



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 26 JUNE 2012

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

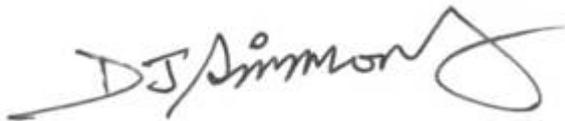
ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 26 JUNE 2012

IN COUNCIL CHAMBERS AT
13 WALDECK STREET, DONGARA WA



Darren Simmons
Chief Executive Officer

June 2012

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.

Disclosure of Financial or Impartiality Interests Form

This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulation 34C

To: Chief Executive Officer

I hereby declare my interest in the following matter/s included on the Agenda paper for the Council/Committee meeting to be held on:

_____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	Extent of Interest (see below)

Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

Name (Please Print)

Signature

Date

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1)(a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declaration to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillors'/Employees' responsibility to ensure the interest is brought to the attention of Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Leave of Absence Request Form

This form is provided to enable members and officers to apply for leave pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995.

To: Chief Executive Officer

I hereby give notice that at the ordinary meeting of Council on _____
I intend to request that Council grant me a leave of absence for the following period:

From: _____ To: _____ (inclusive)

Councillor: _____
(Please print name in full)

Signed: _____

Guidance Notes to aid completion of Leave of Absence Request Form:

1. Once you have completed this form, please arrange for it to be delivered to the Chief Executive Officer (ideally before the commencement of the ordinary Council meeting at which the request is to be made)
2. If you are unable to attend the Council meeting at which the request for leave of absence is to be put forward, please complete this form and submit to the Chief Executive Officer as soon as is practicable, so that he can advise the Shire President to put forward the request on your behalf.
3. Any leave of absence approved by Council can only apply to subsequent meetings. Therefore, leave of absence cannot be granted for the ordinary Council meeting at which the approval is given.
4. Pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995, an Elected Member who is absent throughout three (3) consecutive **ordinary** Council meetings, without first obtaining a leave of absence, is disqualified from continuing his or her membership of the Council.
5. Council cannot grant leave of absence in respect of more than six (6) consecutive ordinary meetings of the Council, without the approval of the Minister for Local Government.

Office Use Only:

Date/Initials

1. Particulars of leave of absence given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Meetings Generally Open to the Public

LOCAL GOVERNMENT ACT 1995 – SECT 5.23

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

INDEX

ORDINARY COUNCIL MEETING 26 JUNE 2012

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	2
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 22 MAY 2012	2
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	2
9.	REPORTS	3
AUDIT.10	INTERIM AUDIT REPORT	3
CEO.476	DELEGATIONS REGISTER	4
CEO.477	2012 FINANCIAL MANAGEMENT REVIEW	5
DCS.413	ACCOUNTS FOR PAYMENT	6
DCS.414	FINANCIAL STATEMENT FOR PERIOD ENDING 31/05/2012	7
DCS.415	SUNDRY DEBTOR WRITE OFF	9
DCS.416	DIFFERENTIAL RATES – 2012/13	10
TP.533	PROPOSED SUBDIVISION OF LOT 1736 TEATREE GROVE, SPRINGFIELD	14
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	19
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	19
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	19
13.	MATTERS BEHIND CLOSED DOORS	19
14.	CLOSURE	19



AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 26 JUNE 2012 COMMENCING AT 4.00PM

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R T McClurg Cr J A R Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director Corporate Services Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager Mrs C M Palmer – Executive Assistant (EA) (Minute Taker)
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		-

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil
- 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 22 MAY 2012

A copy of the Minutes of the Ordinary Council Meeting held on 22 May 2012 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 22 May 2012, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

AUDIT.10

Subject Interim Audit Report
Reporting Officer: Director Corporate Services
File Reference: FM.AD.11.12
Date Prepared: 18 June 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider the information from the Interim Audit Report.

Officer's Recommendation/Audit Committee Recommendation:

That Council receives the interim audit report and notes the Director Corporate Services responses to the matters raised.

Body/Background:

Council's auditors, UHY Haines Norton, visited Council's Offices in March and undertook an interim audit of Council's records in accordance with the Audit Specifications.

