



**AGENDA**

**FOR THE**

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

**TO BE HELD ON**

**TUESDAY, 24 MAY 2016**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

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

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# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 24 MAY 2016

IN THE COUNCIL CHAMBERS,  
11-13 WALDECK STREET, DONGARA WA



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Darren Simmons  
Chief Executive Officer

*date*

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## **DISCLAIMER**

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

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## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS, 11-13 WALDECK STREET, DONGARA ON TUESDAY, 24 MAY 2016 AT 4.00PM

<b>PRESENT:</b>	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms E Greaves – Coordinator Executive Services

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

**The following question was taken on notice at the 26 April Ordinary Council meeting and a copy of the response, provided to Mr Rossiter by email, is summarised below;**

1. Can you please explain the amount of \$9,050 for study enrolment fees, from the March payments list (ref EFT18993 16/02/2016), as I believe this is against policy E3 which states “(iii) the unit of study must be successfully completed by the employee to be eligible for Shire assistance.”

The Deputy President referred the question to staff. The CEO outlined that the wording does not clearly reflect the policy’s intent and it has been identified to be amended through a review of the Policy Manual.

The Director Corporate and Community advised that due to the specific details of that payment not being available at hand the question would need to be taken on notice.

*Response: Policy E3 Study Expenses was removed from the Council Policy Manual on 15 December 2015 at the Ordinary Council meeting (Minute 071215). Policies relating to staff are now incorporated into the Shire’s HR Policies and Procedures and includes a Study Policy that provides strict provisions around approvals to undertake study and financial assistance. The employee in this instance has been approved for post-graduate study assistance, in an additional discipline beneficial to the Shire’s operations, as part of pre-employment salary package negotiations. However, in accordance with formal internal policies and procedures, this support is on the condition that they will be liable for any costs incurred by the Shire*

*should the units of study not be completed/achieved within the approved timeframe or if employment should cease prior to the qualification being completed.*

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. PETITIONS**

A Petition, calling for an acceptable reception for radio, mobile phone and TV was submitted by Mr John Rossiter on 13 May 2016.

The petition read:

**Petition to our Federal Government Minister, Melissa Price.**

We the undersigned demand an adequate TV, ABC radio and mobile telephone reception for the residents and visitors to the towns of Dongara, Port Denison and surrounding areas.

This petition was forwarded to the office of Melissa Price, Member for Durack on Monday, 16 May 2016.

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 APRIL 2016**

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A copy of the Minutes of the Ordinary Council Meeting held on 26 April 2016 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

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

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

***That the Minutes of the Ordinary Council Meeting, held on 26 April 2016, be confirmed as a true and accurate recording of that meeting.***

<http://www.irwin.wa.gov.au/Documents/Default.aspx?CategoryId=43>

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

## 9.1 OFFICERS REPORTS

### CORPORATE AND COMMUNITY

CC01 – 05/16

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### Report Purpose:

To receive the list of accounts paid under delegated authority during April 2016.

#### Officer's Recommendation:

**That the Accounts paid during April 2016, represented by Trust Cheques 3109-3112 and EFT19285 totalling \$20,950.09 Municipal Cheques 31163-31184, EFT 19242-19349 totalling \$352,394.95, Police Licensing PL300316 – PL270416 totalling \$65,362.20, Credit Card Payments \$5,177.04, Vehicle Lease \$1,825.86 and Click Super \$45,360.11, be received.**

#### Attachment:

[Accounts for Payment – April 2016](#)

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2016.

#### Officer's Comment:

Nil

#### Stakeholder Engagement:

Nil

#### Financial / Resource Implications:

Nil

**Statutory Environment:**

Local Government Act 1995

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

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
  
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications:**

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

**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 – 05/16**

**Subject:** Financial Statements for the Period ending 30 April 2016  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To receive the Monthly Financial Statements for the period 1 July 2015 to 30 April 2016.

**Officer's Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2015 to 30 April 2016 as outlined in the Attachments Booklet – May 2016 under separate cover, be received.**

**Attachment:**

[Financial Statements for the month ending 30 April 2016](#)

**Background:**

The Monthly Financial Report to the 30 April 2016 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

**Officer's Comment:**

The financial position to the end of April 2016 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,802,817	0.1% positive variance
Operating Expenditure	\$6,646,266	10.5% positive variance
Net Operating	\$1,156,551	
Capital Revenue	\$466,090	49.9% positive variance
Capital Expenditure	\$1,747,099	37.7% positive variance
Cash at Bank – Municipal	\$2,802,184	
Cash at Bank – Reserve	\$2,512,027	
Total Funds Invested	\$4,006,506	
Net Rates Collected	96.94%	
Receivables Outstanding	\$66,003	

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 – 05/16**

**Subject:** Differential Rates 2016/17  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RV.RT.3  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To consider the adoption of rates in the dollar for differential rating to be advertised prior to the adoption of the 2016/17 Budget.

**Officer's Recommendation:**

**That Council;**

- 1) **advertises its intention, in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates (option 1 in the officer's comments) for the differential rating categories specified for the 2016/17 financial year.**

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	9.6594	\$932
<i>Unimproved Valuations</i>		
General Differential Rate	1.1817	\$932
Mining Differential Rate	18.0335	\$932

- 2) **endorses the Statement of Objects and Reasons, as presented in the Attachments Booklet – May 2016 under separate cover.**
- 3) **makes application to the Minister for Local Government and Communities seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV General properties, subject to no objections being received, during the public consultation period.**

**Attachment:**

[Sample Properties Showing Rate Increase Scenarios](#)  
[Statement of Objects and Reasons](#)

**Background:**

There is provision under the Local Government Act 1995 to impose differential rates within the local government's boundaries and in considering this imposition, there are certain statutory obligations that the local government must comply with.

