



**AGENDA**

**FOR THE**

**ORDINARY MEETING**  
**OF COUNCIL**

**TO BE HELD ON**

**TUESDAY, 22 JULY 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, 22 JULY 2014

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



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Darren Simmons  
Chief Executive Officer

17 July 2014

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## **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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**AGENDA FOR ORDINARY COUNCIL MEETING  
TO BE HELD IN THE OCEAN ROOM, IRWIN REC  
ON TUESDAY, 22 JULY 2014  
COMMENCING AT 4.00PM**

- PRESENT:** Presiding Member Cr I F West (Deputy President)
- Councillors Cr K J Hepworth  
Cr D R Kennedy - *via City of Fremantle (phone conference)*  
Cr M Leonard  
Cr R J Porteus  
Cr B C Scott  
Cr M T Smith
- Staff Mr D J Simmons - Chief Executive Officer  
Mr G M Peddie – Director Corporate and Community  
Mr F A Neuweiler – Acting Director Planning and Infrastructure  
Mrs H M Sternick – Manager Corporate Services  
Mr D Fotheringham – Manager Planning Services  
Miss L E Tunbridge – Research and Projects Officer  
Ms E Greaves – Executive Assistant
- LEAVE OF ABSENCE:** Cr S C Chandler (Shire President)
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1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **PETITIONS**

**Bookara East Road Petition**

A 37 signature petition calling for changes to the Brand Hwy / East Bookara Road intersection has been received.

The Manager Works reports that the lead petitioner has been advised that the intersection works are within the jurisdiction of Main Roads WA which is currently investigating treatment options.

In respect to sealing of East Bookara Road the lead petitioner has also been advised that such work is currently not programmed within the Shire's work schedule.

Please see excerpt of the petition submitted 7 July 2014;

## Bookara East Road Users

The CEO  
Shire of Irwin  
PMB 21, Dongara 6526

We the undersigned ratepayers and regular users of Bookara East road respectfully request Our Shire of Irwin to make immediate safety changes to the approaches to Bookara East where our road leaves the Brand Highway.

- (1) One cannot leave Brand highway from the north without the pressure of following vehicles catching up to one. Sometimes large trucks have to break to allow one to do a left hand turn into Bookara East.
- (2) To leave the Brand highway coming from the south is the same problem. Except with the northern approach it is possible to pull off on to the gravel on the left hand side of the highway and wait until it is safe to do a right hand turn across the highway and on to Bookara East. However this action still has an element of risk. This consideration allows the following vehicles to continue and not have to stop from their 90kl hour highway speed.
- (3) There is already one cross on the corner for a life lost and none of us want to see another.
- (4) Of not so urgent a matter, it would be great to have the Bookara East section from the highway to the railway bitumised as the corrugations are always there to make the hill harder to negotiate both ways. It would also make a firmer road surface approach to the highway.

Many thanks for your urgent consideration and thanks also for the good roads we enjoy throughout the shire.

### 7. CONFIRMATION OF MINUTES

#### 7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2014

A copy of the Minutes of the Ordinary Council Meeting held on 24 June 2014 has been provided to all Councillors under separate cover and a hyperlink is provided below.

#### COUNCIL MOTION:

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

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

***That the Minutes of the Ordinary Council Meeting, held on 24 June 2014, be confirmed as a true and accurate recording of that meeting.***

[Minutes of Ordinary Council Meeting held on 24 June 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 24 June 2014](#) (DCC)

[Attachment Booklet of Ordinary Council Meeting held on 24 June 2014](#) (DPI)

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

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 06/14

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Corporate Services  
**Date of Report:** 15 July 2014  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### Report Purpose:

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

#### Officer's Recommendation:

That the Accounts paid during June 2014, represented by Trust Cheques 3031 - 3032 totalling \$1,344.01 Municipal Cheque Numbers 30556-30583, EFT payment numbers 16274-16360 totalling \$470,489.43 Police Licensing Payment No's PL290514 – PL260614 totalling \$70,287.95 Credit Card Payment \$9,947.91 and Vehicle Lease Payment \$853.51, be received.

#### Attachment:

[Accounts for Payment – June 2014](#)

#### Background:

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

#### Officer's Comment:

Nil

#### Stakeholder Engagement:

Nil

#### Financial / Resource Implications:

Nil

#### Statutory Environment:

Local Government (Financial Management) Regulations 1996

13. Payments from Municipal fund or Trust fund by CEO, CEO'S duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction;and
  - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications:**

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

**Risk Implications:**

This report covers past events therefore the risk implications are low.