Officer's Comment:

A copy of the interim audit report is attached for information and consideration.

In the report, two items have been noted that were raised with management at the time and their recommendations as to the required action to be taken.

1. The Annual Financial Report for 30 June 2011 was not submitted to the Department of Local Government within 30 days of the audit report being signed.

Response

Staff waited until the Annual Report was adopted by Council to send to the Department together. This will be rectified for the next financial year.

2. Monthly Statements of Financial Activity had no dollar amounts of Material Variance being calculated.

Response

In future the Monthly Statements of Financial Activity will have dollar amounts as a variance.

Financial Implications:

Nil.

Statutory Environment:

Nil.

Policy Implications:

Nil.

CEO.476

Subject: Delegations Register
Reporting Officer: Chief Executive Officer
File Reference: GV.AU.2
Date Prepared: 19 June 2012
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider and complete the annual statutory review of delegations of authority.

Officer's Recommendation:

That Council note the review of delegations for the 2011/12 financial year and resolves that no changes are made to the current delegations in force.

Body/Background:

Council undertook an extensive review of all Delegations in force at the ordinary Council meeting held on 27 May 2008.

Given the extent of the review in 2008 and the changes made, the then Chief Executive Officer (CEO), in a report to the ordinary meeting of Council held on 27 April 2010, recommended and Council subsequently resolved that no further changes to the delegations register be made.

A copy of the Delegations Register is available on the Shires website and a hard copy has previously been provided to Councillors.

Officers Comment:

Based on the extensive review of delegations undertaken by Council in 2008, and as the current CEO is unaware of any issues arising from the practical application of the existing delegations, it is suggested that Council continue its recent practice of completing its annual statutory review of delegations by noting that no change will be made to the existing delegations within its Delegations Register.

By adopting this action now, Council meets its statutory obligations in time for the 2011/12 external audit whilst allowing for the CEO and Research and Projects Officer to facilitate a more extensive review of delegations early in 2012/13 being similar in scope to the process completed in 2008 but also taking into account the Shire's new organisational structure that is being implemented from 1 July 2012.

Financial Implications:

Nil.

Statutory Environment:

Section 5.46 (2) of the Local Government Act 1995 requires Council to review delegations at least once every financial year.

Policy Implications:

Nil.

CEO.477

Subject: 2012 Financial Management Review
Reporting Officer: Chief Executive Officer
Date of Report: 19 June 2012
File Reference: FM.AD.11.12
Voting Requirements: Simple Majority

Report Purpose:

To receive a report on the Shire's financial management systems and procedures.

Officer's Recommendation:

That the report of the 2012 Financial Management Review undertaken by UHY Haines Norton on behalf of the CEO and provided to Councillors under separate cover be received and Council notes that, based on the findings of the report and his own assessment, the CEO is satisfied as to the appropriateness and effectiveness of the Shire's financial management systems and procedures.

Body/Background:

The CEO is required to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire at least every 4 financial years and report to Council the results of those reviews. (Further detail is provided below under the "Statutory Environment" section of this report). The CEO engaged the services of the Shire's external auditors, UHY Haines Norton, to undertake the review and a copy of that report has been provided to Councillors under separate cover.

Officer's Comment:

In order to comply with the statutory requirement of Local Government (Financial Management) Regulation 5(2)(c), it is considered appropriate to engage the services of Council's appointed external auditor as an independent reviewer of the Shire's financial management systems and procedures.

Having received and analysed the independent report's results, and whilst it is noted that some minor operational matters have been assessed as having opportunities for improvement, it is pleasing to note the report's conclusion which states, inter alia, that:

"Based on our work described in this report, nothing has come to our attention to indicate the Shire of Irwin has not established and maintained appropriate and effective financial management systems and procedures during the period 1 July 2011 to 29 February 2012..."

Therefore, it is evident that based on my knowledge of the professionalism and expertise of the Shire's corporate services team, and the report's findings, it is pleasing to report to Council of my satisfaction as to the appropriateness and effectiveness of the Shire's financial management systems and procedures.

