



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 27 AUGUST 2013

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

INDEX-ORDINARY COUNCIL MEETING 27 AUGUST 2013

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
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	2	
7.	CONFIRMATION OF MINUTES	2	
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 23 JULY 2013	2	010813
7.2	MINUTES OF SPECIAL COUNCIL MEETING HELD 5 AUGUST 2013	2	020813
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	2	
9.	REPORTS	4	
CORPORATE AND COMMUNITY			
CC01 – 08/13	ACCOUNTS FOR PAYMENT	4	030813
CC02 – 08/13	FINANCIAL STATEMENT FOR PERIOD ENDING 31/07/2013	5	040813
CC03 – 08/13	ADOPTION OF 2013/14 SHIRE OF IRWIN BUDGET	7	050813
CC04 – 08/13	DONGARA GOLF CLUB – SELF SUPPORTING LOAN	12	060813
PLANNING AND INFRASTRUCTURE			
PI01 – 08/13	CAT ACT 2011 DELEGATIONS	14	070813
PI02 – 08/13	DOG ACT 1976 APPOINTMENT OF AUTHORISED PERSONS	16	080813
PI03 – 08/13	TRADING IN PUBLIC PLACES APPLICATION	18	090813
PI04 - 08/13	APPLICATION FOR STORAGE OF FIREWORKS AND EXPLOSIVES MAGAZINES	21	100813
PI05 – 08/13	PROPOSED MIXED USE DEVELOPMENT OF LOT 60 MORETON TCE, DONGARA	25	130813
PI06 – 08/13	DEMOLITION OF BUILDING AND PROPOSED DOUBLE STOREY RESIDENTIAL DWELLING ON LOT 41 POINT LEANDER DRIVE, PORT DENISON	28	140813
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30	
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	30	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	30	
13.	MATTERS BEHIND CLOSED DOORS	30	
13.1	CONFIDENTIAL – CEO PERFORMANCE REVIEW	30	170813
14.	CLOSURE	30	

I certify that this copy of the Minutes is a true and correct record of the meeting held on
27 August 2013

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 27 AUGUST 2013
COMMENCING AT 4.05PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg Cr R J Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons - Chief Executive Officer (CEO) Mr G F Coaker – A/Director Planning and Infrastructure Mr F A Neuweiler – Manager Community Safety Mrs H M Sternick – Manager Corporate Services Ms E Greaves – Executive Assistant Mr A Hayat – Planning Officer
GUESTS:		Mr J Rossiter
APOLOGIES:		Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Mr G M Peddie – Director Corporate and Community

-
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
 - 4. PUBLIC QUESTION TIME**

Mr John Rossiter enquired as to why the Minutes of the Dongara Denison Community Festival Association were not included in the Council Minutes or loaded onto the Shire's website?

The CEO advised that the Festival Association is not a Committee of Council and it is therefore not necessary for the Minutes to be recorded in Council Minutes and suggested that it is up to the Association's discretion how their Minutes are published and made available to the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JULY 2013

A copy of the Minutes of the Ordinary Council Meeting held on 23 July 2013 have been provided to all Councillors under separate cover.

COUNCIL DECISION 010813:

MOVED: Cr Porteus

SECONDED: Cr West

That the Minutes of the Ordinary Council Meeting held on 23 July 2013 be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 6/0

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 5 AUGUST 2013

A copy of the Minutes of the Special Meeting held 5 August 2013 have been provided to all Councillors under separate cover

COUNCIL DECISION 020813:

MOVED: Cr West

SECONDED: Cr Scott

That the Minutes of the Special Meeting held 5 August 2013 be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- The Shire President acknowledged the recent passing of former Councillor, Mr John Rowland and revised on the projects he was involved in with Council between 1999 and 2003. Council expressed sympathy to his family and friends during this time.
- On 14 August 2013 Tracey Phelan of AWE provided the Shire President and Chief Executive Officer a brief overview of the company's recent activities, and advised that they are interested in presenting to Council in the future to discuss some proposed projects.
- The Shire President and Chief Executive Officer (CEO) attended a meeting in Morawa on 15 August 2013 with the Board and Executive team from Landcorp.
- A Mid West Development Commission (MWDC) Regional Blueprint Workshop was also held in Morawa on 19 August of which both the Shire President and CEO attended.
- The CEO attended the MWDC Workforce Planning Development Framework session in Geraldton on 21 August 2013.
- The Shire President announced that Glenn Coaker, Acting Director Planning and Infrastructure has submitted his resignation and thanked him for his work with Council and contributions made to the community.
- July 2013 Employee of the Month – to Tara Raymond in recognition of her helpful, professional and positive attitude. She has developed a great rapport with customers and visitors, and throws herself into new challenges with enthusiasm and determination.

- Two CEO Team appreciation awards were presented;
Tourism and Library Services – in recognition of the customer service skills demonstrated whilst interacting with customers. Feedback has been received that describes staff as being very welcoming, knowledgeable and helpful.
Corporate Services Team – in recognition of the team's dedication and professionalism in successfully completing their first end of year. They have taken on the new duties with great energy and positive attitude.

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 08/13

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
Date of Report: 21 August 2013
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during July 2013.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 030813:

MOVED: Cr McClurg

SECONDED: Cr Porteus

That the Accounts paid during July 2013, represented by Municipal Cheque Numbers 30198-30232, EFT payment numbers 14788-141914 totalling \$3,491,633.73, Police Licensing Payment No's PL010713– PL 290713 totalling \$70,240.80, Vehicle Lease Payment of \$853.51 and Credit Card Payment of \$3,088.23 be received.