- Before any consideration to its Budget, the local government is required to give local public notice of its intention to impose differential rates;
- The local government must provide information of each new rate or minimum payment;
- Electors or ratepayers are invited to make submissions in respect of the proposed rate or minimum payment. This submission period must be for a minimum of 21 days; and
- Application to the Minister for Local Government and Communities seeking approval to impose a differential rate that is more than twice the lowest rate.

For many years, Shire of Irwin has used differential rates to levy a higher rate in the dollar for Mining Tenements than other UV (Unimproved Valuation) properties. This practice has been common within local governments and has come under considerable scrutiny by the Minister for Local Government and Communities in recent years.

**Officer's Comment:**

The draft budget for 2016/17 is currently being prepared and will be presented for Council discussion at the June Forum. For Council to meet the requirements of the Act it is required to advertise the proposed differential rates within time frames to meet the 21 day period before the budget is adopted.

The Long Term Financial Plan (LTFP) that Council adopted in June 2013 has a forecast increase at 5.7% per annum. The LTFP rate increase of 5.7% comprises factors of 3.2% for inflation and 2.5% for population growth. Although the draft budget is not completed, a thorough review of the income and expenditure requirements of the Shire has indicated that a modest increase of 3% on the actual revenue raised in the 2015/16 financial year will meet requirements.

Differential rating allows Council to maintain a degree of equity between rates levied on all unimproved value assessments within the Shire of Irwin rate base whilst providing income annually to allow for the service requirements of all property owners.

The reasoning for levying the higher rate in the dollar can be found in the attachment - Statement of Objects and Reasons.

It is worth noting that while both UV Rural and UV Mining are based on "Unimproved Values" provided by the Valuer General, the *Valuation of Land Act 1978* prescribes different methods of calculating each one.

The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.

The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.

*Unimproved Valuations*

Landgate has advised that the total unimproved valuation for the Shire of Irwin has decreased by an overall average of approximately less than 1% to \$140,520,600.

The Valuer's comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations.

In the letter, the Valuer also makes the following comments:

**“OVERALL VARIATION TO UNIMPROVED VALUATIONS**

*There has been a minimal change to unimproved values effective 30 June 2016. There has been some upward movement in land values for broad acre farming properties in the period leading up to the revaluation but this has been offset by a reduction in values of small rural holdings due to a reduction in demand for this style of property.*

*Some changes to individual assessments may have occurred either as a product of the mass valuation process or where records have been amended or corrected for more up to date information about soil types etc.”*

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued in August 2016 they will not necessarily reflect a 3% increase in rates on their property.

Gross Rental Valuations

Landgate provided a new Gross Rental Valuation which took effect as of 1 July 2015, this covers a four year period and therefore there is no general change to GRV's in 2016/17.

Mining Valuations

The Mining Valuation Roll is not received until the beginning of the new financial year and therefore projections for mining rates are based on current valuation including interims. Nine tenement deaths have been received during the 2015/16 financial year, which have reduced the valuations by \$329,063 and equates to a rates revenue loss of \$33,716.

In previous years, the proposed rate in the dollar has been calculated by using the actual rates raised as at 1 July and then adjusted by any full year equivalent increase or decrease for interims received for the year.

<b>2015/16</b>	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
GRV as at 1 July 15	2,725,500	2,720,363	-5,137
UV Mining as at 1 July 15	423,400	389,684	-33,716
UV General as at 1 July 15	1,638,400	1,634,880	-3,520
Total	4,787,300	4,744,927	-42,373
<b>3% increase for 2016/17</b>	<b>4,930,919</b>	<b>4,887,275</b>	<b>-43,644</b>

Continuing to use this process Council will be reducing the rate revenue by \$43,644, below are the different options available for Council to consider.

1. Apply the 3% increase on the actual revenue received for the financial year including interims and absorb the loss in revenue.
2. Apply the 3% increase on the 2015/16 budget revenue.
3. Adjust the rate in the dollar accordingly so that the loss in revenue is applied to UV Mining.
4. Adjust the rate in the dollar accordingly so that the loss in revenue is applied to the category UV Mining and UV Rural.
5. Adjust the rate in the dollar accordingly so that the loss in revenue is applied to all categories UV Mining, UV Rural and GRV.

This table illustrates option 1, actual revenue raised including interims with 3% increase and absorbing the mining loss. This equates to an overall increase of 3.00% on actual revenue.

Differential Categories	Rates	2015/16 Actual Rate Yield \$	2015/16 Actual Rate Yield %	Proposed Rate in Dollar	Proposed Rate Yield \$	Proposed Rate Yield %	% Increase/Decrease
Gross Rental Valuation General Rates		2,720,363	57.33%	9.6594	2,801,979	57.33%	3.00%
UV Differential Mining		389,684	8.21%	18.0335	401,371	8.21%	3.00%
UV Differential General		1,634,880	34.46%	1.1817	1,683,856	34.46%	3.00%
		4,744,927			4,887,206		3.00%

This table illustrates option 2, 3% increase on 2015/16 budget figures, this equates to an overall increase of 3.92% on actual raised.

Differential Categories	Rates	2015/16 Actual Rate Yield \$	2015/16 Actual Rate Yield %	Proposed Rate in Dollar	Proposed Rate Yield \$	Proposed Rate Yield %	% Increase/Decrease
Gross Rental Valuation General Rates		2,720,363	57.33%	9.6816	2,807,256	56.93%	3.19%
UV Differential Mining		389,684	8.21%	19.6454	436,078	8.84%	11.91%
UV Differential General		1,634,880	34.46%	1.1844	1,687,563	34.23%	3.22%
		4,744,927			4,930,897		3.92%

This table illustrates option 3, actual revenue raised including interims with 3% increase and adjusting mining to recover the loss from 2015/16 financial year. This equates to an overall increase of 3.95% on actual raised.

