



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

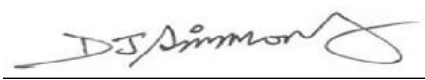
TUESDAY, 26 AUGUST 2014

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, 26 AUGUST 2014
IN THE OCEAN ROOM AT THE IRWIN REC,
RIDLEY STREET, PORT DENISON WA



Darren Simmons
Chief Executive Officer

21 August 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.

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**AGENDA FOR ORDINARY COUNCIL MEETING
TO BE HELD IN THE OCEAN ROOM, IRWIN REC
ON TUESDAY, 26 AUGUST 2014
COMMENCING AT 4.00PM**

- PRESENT:**
- | | |
|------------------|---|
| Presiding Member | Cr S C Chandler (Shire President) |
| Councillors | Cr I F West (Deputy President)
Cr D R Kennedy
Cr M Leonard
Cr B C Scott
Cr M T Smith |
| Staff | Mr D J Simmons - Chief Executive Officer
Mr G M Peddie – Director Corporate and Community
Ms S van Aswegen – Director Planning and Infrastructure
Mrs H M Sternick – Manager Corporate Services
Mr L G Smith – Manager Recreation Services
Mr A Hayat – Planning Officer
Miss L E Tunbridge – Research and Projects Officer
Ms E Greaves – Executive Assistant |
- LEAVE OF ABSENCE:**
- | | |
|--|-----------------------------------|
| | Cr K J Hepworth
Cr R J Porteus |
|--|-----------------------------------|

-
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**
 7. **CONFIRMATION OF MINUTES**
 - 7.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 JULY 2014**

A copy of the Minutes of the Ordinary Council Meeting held on 22 July 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 22 July 2014, be confirmed as a true and accurate recording of that meeting.

[Minutes of Ordinary Council Meeting held on 22 July 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 22 July 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 22 July 2014 CC03 Draft Budget 14/15](#)

[Attachment Booklet of Ordinary Council Meeting held on 22 July 2014 PI02 Local Structure Plan](#)

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 12 AUGUST 2014

A copy of the Minutes of the Special Council Meeting held on 12 August 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 Special Council Meeting, held on 12 August 2014, be confirmed as a true and accurate recording of that meeting.

[Minutes of Special Council Meeting held on 12 August 2014](#)

[Attachment for Special Council Meeting held on 12 August 2014 – Budget 2014/15](#)

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: 24 August 2014
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

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

Officer's Recommendation:

That the Accounts paid during July 2014, represented by Trust Cheques 3033 - 3035 totalling \$3,050.00 Municipal Cheques 30584-30628, EFTs 16361-16546 totalling \$1,002,843.14 Police Licensing PL270614 – PL290714 totalling \$59,376.95 and Vehicle Lease \$853.51, be received.

Attachment:

[Accounts for Payment – July 2014](#)

Background:

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

- (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 – 08/14

Subject: Financial Statements for the Period ending 31/07/2014
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Date Prepared: 19 August 2014
Voting Requirements: Simple Majority

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2014 to 31 July 2014.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2014 to 31 July 2014 as outlined in the Attachments Booklet – August 2014 under separate cover, be received.

Attachment:

[Financial Statements for the Month Ending 31 July 2014](#)

Background:

The Monthly Financial Report to the 31 July 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 July 2014 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$155,154	5.6% negative variance
Operating Expenditure	\$624,218	9.2% positive variance
Net Operating	(\$469,064)	
Capital Revenue	\$0	0.0% nil variance
Capital Expenditure	\$9,636	48.1% negative variance
Cash at Bank – Municipal	\$1,158,822	
Cash at Bank – Reserve	\$3,704,534	

Total Funds Invested	\$4,697,912
Net Rates Collected	0%
Receivables Outstanding	\$49,239

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 – 08/14

Subject: CSRFF Application for Additional Oval Lighting
Reporting Officer: Manager Recreation Services
Date of Report: 26 August 2014
File Reference: RC.LI.4
Voting Requirements: Simple Majority
Proponent: Dongara Football Club Inc.

Report Purpose:

To consider approving the Dongara Football Club's project for additional oval lighting and have the grant application submitted to the Mid West office of the Department of Sport and Recreation for assessment.

