



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 28 JULY 2015

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

INDEX-ORDINARY COUNCIL MEETING 28 JULY 2015

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1	
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1	
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1	
4.	PUBLIC QUESTION TIME	2	
5.	APPLICATIONS FOR LEAVE OF ABSENCE	5	
6.	PETITIONS	5	
7.	CONFIRMATION OF MINUTES	5	
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 23 JUNE 2015	5	010715
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5	
9.	REPORTS	6	
CORPORATE AND COMMUNITY			
CC01 – 07/15	Accounts for Payment	6	020715
CC02 – 07/15	Financial Statements for the Period ending 30 June 2015	8	030715
CC03 – 07/15	Adoption of 2015/16 Shire of Irwin Budget	11	040715
CC04 – 07/15	Anzac Centenary Trees of Remembrance and 2D Sculptures	17	050715
CC05 – 07/15	Cliff Head – Upgrade/Maintain Coastal Camping	22	060715
PLANNING AND INFRASTRUCTURE			
PI01 – 07/15	Shire of Irwin Tidy Towns Sustainable Committee	24	070715
PI02 – 07/15	Local Planning Policy for Developer Contributions for Roads & Footpaths	26	080715
PI03 – 07/15	Shacks on Reserve 43078	28	090715
PI04 – 07/15	Local Planning Policy: Extractive Industries	31	100715
PI05 – 07/15	Proposed Advertising Sign for Mitre 10	33	130715
PI06 – 07/15	Proposed Supermarket	37	140715
PI07 – 07/15	Local Law Regulating the Keeping of Animals	42	150715
OFFICE OF THE CEO			
CEO01 – 07/15	Change of Council Meeting Date – August 2015	44	160715
CEO02 – 07/15	Position on Oil and Gas Mining Activities	46	170715
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49	
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	49	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	49	
13.	MATTERS BEHIND CLOSED DOORS	49	
14.	CLOSURE	49	

I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 July 2015

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE OCEAN ROOM, IRWIN REC ON
TUESDAY, 28 JULY 2015
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr R J Porteus Cr M T Smith Cr B C Scott Cr M Leonard
	Staff	Mr G M Peddie – Acting Chief Executive Officer Ms S van Aswegen – Director Planning and Infrastructure Mrs C M Palmer – Manager Community Services Mrs H M Sternick – Manager Corporate Services Mr D Fotheringham – Manager Planning Services Ms N M Nelson – Manager Tourism and Library Services Ms E Greaves – Acting Coordinator Organisational Performance Mr G Goldsworthy – Acting Building Surveyor
APOLOGIES:		Cr D R Kennedy Mr D J Simmons - Chief Executive Officer
GALLERY:		12 x members of the public

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed everyone for their attendance and opened the meeting at 4:00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

A number of questions were raised by Mr Rossiter at the 23 June Ordinary Council meeting. Some of these questions were taken on notice however those enquiries were responded to via email to Mr Rossiter and included in the Minutes of that meeting, and a copy is provided below;

1. Why did it take over 7 months for Unit 4 at the Port Denison Retirement Village (“the Village”) to be renovated?

Mr Geoff Peddie, Director Corporate and Community was asked to comment by the Shire President however he requested that this be taken on notice.

Note: Following the meeting, the Manager Community Services reported that Unit 4 underwent a full renovation. The Unit was vacated at the end of July 2014 and renovation work commenced in September 2014, following the establishment of a project plan and on completion of the appropriate procurement process. The refurbishment work continued over the Christmas and New Year period (2014/15) which somewhat affected availability of contractors and materials, and was completed in January 2015.

2. Why are there dump point notices at most of the public toilets in town however there is no mention of 24 hour parking in Waldeck Street?

The Shire President advised that a signage audit is currently being conducted and some signs may be in production now which may address this issue however this will need to be taken on notice to confirm.

Note: It is advised that the town overnight camping site is only available to self-contained visitors (RVs/caravans with toilet and shower facilities) therefore it is generally not aimed at many of those utilising public toilet facilities. The Shire has used various other advertising methods to promote the camping site to the target audience.

4. PUBLIC QUESTION TIME

Mr Kevan Dennis provided the following questions to Councillors and the Chief Executive Officer prior to this meeting in writing and a response to those questions are provided below;

❖ **Lot 13 Point Leander Drive**

- 1. What is the current status on the sale of Lot 13 Point Leander Drive?**
- 2. Is there a time line in play for the conditions of purchase to be compiled with or completed?**
- 3. Subject to the previous questions what is the time allowed for Shire of Irwin to complete the car park component of the Offer and Acceptance?**
- 4. Are these works to be included in the upcoming 2015/16 Budget and have these works been designed and costed?**

The Contract of Sale for Lot 13 Point Leander Drive (the Agreement) is currently being finalised and includes conditions that ensures reciprocal medical centre and public vehicle parking is retained on the property. A settlement date is to be determined within the final Agreement.

The Shire of Irwin is working closely with Batavia Health to set project milestones. The timing for the construction of the car park will fit in with the construction of the building by the proponent. Engineers are currently completing the design of the car park so that it meets the requirements of both parties. The car park works have not been included in the 2015/16 budget presented to Council for adoption at today's meeting. In the situation where

the car park is constructed in this financial year it will be financed using the proceeds of the sale of the property.

❖ **Obelisk Works**

1. What is the cost allowed of the road work component as provided for in Budget?

The road works cost is estimated at \$65,000. Other costs include pathways, plants and sundry items.

2. Was there any change to the estimated cost when the work actually commenced?

The budget in 2015/16 includes provision for more extensive works than originally estimated, as determined by Council's Obelisk Precinct Redevelopment Working Group. Council is now intending to install more pathways, undertake more revegetation works and install park furniture.

3. What has been expended to date (June 30) including consultant fees?

In 2014/15 approx \$66,500 was expended including \$3,769.80 for consultants' fees. These costs included gravel works, primer sealing and kerbing.

4. What is the amended completion date and final estimate of costs?

The estimated completion date for road works and footpaths is 30 September, followed by landscaping and revegetation works, however the timing will be subject to factors such as seasonal conditions and contractor availability.

The estimated cost in 2015/16 is \$140,000 for which provision has been made in the 2015/16 budget. This is a provisional sum as quotes are still being finalised for certain elements of the project following adoption of an engineering design at the June Council meeting.

Mr John Rossiter asked the following questions which were responded to by the Shire President;

1. Who co-ordinated/supervised the refurbishment of Unit 4 at the Port Denison Retirement Village ("the Village")?

Mrs Coralie Palmer, Manager Corporate Services is the responsible officer.

2. Why weren't the handrails refitted to the bathroom/toilet?

The units are independent living units and such features are not standard therefore additions such as handrails are considered upon application.

3. Why can you supply toilet facilities at Arrowsmith, Knobby or Cliff Head and Freshwater, encouraging campers there, but not at the overnight parking off Waldeck Street?

The toilets at Arrowsmith are funded by Main Roads as part of a Roadwise campaign. Cliff Head, Knobby Head and Freshwater Point have toilets which are funded by lease revenue from the Coastal Squatters Shacks.

The overnight stay area located off Waldeck Street is aimed at self-sufficient travelers with toilet and shower facilities and therefore there is not a need for such amenities so as not to compete with local accommodation operators. This area is monitored regularly.

4. Why is it that in the draft 2015/16 budget, under plant replacement/passenger vehicles, most of these vehicles are destined for renewal every 2 years?

As outlined in a previous response to a similar question at the 26 May 2015 Ordinary Council meeting, the Shire of Irwin Plant Committee has been established to make recommendations to Council on fleet purchasing and replacement. The Committee is currently reviewing the plant replacement program and associated activities.

The Acting Chief Executive Officer outlined that the Budget 2015/16 presented at this meeting and included in the Attachment Booklet, shows an amended Plant Replacement Program for the period 2015/16 to 2026/27 which includes a note that states, "The replacement policy of all passenger vehicles is being reviewed by the Plant Committee".

Mr Kevan Dennis asked the following questions in relation to officer reports being considered at this meeting;

1. In regards to Item PI04 – 07/15 Local Planning Policy: Extractive Industries, does the Extractive Industries policy refer to mining activity?

The Shire President referred the matter to the Manager Planning Services who advised that the policy it does not relate to mining activity, which is dealt with under the *Mining Act 1978*. The policy, as presented at this meeting, is to be considered by Council to be advertised for public comment, therefore members of the public may provide a submission in accordance with the relevant public notice.

2. In regards to Item PI07 – 07/15 Local Law Regulating the Keeping of Animals, will the example in the attachment be used?

The Local Law included as an attachment to this item has been included as an example of what the Shire's Local Law may be based on, however, it will be developed so that it is relevant to its own local circumstances.

Mrs Liz Dempster enquired as to where the Trees of Remembrance will now be planted, what trees will be used and why those trees were chosen?

The Shire President referred the question to the Manager Community Services, who advised that it has been recommended to Council that the avenue of trees be located along Point Leander Drive (in front of the Drive In) and down Ridley Street. Norfolk Pines have been recommended as this tree has been identified as an appropriate memorial tree by the Dongara RSL and they have proven to grow well in the local conditions. The proposal by the RSL to Council has been subject to public consultation and the recommendation to Council has been formulated following the community feedback.

Mrs Diane Horne, on behalf of the Fracking Awareness Irwin Region (FAIR) Group asked if the hours of the Oil and Gas Expo could be extended to 2pm-8pm to allow those with a daytime work schedule to attend?

The Shire President advised that the format of the event is yet to be finalised and this request would be forwarded to the relevant working group members. The Coordinator Executive Services added that the scheduled time for the event is 2-7pm.

