



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 25 October, 2022

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 25 October, 2022

Signed:
Presiding Elected Member

Date:

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.



Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 25 October, 2022

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests, and members in the Gallery and opened the meeting at 6.04pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	Shire President
Councillor I M Scott	Deputy Shire President
Councillor G S Eva	
Councillor A J Gillam	
Councillor M Leonard	
Councillor H M Palmer	
Councillor E Tunbridge	
Councillor B Wyse	

Staff

Mr S D Ivers	Chief Executive Officer
Mr T Roper	Chief Operating Officer
Mr B Jeans	Manager Development
Mr P Bracegirdle	Manager Community Services
Ms S J Clarkson	Acting Senior Finance Officer
Ms C C Finlay	Acting Executive Assistant
Janelle Keene	Procurement & Administration Officer
Peter Traylen	
Leanne Burong – Black	
Mark Jones	
Mark Teale	
Luke Mannion	

Guests

Nil.

Approved Leave of Absence

Nil.

Apologies

Nil

Gallery

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 27 September 2022

A copy of the minutes of the 27 September 2022 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 011022:

MOVED: Cr Leonard

SECONDED: Cr Scott

That the Minutes of the Ordinary Council Meeting, held 27 September 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.

VOTING DETAILS:

Carried 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

- 27 September 2022 CEO attended the Oracle | Shire Of Irwin | ITANZ Follow up Meeting
- 2 – 5 October 2022 Shire President, Councillors & CEO attend WALGA Conference Perth
- 5 October 2022 Shire President & CEO meet with Mineral Resources Ltd Dongara
- 13 October 2022 Shire President attended the monthly MEPAU meeting | Dongara
- 18-19 October 2022 Shire President attended the Mid-West & Gascoyne Major Projects 2022
- 21 October 2022 Shire Deputy President attending the Year 12 Assembly

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-10/22
Subject:	CC01-10/22 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during September 2022.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2022.

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared*
- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2022

CC01-10/22 Attachment 1: Accounts for Payment – September 2022

Officer Recommendation:

COUNCIL DECISION 021022:

MOVED: Cr Palmer

SECONDED: Cr Gillam

That Council by simple majority, receives the Accounts paid during September 2022 as presented in Attachment Booklet – October 2022, represented by:

Payment Type/Numbers	Total Amount
EFT 29211 – 29346	\$621,715.62
Muni Cheques – 32120 – 32121	\$9,821.80
Direct Debit – Telstra	\$2,882.32
Direct Debit – WA Treasury Corporation	\$25,015.49
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$3,571.27
Direct Debit – Rental Charges	\$2,600.00
Direct Debit – Insurance Premium Repayments	\$36,837.96
Direct Debit – N-Able Pty Ltd	\$443.00
Direct Debit – Sheriff's Office Perth	\$162.00
Direct Debit – Bonds Administrator	\$260.00
Direct Debit – Superannuation	\$38,476.12
Grand Total	\$743,733.24

VOTING DETAILS:

Carried 8 /0

CORPORATE AND COMMUNITY		CC02-10/22
Subject:	CC02-10/22 Monthly Financial Statements for the Period Ended 30 September 2022	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

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- Legislative** Includes adopting local laws and local planning schemes.
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- 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 and receive the Monthly Financial Statements for the period 1 July 2022 to 30 September 2022.

Background:

The Monthly Financial Statements to 30 June 2023 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer's Comment:

The financial position to the end of September 2022 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/09/2022	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	6,752,132	7,349,399	9%
Operating Expenditure	(3,086,430)	(1,650,015)	-47%
Net Operating	3,665,702	5,699,384	
Non-Operating Revenue	4,756,739	5,700,527	20%
Non-Operating Expenditure	(1,067,173)	(313,779)	-71%
Net Non-Operating	3,689,566	5,386,748	
Cash at Bank		5,162,223	
Cash at Bank Restricted		373,935	
Reserve Bank		1,400,067	
Total Cash Funds		6,936,225	

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (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.

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2022

Attachment 1: Monthly Financial Statements for the Period Ended 30 September 2022.