Officer's Recommendation:

That Council approves the Dongara Football Club's project for additional oval lighting and to have the Community Sport and Recreation Facilities Fund (CSRFF) grant application forwarded to the Department of Sport and Recreation for assessment, the project cost being \$23,760.00 excluding GST and the Shire of Irwin contribution being \$7,920.00 excluding GST.

Background:

The partial relocation of the football oval in 2007 to make way for the Recreation Centre extensions presented the opportunity to upgrade the existing, out-dated oval lighting. Planning was to include four 25 metre towers each with 2 x 2000 watt Briteline floodlights. With the football club committing to another 2 towers and lights plus much of the installation, the oval was eventually well lit by 6 towers and 12 x 2000 watt floodlights. In recent times it has become obvious the lights are not up to today's expected standard plus the increasing preference for night games especially in our junior club, the Dongara Football Club made the decision to seek funding to improve the oval lighting.

Officer's Comment:

CSRFF funding can attract multiple applications from community sporting groups within the same funding round. In such a circumstance Council would be required to rank the applications numerically based on merit and community benefit. As only one application has been received no ranking is required, just endorsement of the single application.

CSRFF provides communities with a great opportunity to improve existing facilities, planning for and the construction of new facilities.

The Dongara Football Club in their grant application is seeking \$7,920.00 from the Department of Sport and Recreation, with the Shire and proponent contributing the remaining two thirds.

The CSRFF Small Grants Scheme provides a maximum of \$50,000.00 to each applicant with a total project cost not exceeding \$150,000.00.

Stakeholder Engagement:

Parties consulted and participating in the preparation of this grant application include;

- Dongara Football Club President – Mike Smith
- Dept of Sport and Recreation Mid West, Regional Manager – Richard Malacari
- Dongara Junior Football Club Secretary – Melissa Caimanos
- Dongara Vets Football President – John Smith
- WA Country Football League – Shaun Jasper
- Shire of Irwin's Manager Recreation Services – Laurie Smith

Financial/Resource Implications:

An allocation of \$10,000 has been provided in the 2014/15 Budget, being Council's contribution to the project.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil

Risk Implications:

This initiative enhances the Shire of Irwin's reputation for commitment to community health and wellbeing.

Strategic Implications:

Strategic Community Plan Outcome 3.6.1 Continue to fund, support and promote the recreation centre and associated programs.

PLANNING AND INFRASTRUCTURE

PI01 – 08/14

Subject: Proposed Road Closure Unconstructed Road Reserve
Reporting Officer: Planning Officer
Date of Report: 18 August 2014
File Reference: RD.RO
Voting Requirements: Simple Majority
Proponent: Brookfield Rail

Report Purpose:

To consider a request from Brookfield Rail to close the unconstructed road reserve adjacent and to the east of the railway line, north of Melaleuca Road.

Officer's Recommendation:

That Council resolves:

1. under Section 58 (1) of the Land Administration Act 1997, to request the Minister to permanently close the unconstructed road reserve adjacent and to the east of the railway line, north of Melaleuca Road; and
2. to advise Brookfield Rail that if the road reserve is closed they should provide all adjoining access gates with numbered combination locks, and that the Dongara Town Bushfire Brigade be given the relevant details for each lock.

Attachment:

[Attachment 1 – Brookfield Rail road closure request and road closure plan](#)

[Attachment 2 – Midwest Times Advertisement](#)

[Attachment 3 – Responses from Public Agencies](#)

Background:

The unconstructed road reserve is adjacent and to the east of the railway line, north of Melaleuca Road. It also adjoins No. 21 Melaleuca Road and Lots 23, 24, and 34 Padbury Road, Bookara (See attachment 1). Lots 24 and 34 currently have vehicular accesses on to the railway reserve. From a site inspection, there appears to be no development on the subject land.

The request seeks closure of the unconstructed road to enable Brookfield Rail to better manage the railway reserve, part of which has been subject to illegal dumping. Brookfield has also informed the Shire that two vehicular accesses, from Lots 24 and 34 are unauthorised.

Officer's Comment:

As there were no objections raised from stakeholder engagement, Planning Services considers that Council should resolve to request the Minister to permanently close the unconstructed road reserve.