**Strategic Implications:**

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

**CORPORATE AND COMMUNITY**

**CC02 – 07/14**

**Subject:** Financial Statements for the Period ending 30/06/2014  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** Minute Book  
**Date Prepared:** 15 July 2014  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To receive the Monthly Financial Statements for the period 1 July 2013 to 30 June 2014.

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2013 to 30 June 2014 as outlined in the Attachments Booklet – July 2014 under separate cover, be received.**

**Attachment:**

[Financial Statements for the Month Ending 30 June 2014](#)

**Background:**

The Monthly Financial Report to the 30 June 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:**

The financial position to the end of June 2014 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,593,325	0.9% positive variance
Operating Expenditure	\$7,110,833	23.7% positive variance
Net Operating	\$1,482,492	
Capital Revenue	\$1,666,333	3.4% negative variance
Capital Expenditure	\$2,509,603	54.2% positive variance
Cash at Bank – Municipal	\$1,342,259	
Cash at Bank – Reserve	\$2,917,203	



Total Funds Invested	\$0
Net Rates Collected	98.33%
Receivables Outstanding	\$72,861

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

**Statutory Environment:**

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

Section 34 Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**Policy Implications:**

Nil

**Risk Implications:**

Due to the monthly financial statements reporting past events the risk implications are low.

**Strategic Implications:**

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

Strategic Community Plan Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

**CORPORATE AND COMMUNITY**

**CC03 – 07/14**

**Subject:** 2014/15 Draft Budget Consultation  
**Reporting Officer:** Manager Corporate Services  
**Date of Report:** 14 July 2014  
**File Reference:** FM.BU.14.15  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To endorse the 2014/15 Draft Budget public consultation process.

**Officer's Recommendation:**

**That Council endorse the action of the Chief Executive Officer in advertising the 2014/15 Draft Budget as prepared, and presented in Attachment Booklet – July 2014 under separate cover, for the purpose of public consultation and in order to consider any submissions prior to the final adoption of the budget.**

**Attachment:**

[2014/15 Draft Budget](#)

**Background:**

A Draft Budget has been prepared for the 2014/15 financial year and at the July Council Forum substantial time and discussion was given in consideration of the provisions in the Draft Budget papers, including rating levels, capital improvements and operational requirements. General acceptance on the major items contained within the draft budget was reached.

An updated draft budget has been prepared with the changes following the forum discussion and requires Council's endorsement for advertising for public comment.

**Officer's Comment:**

The 2014/15 Draft Budget will be advertised for public comment in the Geraldton Guardian on Friday 18 July 2014, with submissions closing on Friday, 8 August 2014. All feedback received from the community and other stakeholders will be presented to the Special Council Meeting on Tuesday, 12 August 2014 as part of the final adoption of the 2014/15 Budget.

**Stakeholder Engagement:**

The 2014/15 Draft Budget will be advertised for public comment for a period of 21 days.

**Financial/Resource Implications:**

Ensuring that Council's financial resources are applied towards achieving the desired outcomes, strategies and initiatives included in the Strategic Community Plan 2012 – 2022.

**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

**Risk Implications:**

The consequences of publicly advertising the 2014/2015 Draft Budget are insignificant and the likelihood of there being significant consequences is rare, therefore the risk implications are low.

**Strategic Implications:**

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

Strategic Community Plan Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

**PLANNING AND INFRASTRUCTURE**

**PI 01 – 07/14**

**Subject:** Appointments for Bush Fire Advisory Committee  
**Reporting Officer:** Community Emergency Services Manager  
**Date of Report:** 9 June 2014  
**File Reference:** ES.VO.1  
**Voting Requirements:** Absolute Majority

**Report Purpose:**

To consider the recommendations of the Bush Fire Advisory Committee to appoint persons as Fire Control Officers and other positions under the Bushfires Act.

**Officer's Recommendation:**

**That Council appoints the individuals listed below to the nominated position and to the Shire of Irwin Bush Fire Advisory Committee in accordance with the *Bush Fires Act 1954* and *Local Government Act 1995*:**

**Chief Bush Fire Control Officer** Peter Summers

**Deputy Chief Bush Fire Control Officer** Andrew Gillam  
**Deputy Chief Bush Fire Control Officer** Murray Butcher

**Fire Weather Officers** Peter Summers  
Andrew Gillam  
Ashley Clarkson

**Fire Control Officers** Director Planning and Infrastructure (Suzette Van Aswegen)  
Manager Community Safety (Felix Neuweiler)  
Shire Ranger (Ashley Clarkson and Peter Manners – subject to completion of the FCO course)  
Community Emergency Services Manager (Kyle Pollitt)