Financial Implications:

Nil.

Statutory Environment:

Local Government (Financial Management) Regulation 5(2)(c) states:

The CEO is to —

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

DCS.413

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 18 June 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during May 2012.

Officer's Recommendation:

That the Accounts paid during May 2012, represented by Municipal Cheque Numbers 28597-28654, EFT payment numbers 13013-13184 totalling \$590,559.78, Police Licensing Payment No's PL010512-PL290512 totalling \$55,450.15, Trust No: 2302-2304 totally \$2,260.00 be received.

Body/Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of May 2012.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Statutory Implications:

13. Lists of accounts
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

DCS.414

Subject: Financial Statements for the Period ending 31/05/2012
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 26 June 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 31 May 2012.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2011 to 31 May 2012 be received.

Body/Background:

The Monthly Financial Report to the 31 May 2012 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

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.

DCS.415

Subject Sundry Debtor Write Off
Reporting Officer: Director Corporate Services
File Reference: FM.DB.3
Date Prepared: 19 June 2012
Voting Requirements: Absolute Majority

Report Purpose:

To consider writing off outstanding Sundry Debtors accounts that are deemed non recoverable.

Officer's Recommendation:

That the following outstanding sundry debts be written off

SQU087	Squatter Shack Fees	\$4,500
SQU167	Squatter Shack Fees	\$6,000
SQU208	Squatter Shack Fees	\$6,000

Body/Background:

Council staff have identified three outstanding sundry debtor accounts that have been outstanding for some time and which are deemed to be non recoverable.

Officer's Comment:

Following is an outline of the Sundry Debtors in question and collection results to date:

1. **SQU087 – \$4,500:** This debtor was raised in August 2008 for Coastal Squatters Shack lease fee for financial year 08/09, 09/10 and 10/11. There is no shack on this site as it was burnt in fires. Collection efforts have been unsuccessful.
2. **SQU167 – \$6,000:** This debtor was raised in August 2007 for Coastal Squatters Shack Lease fee for financial years 07/08, 08/09, 09/10 and 10/11. This shack has not been occupied for approx 5 years. Collection efforts have been unsuccessful.
3. **SQU208 – \$6,000:** This debtor was raised in October 2007 for Coastal Squatters Shack Lease fee for financial years 07/08, 08/09, 09/10 and 10/11. This shack has not been in use for a period of time. Collection efforts have been unsuccessful.

Financial Implications:

The total debt to be written off is \$16,500. This amount has been carried forward as part of Council's opening net current asset position balance. If the amount is written off, it will be treated as an expense in this year's budget.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

DCS.416

Subject: Differential Rates – 2012/13
Reporting Officer: Director Corporate Services
File Reference: RV.RT.3
Date Prepared: 18 June 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider the adoption of rates in the dollar for differential rating to be advertised prior to the adoption of the 2012/13 Budget.

Officers Recommendation:

That Council advertises its intention to adopt the following differential rates and minimum payments for each of the following rating categories in the 2012/13 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum rates</u>
<u>Gross Rental Valuations</u>		
Residential	9.072	\$782
Commercial	9.072	\$782
Light & General Industry	9.072	\$782
Special & General Industry	9.072	\$782
Undeveloped	9.072	\$782
<u>Unimproved Valuations</u>		
Mining – Improved	15.00	\$782
Mining - Undeveloped	14.95	\$782
Policy Area A	0.7884	\$782
Policy Area B	0.7884	\$782
Policy Area C	0.7884	\$782
Policy Area D	0.7884	\$782
Policy Area E	0.7884	\$782
Policy Area F	0.7884	\$782
Policy Area G	0.7884	\$782

That the Director Corporate Services makes application to the Minister for Local Government seeking approval under Section 633 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining Tenement properties at more than twice the rate of UV properties in Policy Areas A to G.

That the Director Corporate Services makes application to the Minister for Local Government seeking approval under Section 635 (5) of the Local Government Act 1995 to impose a minimum rate for the GRV – Undeveloped Land and UV – Mining Rate Undeveloped category which results in more than 50% of the properties in each category being imposed with the minimum rate.