Mrs Horne indicated that this time would be appropriate.

Mr Barry Wyse, owner of the Dongara Mitre 10 store, addressed Council in support of his application to have a Mitre 10 sign installed on privately owned property along Brand Hwy as per Item PI05 – 07/15 Proposed Advertising Sign for Mitre 10.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JUNE 2015

A copy of the Minutes of the Ordinary Council Meeting held on 23 June 2015 has been provided to all Councillors under separate cover.

COUNCIL MOTION 010715:

MOVED: Cr Scott

SECONDED: Cr Leonard

That the Minutes of the Ordinary Council Meeting, held on 23 June 2015, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President announced that the Planning and Infrastructure team have relocated to the new offices next door to the administration and foreshadowed that the September Ordinary Council Meeting may be held in the new council chambers.

CORPORATE AND COMMUNITY

CC01 – 07/15

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during June 2015.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 020715:

MOVED: Cr Porteus

SECONDED: Cr Scott

That the Accounts paid during June 2015, represented by Trust Cheques 3067-3071 totalling \$13,450.00 Municipal Cheques 30903-30936, EFT 17847-17956 totalling \$444,226.05 Police Licensing PL280515 – PL290615 totalling \$100,615.00, Credit Card Payments \$6,392.07, Vehicle Lease \$853.51 and Click Super \$48,261.72, be received.

VOTING DETAILS:

CARRIED 6/0

Attachment:

[Accounts for Payment – June 2015](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of June 2015.

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 CEO3 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 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

CORPORATE AND COMMUNITY

CC02 – 07/15

Subject: Financial Statements for the Period ending 30 June 2015
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2014 to 30 June 2015.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 030715:

MOVED: Cr West

SECONDED: Cr Leonard

That the Monthly Financial Statement for the period 1 July 2014 to 30 June 2015 as outlined in the Attachments Booklet – July 2015 under separate cover, be received.

VOTING DETAILS:

CARRIED 6/0

Attachment:

[Financial Statements for the Month Ending 30 June 2015](#)

Background:

The Monthly Financial Report to the 30 June 2015 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 2015 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$9,225,601	11.0% negative variance
Operating Expenditure	\$7,943,764	20.2% positive variance
Net Operating	\$1,311,837	
Capital Revenue	\$986,346	30.3% negative variance
Capital Expenditure	\$3,105,791	4.2% positive variance

Cash at Bank – Municipal	\$1,750,317
Cash at Bank – Reserve	\$3,990,229
Total Funds Invested	\$0
Net Rates Collected	98.28%
Receivables Outstanding	\$119,300

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 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 – 07/15

Subject: Adoption of 2015/16 Shire of Irwin Budget
Reporting Officer: Manager Corporate Services
File Reference: FM.BU.15.16
Voting Requirements: Absolute Majority

Report Purpose:

To formally adopt the Shire of Irwin 2015/16 Budget and associated resolutions.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 040715:

MOVED: Cr Porteus

SECONDED: Cr Leonard

1. Adoption of the 2015/16 Municipal Budget

That the Shire of Irwin 2015/16 Budget document, as presented, be adopted as the Shire of Irwin Budget for the year ending 30 June 2016, which includes the following:

- Statement of Comprehensive Income by Type and Nature showing revenue as \$7,431,500 excluding non operating grants and non cash items and expenditure as \$9,333,400 excluding loss on disposal of assets;
- Statement of Comprehensive Income by Program showing revenue as \$7,431,500 excluding non operating grants and non cash items and expenditure as \$9,153,900 excluding finance costs and loss on disposal of assets;
- Statement of Cashflows;
- Rate Setting Statement showing an amount required to be raised from rates of \$4,787,300;
- Notes to and forming part of the budget;
- Budget Program schedules;
- Transfers to and from the Restricted and Reserve accounts.

2. Differential Rating Levels

That Council imposes the following differential rates in the dollar and minimum rates on Gross Rental and Unimproved Values for the purpose of levying differential rates for the 2015/16 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<u>Gross Rental Valuations</u>		
General Rate	9.3900	\$905
<u>Unimproved Valuations</u>		
Mining	16.9784	\$905
Rural	1.1468	\$905

3. Outstanding Rates Penalty Interest

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

4. Instalment Options

That Council adopts the following due dates for the payment in full or by instalments:

Option 1

Payment in full by one instalment only, payment is to be received by 4.00pm 7 September 2015.

Option 2

Payment by two instalments only

1st Instalment due date	4.00pm 7 September 2015
2nd Instalment due date	4.00pm 9 November 2015

Option 3

Payment by four instalments only

1st Instalment due date	4.00pm 7 September 2015
2nd Instalment due date	4.00pm 9 November 2015
3rd Instalment due date	4.00pm 11 January 2016
4th Instalment due date	4.00pm 14 March 2016

5. Instalment Options Administration Fee

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

6. Instalment Option Interest Levy

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

7. Members Attendance Fees

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

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

8. Shire Presidents Allowance

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

9. Deputy Shire Presidents Allowance

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

10. Annual Telecommunications, IT Allowance and Travel Allowance

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

11. Budget Review Variance

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

12. Schedule of Fees and Charges

That Council adopts the Schedule of Fees and Charges as listed in the Budget document for 2015/16.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Attachment:

2015/16 Budget

Background:

At the May Council Meeting, Council adopted differential rates and minimum payments and to have them advertised in accordance with statutory requirements. No submissions were received during the advertising period regarding the proposed rates. An application was submitted to the Minister

for Local Government requesting approval for a differential rate to be more than twice the lowest Differential UV rate. Ministerial approval was received on 8 July 2015.

At the June Council Forum substantial time and discussion was given to consideration of the provisions in the Draft Budget papers including rating levels, capital improvements, and operational requirements. General acceptance of the major items contained within the draft budget was reached.

At the June Council Meeting, Council resolved to advertise the 2015/16 Draft Budget for the purpose of public consultation, in order to consider any submissions prior to the final adoption of the budget. Closing date for submissions was Monday, 20 July 2015 and no public submissions were received.

The formal budget has been prepared with minor changes following the forum discussion and now presented for formal adoption by Council.

The budget, as presented, is in the format that meets the requirements of the Local Government Act 1995, and accompanying Financial Management Regulations 1996, as well as the Australian Accounting Standards (AAS).

Officer's Comment:

The Budget reflects the discussions held at the July 2015 Forum to increase UV Rural, Mining and GRV rate revenue by approximately 4.5% as well as adjustments to the Draft Budget and other changes that have arisen since the preparation of the draft budget papers. Such adjustments and changes include the following:

- Increase surplus resulting from advance payments from the Grants Commission's Financial Assistance Grant (FAGs);
- Advance payment of the Bushfire Operating Grant and reduction due to unspent grant in 2013/14 financial year;
- Deletion of the Stage 1 for the Flora and Fauna Survey due to being completed in 2014/15 financial year, including the transfer from restricted;
- Inclusion the Aged Care and Disability Analysis;
- Inclusion of a Recreation Storage Facility;
- Separation of funds to complete the Obelisk precinct; and
- Bridge works at Point Leander Drive and transfer from restricted.

The Shire has received approval from the Minister for Local Government for Council to adopt a UV differential rate which is more than twice the lowest rate on 8 July 2015.

Listed below is an explanation of each of the recommendations:

1. Adoption of the 2015/16 Municipal Budget

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.*

2. Rating

The rates reflect an increase of 4.5% in rate revenue over rates raised last financial year which is designed to ensure Councils operational requirements are kept in line within the projected levels of inflation, increased state government costs of power and water, reduction in Federal Financial Assistance Grants and to continue to invest in infrastructure works to stimulate and promote the

economic development of the Shire. Also taken into consideration is the Community Strategic Plan, Corporate Business Plan and other informing strategies.

3. Outstanding Rates Penalty Interest

The Local Government Act 6.51 provides that Council may resolve to impose interest on a rate or service charge that remains unpaid after becoming due and payable. This reflects the loss in investment income to Council and to encourage early payment to assist cash flow management.

4. Instalment Options

The Local Government Act 6.45 (1) and Regulations 64(2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the due date of the first instalment. Each instalment date will be at intervals of two months from the due date of the first instalment.

5. Instalment Options Administration Fee

The Local Government Act 6.45 (3) provides that Council may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments. This is to reflect the administrative cost to Council.

6. Instalment Option Interest Levy

The Local Government Act 6.45 (3) provides that Council may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments. This is to reflect the loss of investment income to Council.

7. Members Attendance Fees

In lieu of meeting fees Council may adopt an annual attendance fee as set out in section 5.99 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 30(3A)(b) to be determined by the Salaries and Allowance Tribunal, which has a minimum/maximum of \$7,500 and \$15,965 for elected members and \$7,500 and \$24,720 for the Shire President. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with updated band levels for fees, allowances and expenses effective from 1 July 2015. In this determination Council has been placed into Band 3.

8. Shire Presidents Allowance

As set out in section 5.98(5)(a) of the Local Government Act 1995, the Shire President is entitled, in addition to the Members Attendance Fee an annual allowance. The minimum/maximum allowance for the Shire President is \$1,000 and \$36,050. The current level set by Council is \$10,000. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with updated band levels for fees, allowances and expenses effective from 1 July 2015. In this determination Council has been placed into Band 3.

9. Deputy Shire Presidents Allowance

The Local Government Act 5.98A(1) and Regulations provide that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire Presidents allowance.

