



ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY, 22 NOVEMBER 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.

INDEX

ORDINARY COUNCIL MEETING 22 NOVEMBER 2011

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.	PUBLIC QUESTION TIME	2
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3
6.	PETITIONS	3
7.	CONFIRMATION OF MINUTES	3
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2011	3
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	3
9.	REPORTS	5
AUDIT.9	APPOINTMENT OF COUNCIL AUDITORS	5
B.428	NEW BUILDING ACT 2011 AND DELEGATIONS	7
CEO.467	2012 COUNCIL MEETING DATES	10
CEO.468	CHIEF EXECUTIVE OFFICER'S CHRISTMAS 2011 LEAVE ARRANGEMENTS	12
CEO.469	LEASE – 'OLD POLICE STATION'	14
DCS.393	ACCOUNTS FOR PAYMENT	15
DCS.394	FINANCIAL STATEMENT FOR PERIOD ENDING 31/10/2011	16
TP.525	PROPOSED OUTBUILDING ON LOT 1771 WYE FARM ROAD	18
TP.526	PROPOSED PYE ROAD ALIGNMENT	22
CDO.011	DONGARA RETURNED SERVICES LEAGUE	24
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	25
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	25
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	25
13.	MATTERS BEHIND CLOSED DOORS	25
14.	CLOSURE	26

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

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 NOVEMBER 2011
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr J B Fitzhardinge Cr K J Hepworth Cr J A R Porteus Cr B C Scott Cr M T Smith Cr I F West
	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 C M Palmer - Executive Assistant (EA) (Minute Taker)
GALLERY:		1 Member of the Public
GUESTS:		-
APOLOGIES:		Cr R T McClurg (Deputy President) Mr G F Coaker – Town Planner
LEAVE OF ABSENCE:		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr R T McClurg (Deputy President) and Mr G F Coaker – Town Planner - Apologies

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

John Rossiter

Summary of Question One

Does the Irwin Shire Council use the Purchasing Policy A24 when trading-in passenger vehicles?

Answer: Yes and particularly on the basis that the Shire has access to State Government vehicle tender prices resulting in significantly lower costs to Council.

Summary of Question Two

What criteria is used to determine time to trade-in and why can't this criteria be doubled, with modern vehicles being far more reliable and losing value quicker because of cheaper equivalent vehicles?

Answer: The Shire generally replaces its administrative vehicles on an annual basis as recent history has shown that this results in higher trade-in values leading to an optimal net changeover cost to Council.

As Council is aware, the CEO will be reviewing this practice as part of the development of the Shire's Asset Management Plan during the first half of 2012.

Summary of Question Three

Except for the CEO's vehicle, why are we still purchasing \$40,000 vehicles, when we can go to smaller, cheaper more economical under \$20,000 cars for the office staff and cheaper \$24,000 work utilities for the outside workforce?

Answer: As the Shire can access preferential pricing for its administrative vehicles it is able to procure a higher quality vehicle which leads to higher trade-in values meaning a more economical result for the Shire.

Furthermore, the standard of vehicles purchased for the Shire's professional staff are in accordance with the provisions of individual employment contract arrangements.

Summary of Question Four

Except for the Shire Ranger (who is on call) Why are wages employees allowed to take Shire vehicles home to be used as personal after hours runabouts, to get the weekend papers etc.?

Answer: The employees allocated Shire utilities are on-call according to operational needs and any private use component is part of a negotiated remuneration package arrangement.

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL MOTION:

MOVED: Cr Fitzhardinge

SECONDED: Cr Hepworth

That application for leave of absence requested by Cr West is granted for the Ordinary Council Meeting being held on 20 December 2011.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 OCTOBER 2011

A copy of the Minutes of the Ordinary Council Meeting held on 25 October 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr Scott

SECONDED: Cr Porteus

That the Minutes of the Ordinary Council Meeting, held on 25 October 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 offer Council's congratulations to the Director Corporate Services, Geoff Peddie on his Certificate of Appreciation in recognition of his professional contribution and service to Local Government, over many years and commitment to the objects and ethics of Local Government Managers Australia.
- 8.2 I attended the Year 12 Leavers Assembly on Friday 4th November and presented the Shire sponsored award for Highest Academic Achiever Award to Kieran Peaker.
- 8.3 I received a thank you letter from Mayor Ian Carpenter regarding the letter of congratulations that was sent to him 19 October 2011. Mayor Ian Carpenter passed on his congratulations to the new Councillors and expressed his wish to retain the good working relationship with the Shire of Irwin.
- 8.4 An audit was conducted into Occupational Safety and Health Management Systems at the Shire by Local Government Insurances Services. On completion of this audit the Shire of Irwin is to be presented with the Silver Diligence in Safety Certificate,

congratulations to all the Shire Staff on their excellent performance. Key Findings of the audit were:

- Planning has improved by 18%, this is a significant improvement;
- Emergency Preparedness and Response improved by 10%;
- Implementation has improved by 9%.