Dongara Town Bushfire Brigade recommends that all adjoining access gates be provided with numbered combination locks and that the brigade is advised of the relevant details for each lock. At an on-site meeting, Brookfield Rail indicated that all gates would be locked in such a way to allow access for emergency services. Nevertheless, Council may wish to formally advise Brookfield Rail of this request.

Telstra informed the Shire that they may have infrastructure located near or within the road reserve, but could not confirm the location. They recommended that the Shire pay one of their recommended consultants to survey the area. However, as the proposal is for a road closure, no development is proposed. If there is infrastructure in the unconstructed road reserve, it is not in danger of being damaged. If this road is closed, the Minister will determine the future of the land, at which time Telstra may be more forthcoming with information about the location of their infrastructure.

Stakeholder Engagement:

The application was referred to adjoining landowners. The application was also referred to the following public authorities: Public Transport Authority, Telstra, Department of Transport, Western Power, Department of Fire and Emergency Services, and the Department of Planning.

As per S.158 of the *Land Administration Act (LAA)* notice of the proposed closure was published in the MidWest Times for 35 days, with the advertising period ceasing on 29 May 2014 and no objections were received.

Financial/Resource Implications:

Nil

Statutory Environment:

Pursuant to Section 58(4) of the *LAA*;

(1)When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2)When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3)A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Policy Implications:

Nil

Risk Implications:

The likelihood of risk arising from Council recommending closure of the road is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan Outcome 2.6.1 Maintain road assets and ancillary infrastructure.

PLANNING AND INFRASTRUCTURE

PI02 – 08/14

Subject: Agreement for Use of Dongara Drive-in Cinema
Reporting Officer: Planning Officer
Date of Report: 19 August 2014
File Reference: A7141
Voting Requirements: Simple Majority
Proponent: Dongara Denison Surf Life Saving Club

Report Purpose:

To consider an agreement for the use of the Drive-in cinema between the Shire of Irwin and the Dongara Denison Surf Life Saving Club.

Officer's Recommendation:

That Council approves the use of the Dongara Denison Drive-in Cinema by the Dongara Denison Surf Life Saving Club for a period of one (1) year commencing on 1 October 2014 until 30 September 2015, as per terms agreed by the Chief Executive Officer.

Attachment:

[Attachment 1 – Agreement for the use of the Drive-in Cinema](#)
[Attachment 2 – Drive-in Business Plan](#)

Background:

The Shire of Irwin successfully received funding to upgrade the Drive in projector to digital (see attachment 2 – Part 1.9 Funding). A new agreement is therefore proposed between the Shire of Irwin and the previous operators of the drive-in cinema, the Dongara Denison Surf Life Saving Club (DDSLSC) (see attachment 1). The DDSLSC have provided the Shire with written confirmation that they wish to operate the drive-in for the term proposed in the agreement.

The project team met on the 24 July 2014 at the drive-in premises to discuss the works associated with the project and assign the responsible officer to each task (as shown in the 'outcomes and strategies table' on the attached business plan).

Officer's Comment:

The agreement allows for other community groups to request the use of the drive-in. People with experience in computer software can be easily trained to operate the digital projector, eliminating a need to hire a projectionist. The transition to digital, the variety in screening material (old/new films, live sport, and concerts), the opportunity for a number of community groups to use the facility, and frequent screenings will engage, involve and entertain the residents of the Shire of Irwin and its surrounds.

Stakeholder Engagement:

The non-for-profit group managing the operations will ensure the event is promoted to the best of their abilities. The current group utilise social media (Facebook), produce flyers which are distributed around the Shire, and also advertise in the local newspaper.

Financial/Resource Implications:

The Shire will pay all costs associated with the structure of the building, both interior and exterior, and expenses relating to utilities, public liability and contents insurance. The DDSLSC will pay all general maintenance costs including cleaning.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Risk Implications:

As the Drive-in has been operating for 46 years and everything is owned outright by the Shire of Irwin, the likelihood of risk arising from Council approving the proposed agreement is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan Outcome 3.1.1 Continue to monitor community infrastructure needs and infrastructure utilisation.

