



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 28 FEBRUARY 2017

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 28 FEBRUARY 2017

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



Darren Simmons
Chief Executive Officer

23 February 2017

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, 28 FEBRUARY 2017 AT 4.00PM**

PRESENT:	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 Mrs H M Sternick – A/Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms E Greaves – Coordinator Executive Services Mrs S Taylor – Community Officer

-
1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
 4. **PUBLIC QUESTION TIME**
 5. **APPLICATIONS FOR LEAVE OF ABSENCE**
 6. **PETITIONS**

Nil.
 7. **CONFIRMATION OF MINUTES**
 - 7.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 DECEMBER 2016**

A copy of the Minutes of the Ordinary Council Meeting held on 13 December 2016 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 13 December 2016, be confirmed as a true and accurate recording of that meeting.

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING (1) HELD ON 19 JANUARY 2017

A copy of the Minutes of the Special Council Meeting held on 19 January 2017 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Special Council Meeting, held on 19 January 2017 at 5pm, be confirmed as a true and accurate recording of that meeting.

7.3 MINUTES OF THE SPECIAL COUNCIL MEETING (2) HELD ON 19 JANUARY 2017

A copy of the Minutes of the Special Council Meeting held on 19 January 2017 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Special Council Meeting, held on 19 January 2017 at 6:15pm, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 02/17

Subject: Accounts for Payment
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: Minute Book
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 receive the list of accounts paid under delegated authority during December 2016 and January 2017.

Officer's Recommendation:

That Council receives the Accounts paid during December 2016 and January 2017, represented by:

Payment Type/Numbers	Total Amount
EFT 20229 - 20512	\$1,262,480.70
Muni Cheques 31334 - 31366	\$135,047.00
Direct Debit - Credit Card	\$8,135.87
Direct Debit - Click Super	\$57,167.83
Direct Debit - Transport PL291116 - PL270117	\$116,278.30
Grand Total	\$1,579,109.70

Attachment:

[Accounts for Payment – December 2016 and January 2017](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of December 2016 and January 2017.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

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:

It is considered that by reviewing the Accounts for Payment any risk arising would be rare and insignificant in measures of consequence and therefore the risk rating would be 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 – 02/17

Subject: Financial Statements for the Period ending 31 December 2016
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: Minute Book
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 receive the Monthly Financial Statements for the period 1 July 2016 to 31 December 2016.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 31 December 2016, as outlined in the Attachments Booklet – February 2017.

Attachment:

[Financial Statements for the month ending 31 December 2016.](#)

Background:

The Monthly Financial Report to the 31 December 2016 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Statement of Cashflows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

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

Operating Revenue	\$6,984,447	7.1% negative variance
Operating Expenditure	(\$4,285,541)	7.3% positive variance
Net Operating	\$2,698,906	
Capital Revenue	\$197,866	72.4% negative variance
Capital Expenditure	\$792,320	63.6% positive variance
Cash at Bank – Municipal	\$3,333,896	
Cash at Bank – Reserve	\$2,003,939	
Total Funds Invested	\$5,965,999	
Net Rates Collected	82.48%	
Receivables Outstanding	\$107,104	

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:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be 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 – 02/17

Subject: Financial Statements for the Period ending 31 January 2017
Reporting Officer: Manager Customer Services
Responsible Executive: A/Director Corporate and Community
File Reference: Minute Book
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.
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- Review** When Council reviews decisions made by Officers.
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Report Purpose:

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Officer's Recommendation:

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- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

The financial position to the end of January 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,163,510	6.8% negative variance
Operating Expenditure	(\$4,895,366)	9.9% positive variance
Net Operating	\$2,268,144	
Capital Revenue	\$246,957	65.6% negative variance
Capital Expenditure	\$842,779	85.9% positive variance
Cash at Bank – Municipal	\$3,081,143	
Cash at Bank – Reserve	\$2,003,939	
Total Funds Invested	\$4,965,999	
Net Rates Collected	84.73%	
Receivables Outstanding	\$158,461	

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;

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 - (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.
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 - (a) presented to the council -
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 - (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:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be 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

CC04 – 02/17

Subject: Charitable Rate Exemption Application
Reporting Officer: Manager Customer Services
Responsible Executive: A/Director Corporate and Community
File Reference: RV.RP.2/A8510
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 the Community Housing Limited application for charitable rate exemption for the 2016/17 rating year.

Officer's Recommendation:

That Council, pursuant to Section 6.26(2)(g) of the Local Government Act 1995, declines the rates exemption application received from Community Housing Limited for the property at 8 Church Street, Dongara (A8510) on the basis that the land is not used exclusively for charitable purposes.

Attachment:

[WALGA and WA Rates Officers Association Best Practice Guideline](#)

Background:

Section 6.26(2)(g) of the Local Government Act 1995 provides a rates exemption for 'land used exclusively for charitable purposes'. 'Charitable purposes' is not currently defined in the Local Government Act 1995 or other statutes; rather charity is defined at common law.

Although the Local Government Act 1995 does not provide a definition the Western Australian Local Government Association (WALGA) and WA Rates Officers Association have produced a Best Practice Guideline and within this document given a definition of "charitable purpose".

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable –

- (a) It must fall within the purposes set out in the Statute of Elizabeth I, or by Lord Macnaghten which classified the categories of charitable as follows –
- Trusts for the relief of poverty;
 - Trusts for the advancement of education;
 - Trusts for the advancement of religion; and
 - Trusts for other purposes beneficial to the community.
- (b) There must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

Community Housing Limited (CHL) is objecting to the rate record under section 6.76 of the Local Government Act 1995, specifically section (1)(a)(ii) “on the basis that the land or part of the land is not rateable land”. They suggest the property at 8 Church Street, Dongara is not rateable land as the “land is used exclusively for charitable purposes”, namely housing used for the relief of the aged (Seniors +55) since February 2011.

CHL is a Public Benevolent Institution and is registered with the Australian Charities and Not-for-Profits Commission and endorsed to access the following tax concessions:

- Income Tax Exemption;
- GST Concession; and
- FBT Exemption.

The mission of CHL is:

Working to ensure the provision of affordable and sustainable housing for all by:

- *Providing housing which is affordable, has long term tenure and appropriate services to live comfortably;*
- *Assisting residents to access housing and to maintain links with their communities;*
- *Ensuring that the development of housing improves social, economic and environmental sustainability;*
- *Creating employment and training opportunities in the development of housing wherever possible; and*
- *Assisting the development and sustainability of strong communities with social diversity by fostering community building initiatives to improve the health and wellbeing of disadvantaged people.*

Copies of the following documents in support of their application have been provided:

- Constitution
- Current years audited financial statement
- Notice of endorsement for charity tax concessions

If the application is refused, the applicant may object under s. 6.76 of the Local Government Act 1995 to the rate record of the local government in question, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under s. 6.76 to the State Administrative Tribunal (SAT).

Officer’s Comment:

The Applicant’s explanation and description of the use of the land is assessed by Officers as not being “for charitable purposes” and therefore no rate exemption pursuant to section 6.26(2)(g) of the Act is recommended.

The land use in this application is solely that of independent living accommodation for seniors aged 55 and over. There is no evidence of a rental subsidy being provided and for these reasons it is considered the land is not deemed to be used exclusively for charitable purposes.