9. REPORTS

AUDIT.9

Subject: Appointment of Council Auditors
Reporting Officer: Director, Corporate Services
Date of Report: 09 November 2011
File Reference: FM.AD
Voting Requirements: Simple Majority

Report Purpose:

To appoint Council Auditors for the next 5 years.

Officer's Recommendation/Audit Committee Recommendation:

That Council appoint UHY Haines Norton as the provider of audit services for the next five (5) years as per the fees quoted.

COUNCIL DECISION:

Moved: Cr West

Seconded: Cr Hepworth

That Council appoints UHY Haines Norton as the provider of audit services for the next five (5) years, as per the fees quoted and appoints the following persons as its auditors for the years 2011/12 to 2015/16.

Mr G Godwin – Registered Company Auditor No 310219

Mr DJ Tomasi – Registered Company Auditor No 15724

CARRIED UNANIMOUSLY
7/0

VOTING DETAILS

Body/Background:

Council's current contract with UHY Haines Norton for the provision of audit services expired on 30 June 2011. The Audit Committee is charged with the responsibility for the process of selection and appointment of the auditor.

At the Audit Committee Meeting held on 29th September 2011 the committee decision was to obtain quotes from WALGA Preferred Suppliers for the provision of audit services for the next five years, and be presented to the Audit Committee.

WALGA Preferred Suppliers website gave the opportunity to the following companies to quote for the provision of audit services on 4th October 2011:

Grant Thornton Audit Pty Ltd
Paxon Group
UHY Haines Norton Chartered Accountants
Deloitte
AMD Chartered Accountants
Macri Partners
PricewaterhouseCoopers

Quotes were requested to be received by 21st October 2011. Quotes were received from UHY Haines Norton and Grant Thornton Audit Pty Ltd. No other responses were received.

Officer's Comment:

UHY Haines Norton has provided Council with audit services since July 1999. Their level of service has been highly regarded during this time carrying out the statutory financial audit function as well as providing detailed Financial Management Review services, excellent training and ongoing assistance to finance staff. Shire staff and Council members have experienced a very co-operative working relationship with the personnel from UHY Haines Norton.

Financial Implications:

UHY Haines Norton:

	<u>Fee Quote</u>	<u>Travel Costs</u>	<u>Applicable GST</u>	<u>Total (GST Inclusive)</u>
	\$	\$	\$	\$
Year ended - 30 June 2012	17,000	1,000	1,800	19,800
30 June 2013	18,000	1,050	1,905	20,955
30 June 2014	19,000	1,100	2,010	22,110
30 June 2015	20,000	1,150	2,115	23,265
30 June 2016	21,000	1,200	2,220	24,420

Grant Thornton Audit Pty Ltd:

Year ended - 30 June 2012 15,560

plus travel and accommodation costs, which will be discussed and agreed if the Committee appoints these Auditors. Future years will increase only by Perth CPI.

Sufficient provision has been made in the 2011/12 budget for the provision of audit services at the rates quoted above.

Statutory Environment:

Local Government (Audit) Regulations 1996

Policy Implications:

Shire of Irwin Minimum Standard Audit Specification

B.428

Subject: New Building Act 2011 and Delegations
Reporting Officer: Manager, Community Development
Date of Report: 15 November 2011
File Reference: Minute Book
Voting Requirements: Simple Majority or Absolute Majority

Report Purpose:

To consider amendments to Council's Delegations Register to reflect the new *Building Act 2011*.