Officer Recommendation:

COUNCIL DECISION 031022:

MOVED: Cr Tunbridge

SECONDED: Cr Leonard

That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 30 September 2022 as provided in Attachment Booklet – October 2022

VOTING DETAILS:

Carried 8 /0

OFFICE OF CEO		CEO01-10/22
Subject:	CEO01-10/22 Request for Quote 2122 10 – Midwest Regional Group Waste Collection and Processing	
Author:	J Keene, Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00389	
Voting Requirements:	Absolute Majority	

Council Role:

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- Legislative** Includes adopting local laws and local planning schemes.
- 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 seek Council approval to award Shire of Irwin – Waste Collection Services Contract that was issued under RFQ 2122 10- Midwest Regional Group Waste Collection & Processing.

Background:

With the expiry of the existing contract for Waste Collection & Disposal Services from 31 August 2015 to 28 August 2022, the Shire of Irwin as part of the Midwest Regional Group engaged the services of WALGA procurement to assist with the preparation of a Request for Quote (RFQ) and contract documentation. The group anticipates that by appointing a single Contractor for all contracts on offer it will enable a lower overall cost, however the specifications in the request and the decision was up to each Local Government.

The RFQ 2122 10, was released to suitably experienced Contractors listed as members of the WALGA Preferred Supplier Program via the City of Greater Geraldton’s eQuotes (VendorPanel) portal on 19 May 2022. The RFQ 2122 10 Midwest Regional Group Waste Collection and Processing included 10 Local Governments from the Midwest region, with ten separable portions which may result in ten separate Contracts. Each separable portion has four Price Schedules, one in the event that a common Contractor is engaged and one in the event that an individual Contractor is engaged to provide the services, both with a seven- or ten-year option.

The Shire of Irwin specifics included the mandatory services of collecting and disposing of kerbside refuse, public place refuse and commercial refuse plus waste from the Irwin Transfer Station. The request also included options for event services, bulk verge collections, sharps collection services and special collection services. The request also allowed for options to increase waste diversion and explore opportunities for comingled recycling, FOGO waste, or individual streams of paper, cardboard and glass. The request was very specific on the communications and reports required by the Contractor to monitor performance and allow for better efficiency of services.

The original deadline was set for the 9 June 2022. Though after receiving two requests for extension, one for a 4-week extension and one for 2-week extension was made. The request was considered, and a 1-week extension was granted. Three clarifications were also received, consisting of whether a partial tender would be considered, is there a requirement to tender on all mandatory services and is there an opportunity for a later commencement date. A response was issued stating that the submission must include all mandatory services, that the preferred commencement date is to be August 2022 and proposed later commencement would be up to each individual Local Government and that respondents may elect not to submit pricing for all Local Governments however that this is the preferred option.

Two responses were received, 1 supplied a submission to the whole group and 1 was a partial submission. The Shire of Irwin was not part of this submission. The 1 submission was then assessed for compliance and then assessed against the qualitative criteria, before pricing was applied to determine if the response was value for money and advantageous to the Shire of Irwin.

Officer’s Comment:

The consensus from the Midwest Regional Group was that they were not happy with the increased price schedule and clarifications were requested by a representative from the group to determine how the Respondent arrived at the submitted prices. The respondent replied stating that the pricing factored in, hourly rate for staff, price of fuel, vehicle maintenance and depreciation, travel time and collection times, number of trips plus the improvements with technology that allowed onboard weighing of waste and live video tracking which allowed for split loads between LGA boundaries and different types of collection services. After further discussion with the representative from WALGA Procurement Services the Tender offered to resubmit the pricing schedule and issue an extension on the existing contract.

The submission by Respondent 1 met the qualitative criteria as set out in the Request for Quotation (RFQ) document, provided as Attachment 1. For full details of the scores and further details regarding the compliance and qualitative criteria, refer to the attached RFT Evaluation Report provided as Confidential Attachment 1.

It is recommended that Council accepts the submission for RFQ 2122 10 Midwest Regional Group Waste Collection and Processing Services Shire of Irwin Waste Collection Services Contract, received from {_____}, named as ‘Respondent 1’ for a 10 (5+3+2) year term.

The price is based upon the current number of collection services however the annual charges and contract value will vary due to changes in the number of collection services for both kerbside collection, public place collections and waste collection requirements at the Irwin Transfer Station. These charges will also be subject to increase on the anniversary of the Contract Execution date based on the Rise and Fall Mechanism set out by the Respondent in the Pricing Schedule.