Differential Categories	Rates	2015/16 Actual Rate Yield \$	2015/16 Actual Rate Yield %	Proposed Rate in Dollar	Proposed Rate Yield \$	Proposed Rate Yield %	% Increase/Decrease
Gross Rental Valuation General Rates		2,720,363	57.33%	9.6594	2,801,979	56.81%	3.00%
UV Differential Mining		389,684	8.21%	20.1321	446,558	9.05%	14.59%
UV Differential General		1,634,880	34.46%	1.1817	1,683,856	34.14%	3.00%
		4,744,927			4,932,393		3.95%

This table illustrates option 4, actual revenue raised including interims with 3% increase with mining and rural adjusted to recover the shortfall from 2015/16 financial year, this equates to an overall increase of 3.92% on actual raised.

Differential Categories	Rates	2015/16 Actual Rate Yield \$	2015/16 Actual Rate Yield %	Proposed Rate in Dollar	Proposed Rate Yield \$	Proposed Rate Yield %	% Increase/Decrease
Gross Rental Valuation General Rates		2,720,363	57.33%	9.6594	2,801,979	56.82%	3.00%
UV Differential Mining		389,684	8.21%	18.4611	410,576	8.33%	5.36%
UV Differential General		1,634,880	34.46%	1.2069	1,718,469	34.85%	5.11%
		4,744,927			4,931,024		3.92%

This table illustrates option 5, actual revenue raised including interims with 3% increase on all categories adjusted to cover the shortfall, this equates to an overall 3.92% increase on actual raised.

Differential Categories	Rates	2015/16 Actual Rate Yield \$	2015/16 Actual Rate Yield %	Proposed Rate in Dollar	Proposed Rate Yield \$	Proposed Rate Yield %	% Increase/Decrease
Gross Valuation Rates	Rental General	2,720,363	57.33%	9.7652	2,827,136	57.33%	3.92%
UV Mining	Differential	389,684	8.21%	18.2015	404,986	8.21%	3.93%
UV General	Differential	1,634,880	34.46%	1.1927	1,698,958	34.46%	3.92%
		4,744,927			4,931,080		3.92%

The attached listing of sample properties for each rate category and for each option noted above indicates the individual effect on rates compared to the previous year by dollar and percentage value.

**Stakeholder Engagement:**

Community consultation will occur through advertising of the differential rates for 21 days once adopted and correspondence will be sent to all Mining Tenements owners.

**Financial/Resource Implications:**

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2016/17 financial year.

**Statutory Environment:**

Local Government Act 1995

**6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
  - (b) a purpose for which the land is held or used as determined by the local government; or
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

**6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

**Policy Implications:**

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

### Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- zoning
- land use
- vacant land.

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- whether or not it is situated in a town-site
- whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

### Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison

and was given at least 21 days to make submissions to the local government on the proposal.

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

### Consistency

The local government has rated similar properties that are used for the same purpose in the same way.



The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- prepared and made publically available a document clearly describing the object of and reason for each differential general rate;
- given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
- published the notices after 1 May in the relevant year.

The public notice published by the local government contained:

- details of each differential general rate that the local government intends to impose
- an invitation for submissions to be made by an elector or ratepayer
- a closing date for submissions which is at least twenty one days after the day on which the notice is published
- advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.

The council of the local government has:

- considered each ratepayer submission (if any)
- resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

**Risk Implications:**

Given the nature of this matter is to adopt a differential rate for future rating and will be subject to further community consultation it is assessed that any risk is unlikely to occur and would be insignificant resulting in a low risk rating.

**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 – 05/16**

**Subject:** Age Friendly Communities Plan  
**Reporting Officer:** Manager Community Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** CM.PL  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To seek Council consideration for adoption of the Age Friendly Communities Plan

**Officer's Recommendation:**

**That Council adopts the Age Friendly Communities Plan, as presented in Attachment Booklet – May 2016 under separate cover, to guide future decision making and assist in the Shire's advocacy with relevant government agencies and service providers in order to encourage and facilitate an enhanced delivery of appropriate aged and disability services for the Shire of Irwin.**

**Attachment:**

[Draft Age Friendly Communities Plan Summary of Submissions](#)

**Background:**

The Shire of Irwin received funding from the Department of Local Government and Communities for the purpose of undertaking research using the World Health Organisation (WHO) framework for 'Age-Friendly Cities'.

This is a global framework that has been designed as a comprehensive approach covering all needs of older residents (over 55) through eight essential features of an Age-Friendly Community.

The steps involved in the age-friendly communities' process assisted in identifying the age-friendly features, age-friendly barriers and suggestions for improvement in relation to the physical and social environment in eight domains:

- Outdoor spaces and buildings
- Transportation

- Housing
- Respect and inclusion
- Social participation
- Communication and information
- Civic participation and employment
- Community support and health services

An age-friendly community embodies a culture that anticipates and responds to the needs of its ageing population. Seniors and community participation in the consultation process was essential to the age-friendly approach to respond to demographic ageing.

Consultants SDF Global facilitated and prepared the Age-Friendly Communities Plan that identified the age-friendly features, barriers, and provides Council with recommendations for improvement against the eight domains within the Shire of Irwin community.

**Officer’s Comment:**

There were two (2) comments received during the public consultation period, and both of these have been included into the Draft Age-Friendly Communities Plan. A summary of the submissions is provided in the attachment booklet.