VOTING DETAILS:

CARRIED 6/0

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of July 2013.

Officer's Comment:

Nil

Financial Implications:

Nil

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.

Policy Implications:

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

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

CORPORATE AND COMMUNITY

CC02 – 08/13

Subject: Financial Statements for the Period ending 31/07/2013
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Date Prepared: 21 August 2013
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2013 to 31 July 2013.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 040813:

MOVED: Cr West

SECONDED: Cr Porteus

That the Monthly Financial Statement for the period 1 July 2013 to 31 July 2013 be received.

VOTING DETAILS:

CARRIED 6/0

Background:

The Monthly Financial Report to the 31 July 2013 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

Officers Comment:

Comparisons have been made between actuals and proposed budget figures due to the budget not being adopted.

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.

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 – 08/13

Subject: Adoption of 2013/14 Shire of Irwin Budget
Reporting Officer: Manager Corporate Services
Date of Report: 21 August 2013
File Reference: FM.BU.13.14
Voting Requirements: Absolute Majority

Report Purpose:

To formally adopt the Shire of Irwin 2013/14 Budget and associated resolutions.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 050813:

MOVED: Cr West

SECONDED: Cr Porteus

1. Adoption of the 2013/14 Municipal Budget

That the Shire of Irwin 2013/14 Budget, as presented, be adopted as the Shire of Irwin Budget for the year ending 30 June 2014, which includes the following:

- Statement of Comprehensive Income by Type and Nature showing a negative result for the year of \$122,200;
- Statement of Comprehensive Income by Program showing a negative result for the year of \$122,200;
- Statement of Cashflows;
- Rate Setting Statement showing an amount required to be raised from rates of \$4,337,200;
- Notes to and forming part of the budget;
- Budget Program schedules;
- Transfers to and from the Restricted and Reserve accounts.

2. Differential Rating Levels

That Council impose the following differential rates in the dollar and minimum rates on Gross Rental and Unimproved Values for the purpose of levying differential rates for the 2013/14 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<u>Gross Rental Valuations</u>		
General Rate	9.481	\$820
<u>Unimproved Valuations</u>		
Mining	15.00	\$820
Rural	0.9081	\$820

These rates reflect an increase of 4.5% in rate revenue from GRV and non mining UV properties, which is designed to ensure Councils operational requirements are kept within the projected levels of inflation, increased state government costs of power and water, and to continue to invest in infrastructure works to stimulate and promote the economic development of the Shire.

3. Outstanding Rates Penalty Interest

That Council adopts an interest rate of eleven (11) percent charged daily on all rates and costs of proceedings to recover such rates that remain unpaid after becoming due and payable.

This reflects the loss in investment income to Council and to encourage early payment to assist cash flow management.

4. Instalment Options

That Council determines that it will provide options to pay rates using two and four instalments and that each instalment date will be at intervals of two months from the due date of the first instalment.

Regulations 64(2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the due date of the first instalment.

5. Instalment Options Administration Fee

That Council adopts an instalment administration charge of \$5.00 per instalment on each instalment payment after the initial instalment is paid (ie 3 x instalments = \$15).

This is to reflect the loss of investment income to Council.

6. Instalment Option Interest Levy

That Council adopts an interest rate of 5.5% charged daily where the payment of rates is by instalment.

This is to reflect the loss of investment income to Council.

7. Members Attendance Fees

That Council adopts a Shire President's annual attendance fee in lieu of individual meeting fees of \$10,000 per year.

That Council adopts a Members' annual attendance fee in lieu of individual meeting fees of \$7,500 per year.

In lieu of meeting fees Council may adopt an annual attendance fee, which has a minimum/maximum of \$7,500 and \$15,500 for elected members and \$7,500 and \$24,000 for the President. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with new amounts for fees, allowances and expenses effective from 1 July 2013. In this determination Council has been placed into Band 3.

8. Shire Presidents Allowance

That Council adopts a Shire President annual allowance of \$10,000 per annum.

The minimum/maximum allowance for the Shire President is \$1,000 and \$35,000 or 0.002 of operating revenue, whichever is the lesser. The current level paid by Council is \$10,000. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with new amounts for fees, allowances and expenses effective from 1 July 2013. In this determination Council has been placed into Band 3.

9. Deputy Shire Presidents Allowance

That Council adopts a Deputy Shire President annual local government allowance of \$2,500 per annum.

The Act and Regulations provide that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire Presidents allowance.

10. Annual Telecommunications and IT Allowance

That each Council member be provided with a Portable Electronic Device for their Council use and budget provision be made for the associated communication costs.

Section 34A and 34AA of the Local Government Act (Administration) Regulations provides that the maximum allowance that a Council may make for Telecommunications Expenses and Information Technology Expenses in lieu of actual reimbursements is \$2,400 and \$1,000 respectively. Whilst Council members have not claimed for such expenses in the past, it is suggest that allocation be made in the budget for the provision of associated communication costs for the portable electronic devices.

11. Budget Review Variance

That the percentage variance used during the budget review process and for financial reporting purposes be set at 10% or \$5,000, whichever is greater.

The Act requires that a variance percentage be adopted by Council to be used during the budget review process and financial reporting.

12. Schedule of Fees and Charges

That Council adopts the Schedule of Fees and Charges as listed in the Budget Document for 2013/14.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background:

At the July Council forum substantial time and discussion was given to consideration of the provisions in the Draft Budget papers including rating levels, capital improvements, debt management and operational requirements. General acceptance on the major items contained within the draft budget was reached, and the formal budget has been prepared with minor changes following the forum discussion and now presented for formal adoption by Council.