Strategic Community Plan Outcome 3.2.2 Identify services and programs for families

Strategic Community Plan Outcome 3.6.2 Annually review the cost and utilisation of all community facilities and services

PLANNING AND INFRASTRUCTURE

PI03 – 08/14

Subject: Proposed Carport at Lot 517 Bartlett Place, Port Denison
Reporting Officer: Manager Planning Services
Date of Report: 18 August 2014
File Reference: P490 / A2600
Voting Requirements: Simple Majority

Report Purpose:

To consider an application for a proposed carport at Lot 517 (#16) Bartlett Place, Port Denison.

Officer's Recommendation:

That Council approves the application for the proposed carport at Lot 517 (#16) Bartlett Place, Port Denison subject to the following conditions and advice notes:

Conditions

- 1. The approved development shall be in accordance with the attached stamped approved plans.**
- 2. All stormwater and drainage runoff from all roofed and impervious areas shall be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Irwin (Infrastructure Services).**
- 3. Any soils disturbed or deposited on the site are to be stabilised and retained on site.**

Advice Notes

- 1. In accordance with the Building Act 2011, the approved development requires a Building Permit.**
- 2. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Irwin will take no responsibility for incorrectly located buildings.**
- 3. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.**

Attachment:

[Attachment 1 - Plans and Applicant Justification](#)

[Attachment 2 - Site Photos and Location Plan](#)

[Attachment 3 - Objection](#)

Background:

The site is located in a cul-de-sac in Bartlett Place, Port Denison. The site plan, elevations and Applicant justification are shown in attachment 1. The proposal is for a carport with variations to the street and lot (southern side) boundaries. The neighbouring house to the south is located on higher land than the proposed carport site. There are no other carports in the front setbacks of properties in this vicinity.

The Application was referred to 5 neighbours from the 16 July to 1 August 2014, during which three submissions were received. One objection was received from the adjoining neighbour to the south. One submission was in support and another indifferent. The two other neighbours did not respond.

Officer's Comment:

The proposed street setback is 1.795m, which is a variation to the R-Codes' Deemed-to Comply criteria of 7.5m. The proposed side (southern) setback is 1.2m, which is a variation to the Deemed-to-Comply criteria of 1.5m.

The proposed side (south) and street setback variations are addressed in the R-Codes' assessment below.

R-Codes Design Principles	Comment
<p>5.1.3 Lot boundary (side) setback</p> <p>P3.1: Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	<p>The proposal is consistent with the design principle P3.1:</p> <ul style="list-style-type: none"> • the potential impacts of building bulk should be acceptable as the carport would be adjacent the adjoining neighbour's driveway, and the neighbour's property is elevated higher than the subject site. • The proposal should not result in a significant loss of direct sunlight. • The proposed carport will not result in overlooking or a loss of privacy.
<p>5.2.1 Setback of garages and carports</p> <p>P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of the dwellings from the street and vice versa.</p>	<p>The proposal is consistent with P1, as: clear sight lines along the street would be maintained;</p> <ul style="list-style-type: none"> • given the six metre wide roadside verge and the fact that 4 out of 5 neighbours did not object, the carport should not unreasonably detract from the streetscape or appearance of dwellings.; • views of dwellings from the street would be maintained; and • views from dwellings to the street would be largely maintained.

The objector's concerns are satisfactorily addressed in the table below.

Objections	Comment
<p>The proposed carport will block the objector's current view to the ocean (see the photo in Attachment 3)</p>	<p>Loss of view to the ocean is not a material consideration under Local Planning Scheme No. 5 or the Residential Design Codes (R-Codes).</p>
<p>It should be possible to construct the carport on the northern side of the subject land where a second driveway access currently exists, which can meet the front boundary setback without affecting any persons visual amenity.</p>	<p>Officer discussions with the applicant revealed that there is not enough space for a carport in the northern part of the site.</p>
<p>The proposed location of the carport is out of character and not in keeping with other properties along the street.</p>	<p>The submitter's concerns regarding the character and streetscape impacts are satisfactorily addressed under the Officer comments for 5.2.1 P1 in the R-Codes' assessment above.</p>

Planning Services considers that the proposal is consistent with the relevant provisions of the R-Codes and the LPS No. 5.

Stakeholder Engagement:

There are no objections in principle from the Shire's Development Control Unit.

Financial/Resource Implications:

Nil.