Should Council wish to approve the application, an alternative recommendation is provided as follows:

That Council, pursuant to Section 6.26(2)(g) of the Local Government Act 1995, grant a charitable rate exemption to Community Housing Limited for the property 8 Church Street, Dongara (A8510) on the basis, in Council's opinion, that the land is used exclusively for charitable purposes.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

The application, if approved, will result in a rate revenue loss in the current year (2016/17) of \$6,780.90.

Statutory Environment:

Local Government Act 1995

Section 6.26 Rateable Land

- (2) The following land is not rateable land —
 - (g) land used exclusively for charitable purposes; and

Section 6.76 Grounds of objection

- (1) A person may, in accordance with this section, object to the rate record of a local government on the ground —
 - (a) that there is an error in the rate record —
 - (ii) on the basis that the land or part of the land is not rateable land;

Western Australian Local Government Association and WA Rates Officers Association - Rates and Charitable Land Use Exemption Applications Best Practice Guideline.

Policy Implications:

Nil

Risk Implications:

It is considered that the financial and reputational risk associated with this report would be considered to have a minor measure of consequence and an unlikely measure of likelihood, resulting in an overall risk rating of 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

CC05 – 02/17

Subject: Irwin Recreation Centre Storage Facility Construction
Reporting Officer: Coordinator Recreation Services
Responsible Executive: A/Director Corporate and Community
File Reference: RC.PL
Voting Requirements: Absolute 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.
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Report Purpose:

To seek Council support for the construction of a steel framed and clad Club Storage Facility to be located in close proximity to the North West corner of the Irwin Recreation Centre.

Officer's Recommendation:

That Council:

- 1. consents to the construction of the new 16 metre x 6 metre, 4 bay Steel Framed and Clad Club Storage Facility in the location immediately south of the gas storage tank along the west boundary fence of the Irwin Recreation Centre Precinct; and**
- 2. authorises the transfer of approximately \$35,000 from the Asset Management Reserve in addition to the \$20,000 allocated in the 2016/17 budget.**

Attachment:

[Quote and drawings - Aussie Sheds](#)
[Quote and drawings - West Steel Sheds](#)
[Site Location](#)

Background:

Lack of storage facilities for Clubs has long been an issue with clubs relying on committee members to store club equipment, records and history in private homes and sheds.

The Shire of Irwin Recreation Needs Analysis Final Report 2013 as presented by A Balanced View Leisure Consultants identified a weakness through their SWOT analysis of the Irwin Recreation Centre as "Lack of equipment storage for clubs."

Several attempts to fund this project have been made in the past few years. A July 2013 Federal Government Funding application for the facility was unsuccessful due to the change of Government following the Federal election and the subsequent withdrawal of the RADF funding. Recreation Services made provision for the project in the 2014/15 draft budget, however, because of budget pressures it was not included in the final adopted budget.

Funding was allocated in the 2015/16 adopted budget and a successful grant application was received through the Department of Sport and Recreation (DSR) Community Sport and Recreation Facilities Fund (CSRFF) small grants round.

The two quotations have been sourced from “traditional” shed suppliers. Council, has in recent times, considered options of solid material including rendered brick, tilt up concrete panels and rammed earth. The reasons cited for such a facility are maintenance, because of the proximity to the coast (less than 200 metres), better security, aesthetics and the fact a facility of solid construction is more dust and vermin proof than a steel frame and clad facility.

At its forum held on the 12 April 2016, Council were presented with cost estimates for a facility constructed of limestone blocks and also of rammed earth. After some discussion the general consensus was to pursue a facility constructed from rammed earth with a sandwich panel roof to be located south of the gas storage tank on the west boundary of the Irwin Recreation Centre precinct. Councils 2016/17 budget allocation for this project does not accommodate the consideration of a rammed earth facility.

Officer’s Comment:

A storage facility located at the Irwin Recreation Centre would provide clubs with a central and secure location to store equipment, records and important club history. The location of the storage facility would need to be accessible to all user groups and Irwin Recreation Centre staff. The indicated preferred site provides ease of access from the Rec Centre and is ideally located for our largest user group the Dongara Football Club. The location will have very limited impact on the area immediately to the west of the Irwin Recreation Centre should this area be required for any future facilities development, given the south wall of the Recreation Centre is 85 metres in length.

Stakeholder Engagement:

This item was discussed at the Council Forum held on Tuesday 9 June 2015. The storage facility location was also discussed at the Irwin Rec South Precinct Working Group meeting held 13 January 2016 and Council Forum of 12 April 2016.

Contact has been sought from the affected clubs who are all interested dependent on any hire costs including; Dongara Senior Football Club, Dongara Junior Football Club, Dongara Netball Club, Dongara Senior Basketball Club, Dongara Junior Basketball Association and Dongara Junior Basketball Country Champs.

Financial/Resource Implications:

The 2016/17 budget allocation of \$20,000.00 will not deliver a quality storage facility to meet club and Shire needs into the long term future. An additional sum of approximately \$35,000.00 is required to include 4 x 4 metre bays, power to all bays, upgrade to “ultra” wall and roof sheeting, include security and allow for site preparation and storm water disbursement.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil

Risk Implications:

Any risk implications are related to reputation should the location of the storage facility limit practical accessibility to user groups. This is considered to be unlikely with insignificant consequences, therefore the overall risk rating is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

CORPORATE AND COMMUNITY

CC06 – 02/17

Subject: Cliff Head Concept Designs – Stage 2
Reporting Officer: Manager Community Capacity
Responsible Executive: Director Corporate and Community
File Reference: GS.PR.13/LP.PL.1/A7237
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's approval of the concept design by Stephen Vigilante for the final development stage to Cliff Head and Cliff Head North.

Officer's Recommendation:

That Council approves the concept design of Cliff Head, as presented in Attachment Booklet – February 2017.

Attachment:

[Cliff Head Campground Overview Concept Stage Two](#)
[Cliff Head North Road at IOD – Facing South](#)

Background:

The Shire of Irwin is the project leader on the Mid West Coastal Nodes project. This project is one of the top strategies identified within the Mid West Tourism Development Strategy. Working closely with the Shires of Coorow, Dandaragan and Northampton the group is in the final stage of development, funded by the Royalties for Region's Statewide Regional Blueprint Initiative, managed through the Department of Regional Development.

An amendment of the original concept plan adopted for stage one is closing the access road to Cliff Head North from Indian Ocean Drive. After contacting Main Roads as a stakeholder in the project, an email was received from Peter Herbert, Network Operations Manager stating;

“An assessment of the access points has been completed for the upgraded rest area facility at Cliff Head.

Main Roads is concerned with the Cliff Head North access with Indian Ocean Drive. Northbound driver's sight lines approaching Cliff Head North Rd intersection are restricted due to the curve and crest south of the intersection. The available sight distance facing south at the intersection is approximately 195m, which is well below the Safe Intersection Sight Distance requirements for this traffic environment as referenced by Austroads Guide to Road Design Part 4A and Main Roads supplement to Austroads Guide.