The budget as presented is in the format required by the Local Government Act 1995, and accompanying Financial Management Regulations 1996, as well as the Australian Accounting Standards.

Officer's Comment:

The differential rates and minimum payments adopted by Council at the meeting of 25th June 2013 have been advertised in accordance with statutory requirements. No submissions were received during the advertising period regarding the proposed rates.

Correspondence from the Minister for Local Government's office was received on Wednesday 31st July 2013 advising the Minister had decided not to approve the Shire's application to impose differential general rates for UV Mining Developed and UV Mining Undeveloped categories which are more than twice the lowest rate proposed in the UV category.

A Special Council Meeting was held on Monday 5th August to discuss a new rate in the dollar for the UV Mining category, with the revised application sent the Minister for Local Government on Tuesday 6th August.

Approval from the Minister for Local Government was received on Tuesday 20th August 2013 for Council to adopt a UV differential rate which is more than twice the lowest rate.

The Budget reflects the discussions held at the July 2013 Forum to increase UV Rural and GRV rate revenue by approximately 4.5% as well as adjustments to the Draft Budget and other changes that have arisen since the preparation of the draft budget papers. Such adjustments and changes include the following:

- Amendment to the final surplus amount due to final operating costs being less than anticipated.

- Reduction of \$125,000 being transferred to Building Reserve, due to revised rate in the dollar for the Mining category.
- Funding of \$100,000 for the provision of the upgrade of a digital projector at the Drive In and expense of \$100,000.
- Grant funding of \$55,600 from RDA for the provision of community sport and recreation storage facility to be located at the Rec Centre.
- Deletion of the CLGF regional component (\$600,000) to improve/upgrade recreational facilities due to the State Budget withdrawing funding.

Financial Implications:

The 2013/14 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2013 to 30 June 2014.

Statutory Environment:

The Local Government Act provides as follows:

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —

- (a) the form of the annual budget;
- (b) the contents of the annual budget; and
- (c) the information to be contained in or to accompany the annual budget.

Policy Implications:

Nil.

Strategic Implications:

- SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.
- SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC04 – 08/13

Subject: Dongara Golf Club – Cash Advance
Reporting Officer: Director Corporate and Community
Date of Report: 20 August 2013
File Reference: RC.LI.5
Voting Requirements: Simple Majority

Report Purpose:

To consider an application from the Dongara Golf Club to assist with funding for the purchase of turf maintenance equipment.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 060813:

MOVED: Cr Smith

SECONDED: Cr Scott

That the Dongara Golf Club be supported through a cash advance of \$15,000 for the purposes of equipment purchase, to be repaid by twice yearly repayments of principal and interest over a ten year period and to be funded from the Shire of Irwin's own resources.

VOTING DETAILS:

CARRIED 6/0

Background:

The Dongara Golf Club originally submitted an application to the Shire of Irwin seeking Council approval for the provision of finance via a \$30,000 self supporting loan from Treasury Corporation, to be repaid with twice yearly repayments over a ten year period. The loan will be used to purchase an item of equipment (flail mower) and to refinance an existing loan currently with a higher interest rate than a Treasury loan would impose.

A subsequent email from the Club President advised that the Club would now require a reduced loan amount of \$15,000 because the Club had received a contribution of funds from a local charity. The loan will now be used to fund the equipment purchase.

In supporting their application the Golf Club has provided financial information to indicate that it has the financial means to service the loan repayments each year. A copy of the application and supporting information has been provided to Council in the attachments.

Officer's Comment:

Council staff has obtained information from the Treasury Corporation for a proposed loan including an indicative repayment schedule based on the interest rate applicable at the time, being 4.24%. The repayments will be \$928.01 every six months for twenty payments, totalling repayments of \$18,644.17, including fees. This represents a total of \$3,560.17 in interest over the life of the loan.

Alternatively Council has the capacity to simply provide the funds as a cash advance from its own resources to the Club, with repayments made to Council using the repayment schedule and interest rate already received from the Treasury Corporation. This would be the staff's recommended method as it will not affect Council's debt service ratio nor materially affect any future application for loan funds from the Treasury Corporation.

Financial Implications:

The proposed expenditure has not been included in the draft budget as this is a new request and was not considered as part of the draft budget discussion. The implication in relation to the effect on Council's budget will be additional expenditure of \$15,000 offset partly by the annual repayments received. The Statement of Financial Position (Balance Sheet) will not be affected as the full amount owing will be represented as an outstanding debt, however, only the annual repayment amount will be included in the net current asset position.

Statutory Environment:

Nil

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 1.2 Irwin Shire, Dongara and Port Denison are recognised as a lifestyle community,
SCP Outcome 1.3 Increased and diverse tourism opportunities
SCP Outcome 3.1 High quality and well maintained community infrastructure.
SCP Outcome 3.6 Arts, culture and recreation are recognised and supported.

PLANNING AND INFRASTRUCTURE

PI 01 – 08/13

Subject: Cat Act 2011 Delegations
Reporting Officer: Manager Community Safety
Date of Report: 9 August 2013
File Reference: GV.AU.2
Voting Requirements: Absolute Majority

Report Purpose:

To delegate any of Council's powers and any of its duties under the any provision of the Cat Act 2011 to the Chief Executive Officer (CEO).