**NORTH BRIGADE**

**Brigade Captain** Carl Forward  
**Brigade Lieutenants** 1 John Koric  
2 Steve Brindal  
3 Aiden Obst  
**Fire Control Officer** Carl Forward

**SOUTH BRIGADE**

**Brigade Captain** Andrew Gillam  
**Brigade Lieutenants** 1 Chris Gillam  
2 Craig Forsyth  
3 Mark Watson  
**Fire Control Officer** Andrew Gillam

**TOWN BRIGADE**

**Brigade Captain** Murray Butcher  
**Brigade Lieutenants** 1 Jim Butcher  
2 Ashley Clarkson  
3 Paul Parker  
**Fire Control Officer** Murray Butcher

**Background:**

The Shire of Irwin Bush Fire Advisory Committee Meeting was held on Monday 9 June 2014.

At the meeting it was resolved to recommend that Council make the following appointments:

Chief Bush Fire Control Officer		Peter Summers
Deputy Chief Bush Fire Control Officer		Andrew Gillam
Deputy Chief Bush Fire Control Officer		Murray Butcher
Fire Weather Officers		Peter Summers Andrew Gillam Ashley Clarkson
Fire Control Officers		Chief Executive Officer (Darren Simmons) Director Planning & Infrastructure (Suzette Van Aswegen) Manager Community Safety (Felix Neuweiler) Shire Ranger (Ashley Clarkson) Community Emergency Services Manager (Kyle Pollitt)
<b><u>NORTH BRIGADE</u></b>		
Brigade Captain		Carl Forward
Brigade Lieutenants	1	John Koric
	2	Steve Brindal
	3	Aiden Obst
Fire Control Officer		Carl Forward
<b><u>SOUTH BRIGADE</u></b>		
Brigade Captain		Andrew Gillam
Brigade Lieutenants	1	Chris Gillam
	2	Craig Forsyth
	3	Mark Watson
Fire Control Officer		Andrew Gillam
<b><u>TOWN BRIGADE</u></b>		
Brigade Captain		Murray Butcher
Brigade Lieutenants	1	Jim Butcher
	2	Ashley Clarkson
	3	Paul Parker
Fire Control Officer		Murray Butcher

**Officer's Comment:**

The Bushfire Advisory Committee generally consists of the same Officers that were nominated as office bearers. It is therefore recommended that Council appoint these individuals to the Committee in accordance with the *Local Government Act 1995*.

The Bushfire Advisory Committee reviews Officers' appointments at their AGM and makes recommendations to Council to appoint the nominated individuals in accordance with the *Bushfires Act 1954* (refer Statutory Environment) and advertise those appointments accordingly.

Notwithstanding the Committee's recommendation, it is suggested that Council include its relief Ranger as a fire Control Officer to ensure continuity of service. The CEO is also seeking to be relieved from being appointed as a Fire Control Officer due to the extent of his existing work commitments.

**Stakeholder Engagement:**

Parties consulted in preparation of this report include:

- Shire of Irwin Chief Bush Fire Control Officer
- Shire of Irwin Deputy Chief Bush Fire Control Officers
- Shire of Irwin Council Delegates
- Shire of Irwin’s Manager Community Safety, and CESM
- Representatives from Dongara Town and Irwin Bush Fire Brigades
- Representatives from Department of Fire and Emergency Services, and Department of Parks and Wildlife

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

*Bushfires Act 1954:* Section 38 reads:

*38. Local government may appoint bush fire control officer*

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

*Local Government Act 1995:* Subdivision 2, Committees and their meetings; Sections 5.8 – 5.18 and particularly Section 5.10 (1) which states:

*5.10. Committee members, appointment of*

(1) A committee is to have as its members —

(a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or

(5).

\* Absolute majority required.

**Policy Implications:**

Nil

**Risk Implications:**

Nil

**Strategic Implications:**

Strategic Community Plan Outcome 3.8.3 Continue to partner with relevant agencies in relation to emergency services management.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 07/14**

**Subject:** Local Structure Plan – Lots 4,5 & 10 Brand Highway  
**Proponent:** CLE Town Planning and Design  
**Reporting Officer:** Manager Planning Services  
**Date of Report:** 14 July 2014  
**File Reference:** LP.SU.2.2  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider advertising a Local Structure Plan for Lots 4, 5 & 10 Brand Highway, Bonniefield.