OFFICER'S RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Scott

SECONDED: Cr West

That Council approves the amendment to the following Officer delegations to represent the provisions of the new *Building Act 2011*:

Delegation CEO 6 – Stop Work Orders

- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Delegation Staff 1 – Authority – Issue of Building Permits

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider extending the period of duration of an Occupancy Permit or a Building Approval Certificate.
- s96(3) and *Local Government Act 1995* s 5.36 – Authorised Persons
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Delegation Staff 2 – Authority – Second Hand Dwellings and Buildings

- s20 – Approve or refuse a Building Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider extending the period of duration of an Occupancy Permit or a Building Approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

The State Government has undertaken a building legislation review to accommodate for the modern building practices. It is expected to deliver a significant transformation to Western Australia's building approval processes that should result in reduced building delays and streamline the dispute process.

The *Building Act 2011* was assented on 11 July 2011 and is planned to come into operation from 1 January 2012 with a proposed phased implementation over a period of 12 months.

The new Building Act was developed to replace parts of the *Local Government (Miscellaneous Provisions) Act 1960* and is supported by three Building Services Acts: The *Building Services (Complaint Resolution and Administration) Act*, the *Building Services (Registration) Act* and the *Building Services Levy Act*.

Key changes include: Private certification, permit issuing authorities, binding the Crown, timeframes for approvals, occupancy permits and building approval certificates.

The Building Commission, headed by a Building Commissioner and assisted by the Building Services Board, will have responsibility for all facets of the industry and provide modern and easy accessible services for industry and consumers.

Officer's Comment:

Delegations

Council is requested to approve the following amendment to the first paragraph (Authority) of the delegations as provided under the *Building Act 2011*:

Delegation CEO 6 – Stop Work Orders

- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Delegation Staff 1 - Authority

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider extending the period of duration of an Occupancy Permit or a Building Approval Certificate.
- s96(3) and *Local Government Act 1995* s 5.36 – Authorised Persons
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Delegation Staff 2 – Authority

- s20 – Approve or refuse a Building Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider extending the period of duration of an Occupancy Permit or a Building Approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

The proposed delegations to Officers are based on the understanding that the relevant officers have the required skills and qualifications in order to be able to perform these duties.

Financial Implications:

Once the fees are set by the Building Commission Council will need to amend the Shire's Schedule of Fees and Charges.

Statutory Environment:

Building Act 2011.

Policy Implications:

Delegation Staff 1 & 2

CEO.467

Subject: 2012 Council Meeting Dates
Reporting Officer: Chief Executive Officer
Date of Report: 15 November 2011
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider and set its meeting dates for 2012.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Porteus

SECONDED: Cr Scott

That Council holds its 2012 Forum and Ordinary Meetings in the Council Chambers, 13 Waldeck Street, Dongara commencing at 4.00pm in accordance with the following schedule:

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Month	Council Forum	Ordinary Meeting of Council
January	N/A	31
February	14	28
March	13	27
April	10	24
May	8	22
June	12	26
July	10	24
August	14	28
September	11	25
October	9	23
November	13	27
December	N/A	18

Body/Background:

It has been Council's recent practice to hold its ordinary meetings on the fourth Tuesday of each month except for January and December where its ordinary meetings have been conducted on the third Tuesday.

Council has also held concept forums on the second Tuesday of the month from February to November.

Officer's Comment:

It is suggested that Council's meeting structure (incorporating Council Forums being held on the second Tuesday of each month from February to November and holding Council meetings on the fourth Tuesday of each month from February to November and third Tuesday in the months of January and December) has generally worked well during 2011.

On this basis, it is recommended that Council retain the meeting date structure for Council Forums and ordinary meetings of Council for the months of February to December in 2012.

However, it is suggested that Council consider altering its Council meeting schedule for the month of January 2012 by conducting the Council meeting on the fifth Tuesday (being Tuesday 31 January) in lieu of the third Tuesday (being 17 January) in order to provide a greater summer recess for Councillors and Staff.

In January 2011, a number of staff were absent on approved leave which meant the preparation of the Council agenda and conduct of the meeting fell to the limited number of staff on duty during that time. By holding the January Council meeting on 31 January 2012, nearly all staff would have returned from their summer holidays and thus be available to assist Council in its deliberations.

Financial Implications:

Minor advertising costs associated with statutory advertising of Council meeting dates.

Statutory Environment:

Local Government Act 1995

Local Government (Administration) Regulations 1996.

Policy Implications:

It is suggested that Council consider adopting a Policy dealing with its meeting dates as part of the 2012 Council Policy review process.

CEO.468

Subject: Chief Executive Officer's Christmas 2011 Leave Arrangements
Reporting Officer: Chief Executive Officer
Date of Report: 15 November 2011
File Reference: PE.RE.SIM01
Voting Requirements: Simple Majority

Report Purpose:

The Chief Executive Officer (CEO) wishes to take leave between 19 December 2011 and 2 January 2012 (inclusive).