Body/Background:

The Local Government Act provides (S 6.36) that before imposing differential general rates or a minimum payment applying to a differential rate category a local government is to give 21 days' local public notice of its intention to do so. Where a local government proposes to modify the proposed rate or minimum payment after considering any submissions received during the advertising period it is not required to give local public notice of the modified rate or minimum payment, however it is necessary to provide an explanation with the rates notice when it is issued.

Officers Comment:

The Draft Budget for 2012/13 has been prepared and was presented for Council discussion and feedback at the Council Forum meeting held on 12 June 2012. For Council to meet the requirements of the Act as noted above it is required to advertise the proposed differential rates within time frames to meet the 21 day period before the budget is adopted in July 2012.

The proposed differential rates in the dollar are based on raising an additional 5% of rate revenue over rates raised in July last year as well as taking into consideration any interim rate revenue due to valuation changes from new and/or developed properties over the past year. In 2012/13 a revaluation has been received for Unimproved Valuations. A revaluation of Gross Rental Values was received in 2011/12 and values for 2012/13 have not changed except where due to building development or subdivision.

Unimproved Valuations

Landgate has advised that the total unimproved valuation for the Shire of Irwin has increased by an overall average of approximately 4.7% to \$180,298,500.

The Valuer's comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations. In the letter, the Valuer also makes the following comments:

“OVERALL VARIATION TO UNIMPROVED VALUATION

Broad acre land values have remained relatively static this last year. There has been an increase in rating values of small rural holdings of approximately 10% which has resulted in an overall increase of 4.7% in the assessed unimproved values for 30 June 2012.

Rating values are now a more accurate reflection of the market and are better co-ordinated than last year's more conservative values.

Properties with bulk areas of bush which have previously not been accounted for have been identified and values subsequently reduced.

Some changes to individual assessments may occur either as a product of the mass valuation process or where records have been amended or corrected for soil types, development potential etc.”

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued in July/August 2012 they will not necessarily reflect a 5% increase in rates on their property.

Gross Rental Valuations

As noted above a new Gross Rental Valuation was adopted in 2011/12.

Mining Valuations

At the May Forum during discussion of proposed rating levels as part of the draft budget, Council members supported the modelling of increased Mining Rates to reflect the levels being used at other Councils within the Midwest. As a comparison the following rates in the dollar are being modelled for use by other Councils for 2012/13:

Rate Comparisons 2012/13	Gross Rental Valuations		Unimproved Valuations		Mining	
	Rate in \$	Minimums	Rate in \$	Minimums	Rate in \$	Minimums
Shire of Irwin (5% Inc)	9.072	\$782.00	0.7884	\$782.00	6.825	\$782.00
Shire of Mingenew	10.4311	\$330.00	1.1378	\$450.00	30.00	\$750.00
Shire of Perenjori	12.5690	\$195.00	1.6680	\$195.00	30.00	\$370.00
Shire of Morawa	10.3400	\$237.00	3.6300	\$237.00	50.00	\$732.50
Shire of Carnamah	12.6672	\$577.00	1.8	\$577.50	25.3345	\$577.50
City of Greater Geraldton						
- Geraldton	10.2228	\$895.00	0.5750	\$895.00	0.5750	\$895.00
- Mullewa	11.4630	\$360.00	0.9546	\$267.00	24.2354	\$323.00

Attached for Councillors' consideration are rates modelling outcomes for a general rates increase of 5% and scenarios for an increase of mining rates to 10, 12, 15 and 18 cents in the dollar. It is recommended that Council adopt a 5% increase in UV and GRV rates and 15 cents in the dollar for mining rates. The 5% general increase allows for an increase of 3.5 to 4% in general operating costs whilst there are anticipated additional increases of up to 1.5% for utilities and carbon tax effects. It is suggested that a slightly different rate for the two mining categories (Improved and Undeveloped) be adopted to ensure that the legislative requirements are met to differentiate between the two.