With the proposed upgrade to this facility Main Roads considers traffic volumes within this area will increase significantly which will increase the risk for exiting vehicles onto Indian Ocean Drive. With the type of vehicles exiting being caravans/slow moving vehicles this risk is therefore considerably greater than normal.

Main Roads recommends that Shire of Irwin reviews this access and strongly consider closing access to Cliff Head North Rd on IOD and provide access via the internal roads of Cliff Head South Rd access.”

A photo of the area in question is attached.

In light of this request, the final design now includes closing this access and improving the track between Cliff Head and Cliff Head North.

Officer's Comment:

It is hoped the earthworks will commence in May rather than in the summer months, reducing the amount of water required to be carted on site.

Quotes are currently being received so a final budget can be made for this stage. This includes a shelter at Cliff Head, an entry signage bay, interpretive signage and a viewing platform/lookout with a walking trail, planting, water tanks and solar lights.

Signage will include a map of Dongara showing services, emergency evacuation details, fire restrictions, camping rules, contact information, location of Dump Points, a map of the region showing the other coast nodes included in this project and maps of the camping sites at Cliff Head, Cliff Head North and Cliff Head South.

An advertising campaign will run after the development is completed and surveys of the users will take place in January 2018.

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.

Stage one included stakeholders Northern Agricultural Catchment Council, Main Roads Western Australia, Tourism WA and the Mid West Development Commission. Letters were sent to the lease holders of the Fishermen's Shacks located within Cliff Head and community consultation through the Rag, the Shire website and Facebook. An Aboriginal Heritage Study was also completed and authority given from the Department of Environmental Regulation.

This final stage includes the Department of Regional Development and advertising will take place in the Rag, the Mid West Times, the Shire's website and Facebook page highlighting the closure of the Cliff Head North entry.

Consultation with the Emergency Services will occur between the Shire's Community Emergency Services Manager and the appropriate services.

An advertising campaign will also occur working with Australia's Coral Coast and the other three participating Local Governments, this may include a destination TV program.

Financial/Resource Implications:

Royalties for Regions Statewide Regional Blueprint Initiate within the current budget includes \$206,250 for the development of Cliff Head, \$62,100 to the Shire of Irwin for Project Management, \$30,000 for the longitudinal survey for visitor expenditure across the nodes, \$35,000 marketing expenditure plus 5% contingency and auditing costs.

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
Environmental Protection Act 1986 Part V

Policy Implications:

Consistent with T2 Non-Commercial Camping

Risk Implications:

The existing control rating is effective and the consequence of developing the concept design is minor and the likelihood of this occurring often is rare. Therefore the overall risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.2 Supports existing industries, facilitates new development and promotes economic growth;
Strategy 1.3 Increased and diverse tourism opportunities.

CORPORATE AND COMMUNITY

CC07 – 02/17

Subject: 2017/18 Budget Adoption Timetable
Reporting Officer: Manager Corporate Services
Responsible Executive: A/Director Corporate and Community
File Reference: FM.BU.17.18
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 approve a schedule of events, including community consultation to prepare the 2017/18 Budget.

Officer's Recommendation:

That Council approves the following timetable for 2017/18 budget;

Activity	Date
Proposed draft budget to Forum	9 May 2017
Council adopt the rates in the dollar for differential rating	23 May 2017
Advertise adopted rates in the dollar for differential rating (21 days)	26 May 2017
Public notice submissions relating to advertised rates closes	19 June 2017
Council consider any public submissions	27 June 2017
Apply to the Minister for Local Government seeking approval to impose differential rating	30 June 2017
Council review the Draft Budget at Forum	11 July 2017
Council adopt the Draft Budget for Public Consultation - Council Meeting (14 days)	25 July 2017
Public Consultation closes	7 August 2017
Council adopts the budget – Council Meeting	22 August 2017

Attachment:

[Local Government Budget Process Timeline and Considerations Factsheet](#)

Background:

When the Minister for Local Government approved the 2016/17 differential rate in the dollar, within the letter the following was noted:

The Shire resolved to advertise a rate in the dollar based on a percentage increase without considering the budget deficiency. Section 6.36(3)(a) states that the advertised rates are to apply based on an estimate of the budget deficiency. Local governments need to resolve to seek Ministerial approval for their chosen rate in the dollar in consideration of their budget requirements and in review of efficiencies as per Section 5.2(c) of the Financial Management Regulations. It is suggested that in future years the review of expenditure and efficiency measures is undertaken before the rate in the dollar is advertised.

The Local Government Act 1995 requires Council to adopt a budget by the end of August.

Officer's Comment:

In accordance with section 6.36(3)(a) of the Local Government Act 1995 the advertised rates of a local government are to apply based on an estimate of the budget deficiency. This means that local governments need to consider the budget requirements and review efficiencies as per Section 5.2(c) of the Financial Management Regulations 1996 before determining the rating model and rates in the dollar.

The rate in the dollar should be supported by the budget deficiency, which is based on the expected expenditure for the provision of community services and amenities as outlined in the strategic community plan and corporate business plan.

Additionally, as part of the budget planning process and review, it is important that in accordance with section 3.18(3)(c) the local government is satisfied that the services and facilities it provides are managed efficiently and effectively.

To assist local governments with the budget process including timeframes and legislative considerations, the Department of Local Government and Communities have prepared a Budget Process – Timeline and Considerations Factsheet (see attached). This document highlights times when legislative compliance is necessary and when council consideration or a resolution is required.

With this in mind a timetable for the preparation of the 2017/18 budget has been prepared to enable the budget to be adopted by Council on Tuesday, 22 August 2017.

The timetable identifies the main responsibilities and timeframes to complete a review of all matters relating to the 2017/18 budget.

Budget Review and Adoption Timetable:

Activity	Date
Proposed draft budget to Forum	9 May 2017
Council adopt the rates in the dollar for differential rating	23 May 2017
Advertise adopted rates in the dollar for differential rating (21 days)	26 May 2017
Public notice submissions relating to advertised rates closes	19 June 2017
Council consider any public submissions	27 June 2017
Apply to the Minister for Local Government seeking approval to impose differential rating	30 June 2017
Council review the Draft Budget at Forum	11 July 2017
Council adopt the Draft Budget for Public Consultation - Council Meeting (14 days)	25 July 2017
Public Consultation closes	7 August 2017
Council adopts the budget – Council Meeting	22 August 2017

At the May forum, Council will review the Draft Budget prior to Council adopting the rates in the dollar for differential rating.

This financial year Council will receive one revaluation roll from Landgate, Unimproved Value (UV) and it is anticipated the roll will be received by early May. It is expected this is sufficient time to analyse the valuations and complete rates modelling.

Once the adopted rates in the dollar for differential rating is advertised Council must wait until the 21 days public notice period has closed to apply to the Minister for Local Government and Communities to seek approval to impose the differential rate.

The timetable also allows for public submissions on the differential rates.

The budget timetable may be affected if the Minister for Local Government's approval is not received by the proposed Budget Adoption date.

Stakeholder Engagement:

Consultation was undertaken with Landgate in regards to receiving the Valuation Roll. The Budget timetable provides for community consultation once the Draft Budget has been adopted by Council.

Financial/Resource Implications:

No financial impact, the report is for informative purpose.