Consultation:

Midwest Regional Group – Waste Collection and Processing

Statutory Environment:

Local Government (Function and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*

- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - (b) *the recording and retention of written information, or documents, in respect of*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

Local Government (Function and General) Regulations 1996

11. When tenders have to be publicly invited

- (1A) *In this regulation —*
state of emergency declaration *has the meaning given in the Emergency Management Act 2005 section 3.*
- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (aa) *the supply of the goods or services is associated with a state of emergency; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program; or*
 - ~~[(ba) deleted]~~
 - (c) *within the last 6 months —*
 - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
 - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

 - (d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*
 - (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
 - (ea) *the goods or services are to be supplied —*
 - (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

or

 - (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
 - (g) *the goods to be supplied under the contract are —*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines;*

or

(h) the following apply —

(i) the goods or services are to be supplied by —

(I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or

(II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;

and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money;

or

(i) the goods or services are to be supplied by an Australian Disability Enterprise; or

(j) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

(ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and

(iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(ja) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract is to expire within 3 months;

and

(ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and

(iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division

(3) For the purposes of sub regulation (2) (aa) a supply of goods or services is associated with a state of emergency if —

(a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

and

(b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

Local Government Act 1995, Section 5.42 – Delegation to CEO

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO²⁸

A local government cannot delegate to a CEO any of the following powers or duties —

(a) any power or duty that requires a decision of an absolute majority of the council; (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

(c) appointing an auditor;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;

(f) borrowing money on behalf of the local government;

(g) hearing or determining an objection of the kind referred to in section 9.5;

(ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;

(h) any power or duty that requires the approval of the Minister or the Governor;

(i) such other powers or duties as may be prescribed.

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

Policy Implications:

CP20- Purchasing

CP01- Localised Purchasing (Regional Price Preference)

Financial/Resource Implications:

Budget allocation for the waste collection and disposal services as per RFQ 2122 10 is provided for in the 2022/23 Annual Budget. The current Contract has been extended from 29th August 2022 to 31 October 2022 to allow sufficient time for revising pricing and for implementation of services under this contract.

Strategy Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.3 Conserve and protect our natural and built environment through land-use management, planning and development strategies.

Attachments:

Attachment Booklet – October 2022

Attachment 1: Request for Quote

CONFIDENTIAL Attachment Booklet – October 2022

Attachment 1: Evaluation Panel Report

Officer Recommendation:

COUNCIL DECISION 041022:

MOVED: Cr Wyse

SECONDED: Cr Eva

That Council, by Absolute Majority;

- 1. Accepts the tender submission for RFQ 2122 10 Midwest Regional Group Waste Collection and Processing Services, received from Cleanaway Pty Ltd, named as 'Respondent 1' in the Evaluation Panel Report recommendation detailed in Attachment 1 in the Confidential Attachment Booklet – October 2022 and identified as the most advantageous, with a calculated on current services first year annual cost of \$295,485.55 with each additional year subject to increase by the Rise and Fall Mechanism submitted in the response and future consideration for additional waste diversion services. .**
- 2. Delegates authority to the Chief Executive Officer to negotiate in relation to the contract for RFQ 2122 10 Midwest Regional Group Waste Collection and Processing Services:**
 - a) Minor variations before entry into contract, in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*.**
 - b) Variations after the contract has been entered into, limited to variations which do not change the scope of the contract and which do not increase the contract value beyond 10%, in accordance with Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.**
 - c) Exercise the contract extension options as approved in Part 1 above, in accordance with Regulations 11(2)(j) and 21A of the *Local Government (Functions and General) Regulations 1996*; and**
- 3. Accepts that if a contract should not be formed for RFQ 2122 10 Midwest Regional Group Waste Collection and Processing Services with Respondent 1 identified in Evaluation Panel Report recommendation shown in Attachment 1 in the Confidential Attachment Booklet – October 2022 as the most advantageous, then the Shire of Irwin will readvertise the tender;**

Authorises the Chief Executive Officer in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for RFQ 2122 10 Midwest Regional Group Waste Collection and Processing Services

VOTING DETAILS:

Carried by Absolute Majority 8/0

INFRASTRUCTURE & DEVELOPMENT		ID01-10/22
Subject:	ID01-10/22 Delegated and Authorised Actions for September 2022 – Development	
Author:	B Jeans, Development & Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
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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- Legislative** Includes adopting local laws and local planning schemes.
- 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 inform Council of officer actions made under delegated authority and authorisation in the Development department.

Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer's Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 September 2022 – 30 September 2022.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- *Part 10 Div. 2*

Shire of Irwin Local Planning Scheme No.5

- *Clause 11.3*

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2022

Attachment 1: Table of Delegated Actions for September 2022

CONFIDENTIAL Attachment Booklet – October 2022

Attachment 1: Detailed Table of Delegated Actions for September 2022

Officer Recommendation:

COUNCIL DECISION 051022:

MOVED: Cr Scott

SECONDED: Cr Palmer

That Council receives the Delegated and Authorised Actions for September 2022 as set out in Attachment 1 in Attachment Booklet – October 2022.

VOTING DETAILS:

Carried 8 /0

INFRASTRUCTURE & DEVELOPMENT		ID02-10/22
Subject:	ID02-10/22 Shared Parking Arrangement – Dongara Hotel Site	
Author:	B Jeans, Development & Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00156	
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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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:

For Council to consider entering into the shared parking arrangement with the new landowner of Lot 23 Moreton Terrace, Dongara, known as the Dongara Hotel to maintain additional public car parking in the Dongara Town Centre.

Background:

A Land Use Agreement was formed in 2021 with the previous landowner of the Dongara Hotel following Council's Resolution at the 8 December 2020 Ordinary Council Meeting (Attachment 1). This report seeks to formalise a renewal of the Land Use Agreement with the new landowner following the recent sale of the site. No new information or changes to the arrangement are proposed or required other than the landowner details.

Officer's Comment:

The subject portion of land on Lot 23 Moreton Terrace is indicated on the aerial plan below (shown in red) and represents an approximate area of 2,000sqm. It should be noted the aerial image is prior to Moreton Terrace upgrade works which include works on the subject site.



Lot 23 currently provides 47 line marked car parking bays for customers of the Hotel/Motel and 36 line marked car parking bays for customers of the Bar/Restaurant (the bays within the red marked subject portion of land).

The Land Use Agreement was developed on the basis that it was the most appropriate mechanism to establish parameters for shared use of private land without the complication and substantial cost of a more comprehensive legal agreement.

Consultation:

Relevant Shire staff
Cameron Grove for Liner Jack Pty Ltd ATF Cobbled Investments Trust (landowner of site)

Statutory Environment:

Shire of Irwin Local Planning Scheme No.5
Refer to Attachment 1 for planning assessment details.

Policy Implications:

Nil.

Financial/Resource Implications:

The Shire carried out a market valuation in 2020 whereby the market rent value of the 2,000sqm area was determined to be \$25,000 per annum. It is considered this 2020 valuation is acceptable for the purposes of this Agreement.

Cost arrangements between the Shire and the Landowner is detailed in the previous Council Report and attached Land Use Agreement. In summary it makes provision for:

- The Shire and Landowner to contribute a 50% share towards the shared use of the land; and
- The Shire accepts maintenance (as required) of the 2,000sqm portion to the value of \$1,500 per annum.

This calculates to an agreed annual rates concession of \$14,000.

It should be noted with the recent major upgrade works of Moreton Terrace, resealing and kerbing works were carried out at the Dongara Hotel site, therefore minimising expected maintenance costs for the foreseeable future that were more prevalent back in 2020.

Strategic Implications:

Strategic Community Plan 2021 - 2031

Strategy 2.1.2 Partner with and advocate on behalf of commerce and industry to improve local infrastructure and services

Attachments:

Attachment Booklet – October 2022

Attachment 1: Shared Parking Arrangement – Dongara Hotel Site

CONFIDENTIAL Attachment Booklet – October 2022

Attachment 1: Land Use Agreement Site October 2022

Officer Recommendation:

COUNCIL DECISION 061022:

MOVED: Cr Leonard

SECONDED: Cr Palmer

That Council, by Absolute Majority, authorises the Chief Executive Officer to enter into a Land Use Agreement with the landowner of Lot 23 Moreton Terrace, Dongara for the purpose of maintaining the 2,000sqm of shared parking arrangement utilising a portion of Lot 23 Moreton Terrace, Dongara, provided that any modification does not materially change the intent from the Land Use Agreement, with the rates concession effective from September 2022, provided as Attachment 1 in Confidential Attachment Booklet – October 2022.