Adopting a 15 cents rate in the dollar for mining (in comparison to a 5% increase) will approximately raise an additional \$130,000 in rate revenue. It is suggested that any additional rate revenue from the mining sector should be transferred to the Building Reserve. Such a measure will provide Council with extra resources to meet community expectations raised through the community consultation as part of the strategic community plan process. It is anticipated that as a result of adopting the Strategic Community Plan there will be many competing projects and plans to be considered for inclusion in the Corporate Business Plan and Long Term Financial Plan. The additional revenue from mining rates will assist Council in funding the additional requirements identified as priorities in the Corporate Plan in 2013/14.

Financial Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2012/13 financial year.

Statutory Environment:

A local government may impose differential general rates according to any, or a combination, of the following characteristics -

- *the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;*
- *the predominant purpose for which the land is held or used as determined by the local government;*
- *whether or not the land is vacant land; or*
- *any other characteristic or combination of characteristics prescribed.*

In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

In recent years Council has adopted a UV differential rate to be applied to mining properties which is more than twice the lowest UV differential rate.

This situation has been created by increasing UV values being imposed on rural properties whilst mining tenements, which are valued using a different method, have remained steady. The differential rate on rural properties, therefore, has decreased whilst the rate on mining has increased in accordance with rate rise percentages each year. The lower UV rate has dropped to below 50% of the mining rate and needs the Minister's approval before being imposed.

A minimum payment is not to be imposed on more than the prescribed percentage (50%) of the number of separately rated properties in the district or the number of properties in each category unless the general minimum does not exceed the prescribed amount (\$200).

The Minister may approve the imposition of a minimum payment contrary to the provisions outlined above, where a local government imposes a differential general rate on the basis that the land is vacant land.

A minimum payment is to be applied separately, in accordance with the principles set out above in respect of each of the following categories -

- *to land rated on gross rental value*
- *to land rated on unimproved value; and*
- *to each differential rating category where a differential rate is imposed.*

Council has two differential rating categories, being GRV – Undeveloped Land and UV – Mining, which imposes a minimum rate on more than 50% of the properties within the category.

It is therefore necessary to apply to the Minister to seek approval for these categories. The Department has advised that Council may apply to the Minister during the statutory advertising period.

Policy Implications:

Nil.

TP.533

Subject: Proposed Subdivision of Lot 1736 Teatree Grove, Springfield
Reporting Officer: Town Planner
Date of Report: 19 June 2012
File Reference: WAPC.146048
Voting Requirements: Simple Majority

Report Purpose:

To consider an application to subdivide the above lot, as referred by the Western Australian Planning Commission for comment by Council.

Officer's Recommendation:

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 1736 Teatree Grove, Springfield subject to the following conditions:

1. Arrangements being made with the local government for the upgrading and/or construction of Teatree Grove.
2. The applicant/owner paying a cash-in-lieu contribution to the local government for Public Open Space, such contribution being based on 5% of the gross value of the total area of Lot 1736.
3. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.
4. Uniform fencing along the boundaries of all of the proposed lots abutting Teatree Grove are to be constructed.
5. Prior to the commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
6. All building envelopes are to be clearly pegged on-site.
7. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed Lot 6 advising that:
"This lot is near an operating lime sand processing plant and the use and enjoyment of this land may be affected by those operations or other factors relating to those operations."
8. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that the use and management of the land is subject to the provisions of the local government's Local Planning Scheme.
9. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.

Advice:

1. In relation to Condition No 1, in accordance with the Shire's Land Development Design & Construction Criteria, Teatree Grove will be required to be upgraded to a two-coat, hot bitumen and aggregate seal, or slurry seal. Shoulders shall be compacted, unsealed base material. Drainage shall be via table drains, soakage therein, and culverts to sumps or natural water courses as appropriate. Intersections are to be kerbed and provided with street lighting in accordance with relevant Australian Standards.
2. Subdivision works are to commence after 15 March and be completed by 1 October of the same year.

Body/Background:

History

Council previously considered a referral from the Western Australian Planning Commission (WAPC) to subdivide Lot 1736 at its meeting held on 13 March 2007. That application proposed to subdivide the lot into five new lots of two hectares each and a balance lot of 9.9 hectares. At that meeting Council resolved to support the application, subject to conditions, and the application was approved by the WAPC on the 5 June 2007.