Statutory Environment:

Local Government Act 1995 Section 6.33
Local Government Act (Financial Regulations) 52A
Department of Local Government and Communities Differential Rating Policy of August 2013

Policy Implications:

Nil.

Risk Implications:

It is considered that any risk associated with this report would be minor and unlikely in measures of consequence due to it being informative, therefore the risk rating would be 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

CC08 – 02/17

Subject: Corporate Credit Card Policy
Reporting Officer: Manager Corporate Services
Responsible Executive: A/Director Corporate and Community
File Reference: CM.PO.1
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 updating Policy F5 Use of Corporate Credit Card to ensure better practice and procedures.

Officer's Recommendation:

That Council adopts the F5 Corporate Credit Card Policy, as presented in Attachment Booklet – February 2017.

Attachment:

[F5 Corporate Credit Card Policy](#)

Background:

Council Policy F5 Use of Corporate Credit Card was reviewed and adopted in November 2016, within this report it was noted that:

Staff have identified a number of policies that require amendment but will be provided to Council consideration upon completion of further research and consultation. Some examples are provided below

- *Credit Card Policy – research implications of recent Report on a Matter of Governance at the Shire of Dowerin prepared by the Corruption and Crime Commission.*

This policy was last amended in November 2012, but reviewed yearly.

Officer's Comment:

A review of the findings by the Corruption and Crime Commission at the Shire of Dowerin identified that misuse of a Corporate Credit Card is considered to be a significant risk to the Shire by staff and as such a new policy has been created.

The new policy has strict controls and procedures, designed to ensure statutory compliance and minimise risk to the organisation. This policy reinforces our current internal practices and ensures future compliance.

Stakeholder Engagement:

The Executive Management Team were provided an opportunity to review and discuss the new draft policy in January 2017.

Financial/Resource Implications:

No financial impact, the policy will ensure better practice and procedures.

Statutory Environment:

Local Government Act 1995 Section 5.18 and 5.46
Local Government (Financial Management) Regulations 1996

Policy Implications:

Adoption of the draft policy will replace the existing policy.

Risk Implications:

The likelihood of risk arising from fraudulent use of a corporate credit card is possible, and the consequence would be major. Therefore the overall risk is high. The overall risk is reduced to moderate as this policy mitigates the financial, compliance and reputational 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.

PLANNING AND INFRASTRUCTURE

PI01 – 02/17

Subject: Bushfire Risk Management Reforms
Reporting Officer: Manager Regulatory Services
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.
- 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 the impacts of the State Government's bushfire risk management reforms on property owners within the Shire of Irwin and on Council Policy P8: Bushfire Contributions.

Officer's Recommendation:

That Council:

1. **Authorises the Shire President writing to the Minister for Commerce, Minister for Planning and Minister for Emergency Services to advise that:**
 - a) **under the State Government's bushfire reforms, in some locations increases in the cost of building are not proportionate to the risk of fire taking into consideration the range of factors influencing the safety of life, property and the environment in fire events; and**
 - b) **a more practical approach could be used that includes the recognition that lots within existing urban areas which benefit from mitigating factors such as the availability of infrastructure and services, prompt emergency response times and adequate population surveillance should be restricted to a BAL-29 rating as a maximum; and**
2. **Revokes Council Policy P8 Bushfire Contributions, as the requirements of this policy have been superseded by the requirements of State Planning Policy 3.7: Planning in Bushfire Prone Areas.**

Attachment:

[Urban Design Institute of Australia's Statement on Bushfire Risk Management Council Policy P8: Bushfire Contributions](#)

Background:

In December 2015 the State Government's bushfire risk management reforms were introduced with combined regulatory and policy approach, which incorporates the Planning and Development (Local Planning Scheme) Amendment Regulations 2015, State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and Guidelines for Planning in Bushfire Prone Areas (Guidelines); Map of Bushfire Prone Areas; Building Regulations 2012 and Building Code of Australia; and Australian Standard AS 3959 Construction of buildings in bushfire prone areas.

Under the reforms, if a new house is to be located within a Bushfire Prone Area a Bushfire Attack Level (BAL) Assessment must be submitted with an Application for Building Approval (and sometimes with the Application for Development Approval). The BAL assessment generates BAL ratings, which may require additional design requirements to protect the house from bushfire risk. A review of housing industry websites indicates general consensus that the BAL ratings can result in the following additional building costs:

BAL Rating	Additional building design requirements	Estimated additional costs
BAL-Low	None	\$0
BAL-12.5	Yes (ember attack risk)	+ \$5,000
BAL-19	Yes (moderate risk)	+ \$9,000
BAL-29	Yes (high risk)	+ \$18,000
BAL-40	Yes (very high risk)	+ \$30,000
BAL-FZ	Yes (extreme risk)	+ \$50,000

Officer's Comment:

Since the bushfire risk management reforms have been introduced, the Urban Design Institute of Australia have issued a statement on bushfire risk management indicating that Western Australia's approach is overly cautious and has led to significant and unnecessarily additional costs to homebuyers (Attachment 1).

This statement is consistent with issues faced by local homebuyers in the Shire of Irwin. Officers are aware that proposals for houses in some of the Shire's existing urban areas have resulted in BAL-40 and BAL-FZ ratings and the associated increased building costs. This is due the inflexible demands of the Building Regulations and AS 3959, which do not allow for various mitigating factors being present within an urban context i.e. availability of infrastructure and services, prompt emergency response times and the benefits of population surveillance. Given this, Officers recommend that Council inform the Ministers for Commerce, Planning and Emergency Services of the difficulties experienced by local homebuyers and lobby for a more practical approach which recognises the mitigating factors of bushfire risk in urban areas, which would see the BAL rating restricted to BAL-29.

On another matter still related to the impacts of the bushfire reforms, Council Policy P8: Bushfire Contributions (Attachment 2), which allows for the developer to pay a financial contribution in lieu of providing an individual strategic water supply for bushfire protection, has been superseded by the new bushfire risk management regulatory framework. The new regulatory framework requires the developer to implement strategic water supplies as part of the development, rather than after the development e.g. if required at subdivision stage, water tanks must be constructed before new titles are issued. Given this, Council should revoke P8, as recommended above.

Stakeholder Engagement:

Nil.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005
Planning and Development (Local Planning Scheme) Amendment Regulations 2015
Building Act 2011 and Building Regulations 2012
Building Code of Australia
Bush Fires Act and Regulations 1954
State Planning Policy 3.7 and Guidelines – Planning in Bushfire Prone Areas

Policy Implications:

Revoking Council Policy P8 would ensure Council's Policy Manual is well-maintained.

Risk Implications:

The likelihood of risk arising from Council informing and lobbying the Ministers or from revoking the Council Policy P8 is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 4.5.1 Continue to lobby government and industry on key issues, as required.

PLANNING AND INFRASTRUCTURE

PI02 – 02/17

Subject: Development Application for Home Business (Yoga Classes) at 3 Hope Street, Port Denison
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: P762 / A1106
Proponent: Cassandra Eva
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:

For Council to consider a development application for a Home Business (yoga classes) at 3 Hope Street, Port Denison.