This report is advising Council of the proposed leave for information purposes, and seeks the appointment of an acting Chief Executive Officer for this period.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Fitzhardinge

SECONDED: Cr Porteus

That Council:

1. Note and endorse the Chief Executive Officer's annual leave arrangements from 19 December 2011 and 2 January 2012 (inclusive);
2. Appoint Mr Geoff Peddie, Director Corporate Services, as Acting Chief Executive Officer for the period 19 December 2011 to 2 January 2012 (inclusive); and
3. Authorise a pro rata higher duties payment to the acting CEO representing the CEO's cash salary and housing benefit for the period 19 December 2011 to 2 January 2012 (inclusive);

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

As an employee of Council, the Chief Executive Officer is entitled to 25 annual leave days as provided in his employment contract.

However, the granting of leave is somewhat different to other employees. Generally, the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all employees.

The Chief Executive Officer's leave is, in essence, approved by the CEO himself in consultation with the Shire President, however it is considered good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position, during this period. Council has previously appointed the Director Corporate Services, Mr Geoff Peddie, to act in the role of CEO and it is recommended this practice continues.

Officer's Comment:

The CEO intends taking 11 days leave from 19 December 2011 to 2 January 2012 (inclusive) as this coincides with the Christmas/New Year school holiday period

Financial Implications:

A pro rata higher duties payment to the acting CEO representing the CEO's cash salary and housing benefit.

Statutory Environment:

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions and Section 5.36 relating to employees. Regulation 18A of the Local Government (Administration) Regulations 1996

Chief Executive Officer's Employment Contract.

Policy Implications:

Council will consider incorporating the appointment of an acting CEO within a Council Policy during the 2012 Council Policy review process.

CEO.469

Subject: Lease – ‘Old Police Station’
Reporting Officer: Chief Executive Officer
Date of Report: 15 November 2011
File Reference: CS.SP.13
Voting Requirements: Simple Majority

Report Purpose:

To consider a draft Memorandum of Understanding (MOU) lease document (copy attached) between the Shire of Irwin and the Irwin District Historical Society Inc. relating to the ‘Old Police Station’ at 5 Waldeck Street, Dongara.

Cr B C Scott disclosed an impartial interest in CEO.469 as she is a current member of the Irwin District Historical Society (Inc). Accordingly Cr B C Scott remained present in the chambers and was included in the consideration and vote on the matter.

OFFICER’S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Hepworth

SECONDED: Cr Fitzhardinge

That Council adopt the attached lease arrangement with the Irwin District Historical Society Inc for the property known as the ‘Old Police Station’ located at 5 Waldeck Street, Dongara and used for museum purposes.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

The Irwin District Historical Society Inc (the Society) has requested a lease over the premises known as the ‘Old Police Station’ at 5 Waldeck Street, Dongara and which is used as the local museum in order provide the Society a degree of comfort in respect to tenure over the property in light of recent events in other jurisdictions.

The Society already has a formal lease with the Shire in respect to Russ Cottage which expires in 2013 and it is suggested that Council consider an MOU for the Waldeck Street property to cover the same period.

Officer’s Comment:

There is no doubt that the unique voluntary service provided by the Irwin District Historical Society is of real and significant benefit to the community and for this reason it is suggested that it would appropriate for Council to agree to the Society’s request for tenure by entering into a 2-year MOU lease so these services can continue

Financial Implications:

A ‘peppercorn’ rent is proposed in recognition of the community benefits provided by the Irwin District Historical Society Inc and its agreement to be responsible for all the internal cleaning and minor maintenance such as replacing missing pickets in fence, repairing fretting in walls, staining floors, and replacing verandah floor boards as required.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

DCS.393

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 14 November 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

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

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Scott

SECONDED: Cr West

That the Accounts paid during October 2011, represented by Municipal Cheque Numbers 28343-28372, EFT payment numbers 12203 – 12249 totalling \$182,848.66 ,Trust Payment Cheque Numbers: 2269 - 2273 totalling \$1,400.00 & Police Licensing Payment No's PL031011– PL 311011 totalling \$43,336.75 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 October 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.394

Subject: Financial Statements for the Period ending 31/10/2011
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 22 November 2011
Voting Requirements: Simple Majority