That approval was valid for a period of four years, expiring in the 5 June 2011. The applicant did not request clearance of conditions or submit a deposited plan in that time and as such the approval has now lapsed. This current application seeks to renew the approval.

It is also noted that since previously considering the subdivision of this land, the road fronting Lot 1736 on its eastern boundary has been renamed from Springfield Drive to Teatree Grove. This became necessary after Springfield Drive was extended through (previous) Lot 1130 to the east (Johns') as part of the subdivision of that land and effectively isolated this old alignment of Springfield Drive. Council considered names from its Reserve List for the Springfield area at its meeting held on 12 June 2007 and resolved to name the road Teatree Grove. The name was subsequently approved by the Geographic Names Committee on 28 June 2007.

Subject Land

Lot 1736 is 19.9 hectares in area, orientated in a north/south alignment. The land is characterised by gently undulating dunes, mostly covered in vegetation consisting of Melaleuca, Acacia, Rottnest Island Teatree and Quondong. Some of the wooded areas have been cleared of undergrowth.

There are existing buildings (sheds and dwelling) clustered towards the middle of the property which make up the proponents place of residence.

Lot 1736 has approximately 400 metres of frontage to Teatree Grove which is currently built to a rural (unsealed) standard. Please see attached location plan.

Zoning

Lot 1736 is zoned Rural Residential under the Shire of Irwin Local Planning Scheme No 5 and falls within Policy Area F of the Local Planning Strategy. This zoning and policy area allow for a minimum lot size of 2 hectares. Subdivision is to be in accordance with the adopted Springfield Subdivision Guide Plan.

The surrounding land is similarly zoned Rural Residential and is subject to the Springfield Subdivision Guide Plan, although the southern one third of the lot extends into Reserve 23373. This reserve has been set aside for the purposes of 'Lime Sand' and is zoned 'Public Purposes – Quarry' under Scheme No 5. This land forms part of the Cockburn Cement mineral lease.

The Proposal

This current application corresponds exactly with the previous proposal from 2007.

It consists of five new lots, all of 2 hectares each and with between 70 and 80 metres of frontage to Teatree Grove. The lots are aligned in an east/west direction across the northern half of the lot.

The southern half is to be retained as a balance lot and will contain the proponents existing buildings. This balance lot will have potential for further subdivision at a later stage. Please see attached plan of subdivision as prepared by HTD Surveyors and Planners.

Officer's Comment:

The application to subdivide Lot 1736 is generally supported subject to conditions, as per the previous recommendation from the 2007 report.

The conditions requested as part of that previous referral are still relevant and equally apply to this current application.

This includes a condition to impose a memorial on the title of the balance lot advising that it is within 2 kilometres of the Cockburn Cement plant, a condition requiring a 5% public open space cash-in-lieu contribution, a condition relating to the preparation and implementation of a Fire Management Plan and standard conditions relating to fencing and building envelopes. All such conditions have corresponding provisions within Scheme No 5.

Of note though, the previous approval also included a condition requiring that Teatree Grove (formerly Springfield Drive) be upgraded as part of the subdivision. Specifically that the road be upgraded to a sealed surface with table drains and kerbed corners. This is as per the standard currently employed under Part 2 (Clause 1.1 for Special Rural zoning) of the Shire's 'Land Development Design & Construction Criteria' policy.

The proponent wrote to the Shire in 2010 questioning the validity of this condition. Essentially, the proponent felt that it was unfair he should be burdened with sealing the whole width of the road when his subdivision only fronts one side and that it should not be his responsibility to upgrade the small east/west section of Teatree Grove which connects into Springfield Drive, as this portion of the road does not front his subdivision.

In relation to the first issue, Teatree Grove as it currently stands was wholly constructed by the Shire for the benefit of the adjoining lots. Under Council Policy TP4(2), when a proponent subdivides onto a road the Shire has constructed, the Shire can recoup its costs. The policy states as follows:

'In cases where for the benefit of residents the Shire constructs a road, and a Developer subdivides lots onto that Road, Council will require 50% of full construction costs for the road which fronts the land being subdivided.'