VOTING DETAILS:

Carried by Absolute Majority 8 /0

INFRASTRUCTURE AND OPERATIONS		ID03-10/22
Subject:	ID03-10/22 Boat Ramp Upgrade – Detailed Design	
Author:	S Ivers, Chief Executive Officer/F Boksmati, Community Development Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00518	
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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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 seek Council approval to sole source MP Rogers and Associates to complete the detailed design for the upgrade of the Port Denison foreshore boat ramp and associated carpark. The total value of the work \$126,402 has already been approved by Council in the 2022/23 Budget where \$88,481 is from grant funding.

Background:

With the popularity of Dongara-Port Denison as a holiday destination steadily increasing, so has the use of the Recreational Boating Facility. Ongoing concerns raised by the Port Denison Volunteer Sea Rescue Group, local and visiting recreational users of the facility, have emphasised inadequacies relating to patron safety, finger jetty condition, parking, accessibility and volume limitations, further impeding the ability to continue sustainably or with the level of growth still anticipated. The upgrade is also expected to support the growing utilisation of the facilities for other marine recreational activities with the opportunity to launch within the sheltered harbour presenting as a major drawcard in enticing visitors to town.

The Port Denison boat launching ramp and finger jetty is a public recreational launching facility. With more travellers accessing the town and utilising the launch facility within the sheltered marina precinct, the ramp has become consistently more heavily congested most weekends, and more so during the peak fishing season and each school holiday period since 2019.

Recent studies based on observations and recorded logs maintained by the Port Denison Volunteer Sea Search and Rescue have indicated usage of the boat ramp facilities has steadily increased each season.

Ascertained 2020/2021 figures for volume show that current normal local weekday use outside of holiday periods is averaging 35-45 boats per day, with the numbers increasing to between 60-70 boats

over the weekend. Christmas, Easter, School and Public holiday weekday utilisation periods is estimated between 80-90 boats with the weekend during these periods increasing to between 90-100 boats each day. White crayfish season from November – December can see usage being upwards of 100-120 boats per day.

These figures do not account for launches made from the beach within the harbour, where some patrons launch to avoid congestion at the boat ramp. An average number of 10 - 15 beach launches is estimated to be made by smaller boats and/or recreational crafts.

An estimation provided by the Port Denison Volunteer Sea Rescue indicates that approximately 300 or more patrons utilise the recreational boat ramp during peak periods. A total of 38 marked parking places to accommodate boats and trailers in the car park adjacent to the Recreational Boating Facility is consistently at capacity over weekends, and almost permanently over school holiday or peak fishing seasons. Overflow parking consistently spilling over onto adjacent vacant blocks on the corner of Samuel Street and Point Leander Drive to accommodate the additional cars and trailers for patrons of the facility. The difficulties experienced at the recreational boat ramp include;

- There is currently inadequate parking and boat launching facilities to meet user demand.
- Parking limitations results in congestion as users wait to access the ramp, with long wait times to launch or retrieve their vessel resulting in unsafe launching/retrieving practices.
- Narrow finger jetty making it difficult for users to pass each other safely, rendering the current ramp impractical as a double ramp.
- Current finger jetty is aged and deteriorating and further contributing to unsafe practices and safety issues when being utilised by patrons.
- There is currently no consideration for universal access and/or mobility impaired, limiting access for those with disabilities.
- Launch and retrieval is difficult and potentially unsafe during times of high or low tide which can be alleviated by the introduction of a floating jetty. A proven safer option for boat launching and retrieval.
- During emergencies, Emergency Service Personnel are unable to access the narrow finger jetty with emergency equipment if and when required.
- Improving lighting and safety and instructional signage within the parking area (currently there is limited lighting available) would contribute to safer navigation through the facility, day and night.
- No fish cleaning facility in the vicinity of the boat ramps.

In 2013, the Shire of Irwin identified the constraints which underpinned the concept development required for the Recreational Boating Facility, highlighting activation, accessibility, way-finding and coastal erosion as areas of concern. MP Rogers & Associates in 2013 as part of the Denison Foreshore Masterplan concept design project completed a feasibility study to upgrade the existing boat ramp facilities with new lanes, consolidated parking and improved pedestrian connectivity. The environmental design considerations included water levels, wind velocity, wave conditions, hydrographical data and geotechnical information. The conceptual design also took into consideration design life, number of ramps and the associated dimensions, necessary land reclamation and revetments to accommodate an increased number of parking bays, the finger jetty design and onshore facilities. The concept design delivered two core options. One was to utilise the current location and another was in front of the Obelisk.