OFFICERS RECOMMENDATION AND COUNCIL DECISION 070813:

MOVED: Cr Porteus

SECONDED: Cr Smith

That Council resolves to delegate any of Council's powers or the discharge of any of its duties under any provision of the Cat Act 2011 to the Chief Executive Officer of the Shire of Irwin.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background:

The Cat Act 2011 (the Act) will be implemented from 1 November 2013 onward.

Officer's Comment:

As the powers under the Act refer to the local government most, if not all, legislative requirements will need to be addressed by Council resolution.

It is suggested that this represents an unnecessary burden on Council as the legislative arrangements are administrative in nature and will cause significant inconvenience to customers and the broader community.

Therefore, it is considered appropriate that Council resolves to delegate any of Council's powers or the discharge of any of its duties under any provision of the Cat Act 2011 to the Chief Executive Officer.

The CEO can delegate these powers and duties to relevant staff members with the exception of the setting out the content of an infringement notice, providing an extension of time to pay a modified penalty, or to withdraw an infringement notice.

A cat management training course was held on the 7 August for relevant staff members in preparation of the implementation of the Cat Act.

It is envisaged to phase the new Act in for a period of six months after its implementation to give Shire staff and members of the public time to get used to the workings of the legislation.

Financial Implications:

N/A

Statutory Environment:

A copy of the Cat Act 2011 may be accessed online using the following link:

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12865_homepage.html

Relevant sections concerning the delegation of powers is as follows:

Cat Act 2011 -

44. Delegation by local government

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) A decision to delegate under this section is to be made by an **absolute majority**.*

45. Delegation by CEO of local government

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —*
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

Policy Implications:

N/A

Strategic Implications:

SCP Outcome 3.8.6 Continue to provide a ranger service.

PLANNING AND INFRASTRUCTURE

PI 02 – 08/13

Subject: Dog Act 1976 Appointments of Authorised Persons
Reporting Officer: Manager Community Safety
Date of Report: 9 August 2013
File Reference: GV.AU.2
Voting Requirements: Simple Majority

Report Purpose:

To authorise four Shire officers to exercise the powers conferred on them by the Dog Act 1976.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 080813:

MOVED: Cr Porteus

SECONDED: Cr Scott

1. That Council authorise Mrs Michelle English to carry out the following functions under the Dog Act 1976:

To register dogs; investigate complaints relating to animal matters; issue warning notices; infringements; impound dogs and subsequently release dogs; seize, detain and dispose of dogs in accordance with the provisions of that Act.

2. That Council authorise Mr Norman Ilich; Mr Dwayne Calver and Mr Russell Taylor to carry out the following functions under the Dog Act 1976:

To seize, detain and impound dogs, and subsequently release dogs; in accordance with the provisions of that Act.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background:

Previously the Shire of Irwin employed one full-time Ranger. To enable this officer to take leave a Casual Ranger, Mrs English, was employed on the 1 July 2013.

As an additional option three members of the garden crew were also trained in the handling of dogs and cats for times when both Rangers are unavailable. The training was provided by the CY O'Connor Institute on the 6 and 7 August.

Delegation powers aren't facilitated by the Dog Act. To enable Shire officers to carry out their duties in accordance with that Act Council needs to formally authorise the selected staff members.

Officer's Comment:

In the past the Ranger duties were not covered by a trained, authorised person in Mr Clarkson's absence. This made it difficult for the Ranger to take leave. The new arrangement will ensure that an authorised officer is available at all times to carry out the prescribed duties under the Dog Act.

Financial Implications:

Allowance has been made in the budget for the additional expense.

Statutory Environment:

Section 29 (1) of the Dog Act 1976 –

A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 3.8.6 Continue to provide a ranger service.

PLANNING AND INFRASTRUCTURE

PI 03 – 08/13

Subject: Trading in Public Places Application
Reporting Officer: Manager Community Safety
Date of Report: 20 August 2013
File Reference: LE.RE.13
Voting Requirements: Simple Majority

Report Purpose:

For Council to assess an application submitted by the operators of 'Beach, Sand & Land Tours' to provide various tourism activities within the Shire of Irwin.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 090813:

MOVED: Cr Scott

SECONDED: Cr Smith

That Council approves the Traders Licence application submitted by Mr and Mrs Kennedy, operating as 'Beach, Sand and Land Tours' to provide a recreational service at various beaches, the Irwin River and other Nature Reserves, subject to:

- All damage to the natural environment that is caused by the operators of 'Beach, Sand & Land Tours' is to be restored and rectified by the business proprietors within a reasonable time frame;
- That the business operators obtain and maintain a public risk insurance to a minimum of 10 million dollars;
- That the operators indemnify the Shire of Irwin in respect of any injury to any person or damage to any property which may occur in connection with the use of the public places by the permit holder.

VOTING DETAILS:

CARRIED 6/0

Background:

Mr and Mrs Kennedy are proposing to establish a tourism business that operates within the Shire of Irwin. The business will undertake activities such as guided walks, beach fishing tours, learn to surf school at 'South Beach' and 4x4 guided tours (please refer to the attachment).

At the recent August Forum Council was presented with a draft copy of the Tourism Development and Promotion Strategic Plan which highlighted a weakness in the SWOT analysis of having 'No tours based here'. There have been five strategies recommended to Council of which strategy four is to 'Support the coordinated efforts of tourism related businesses'.

Officer's Comment:

The new business venture is the first one of its type and will meet a demand for visitors to our Shire area. The guided tours will venture into areas that would otherwise be underutilised. It is therefore recommended to support this new tourism project.

Financial Implications:

An annual fee of \$250 applies to a Traders Licence.