It is expected that the implementation of the Age-Friendly Communities Plan will improve the life choices, health and wellbeing of all its residents as they age over the next five years.

As our population ages, there is a growing need for commitment and action from all sectors of the community to allow the community to age well, belong and contribute. Meeting the needs of an ageing population is a shared responsibility and requires careful planning.

Whilst subject to Council funding within future Council budgets, the development and adoption of this Plan will assist the Shire’s advocacy with relevant government agencies and service providers in order to encourage and facilitate an enhanced delivery of appropriate aged and disability services for the Shire of Irwin.

Aged care remains a key issue within the Shire’s Strategic Community and Corporate Business Plans particularly in respect to the lack of appropriate aged and disability care accommodation options and the services provided.

**Stakeholder Engagement:**

The Draft Age Friendly Communities Plan was presented to Councillors at a Council Forum held in March 2016 and then subsequently adopted at the March 2016 Council meeting to be advertised for public comment for a period of 21 days in the Local Rag, Shire’s Community Notice Board, website, facebook page, flyers and hard copies were available at the Shire Office or emailed on request.

**Financial/Resource Implications:**

The Age-Friendly Communities Plan received funding from the Department of Local Government and Communities in June 2015 and as per 2015/2016 Budget Allocation

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council adopting the Draft Age-Friendly Communities Plan is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 3.1 High Quality and Well Maintained Community

Strategy 3.2 Well Utilised, Efficient and Multi-Purpose Community Resources

Strategy 3.3 Increased Availability of Aged Care Facilities

Strategy 3.5 Maintain and Improve Medical and Health Services

**PLANNING AND INFRASTRUCTURE**

**PI01 – 05/16**

**Subject:** Local Development Plan for the Dongara Tourist Park and Tourist Park Lease Term Extensions  
**Reporting Officer:** Manager Planning Services and Chief Executive Officer  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LP.SU.2.3  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To consider a Local Development Plan for the Dongara Tourist Park.

**Officer's Recommendation:**

**That Council:**

1. Requests, in accordance with clause 47 (d) of the Planning and Development (Local Planning Schemes) Regulations 2015's Deemed Provisions, the Western Australian Planning Commission to agree to consider the proposed Local Development Plan for the Dongara Tourist Park at 8 George Street, Port Denson, as presented in the Attachments Booklet – May 2106 provided under separate cover; and
2. Requests the Department of Lands to initiate a change in the management orders of the Shire's three caravan/tourist parks (being the Dongara Tourist Park, Dongara Denison Beach Holiday Park and Seaspray Beach Holiday Park) to allow for lease terms up to 50 years, subject to the consent of the Minister for Lands.

**Attachment:**

[Local Development Plan – Concept Plan](#)  
[Local Development Plan - Report](#)

**Background:**

Under Local Planning Scheme (LPS) No. 5, the operator of the Dongara Tourist Park, located at 8 George Street, Dongara (Reserve R32182, vested in the Shire of Irwin) is unable to carry out further development on this site until an Outline Development Plan (ODP) has been approved by the Council and the Western Australian Planning Commission (WAPC).

Since this requirement was incorporated into LPS No. 5, ODP's can now fall into two categories – Local Structure Plans (LSP) or Local Development Plans (LDP).

An LSP is a significant plan that sets out development areas by zones and reserves and identifies servicing and infrastructure requirements.

By contrast, an LDP is a simpler planning document that contains a concept plan and development provisions, to guide future development. Once adopted it is incorporated into the local planning scheme and prescribes future development provisions. If future development is consistent with these provisions, no development approval is required from the local government. This helps to simplify the development process.

The operator of the Dongara Tourist Park has engaged planning consultants to prepare an LDP for the site. A draft LDP was recently presented to Council at the February 2016 Forum. Since then, the full LDP details have been submitted to the Shire.

In addition to the full LDP being submitted, and as the existing lease term expires in 2036, the consultants (50 years) and operator (21 years plus an option for a further 21 years) have separately and respectively requested Council to consider extending the lease term to allow for debt financing to be secured to fund the implementation of the LDP.

**Officer's Comment:**

In accordance with the requirements of the Planning and Development Regulations 2015, Council must seek the WAPC's agreement to consider the proposed LDP.

The proposed LDP is required for the purposes of orderly and proper planning. In principle an LDP is warranted for this site, rather than an LSP, as there are no significant infrastructure impacts (e.g. there are no new public roads being proposed). Given this, it is recommended that Council requests the WAPC to consider the LDP.

If Council and the WAPC agree to consider the proposed LDP, the application can be formally lodged and the assessment process can begin.

In terms of the requests for an extension in the lease term to assist in securing debt finance to fund the LDP implementation, and as outlined by staff at the May 2016 Council Forum, this has become a common issue for caravan/tourist parks throughout Western Australia including the two other Shire-controlled leasehold caravan/tourist parks being the Dongara Denison Beach Holiday Park (lease expiring 2026) and Seaspray Beach Holiday Park (lease expiring 2029).

As a result, and on the basis that Council is currently limited by the existing Crown-issued management orders to providing a maximum 30 year lease terms for all 3 Parks, it is suggested that Council could support the existing park operators in accessing debt finance by requesting the Department of Lands initiate a change in the management order to allow for lease terms up to 50 years, subject to the consent of the Minister for Lands.

**Stakeholder Engagement:**

Planning Services have had discussions with the State Government's Department of Planning who advised that a Council resolution is required to seek the WAPC's agreement to consider the proposed LDP (as an LDP rather than an LSP).

In respect to lease terms, Shire staff have had regular discussions with existing operators of Shire-controlled parks in relation to lease term and renewals.

