



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 27 SEPTEMBER 2011

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

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ORDINARY COUNCIL MEETING 27 SEPTEMBER 2011

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I certify that this copy of the Minutes is a true and correct record of the meeting held on 27 September 2011

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 27 SEPTEMBER 2011
COMMENCING AT 4.10PM**

| | | |
|--------------------------|-------------|--|
| PRESENT: | President | Cr S C Chandler (Presiding Member) |
| | Councillors | Cr J B Fitzhardinge Cr K J Hepworth Cr R W Roberts Cr B C Scott Cr I F West Cr L W Wheeler |
| | Staff | Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director Corporate Services Mr F A Neuweiler – Manager Community Development Mr A S Wootton – Works Manager Mrs H M Sternick – Accountant/Senior Finance Officer (from 5.04pm) Ms A McDonald – Executive Assistant/Records Officer (EA) (Minute Taker) |
| | Gallery | 1 Member of the Public |
| APOLOGIES: | | |
| LEAVE OF ABSENCE: | | Cr R T McClurg |

-
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
The Presiding Member declared the meeting open at 4.10pm and welcomed all those in attendance to the proceedings.
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
Cr R T McClurg – Leave of Absence
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil.
 - 4. PUBLIC QUESTION TIME**

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 AUGUST 2011

A copy of the Minutes of the Ordinary Council Meeting held on 24 August 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr L W Wheeler

That the Minutes of the Ordinary Council Meeting, held on 24 August 2011, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

7.2

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 13 SEPTEMBER 2011

A copy of the Minutes of the Special Council Meeting held on 13 September 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr J B Fitzhardinge

SECONDED: Cr R W Roberts

That the Minutes of the Special Council Meeting, held on 13 September 2011, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1.** I would like to acknowledge and thank Cr Lance Wheeler for his contribution to Council from 2003 – 2011 and present him with a certificate of appreciation.
- 8.2.** I would like to wish all renominating Councillors well in the up and coming elections.
- 8.3.** I would like to thank Anne for her contribution to the shire team and wish her well in her new endeavours.
- 8.4.** 14 September 2011 – The CEO and I attended the launch of Morawa being named a super town.

Prior to the commencement of the reports the Shire President carried out a computer-generated random prize draw for the early rates payment incentive prizes.

9. REPORTS

B.427

Subject: Local Emergency Management Arrangements
Reporting Officer: Manager, Community Development
File Reference: ES.PL.1
Date Prepared: 1 September 2011
Voting Requirements: Simple Majority

Report Purpose:

For Council to adopt the Shire of Irwin Local Emergency Management Arrangements (LEMA) 2011.

OFFICERS RECOMMENDATION / COUNCIL DECISION:

MOVED: Cr K J Hepworth

SECONDED: Cr L W Wheeler

That Council adopt the Local Emergency Management Arrangements (LEMA) 2011 as presented; and authorise the CEO to make changes.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body / Background:

The Shire of Irwin Local Emergency Management Committee (LEMC) reviewed and updated the Local Emergency Management Arrangements (please refer to the attachment). These Arrangements are now ready for adoption by Council before they are signed off by the District Emergency Management Committee.

Officers Comment:

The purpose of the Local Emergency Management Arrangements is to document the management of identified risks and provide specific detail on planning, response and recovery activities of local government, hazard management agencies and other agencies.

The arrangements perform a multi faceted role in protecting the health, welfare, environment and economic well being of the community and ensure that appropriate strategies are in place to minimise the adverse effects on the community and ensure the best possible outcomes are delivered for the community in the long term.

Financial Implications:

Nil.

Statutory Environment:

Emergency Management Act 2005.

Policy Implications:

Nil.

CEO.465

Subject: Special Meeting Date – New Council
Reporting Officer: Chief Executive Officer
Date of Report: 21 September 2011
File Reference: GV.CM
Voting Requirements: Simple Majority

Report Purpose:

To consider calling a special meeting of Council to allow newly elected members to be declared to office and to elect a Shire President and Deputy Shire President.

OFFICERS RECOMMENDATION / COUNCIL DECISION:

MOVED: Cr R W Roberts

SECONDED: Cr I F West

That Council holds a Special meeting of Council on Monday 17 October 2011, commencing at 5.00pm and includes as business:

- a) Declarations to office for newly elected members;*
- b) Determination of seating arrangements by the Chief Executive Officer in accordance with Clause 6.2 of the Shire of Irwin Standing Orders Local Law; and*
- c) Election and subsequent declaration to office of Shire President and Deputy Shire President*

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

The upcoming Local Government Elections for the Shire of Irwin are on 15 October 2011 and the next scheduled meeting of Council is 25 October 2011.