Officer's Recommendation:

That Council, pursuant to Clause 10.3 b) of Local Planning Scheme No. 5, refuses the Development Application for a Home Business (Yoga Classes) at No. 3 Hope Street, Port Denison, as presented in the Attachments Booklet – February 2017, for the following reasons:

- 1. The proposed Home Business is likely to have an adverse impact on the effect of traffic flow and sight lines in the area around the Hope Street / Nairn Court intersection, which will result in an unacceptable increase in the risk to human health and road safety, due to uncontrolled informal parking on roadside verges and the maneuvering of vehicles; and**
- 2. The proposed Home Business is likely to result in unlawful parking under the Shire of Irwin's *Local Law for Parking and Parking Facilities*, due to uncontrolled informal parking on roadside verges.**

Attachment:

[Aerial Photo](#)
[Application Details](#)
[Site Inspection Photos and Plan](#)
[Neighbour Submissions](#)

Background:

The subject land is located on Hope Street, Port Denison (Attachment 1). The lot has a single dwelling and outbuilding on it, with a fence surrounding the single dwelling and outdoor grassed area.

The proposal is to hold weekly yoga classes, held every Tuesday between 9.30am and 11am. Initially, the proponent applied for six parking spaces (Attachment 2). This was subsequently increased to eight parking spaces (Attachment 2).

As the proponent had already arranged and advertised for a yoga class scheduled 7 February 2017, Shire Officers agreed to grant a temporary exemption for the class on this date only. This exemption provided an opportunity for Officers to monitor the proposed parking arrangements. Attachment 3 includes site photos and a plan which together show the parking arrangements observed during the yoga class on 7 February 2017.

Officer’s Comment:

As can be seen from Attachment 3, the parking arrangements for the yoga class on 7 February resulted in 10 cars being parked along the roadside verges adjacent to the subject lot, with one car being parked on the western side of Nairn Court. None of the 11 cars observed were parked as proposed in Attachment 2. Under the Shire’s *Local Law for Parking and Parking Facilities 2000*, 4 of the cars were illegally parked for approximately 1½ hours, due to their location near the intersection between Hope Street and Nairn Court.

The Local Law allows for temporary parking on verges provided the person has authorisation by the occupier of the land adjacent to the verge to park the vehicle on the verge. However, as the proposal is located on a corner lot, there are restrictions on where road users are able to temporarily park. Road users are unable to park within six metres of the nearer thoroughfare line of any intersecting thoroughfare, i.e. within six metres of the intersection. This is highlighted in Attachment 3.

Local Planning Scheme No. 5 requires an assessment of the proposal against relevant matters to be considered. In accordance with the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), an assessment against the key relevant matters is in the table below:

Planning and Development (Local Planning Schemes) Regulations 2015	
Clause 67 – Matters to be Considered	Officer Comment
r. the suitability of the land for the development taking into account the possible risk to human health or safety;	Given the parking arrangements observed during the site inspection, the proposed Home Business is likely to have an adverse impact risk to human health and road safety, due to uncontrolled informal parking on the Road Reserve and manoeuvring of vehicles.
s. the adequacy of – i. The proposed means of access to and egress from the site; and ii. Arrangements for the loading, unloading, maneuvering and parking of vehicles;	Given the parking arrangements observed during the site inspection, the proposed Home Business is likely to result in poor sight lines in the location of the intersection of Hope Street and Nairn Court dangerous manoeuvring and illegal parking.
t. the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the	Given the parking arrangements observed during the site inspection, the proposed Home Business is likely to have an adverse impact on the effect of traffic flow and safety.

locality and the probable effect on traffic flow and safety;	
y. any submissions received on this application;	The Shire of Irwin received four submissions, which are discussed below.
zb. any other planning consideration the local government considers appropriate.	Given the parking arrangements observed during the site inspection, the proposed Home Business is likely to result in illegal parking under the Shire of Irwin's <i>Local Law for Parking and Parking Facilities</i> .

Given the analysis provided in the table above, the application is recommended for refusal for the reasons stated in the Officer recommendation.

Should Council wish to grant approval, temporary approval is recommended as follows:

Conditions

1. The approved Home Business must be in accordance with the attached stamped plans, and has been approved for one day per week for a period of 90 minutes on the day of operation.
2. The approval is valid until 30 June 2017 and is subject to annual renewal application and payment of a renewal application fee in accordance with the Shire's operative Fees and Charges Schedule (see Advice Note 1). Should the Shire of Irwin receive any valid complaints about the home business causing a nuisance or annoyance to the surrounding locality, this approval may be rescinded.
3. All temporary visitor parking shall be contained within the Lot boundaries of 3 Hope Street, Port Denison and in accordance with the legal requirements contained within the Shire of Irwin's *Local Law for Parking and Parking Facilities*. Should the Shire of Irwin observe illegal parking during operating hours, this approval may be rescinded.
4. The approved home business must not involve the retail sale, display or hire of any goods of any nature.

Advice Notes

1. In relation to renewal of this Development Approval, prior to 30 June 2017 a written statement (letter or email) must be submitted detailing compliance with the above conditions. This renewal request must be made prior to 30 June of any year that the annual approval is required. If a request for renewal is received after 30 June of any year, the request cannot be considered as the development approval would have lapsed.
2. Should the proponent wish to change the length of time or the number of days for the Home Business, they must seek written approval from the Shire of Irwin's Regulatory Services.

Stakeholder Engagement:

Under Local Planning Scheme No. 5, the proposal required advertising for a period of no less than 14 days. As such, the proposal was referred to five neighbouring properties between 20 January 2017 and 8 February 2017 for a period of 19 days.

The Shire received four neighbour submissions. Three submissions were in support of the application and one submission raised concerns which are summarised and discussed in the table below:

Submission	Officer Comment
Concerns regarding parking arrangements in terms of location.	The proponent proposed all car parking to be contained within the lot boundary, however, during the site inspection of the yoga class, it was identified that there was no access provided to the proposed parking underneath the house, and that all 11 cars as a result of the yoga class were parked along roadside verges.
Concerns over control of the parking	During the yoga class on 7 February, it was identified that

arrangements.	the proponent had not attempted to control the parking arrangements.
Concerns over noise	It is unlikely that the yoga class will result in unacceptable noise impacts.

Financial/Resource Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No. 5

Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015

Local Government Act 1995

Local Law for Parking and Parking Facilities

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising, should Council resolve to refuse the application, is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Should Council resolve to approve the proposal, the likelihood of road safety being adversely impacted would be almost certain, and the consequences potentially catastrophic. Therefore, the risk is extreme.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

PLANNING AND INFRASTRUCTURE

PI03 – 02/17

Subject: Proposed closure of a portion of unconstructed road reserve adjacent to Lots 1824, 1187, M345 and to the West of M347 Wye Farm Road, Yardarino

Reporting Officer: Manager Regulatory Services

Responsible Executive: Director Planning and Infrastructure

File Reference: RD.RO / A9166

Proponent: Mr and Mrs Leonard

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 consider an application to close a portion of unconstructed road reserve adjacent to Lots 1824, 1187, M345 and to the West of M347 Wye Farm Road, Yardarino.

Officer's Recommendation:

That Council resolves, under Section 58 (1) of the Land Administration Act 1997, to request the Minister for Lands to permanently close the portion of unconstructed road reserve adjacent to Lots 1824, 1187, M345 and to the West of M347 Wye Farm Road, Yardarino, as presented in the Attachment Booklet – February 2017.

