



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 25 MARCH 2014

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, 25 MARCH 2014

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



Darren Simmons
Chief Executive Officer

20 March 2014

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.

INDEX-ORDINARY COUNCIL MEETING 25 MARCH 2014

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	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3
6.	PETITIONS	3
7.	CONFIRMATION OF MINUTES	3
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 25 FEBRUARY 2014	3
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	3
9.	REPORTS	4
CC01 – 03/14	ACCOUNTS FOR PAYMENT	4
CC02 – 03/14	FINANCIAL STATEMENT FOR PERIOD ENDING 28/2/2014	5
CC03 – 03/14	POLICY AMENDMENT TO C2 - ASSISTANCE FOR RESIDENT ELITE ATHLETES	7
CC04 – 03/14	EMERGENCY SERVICES VOLUNTEER DISCOUNT	9
PI01 – 03/14	RETROSPECTIVE PLANNING APPLICATION FOR COTTAGE ON RESERVE 43078	11
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	14
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	14
13.	MATTERS BEHIND CLOSED DOORS	14
14.	CLOSURE	14

<i>Moreton Bay Figs to be moved, over 18 months and still no progress.</i>	The covers on these trees were removed some months ago to see if the trees would progress. However, two of the trees have since died. The dead trees will be removed and the surviving tree will be monitored over the winter months and if there is no progress then it too will be removed.
<i>Part of the limestone wall just north of the boat ramp toilets, collapsed into the harbor years ago</i>	Limestone blocks have been left here at this stage because they do help protect the concrete footing from being undermined, since this is not an area commonly used for beach activities it was not deemed as urgent to remove them but wait until remedial works or new works associated with the Foreshore Master Plan could be established.
<i>Granny's Beach concrete and timber seat needs repairs has slats missing</i>	Will be removed and repaired before it is returned.
<i>Verge Treatment needs to be carried out at Lot 1 corner of Ocean Drive and Point Leander Drive</i>	This is currently being investigated as it should have been addressed as part of the adjacent limestone wall construction.
<i>Surf Beach seating has been removed and needs replacing</i>	Surf Beach is currently still under repair. Tenders are currently being evaluated for the completion of the nearby seawall, and when this is completed, infrastructure such as seating, bins and paths will be added.
<i>Sign on Surf Beach false information</i>	Similar to other parts of the Shire's coastline which is prone to erosion, Surf Beach eroded back to a point last year that it became dangerous as there were loose rocks at a point of the low tide. The existing sign reflects this situation.
<i>Surf Beach, the rocks were put there to consolidate stairs to the beach, which eventually eroded away, rocks need removing</i>	These rocks will be removed as part of the completion of the seawall works.
<i>No seating at Skate Park</i>	This will be considered in 2014/2015 budget.
<i>New water fountain at Skate Park but old one is still in situ and useless.</i>	The old fountain will be removed as soon as possible.
<i>Keep left signs at both ends of Cuff Way have been knocked out for months</i>	As regulatory signs under the control of Commissioner for Main Roads, Main Roads Western Australia has been advised to arrange remedial action.
<i>Cuff Way Street signs unreadable, original sign under sticker on Blenhiem reads "greenwaste"</i>	Signs have been ordered and the old signs will be removed in advance of the new signs being erected.
<i>There is a piece of kerbing in the scrub at the culvert south of the daycare from when repairs were done prior to when the footpath/cycleway was sealed</i>	This material has been removed.

<i>There is a Pepper Tree growing in front of the sump gate at 13 Brennand Road, it has been growing there for over 15 years</i>	The tree has been removed.
--	----------------------------

- 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 25 FEBRUARY 2014

A copy of the Minutes of the Ordinary Council Meeting held on 25 February 2014 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 25 February 2014, be confirmed as a true and accurate recording of that meeting.

- 8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 03/14

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
Date of Report: 14 March 2014
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during February 2014.

Officer's Recommendation:

That the Accounts paid during February 2014, represented by Municipal Cheque Numbers 30439-30470, EFT payment numbers 15720-15881 totalling \$744,830.45 Police Licensing Payment No's PL300114 – PL260214 totalling \$49,408.20 Credit Card Payment \$535.84 and Vehicle Lease Payment \$853.51, be received.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of February 2014.