The Local Government Act (s5.4) makes provision for special meetings of Council to be held if called for by either:

- The mayor or president
- At least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- If so decided by the Council.

Officer's Comment:

Given the upcoming Shire Election is on 15 October 2011 and the next scheduled meeting of Council being 25 October 2011 it is considered efficient to hold an additional (special) meeting merely for the purposes of:

- Declarations to office for newly elected members;
- Determination of seating arrangements by the Chief Executive Officer in accordance with Clause 6.2 of the Shire of Irwin Standing Orders Local Law; and
- Election and subsequent declaration to office of the Shire President and Deputy Shire President

Focusing on these matters will allow for a relatively short meeting while introducing newly elected members to the Council processes. Further it will 'free up' the following full meeting of Council to 'get back to business'.

Financial Implications:

Nil.

Statutory Environment:

Local Government Act s5.4, Local Government (Administration) Regulations 1996 (r12) and;
Shire of Irwin Standing Orders Local Law.

Policy Implications:

Nil.

DCS.388

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 27 September 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during August 2011.

OFFICERS RECOMMENDATION / COUNCIL DECISION:

MOVED: Cr B C Scott

SECONDED: Cr K J Hepworth

That the Accounts paid during August 2011, represented by Municipal Cheque Numbers 28285-28302, EFT payment numbers 11972 – 12025 totalling \$2,096,609.08 ,Trust Payment Cheque Numbers: 2264 - 2264 totalling \$1,000.00 & Police Licensing Payment No's PL030811– PL 290811 totalling \$51,092.41 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 2011.

Policy Implications:

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

Statutory Implications:

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.

DCS.389

Subject: Financial Statements for the Period ending 31/08/2011
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 27 September 2011
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 31 August 2011.

OFFICERS RECOMMENDATION / COUNCIL DECISION:

MOVED: Cr I F West

SECONDED: Cr J B Fitzhardinge

That the Monthly Financial Statement for the period 1 July 2011 to 31 August 2011 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body / Background:

The Monthly Financial Report to the 31 August 2011 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

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.

TP.523

Subject: Proposed Scheme Amendment No 11
Proponent: Dornford Pty Ltd
Reporting Officer: Town Planner
File Reference: LP.PL.2.11
Date Prepared: 15 September 2011
Voting Requirements: Simple Majority

Report Purpose:

To consider proposed Amendment No. 11 to the Shire's Local Planning Scheme No 5. The amendment proposes to rezone Lots 4 and 5 Brand Highway, Bookara from "General Farming" to "Rural Smallholdings" and "Special Use" to facilitate a rural living and tourism development.

OFFICERS RECOMMENDATION / COUNCIL DECISION:

MOVED: Cr K J Hepworth

SECONDED: Cr B C Scott

That Council advises the proponent of Amendment No 11 to the Shire's Local Planning Scheme No 5, and his representatives, that it would be willing to consider a modified amendment document that seeks to rezone only a portion of Lots 4 and 5 Brand Highway, Bookara for tourism and coastal foreshore reserve purposes, and include a new land use definition for 'Low Impact Coastal Tourism' or similar and which would apply as the permitted use to the area zoned for tourism development.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Background:

Council has previously considered this amendment application at its meeting held on 21 December 2010. At that meeting Council resolved the following:

'That Council defers consideration of proposed Scheme Amendment No 11 for Lots 4 and 5 Brand Highway, Bookara until the release of the draft Dongara to Cape Burney Coastal Strategy, to allow the proposal to be considered at a regional level rather than in isolation.'

Since deferral of the amendment, the Dongara to Cape Burney Coastal Strategy has been subject to a revision process, and followed ultimately by the Strategy being abandoned by the Western Australian Planning Commission. Formal advice was received from the Commission in July of this year, advising that the Strategy would no longer be progressed and that planning for this coast was to be integrated into wider regional and local planning processes.

Officers Comment:

This has resulted in a situation whereby a strategic planning direction, against which Amendment No 11 can be assessed, remains uncertain.

To try and rectify the situation, the Shire has commenced work on an amendment to its own Local Planning Strategy for Policy Area E (covering the Shire's northern coastline). The Shire is currently liaising with the Department of Planning on this amendment.