Attachment:

[Application request and road closure plan](#)
[Area plan of road reserves and easements](#)
[Agency responses and Officer comments](#)
[Western Australian Planning Commission's Development Control Policy DC1.1](#)

Background:

At the October 2016 Ordinary Council Meeting, Council resolved to initiate the road closure process under Section 58 of the Land Administration Act 1997 (LAA) for an application made by Mr and Mrs Leonard (Attachment 1). To provide a context for this proposal, a plan of the area showing existing constructed and unconstructed road reserves and easements is at Attachment 2. Since October 2016 the proposal was advertised in accordance with the requirements of the LAA and referred to relevant state agencies and service authorities.

With regard to the statutory processes referred to in this report and for clarity:

- Council's role with the road closure application is to determine if the proposed road closure can be supported and, if so, to request the Minister for Lands to close it.
- The Department of Lands (DoL) are responsible for administering the LAA, including road closure requests from local governments, and providing advice to the Minister of Lands.
- The Minister for Lands makes the final decision on road closure proposals.
- The State Government's Department of Planning are responsible for administering subdivision applications and providing advice to the Western Australian Planning Commission (WAPC).
- The WAPC makes the final decision on subdivision applications.
- Landgate is a separate statutory authority, which is responsible for managing the land registration system (e.g. registering new titles, changes to titles and access easements).

Officer's Comment:

If the portion of road is closed, the proponents will seek to incorporate the land into their land (Lot M347). This would necessitate a subdivision application. The most contentious matter associated with the proposed road closure surrounds comments made by the Department of Planning (DoP) in relation to this potential subdivision.

As the potential subdivision would result in the loss of unconstructed road reserve along the northern boundary of Lot 1187 Wye Farm Road, leaving this lot to rely on the easement on its southern boundary for access, the DoP consider Lot 1187 will become landlocked. The DoP also point out that under Clause 3.1.7 of the Western Australian Planning Commission's (WAPC) Development Control Policy DC1.1 (Attachment 4), lots require direct frontage access to constructed public roads, and that the DoP does not support easements as sole vehicular access to lots. In other words, the DoP consider that access easements do not constitute 'direct access frontage', as easements are not road reserves.

Shire Officers consider that the DoP's interpretation of Clause 3.7.1 of DC1.1. is incorrect. As there is no definition of the word 'access' within DC1.1, it is unreasonable to consider that an easement, which has been legally constructed under the Transfer of Land Act specifically for the purposes of vehicular access, is not an access. Further, the policy states "direct frontage access to a constructed road", it does not state "actual boundary frontage". Furthermore, DC1.1. does not discuss or prohibit easements being used as sole vehicular access to lots. All things considered, the DoP's view that easements are not supported as sole vehicular access to lots is an irrelevant matter.

DC1.1. is not a planning regulation or statutory provision. It is a policy used by the WAPC to assist in exercising discretion when determining subdivision applications. When exercising discretion for the potential subdivision, the WAPC are likely to give more weight to the fact that Lot 1187 has existing legal access rights across a system of easements from its southern boundary than to the DoP's unreasonable interpretation of the policy and its view of not supporting easements being used sole vehicular access to lots.

Taking into consideration the above discussion and the comments under Stakeholder Engagement (below), Officers recommend that Council supports the road closure proposal by requesting the Minister for Lands to permanently close the portion of unconstructed road.

Mr and Mrs Leonard's original request indicates that a group of landowners are in the process of establishing a system of access easements. Officers can confirm that plans of these easements have been lodged with Landgate, but have not yet been approved. As these easements have not been approved and involve multiple landowners (including the applicants and the landowners of Lot 1187), it is not possible to attach a plan showing their location to this report (without gaining prior approval of all landowners, which is time consuming). The proposed easements are aimed at connecting a number of lots to the constructed road network. This is in order to provide the legal access that is required before the Shire can consider development applications to develop the

associated lots, under clause 5.14 of Local Planning Scheme No 5. While the proposed easements are important for the purposes of being able to lodge development applications, they are not considered material to the determination of this road closure application. Irrespective of whether the proposed easements are approved or not, if the portion of road is closed and the land incorporated into the new lot, the new lot will still be connected to the existing network of unconstructed and constructed road reserves, and Lot 1187 will have similar connection from its southern boundary via existing access easements.

Stakeholder Engagement:

The Shire's Technical Services have confirmed that Shire does not intend to construct a road along the isolated portion of unconstructed road reserve that is the subject of Mr and Mrs Leonard's application. Further, if a road network were to be constructed, it would not be financially sustainable to construct and maintain a new road along this portion of road reserve, as it would only serve two lots (M347 and 1187). If the road was closed and incorporated into lot M347, the acquired land would still adjoin the unconstructed road reserve network at its westernmost end – this area is where the Shire would be more likely to construct a future road. The easement along Lot 1187's southern boundary is also an area where the Shire would be more likely to construct a road. Given this, the Shire's Development Control Unit supports the proposed road closure.

The proposed road closure was advertised in the Midwest Times on 9 November 2017 and the period allowed for written submissions was 41 days. No public submissions were received during the advertising period.

The application was also referred to relevant agencies and service authorities, including the DoP, Department of Water, Department Environment Regulations, Department of Agriculture, Department of Fire and Emergency Services, Department of Health, Main Roads Western Australia, the Department of Mines and Petroleum and Western Power. Five responses were received. These responses and Officer comments are at Attachment 3. In summary, no objections were received, although the DoP raised some relevant matters in relation to subdivisional requirements. These matters are discussed in the previous section of this report.

Financial/Resource Implications:

Nil.

Statutory Environment:

Land Administration Act 1997 – Part 5, Division 1, Section 58:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

Planning and Development Act 2005.

Local Planning Scheme No. 5.

Transfer of Land Act 1893.

Policy Implications:

There are no policy implications associated with consideration of this report.

Risk Implications:

The likelihood of risk arising from Council agreeing to inform the Minister to close the road is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.6.1 Maintain road assets and ancillary infrastructure

PLANNING AND INFRASTRUCTURE

PI04 – 02/17

Subject: Report on the review of the Local Planning Scheme
Reporting Officer: Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
File Reference: LP.PL.14
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 consider a report on the Shire's review of Local Planning Scheme No. 5.

Officer's Recommendation:

That, pursuant to Regulation 66 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council approves the report on the review of Local Planning Scheme No.5, as presented in the Attachments Booklet – February 2017, and provides the approved report to the Western Australian Planning Commission.

Attachment:

[Scheme Review Report](#)

Background:

In July 2016, the Department of Planning's Northern Planning Program provided the Shire with grant funding to employ consultants to assist in the preparation of a new planning scheme. At the Ordinary Council Meeting on 27 September 2016 Council resolved to prepare a new local planning scheme for the Shire of Irwin. Since then the consultants have prepared the attached Scheme Review Report, which is a requirement of Regulation 66 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Officer's Comment:

As required by the planning regulations, the Scheme Review Report includes the following details:

- the date the local planning scheme was gazetted;
- a list of amendments to the scheme including dates they were gazetted;
- when the scheme was last consolidated under Part 5 of the Act;

- an overview of subdivision and development activity, lot take up and population change in the scheme area since the scheme gazettal / last review; and
- details of amendments to the scheme.

