



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 24 APRIL 2018

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 5.00PM

WILL BE HELD ON

TUESDAY, 24 APRIL 2018

**IN THE COUNCIL CHAMBERS, AT
11-13 WALDECK ST, DONGARA WA**



Shane Ivers
(Acting) Chief Executive Officer

20 April 2018

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 AT 11-13 WALDECK STREET, DONGARA ON TUESDAY, 24 APRIL 2018 AT 5.00PM

PRESENT:	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr A J Gillam Cr S F Gumley Cr I Scott Cr K L Wilson Cr I F West
	Staff	Mr S D Ivers – (Acting) Chief Executive Officer Mr B J Jeans – Manager Regulatory Services Mrs H M Sternick – Manager Customer Services Mrs D K Chandler - Coordinator Executive Services Ms P J Ruffles – Projects Supervisor
	Leave of Absence	Cr M Leonard, Mr D J Simmons (Chief Executive Officer)

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Council approved a Leave of Absence for Cr Leonard and the Chief Executive Officer at the 27 March 2018 Ordinary Council Meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at the 27 March Ordinary Council Meeting:

1. Mr Rossiter asked if the Irwin Shire Council can set up an information session (sundowner) with its local trade contractors and the Apprentice Traineeship Centre Geraldton. This information session, or sundowner would express the benefits of having an apprentice employed locally and finding our young people a job or trade.

Response: The Shire is liaising with ATC Midwest and local organisations to facilitate connections with the local business community in order to promote local employment opportunities, including consideration of a sundowner-type event.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MARCH 2018

A copy of the Minutes of the Ordinary Council Meeting held on 27 March 2018 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 March 2018, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CUSTOMER SERVICES

CS01 – 04/18

Subject: Accounts for Payment
Reporting Officer: Finance Officer/Manager Customer Services
Responsible Executive: Acting 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 March 2018.

Officer's Recommendation:

That Council receives the Accounts paid during March 2018 as presented in Attachment Booklet – April 2018, represented by:

Payment Type/Numbers	Total Amount
EFT 22367 - 22504	\$523,473.85
Muni Cheques 31686 – 31703	\$112,280.29
Trust Cheque 3155	\$1,000.00
Direct Debit - Credit Card	\$554.70
Direct Debit - Click Super	\$16,866.40
Direct Debit - Transport – PL300118 – PL270218	\$70,646.55
Grand Total	\$724,821.79

Attachment:

Accounts for Payment –March 2018

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of March 2018.

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 CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

CUSTOMER SERVICES

CS02 – 04/18

Subject: Financial Statements for the Period ending 31 March 2018
Reporting Officer: Coordinator Finance/Manager Customer Services
Responsible Executive: Acting 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.
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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2017 to 31 March 2018.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2017 to 31 March 2018 be received, as provided in Attachment Booklet – April 2018.

Attachment:

Financial Statements for the Month Ending 31 March 2018

Background:

The Monthly Financial Report to the 31 March 2018 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

Officers Comment:

The financial position to the end of March 2018 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,465,081	9.4% negative variance
Operating Expenditure	(\$6,589,941)	1.2% positive variance
Net Operating	\$1,875,140	
Capital Revenue	\$1,229,994	43.2% negative variance
Capital Expenditure	\$1,956,396	70.2% positive variance
Cash at Bank – Municipal	\$1,959,660	
Cash at Bank – Reserve	\$1,973,080	
Total Funds Invested	\$3,688,322	
Net Rates Collected	89.58%	
Non Rates Receivables Outstanding	\$124,456	

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.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes.

CUSTOMER SERVICES

CS03-0418

Subject: Waiver of Rates and Charges – Lot 123 Allanooka Springs Road, Allanooka
Reporting Officer: Rating and Payroll Officer
Responsible Executive: Acting Chief Executive Officer
File Reference: RV.RT.3/A9361
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

To request waiving rates, penalty interest, legal charges and Emergency Services Levy (ESL) on Lot 123 Allanooka Springs Road, Allanooka.