Statutory Environment:

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

"trader" means a person who carries on trading;

"trader's permit" means a permit issued to a trader; and

"trading" includes --

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;

6.3 Trader's permit

(1) A person shall not carry on trading unless that person is --

- (a) the holder of a valid trader's permit; or
- (b) an assistant specified in a valid trader's permit.

(2) Every application for a trader's permit shall --

- (a) state the full name and address of the applicant;
- (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
- (c) specify the location or locations in which the applicant proposes to trade;
- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
- (e) specify the proposed goods or services which will be traded; and
- (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

(3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

Policy Implications:

N/A

Strategic Implications:

SCP Outcome 1.1.1 Implement an efficient and effective approval process.

SCP Outcome 1.3.1 Develop and implement a Tourism Development and Promotion Strategy.

SCP Outcome 1.3.2 Partner and work with local business, state government agencies and other regional tourism organisations.

PLANNING AND INFRASTRUCTURE

PI 04 – 08/13

Subject: Application for Storage of Fireworks and Explosives Magazines
Reporting Officer: Planning Officer
Date of Report: 21 August 2013
File Reference: P413 / A5539
Voting Requirements: Absolute Majority

Report Purpose:

To consider an application for the location and storage of fireworks and explosives on Lot 101 (No 917) Bookara East Road, Allanooka.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 100813:

MOVED: Cr West

SECONDED: Cr Smith

That Council, subject to advertising of the proposal in accordance with Clause 9.4.3. of the Local Planning Scheme No. 5 and there being no contentious submissions, delegate authority to the Chief Executive Officer to approve the proposed storage of fireworks and explosives on Lot 101 (917) Bookara East Road, Allanooka subject to the following conditions;

- 1 The proposal being subject to Advertising as per *Clause 9.4.3 of the Shire of Irwin Local Planning Scheme No.5*;
- 2 The applicant implementing 2 metre high earth “bunting” (or mounds) located 10 metres from - and surrounding - the magazine compound;
- 3 20 metres (radius) of additional cleared fire break from the “bunting”;
- 4 No combustible material within the total 30 metre zone
- 5 The compound surrounded by a 1.8m Cyclone fence, topped with 3 strands of barbed wire, as per Australian Standard AS2187.1-1998; and,
- 6 Any other use not part of this application for the storage of fireworks and explosives in magazines shall be subject to a further application.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background:

The applicant is currently licensed with the Department of Mines and Petroleum (DMP) to store fireworks and explosives in magazines on their property in Mingenew since July 2012 that was issued in accordance with the Dangerous Goods and Safety Act, however the site was previously licensed since 2004. The applicant has applied to the DMP for a storage licence for the new site. The proposal for the relocation and hence storage of these items is to Lot 101 Bookara East Road in Allanooka as per the application attached. The lot is predominantly vacant and flat, cleared of vegetation aside from some trees and vegetation along the boundaries of the lot.

The Land:

The land on which the fireworks and explosives are to be stored is Lot 101 (917) Bookara East Road. Prominently cleared of vegetation and having a flat surface, this lot shall serve perfectly for the purpose of storage of these goods. The Lot is 159.5 hectares and provides buffers in excess of the required from the storage site.

Proposal:

The proposal is for storage of fireworks and explosives on Lot 101 (917) Bookara East Road, Allanooka. The items shall be stored in magazines. The quantities of the items are as follows;

- 1 by Detonator magazine 1000 each detonators
- 1 by Explosive magazine 1000 kg worth of Explosive
- 2 by Firework magazine 5000 kg worth of fireworks

The total Net Explosives Quantity (NEQ) to be stored will be 11,000 kg.

Consultation:

Liaisons between the DMP have revealed separation distances and Australian Standards which are deemed to have been complied with after assessment of this application. Consultation between the Shire's Planning Officer and the Shire's Community Emergency Services Manager have resulted in the formation of conditions 2,3 and 4 in this report to allow more security in the event of an incident. It should be noted, however, that the area of the land, location of the stored goods and the strength of the magazines influence the safety and security of the items enclosed within the magazines.

Officer's Comment:

The application is for the relocation and hence storage of fireworks and explosives to Lot 101 Bookara East Road, Allanooka. The applicant is proposing a 10m firebreak fire safety and a 1.8m cyclone fence topped with barbed wire for security, and conditions have been imposed to enforce an additional 20m for fire safety, these conditions being formed through liaisons with the Community Emergency Services Manager and DMP. These distances are considered adequate. The proposed 10m firebreak as suggested by the applicant is sufficient after liaisons with the DMP, also considering the applicant is in good standing with the DMP for their business having been in operation since 1992 and complying with the relevant Australian Standards. The contents of the magazines are documented and up to date, available to the inspector upon their request and are annually inspected by the DMP. The additional 20m firebreak requirement has been imposed as further precaution.

The applicant will need to provide the DMP an 'Explosives Management Plan' (EMP) to address security and safety. The EMP shall be required to address (as per the information recorded on the 'Application for an explosives storage licence' which is provided by and lodged with the DMP);

- classes and quantities of explosives to be stored on the site (surface and underground);
- incidents involving explosives storage – preparedness and response;
- training of people to comply with the regulations and the EMP;
- reconciliation measures for the movement and use of all explosives at the site;
- measures for the recording of all persons who receive explosives on the site;
- monitoring of compliance with the EMP;
- review of the EMP to ensure its effectiveness;
- assessment of risks in relation to safety of people, property and the environment; and,
- assessment of the risks of the sabotage, theft or unexplained loss of or access by unauthorised persons to any explosives possessed under the licence.