The intent of the policy therefore is that the Shire eventually recovers all of its costs in initially providing a road from subdividers on each side of the road paying a 50% contribution.

In this instance however, the land on the opposite side of Teatree Grove has already been subdivided and includes the extension of Springfield Drive, which the new lots have primary frontage to. As such, at the time of subdivision it would have been onerous to expect that subdivider to additionally contribute 50% of the construction costs of Teatree Grove when that road was not required for access. The effect of this is that the Shire cannot recover the 50% of the construction costs from the developer on the opposite side of the road, despite Policy TP4(2). The Shire therefore essentially contributes 50% of the construction of Teatree Grove through the existing compacted sub-base and gravel surfacing.

Following on from this, in the interests of simplicity and to ensure the new lots created by the subdivision of Lot 1736 are provided with the road standard as required under Council policy, it is considered appropriate for the proponent of this subdivision to upgrade the full width of the gravel road to a sealed road, which will represent his 50% contribution.

On the second issue, relating to upgrading the small section of Teatree Grove (approximately 85 metres) that runs east/west and intersects with Springfield Drive, it is similarly considered appropriate for the proponent to upgrade this section of the road.

On this point, it is acknowledged this section of the road does not front Lot 1736 and also that the intersection will require additional infrastructure, including kerbing and lighting. However, it should be noted that Teatree Grove is a cul-de-sac and only provides access to one lot, that being Lot 1736. As such there will be a direct impact on Teatree Grove from the increase in traffic generated by this subdivision and a clear nexus between the subdivision of this land and the need to upgrade the road, including the 85 metre east/west portion and the intersection with Springfield Drive.

On this basis, it is suggested that the road upgrade condition is appropriate and should be similarly imposed on this application.

Supply of water is another issue that has progressed since this subdivision was first considered. In this regard, the WAPC in 2011 advertised draft Development Control Policy 3.4 – Subdivision of Rural Land. Although this policy is still only in draft form, due to it having been advertised it must be taken into consideration.

Of importance, the policy represents a significant shift in the WAPC's position on planning for rural living lots (ie Rural Residential and Rural Smallholdings) by requiring new proposals to be connected to a reticulated domestic water supply delivered by a licensed supplier. This in affect means only land within close proximity to the Water Corporations water supply infrastructure would be suitable for rural living development.

The policy does however, go on to state that for existing areas zoned for rural living that don't have connection to reticulated water, that alternative supplies may be considered. Although that reliability of an alternative source is to be confirmed by the applicant using suitable investigation and available models, and for areas which receive less than 550mm of rainfall per year (which includes Irwin) reliance on rainwater collection via roof areas and tanks is not viable.

This essentially imposes a significant new obligation on proponents of rural living developments to prove a viable water source, most likely made up of rainwater collection and a supplementary underground source.

In relation to this particular subdivision, where only five new lots are being created and considering the amount of subdivision that has already taken place in Springfield, it may be onerous to expect the proponent to undertake groundwater testing and rainfall modeling to prove an alternative supply.

Traditionally, lot owners in Springfield have supplied their own water through a combination of rainwater collection and groundwater. This approach has been successful to date and there is currently no reason to suspect that this cannot continue to be a viable source. As such, it is not recommended that a condition be imposed requiring the proponent to prove a viable water source, however that a standard condition (previously imposed on other subdivisions in Springfield) be requested which states as follows:

'Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.'

In conclusion, it is recommended that the referral to subdivide Lot 1736 be supported subject to conditions.

Financial Implications:

Nil.

Statutory Environment:

Local Planning Scheme No 5:

Clause 5.29 Rural Residential Zone; and
Schedule 13 (No 2) – Springfield

Draft WAPC Development Control Policy 3.4 – Subdivision of Rural Land (2011)

Policy Implications:

Shire of Irwin Land Development Design and Construction Criteria
Part 2, Clause 1.1 Special Rural Zoning

Council Policy TP4(2)

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE

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

_____.