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:

Strategic Community Plan – Outcome 4.2.1 *Ensure compliance whilst embracing innovation and best practice principles.*

CORPORATE AND COMMUNITY

CC02 – 03/14

Subject: Financial Statements for the Period ending 28/2/2014
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Date Prepared: 18 March 2014
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2013 to 28 February 2014

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2013 to 28 February 2014 be received.

Background:

The Monthly Financial Report to the 28 February 2014 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
- Major Variances
- 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
- Non Operating Grants and Contributions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village 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.

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 – 03/14

Subject: Amendment to Policy C2 – Assistance for Resident Elite Athletes
Reporting Officer: Director Corporate and Community
Date of Report: 17 March 2014
File Reference: RC.PR.1
Voting Requirements: Simple Majority

Report Purpose:

To consider an amendment to Policy C2 – Assistance for Resident Elite Athletes to widen the scope to include selection in the Mid West Academy of Sports (MWAS) and increase the level of support from \$250 to \$400.

Officer's Recommendation:

That Council approve the amendments to policy C2 Assistance for Residents in National Sporting Events as presented below, including the change of title C2 Assistance for Resident Elite Athletes.

C2 ASSISTANCE FOR RESIDENT ELITE ATHLETES

PURPOSE

To provide financial assistance to Shire of Irwin residents selected to participate in a national sporting event *or who receive a scholarship to the Mid West Academy of Sports.*

POLICY

Shire of Irwin residents who are chosen to participate in a national sporting event are eligible for Council support up to the amount of \$400.00 and those receiving a scholarship to the Mid West Academy of Sports are eligible for membership and services worth up to \$400 at the Irwin Recreation Centre.

Background:

Council Policy C2 Assistance to Residents in National Sporting Events was adopted in 2002, and amended in 2013, to provide financial support to Shire of Irwin residents who have been chosen to represent the State in a national event. The current level of support is \$250.

The current policy, as adopted 25 June 2013 reads as follows;

PURPOSE

To provide financial assistance to Dongara residents participating in a national sporting event.

POLICY

Dongara residents who are chosen to participate in a national sporting event are eligible for Council support up to the amount of \$250.00.

Officer's Comment:

The Shire recently received correspondence from the Mid West Academy of Sport advising that the first round of 17 scholarships had been awarded by the Academy to Mid West residents, including Dongara resident, Emma Burke, for the sport of Basketball.

The MWAS has requested that the Shire consider assisting Miss Burke by providing free access to the basketball and fitness facilities at the Irwin Recreation Centre. It also requested the Shire to provide a financial contribution to the MWAS in the 2014/15 financial year.

Given that there may be more scholarships awarded to Shire of Irwin residents in the future it is suggested that a policy would be appropriate to take care of any future requests for assistance and that the provision of a set amount provides fairness and consistency for each scholarship holder.

Financial Implications:

Financial assistance will be met by budget allocation in the Governance public relations provision.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Policy C2 Assistance for Residents in National Sporting Events amended to Policy C2 Assistance for Resident Elite Athletes.

Strategic Implications:

SCP Outcome 3.4.1 Support youth programmes

SCP Outcome 3.6.4 Support arts, culture and recreation programmes

CORPORATE AND COMMUNITY

CC04 – 03/14

Subject: Emergency Services Volunteer Discount
Reporting Officer: Manager Recreation Services
Date of Report: 18 March 2014
File Reference: CR.SP
Voting Requirements: Simple Majority

Report Purpose:

To present to Council for consideration of a discount membership fee for Emergency Services Volunteers when joining the gym at the Irwin Recreation Centre.

Officer's Recommendation:
That Council;

- a) **Approve the provision of a 50% discount for term memberships and visit passes to the Irwin Recreation Centre Gymnasium for emergency services volunteers, limited to Bush Fire Brigades, Fire and Rescue Units, St John Ambulance and Sea Rescue Groups; and**
- b) **Requests that a policy be drafted outlining the scope of the provision of discounted membership to the Irwin Recreation Centre gymnasium for Council consideration**

Background:

The Shire of Irwin has an excellent record in supporting and recognising volunteers within our community. The Shire of Irwin Strategic Community Plan (SCP) 2012 – 2022 outlined the desire for “community groups and volunteers to be acknowledged and supported.”