**Financial/Resource Implications:**

If the agreement is made and the LDP is formally lodged, the applicants will pay fees in accordance with the Planning Regulations and the advertising costs will be taken from Planning Services budget.

**Statutory Environment:**

Local Planning Scheme No. 5  
Planning and Development (Local Planning Schemes) Regulations 2015

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council requesting the WACP to agree to consider the LDP or the Department of Lands considering a request to extend the maximum lease terms under existing tourist park management orders 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  
Strategy 1.3.2 Partner and work with local businesses, state government agencies and other regional tourism organisations.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 05/16**

**Subject:** Placemaking Working Group's Terms of Reference  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LP.PL  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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**Report Purpose:**

To consider the recommendation from the Placemaking Working Group to adopt its Terms of Reference.

**Officer's Recommendation:**

**That Council endorse the Placemaking Working Group Terms of Reference, as presented in the Attachment Booklet – May 2016 provided under separate cover.**

**Attachment:**

[Placemaking Working Group Terms of Reference](#)

**Background:**

The Dongara Town Centre Placemaking Project was initiated after being presented to the Council Forum in September 2015. The project commenced in December 2015, following consideration by the Shire's Senior Management Team (SMT). The purpose of this project is to raise awareness about Placemaking for the Dongara Town Centre and to form a Placemaking Working Group that will be responsible for implementing small-scale do-able improvements in the Dongara Town Centre. This project aims to make the Dongara Town Centre a high quality public place, with improved levels of social and economic activity.

The Placemaking Working Group is not a Committee of Council. It will operate independently. Through Planning Services, the Shire's role is to assist the group with advice, some basic administration work and funding applications.

The Placemaking Working Group is to be divided into two groups. One group will be comprised of three 'nominated representatives': Sarah Collins, Janet Ross and Kellie Wilson. This group's purpose is to represent the Placemaking Working Group in meetings, to make final decisions and be the main



point of contact between the Shire and the Placemaking Working Group. The remaining members will work on projects, brainstorm ideas, assist with fundraising and advertise Placemaking within the town centre.

The purpose of the Terms of Reference is to set the objectives, functions and duties, membership and general provisions of the Placemaking Working Group. The Terms of Reference is to be reviewed by the Placemaking Working Group on an annual basis.

Due to new Councillors being unfamiliar with the Placemaking Project, at the April 2016 Ordinary Council Meeting Council resolved as follows:

**OFFICER'S REVISED RECOMMENDATION AND COUNCIL DECISION 120416:**

**MOVED: Cr Thompson**

**SECONDED: Cr Leonard**

**That Council refers Item PI03 – 04/16 Placemaking Working Group's Terms of Reference to the May 2016 Council Forum for further information.**

**VOTING DETAILS:**

**CARRIED**

The Placemaking Project was then presented to new Councillors at the May 2016 Council Forum. Councillors were generally supportive of the project.

**Officer's Comment:**

The Terms of Reference outline the way the group will operate. The Shire is to play a supporting role only and has helped to draft the Terms of Reference. When the project was initiated, the Shire made it clear that the Terms of Reference should include 9 Placemaking Principles. These principles have been included. Given this, and the other reasonable content, it is recommended that Council endorse the group's Terms of Reference.

**Stakeholder Engagement:**

Consultation with those interested in being part of the Placemaking Working Group was undertaken. The Terms of Reference was circulated for review prior to the Placemaking Working Group Meeting on Thursday 10 March 2016. Any feedback has been incorporated into the Terms of Reference.

**Financial/Resource Implications:**

There will be no financial implications, as the Placemaking Working Group will rely on grant funding, fundraising and donations.

The Working Group finances will be situated in the Shire's bank accounts. Any grant funding applications on Shire owned land will require the funding to be given to the Shire of Irwin. The Placemaking Working Group finances will be in a restricted Shire bank account to allow for future grant funding opportunities. This restricted account will be created for the purpose of the Placemaking Working Group, and only be accessed for the payment of goods and services for any Placemaking Working Group Projects. The Placemaking Working Group will be required to abide by the Shire's Purchasing Policies – which includes the signing-off of purchase orders for any use of the funds.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council approving the Placemaking Terms of Reference is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.5 Our Town Centres are attractive, accessible and inviting, whilst maintaining their unique character.

Strategy 3.6 Art, culture and recreation are recognised and supported.

Strategy 3.7 Community groups and volunteers are acknowledged and supported.

**PLANNING AND INFRASTRUCTURE**

**PI03 – 05/16**

**Subject:** Proposed modifications to building on Lot 162 Waldeck Street  
**Reporting Officer:** Manager Planning Services  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** A7385 / CP.RE.16  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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**Report Purpose:**

To consider proposed modifications to the Returned Services League (RSL) Hall on Lot 162 Waldeck Street, Dongara.

**Officer's Recommendation:**

**That Council approves the Returned Services League's request to carry out modifications to the Shire's building on Lot 162 Waldeck Street, Dongara, which include adding noise absorption material to the ceiling and re-fixing 6 x fluoro lights, 1 x smoke alarm and 1 x spotlight to the ceiling.**

**Background:**

The building on Lot 162 Waldeck Street is the subject of a lease agreement between the Shire and the RSL. The RSL have submitted a request to carry out modifications to the ceiling of the building in order to improve soundproofing within the building. The intention is to add sound absorption tiles directly to the ceiling. The RSL intend to part-fund the project through the Shire's Community Assistance Scheme, at a cost of around \$7,000.

**Officer's Comment:**

The lease requires Council's written consent for this proposal. As the modifications will have to comply with the requirements of the Building Act and should result in an improvement to an asset at no cost to the Shire, Council's approval is recommended.

**Stakeholder Engagement:**

The Shire's Development Control Unit has no objection in principle.