In 2016, Department of Transport (DoT) was invited to comment on the Shire of Irwin's Foreshore Master Plan – Future Planning Proposal which proposed redevelopment of the marina precinct, including the vicinity of the recreational boating facility. DoT was in full support of the works proposed within the document with a commitment, where possible, to provide technical and general assistance required for the planning process.

The Shire of Irwin has conducted multiple feasibility studies since 2013 and investigated options to redevelop and upgrade the boat ramp and its associated facilities and infrastructure as stipulated above. The Shire has been unable to proceed with the project, with funding constraints being a major factor, but continues to identify the Recreational Boat Ramp redevelopment as a priority within its Corporate Business Plan (CBP), Strategic Community Plan (SCP) and Foreshore Master Plan (FMP).

The current Foreshore Masterplan adopted by Council 22 February 2022 excluded the boat ramp precinct on the understanding the development work was to continue as a separate package of work as represented by this report.

Officer's Comment:

The Shire of Irwin aligns its four year priorities with its 2020-2024 Corporate Business Plan and Strategic Community Plan, emphasising particular focus on delivering a prosperous and diverse economy, a friendly, safe and inclusive community enjoying a high quality lifestyle, to be custodians of our natural and built environment and to lead the community with engaged and progressive governance. These priorities are achieved by addressing asset renewals, enabling access and inclusion across the Shire's facilities where possible, and improving the recreational boating facility as a shared and easily accessible community facility. The design and upgrade will address the areas of concern to bring the facility to standard, and will directly align with the Shire's vision, and the community's priority for an improved and sustainable facility into the future.

Commander of the Marine Rescue Port Denison forecasts projects usage of the Port Denison Boat Ramp and associated facilities to increase by approximately 30-35% over the next 5-10 years. This would significantly compound already congested utilisation levels of the facility with numbers of boats anticipated to increase as follows; normal use on weekdays outside of holiday periods being 50 – 60 boats. This figure increases over the weekends of this period to approximately 80 – 90 boats. Holiday period weekdays can expect between 110 – 120 boats, with the weekends increasing more so to between 120 – 140 boats. White Crayfish / peak season is forecast to deliver between 140 – 160 boats to the facility. All figures are subject to weather conditions. These figures do not account for launches made from the beach within the harbour, where some patrons launch to avoid congestion at the boat ramp. An average number of 15 - 20 beach launches is estimated to be made by smaller boats and/or recreational crafts.

The anticipated figures indicate that the carpark facility will be at 100% occupancy permanently, outside of peak and/or holiday periods. Research conducted by Tourism Research Australia reflects a 31% increase of Intrastate Travel and a 67% increase in day trips within WA. With the Dongara Port Denison town being approximately 360kms from the closest Capital City, travel from Perth can be easily made during a day and/or weekend trips, and for them to be made more frequently. Research by the Shire of Irwin Visitors Centre into local accommodation occupancy suggests occupancy levels at the local accommodation providers is almost always at full capacity on most weekends, and booked months in advance, with excessive numbers requiring boat parking and details relating to boat launch facilities available within Dongara Port Denison.

The detailed design will take into consideration and deliver the designs and plans for;

- Construction of an additional dual lane ramp for easier boat launching and retrieval, increasing the capacity of the ramps and reducing congestion.
- Construction of a new floating finger jetty system for safe landings and departures especially during times of high wind and wave activity.
- Redevelopment of the existing, deteriorating narrow fixed unit finger jetty for safer landings and departures.
- Redevelopment of the existing dual lane boat ramp.
- The floating jetty system will enable universal access and inclusion for all patrons of the facility, including those with mobility impairment. The widened jetty will also enable improved traffic flow and pedestrian access.
- Upgrade of the car parking facility which is currently deemed inadequate and unable to cater for demand, with spill over parking imposing nearby vacant land.
- Enabling and ease of access for emergency services onto the jetty for retrieval purposes during emergency situations, if and when required.
- Installation of drainage provisions associated with the parking area.
- Installation of lighting and adequate safety and instructional signage within the parking area (currently there is limited lighting available).
- Installation of footpaths to support safe universal pedestrian access for those utilising the recreational launching facility and those moving through the area.
- Considerations required for the supply and installation of a fish cleaning facility.