Officer's Recommendation:

That Council, by Absolute Majority, waives all outstanding rates, penalty interest, legal charges and Emergency Services Levy, totalling \$10,892.82, on Lot 123 Allanooka Springs Road, Allanooka being assessment A9361.

Background:

On 30 August 2005, the owners of Lots 123, 809 and 1163 Allanooka Springs Road, Allanooka, sold their property.

At that time, it was overlooked that the contract of sale only included Lots 809 and 1163 Allanooka Springs Road, Allanooka (excluding Lot 123).

Lots 809 and 1163 were then sold again in 2009, at this stage rates were being raised on all three lots. Landgate advised the Shire of Irwin of the error on the initial contract of sale and subsequently the property was divided into two assessment numbers on the Shire's rating system with Lot 123 rates being raised to the original owners.

During the period of 2010-2014, the Shire attempted to recover the outstanding rates on Lot 123 in accordance with the procedure set out in Policy C14 Debt Collection, but the owners could not be contacted.

In August 2014, one of the owners contacted the Shire, which initiated the communication for the recovery of the rates debt. The situation was prolonged and further complicated by the death of the joint owner and claims against the land from family members.

In late 2017 it was confirmed that the surviving owner is the rightful owner of the property. The surviving owner does not have the financial capacity to settle the rates debt and believes they do not have rightful ownership of the property as there has been no access or use of the property since the original sale in 2005.

Officer's Comment:

The rates debt has been accruing on Lot 123 since July 2010 with no payments being received. The likelihood of recovering the rates debt is negligible. It is recommended that Council waives this debt, allowing the surviving owner to move forward by gifting or selling the lot.

The lot is 800sqm and land locked, making it inaccessible and therefore would be difficult for Council to sell to recover the outstanding debt.

Stakeholder Engagement:

Owner of A9361

Financial/Resource Implications:

The total outstanding rates and associated charges is \$10,892.82. Except for the current year's rates, ESL and penalty interest (raised this financial year) of \$1,544.52 the remainder of \$9,348.30 has been carried forward as part of Council's opening asset position balance each year. Should Council wish to waive the rates and associated charges this will be shown as an expense in this financial year's account.

Statutory Environment:

Local Government Act 1995

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rates or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Policy Implications:

Policy C14 Debt Collection

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

REGULATORY SERVICES

RS01 – 04/18

Subject: SAT Reconsideration for Multiple Dwellings – Lot 288 (No. 6) Herbert Street, Port Denison
Reporting Officer: Manager Regulatory Services/Planning Officer
Responsible Executive: Acting Chief Executive Officer
Proponent: Allering and Associates on behalf of Mr and Mrs McBratney
File Reference: P811 / A8357
Voting Requirements: Simple Majority applies unless otherwise stated

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Review** When Council reviews decisions made by Officers.
- 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:

Council's reconsideration is required for the Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison as a result of a Section 31 Order from the State Administrative Tribunal.

Officer's Recommendation:

That Council, by Absolute Majority, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* considers the revocation of resolution number 061017 "Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison" of the Ordinary meeting of Council held on 24 October 2017:

"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.***

Officer's Recommendation:

That Council, by Absolute Majority, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10(2)* revokes resolution number 061017 "Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison" of the Ordinary meeting of Council held on 24 October 2017:

"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.***

Officer's Recommendation:

That Council approves the Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison (as presented in Attachment 2 of Attachment Booklet – April 2018) subject to the following conditions:

- 1. Development shall be in accordance with the approved plans.**
- 2. The vehicular crossover shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction of the Shire of Irwin.**
- 3. Landscaping of the site shall be completed prior to occupancy in accordance with the approved Landscaping Plan.**
- 4. Tree planting and verge treatment in the road verge of Point Leander Drive adjacent to the subject site shall be implemented prior to occupancy and maintained for a minimum period of 12 months to the satisfaction of the Shire.**
- 5. All stormwater and drainage runoff from all roofed and impervious areas shall be managed and retained on site to the satisfaction of the Shire of Irwin.**
- 6. Any soils disturbed or deposited on site shall be stabilised and retained onsite to the satisfaction of the Shire of Irwin.**
- 7. External fixtures are to be integrated into the design of the building and not be visually obtrusive when viewed from the street.**
- 8. External clothes drying area(s) appurtenant to the dwelling shall be provided in a location such that they are screened from public view from the street.**