There are many worthy volunteers within our community in areas from passive recreations and sporting clubs to community services in service clubs, local rag and charities shop.

Emergency services volunteers play a unique role in our community protecting people and property and assisting community members in physical need or distress, at times of potential personal danger and often the commitment of many unforeseen hours. These volunteer roles also require a certain degree of physical fitness, which gives the community the opportunity to enhance this requirement as well as supporting and acknowledging their valued contributions.

Officer's Comment:

Through communication with the St John Ambulance over their First Responders rollout the question was asked by the Community Paramedic for the Mid West South, looking after the volunteers of Dongara, if the Shire would consider offering volunteers a discount to use the gym facilities at the Irwin Rec. “St John Ambulance do a health benefit for paid staff but not a lot for volunteers, these guys do an amazing job and I am always looking for ways to reward them.”

Whilst it is not envisaged that many volunteers will take up the memberships, this offer is another means of communicating our appreciation and acknowledgement of the great service our emergency services volunteers provide our community. The offer may also have the benefit of assisting our emergency services in the recruitment of new volunteers.

Financial Implications:

As the suggested groups represent a new client base Council could generate additional revenue.

Statutory Environment:

Local Government Act 1995

Policy Implications:

A draft policy will be developed for Council consideration

Strategic Implications:

SCP Outcome 3.7 Community groups and volunteers are acknowledged and supported.

PLANNING AND INFRASTRUCTURE

PI01 – 03/14

Subject: Retrospective Planning Application for Cottage on Reserve 43078
Proponent: Mr Hedley Harmer
Reporting Officer: Manager Planning Services
Date of Report: 10 March 2014
File Reference: LP.PL.1/CP.RE.2
Voting Requirements: Simple Majority

Report Purpose:

To consider supporting Retrospective Planning Approval for a revised proposal for an unauthorised building (cottage) at Freshwater Point on Reserve 43078.

Officer's Recommendation:

That Council, not support a revised proposal for Retrospective Planning Approval for an unauthorised building (cottage) on Reserve 43078 at Freshwater Point, as it does not meet the provisions of sub-clauses 10.2 c), g), m), t), za) and zb) of the Shire of Irwin Local Planning Scheme No. 5.

Background:

The Land

The land is a portion of Reserve 43078 (R43078) at Freshwater Point. The purpose of the reserve is for Parkland, Recreation and the letting of cottages existing thereon on February 1994. The Vesting Order for R473078 states that no new buildings shall be constructed within the reserve from the date of the order (14 February 1994). The Management Order indicates that the power of lease on this reserve expires on 30 June 2015.

Original Proposal

On 22 October 2013, after taking into consideration the Vesting Order for Reserve 43078 and State Coastal Planning Policy 2.6, Council refused a retrospective planning application for a cottage. Council also agreed that, unless the cottage is removed within 40 days from the date of this Council decision, legal proceedings against Harmer Nominees for a breach of the Planning and Development Act 2005 and the Shire of Irwin's Local Planning Scheme No. 5 be initiated.

Revised Proposal

Following this decision, the proponent lodged an Appeal with the State Administrative Tribunal (SAT). Arising from SAT mediation, the proponent has lodged a revised application summarised as follows;

1. a written statement from the proponent aimed at detailing:
 - existing land use rights;
 - the site's history;
 - the potential impacts of the unauthorised cottage;
 - a risk assessment; and
 - future building improvements to the Cottage.
2. a written statement from the previous occupant identifying that the first cottage was initially built/used used in ;
3. a written statement from the proponent, which indicates his intent to:
 - take full responsibility to risk from fire, cyclones and tidal waves; and
 - maintain his 35 year presence on-site for another 10 years;
4. three site plans with a defined site boundary showing:
 - the site as it was in February 1994;
 - the current layout; and
 - the proposed layout.

Consultation

In order to assist Council in its future management of Reserve 43078, the Shire is awaiting comments from the Department of Lands with regard to their:

- definition of a ‘new building’, and
- intention for the fisherman’s shacks on R43078 after 30 June 2014.

However this information is not considered critical for this specific application.