The magazines will have a 500m radius which exceeds the amount that is required to be complied with in regards to separation distances as per Australian Standard AS2187.1. As per table 3.2.3.2 of AS2187.1 and through liaisons with a DMP Officer regarding separation distances; for the storage of 11 000kg of Division 1.1 explosives the required separation distance to the Protected Works Class A (PWA) (e.g. railway lines, public roads) must be at least 320m and to Protected Works Class B (PWB) (nearest building) must be at least 480m in accordance with Table 3.2.3.2 of AS2187.1 (table attached). The proposal therefore complies with these requirements by proposing a 500m radius surrounding the compound. The magazines are designed to withstand fire for up to 3 hours.

Neighbour consultation will be required as part of the advertising process. The applicant has outlined there is only one neighbour located over twice the legal distance away from the site and has no objections to the relocation of these items next to their property. The surrounding land is vacant with the presence of vegetation and a water pipeline of which neither shall be affected by this proposal. Submissions shall be received by the landowners of all adjoining lots as part of the advertising procedure stated as per *Clause 9.4.3 of the Shire of Irwin Town Planning Scheme No.*

5 (hereafter mentioned as the 'Scheme'), regardless of whether they currently reside on their respective lots or not.

A 3-Phase high voltage power line runs overhead of the proposed location where the magazines will be stored. As per *Clause 10.1.1* and *10.2(z)* and as part of the advertising process as per *Clause 9.4.3* of the Scheme, a referral shall be sent to Western Power seeking submissions. There is also a water corporation access road and pipeline which run through the southern part of the subject Lot. These are well outside the 500m radius surrounding the compound and it is deemed irrelevant to invite Water Corporation to comment on the proposal.

Part of the north of the lot is within the boundaries of the City of Geraldton. The City shall be informed of the application being proposed on Lot 101 Bookara East Road.

It should be stressed that the proposal itself is low risk in the event there is no incident, and by utilising a small amount of the 159.5 hectare lot to store the magazines, the proposal for the storage of the above mentioned items shall have no impact to the surrounding environment.

Financial Implications:

Nil

Statutory Environment:

The proposal is governed by *Clause 4.4.1* of the Scheme as the use proposed is one which is not mentioned in the zoning table;

4.4.1 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The proposal would therefore be required to meet *4.4.1 (b)* of the above Clause, and as per *Clause 9.4.3* of the Scheme the advertising procedure shall be as follows;

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;*
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;*
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.*

A referral shall be sent to Western Power seeking comment regarding the presence of the power line above the proposed location of the magazines. Consultation with this authority shall be as per *Clause 10.1.1* of the Scheme which reads;

10.1.1 In considering any application for planning approval the local government may consult with any other statutory, public, or planning authority it considers appropriate.

Consequently submissions shall be considered by the referral agency as part of *Clause 10.2 Matters to be considered by Local Government* of the Scheme, specifically;

(z) *the comments or submissions received from any authority consulted under Clause 10.1.1;*

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI 05 – 08/13

Subject: Proposed Mixed Use Development on Lot 60 Moreton Tce, Dongara
Reporting Officer: Planning Officer
Date of Report: 21 August 2013
File Reference: P361 / A403
Voting Requirements: Simple Majority

Report Purpose:

To consider a proposal for a mixed use development of 4 residential units and a shop on Lot 60 (19) Moreton Terrace, Dongara.

COUNCIL DECISION 110813:

MOVED: Cr West

SECONDED: Cr Porteus

That Council suspend Standing Orders at 4:25pm.

VOTING DETAILS:

CARRIED 6/0

COUNCIL DECISION 120813:

MOVED: Cr West

SECONDED: Cr Scott

That Council reconvene under Standing Orders at 4:43pm.

VOTING DETAILS:

CARRIED 6/0

OFFICER RECOMMENDATION AND COUNCIL DECISION 130813:

MOVED: Cr West

SECONDED: Cr Scott

That Council approves the proposal for a mixed use development of 4 residential units and a shop on Lot 60 (19) Moreton Terrace, Dongara subject to the following conditions;

- 1. A demolition permit be approved for the existing building on Lot 60 Moreton Tce;**
- 2. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority;**
- 3. A separate drainage plan needs to be submitted to the Shire, approved by an engineer;**
- 4. All stormwater runoff from impervious areas is to be retained and disposed of on-site to the approval of the local government;**
- 5. The landscaping areas as indicated on the approved plan are to be installed and maintained to the satisfaction of the local government;**
- 6. Any soils disturbed or deposited on the site are to be stabilised and retained on site;**
- 7. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use;**
- 8. The area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access, as shown on the approved plans, shall be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted; and,**
- 9. Facades should be articulated with building detail such as awnings over windows and/or verandas.**

Advice Note:

1. **A Building Permit is required to be approved by the local government.**

VOTING DETAILS:

CARRIED 6/0

Background:

The site falls within Sub-Precinct 1: Moreton Terrace – Main street under the Dongara Town Centre Precinct Plan 2009 (Precinct Plan). Although the maximum setback required under Precinct Plan is 3m, a report from Arbor Logic recommends as part of the development design to maintain a setback of 5m from the front boundary alignment. The proposed setback of 5.7m from the primary street is recommended as a buffer from the Moreton Bay Fig Tree, a plant of Heritage significance and affording a permanent entry on the State Register of Heritage Places and the highest level of protection under the Town Planning Scheme by being assigned a Category of 1A under the Irwin Shire Council Municipal Inventory of Heritage Places.