**Financial/Resource Implications:**

Under the lease agreement, the RSL is responsible for maintaining and repairing the premises. This will include the proposed modifications to the ceiling. Therefore, the project is unlikely to result in costs to the Shire.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council agreeing to the RSL's request is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.1.2 Continue to maintain, enhance and utilise Shire buildings

**PLANNING AND INFRASTRUCTURE**

**PI04 – 05/16**

**Subject:** Final Adoption of Local Planning Policy for Sea Containers  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LP.PL  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To consider for final adoption the Local Planning Policy for Sea Containers

**Officer's Recommendation:**

**That Council, pursuant to Division 2 – Making Local Planning Policies of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the Local Planning Policy for Sea Containers without modification, as presented in the Attachments Booklet – May 2016 provided under a separate cover.**

**Attachment:**

[Local Planning Policy for Sea Containers](#)

**Background:**

At the Ordinary Council Meeting on 22 March 2016, Council resolved to advertise the draft Local Planning Policy (LPP) for Sea Containers, as follows:

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 150316:**

**MOVED: Cr Thompson**

**SECONDED: Cr Scott**

**That Council, pursuant to Division 2 – Making Local Planning Policies of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to advertise the draft Local Planning Policy: Sea Containers, as presented in the Attachments Booklet - March 2016 provided under a separate cover.**

**VOTING DETAILS:**

**CARRIED 8/0**

The draft LPP was advertised from 13 April 2016 until 9 May 2016.

**Officer's Comment:**

The adoption of the LPP will provide guidance for assessing sea containers, ensuring they do not have an adverse amenity impact neighbouring properties, the streetscape or the wider area.

Following feedback from Cr Thompson, a provision has been included to ensure that only temporary approval is granted to sea containers being used for storage purposes during construction of house. Other minor modifications were made to correct typographical errors and to simplify the language.

Policy provision 1 has been modified to allow for exemptions for industrial users.

It is recommended that Council approve the LPP.

**Stakeholder Engagement:**

The LPP was publicly advertised for a period of 26 days. There were no submissions received, or issues raised, during the advertising period. Advertising was directed to the general public. The LPP has the support of the Shire's Development Control Unit.

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015  
Shire of Irwin Town Planning Scheme No. 5

**Policy Implications:**

Adoption of the LPP will improve the efficiency of the Shire's operational functions.

**Risk Implications:**

The likelihood of risk arising from Council adopting the LPP 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 – 05/16**

**Subject:** Amendment to Existing Development Approval for a House at No. 22 Point Leander Drive, Port Denison  
**Reporting Officer:** Manager Planning Services and Planning Officer  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** A1574/P400  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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**Report Purpose:**

To consider an amendment to a development approval for a house at Lot 41 (22) Point Leander Drive, Port Denison.

**Officer's Recommendation:**

**That Council approves the amended plans for development application P400 for a house at No. 22 Point Leander Drive, Port Denison as presented in the Attachments Booklet – May 2016 provided under a separate cover.**

**Attachment:**

- [Attachment A – Location Plan](#)
- [Attachment B – Amended Development Application Site Plan and Elevations](#)
- [Attachment C – Previous Development Approval Plans](#)
- [Attachment D – Site Photos](#)
- [Attachment E – Neighbour Submissions](#)

**Background:**

The subject land is located on the corner of Point Leander Drive and George Street, Port Denison. At the rear of the lot there is a right-of-way laneway, providing access to other properties (Attachment A). The proposal is for an amended Development Approval for east, south and west boundary walls (Attachment B).

Development Approval was granted by Council on 30 August 2013 for a single dwelling, outbuilding (garage) and front boundary wall (boundary wall along Point Leander Drive, and 7.5m along the boundary of George Street) (Attachment C). The original development application was submitted by Todd Parker, on behalf of the landowner. Subsequent to this approval, Nordic Builders took over the

project. During the course of the building project walls have been added along the west and south boundaries.

After receiving neighbour concerns regarding the height of the walls being built, Planning Services advised Nordic Builders that the walls required development approval, as they are over 1.8m high. Nordic were unaware that the boundary walls required approval. Nordic also indicated that another wall along the eastern boundary was proposed. As this wall is different to the previously approved wall and is over 1.8m high in places, approval is also required. Site photos are at Attachment D.

**Officer’s Comment:**

The development application was assessed under Local Planning Scheme No.5, the Residential Design Codes of WA (R-Codes) and the Shire’s Local Law for Fencing. Under the codes there are no provisions for side or rear boundary fences. However, there are provisions for street surveillance, which are applicable for this application. When a boundary wall is constructed, there is a need to ensure adequate street surveillance, to mitigate potential street crime.

<b>Design Principle</b>	<b>Officers Assessment</b>
<p>P1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.</p>	<p>The eastern boundary wall has been designed with wrought iron fill. This allows for visibility of the street from the habitable room windows of the house. Therefore, the proposed boundary wall complies with P1.1.</p> <p>Under the codes, the laneway to the south is not classed as a ‘street’, as it is not the principal frontage for the house being developed. Nevertheless, the proposed gate would allow for some surveillance, and there are some single-storey windows from which parts of the laneway can be observed. In time, the vacant lot across George Street should be developed, which will likely improve surveillance of the laneway.</p>

Under the Local Planning Scheme No. 5, if a wall requires a variation to the Local Law for Fencing, Development Approval is required.