- 9. The building treatment on the north-west elevation (marked in red) shall be subject to a schedule of colours and finishes to the satisfaction of the Shire of Irwin.**

Advice Notes

1. It is the responsibility of the landowner to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging of the site. The Shire of Irwin takes no responsibility for incorrectly located development.
2. In relation to condition 4, the tree species and verge treatment shall be in accordance with Shire specifications to the satisfaction of the Shire of Irwin.
3. Balconies shall not be designed or constructed to be fully enclosed as defined by the Residential Design Codes of WA.
4. That the landowner be aware of the coastal inundation modelling represented in the Shire's CHRMAP for further design and engineering considerations.

Attachment:

1. [Council Minutes October 2017 Item PCI01-10/17](#)
2. Revised Development Application
 - 2.1 [Site and Undercroft Plan](#)
 - 2.2 [Landscaping Plan](#)
 - 2.3 [Floor Plan](#)
 - 2.4 [Elevation](#)
3. [Concept Massing Models of Development](#)

Background:

Council previously resolved at its 17 October 2017 Ordinary Council Meeting to refuse the Development Application for Multiple Dwellings at Lot 288 (No. 6) Herbert Street, Port Denison 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.*

The Applicant subsequently lodged an application for review of the decision with the State Administrative Tribunal (SAT).

The following is a sequence of events outlining the SAT process:

- 8 December 2017 – Directions Hearing held to confirm both parties agree on mediating an outcome. Mediation Meeting date set.
- 18 January 2018 – Mediation Meeting held by the SAT to review Council's decisions and allow both parties to mediate the concerns and issues. The Applicant was required to amend the proposal to address the reasons of refusal. A further Mediation Meeting was set for 22 March.

- The Applicant submitted a number of proposal revisions and additional information to address the concerns raised relating to Council's refusal through the mediation process.
- 21 March 2018 – The Shire was satisfied with the information provided and modifications made to the proposal by the Applicant. The SAT was advised that the mediation process could now proceed to a Council reconsideration. The SAT issued a Section 31 Order (in accordance with the State Administrative Tribunal Act 2004) for Council to reconsider the revised Development Application by 24 April 2018.
- 4 May 2018 – The SAT has set this date for a Directions Hearing following Council's reconsideration decision.

Council's reconsideration of the revised Development Application is required by order of the SAT.

Officer's Comment:

The Applicant proposes the following modifications to the previous Development Application to address Council's reasons for refusal at the 24 October 2017 Ordinary Council Meeting and concerns raised through the SAT process relating to these reasons.

Plot Ratio

Table 4 of the R-Codes sets the maximum plot ratio for R50 lots to be 0.6. Plot ratio refers to the building footprint on the lot therefore a plot ratio of 0.6 indicates 60% of the site is building coverage. Some aspects of a building do not contribute towards the plot ratio such as balconies above ground level as is the case with this proposed development.

The initial Development Application refused by Council proposed a plot ratio of 0.798, equivalent to a 33% variation. The reasons for refusing the proposed plot ratio variation was due to the concerns of significant bulk and scale adversely impacting the amenity and desirable built form for the locality. To put into perspective a plot ratio of 0.8 reflects between R60 and R80 development.

As part of the SAT process the Applicant has reduced the plot ratio of the development to 0.662 which represents a variation of approximately 10%. The Applicant achieved this reduction by removing one bedroom in each of the units and rationalising areas of the rear portion of the building.

It is considered the variation sought is acceptable in relation to the outcome of development on the site. The bulk and scale of the building has been reduced significantly and additional modifications to the design have further addressed the concern of scale. This includes articulation of the building on the side boundary adjacent to Point Leander Drive, more open space to the rear of the lot reducing impact into the elevated hill (reserve) side and additional tree planting to compliment and 'break up' the building mass.