There is an adequate amount of landscaping proposed around the site, and pedestrian access considered by implementing a footpath from the rear of the shop to its front entrance. The development meets the requirements under the Precinct Plan 2009, and complies with the provisions of the Residential Design Codes 2013 (R-Codes) with regards to the 4 units.

The Land:

The land on which the 4 residential units and shop are proposed on is Lot 60 (19) Moreton Terrace. The land is 981m² in area and provides sufficient space for the construction proposed and adequate room for parking and manoeuvring of vehicles. The presence of the Moreton Bay Fig Tree enhances the streetscape of the town centre and provides the heritage element of the town as can be seen from the street. The tree shall be maintained and a buffer is proposed to ensure the trees lasting life and continued health.

The Proposal:

The proposal is for 4 residential units designed in a double storey building at the rear of Lot 60 Moreton Terrace and a shop on the Moreton Terrace frontage as shown on the attached site plan. The development proposes a total of 4 parking bays for the shop including a disabled bay, and 6 bays for the units including a visitor's bay.

Consultation:

There had been consultation between the Shire and Arbor Logic, an Arboriculture (cultivation, management and study of individual trees) Consultancy based in Perth. The Arboriculturalist therefore provided a report on the assessment of Impact of the proposed development on the Moreton Bay Fig adjacent to Lot 60 (#19) Moreton Terrace. The report, with its suggestions by the expert is attached for perusal.

Officer's Comment:

The application is supported.

The mixed use is well executed with a proposed shop fronting Moreton Terrace, being the town centre, and residential units at the rear of the lot. Landscaping has been depicted on the site plan to consider the impacts upon the Moreton Bay Fig tree, and a 5m setback from the street has been shown on plan, as per the recommendation in the Arboriculture report.

The proposed parking requirements for the retail shop do not comply with the provisions of the Shire of Irwin Local Planning Scheme No. 5 (the Scheme) as per Schedule 11, and the requirements within the R-Codes. However, reductions in the bays have been considered due to the imposition of the Moreton Bay Fig tree. Therefore, the 3 parking bays and the disabled bay proposed are deemed adequate.

There is a need for extra window treatments to the shop windows. These can be implemented through either awnings or a small veranda extending over the windows. These additions shall address Development Requirement 9 – ‘Building scale and bulk’ of the Precinct Plan.

The proposed units would be the first of their kind in the Shire, encouraging housing variety whilst achieving the objectives of the sub precinct with regards to maximum height being two-storey. The roof pitch meets requirements of the Moreton Terrace Precinct and the inclusion of a path from the car parking area to the entrance of the proposed shop is in compliance with pedestrian access provisions, encouraging a development of a pedestrian comfort nature.

The development encourages a mixed use modern residence with a proposed shop. Any proposed future signage will require approval by the Local Government and be contained to verandas or the building walls. It is therefore recommended that the proposed development be approved considering its compliance with the provisions of the Scheme and the Precinct Plan, as well as meeting compliance with the majority of the R-Codes principles.

Financial Implications:

Nil

Statutory Environment:

Town Centre Precinct Plan (2009)

Sub-precinct No.1 – Moreton Terrace / Mainstreet

State Planning Policy 3.1 Residential Design Codes (2013)

Shire of Irwin Local Planning Scheme No 5

Part 5 – General Development Requirements

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 2.1.1 Promote and maintain the Municipal Inventory of Heritage Places

SCP Outcome 2.5.4 Continue to provide a high standard of maintenance and presentation in the Town Centres.

PLANNING AND INFRASTRUCTURE

PI 06 – 08/13

Subject: Demolition of a Building and Proposed Double Storey Residential Dwelling on Lot 41 Point Leander Drive, Port Denison
Reporting Officer: Planning Officer
Date of Report: 21 August 2013
File Reference: P400 / A1574
Voting Requirements: Simple Majority

Report Purpose:

To consider a proposal for the demolition of a locally listed heritage building and the erection of a double storey residential dwelling on Lot 41 Point Leander Drive, Port Denison.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 140813:

MOVED: Cr McClurg

SECONDED: Cr Smith

That Council approve the proposal for the demolition of a heritage listed building and the erection of a double storey residential dwelling on Lot 41 (22) Point Leander Drive, Port Denison, subject to the following conditions;

- 1. The completion of an Archive Record Form and lodgement with the Shire of Irwin and Irwin District Historical Society prior to the issuing of a demolition licence;**
- 2. The owners should be encouraged to reuse and/or recycle any appropriate original built fabric; and,**
- 3. An interpretive outcome being approved for the site to reflect its past and history use;**
- 4. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
- 5. All stormwater runoff from impervious areas is to be retained and disposed of on-site to the approval of the local government;**
- 6. Any soils disturbed or deposited on the site are to be stabilised and retained on site; and**
- 7. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**

Advice Note:

- 1. A Building Permit is required to be approved by the local government.**

VOTING DETAILS:

CARRIED 6/0

Background:

The heritage building situated on Lot 41 Point Leander Drive is listed on the Shire of Irwin Municipal Inventory of Heritage Places (MI) as Place No. 79 and has been afforded a management category of 5; 'Significant in contributing to local character'. It is also included on the Heritage Council of Western Australia Database as Place No. 11854. The building is identified as 'Money's House', named after local fisherman Frank Money and has historical significance for its connection with the Money Family. The house was constructed in the 1930s and demonstrates the use of locally made materials. The place is constructed using corrugated iron and cement brick.