Statutory Environment:

Residential Design Codes 2013
Shire of Irwin Local Planning Scheme 2008

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council recommending approval of the proposed carport is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

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

PLANNING AND INFRASTRUCTURE

PI04 – 08/14

Subject: Development Information Folders
Reporting Officer: Manager Planning Services
Date of Report: 15 August 2014
File Reference: LP.PL.1
Voting Requirements: Simple Majority

Report Purpose:

To consider agreeing to the preparation of Development Information Folders, which are to incorporate public information regarding the Planning, Building and Health services provided by the Shire, as well as advertisements for local businesses.

Officer's Recommendation:

That Council agrees to Australian Innovation Media's proposal to prepare Development Information Folders

Attachment:

Proposal letter and examples from other local governments – provided under separate confidential cover

Background:

The Shire's Development Control Unit (DCU) were approached by Australian Innovation media (AIM) in November 2013 to consider the preparation of Development Information Folders, aimed at incorporating public information regarding Planning, Building and Health services provided by the Shire and advertisements for local businesses. After reviewing the proposal and examples from other local governments, DCU determined to progress with preparation of draft folder. Each folder is also to include a map of Dongara-Port Denison and the Shire's logo and branding. The draft folder will be made available to Council under separate cover prior to this meeting.

The folders are to be prepared free of charge for a period of two years, and distributed by AIM to the Shire and local businesses for the public. AIM would profit by approaching local businesses to advertise on the folders.

A disclaimer on the folders states that the Shire acknowledges the support of local businesses in production of the folders. The disclaimer also states that the Council does not endorse or recommend any of the information contained within the third part advertisements or the related goods and services on offer.

Following internal consultation, the Shire is now seeking Council's agreement to prepare the folders. If Council agrees, the folders would be prepared by AIM's sister company in Western Australia - Print House Media.

Officer's Comment:

The information folders will provide an opportunity to promote the Shire's Planning, Building and Health services to local customers, tourists and the development industry. The folders can be made available to the public at the Shire's Administration Building, the Library and at local businesses.

Stakeholder Engagement:

The initiative was discussed with DCU, the Director of Planning and Infrastructure and the Chief Executive Officer.

Financial/Resource Implications:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Risk Implications:

There is a risk that the Shire will receive criticism from some local businesses which may perceive that the Shire is supporting advertised businesses in preference to others. However, each folder will incorporate a prominent and clear disclaimer, as described above. The likelihood of receiving criticism is possible and the consequences would be insignificant, therefore the risk is considered to be low.

Strategic Implications:

Strategic Community Plan Outcome 1.1.1 - Implement an efficient and effective approval process

OFFICE OF THE CEO

CEO01 – 08/14

Subject: Change of Council Meeting Date – September 2014
Reporting Officer: Executive Assistant
Date of Report: 19 August 2014
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Report Purpose:

To provide Council the option to change the September Ordinary Council Meeting date to accommodate attendance at the Mid West Economic Summit which is scheduled for the same date.

Officer's Recommendation:

That Council reschedules its September Ordinary Council Meeting to Wednesday, 24 September 2014 at 4pm in the Ocean Room at the Irwin Recreation Centre and advertises within the district including the Dongara-Denison Local Rag.

Background:

At the August Council Forum, Councillors were briefed on the Mid West Economic Summit being held in Geraldton on 23 September 2014. There was a strong indication from Councillors and senior staff that it would be beneficial to have representatives attend the Summit however it does fall on the scheduled Council Meeting date for September 2014.

The Mid West Economic and Resources Summit 2014 will provide industry professionals with progressive discussions and authoritative speakers addressing current issues on economic outlook and the industries that drive the Mid West region.

Officer's Comment:

To maintain a strong presence in the region, to develop relationships with key personnel and organisations, and to explore new opportunities for economic growth that align with Council's Strategic Community Plan it would be beneficial for Council to be represented at this event.

To enable Councillors and staff the opportunity to attend the Mid West Economic and Resources Summit on Tuesday, 23 September 2014, and the September Ordinary Council Meeting it is proposed that the Ordinary Meeting scheduled for that same day be rescheduled to 24 September 2014.