Report Purpose:

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

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr West

SECONDED: Cr Hepworth

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

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body / Background:

The Monthly Financial Report to the 31 October 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:525

Subject: Proposed Outbuilding on Lot 1771 Wye Farm Road, Yardarino
Reporting Officer: Town Planner
Date of Report: 14 November 2011
File Reference: A9047
Voting Requirements: Simple Majority

Report Purpose:

To consider an application to construct an outbuilding (shed) on the above property. The property is located within the area known as 'Dongara Downs' and does not have frontage to a constructed road.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Hepworth

SECONDED: Cr Fitzhardinge

That Council approves the proposed Outbuilding (shed) on Lot 1771 Wye Farm Road, Yardarino subject to the following conditions:

1. The lodgement of plans of the proposed outbuilding in accordance with Part 9.2 of the Shire of Irwin Local Planning Scheme No 5, including a site plan, floor plan and elevations, to the satisfaction of the Shire.
2. Prior to the issue of a building license on Lot 1771 Wye Farm Road, Yardarino ("the Land"), the owner of the Land shall:
 - (a) ensure that the easement over Lot 1289, between Wye Farm Road and the unconstructed road reserve abutting the eastern boundary of Lot 1289 ("the Road), shall be in a form satisfactory to the Shire, including a minimum width of 20 metres, and shall be registered at Landgate with the effect that any easement is shown as a benefit on the certificate of title to the Land; and
 - (b) construct within the area of the easement and the Road referred to in condition 2(a) above, for the entire length of the Road and the easement from the Land to Wye Farm Road, to the Shire's rural standard as provided in Council Policy E1-Land Development Design & Construction Criteria, and to the satisfaction of the Shire.
3. A Building Envelope is to be identified on the property, to the satisfaction of the local government, prior to the application for a building license.
4. The building hereby approved shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
5. All stormwater runoff is to be retained and disposed of on-site to the approval of the local authority.
6. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice:

1. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

Background

Lot 1771 was originally part of a large farm known as 'Wye Farm'. That farm was made up of approximately 30 different lots, each with its own certificate of title, created when the area was first settled in the 1800's. In 2006 the farm was bought by a property development company known as Ironbridge Holdings, who facilitated the individual sale of each lot as though it were a subdivision and marketed the development as rural lifestyle lots, calling it 'Dongara Downs'. Very few of the lots however, have frontage to a constructed road. There are road reserves in the area, but most are unconstructed and some are under width. It is believed the developer put a system of easements in place which gave some lots access to some roads.

The attached location plan shows the general 'Dongara Downs' area. The only constructed roads in this area are Wye Farm Road, Water Supply Road and Yardarino Road.

As the 'Dongara Downs' development was simply a transfer of the existing Certificates of Title, there was no application of any sought made to either the Western Australian Planning Commission or the Shire for consideration of the development on normal planning grounds. As such, neither the Shire nor the Department of Planning had any control over the provision of services or infrastructure (including roads) to these lots prior to their sale as part of the 'Dongara Downs' development.

The Property

Lot 1771 is 40.629 hectares in area and is currently vacant.

The land is predominantly cleared and has most recently been used for broad-acre agriculture, including cropping and grazing. There is a stand of good quality vegetation approximately 4 hectares in area towards the south-east corner of the lot while the north-east corner includes some scattered vegetation.

Access to the property is technically to be taken from the eastern end of Wye Farm Road (at the point just before it crosses the railway line), then along a 20 metre wide access easement which runs along the southern boundary of Lot 1289, and then via a 20 metre wide road reserve running in a north/south alignment connecting to the property. However, neither the easement nor the road reserve are constructed to any standard, they both currently form part of the farming operations in this area and are largely untrafficable. Wye Farm Road is constructed to the Shire's rural (gravel) standards and is maintained by the Shire.

The Proposal

The application proposes to construct a shed in the south eastern corner of the lot. No details or plans of the proposed shed have been provided, other than it is proposed to be used as a hay/machinery shed.

A site plan submitted by the applicant is attached.

Statutory Environment:

The property is zoned "General Farming" under the Shire of Irwin Local Planning Scheme No 5 (the Scheme) and falls within Policy Area C of the Local Planning Strategy. This zoning and policy area cover the main agricultural areas of the Shire and provide for the continued use of the land for broad acre farming.

The surrounding land on all sides is also zoned "General Farming".