<b>Local Law for Fencing</b>	<b>Officers Assessment</b>
<p>The local law states that brick, stone or concrete walls should be 1.8m.</p> <p>The height can be varied at the discretion of the local government, where it is unlikely to have an adverse affect on the safe and convenient use of any land, or the safety and convenience of any person.</p> <p>Variation is sought for the height of the proposed west (side), south (rear) and east (side) boundary walls, which vary in height from 1.97m to 2.486m.</p>	<p>The east and west boundary walls are unlikely to have an adverse affect on the safety and convenience of any purpose or use of the land. Given this, the variations are considered acceptable.</p> <p>The southern boundary fence is truncated at the south-west corner. This allows for visibility for all users of the right-of-way laneway when safely entering and exiting the laneway. Given this, the variation is considered acceptable.</p>

With regard to the potential amenity impacts of the western wall on the amenity of the western neighbour, this neighbour does not object. The height and design of the wall is reasonably typical of other boundary walls. Given this, the western wall is recommended for approval.



With regard to the potential amenity impacts of the southern wall, the southern neighbour has concerns (detailed below). As the southern wall faces the laneway and faces the blank walls and car parking area on the southern neighbour’s property, there are unlikely to be adverse amenity impacts. Given this, the southern wall is recommended for approval. That said, Council may wish to consider the wall being modified in some way.

With regard to the potential amenity and streetscape impacts of the eastern wall, the southern neighbour has concerns and the neighbour across George Street did not respond to neighbour consultation. The proposed eastern wall incorporates a variety of elements and some variation in height, and is not expected to have unacceptable impacts on the amenity of the area or the streetscape. Given this, the eastern wall is recommended for approval. That said, this wall would be prominent within the public realm and its amenity and streetscape impacts are very much a subjective matter for Council to consider.

**Stakeholder Engagement:**

The amended plans were referred to 3 neighbours. Following the neighbour referral period, the amended plans were modified to show a truncated access in the south-west corner of the subject land. As this was a minor modification, the plans were not re-referred to neighbours.

Two submissions were received during the consultation period (Attachment E: please note that the personal details of the submitters have been removed from the attachment to protect their privacy). One submission had no objection to the proposal. The other submission expresses a number of concerns and is discussed in the table below.

<b>Submission</b>	<b>Officer comment</b>
The wall on the south elevation plan is 2.486m high, which is much higher than the planning laws allow.	For the reasons stated above, the proposal is considered to be satisfactory in terms of acceptable amenity impacts, the R-Codes and the Local Law.
In the south-west corner of the subject land, the wall is not truncated to allow for access to rear of lot which would mean that vehicles would need to drive onto an adjacent property to the south to gain access	This is a significant concern. Since referring the plans to neighbours and after discussing this matter with Shire Officers, the plans were amended to incorporate truncation of the access in the south-west corner of the subject land. This should ensure that to enter and exit the lot, there will be no need to drive on to adjoining properties.
The wall on the southern boundary will cause a heat and light bank which will reflect onto the southern property.	This boundary wall is south-facing. The northern sun rises from the east and sets in the west. Given this, there are unlikely to be significant issues associated with the reflection of light onto the neighbouring property to the south.
Concerns over the height of the proposed wall on George Street.	As stated above, this wall is supported due to the proposed variety of elements and variation in height. However, the proposed design is a subjective matter for Council to consider.

The Shire’s Development Control Unit has no objections to the proposal.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

Local Planning Scheme No. 5  
State Planning Policy 3.1 Residential Design Codes  
Local Laws relating to Fencing

**Policy Implications:**

Nil.

**Risk Implications:**

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

**Strategic Implications:**

Strategic Community Plan 2012 - 2022  
Strategy 4.2.1. Ensure compliance whilst embracing innovation and best practice principles.

**PLANNING AND INFRASTRUCTURE**

**PI06 – 05/16**

**Subject:** Proposed Pest Plants Local Law  
**Reporting Officer:** Manager Planning Services  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LE.LO.11  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To give notice of the purpose and effect of the proposed Pest Plants Local Law 2016

**Officer's Recommendation:**

**That Council gives public notice of the purpose and effect of the proposed Shire of Irwin Pest Plants Local Law 2016, in accordance with section 3.12 of the Local Government Act 1995, which are as follows:**

- 1. The purpose of this local law is to prescribe pest plants within the Shire of Irwin district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.**
- 2. The effect of this local law is to require the owner or *occupier* of private land within the Shire of Irwin district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.**

**Attachment:**

[Proposed Shire of Irwin Pest Plants Local Law](#)

**Background:**

On 30 March 2016 the Tidy Towns Sustainable Committee resolved to request Council to initiate the process to adopt a local law for pest plants.

The attached local law is based on a pest plant local law template provided by the Western Australian Local Government Association. The wording throughout is standardised apart from the list of plants, which includes the following pests:

1. Golden Crownbeard (Dongara Daisy) - *Verbesina encelioides*
2. African Boxthorn – *Lycium ferocissimum*
3. African Love Grass – *eragrostis curvula*
4. Walkaway Burr – *Cenchrus echinatus*

**Officer’s Comment:**

The local law will assist the Shire of Irwin to better control the pest plants. The steps for making a local law:

1. Prepare a report to Council outlining the purpose and effect of the proposed local law
2. Obtain Council approval
3. Provide state-wide and local public notice for at least 50 days
4. Notify the Minister for Local Government (and any other relevant Minister) of the proposed local law, providing a copy of it and the public notices
5. Ensure members of the public have access to the proposed local law and record any submissions received within the advertised period
6. Undertake a review of any submissions received (may be necessary to begin the process again if significant change is called for).
7. Prepare a report to Council for them to consider adopting the local law
8. Send a copy of the Local Law to State Law Publisher to be printed in the Gazette
9. Send a copy of the Gazette to the Minister for Local Government (and any other relevant Minister) and provide an Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation (JSCDL)
10. Provide state-wide and local public notice that a Local Law has been made

It is important to note that there are strict requirements and guidelines around adopting a local law, and should it be determined that these requirements are not met, the Shire may need to recommence this statutory process.