Officer’s Comment:

It is considered that the applicant has adequately demonstrated existing land use rights therefore Council should only consider the unauthorised building, proposed site layout and proposed building improvements. As the proposal is located on a Reserve, Local Planning Scheme No. 5 requires an assessment against the relevant provisions of Clause 10.2. In this respect it meets the provisions of clause 10.2 i), k), l), n) and q). However, the proposal conflicts with a number of other provisions in the clause, as the analysis in the table below demonstrates;

Clause 10.2 provisions	Officer Comment
c) State Coastal Planning Policy 2.6	<p>The policy’s Schedule 1 (Calculation of coastal processes) requires Council to consider the risk associated with a 0.9m sea level rise over a 100 year period. It also requires Council to consider the potential risk of storm surge inundation for 1/100 year and 1/500 year storm events.</p> <p>Given the threat from coastal erosion and storm surge inundation, the unauthorised building conflicts with the provisions of Clause 5.2 (iv) (Development and settlement), the location of the unauthorised building, which is to be permanently used over the next 10 years, is not considered to be sustainable or suitable.</p>
g) Purpose of the reserve is for Parkland, Recreation and the letting of cottages existing thereon on February 1994.	<p>As a cottage was being used on the site in 1994, the land use is considered to be consistent with the purpose of the reserve. However, the unauthorised building is a new cottage that did not exist in 1994 therefore the development is inconsistent with the Vesting Order.</p>
m) Risk – flooding, tidal inundation, subsidence, landslip, bushfire or any other risk	<p>With regard to coastal erosion and storm surge inundation, the applicant indicates that he is willing to stabilise the nearby sandbank with native plants. He has also submitted a statement to indicate that he will take full responsibility for any adverse impact from cyclones, tidal inundation, bushfire or any other acts of god however these factors do not satisfactorily address the potential impacts and the associated level of risk, which is considered significant.</p>
t) Access & egress	<p>There is a barrier at the access to the site aimed at preventing public access and preventing crime. This conflicts with the purpose of the reserve, which allows public access to all parts of the reserve.</p>
z) Comments received from the Department of Land	<p>The Shire is awaiting comments from the Department of Lands with regard to:</p> <ul style="list-style-type: none"> • the department’s interpretation of a “new building”; and • the future of the fisherman’s shacks on R43078 after 30 June 2015.
za) Any other relevant planning consideration:	<p>Arising from the SAT mediation the proponent has demonstrated improvements that he is willing to make to the unauthorised building, in order to comply with the provisions of the Building Act 2011.</p> <p>The Manager of Community Safety has reviewed the proposed future improvements and considers that the proposed improvements will not meet the provisions of the Act.</p> <p>It is not considered appropriate to issue a Planning Approval for a building when the proponent has demonstrated that the proposed improvements will not comply the Building Act 2011.</p>

zb) The Shire of Irwin Coastal Development Strategy (2000)	The proposal conflicts with the strategy, which recommends that all shacks be demolished. The strategy recommends that a tourist node be developed here for recreation and fishing. This has not been implemented, but will be considered by Council as part of the Local Planning Strategy Review.
--	---

Given the above analysis, Planning Services considers that Council should not support Planning Approval for the unauthorised building.

Statutory Environment:

The Shire of Irwin’s Local Planning Scheme No. 5 - 3.4 Use and Development of Local Reserves

3.4.1 A person must not -

a) use a Local Reserve; or b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to –

a) the matters set out in Clause 10.2; and b) the ultimate purpose intended for the Reserve.

The Land Act 1933 - Vesting Order (DOLA File 623/994) issued by the Governor: “Parkland, Recreation and the letting of cottages existing thereon on February 1994...” The Schedule of the Vesting Order provides that no new cottages are to be constructed within the reserve from the date of the Vesting Order.

Building Act 2011

Financial Implications:

If retrospective approval was supported by Council and the building subsequently succumbed to coastal erosion and storm surge inundation, there may be costs associated with future legal action.

Policy Implications:

Approval of this application is considered to be inconsistent with the Clause 5.2 (iv) of State Planning Policy No. 2.6 – State Coastal Planning Policy.

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.

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

Nil

14. CLOSURE

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