The report also incorporates a recommendation to the Western Australian Planning Commission (WAPC) that a new local planning scheme should be prepared and the current Shire of Irwin Planning Scheme No.5 be repealed upon the approval of the new scheme.

Stakeholder Engagement:

The consultants have reviewed Local Planning Scheme No. 5 in consultation with Officers.

Financial/Resource Implications:

The consultants work for the scheme review project is being funded by a grant received from the Department of Planning.

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015:

Regulation 66. Report of review

(1) The local government must, no later than 6 months after the requirement to carry out the review of a local planning scheme arises under regulation 65, or such longer period as the Commission allows —

- (a) prepare a report of the review; and
- (b) approve the report by resolution; and
- (c) provide the approved report to the Commission.

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council approving the report and providing it to the WAPC is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.7.2 Continue to monitor and review the Local Planning Scheme and Local Planning Strategies.

OFFICE OF THE CEO

CEO01 – 02/17

Subject: Local Government Elections 2017
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: GV.EL.1
Voting Requirements: Absolute 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 appointing the Western Australian Electoral Commissioner to conduct a postal election for the 2017 local government elections, together with any other election or polls which may be required.

Officer's Recommendation:

That Council;

- 1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required; and**
- 2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

Background:

The Shire has been in receipt of correspondence from the Western Australian Electoral Commission (WAEC) advising the next local government ordinary elections are to be held on 21 October 2017.

This correspondence requests that Council considers whether to appoint the Electoral Commissioner to be responsible for undertaking the 2017 election and to conduct the election by postal vote.

The current procedure required by the *Local Government Act 1995* is that written agreement must be obtained before the vote by Council is taken to appoint the Electoral Commissioner to conduct the election. To facilitate the process the Electoral Commissioner has provided correspondence serving as agreement to be responsible for the conduct of the ordinary elections in 2015 for the

Shire of Irwin in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioner's agreement is subject to the proviso that the Shire of Irwin also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

Officer's Comment:

It is recommended that Council agree to the Electoral Commission running the 2015 ordinary election, and other required election or poll via postal vote due to the experience of the WAEC, their independence and impartiality in the process, and convenience and participation rates for voters. Advantages are outlined below;

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer "at arm's length" from Local Government business.
- Detailed candidates' guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State's independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner
- Economies of scale can reduce some of the costs (advertising).
- Elected Councillors have a high level of support from the local community.

Financial/Resource Implications:

The Commission is required to conduct local government elections on a full cost recovery basis which may vary depending on factors such as the cost of materials and number of replies received.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election the shire will be advised as early as possible.

The actual costs for the 2015 Elections were \$16,169. It has been recommended by the Electoral Commission, based on estimates of postage costs, response rates, amount of vacancies etc, that \$20,500 be considered for the 2017/18 Budget.

The estimate does not account for non-statutory advertising, legal expenses, additional posting costs and the cost of one local government staff member to work in the polling place on Election Day.

Statutory Environment:

Local Government Act 1995 s4.20(4) and s4.61(2)

Policy Implications:

Nil

Risk Implications:

The most significant risks to consider is the impact on resources should the Shire conduct the elections in-house and reputational risk as the Shire may not be perceived as impartial to the process. These risks could have moderate consequences however as Council have previously agreed to allow the Electoral Commission to run the elections by postal vote with success, it is unlikely to have an affect therefore the overall risk rating is moderate.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.3.2 Continue to promote programs to encourage greater participation in elections.

OFFICE OF THE CEO

CEO02 – 02/17

Subject: Nominations – Development Assessment Panel
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: LP.PR.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 nominations for the Development Assessment Panel (DAP), as the current appointments are due to expire on 26 April 2017.

Officer's Recommendation:

That Council advises the Minister for Planning of the following nominations to the Mid West Joint Development Assessment Panel for a three (3) year term from 27 April 2017 to 26 April 2020;

1. Cr _____ and Cr _____
as DAP Members; and
2. Cr _____ and Cr _____
as alternate DAP Members.

Attachment:

[Development Assessment Panel: Training Notes 'Making Good Planning Decisions'](#)

Background:

On 1 July 2011 fifteen Development Assessment Panels (DAP's) came into operation across the State with the purpose of determining development applications that exceed a certain threshold (\$7 million in value for regional areas). Each panel consist of five members: three specialist (including the presiding member), and two local government elected members. The Shire of Irwin falls within the Mid West Joint Development Assessment Panel area.

At the Ordinary Council Meeting held 24 February 2015 Cr West and Cr Leonard were nominated as DAP members and Cr Scott and Cr Porteus as alternate DAP Members. Following the 2015

Elections, Cr Scott and Cr Porteus were replaced by Cr Thompson and Cr Kennedy as alternate DAP Members.

Upon receipt of nominations, the Minister for Planning will consider and appoint nominees for up to a three year term expiring 26 April 2020. All appointed local members will be placed on the local government member register advised of DAP training dates and times. It is a mandatory requirement that all DAP members attend training before they can sit on a DAP and determine applications.

Local government members who have previously been appointed to a DAP and have completed the training are not required to attend further training, but are encouraged to attend refresher training.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment. The fees available to members are generally \$400 per meeting and \$400 for the training. Members who are not entitled to be paid the fees include federal, state and local government employees, active or retired judicial officers and employees of public institutions.

Officer's Comment:

There have been no development applications since April 2011 in the Shire of Irwin that have exceeded the threshold and therefore have been required to be determined by the DAP.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.

The local government nominations process require online submissions to be made by 17 March 2017.

A copy of the DAP: Training Notes 'Making Better Planning Decisions' has been included to provide Councillors with an insight into the responsibility of the role, legislation, framework and decision-making process.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

It may be necessary for nominees to attend training which would incur minimal training, travel and accommodation costs which funds have been allocated for.

As advised, elected members are also entitled to be paid for their attendance at DAP training and at DAP meetings.

Statutory Environment:

Planning and Development (Development Assessment Panels) Regulations 2011

Policy Implications:

Nil

Risk Implications:

It is considered rare that any development applications would submitted within our local government that exceeds the relevant threshold to be determined by DAP however it is important

that local representation is secured otherwise consequences could be major. Therefore the overall risk is considered to be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 – Implement an efficient and effective approval process.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Asset Management Advisory Committee (AMAC) Minutes from 12 December 2016

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 12 December 2016, as provided within the Attachment Booklet – February 2017.

9.2.2 Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council from 13 February 2017

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 13 February 2017, as provided within the Attachment Booklet – February 2017.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council:

- a) makes provision in the 2017/18 Budget for the development of a final Town Centre Revitalisation Concept and Implementation Plan; and**
- b) authorises the Asset Management Advisory Committee Chair (Cr Barrye Thompson) to raise the matter of prioritisation of the current Plan's actions as a discussion point during Council's strategic and corporate planning review process.**

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council conducts a future Councillor Workshop to guide the preparation of a revised Public Open Space Strategy.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council authorises the replacement of the Vincent Street standpipe meter system with the tag/token system.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council authorises a consultant to be appointed to prepare a detailed report on the required repair work to be undertaken at the Town Hall so that it may be safely available for public use.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council endorses the administration in seeking sector advocacy in reinstating local government vehicle licensing concessions.

