undertaken shall require the contractor to call the Dial Before You Dig number to mitigate the risk of damage to Telstra assets</li> <li>• Noted, any subsequent development or works undertaken shall require the contractor to call the Dial Before You Dig number to mitigate the risk of damage to Telstra assets</li> <li>• Noted. Should the Shire enter into a Management Order with the Department of Planning, Lands and Heritage, Telstra shall be notified.</li> </ul>

	for loss or damage cause by interference to its cable network or other property. <ul style="list-style-type: none"> <li>• Telstra would also appreciate due confirmation in the event that you contemplate divesting your interest or control of this land so that Telstra may update its Cadastre records.</li> </ul>	
<b>Water Corporation</b>	The Water Corporation has no infrastructure located in the portion of Dee Street proposed to be closed; therefore the closure will not impact on the Water Corporation’s operations.	Noted.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

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

**Policy Implications:**

Nil

**Risk Implications:**

Should Council recommend to request the Minister of Lands close portion of Dee Street, the likelihood of risk occurring will be rare and the consequences insignificant. Therefore, the risk is low (1).

**Strategic Implications:**

Strategic Community Plan 2017 - 2027  
 Strategy 2.2.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

**PLANNING, COMMUNITY AND INFRASTRUCTURE**

**DPCI03 – 12/17**

**Subject:** Development Application for Alterations to Existing Outbuilding at Loc 32926 Brand Highway, Bookara  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning, Community and Infrastructure  
**Proponent:** Ms. M Forbes for GKS Holdings Pty Ltd  
**File Reference:** P852 / A8558  
**Voting Requirements:** Simple Majority

**Council Role:**

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**Report Purpose:**

For Council to consider a development application for alterations to an existing outbuilding at Location 32926 Brand Highway, Bookara.

**Officer's Recommendation:**

**That Council, pursuant to Clause 10.3(a) of the Shire of Irwin Local Planning Scheme No. 5, approve the application for the proposed alterations to the existing outbuilding at Location 32926 Brand Highway, Bookara, as presented in the Attachment Booklet – November 2017, subject to the following conditions and advice notes:**

**Conditions**

- 1. The approved development shall be in accordance with the attached stamped plans.**
- 2. The approved outbuilding shall not be used for human habitation, commercial or industrial purposes, unless otherwise approved.**
- 3. All stormwater and drainage runoff from all roofed and impervious surfaces is to be calculated, and disposal methods located, designed and constructed to the satisfaction of the Shire of Irwin Regulatory Services (see Advice Note 2).**
- 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. When submitting the Building Permit Application, compliance with BAL-12.5**

- as in accordance with AS3959-2009 Construction of buildings in bushfire prone areas must be demonstrated.
2. With regard to Condition 3, on application for a Building Permit, a detailed design of stormwater collection and disposal system of developed areas is to be supplied.
  3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. The Shire of Irwin will take no responsibility for incorrectly located buildings.
  4. 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 image](#)

Attachment 2 – [Site plans, floor plans, elevations and BAL Assessment](#)

Attachment 3 – [Site photos](#)

**Background:**

The subject land is located at Loc 32926 Brand Highway, Bookara, approximately 25km north of the Dongara Townsite (Attachment 1). This lot is zoned Rural Smallholdings. Site photos can be viewed in Attachment 3.

The proposal is for alterations to an existing outbuilding (Attachment 2). At the time of submission of the Development Application the lot had a total of three outbuildings and one single house. Adjoining lots have similar forms of development, predominantly single houses and outbuildings. The proposal is located within the Bushfire Prone Area, as such, a BAL Assessment has been undertaken (Attachment 2).

The Development Application was submitted at the Shire Officer’s request due to the variation to the maximum aggregate floor area, as set out in the Shire of Irwin Local Planning Scheme No. 5 (LPS 5). The Development Application has been referred to Council as Shire Officers do not have delegation to resolve applications for outbuildings where the aggregate total floor area exceeds 200m<sup>2</sup>.

**Officer’s Comment:**

Under the LPS 5, the property is zoned Rural Smallholdings. In accordance with Clause 8.2, outbuildings in the Rural Smallholdings zone are exempt from Development Approval, unless the proposal varies any development provision in the Scheme.

The proposed Development Application varies the following provisions of the LPS 5:

Clause	Proposal	Officer Comment
5.18 The aggregate maximum Plot Ratio Area (floor area) shall be 200m <sup>2</sup>	The aggregate floor area of existing and proposed outbuilding additions is 864m <sup>2</sup> .	All existing and proposed development on the lot is screened from neighbouring properties and the public road using the existing mature vegetation. As the proposal is located a significant distance from the public road, and is screened from neighbouring properties, it is unlikely that the minor variations to the existing outbuilding will result in any adverse amenity impact. The use of the existing outbuildings have not resulted in any complaints As such, it is unlikely that the proposed alterations will result in any adverse impacts on neighbouring properties. Therefore, the proposal is supported.

As the proposal is located within the Department of Fire and Emergency Services (DFES) Bushfire Prone Area, a Bushfire Attack Level (BAL) Assessment was requested. Shire Officers support the BAL Assessment. Although, it is considered that Plots C, D and F should not be excluded.

However should they be assessed, the overall BAL Rating would not be increased. As such, the BAL Rating (BAL12.5) is considered accepted. The Officer recommends that an advice note shall be included in the approval documents that ensure they meet the minimum construction standards as prescribed under AS3959 – Construction of buildings in bushfire prone areas.

Following assessment of the application, it is recommended that the proposed alterations to the outbuilding be approved.

**Stakeholder Engagement:**

Assessing Officers did not consider that the variation to the maximum aggregate floor area required advertising to assess the proposal due to no perceived impacts on neighbouring properties.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

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

**Policy Implications:**

Nil

**Risk Implications:**

Should Council recommend to approve the Development Application, including all recommended Conditions and Advice Notes the risk of non-compliance is insignificant and the likelihood rare. Therefore, the risk is low.

Should Council recommend to refuse the Development Application, the applicant has the right of appeal to the State Administrative Tribunal. Should this occur Council may experience some risk including implication on Shire of Irwin reputation, financial impact associated with a SAT case and potential non-compliance until this is resolved. However, based on the scale of the development the likelihood of the financial and non-compliance risks are rare, resulting in a low risk outcome, whilst the reputational risk would be possible, resulting in a moderate risk outcome.

Considering the above options, and associated risk implications, Council recommending the Officer Recommendation results in a low risk solution for Council.

**Strategic Implications:**

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

**9.2 COUNCIL COMMITTEE REPORTS**

Nil.

**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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