10. Annual Telecommunications, IT Allowance and Travel Allowance

The Local Government Act 5.99A provides for an Information Technology and Telecommunication allowance, to be determined by the Salaries and Wages Tribunal, the minimum/maximum allowance for Telecommunications and Information Technology is \$500 and \$3,500. Whilst Council members have not claimed for such expenses in the past, it is suggested that an allocation be made in the budget for the provision of associated communication costs for the portable electronic devices.

11. Budget Review Variance

As per AASB1031 and Local Government (Financial Management) Regulations 1996, Regulation 34 requires that a material variance percentage and/or dollar figure be adopted by Council to be used during the budget review process and financial reporting.

12. Schedule of Fees and Charges

The Local Government Act 6.2 (4)(c) provides that the annual budget is to incorporate the fees and charges proposed to be imposed by Council.

Stakeholder Engagement:

The 2015/16 Draft Budget was advertised for public comment in the Geraldton Guardian on 26 June 2015 and the Local Rag on 1 July 2015 with submissions closing on 20 July 2015. Notices were also placed on the Council's Facebook page and electronic sign. No submissions were received.

Councillors and staff have been actively engaged throughout the budget process from adopting the differential rates at the May Council Meeting and in depth discussions at the June and July Forums.

Financial/Resource Implications:

The 2015/16 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2015 to 30 June 2016.

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:

There may be a high financial risk to available cashflow requirements for ongoing Council operations, adopting the budget will enable issue of rates notices and commence revenue flows therefore minimising the risk.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC04 – 07/15

Subject: Anzac Centenary Trees of Remembrance and 2D Sculptures
Reporting Officer: Manager Community Services
File Reference: CS.SP.23
Voting Requirements: Simple Majority

Report Purpose:

To present to Council a proposal to plant a Tree of Remembrance and construct an additional memorial of 2D sculptures to commemorate the Centenary of Anzac.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 050715:

MOVED: Cr West

SECONDED: Cr Leonard

That Council:

- 1. Approves the Trees of Remembrance Project and the proposed location for the planting to be located on Point Leander Drive and along Ridley Street in accordance with the map provided under separate cover in the Attachments Booklet – July 2015.**
- 2. Approves the construction of the additional 2D Metal Life Sculptures to be installed on Ocean Drive further south of the boardwalk from the end of the Estuary Car Park on the dunes provided under separate cover in the Attachments Booklet – July 2015.**

VOTING DETAILS:

CARRIED 6/0

Attachment:

[Submissions Trees of Remembrance – July 2015](#)
[Map of Proposed Location – Trees of Remembrance](#)
[Map of Proposed Location – 2D Sculptures](#)
[2D Metal Structures](#)

Background:

The Shire of Irwin is considering a proposal from the Dongara Returned Services League, to commemorate the Anzac Centenary by planting a Tree of Remembrance. The boardwalk on Ocean Drive was chosen due to low maintenance requirements and an existing water source.

However In consideration of the submissions received alternate locations have been discussed as possible sites for the project that will not affect the Irwin River Estuary. The alternate sites are listed below:

- Further south of the boardwalk along Ocean Drive commencing at the end of the estuary car park and finishing at the Richardson Road turnoff;
- Around the boundary of the Port Denison Oval – (this site was looked at previously as a possibility);
- Cemetery – (this site has also been looked at previously as a possibility)

In addition, a memorial consisting of a number of 2D metal life size structures which would replicate a range of different soldier outlines could be constructed to compliment the Trees of Remembrance. In using this style of memorial it is hoped that this would be a prominent piece of art as well as a significant sign of respect for all those that have fought for Australia over many years. The proposed location for the additional 2D Sculptures to be constructed is on Ocean Drive further south of the boardwalk from the end of the Estuary car park on the dunes.

In creating the structures out of metal it is envisaged that the memorial will be able to withstand acts of vandalism as well as having low long-term associated costs.

Norfolk Pines are the preferred plant species as they are recognised as a memorial tree and due to their ability to handle the coastal environment and low maintenance requirements were considered the best option for this project.

A working group has met on several occasions to look at the proposed locations for these projects. Listed below are the locations that have been reviewed:

Location	Pros	Cons
Boardwalk – Ocean Drive	This site was chosen due to low maintenance requirements (existing water source - trees would not need regular ongoing watering program and it would reduce mowing) and it is a visible area.	Concerns were raised over blocking the views to the Estuary. It was mentioned that it might be possible to plant the trees on the other side opposite the boardwalk. This could be a safety concern, when pedestrians are viewing the plaques.
Ridley Street		The original proposed site was Ridley Street however this was excluded due to the power lines overhead on one side and underground service lines on the other.
Point Leander Drive		Point Leander Drive was also considered but had similar issues.
Blenheim Road		This site was excluded due to the power lines and it was considered to be too far out of town. It would also require more time spent watering and possible reticulation in the future. Other issues noted where safety concerns when pedestrians are viewing the plaques.
Cemetery – North Shore	Potential for planting along the eastern boundary road (Dodd Street), traffic sight lines may be a constraint. Potential for planting along the internal road reserve and inside the southern boundary.	There are restrictions due to sewer line and overhead power lines along the northern boundary. Water line along the southern boundary. Internal road reserve and inside the southern boundary existing trees would need to be pulled out and there's a need to be careful over location of burial sites.
Waldeck Street		This site has too many services, power and water and is not the required length

		for the amount of trees.
The RV Overnight Parking – from Waldeck Street through to the Highway.	<p>Could consider locating the trees on the north side of the Town Oval.</p> <p>There are no power lines and a grove of trees here could enhance the park and contribute to the amenity of the RV area.</p>	<p>This area isn't the required length for the amount of trees. There are also a lot of other trees planted there as well that would need to be removed. They would also require reticulation.</p> <p>An avenue of trees located next to a Dump Site would be considered as a disadvantage.</p>
Port Denison Oval	<p>This is quite a good location there is plenty of room to plant from the start of Ridley Street all the way around the oval or you could just plant around the oval itself.</p> <p>There is access to water available if required and minimal underground services.</p>	<p>This location is also considered to be out of the way.</p>
Brady Road		<p>The front boundary of the Kailis Land on Brady Road extends to the edge of the road and there is not enough space between the Kailis land and the road reserve to plant the trees.</p>
Ocean Road further South of the Estuary Car Park till the Richardson Road street sign.	<p>Potential for planting along the site to beautify the area would not affect the Estuary</p>	<p>Could be considered too close to the Estuary and concerns may be raised around impacting on the view.</p>
Point Leander Drive, Ridley Street and then towards the Port Denison Oval.	<p>This site is being considered due to an existing water source, low maintenance requirements (as this area is already maintained) and it is a visible area and it meets the required length.</p>	<p>Planting on Ridley St would need to be done next to the Footpath near the Drive in fence as there are services located on inside of the Drive in.</p>

Officer's Comment:

The proposed Trees of Remembrance and the 2D Sculptures is an opportunity for the community of Irwin to show its respect and to honour the Anzac Centenary and the sacrifice made by those that did not return.

The Norfolk Island Pine is suited to coastal conditions, tolerates salty ocean spray and maintains a straight growth habit despite prevailing winds. The Norfolk Island Pine is an integral part of beachfront landscapes along the West Australian coastline.

Pines have been planted as a memorial to the Australian and New Zealand soldiers who fought in Gallipoli and are recognised as a memorial tree. The original Lone Pine stood on a high ridge above Gallipoli, Turkey and became a landmark for the troops fighting in the battle at Gallipoli during the First World War.

It was eventually destroyed but a soldier collected and sent home a pine cone from the tree. Seeds from the cone were germinated and eventually a young tree from those seeds was planted at the Shrine of Remembrance.

Council provided the community with an opportunity to comment on this project and submissions closed on Monday 8 June 2015 after a period of 21 days. In total Council received 31 submissions from the community. In summarising the submissions received overall there was strong community support for the proposed project but objections to the suggested location.

Some concerns raised were that the trees would block the views to the estuary and that they could impact on the native wildlife that inhabits the estuary.

In consideration of the submissions received alternate locations have been looked at for this project that will not affect the Irwin River Estuary. The most suitable site is Point Leander Drive commencing opposite the Catholic Church, across the reserve in front of the Drive in curving around to Ridley Street along the footpath leading up to the Irwin Recreation Centre and then around towards the oval along the northern boundary of the Drive In.

The trees will be centrally located between the road and footpath along Ridley Street to incorporate the existing Norfolk Pines and will be spaced approximately 12 meters apart. The trees along Point Leander Drive will be set back 10 metres from the road due the location of services and reserve that has been allocated for road widening.

This location will require the removal of existing trees which are two olive trees, one Melaleuca and the relocation of one fig tree.

This site considered meets the length requirements for the required planting and will not impact on the view or the environment and will beautify this area.

This option will allow people to safely negotiate the footpath while reading the plaques at the base of the trees.

This location would allow for a continuation of future planting around the oval that could lead into a possible Memorial Walk to link in with the proposed location of the additional 2D Sculptures to be located on Ocean Drive to the south of the Estuary car park.

Stakeholder Engagement:

This item was discussed at the Council Forum held on Tuesday 10 March 2015 and it was advertised for public comment for a period of 21 days, closing on Monday 8 June. It was discussed at the Council Forum held on Tuesday 14 July 2015.

The working group have met on several occasions to discuss the various locations around the proposed Trees of Remembrance and the 2D Sculptures.

Comments were received after the submissions closed from Mic Payne from the Northern Agricultural Council (NACC), voicing his opposition to the planting of the pines at the Estuary. The opposition was in regards to the type of plant and if the planting was to go ahead in this location that a native species be used.