The Land:

The proposed double storey house shall replace the existing Money's House on Lot 41 (22) Point Leander Drive. The land parcel is 1012m² and the proposed new dwelling shall be a combination of modern and old architecture to encourage current development while preserving ties with the Money's House.

Consultation:

The Midwest Regional Heritage Advisor was forwarded the proposal for comment on the existing heritage place and the redevelopment plans for the site. Conditions 1, 2 and 3 are the result of this external liaison between the Shire and the expert in the field of heritage related consultation.

Officer's Comment:

The house proposes a modern look with elements of heritage design through materials used. The applicant has stated if feasible, existing materials shall be reused and recycled. To retain aspects of the structure in its original built form, this is supported. The uses of sash windows are a positive inclusion towards retaining the heritage image of the site. Consequently, the proposal presents a modern 2 storey dwelling with early modern features, a kind of development which, through design, retains ties to the original character of the building, depicting town heritage and encouraging attractive development along the coast, concurrent with the plans to develop the foreshore.

The report issued by the Midwest Regional Heritage Advisor supports the application for the demolition of the existing dwelling to propose a double storey house subject to the conditions stated in this report. Being allocated a management category of 5 under the MI, it is not the intention for places allocated this management category to be afforded protection under the Town Planning Scheme, as this category is at the lower end of the heritage significance spectrum.

The heritage advisor's report makes mention of the poor condition of the dwelling in its current state, with issues such as rising damp in concrete block walls and ongoing fretting being apparent, and the builder has also noted the inadequacy of the footings and building materials. Ultimately, the costs of rectifying these problems are considerable with no financial incentives available as it is not listed on the State Register. The place has recently been renovated and the considerable amounts of renovation works also conducted by the current owners over the past had resulted with them being awarded the Shire of Irwin Heritage Award for 2009.

The proposed new residence is a double storey house of rendered masonry construction with a customary orb roof at 27 degrees pitch, has surrounding verandas to the front facade and feature stone walls and timber panelling. The proposed dwelling reflects elements of heritage architecture through design, use of materials and finishes.

Conclusively, it is the advice of the Heritage Advisor to produce an interpretive outcome to reflect the site's history and any relevant details. The Advisor has provided the option of a plaque in the footpath bearing the name of the place and relevant details and has advised that they are available to provide advice to the applicant on the different options available to reach such an outcome.

A copy of the proposed new House Plans have been attached for your perusal.

Financial Implications:

Nil.

Statutory Environment:

Heritage Listing

Shire of Irwin Municipal Inventory of Heritage Places

Place Number 79

Management Category 5

State Register of Heritage Places

Not Listed

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 2.3.12 Support and promote efficient use of resources

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

Nil

13. MATTERS BEHIND CLOSED DOORS

Prior to moving behind closed doors the Shire President thanked staff for their attendance and advised that all staff were invited to rejoin the meeting following confidential discussions.

COUNCIL DECISION 150813:

MOVED: Cr Porteus

SECONDED: Cr Smith

That Council move behind closed doors at 4:45pm to discuss confidential item CEO01 – 08/13 – Chief Executive Officer’s Annual Performance Review and another confidential item relating to the resignation of the Acting Director Planning and Infrastructure.

VOTING DETAILS:

CARRIED 6/0

All staff left the meeting at 4.45pm

The Shire President then spoke to a confidential report on this matter as provided to each elected member by electronic mail on 22 August 2013. The report is dated 22 August 2013 and is located in the records management system of the Council on file PE.RE.SIM01.

The performance of the CEO, Mr Darren Simmons, for the reporting period September 2012 – August 2013 was discussed at length with Councillors commenting positively on aspects of the Chief Executive Officer’s performance from their own perspective.

COUNCIL DECISION 160813:

MOVED: Cr Scott

SECONDED: Cr McClurg

That, having undertaken the Chief Executive Officer’s 2013 annual performance review, Council congratulates the Chief Executive Officer on receiving an outstanding review and for his leadership of the Shire’s administration over the past year and agrees to adopt the performance indicators (with a focus on service outcomes) and to amend the Chief Executive Officer’s remuneration package in accordance with his submission provided as an attachment to the Shire President’s report CEO01 – 08/13 – Chief Executive Officer’s Annual Performance Review dated 22 August 2013.

VOTING DETAILS:

CARRIED 6/0

At 5.10pm the CEO returned to the meeting to receive Council’s response to his performance review based on a summary of the comments made, answered a number of Councillor questions, acknowledged the professional and dedicated efforts of Shire staff and thanked Council for its continuing support.

Following consideration of CEO01 – 08/13 – Chief Executive Officer’s Annual Performance Review, the CEO advised Council of the resignation of Mr Glenn Coaker as the Shire’s Acting Director Planning and Infrastructure and as Manager Planning Services effective from 18 September 2013. The CEO indicated that he would be accepting Mr Coaker’s resignation with regret due to his 8 years loyal and professional service and that Councillors would be informed of farewell function arrangements in due course.

The CEO outlined his intentions in respect to recruiting for both positions simultaneously which is in accordance with Council’s Corporate Business Plan, Workforce Plan and 2013/14 Budget. The CEO also advised that there will be temporary office accommodation adjustments pending completion of the Council Chamber building refurbishment in order to accommodate administration centre-based staff of the Planning and Infrastructure directorate.

COUNCIL DECISION 170813:	
MOVED: Cr West	SECONDED: Cr Porteus
That Council return from behind closed doors at 5:35pm.	
VOTING DETAILS:	CARRIED 6/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5:36pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 27 August 2013 <i>Signed:</i> Presiding Elected Member Date:.....