The Applicant also submitted at Shire request concept models (Attachment 3) super-imposed on site photos to provide a simple visual representation of the development in the context of the surrounds to assist with viewing bulk and scale. It should be noted the proposal does not seek to exceed the maximum building height requirements.

Landscaping

The Applicant submitted a revised Landscaping Plan detailing plant species and landscaping treatment of the site. The Shire is satisfied the Applicant has addressed this requirement with the submission of a revised Landscaping Plan.

With the intent to address bulk and scale concerns from the public view, the Applicant was agreeable to verge tree planting along Point Leander Drive. It is considered tree planting in the road verge will assist to minimise the visual bulk of the development as viewed from Point Leander Drive and enhance the streetscape amenity to link with the foreshore.

Site Works

One reason for refusal, which contributed to the bulk and scale, related to the development requiring significant excavation and retaining. The Applicant has since made modifications to the rear portion of the site proposing to reduce excavation of the open space. The Applicant proposes retaining around the rear portion of building and maintaining the natural ground level of the site to the rear lot boundary.

The boundary retaining levels were referred to adjoining properties and no objection to this variation was received. With the reduction in plot ratio it is considered the proposed site works, excavation and retaining are acceptable to the development proposed.

Balcony Alterations

The Applicant has modified the balcony treatments with the removal of the bi-fold screen doors on the front face of the balconies and altering the western side of the balcony glazing from obscure treatment to clear. This was requested by the Shire as the enclosure of the balconies contributed to the visual bulk and scale of the development. It was also noted that full enclosure of the balconies was considered to alter the use of the balcony space from private outdoor living; effectively becoming part of the dwelling and increasing the area of building which contributed to the perceived bulk and scale.

An Advice Note to the effect of ensuring the balconies remain unenclosed as defined by the R-Codes is considered to address this concern.

Building Articulation

To further address the concern of visual bulk and scale on streetscape amenity, the Applicant has modified the eastern side of the building facing Point Leander Drive with changes in building depths and planter boxes. This aligns with the R-Codes for reducing perceived building bulk and scale as opposed to a long solid wall to the public space.

In response to the initial submission raising concerns of the face brick treatment of the building on the northwest elevation, the Applicant has raised concern with applying the acrylic render finish, as highlighted on the southeast elevation (facing Point Leander Drive), due to the prevailing conditions to the west. The Applicant proposes lighter colour treatment to minimise degradation and reduce maintenance. It is recommended the detail of this be subject to further assessment and liaison to ensure a high quality outcome is achieved for the northwest side of the building which is exposed to public view whilst factoring in robust material use.

Other R-Code provisions varied

With the exception of plot ratio, the development application proposes a number of other minor variations which were referred to surrounding landowners for opportunity to comment during the initial development consultation period and were assessed as being acceptable. The variations and their assessment include:

R-Code Element	Required (Deemed-To-Comply)	Proposed	Officer Comment (Assessed against Design Principle)
6.1.4 Lot Boundary Setbacks	Side (west): 3.3m - 4.2m	1.5m	The Design Principle states building setbacks are to ensure access to daylight and direct sunlight and to moderate the visual impact of building bulk. The adjacent lot to the west is also orientated north-west which provides for sufficient access to daylight. Overshadowing would also be minimal with downslope of the lots to the west.

			<p>No objections in the consultation period were received with regards to the reduced side setback. The Officer is satisfied the proposal meets the Design Principle P4.1.</p>
6.3.6 Site Works	<p>Maximum 0.5m (within street boundary and within 1m of lot boundaries)</p>	0.5m – 3.5m	<p>The Applicant has aimed to nestle the development into the site to reduce the impact on the immediate surrounds and view corridors, in particular from the streets. With the proposed undercroft parking required to meet on-site car parking, substantial excavation is required.</p> <p>No objections were received during the consultation period in regards to the proposed excavation/site works.</p> <p>As mentioned earlier in the report, the Applicant has reduced site works at the rear of the property to reduce the impact to the adjacent reserve. The Officer is satisfied the proposal meets Design Principle P6.2.</p>
6.3.7 Retaining Walls	Maximum 0.5m	0.5m – 1.1m	<p>Due to the nature of the site being sand and sloped, retaining walls for a multiple dwelling development are to be expected and are common throughout the townsite for most residential development.</p> <p>No objections were received during the consultation period in regards to the proposed retaining walls.</p> <p>It is considered the proposed retaining walls meets Design Principle P7 by providing land for the effective use to the benefit of the residents.</p>