**Officer's Recommendation:**

**That Council in accordance with Clauses 5.35.8.1 (a) and (b) Local Planning Scheme No 5, publicly advertise the proposed Local Structure Plan for Lots 4, 5 & 10 Brand Highway, Bonniefield, as presented in Attachment Booklet – July 2014 under separate cover, for a period of 21 days.**

**Attachment:**

[Applicant's Supporting Documentation](#)  
[Proposed Local Structure Plan for Lots 4, 5 & 10 Brand Highway, Bonniefield.](#)

**Background:**

In August 2012, Council agreed to support Planning Scheme Amendment 10, to rezone the subject land and a larger area, adjacent and to the west, to Rural Residential. Following advice from the Western Australian Planning Commission (WAPC) that the land would be better used for residential purposes (rather than rural residential purposes), Council later determined not to proceed with Amendment 10.

In August 2013, Amendment 15 was gazetted to rezone the subject land to the Development zone. Council supported this amendment, to allow for a logical extension of the existing Racecourse Estate, which is currently at capacity, while allowing for the land to be integrated into a future urban development of the adjoining lots to the west for higher density residential development, once demand arises and servicing constraints are resolved (most likely in the long term).

The purpose of the Development zone is:

- a. to identify areas requiring comprehensive planning prior to subdivision and development; and
- b. to coordinate subdivision, land use and development in areas requiring comprehensive planning.

Prior to development, the Development zone requires approval of a local structure plan, which would then guide future subdivision. This is why the applicant's have made the application.

**Officer's Comment:**

The proposed structure plan is in an area identified for future residential in the Council's District Structure Plan. If approved, it would eventually lead to subdivision then development, which may take a number of years. The structure plan report suggests 5-10 years. As such, the proposal is consistent with the District Structure Plan. The proposed R2.5 density is supported by Officers, as it is a compromise between the originally proposed Rural Residential lots and the latter higher residential densities.

The Western Australian Planning Commission's Development Control Policy allows for 10% Public Open Space (POS) or cash-in-lieu. Officers support the proposed 7.7% POS, as cash-in-lieu can be recovered at subdivision stage.



Prior to submission of the local structure plan, Shire Officers negotiated with the applicants to achieve the best possible outcome. As such, the plan and accompanying report make a commitment to developing:

- a central boulevard with swales for harvesting stormwater to help maintain street trees and other vegetation;
- a bike path along the western edge of the site; and
- an access easement to the Brand Highway, which would improve the site's permeability and allow access to a future bike path adjacent the highway (as proposed in the Shire's Bike Plan).

The proposed Local Water Management Strategy demonstrates two discharge points on to adjacent land (in one ownership) outside the subject site i.e. stormwater would discharge on to land that is currently outside the developer's control. Advertising the proposal gives the adjacent landowner the opportunity to comment. However, there is no guarantee that this will provide a satisfactory stormwater solution, as this adjacent land may not be developed as suggested in the local structure plan report (see Figure 5). As such, all stormwater from the subject land should be disposed of on-site. This would require a retention basin on the western portion of the site, as in the long term (15-30 years) this area would likely be further subdivided to accommodate higher densities with more hard surfaces and higher rates of discharge that would make on-site stormwater disposal more difficult to manage.

The structure plan report only indicates that the internal road network may incorporate street trees supported by sustainable infrastructure (swales, infiltration trenches etc) and dual use foot/cycle paths (which would improve permeability of the site and promote healthy active lifestyles). Given the potential for future increased densities on the subject land, the structure plan report must make a definite commitment now to provide a retention basin on the western portion of the site and sustainable infrastructure in the internal road network with dual use foot/bike paths with street trees supported by sustainable urban drainage systems (swales, infiltration trenches etc) at initial subdivision stages.

The Local Water Management Strategy must also be modified to demonstrate that stormwater disposal will be contained to site.

The submitted Fire Management Plan must be modified in accordance with Officers advice below (see Stakeholder Engagement).

In summary, while the suggested modifications to the structure plan report and Fire Management Plan are considered to be significant, Officers recommend Council proceed with advertising the proposal in accordance with Local Planning Scheme No. 5. The said modifications can be made prior to Council's further consideration of the proposal after the advertising period. The proposed advertising involves a newspaper advertisement, written notification to adjoining landowners and referral to relevant government agencies all for a period of 42 days.

#### **Stakeholder Engagement:**

In accordance with Clause 5.35.7.2 of Local Planning Scheme No. 5, the Local Structure Plan was sent to the Western Australian Planning Commission, who may provide comment in due course.