Financial/Resource Implications:

There is an allocation in the 2015/16 Budget of \$5,000 which will fund approximately 50% of the proposed cost. The estimated cost for the 2D memorial indicates that 15 Soldiers would cost \$9,000 and concrete footing an additional \$1400. Some funding will be sourced through the Dongara Returned Services League and any remaining through the Lotterywest Centenary funding.

After the project is completed, the Shire will remain responsible for the upkeep and maintenance of the area including the figurines.

The revised location is an area that is currently maintained by the Shire of Irwin Parks and Gardens crew and there is access to water to meet the watering requirements over the summer and winter months until these plants are established.

Extra operational resources however will be required for the relocation and removal of the trees from this site.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

There is a potential financial and reputational risk but the risk implications are low and the benefits from word of mouth feedback and recognition of the project would outweigh these risks.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 1.2.7 Recognise places of heritage value in the 'Tourism Development and Promotion Plan' including cultural and built heritage

Strategy 3.1.1 Continue to Monitor Community Infrastructure Needs and Infrastructure Utilisation

Strategy 3.6.3 Investigate the feasibility of an Arts and Cultural Centre

CORPORATE AND COMMUNITY

CC05 – 07/15

Subject: Cliff Head – Upgrade/Maintain Coastal Camping
Reporting Officer: Manager Library and Tourism Services
File Reference: LP.PL.1/A7237/GS.PR.15
Voting Requirements: Simple Majority

Report Purpose:

To seek Council's approval to continue to support the Blueprint funding application for a further \$255,000 to improve the camping facility at Cliff Head which will bring it up to the amount recommended in the Mid West Tourism Strategy for a completed project.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 060715:

MOVED: Cr Porteus

SECONDED: Cr Scott

That Council supports an application for joint Statewide Regional Blueprint Initiative funding for an additional \$255,000 excl GST for the Cliff Head camping eco development.

VOTING DETAILS:

CARRIED 6/0

Attachment:

[Mid West Tourism Strategy Coastal Node extract.](#)

Background:

The Shire of Irwin is the project leader on the Coastal Nodes project, one of the top strategies identified within the Mid West Tourism Development Strategy. Working with the Shire of Coorow, Dandaragan and Northampton the group has already received \$375,000 each site as part of the Caravan and Camping Action Plan (CCAP).

The working group with the assistance of Mid West Development Commission have now been shortlisted for the Statewide Regional Blueprint Initiative funding, one of only a few in the Mid West, for an additional \$255,000 per site (\$1.02M) to complete the project.

To date each site has staged its recommended development into two stages knowing there was only a limited budget. If successful for this funding the entire project can be completed in full at one time, including the stakeholder consultation.

The improvements to Cliff Head will allow Council to take some control of the already used Cliff Head Coastal Node. By installing parking for day tips, waterless composting toilets, improve access tracks, shaded communal benches, signage and rubbish collection solutions Council can have more control of its use and promote safety and care of the environment to the users.

The extra funds will allow the Shire of Irwin to also include Cliff Head North and area that joins Cliff Head with Cliff Head North. It will also allow each site to be able to afford infrastructure that will demonstrate leading practice in environmentally sustainable and responsible tourism.

Officer's Comment:

The Shire of Irwin as Project Manager will hold all the funding and distribute to the other Local Governments once they meet their milestones, as is being done for the CCAP. Resources will be used by the Manager of Tourism and Library Services assisting Mid West Development Commission to complete a business case, including an implementation strategy, communication plan, project management, governance and procurement strategy.

The Council will be provided with any additional operational costs for the future and approve concept designs at a future Council meeting.

Stakeholder Engagement:

The development of the coastal node at Cliff Head was canvassed as part of the Community Consultation process of the Shire of Irwin's Tourism Development Plan 2013-2018 strategy five 'Prioritise and source funding for tourism related product and infrastructure development' - Review of coastal camp sites.

The Mid West Development Commission included this project as part of the Mid West Tourism Development Strategy released in September 2014.

Only once if the group are successful for the funding application further stakeholder consultation will take place, which is expected at the end of October.

Financial/Resource Implications:

Designs were paid for from Royalties for Regions Community Chest Funds and the Shires Coastal Reserve. Stage one development has come from the State's Caravan and Camping Action Plan 2013-2018. A decision on the final funding is yet to be made if Council resolves to continue with the application.

Statutory Environment:

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997
State Planning Policy 2.6 State Coastal Planning Policy
Planning and Development Act 2005
Aboriginal Heritage Act 1972

Policy Implications:

Consistent with T2 Non-Commercial Camping

Risk Implications:

The existing control rating is effective and the consequence of developing the design plans is minor and the likelihood of this occurring often is rare.

Strategic Implications:

Strategic Community Plan 2012 – 2022 Strategies;
1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure.
1.3.2 Partner and work with local businesses, state government agencies and other regional tourism organisations.

Coastal Development Strategy 2000

Tourism Development Plan 2013-2018
5.8 Review of coastal camp sites within the Shire

PLANNING AND INFRASTRUCTURE

PI01 – 07/15

Subject: Shire of Irwin Tidy Towns Sustainable Committee
Reporting Officer: Manager Planning Services
File Reference: CR.AW.2
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council consideration to appoint Mrs Mary Yewers as a community member to the Shire of Irwin Tidy Towns Sustainable Committee.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 070715:

MOVED: Cr Scott

SECONDED: Cr Leonard

That Council appoints Mrs Mary Yewers as a community member of the Shire of Irwin Tidy Towns Sustainable Committee.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

Background:

Council appointed Council and staff delegates to the Committee at a Special Meeting in November 2013. This additional member has been recommended by a decision of the Committee and is presented for Council to appoint.

The primary role of the Tidy Towns Sustainable Committee is the development of activities and targeted campaigns in order to educate different sectors of the community in litter prevention and environmental protection, conservation and sustainability. The Tidy Towns Sustainable Committee aims to change behaviors through the development of programs, providing education to promote interest, pride and a sense of ownership.

The functions and responsibilities of the Tidy Towns Sustainable Committee are to:

- Advise Council on recommendations for Council Expenditure prior to the annual budget cycle;
- Facilitate programs and activities to foster knowledge of:
 - Sustainable gardening principles;
 - Eco-systems and biodiversity;
 - Environmental Conservation and Sustainability.
- Develop and promote interest, pride and a sense of ownership;
- Seek partnerships to develop new activities and programs;
- Evaluate activities and programs at their completion and make recommendations to Council if required.

Officer's Comment:

After Councillor Kevin Hepworth and Community Member Jenny Stubbs left the Tidy Towns Sustainable Committee, Mrs Yewers expressed an interest in joining the Committee as a community member, as she is committed to Tidy Towns and regularly involved in collecting rubbish and other Committee activities. The appointment of the new member will enable the Shire to continue to keep the community involved and informed, and will assist the Committee to fulfil its role, functions and responsibilities.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council agreeing to appoint a new Committee member is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 2.2.1– Continue to partner with State Government and other funding providers, to support coastal protection works;

Strategy 2.2.2– Review, regulate and monitor access to our natural assets;

Strategy 2.2.3 – Support environmental community organisations and initiatives that promote coastal protection, foreshore and river reserve management, such as Northern Agricultural Catchment Council;

Strategy 2.5.3 – Support the Tidy Towns Sustainable Committee.

PLANNING AND INFRASTRUCTURE

PI02 – 07/15

Subject: Local Planning Policy for Developer Contributions for Roads & Footpaths
Reporting Officer: Manager Planning Services
File Reference: LP.PL
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider advertising a Local Planning Policy (LPP)

COUNCIL MOTION: 080715

MOVED: Cr West

SECONDED: Cr Leonard

That Council resolves that item PI02-0715 Local Planning Policy for Developer Contributions for Roads and Footpaths lay on the table for a future Council Meeting to obtain further information.

VOTING DETAILS:

CARRIED 6/0

OFFICER'S RECOMMENDATION:

That Council, pursuant to Clause 2.4 of the Shire of Irwin Local Planning Scheme No.5, resolves to advertise the draft Local Planning Policy: Developer contributions for Roads & Footpaths, as presented in the Attachments Booklet July 2015 provided under separate cover.

Attachment:

[Attachment A - Council Policy P3 Roadworks Contribution](#)

[Attachment B - Draft LPP: Developer Contributions for Roads & Footpaths](#)

[Attachment C- Proposed Developer Contribution Rates for 2015-16](#)

Background:

Council Policy P3 Roadwork's Contribution (Attachment A) has not been amended since 1998. The Shire's Development Control Unit reviewed this policy and consider it is not specific enough to provide consistent contemporary planning guidance, and will not ensure that developers pay an adequate share of the whole-of-life costs associated with roads and footpaths. Therefore, a draft LPP has been developed in order to replace P3 with an updated policy position.

Officer's Comment:

The draft LPP has been developed from a review of contemporary local planning policies, and policy operates in the same way as policies adopted by the Shire's of York and Toodyay. It includes provisions that more clearly specify the requirements for developer contributions, and is based on the Shire of Irwin's own costing methodology. The proposed contribution rates for the year 2015-16 are at Attachment C.

The purpose of the Draft LPP is to provide a method for seeking contributions for the upgrading of the Shire's road and footpath network, as a result of the subdivision and development proposals. The objectives of the policy are:

1. to ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
2. to provide clear and consistent advice on the local government's expectations for road and footpath upgrading.

If Council agrees to advertise the policy, a newspaper advertisement will be placed seeking public comment and referrals will be sent to various state agencies, including the Western Australian Planning Commission. Feedback received during the advertising period will be considered before finalising the policy for Council's consideration to adopt.