Should Council resolve to change the meeting date there will be an opportunity to advertise for at least 3 weeks prior to the meeting date.

Stakeholder Engagement:

Councillors and Senior Staff were consulted at the Council Forum Meeting held 12 August 2014.

Financial/Resource Implications:

A change of meeting will result in incurring minor advertising costs.

Statutory Environment:

Local Government Act 1995
Local Government (Administration) Regulations 1996 s12(2)

12. Meetings, public notice of (Act s. 5.25(1)(g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

- (a) the ordinary council meetings; and*
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.
(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Policy Implications:

Policy E3 Council Press Advertising - *All printed media advertising shall be placed in the Dongara-Denison Local Rag.*

Risk Implications:

There may be a low risk to Council's reputation should there be no Shire representatives at the Mid West Economic Summit therefore to further minimise the risk it is recommended that Council change the meeting date.

The legislative and policy requirements have also been outlined to minimise any risk of non-compliance.

Strategic Implications:

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

OFFICE OF THE CEO

CEO02 - 08/14

Subject: Proposed Disposal of Lot 13 Point Leander Drive, Dongara
Reporting Officer: Chief Executive Officer and Research and Projects Officer
Date of Report: 20 August 2014
File Reference: A8943 / PH.SE.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider the disposal of Lot 13 Point Leander Drive, Dongara (5220m²) by private treaty to Batavia Health.

Officer's Recommendation:

That Council, in accordance with Section 3.58 of the Local Government Act 1995, resolves to dispose of Lot 13 Point Leander Drive, Dongara (5,220m²) by private treaty to Batavia Health subject to;

- a. The purchase price being set at \$270,000 exclusive of GST;
- b. 3,290m² of Lot 13 Point Leander Drive, Dongara (currently valued at \$460,000) being gifted to the Shire of Irwin immediately upon completion of a future subdivision;
- c. A Power of Attorney being granted by Batavia Health in the Contract of Sale to the Shire of Irwin, so that the Shire will have the power to transfer the Southern Lot back to the Shire in the event that Batavia Health fails to do so;
- d. A restrictive covenant being placed over the Northern Lot to ensure that the area of land is used only for the purpose of providing medical services for a minimum term of ten (10) years;
- e. Batavia Health being responsible for, at its cost, subdivisional approval in accordance with the proposal;
- f. The responsibility for the construction and long term maintenance of the car park on the Northern Lot being the responsibility of Batavia Health;
- g. The responsibility for the construction and long term maintenance of the car park on the Southern Lot being the responsibility of the Shire of Irwin;
- h. A recommendation being made to the Western Australian Planning Commission by the Shire of Irwin to include as a condition of the subdivision that the Northern Lot have access by creating an easement through the Southern Lot. The creation of the easement is to be at Batavia Health's expense; and
- i. Any costs associated with the construction and maintenance of any infrastructure located on or servicing the Northern Lot being at Batavia Health's expense.

Attachment:

[Public Notice – Disposition of Land](#)
[Schedule of Submissions – Lot 13 Point Leander Drive](#)
[Proposed Concept Plan – Lot 13 Point Leander Drive](#)

Confidential Attachment (For Councillors only under separate cover):

McLeods Barristers & Solicitors – Confidential Legal Advice

Background:

At the Ordinary Council Meeting held on Tuesday, 22 July 2014 the Shire of Irwin Council resolved to give local public notice of the intent to dispose of Lot 13 Point Leander Drive, Dongara (5,220m²) by private treaty to Batavia Health subject to the following:

- a. *The purchase price be set at \$270,000 exclusive of GST;*
- b. *3,290m² of Lot 13 Point Leander Drive, Dongara (currently valued at \$460,000) be gifted to the Shire of Irwin upon completion of a future subdivision;*
- c. *The northern portion of the property be used for the provision of medical services for a minimum period of 10 years following the sale of land; and*
- d. *Advertising notice period is not less than 14 days inviting public submissions;*

As such a Public Notice regarding the proposed disposal of Lot 13 Point Leander Drive, Dongara was advertised via a number of different mediums from Friday, 25 July 2014 through to Monday, 18 August 2014.

At the end of this period, the Shire has received five submissions of which a schedule is provided as an attachment.