Stakeholder Engagement:

The initial development application was referred to the State Heritage Office, Department of Water, Department of Transport and Department of Planning as well as surrounding landowners for the opportunity to comment in accordance with the R-Codes and Local Planning Scheme. Due to the modifications proposed resulting in a reduction in the plot ratio variation sought, further consultation was not considered necessary nor required by the SAT. Other proposed variations of the development, such as setback and retaining wall height, listed in the referral letter for comment have not altered from the initial proposal and no submissions were received at that time objecting to those variations.

Surrounding landowners that were previously referred to for comment of the proposed development application have been notified of Council's reconsideration.

Financial/Resource Implications:

Officer resource allocation for the SAT reconsideration process is expected as a part of the development application process. Shire Officers and the Applicant's consultants have spent considerable time mediating the concerns.

Should the Applicant be aggrieved by Council's decision, the Applicant may refer the matter to the SAT for a Hearing for a review of the decision. Further costs would be borne by the Shire should SAT decide in favour of the Applicant.

Statutory Environment:

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Irwin Local Planning Scheme No. 5
State Administrative Tribunal Act 2004

Policy Implications:

State Planning Policy 3.1 Residential Design Codes of WA

As stated earlier in the report, the development application proposes a number of variations to the R-Codes. The R-Codes, under Parts 2 to 4, set out the local government process in assessing developments that seek to vary 'Deemed-To-Comply' provisions.

Risk Implications:

Should Council support the Officer's Recommendation the consequence of risk loss is considered to be insignificant (1) and likelihood of risk is rare (1). The residual risk is low (1) and therefore considered acceptable due to the Shire complying with the processes required by legislation.

Should Council not support the Officer's Recommendation and refuse the development application, there would be a moderate (3) consequence of financial impact to the Shire and an almost certain (5) likelihood of this occurring, resulting in a high (15) residual risk to the Shire.

Strategic Implications:

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

Shire of Irwin Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) 2016

Modelling from the CHRMAP indicates some risk of coastal inundation to the Port Denison foreshore. It is recommended that the landowner be aware of this potential risk affecting the design and construction of development on the subject site; in particular site works resulting in lower floor levels than natural ground level.

TECHNICAL SERVICES

TS01 – 04/18

Subject: Port Denison Foreshore Design Development
Reporting Officer: Projects Supervisor
Responsible Executive: Acting Chief Executive Officer
File Reference: FM.CO
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to support the proposal to continue the development of the Port Denison foreshore by engaging Josh Byrne and Associates to complete the next project phase, which is the engineering design development.

Officer's Recommendation:

That Council:

- 1. Sole source the engineering design development for the Port Denison foreshore as prepared by Josh Byrne and Associates.**
- 2. Proceed with the survey of the Port Denison foreshore as prepared by HTD surveyors to support the engineering design development work.**
- 3. Authorises, by Absolute Majority, the transfer of \$100,101.10 from the Port Denison Foreshore Development Reserve to the Municipal fund for the design development and surveying work in the 2017/18 financial year and amend the Budget accordingly.**

Attachment:

Information from Josh Byrne and Associates and Hille, Thompson and Delfos provided to Councillors as a confidential separate attachment.