Stakeholder Engagement:

The draft policy has the support of the Shire's Development Control Unit. As part of the advertising procedure, the policy will also be referred to relevant government agencies.

Financial/Resource Implications:

The advertising costs are provided for within the Planning Services budget.

Statutory Environment:

Shire of Irwin Local Planning Scheme No.5. Clause 2.4.1 states:

If a local government resolves to prepare a Local Planning Policy, the local government

- a) is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of –*
 - i) where the draft Policy may be inspected;*
 - ii) the subject and nature of the draft Policy; and*
 - iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
- b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*

Policy Implications:

The proposed policy will provide clear and consistent advice for road and footpath upgrading.

Risk Implications:

The likelihood of risk arising from Council advertising the draft policy is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI03 – 07/05

Subject: Shacks on Reserve 43078
Reporting Officer: Manager Planning Services
File Reference: A7237
Voting Requirements: Simple Majority

Report Purpose:

To determine Council's position regarding shacks on Reserve 43078, and to advise the Department of Lands accordingly.

COUNCIL MOTION: 090715

MOVED: Cr West

SECONDED: Cr Smith

That Council resolves that item PI03-0715 Shacks on Reserve 43078 lay on the table for a future Council Meeting in order for staff to investigate alternative options for Council consideration.

VOTING DETAILS:

CARRIED 6/0

OFFICER'S RECOMMENDATION:

That, with regard to Reserve 43078, Council resolves to:

1. advise the current payees of shack fees to remove their shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the payees;
2. advise occupiers of all other standing shacks to remove those shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the occupiers;
3. remove all dilapidated shacks;
4. review the Coastal Development Strategy and lease issues, after 30 June 2016, once all shacks have been removed; and
5. advise the Department of Lands of the course of action outlined in points 1 to 4 above.

Attachment:

[Attachment A –Management Order](#)

Attachment B – List of 2014-15 shack fee payees (confidential item)

Background:

Reserve 43708 was vested in the Shire in 1994 for the purpose of Parkland, Recreation and the letting of cottages existing thereon 14 February 2014. Part 1 (ii) of Vesting Order requires the Shire to ensure the early removal of structures for which a lease is not accorded by 31 December 1994, and in any case ensure clearing of all structures and rehabilitation of the affected area by 31 December 2000.

The conditions of the reserve's Management Order state:

- (i) To be utilised for the designated purpose of "Parkland, Recreation and the letting of Cottages thereon on 14/02/1994"; and
- (ii) Power to lease for the designated purpose is granted for the whole or any portion thereof up until the 30th June 2015 subject to approval of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of Section 19 of the Land Administration Act 1997.

With regard to the future of leases after 30 June 2015, the Department of Lands has requested that it would like the Shire to confirm that:

1. all structures not subject to a licensed fishermen's lease have been removed;
2. all other shack structures have been removed, and if not – the expected date of removal;
3. no new cottages/shacks have been built since 1994; and
4. Shires plans for R43708.

Following adoption of the Shire of Irwin Coastal Development Strategy (2000) most squatter's shacks were removed from R43078. Council allowed existing occupied cottages associated with approved fishing licences to remain. The Shire has not issued planning or building approval for any new cottages since the date of making the Order.

Council has not agreed to leases for any cottages on R43078 since the original shack leases expired in 2000. However, the Shire has been collecting annual fees from parties occupying fishermen's cottages associated with fishing licences. On 15 June 2015, the Department of Fisheries confirmed that 12 out of 18 of the 2014 annual fee payers have commercial fishing licences (see attachment B). Four parties may have licences under different names, and 2 parties do not have licences.

The Coastal Development Strategy recommends the development of separate tourist and fishermen's areas within the existing coastal nodes on this reserve. To date, these recommendations have not been implemented. The Shire has received funding for enhancing the tourist areas at Cliff Head. The enhancements incorporate access improvements and new ablution blocks.

As part of the Coastal Hazard Risk Assessment and Management Plan (CHRMAP), the Shire is currently investigating the potential impacts of coastal erosion and inundation along the whole of the coastline, including R43078. This project is expected to be completed by July 2016, at which time the level of risk associated with each node should be better understood.

The Shire has recently completed an audit of all the shacks on R43708. The Shire has been receiving fees for their use of the reserve. The Shire's Manager Community Safety advises that the audit was carried out observing the external appearance only, a thorough structural assessment was not undertaken, as the shacks are privately owned. Most shacks were built between 30 – 40 years ago and are nearing the end of their useful life, particularly taking into consideration the proximity to the ocean.

There is a high risk (likelihood – possible, consequence – major) that members of the public could get injured if a shack breaks up during a storm event, particularly since camping is encouraged at the coastal nodes. It is therefore recommended that the shacks be removed, unless the shack owner/user can provide the Shire with certification signed by a structural engineer asserting that the building is in sound conditions and unlikely to be subject to coastal erosion leading to a collapse of the building.

The audit indicates that there are 31 shacks:

- 14 shacks appear to be regularly occupied; and
- 17 shacks have been left unattended and are not occupied or are dilapidated;

There are 17 payees who have been paying for 28 shacks. This year:

- 2 payees have changed addresses and have not paid for three shacks. Given this, the Shire has placed notices on the shacks, advising the payees to pay or remove the shacks, failure of which will result in the Shire removing the shacks at the expense of the payees;
- 2 shacks at Freshwater Point have been removed, after being advised to do so by the Shire, as both were under threat of the receding coastline; and
- the Shire has placed a notice on this shack to advise that it is unfit for human habitation, after it appeared that someone was preparing it for occupation.

As the fishing industry operating from this reserve appears to have declined significantly, those shacks that are currently being occupied are most likely being used for recreational purposes. It is not certain that these shacks are being used by the original owners.

Officer's Comment:

While the Department of Fisheries records indicate that 12 (possibly more) out of 18 shack payees have commercial fishing licences, it should be noted that shack leases have never issued the original shack owners or to the current occupiers. Therefore, there are no rights to occupy or maintain the shacks on the reserve, whether for fishing purposes or recreation.

The Department of Lands request indicates that all shacks are to be removed from R43708, prior to consideration of future leases. Given the poor condition of the shacks, the risk to public safety and the Shire's potential liability, the Shire intends to seek removal of the shacks as soon as possible. If the shack payees determine not to remove them, the Shire would remove the shacks at their cost.

It is recommended that the shack payee's be advised to remove their shacks by 30 June 2016. In the meantime, the Shire can begin removing of the other unauthorised and dilapidated shacks.

After 30 June 2016 and once all shacks have been removed from the reserve and the CHRMAP has been completed, the Shire can review the Coastal Development Strategy and consider the lease issues.

If Council agrees this course of action, the Department of Lands can be advised accordingly.

Stakeholder Engagement:

The Department of Fisheries were sent the list of shack payees, and identified those that are holding or may be holding commercial fishing licences.

Financial/Resource Implications:

Removal of the dilapidated and unauthorised shacks will incur costs that should be included in the 2016-17 Budget. The Shire will seek to recoup the costs incurred.

Statutory Environment:

Local Government Act 1995.
Land Administration Act 1997.

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council agreeing to remove shacks for which no leases have been issued is expected to be rare. However, the consequences of unhappy shack payees could be significant. Therefore the risk is medium.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.3.2 Continue to maintain Shire Reserves

PLANNING AND INFRASTRUCTURE

PI04 – 07/15

Subject: Local Planning Policy: Extractive Industries
Reporting Officer: Manager Planning Services
File Reference: LP.PL
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider advertising a draft Local Planning Policy (LPP) for Extractive Industries.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 100715:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council, pursuant to Clause 2.4 of the Shire of Irwin Local Planning Scheme No.5, resolves to advertise the draft Local Planning Policy: Extractive Industries, as presented in the Attachments Booklet July 2015 provided under separate cover.

VOTING DETAILS:

CARRIED 6/0

Attachment:

[Draft Local Planning Policy: Extractive Industries](#)

Background:

Currently, Extractive Industry proposals require both Planning Approval and an Extractive Industry licence. This involves a dual application process. The Shire’s Planning Services considers this to be onerous and intend to cut red tape by implementing a local planning policy (to guide the assessment of planning applications), which will then enable the repealing of the local law.

Officer’s Comment:

Following a discussions with another local government (Busselton), Planning Services can confirm that it is acceptable to replace the Extractive Industries local law with a Local Planning Policy.

The purpose of the policy is to provide a framework for the assessment of proposed Extractive Industries. The objectives of the policy are:

1. To detail the specific requirements for assessing Extractive Industry proposals in the General Farming and Rural Smallholding zones.
2. To set out matters to be taken into account when assessing Extractive Industry proposals.
3. To ensure Extractive Industry proposals occur with minimal detriment to the environment, public safety, local amenity or the character and setting of the local area.

Stakeholder Engagement:

The draft policy has the support of the Shire’s Development Control Unit. As part of the advertising procedure, the policy will also be referred to relevant government agencies..

Financial/Resource Implications:

The advertising costs are provided for within the Planning Services budget.

Statutory Environment:

Shire of Irwin Local Planning Scheme No.5. Clause 2.4.1 states:

If a local government resolves to prepare a Local Planning Policy, the local government

-
- c) *is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of –*

- i) where the draft Policy may be inspected;*
- ii) the subject and nature of the draft Policy; and*
- iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
- d) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*

Policy Implications:

The proposed policy will provide clear and consistent advice for Extractive Industries proposals.

Risk Implications:

The likelihood of risk arising from Council advertising the draft policy is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI05 – 07/15

Subject: Proposed Advertising Sign for Mitre 10
Reporting Officer: Manager Planning Services
File Reference: A4021 / P601
Voting Requirements: Simple Majority

Report Purpose:

To consider a planning application for a proposed advertising sign for Mitre 10.