- Removal and revetment of the aligning sea wall

In terms of consultation, the detailed design includes:

- The presentation to council and attendance at the two community consultation sessions
- Preparation of outcomes summary from the community consultation sessions and subsequent discussion with the Shire regarding any possible changes
- Allowance for discussion and liaison with DoT, as required, throughout the process (concept, preliminary and detailed design);
- More time for general liaison with the Shire throughout the course of the works;

Potential benefits:

- The redesign of the recreational boating infrastructure along the Port Denison foreshore will ensure that any future upgrades and improvements will comply with all relevant Australian Standards and Dot Guidelines (AS3600, AS4997, AS3962) for marine and coastal construction.
- The development of an overarching design encompassing all the recreational boating infrastructure within the precinct, is critical to the successful implementation of a multi-staged construction phase.
- Increase of safer and correct boat launch and retrieval practices by addressing congestion issues, resulting in increased efficiency of the facility as traffic flow is also improved.
- Increased use by recreational boat users previously deterred by congestion and/or parking limitations by improving the vicinity and recreational access.
- Address safety concerns arising due to the aged and deteriorating infrastructure by enhancing the safety of the recreational boating infrastructure.
- Changes to infrastructure to enable and ensure universal access for people with disabilities, further promoting the Shire's commitment to remove/reduce barriers limiting participation by all members of the community.
- Anticipated positive economic impacts on both a regional and local scale due to an increase in tourism as more visitors are enticed to attend and utilise due to better and more efficient facilities being available.
- In a MARKYT Scorecard survey, a community-wide distributed survey undertaken in late 2016, results indicated that 'Repairing and upgrading the boat ramp' is key priority for our Community. The completion of this project would be significant in achieving community satisfaction in this area.
- Redesigning the recreational boating infrastructure to a user friendly, accessible, and safe design will decrease the number of vessels required to launch from the adjacent beaches and marina, increasing the demand and usage of the recreational boating precinct.
- Provision of a safer, more accessible launch facility for the recreational boating community

The Shire was successful in receiving up to \$137,435 (excluding GST) grant funding from the Recreation Boating Facilities Scheme where the detailed design needs to be completed by 30 June 2023. The total project value is up to \$196,335 (excluding GST) where the balance of funding would come from the Shire's own funds. It is proposed to sole source the detailed design and continue using MP Rogers and Associates, given their extensive history with this project, and develop their original concept designs into a detailed design. Once the detailed design is complete, the Shire will then be in a position to seek funding for the construction works.

The estimate from MP Rogers and Associates to do the works is \$126,402 (excluding GST), in which case \$88,481 would come from the grant funding and \$37,921 would be our own source funds. These amounts have been captured in the Council adopted 2022/23 Budget. In terms of procurement compliance, the value of this work is well under the public tender threshold of \$250,000 and therefore the Shire's Council Policy CEO100 Tenders for Goods and Services applies. Whilst the Council Policy does provide officers the option to sole source a supplier provided a rationale is put forward as to why the supplier is unique, it is preferred that this decision is publicly transparent given the long history of MP Rogers working with the local community regarding this project.

Consultation:

Council and community consultation is a mandatory requirement to complete the boat ramp detailed design. The community consultation is envisaged to be done March 2023.

Statutory Environment:

Nil

Policy Implications:

CP01 Localised Purchasing (Regional Price Preference Policy)
CP20 Purchasing – (Amended for a declared State of Emergency)
CEO100 Tenders for Goods and Services – (Amended for a declared State of Emergency)

Financial/Resource Implications:

Approved item in the 2022/23 Budget

Strategic Implications:

Strategic Community Plan 2021 – 2031
Strategy 1.1.2 Advocate for retention of existing and enhanced facilities and health and social support services
Strategy 3.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels

Attachments:

Attachment Booklet – October 2022
Attachment 1: MP Rogers – Final Report 2013

CONFIDENTIAL Attachment Booklet – October 2022
Attachment 1: Job Plan & Fee Estimate

Officer Recommendation:

COUNCIL DECISION 071022:

MOVED: Cr Palmer

SECONDED: Cr Eva

That Council, by Absolute Majority approves sole sourcing the provisions of contract services from MP Rogers and Associates as per the estimate provided in Attachment 1 in the Confidential Attachment Booklet – October 2022 to the value of \$126,402 excluding GST.

VOTING DETAILS:

Carried by Absolute Majority 8 /0

9.2. Committee Reports

Nil.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at **6.11pm**.

An electronic copy of the Minutes are available for download from the Shire's website.
<https://www.irwin.wa.gov.au/council/council-meetings/2022-council-meetings>