The most relevant provision of the Scheme that relates to this application is Clause 5.14 – Development of Land Without Constructed Road Frontage, which states the following:

'Notwithstanding any other provisions of the Scheme, the local government's Planning Approval is required for the development of land abutting an unconstructed Crown road reserve or a lot which does not have frontage to a Crown road reserve.

In considering such an application, the local government may:-

- (a) Refuse the application until the road has been constructed or access by means of a constructed road is provided; or*
- (b) Grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or*
- (c) Require other legal arrangements are made for permanent access, to the satisfaction of the local government.'*

Officer's Comment:

Council has previously made a determination on an application to develop land within the 'Dongara Downs' area. That application related to Lot 1325 Wye Farm Road which similarly proposed to construct a shed on a lot which did not have frontage to a constructed road reserve.

In considering that application, Council received legal advice on the proposal and its relationship to the provisions of the Scheme.

The advice outlined the options available to Council under Clause 5.14 of the Scheme, with the conclusion being that it would be appropriate to approve the application subject to a condition requiring a suitable road reserve be created and a road constructed within it.

Council subsequently approved the application at its meeting held on 25 May 2010, subject to a condition requiring the ceding of land to ensure either a minimum 20 metre wide road reserve or easement was made available, and also the construction of a road within that reserve/easement to the Shire's standards. This was in accordance with part (c) of Clause 5.14 requiring "other legal arrangements are made for permanent access, to the satisfaction of the local government". (Copies of the minutes are available from the Shire website).

The alternative options available to Council under Clause 5.14 in determining that application included as follows:

- (i) approving the application on the basis the existing access was adequate for the proposed use;
- (ii) approving the application subject to the applicant paying a sum of money (contribution) to the Shire; or
- (iii) refusing the application until the road was built.

These options were seen as less favourable for the following (summarised) reasons:

- (i) the existing access was not adequate and roads should, as a minimum, be constructed to the Shire's standard;
- (ii) that the Shire does have the resources to manage a contribution scheme or the ability to assist in covering funding for such a scheme; and
- (iii) that it is not generally appropriate to refuse an application where the Shire's requirements can be adequately met by conditions of approval.

In determining this current application, the same options under Clause 5.14 are available to Council. However, in the interest of consistency and on the basis that the reasons for making the previous determination are still highly relevant and equally applicable to this application, it is recommended that the same determination be made.

In imposing a road construction condition, it is noted that in this instance a suitably wide access easement already exists between Wye Farm Road and the unconstructed road reserve, therefore it would not be necessary for further land to be ceded. An appropriate condition would relate only to the construction of a road to the Shire's standards (within both the existing easement and the unconstructed road reserve) to ensure suitable access from Wye Farm Road to Lot 1771.

It should also be noted that any decision by Council requiring a road to be constructed prior to the issuing of a building license, can be appealed to the State Administrative Tribunal (SAT). If the applicant feels aggrieved by the requirement to construct the road prior to the issuing of a building license, he has the right to have the decision reviewed by the SAT.

Financial Implications:

Potential future cost to the Shire if conditions of approval, or refusal of the application, is appealed in the State Administrative Tribunal.

Policy Implications:

Shire of Irwin – Land Development Design & Construction Criteria (in relation to Shire's construction standards for rural roads).

TP.526

Subject: Alignment of Pye Road
Reporting Officer: Town Planner
Date of Report: 15 November 2011
File Reference: RD.RO
Voting Requirements: Simple Majority

Report Purpose:

To consider realigning the road reserve for Pye Road to correspond with the actual constructed road.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr West

SECONDED: Cr Fitzhardinge

That the Shire approaches the owner of Lot 4 Pye Road, Mount Adams in relation to amalgamating the unconstructed portion of Pye Road into Lot 4 and creating a formal road reserve over the currently unsurveyed, but constructed, portion of Pye Road.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

There is a discrepancy between the alignment of the road reserve for Pye Road and the alignment of the actual constructed road.

At the point where the bitumen currently ends, the road reserve deviates to the south-east while the constructed road continues in a straight easterly direction. The unsealed section of the road has therefore been constructed within Lot 4, a privately owned freehold lot owned by Revive Nominees Pty Ltd (Whitmarsh). Please see attached.

Officer's Comment:

This has been the case for some years and it is understood that frequent users of the road, including Patience Bulk Haulage and APT Parmelia Pty Ltd, have agreements with the landowner to use this road. All other road users travelling over the unsealed section of Pye Road technically do so without permission.