Attachment 1 – [RPS Foreshore Master Plan 2013](#)

Attachment 2 – [RPS Foreshore Mater Plan and Costing 2016](#)

Background:

2013 – Foreshore Masterplan Development

In January 2013 a design brief for Stage 1 Draft Concept Plan was prepared by the Shire and consultants were invited to submit a written proposal to undertake the following works:-

- Attend a site visit with officers
- Facilitate community consultation
- Develop the stakeholder engagement strategy
- Prepare a draft concept master plan and associated report for the Port Denison foreshore.
- Present the draft concept plan to Council.

RPS Group Perth were the successful bidders and in April and May 2013, two (2) community consultation sessions were held at the Irwin Recreational Centre and facilitated by RPS Group Perth consultants.

The objective for the consultation activity was to involve the community in establishing context around the following issues:-

- Define the Port Denison foreshore precincts
- Establish the land use strategies for the Port Denison foreshore precincts
- Visitor arrival experience to the Port Denison foreshore
- Access and parking
- Amenities and facilities
- Environment
- Events and activation
- Character and identity

The feedback from the community engagement sessions included:-

- Maintain openness of views
- Concrete erosion control blocks are dangerous and unsightly
- Preserve the sandy beach
- Improve wayfinding
- Keep existing trees
- Shelter sheds / large community shelter function should not be lost in a new design.
- Safe swimming and water play
- Existing toilets are dated
- Parking
- Holistic plan for future is required
- Pedestrian linkage
- Removing/repurposing Fisherman's hall

The Port Denison Foreshore Masterplan was designed based on this feedback from the community. The Port Denison Foreshore Masterplan Concept Document was completed in October 2013 and included a budget estimate (typically +/-60%) of \$7.4M excluding GST for the five precincts:-

- Precinct 1 – Granny's Beach
- Precinct 2 – Foreshore Park
- Precinct 3 – Foreshore Core
- Precinct 4 – Boat Ramp
- Precinct 5 – Obelisk

2015/16 – Foreshore Masterplan Review

In 2015 the Mid West Development Commission (MWDC) approved an Expression of Interest (EOI) submitted by the Shire of Irwin for funding for the Port Denison foreshore area. MWDC requested an application for a minimum \$10M project relating to the Port Denison foreshore area that had to include:-

- A confirmed direction as to what Port Denison foreshore revitalisation will include (one option for entire precinct).
- A plan which delivers economic benefits to the local Shire as well as the broader region and state.

In response to this, a series of Council Workshops were conducted to consolidate ideas throughout the first half of 2016 and in July 2016 further community consultation sessions were held. As a result of these sessions the 2013 concept masterplan was revised by RPS Group Perth. The budget estimate was also revised to \$12M excluding GST.

RPS Group Perth was also engaged to carry out an economic evaluation for the purpose of the MWDC funding application.

The application was submitted by the Shire of Irwin in September 2016. Late 2017, the Shire of Irwin was advised that the bid was unsuccessful.

Current Project Status

The unsuccessful MWDC funding opportunity in 2016/2017 would have enabled the Foreshore Masterplan to be realised as a complete project. There are no such funding opportunities currently available and this is unlikely to change in the near future.

In March 2018, Council held two workshops to gain consensus on how to move forward with this project.

In summary, without external funding but with a Council commitment to progressing the project, a staged approach to the Port Denison foreshore revitalisation project will be required. Funds will need to be sourced from the Port Denison Foreshore Development Reserve.

Officer's Comment:

It is generally considered that there are 4 stages to a project life cycle. These are:-

- Concept
- Development
- Implementation
- Close-out.

The Foreshore Masterplan (both the 2013 and 2016 reviews) represents the completion of the Concept phase of the project and has successfully included and delivered:

- Community and stakeholder engagement
- Gauged local support
- Considered options and alternatives
- Identified key issues
- Concept design drawings
- Preliminary Cost estimate

To progress the project into the development phase, further design work is required to develop the conceptual plans to achieve the following:

- Define Scope – Masterplan sign-off including carpark strategy and underground services layout to create aesthetic harmony throughout the Port Denison foreshore.

- Design development of each precinct including specific design elements and irrigation detailed design.
- Cost estimate for each precinct.