The Community Emergency Services Manager advises that with regard to the Bushfire Management Plan:

- Section 4.2, Protection of Human Lives and Property should be modified to ensure that the proposed Section 70A also states that:
  - while any dwellings constructed on the lot are required to comply with AS3959:2009("Construction of Buildings in Bushfire Prone Areas") this in no way guarantees that the constructed dwelling will survive an attack by bushfire;
- as the Shire does not conduct a Bushfire Induction Course, Section 4.9, Public Education and Community Awareness, should be modified to state that purchasers of these blocks form

their own, Bushfire Ready Group – this is a combined education strategy/program between Local Governments and Department of Fire and Emergency Services; and

- fires starting in the Public Open Space area in the south-west corner may be driven by Dongara’s strong south-westerly generating flying embers that could reach and ignite the houses (and other structures) of this development.

The Manager Works advises that the Fire Management Plan be modified to ensure that the Public Open Space area is parkland cleared to reduce fire risk.

The Manager Community Safety advises that the soil appears suitable for effluent disposal units and that the Shire’s refuse contractor should be able to deal with domestic waste.

**Financial/Resource Implications:**

The cost of publicly advertising the proposal will be borne by the applicants, in accordance with the Shire’s schedule of fees.

**Statutory Environment:**

Local Planning Scheme No. 5.

**Policy Implications:**

Nil.

**Risk Implications:**

The consequences of publicly advertising this proposal are insignificant and the likelihood of there being significant consequences is rare, therefore the risk implications are low.

**Strategic Implications:**

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

**OFFICE OF THE CEO**

**CEO01 – 07/14**

**Subject:** Local Government Amendment (Regional Subsidiaries) Bill 2014  
**Reporting Officer:** Chief Executive Officer  
**Date of Report:** 16 July 2014  
**File Reference:** GR.PO  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider providing Council's support to a legislative proposal that would allow the establishment of regional subsidiaries by two or more local governments.

**Officer's Recommendation:**

**The Council advises Mr Shane Love, MLA Member for Moore that it supports the Local Government Amendment (Regional Subsidiaries) Bill 2014 becoming law as it would provide local government with the flexibility to improve local service delivery and activity through resource sharing and greater regional collaboration.**

**Attachment:**

[Letter from Shane Love MLA – Local Government Amendment \(Regional Subsidiaries\) Bill 2014 Overview of Proposed Amendments to the Bill](#)

**Background:**

Correspondence has been received from Mr Shane Love MLA, Member for Moore which has been included as an attachment.

**Officer's Comment:**

It has been suggested that should the Local Government Amendment (Regional Subsidiaries) Bill 2014 (the Bill) become law, Councils in Western Australia will be able to place more emphasis on delivering services to the community by enabling two or more local governments to establish regional subsidiaries to undertake functions on behalf of those Councils jointly.

A regional subsidiary is a separate entity, being a body corporate with the powers, functions and duties conferred upon it through its Charter for the purpose of carrying out a specified service or services or a specified activity or activities or performing a function on behalf of the councils under the Local Government Act or any other Act.

The change would also allow Councils to focus on service delivery rather than meeting over-burdening requirements of the existing Local Government Act and other statutes

It is anticipated that if the amendment was passed, neighbouring councils would be able to create legal entities to share service delivery in critical areas including planning approval processes, road maintenance/construction and back office functions potentially leading to greater operational flexibility that would strengthen service delivery and regional collaboration.

As Council has previously supported regional collaboration through a shared waste management approach and has initiated agreements with the Shire's of Mingenew and Three Springs to provide Environmental Health, Building and Town Planning services, the possibility of delivering these services through a regional subsidiary may offer more efficiency and effectiveness than the existing 'Memorandum of Understanding' arrangements currently in place.

Therefore, it is recommended that Council provide its support to the Bill by advising the local member, Mr Shane Love MLA, who is also a sponsor of the Bill, it supports the Local Government Amendment (Regional Subsidiaries) Bill 2014 becoming law as it would provide local government

with the flexibility to improve local service delivery and activity through resource sharing and greater regional collaboration.

**Stakeholder Engagement:**

Nil.

**Financial/Resource Implications:**

Participation in a regional subsidiary may provide for more effective management of its existing resources or lead to efficiencies that improve overall service delivery.

**Statutory Environment:**

The proposal outlines a possible change to the Local Government Act 1995.

**Policy Implications:**

Nil.

**Risk Implications:**

Participation in a regional subsidiary may reduce the risk of legal exposure when its staff are working for other local governments or not being able to adequately service the needs of its community.

**Strategic Implications:**

Strategic Community Plan Outcome 4.5.1 Continue to review opportunities for shared services and structural reform.

**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 \_\_\_\_\_.