COUNCIL MOTION 110715

MOVED: Cr Porteus

SECONDED: Cr Leonard

That Council suspends Standing Orders at 4:31pm.

VOTING DETAILS:

CARRIED 6/0

COUNCIL MOTION 120715

MOVED: Cr Leonard

SECONDED: Cr West

That Council reconvenes under Standing Orders at 4:42pm.

VOTING DETAILS:

CARRIED 6/0

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 130715:

MOVED: Cr Leonard

SECONDED: Cr West

That Council resolves to refuse the planning application for an advertising sign at no. 30377 Brand Highway, Dongara for the following reasons:

- 1. the proposed sign conflicts with provision 4.1 b) of the Shire of Irwin's Local Planning Policy: Advertising Signs, which states that signs shall not be approved on a property that does not relate to the sign; and**
- 2. the proposed advertising sign would add to a significant number of roadside signs and visual clutter within the locale, would increase the likelihood of driver distraction and increase the risk of threat to road safety, and;**
- 3. Encourages the proponent to liaise with the Shire in regards to applying for a blue directional sign to be installed on a local road.**

VOTING DETAILS:

CARRIED 6/0

Note: Point 3 was added to assist the proponent in meeting their desire to promote his business whilst remaining consistent with Council Policy.

Attachment:

[Attachment A – Planning application](#)

[Attachment B – Letter of support](#)

Background:

A local business, trading as Mitre 10, has submitted a planning application for an advertising sign at no. 30377 Brand Highway, Dongara which is located to the west of the BP service station (see Attachment A). A Letter of support for the application was also submitted by Shane Love MLA Member for Moore (see Attachment B).

The subject land contains a single house and a large area of scrub. The sign is to be located approximately 10m-15m west of the property's crossover, just west of the BP services station exit and east of the main entrance to Dongara on a stretch of the Brand Highway within the 70km/h zone. The proposed sign does not relate to the property on which it is to be located. Mitre 10 is located on Hunts Road, within the town centre.

There are a number of existing advertising signs in the vicinity, including the Mid West Chamber of Commerce and Industry (MWCCI) signage directory in the tourist information bay, the BP service station, and a nearby Kleenheat sign. In addition to these signs, there are a number of Main Roads directional signs near the information bay and the entrance to Dongara. Over the years, there have been several road accidents at the Dongara entrance.

The application details contain photographs of the sign (the sign was put up temporarily then removed by the applicants) and details of the signs dimensions. It is to have a height of 1.2m a width of 2.4m and a depth of 50mm.

In May 2015 Council adopted a Local Planning Policy (LPP) for Advertising Signs. The policy was developed to provide planning guidance for signs that are not exempt from planning approval, as there is no such guidance within the scheme. The LPP has also been developed to replace the Local Law for Signs, Hoardings and Bill Posting.

Officer's Comment:

Under Local Planning Scheme No. 5 and the LPP, the proposed sign is not exempt from planning approval. Therefore, approval is required.

Under clause 4.1 b) of the LPP, a sign shall not be approved on a property which does not relate to the sign. With regards to the Brand Highway, the aim of this provision is to prevent visual clutter along the highway, to reduce driver distraction and mitigate the level of risk to road safety.

The applicants state that there is a Mitre 10 advert in the nearby MWCCI signage directory, and have indicated that they would like an additional sign as not everyone pulls into the tourist information bay. The following table outlines the applicants' reasons to support the proposal and provides Officer comments.

Applicants reasons	Comment
The Brand Highway is not a scenic drive where the proposed sign would be detrimental to the surrounding scenery, with many advertising boards already erected.	The proposed sign would add to the visual clutter along this stretch of the Brand Highway.
The sign not obstruct the view or site line for vehicles.	The proposed location is reasonably well set back from the road and the nearby BP service station exit, and would be unlikely to obstruct site lines.
The sign would not be on a dividing strip, roundabout or island , and would not be on the Council verge or overhang or encroach any reserve.	Consideration of sites other than the proposed site is not a material planning consideration.
The sign would be safe, nowhere near a building.	The frame would need to be frangible and the sign would need to be mounted securely to avoid it being flung into traffic during a storm event. While these requirements can be enforced by conditions of approval, there is a threat to road safety presented by approval of another sign in an

	area with an existing clutter of signs.
The sign would be a stable fixture	When signs can be approved, conditions of approval can normally ensure the stability of the signs.
The sign would not pose a threat to public safety or health.	The proposal would add to a significant number of roadside signs and visual clutter within the locale and would increase the likelihood of driver distraction and increase the risk of threat to road safety.

Provision 4.1 b) does not allow approval of the application. Furthermore, the proposed sign would add to a significant number of roadside signs and visual clutter within the locale, would increase the likelihood of driver distraction and increase the risk of threat to road safety. This is a view that is supported by Main Roads WA (see the Stakeholder Engagement section below). Under these circumstances, the application should be refused.

With regard to the letter of support, the main points raised within it and Officer comments are provided in the following table:

Main points	Comment
Considers that this section of the Brand Highway to be a commercial thoroughfare and not a scenic road.	This section of highway is a Main Road over which Main Roads WA has jurisdiction. The proposal would add to a significant number of roadside signs and visual clutter within the locale and would increase the likelihood of driver distraction and increase the risk of threat to road safety. Both the Shire and Main Roads WA hold this view.
If the sign is not approved, the business will be adversely affected.	As there is no such sign existing at present, if the application is refused the status quo of the business would likely be maintained.

While it is regrettable that Officers must recommend refusal of this application, it is worth noting that there are alternative methods for advertising, including:

- blue directional signs, which may be approved on application to the Shire’s Manager Works;
- opportunities to advertise on the internet – including advertising on the Dongara-Port Denison website (<http://dongara.scoop.com.au/>);
- opportunities to advertise through the MWCCI.

The Shire is also developing a strategy for directional signs, which will likely involve Shire billboards on the highway, the tourism bay beside the BP service station, an entry statement at Kailis Drive and a more coordinated approach for the directional signs within the Dongara and Port Denison areas. This strategy will be aimed at supporting tourism and local businesses.

Stakeholder Engagement:

The application was referred to the Shire’s Development Control Unit. The Manager Works indicates that no more signage should be allowed in this general area, as there are already a lot of directional signs, and adding more is only going to cause congestion and confuse vehicle traffic. The proposal would be a safety risk being so close to the Dongara turn-off, where there have already been several accidents. The Manager Community Safety indicates that the frame needs to be frangible and the sign securely mounted.

The application was also referred to Main Roads WA. They do not support advertising signs located within 2 kilometres of an information bay located on the same route, which provides for the display of business advertising. They also indicate that excessive advertising devices on the network can cause driver distraction, create visual pollution and jeopardize the effectiveness of traffic management devices. Main Roads promotes the use of Information bays for local business advertising.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Planning Scheme No. 5.
Planning and Development Act 2005.

Policy Implications:

Local Planning Policy: Advertising Signs

Risk Implications:

The proposal would add to a significant number of roadside signs and visual clutter within the locale. This would increase the likelihood of driver distraction and increase the risk of threat to road safety. The likelihood of a traffic accident happening as a result of approving the proposed sign is considered unlikely (perhaps one accident in 10 years), but the consequence could be catastrophic (e.g. death), therefore the risk is high (10).

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

PLANNING AND INFRASTRUCTURE

PI06 – 07/15

Subject: Proposed Supermarket
Reporting Officer: Manager Planning Services
File Reference: LP.PL / P593
Applicant: KPA Architects
Voting Requirements: Simple Majority

Report Purpose:

To consider an application for the proposed demolition of three Single Houses and associated outbuildings/structures and the development and use of a Supermarket, Liquor Store, Cafe and Car park.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 140715:

MOVED: Cr West

SECONDED: Cr Smith

That Council resolves to approve the application for the demolition of three Single Houses and associated outbuildings/structures and the development and use of a Supermarket, Liquor Store, Cafe and Car Park at numbers 15, 15a and 19 Moreton Terrace, Dongara and numbers 14 and 16 Smith Street, Dongara, as presented in the Attachment Booklet – July 2015 under separate cover subject to the following conditions and advice notes:

Conditions:

- 1. The approved development shall be in accordance with the attached stamped approved plans.**
- 2. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved by the Shire of Irwin (Planning Services). The management plan shall detail how it is proposed to manage:**
 - a. details of times and dates for all works to be carried out for the approved development;**
 - b. all forward works for the site;**
 - c. the delivery of materials and equipment to the site;**
 - d. the storage of materials and equipment on the site;**
 - e. the parking arrangements for the contractors and subcontractors;**
 - f. the management of sand and dust during the construction process;**
 - g. the management of noise during the construction process; and**
 - h. other matters likely to impact on the surrounding properties.**
- 3. Prior to the commencement of the approved development, a soil stabilisation, erosion and dust, sand drift and/or wind borne material control plan shall be submitted to and approved by the Shire of Irwin (Environmental Health Services). The plan so approved shall be implemented for the duration of the site works and subsequent building construction activities on the site are to occur in accordance with the approved plan. Any soils disturbed or deposited on the site are to be stabilised and retained on site.**
- 4. Prior to the commencement of the development, an Urban Water Management Plan shall be submitted to the Shire of Irwin for approval. The plan must be in accordance with the Shire of Irwin's Local Planning Policy for Water Sensitive Urban Design and must minimise peak stormwater flows, and wherever possible ensure the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event is detained and treated on site.**
- 5. Prior to the commencement of the development, the proposed, bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993 as amended).**
- 6. Prior to the commencement of the development, a detailed landscaping plan shall be submitted to the Shire of Irwin for approval. The landscaping plan are to indicate the**

- proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- a. be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
 - b. provide all details relating to paving, treatment of verges and tree planting in the car park;**
 - c. show spot levels and/or contours of the site;**
 - d. be based on water sensitive urban design principles to the satisfaction**
 - e. of the Shire of Irwin;**
 - f. be based on Designing out Crime principles to the satisfaction of the Shire of Irwin; and**
 - g. show all irrigation design details.**
- 7. Prior to the commencement of the development, a full schedule of colours and materials for all exterior parts to the building is to be submitted to and approved by the Shire of Irwin. Thereafter, the development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the Shire.**
 - 8. Prior to the commencement of the development a demolition plan, showing those buildings/structures shall be submitted to and approved by the Shire of Irwin. Thereafter, the buildings/structure must be removed must from the subject site prior to any occupation of the approved development (see Advice Note 3)**
 - 9. Prior to the demolition of buildings/structures on number's 15 and 15a Moreton Terrace, Dongara, a completed Archive Record Form for these properties shall be submitted to and approved by the Shire of Irwin and Irwin District Historical Society.**
 - 10. Prior to the occupation of the development, a refuse management for the development shall be submitted to and approved by the Shire of Irwin (see Advice Note 5).**
 - 11. Prior to the occupation of the development, the car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002). These bays are to be thereafter maintained to the satisfaction of the Shire of Irwin.**
 - 12. Prior to the occupation of the development, all relevant storage areas shall be enclosed and lockable.**
 - 13. Prior to the occupation of the approved development, numbers 15, 15a and 19 Moreton Terrace, Dongara and numbers 14 and 16 Smith Street, Dongara, are to be amalgamated, with evidence being provided from Landgate that a new title has been issued (see Advice Note 11).**
 - 14. Any proposed external building plant, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the Shire of Irwin prior to the commencement of development.**
 - 15. The vehicle crossovers shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Irwin and thereafter maintained (Manager Works) – refer attached vehicle crossover application form.**
 - 16. The driveway/accessway and parking areas shall be constructed, sealed (concrete, asphalt or brick pavers), and thereafter maintained to the satisfaction of the Shire of Irwin.**
 - 17. The approved development shall be connected to a reticulated water supply provided by a licensed water provider.**
 - 18. The approved development shall be connected to the reticulated sewer network.**

19. All external walls of the proposed buildings, including retaining walls shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the Shire of Irwin.
20. All development shall be contained within the property boundaries.
21. Landscaping and reticulation shall be established in accordance with the approved landscaping plan, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Shire of Irwin.
22. The hours of operation for the approved land uses shall be as follows:

	Monday to Friday	Saturday	Sunday
Supermarket	07:00 to 18:00	07:00 to 18:00	08:00 to 13:00
Liquor Store	08:00 to 18:00	08:00 to 18:00	Closed
Cafe	07:00 to 16:30	07:00 to 16:30	07:00 to 14:00

Advice Notes:

1. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
2. A certified building application is to be submitted to the Shire and the relevant building permit obtained prior to commencing any building works. The proposed building will require approval from the Department of Fire and Emergency Services (DFES).
3. Prior to the removal of any buildings/structures, a Demolition Licence is required.
4. The design and specification of food premises to comply with the Food Act 2008 and the AS 4674-2004 Construction and fit out of food premises.
5. At Building Permit Stage, detailed plans of food preparation / kitchen / storage / toilets are to be submitted to the Shire of Irwin’s Health Services, including details of waste storage, which must comply with the Food Act and Food Standards Code. Plans and specifications to be submitted to the Shire’s Environmental Health Officer and the DFES Commissioner at least 15 business days prior obtaining a Certificate of Design Compliance (CDC). Relevant approvals must be included in the CDC. A Food Business Notification form is required to be submitted to the Shire of Irwin’s Health Services.
6. Change rooms and ablutions must be on the same lot as individual food premises.
7. 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.
8. 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.
9. All work must comply with Worksafe Regulation 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines (contact Western Power on 13 10 87).
10. Telstra advise that there is telecoms infrastructure in proximity to the subject land and that the developer should contact Dial Before You Dig, prior to the commencement of the development.
11. The Water Corporation advise that the location of wastewater reticulation will need to be considered, and the proposed crossovers will need to consider the AC water mains during design and construction. When the lots are amalgamated, a 3m sewer easement must be centrally located over the main on the deposited plan. Connection enquiries should be sent to building.services@watercorporation.com.au.

VOTING DETAILS:

CARRIED 6/0

Note: Condition 2 of the Officer's recommendation, which read, "Prior to the commencement of the development, a cash in lieu contribution for the shortfall of 61 parking bays on site is to be paid to the Shire of Irwin. The value of the contribution must be determined by the Valuer General or a licensed valuer appointed by the Shire of Irwin. All costs associated with the valuation and execution shall be borne by the applicant/landowner and payable to the Shire of Irwin on demand" was removed as Council considered there to be sufficient car parking bays provided for within the Plan.

Attachment:

[Attachment A – Supermarket Proposal](#)

[Attachment B – Site Photo's](#)

[Attachment C – Technical Assessment](#)

Background:

The demolition of three Single Houses (including ancillary outbuildings) and the construction of a Supermarket, Cafe, Liquor Store and Car park is proposed on a site located halfway along Moreton Terrace. It incorporates three lots fronting Moreton Terrace and two lots fronting Smith Street. The lots are on flat land. No's 15 and 19 Moreton Terrace contain single houses, and there is an outbuilding on no. 15a. There is also a single house on no. 14 Smith Street. No. 16 Smith Street is vacant.

The details submitted with the application include a written statement, plans and elevations, a traffic impact assessment and an arborist's report (see Attachment A). Site photo's are at Attachment B.

Officer's Comment:

After considering the attached Technical Assessment (see Attachment C) and the feedback from stakeholders, the proposed land uses and development either comply or can be made to comply with Local Planning Scheme No. 5 and Council's policies via condition of approval. The State Heritage Office is satisfied that the heritage listed trees on the front boundary of the site would be protected, as per the submitted arborist's report. The most significant issues for Council to consider are the proposed variations to the parking requirements and the requirements for cash in lieu for parking.

Local Planning Scheme No. 5 requires a total of 132 parking spaces. The scheme also allows for variations to this requirement, after advertising of the proposal and where the local government considers this to be acceptable.

Seventy-one parking spaces are proposed, including 2 bays for people with disabilities. The proposed variation of 61 spaces is significant. The Shire's parking requirements for the 'Shop' use (1 per m²) were considered adequate when the scheme was adopted in 2008. However, Officers consider these requirements too stringent by today's standards. For example, Gingin's 2012 scheme requires 1 space per 20m² for the Shop use. The applicant's argument for on-site and adjacent reciprocal parking arrangements is considered valid. It should also be noted that within the next few years a public car park is likely to be developed at the former Shire Depot proposed on the edge of town. Taking all of the above matters into consideration the proposed parking variation is considered acceptable.

Under Clause 5.9 of LPS No. 5, it is recommended that Council seek cash in lieu for the 61 spaces. The cost of constructing a car parking space in the Town Centre is estimated to be \$4,877. Therefore, the estimated cost that would be sought would likely be around \$297,497. As the decision-maker Council may also consider the proposed wavering of the cash in lieu requirement. Council may also consider a compromise. For example, if the car parking variation is supported, then it may be reasonable to consider a cash in lieu requirement based on 1 space per 20m² for the Shop uses and 1 space per 3m² of public space for the cafe. This would mean that 77 spaces

would be required. As 71 spaces are to be provided, cash in lieu for 6 spaces could be sought, with an estimated cost of \$29,262.

If Council agrees to vary the cash in lieu requirement, Condition 2 above must be deleted or amended as appropriate.

Stakeholder Engagement:

The application was publicly advertised in the Mid West Times on 02 July 2015, allowing for a period of no less than 14 days for written comments to be submitted. The application was also advertised in the Local Rag. During the advertising period, three public submissions were received – all in support of the proposal.

The application was also referred to Western Power, the Water Corporation, the Department of Health and the State Heritage Office. While the Department of Health did not respond, there were no objections in principle from the other three agencies. Their recommended advice notes have been included in the above Officer recommendation.

There were no objections in principle from the Shire's Development Control Unit. Relevant conditions and advice notes have been included in the above Officer recommendation.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Planning Scheme No. 5.

Policy Implications:

Local Planning Policy for Water Sensitive Urban Design

Local Planning Policy for Advertising Signs

Council Policy P1 – Amalgamation of Lots

Risk Implications:

Following the assessment of the proposal including stakeholder feedback, the likelihood of risk arising from Council approving the supermarket, liquor store, cafe and car parking area is expected to be rare and the consequences would be minor. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

PLANNING AND INFRASTRUCTURE

PI07 – 07/15

Subject: Local Law Regulating the Keeping of Animals
Reporting Officer: Manager Community Safety
File Reference: LE.LO
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider the preparation of a Local Law Regulating the Keeping of Animals.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 150715:

MOVED: Cr Scott

SECONDED: Cr Porteus

That Council consent to the preparation of an Animals, Environment and Nuisance Local Law.