The drawings and cost estimates from this design development stage will enable Council to achieve the following:

- i. Prioritise precinct development.
- ii. Stage and fund detailed design accordingly.
- iii. Identify elements to implement from various precincts.
- iv. Ability to deliver a holistic outcome over a long period of time.

Josh Byrne and Associates (JBA) were approached to provide a quotation to carry out the required work. JBA's senior landscape architect formerly of RPS Group Perth worked on the 2013 and 2016 revised Masterplan. JBA are experienced in delivering integrated coastal foreshores to increase amenity for the community and increase visitor experience. JBA's knowledge of the project, the area and the requirements of the local community will ensure a seamless transition from concept to design.

A detailed survey of the Port Denison foreshore locating all critical above and below ground infrastructure is mandatory for the design development to proceed and in turn, detailed design to be completed.

The required funds for the design development and survey of the Port Denison foreshore is \$100,101.10 excluding GST). The funds will be sourced from the Port Denison Foreshore Development Reserve.

Stakeholder Engagement:

- Stakeholder engagement occurred throughout the Foreshore Master Plan concept phase in 2013.
- Further community engagement including Council workshops occurred during 2016.
- Council and community engagement will be scheduled in the development phase of the project.

Financial/Resource Implications:

Funds to be sourced from the 'Port Denison Foreshore Development Reserve', with a current balance of \$358,069.33. The purpose of this reserve is to fund the development works of the foreshore in Port Denison.

Statutory Environment:

Local Government Act 1995

Policy Implications:

C13 Purchasing Policy to be adhered to in regards to procurement processes.

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.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 SHIRE OF IRWIN COMMUNITY ASSISTANCE SCHEME AND EVENTS COMMITTEE MEETINGS HELD 28 FEBRUARY AND 11 APRIL, 2018

COMMUNITY ASSISTANCE SCHEME COMMITTEE MINUTES:

That Council receives the Minutes of the Community Assistance Scheme and Events Committee meetings held 28 February and 11 April, 2018.

[CASE Committee Minutes - 28 February 2018](#)

[CASE Committee Minutes – 11 April 2018](#)

COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION TO COUNCIL:

That Council approves the following funding allocations for the Community Assistance Scheme round one of the 2018/2019 financial year as presented in attachment booklet – April 2018 under separate cover.

ORGANISATION	PROJECT DESCRIPTION	GRANT
<i>Dongara RSL</i>	<i>Centenary of Armistice Day 2018</i>	<i>\$5,000</i>
<i>Midwest Show and Shine and Denison Foreshore Sprint</i>	<i>Midwest Show and Shine and Denison Foreshore Sprint</i>	<i>\$5,000</i>
<i>Dongara Denison Art Group</i>	<i>Thungara Trails Art Walk</i>	<i>\$5,000</i>
<i>Dongara Pottery Club</i>	<i>Playtime in Spring</i>	<i>\$1,700</i>
<i>Irwin District Charity Ball Committee</i>	<i>Irwin District Charity Ball</i>	<i>\$2,700</i>
<i>Dongara Denison Lions Club Inc</i>	<i>Drive-In Kitchen Renovation</i>	<i>\$5,000</i>
<i>Midwest Wind Fest</i>	<i>Midwest Wind Fest</i>	<i>\$5,000</i>
	TOTAL	\$29,400

9.2.2 IRWIN ROADWISE COMMITTEE MEETING HELD 26 MARCH 2018

[Irwin Roadwise Committee Minutes - 26 March 2018](#)

IRWIN ROADWISE COMMITTEE MINUTES:

That Council receives the Minutes of the Irwin Roadwise Committee meeting held 26 March, 2018.

9.2.3 SUSTAINABLE ENVIRONMENT COMMITTEE MEETING HELD 11 APRIL 2018

[Sustainable Environment Committee Minutes – 11 April 2018](#)

SUSTAINABLE ENVIRONMENT COMMITTEE MINUTES:

That Council receives the Minutes of the Sustainable Environment Committee meeting held 11 April, 2018.

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

Nil.

14. CLOSURE

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