Ideally, the unconstructed portion of the road reserve should be closed and amalgamated into Lot 4, and a new reserve created that corresponds with the alignment of the constructed road. This would basically involve a land swap for Lot 4.

This proposal has been considered by Council previously and at its meeting held on 10 April 2006, Council resolved to approach the owner of Lot 4 regarding a possible land swap.

The Shire also approached State Land Services regarding the procedure to be followed in this regard and was advised that the unconstructed portion could be closed for a minimal cost of \$1.10 plus fees. The only costs therefore, would be in surveying the new road alignment and in lodging a subdivision application to formally create it.

Unfortunately however, the owner of Lot 4 was not interested in the proposal and the realignment did not proceed.

More recently though, use of the road has intensified (particularly with increased activity at APT Parmelia's Mondarra project) and now may be an appropriate time to revisit formalising the road

alignment. If the road could be formalised, there may be an opportunity to upgrade its standard of construction with the assistance of some of the more frequent road users.

Before this possibility can be further explored however, it needs to be determined if the land owner is interested in proceeding with the proposed land swap.

It is therefore recommended that the Shire again approaches the owner of Lot 4 concerning a possible land swap to formalise the alignment of Pye Road.

Financial Implications:

Cost to close unconstructed road and cost to survey and subdivide new alignment.

Statutory Environment:

Land Administration Act 1997 (as amended).

Policy Implications:

Nil.

CDO.011

Subject: Dongara Returned Services League
Reporting Officer: Community Development Officer
Date of Report: 14 November 2011
File Reference: CS.SP.23
Voting Requirements: Simple Majority

Report Purpose:

To consider request from the Dongara Returned Services League to erect a retaining wall and backfill and level block at 10 Waldeck Street with the intention to increase parking space.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Porteus

SECONDED: Cr Hepworth

That Council supports the request from Dongara Returned Services League for the erection of retaining wall and backfill and levelling of block at 10 Waldeck Street with the intention to increase parking space.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

Correspondence has been received from the Dongara Returned Services League requesting permission to erect a retaining wall and backfill and level block at 10 Waldeck Street. This property is owned by the Shire and leased to the Dongara Returned Services League.

Officer's Comment:

The request from the Dongara Returned Services League for permission to erect a retaining wall and backfill and level block at 10 Waldeck Street is to increase parking space. With the erection of the retaining wall and levelling of the block, it would increase the parking capacity and improve the Shires asset, with no cost to the Shire.

An application for planning approval will need to be made under the Shire's Local Planning Scheme before any work could commence.

Financial Implications:

The financial implication to the Shire would be nil as funding will be sort from funding applications from third parties.

Statutory Environment:

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 (CEO.470 - Integrated Planning Framework) will be discussed behind closed doors in accordance with Section 5.23 (2) (c) of the Local Government Act 1996, as it relates to a contract that may be entered into as section 5.23 (2) (c) as the information has commercial value.

PROCEDURAL MOTION:

MOVED: Cr Scott

SECONDED: Cr Hepworth

That Council deal with confidential item CEO.470 and close meeting to the public in accordance with section 5.23(2)(c) and (e) of the Local Government Act 1995 at 4.20pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

CEO.470 – INTEGRATED PLANNING FRAMEWORK

The Chief Executive Officer tabled a confidential report on this matter and provided copies to each elected member. The report is located in the records management system of the council on file CM.PL.1

PROCEDURAL MOTION:

MOVED: Cr Fitzhardinge

SECONDED: Cr West

That Council suspend standing orders at 4.22pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

PROCEDURAL MOTION:

MOVED: Cr Scott

SECONDED: Cr Hepworth

That Council resume standing orders at 4.28pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

COUNCIL MOTION:

MOVED: Cr Hepworth

SECONDED: Cr West

That Council accepts UHY Haines Norton's Proposal for the Provision of Integrated Planning, Advisory and Training Services in order to undertake the facilitation of the Shire of Irwin's Strategic Community Plan, Asset Management Plan and Long Term Financial Plan as part of the State Government's Local Government Reform Programme and Integrated Planning and Reporting Framework.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

PROCEDURAL MOTION:

MOVED: Cr Fitzhardinge

SECONDED: Cr Porteus

That Council come out from behind closed doors at 4.30pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4.31pm.

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

Signed:
Presiding Elected Member

Date:.....