9.2.3 Receipt of Heritage Advisory Committee (HAC) Minutes from 20 January 2017

HERITAGE ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Heritage Advisory Committee meeting held 20 January 2017, as provided within the Attachment Booklet – February 2017.

9.2.4 Receipt of Tidy Towns Sustainable Committee (TTSC) Minutes from 20 January 2017

TIDY TOWNS SUSTAINABLE COMMITTEE MINUTES:

That Council receives the Minutes of the Tidy Towns Sustainable Committee meeting held 20 January 2017, as provided within the Attachment Booklet – February 2017.

9.2.5 Receipt of Roadwise Committee Minutes from 23 January 2017

ROADWISE COMMITTEE MINUTES:

That Council receives the Minutes of the Roadwise Committee meeting held 23 January 2017, as provided within the Attachment Booklet – February 2017.

9.2.6 Receipt of Community Assistance Scheme (CAS) Committee Minutes and Recommendations to Council from 6 February 2017

COMMUNITY ASSISTANCE SCHEME COMMITTEE MINUTES:

That Council receives the Minutes of the Community Assistance Scheme Committee meeting held 6 February 2017, as provided within the Attachment Booklet – February 2017.

COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION TO COUNCIL:

That Council endorses the deliberations of the CAS Committee and approves the following funding allocations for the Community Assistance Scheme round three of the 2016/2017 financial year as presented in attachment booklet – February 2017 under separate cover:

ORGANISATION	PROJECT DESCRIPTION	REQUESTED	APPROVED
Dongara Port Denison Sub Committee of the Mid West Chamber of Commerce and Industry	Dongara Port Denison Lobster and Land Food Festival	\$5,000	\$5,000
Dongara Playgroup	Outside Makeover / Parenting Workshops	\$5,000	\$3,260
		TOTAL	\$8,260

9.2.7 Receipt of Economic Development Advisory Committee (EDAC) Minutes and Recommendations to Council from 8 February 2017

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Economic Development Advisory Committee meeting held 8 February 2017, as provided within the Attachment Booklet – February 2017.

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council approves the preparation of an amended Shire of Irwin Local Purchasing Policy to reflect the following:

1. The price preference offered to suppliers within the Shire (based and operating within the Shire of Irwin - defined as: having a business address with 6525 postcode) can be up to 10% of the value of goods and services. The maximum value of the price preference cannot exceed \$20,000.
2. The price preference offered to suppliers within the Midwest (outside of the Shire of Irwin) can be up to 5% of the value of goods and services. The maximum value of the price preference cannot exceed \$10,000.

9.2.8 Receipt of Aquatic Needs Advisory Committee (ANAC) Minutes and Recommendations to Council from 9 February 2017

Council considered the following recommendation at its Ordinary Council Meeting on 13 December 2016 which was held over until this meeting, 28 February 2017, as shown below:

AQUATIC NEEDS ADVISORY COMMITTEE RECOMMENDATION:

MOVED: Cr Kennedy

SECONDED: Cr Gumley

That Council:

- 1) Accepts the amended Aquatic Needs Advisory Committee Terms of Reference as attached;
- 2) Recognises the community priority for an aquatic facility;
- 3) Supports the continuation of the Committees' objectives in determining an outcome for an aquatic facility, in the Shire of Irwin, by 2022/23; and
- 4) Makes an annual contribution of \$40,000, indexed annually, to an Aquatic Facility Reserve, beginning in the 2017/18 financial year.

COUNCIL DECISION 161216:

MOVED: Cr Scott

SECONDED: Cr Smith

That Council consideration of the recommendation of the Aquatic Needs Advisory Committee be held over to the February 2017 ordinary meeting of Council to allow for a Councillors' Workshop on the matter to be held.

VOTING DETAILS:

CARRIED 7/0

The ANAC held a subsequent meeting on 9 February 2017. Councillors workshopped Council's resolution of 13 December 2016 at the Council Forum on 14 February 2017 requesting that the Committees' recommendations be considered by Council.

AQUATIC NEEDS ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Aquatic Needs Advisory Committee meeting held 9 February 2017, as provided within the Attachment Booklet – February 2017.

AQUATIC NEEDS ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council accepts any facility built will need to be staged. The facility be a multiuse hydrotherapy leisure pool suitable for infant use and swimming lessons with solar heating, approximately 12.5 metres x 10 metres plus toddler entry area.

AQUATIC NEEDS ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council makes an annual contribution of \$40,000, indexed annually, for the creation and replacement of Recreation Facilities, beginning in the 2017/18 financial year.

9.2.9 Receipt of Audit Committee Minutes and Recommendations to Council from 14 February 2017

AUDIT COMMITTEE MINUTES:

That Council receives the Minutes of the Audit Committee meeting held 14 February 2017, as provided within the Attachment Booklet – February 2017.

AUDIT COMMITTEE RECOMMENDATION TO COUNCIL:

That the Shire of Irwin's Compliance Audit Return for the 2016 calendar year, as attached, be adopted.

AUDIT COMMITTEE RECOMMENDATION TO COUNCIL:

That Council extends its appointment of Moore Stephens as its external auditor to include the 2017/18 financial year.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Section 3.25 Notices – Properties Considered Untidy

Cr Meares' Motion:

That Council declares the former roadhouse at 30183 Brand Highway, Dongara (A4200) and the property at 30377 Brand Highway, Dongara (A4021) as sites that are untidy and reflecting poorly on the entrance to the Dongara townsite due to a combination of overgrown vegetation, rubbish and/or disused materials and, as a result, serves notice under Section 3.25 of the Local Government Act 1995 (as amended) on the owners to have said overgrown vegetation, rubbish and/or disused materials removed in accordance with the notice so served.

Background

Cr Meares has provided the following comment:

“For several years, councillors have been requesting several areas of our township to be tidied up. To date all areas of concern remain in the same state of untidiness for various reasons (some beyond the control of staff). Of particular importance is the former roadhouse at 30183 Brand Highway and an area of land adjacent to Brand Highway, Moreton Terrace, Irwin river and the BP roadhouse on the main entrance to Dongara townsite. This site has an accumulation of illegally dumped rubbish in sight of Brand Highway. It is untidy and a fire hazard.”

Officer's Comment

Under the Local Government Act 1995 (the Act) - Schedule 3.1, Division 1, Clause 5A, it is open to Council to issue a notice in accordance with Section 3.25 seeking the removal of overgrown vegetation, rubbish or disused material from land the local government considers to be untidy.

Non-compliance with a notice issue under section 3.25 constitutes an offence that, upon conviction, could lead to a fine of up to \$5,000 and a further fine of up to \$500 per day if the offence is ongoing.

In addition, under section 3.26, if a notice recipient fails to comply with a notice, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given and may recover the cost as a debt due from the person who failed to comply with the notice.

Should Council agree to the motion, any notice recipients have a right of objection to Council or review (appeal) to the State Administrative Tribunal under section 9.1 of the Act.

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

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

14. CLOSURE

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