Officer's Comment:

Council is well aware of the longer term issues affecting the provision of health and medical services within the Shire.

It is also evident through the Shire's strategic community plan consultation in 2011/12 that health and medical services were considered as very important but received a low satisfaction rating. This view was again reflected in the Shire's Community Perceptions Survey conducted in late 2013.

On this basis, given the significant social benefit estimated as a result of the proposed facility, confidential legal advice received from Council's lawyers, the commercial arrangement proposed and following consideration of the five submissions received, it is suggested that it is open for Council to pursue the disposition of 13 Point Leander Drive, Dongara to Batavia Health for an amount of \$270,000 in cash (exclusive of GST) and for a 3,290m² (southern) portion of Lot 13 (currently valued at \$460,000) to be gifted to the Shire of Irwin upon completion of a future subdivision of the property.

The proposal would see the northern portion of Lot 13 (1930m²) accommodate Batavia Health's purpose built medical and allied health facility, whilst the southern portion will be gifted to the Shire upon subdivision for use as reciprocal medical centre and public (town centre) parking whilst also providing increased accessibility to the Irwin River.

Stakeholder Engagement:

The Dongara-Port Denison community was engaged through the use of the Shire of Irwin Facebook page, Dongara Denison Local Rag, Community Information Sign, Shire of Irwin Website and the Brilliant Blend Bulletin from Friday, 25 July 2014 - Monday, 18 August 2014.

Batavia Health has been informed as to the progress of the proposal via written correspondence dated 31 July 2014.

The Shire's Research and Projects Officer and the Operations Manager – Midwest, Western Australian Country Health Service (WACHS) also discussed the proposal during the public submission period.

Financial/Resource Implications:

Costs associated with the engagement of legal advisors to guide the Shire of Irwin through the disposal process. The Shire will receive a cash sum of \$270,000 exclusive of GST as result of the disposition of Lot 13 and a new (Southern) Lot following sub division.

Statutory Environment:

Local Government Act 1995 – Section 3.58

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Policy Implications:

F4 – Management of Investments; and
F6 – Asset Management.

Risk Implications:

The risk associated with the disposition of Lot 13 Point Leander Drive is considered to be low with any reputational and/or financial risks thought to be insignificant.

Strategic Implications:

Strategic Community Plan Outcomes:

- 1.1.2 – Partner and negotiate with industry and commerce to improve local infrastructure;
- 1.5.1 – Partner with industry to leverage local opportunities; and
- 3.5.1 – Continue to advocate for improved facilities and access to services, including doctors and allied health professionals.

SHIRE PRESIDENT

SP01 – 08/14

Subject: Chief Executive Officer's Contract of Employment Renewal
Reporting Officer: Shire President
Date of Report: 20 August 2014
File Reference: PE.RE.SIM01
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider authorising the Shire President to initiate discussions with the Chief Executive Officer (CEO) in respect to Council negotiating a new contract of employment (Contract) with the CEO.

Shire President's Recommendation:

That Council, in accordance with the Chief Executive Officer's existing contract of employment, authorizes the Shire President to initiate discussions with the Chief Executive Officer in respect to agreeing a new employment contract.

Background:

The CEO commenced employment with the Shire of Irwin on 6 September 2010 on a five (5) year contract term (Term) expiring on 5 September 2015.

In accordance with the CEO's existing contract, Council and/or the CEO shall initiate discussions not later than twelve (12) months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with Council making a decision to finalise those discussions not later than nine (9) months prior to the expiry of the term.

Shire President's Comment:

In order for Council to continue to meet its commitments under the integrated planning framework, that incorporates the 10-year Strategic Community Plan, 4-year Corporate Business Plan and recently adopted 2014/15 Budget, it is suggested that Council needs to ensure its principal officer position is secured to provide the strategic and operational leadership that is required to manage the Shire's day-to-day business.

In this regard, and to meet Council's obligations under the CEO's contract to initiate discussions with the CEO on agreeing a new contract, it is suggested that the Shire President be authorized to undertake these discussions on Council's behalf with the results being reported to the September Council meeting.

Financial Implications:

CEO's Remuneration package.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil.

Strategic Implications:

Applicable across the entire Strategic Community Plan 2012-2022 and associated integrated planning framework.

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 _____.