**Stakeholder Engagement:**

Following research by a community member, the Tidy Towns Sustainable Committee have discussed and agreed upon the proposed list of plants.

**Financial/Resource Implications:**

State-wide and local public notice of the proposed local law will incur advertising costs.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

There are no significant policy implications at this time.

**Risk Implications:**

Should the statutory process for making a local law not be followed or it is not considered lawful by the JSCDL there is a risk that the process will need to recommence from the start. By using the WALGA model local law, these risks are reduced.

There is also a risk that the public consultation process will propose significant changes, at which time the process will need to begin at Step 1 (see timeline above). Again, this risk is reduced by utilising the WALGA model local law, following guidance and advice prepared by WALGA and the previous consultation already undertaken throughout the Local Law Review process i.e. Local Law Discussion Paper etc that was developed to assist in informing the public on its intent.

These risks pose a moderate measure of consequence (regarding compliance and reputational), although because it is unlikely, the overall risk rating is Moderate.

**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.

## **9.2 COUNCIL COMMITTEE REPORTS**

### **9.2.1 Receipt of Events Committee Minutes and Adoption of Recommendation**

#### **EVENTS COMMITTEE RECOMMENDATION**

**That Council:**

- a) receives the Minutes of the Shire of Irwin Events Committee meeting held 27 April 2016; and,**
- b) supports the concept of the Dongara Retro Festival being held 7 – 9 April 2017, and a budget allocation of \$10,500 in 2016/17 financial year as outlined in the Project Initiation Form,**

**as provided within the Attachments Booklet – May 2016.**

### **9.2.2 Receipt of Economic Development Advisory Committee Minutes and Adoption of Recommendations En Bloc**

#### **ECONOMIC DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATION**

**That Council:**

- a) receives the Minutes of the Shire of Irwin Economic Development Advisory Committee meeting held 18 May 2016;**
- b) appoints, by an absolute majority vote, Kevin Beermier and Roy Smith as independent community members to the Economic Development Advisory Committee;**
- c) adopts the definition of Economic Development for the purposes of the Economic Development Advisory Committee, as follows:**  
  
**“The concerted actions of a community and local government working together to stimulate business activity in harmony with the natural resources and cultural heritage of the region leading to more employment opportunities resulting in the creation of wealth characterised by improved opportunities in education, health, housing, literacy, life expectancy and income per capita.”;**
- d) endorses the actions of the CEO in further researching the EDA Training Program in concert with the MWCCI Dongara Sub-Committee, and what it can offer the local community;**
- e) endorses the Directional Signage Project concept to promote local businesses and attract visitors to Dongara and Port Denison with clear and consistent directional signs;**
- f) notes that the Economic Development Advisory Committee (EDAC) supports the development of an entry statement and associated lighting at the intersection of Kailis Drive and Brand Hwy; and,**
- g) supports the MWCCI Buy Local Campaign including the provision of non-electrical bunting and Christmas decoration over the festive period.**

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 NOTICE OF MOTION – General Practitioner (GP) Services Financial Assistance**

**Cr Scott's Motion**

**That Council provides financial assistance to Batavia Health for the purposes of providing and operating a General Practitioner (GP) medical service within the Dongara Health Centre, Blenheim Road, Port Denison and, eventually, a GP medical and allied health service under construction at Lot 13 Point Leander Drive, Dongara for a period of ten years backdated to 1 April 2016 and in the form of \$24,000 (ex GST) per year paid monthly and granting a full waiver during that period from the payment of local government rates levied on the property at Lot 13 Point Leander Drive, Dongara.**

*\*Absolute majority required*

**Background:**

In January 2010 Council resolved to provide access to a Council-owned house plus a monthly financial assistance payment to attract and retain a local GP service. Until March 2016 the Shire continued to support this initiative, confirming it through the annual budget process.

In March 2016 Council resolved that it “suspends, with immediate effect, the existing accommodation and financial assistance package provided to Batavia Health for local General Practitioner (GP) services pending a staff report being presented to the April 2016 Council meeting outlining the current situation and future options for Council consideration. At the April Council meeting it was resolved that Council invite Dr James Quirke, Principal of Batavia Health, to the May 2016 Council Forum to outline Batavia Health’s position in respect to any future General Practitioner (GP) Services financial assistance by the Shire of Irwin.

In May 2016 Dr Quirke from Batavia Health made a presentation to the Council Forum which provided information on the costs and factors of operating a GP Medical Practice, the difficulty of attracting and retaining doctors to live and work in smaller regional areas and the financial assistance being provided to other medical services by local governments in the Mid West. He also outlined a number of options for financial assistance by the Shire and a preference for \$24,000 per year and an exemption from payment of rates on the property for a period of ten years back dated to the suspension of the previous assistance package.

The period relates to the Restrictive Covenant placed by Council as part of the sale of land to ensure that the property is used only for the purpose of providing medical and allied health services for a minimum term of ten (10) years.

**Officer's Comment:**

Due to significant community interest, and as identified within the Shire’s Strategic Community Plan (Outcome 3.5 refers) it has been the Council’s long standing practice to support the provision of local GP Services through political, financial and housing means.

Furthermore, Section 6.47 of the Local Government Act 1995 contains a provision which allows a local government, in its absolute discretion, to grant rate concessions or to waive rates.

Therefore it is open for Council to change its position in regards to the arrangements relating to the provision of financial assistance to Batavia Health as outlined within Cr Scott’s Notice of Motion.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

**13. MATTERS BEHIND CLOSED DOORS**

**14. CLOSURE**

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

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