However, one of the main issues to be resolved in planning for this section of coast is the suitability or otherwise of allowing rural living type development, in particular rural smallholdings subdivision.

The Shire has previously taken the view that allowing some rural living development would be acceptable. The Commission alternatively, have recently advertised two draft rural planning policies which seek to limit rural living development to areas that receive more than 550mm of

annual rainfall or are serviced by a reticulated water supply delivered by a licensed provider. The Shire's northern coastline receives less than 550mm of annual rainfall and is not currently serviced with a reticulated scheme water supply.

The implications of this for Amendment No 11 are that it will be further delayed while the issue of rural living suitability is resolved through the Shire's amendment to its own Strategy.

Considering the time already passed since Amendment No 11 was submitted, further delays before it can be determined are less than ideal.

On this basis, and in consultation with the proponent's planners and the Department of Planning, it is suggested a possible way forward may be to modify the amendment document to include only the proposed tourism component.

Essentially, the amendment would then seek to rezone only a portion of Lots 4 and 5 Brand Highway (adjacent to the coast) to a "Special Use" zone for tourism purposes, plus rezone an appropriate coastal foreshore reserve. The remainder of the landholding would remain zoned "General Farming".

The amendment would also need to include a new land use definition in the Scheme for 'Low Impact Coastal Tourism' or similar, where the focus would be on site sensitive development and sustainability principles. This definition would apply to the "Special Use" zoned site.

This would allow the amendment to progress in two stages, with the tourism component progressing first, followed by the rural living component, depending on the outcome of the Shire's Strategy amendment process. The benefit being that the tourism component is not further delayed while waiting for the rural living issue to be resolved.

This approach however, should only be supported if a tourism zoning is a desired outcome for the Shire's northern coast. In this regard, the Shire's current Strategy does include provision for such, suggesting it is a desired objective, and the opportunity to secure significant public benefit through a formalised coastal foreshore reserve, plus eventually access from the highway to the coast, also suggest a positive planning outcome.

It is recommended therefore, that the proponent be advised that Council would be prepared to consider a revised Amendment No 11 document that progresses the tourism component only, in a manner as described above.

Financial Implications:

Nil.

Policy Implications:

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 BEHIND CLOSED DOORS

A confidential item (P.49 – Chief Executive Officer’s Annual Performance Review) will be discussed.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr I F West

That Council deal with confidential item P.49 and close the meeting in accordance with section 5.23(2)(a) of the local government act and suspend standing orders at 4.30pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

The Chief Executive Officer, Director Corporate Services, Manager Community Development, Works Manager and Executive Assistant/Records Officer and the member of the public gallery departed the Chambers at 4.30pm.

P.49 – CHIEF EXECUTIVE OFFICER’S ANNUAL PERFORMANCE REVIEW

The Shire President tabled a confidential report on this matter and provided copies to each elected member. The report is dated 21 September 2011 and is located in the records management system of the council on file PE.RE.SIM01.

The performance of the Chief Executive Officer – Darren Simmons for the reporting period September 2010 – August 2011 was discussed at length, with Councillors commenting on aspects of the Chief Executive Officer’s performance from their own perspective.

PROCEDURAL MOTION:

MOVED: Cr R W Roberts

SECONDED: Cr L W Wheeler

That Council resume standing orders at 5.00pm to vote on item P.49.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr J B Fitzhardinge

That having undertaken the Chief Executive Officer's annual performance review, Council agrees to amend the Chief Executive Officer's employment contract conditions by increasing the cash salary component by 5% and reimbursing internet access costs as detailed within the Chief Executive Officer's submission provided as an attachment to the Shire President's report P.49 dated 21 September 2011 and the Chief Executive Officer's additional submission dated 27 September 2011 .

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

PROCEDURAL MOTION:

MOVED: Cr Scott

SECONDED: Cr Fitzhardinge

That Council come out from behind closed doors at 5.04pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

The Chief Executive Officer, Director Corporate Services, Manager Community Development, Works Manager and Accountant/Senior Finance Officer entered the Chambers at 5.04pm.

To conclude the Chief Executive Officer's annual review process, the Shire President and a number of Councillors provided positive comments and indicated their high degree of satisfaction in respect to the Chief Executive Officer's performance over his first year in office.

The Chief Executive Officer thanked Councillors for their positive comments and for the support provided to him during the year under review. The Chief Executive Officer also thanked the staff of the Shire for their excellent assistance and support during the year.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5.12pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
27 September 2011

Signed:
Presiding Elected Member

Date:.....