VOTING DETAILS:

CARRIED 6/0

Attachment:

[City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014.](#)

Background:

In response to public concerns and subsequent legal advice received that some canine breeds are not covered by the Dog Act 1976 Council resolved at the meeting held in October 2014:

COUNCIL DECISION 241014:

MOVED: Cr Hepworth

SECONDED: Cr Smith

That Council requests staff to:

- 1. research the feasibility of a local law regulating the keeping of wild animals for a report to be presented to a future meeting of Council; and**
- 2. develop measures to improve public safety by increasing and/or varying community safety patrols.**

VOTING DETAILS:

CARRIED 7/0

This report is an action item following on from the above Council resolution. Subsequent to research undertaken it became apparent that there are matters that are not covered by existing State legislation. It is therefore feasible to draft a local law that deals with these issues.

The community safety patrols have increased and are carried out at various times of day.

At a recent Northern Country Zone meeting Cr West requested that the Zone consider the following and was subsequently carried:

That the Northern Country Zone requests WALGA to lobby the State Government to have the Dog Act amended to define 'dog', particularly in respect to domestic dingoes including the ability for domestic dingoes to be classified as dangerous dogs.

Officer's Comment:

An amendment to the Dog Act could take quite a long time. It is therefore recommended that Council adopt a local law that deals with this issue as well as other potential nuisances.

It is envisaged that the proposed local law would cover a variety of animals that might cause an annoyance. It is recommended to draft a local law that is similar to the one that was gazetted by the Greater City of Geraldton last year (please refer to the attachment).

In effect it may be more economical and beneficial to adopt the Greater City of Geraldton's local law with any necessary additions and amendments to suit the Shire of Irwin's needs. For example Council could add a division that deals with domestic dingoes.

Any overlapping provisions can be taken out of existing local laws, such as the Health Local Law and the Activities on Thoroughfare Local Law.

Stakeholder Engagement:

Consultation was undertaken with Rangers and the Environmental Health Officer.

Financial/Resource Implications:

The drafting of a new local law is estimated to cost about \$4,000, including lawyer's fees, if the Joint Standing Committee accepts the local law. It may be more economical if Council adopts the City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 and formulate relevant amendments and additions.

Statutory Environment:

The new local law would be made under the Local Government Act 1995 rather than the Dog Act 1976.

Policy Implications:

Nil.

Risk Implications:

With a measure of consequence rating of 'moderate' if a local law is not gazetted and a likelihood rating of 'possible' that complaints relating to the keeping of animals will be received, the overall risk rating is considered to be 'moderate' if a Local Law regulating the keeping of animals is not adopted.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Objective 3 – A friendly, safe and engaged community enjoying a quality lifestyle.

OFFICE OF THE CEO

CEO1 – 07/15

Subject: Change of Council Meeting Date – August 2015
Reporting Officer: Coordinator Executive Services
File Reference: GV.CM
Voting Requirements: Simple Majority

Report Purpose:

To provide Council the option to change the August Ordinary Council Meeting date to accommodate attendance at the Mid West Economic and Resources Summit 2015 which is scheduled for the same date.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 160715:

MOVED: Cr Leonard

SECONDED: Cr Porteus

That Council reschedules its August Ordinary Council Meeting to Monday, 24 August 2015 at 4pm in the Ocean Room at the Irwin Recreation Centre and advertises within the district including the Dongara Denison Local Rag.

VOTING DETAILS:

CARRIED 6/0

Background:

At the July Council Forum, Councillors were briefed on the Mid West Economic and Resources Summit being held in Geraldton on 25 August 2015. There was a strong indication from Councillors and staff that it would be beneficial to have representatives attend the Summit based on positive feedback from attendance at last year's event however it does fall on the scheduled Council Meeting date for August 2015.

The Mid West Economic and Resources Summit 2015 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 continue with being a strong presence in the region, to develop and maintain 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.

Attendance at this event will also provide Councillors and staff with an opportunity to promote the Oil and Gas Expo Expo proposed for September 2015 that is being hosted by the Shire.

To enable Councillors and staff the opportunity to attend the Mid West Economic and Resources Summit on Tuesday, 25 August 2015, and the August Council Meeting it is proposed that the Ordinary Meeting scheduled for that same day be rescheduled to 24 August 2015.

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 14 July 2015.

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 and Resources 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 2012 – 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

OFFICE OF THE CEO

CEO2 – 07/15

Subject: Position on Oil and Gas Mining Activities
Reporting Officer: Coordinator Executive Services
File Reference: GV.CM
Voting Requirements: Simple Majority

Report Purpose:

To provide Council the opportunity to inform the community on its position in regards to onshore energy operations within the Shire.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 170715:

MOVED: Cr Leonard

SECONDED: Cr West

That Council resolves to;

- a) **Represent the interests of all electors, ratepayers and residents of the Shire of Irwin in regards to oil and gas mining activities, including unconventional hydraulic fracturing;**
- b) **Liaise with relevant state government agencies to clarify the Shire's statutory responsibilities for the consideration of oil and gas mining activities under the *Planning and Development Act 2005*; and,**
- c) **Host an Oil and Gas Expo (the Expo) that will provide the community with an opportunity to communicate with relevant government agencies, key industry groups and other local interest groups on their issues and views.**

VOTING DETAILS:

CARRIED 6/0

Background:

A number of neighbouring local governments have adopted policies in regards to oil and gas activities in their respective Shire's. It has been Council's position that because the Shire of Irwin does not have any jurisdiction in regards to the approvals process for mining activities that it would be unrealistic to have a formal position or policy on the matter.

State government agencies, with the Department of Mines and Petroleum (DMP) being the lead agency, have the power, expertise, resources and personnel to consider approvals, carry out assessments, check compliance and monitor mining activities and therefore relevant applications have been provided directly to them.

New advice was received from the Department of Planning on 26 June 2015 that relates to approvals for mining activities under the *Petroleum and Geothermal Energy Resources Act 1967* which indicates that such activities require planning approval. However, the matter is still being clarified and the Shire is awaiting further advice from the Department of Mines and Petroleum (DMP) and the Department of Planning (DoP).

Whilst oil and gas companies have been a presence within the Shire of Irwin for more than 50 years, planning applications have not historically been sought by the Shire for any development as it was understood that such mining activities were exempt.

Officer's Comment:

Council has been encouraged to take a stance in regards to oil and gas mining activities, including the process known as hydraulic fracturing, in light of this new advice, the upcoming Oil and Gas Expo and the strong interest shown from individuals and community groups.

A petition and a list of questions regarding oil and gas mining activities were submitted to Council at the 16 December Ordinary Council Meeting which suggested that the role and responsibilities of the Shire and other agencies on these matters were not clear and some members of the community were finding it difficult to obtain the relevant information.

The Shire is aware that there are many questions that community members have in regards to the impacts oil and gas mining activity may have on the environment, economy, tourism, local business and peoples livelihoods, and it is for this reason that the Council has taken a leadership role in coordinating an event that will see all stakeholder groups come together and be accessible to the general public. Council have developed the following key outcomes and objectives for the Expo;

- The purpose of the Expo is for government departments and key industry players to listen to the issues and views of the community about the oil and gas industry and provide relevant information based on fact, experience and evidence as appropriate.
- Representatives chosen to attend the Expo are key to its success – the event should involve people with a good understanding of their organisations operations/systems/policies etc but are capable of relating and communicating with the community.
- The expectation will be that each attendee will act with integrity, honesty and be respectful of all other attending organisations and individuals
- The Expo will provide an opportunity for community members to have access to all stakeholder groups in a safe and unthreatening environment, to assist them to better understand the who, what, where, when, how of the onshore oil and gas industry, including fracking.
- To improve community understanding of the processes around planning, operations, approvals and monitoring within the oil and gas mining industry
- The Shire and community have identified some key questions that each relevant group should be prepared to answer, such as;
 - What is fracking?
 - What are the risks, how are they controlled and who is assessing them?
 - What is the difference between coal seam and shale fracturing?
 - What is the difference between fracking in WA vs. other parts of the world where there is a perception of considerable environmental damage?
 - What are the chemicals used in the fracking process and how much of a risk are they to the environment and human health should they get into the water supply?
 - What are the processes and procedures used to ensure well integrity?
 - What, if any, potential impacts will the production wells in the Shire of Irwin have on a regional surface and/or near-surface water bodies?
 - Who is responsible for monitoring the quality of groundwater in our water supplies and where can the results be accessed from?
 - When and how would a site be rehabilitated at the end of the well's life?
 - How many local jobs are expected in the Shire of Irwin from exploration and operations?
 - What are the cumulative effects of broader industry on the environment and tourism (exploration and operation stages)?
 - How much future sponsorship will be provided to local events and organisations?
 - What are the benefits to the community, and to me?

Stakeholder Engagement:

Stakeholder groups have been contacted in regards to the Expo, the Shire's objectives, the community's views and areas of concern. The response to these groups attending have been very positive.

Financial/Resource Implications:

Nil

Statutory Environment:

Local Government Act 1995

2.10. Role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

Petroleum and Geothermal Energy Resources Act 1967

Planning and Development Act 2005

Policy Implications:

Nil

Risk Implications:

The Oil and Gas Expo has been initiated by the Shire to communicate its position and responsibilities around onshore energy mining activities but there is an ongoing, certain reputational risk and potential environmental risks that could have major or even catastrophic consequences should the controls in place not be sound.

It is hoped that the Expo will relieve some reputational risks by providing the opportunity for better communication between all stakeholders and the community. Environmental risks may also be reduced should the Shire's advocacy be strengthened by any changes to the planning approval process.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.5.1 Partner with industry to leverage local opportunities.

Strategy 4.5.1 Continue to lobby government and industry on key issues, as required.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14. CLOSURE

There being no further business, the Shire President declared the meeting closed at 4:48pm.

An electronic copy of the Minutes are available for download from the Shire's website <http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
28 July 2015

Signed:
Presiding Elected Member

Date:.....