



**AGENDA**

**FOR THE**

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

**TO BE HELD ON**

**TUESDAY, 28 AUGUST 2012**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

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

# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 28 AUGUST 2012

IN COUNCIL CHAMBERS AT  
13 WALDECK STREET, DONGARA WA

*Dear Council Member -Following the meeting, an evening meal will be served at the  
Dongara Hotel at approximately 6.00pm*



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Darren Simmons  
Chief Executive Officer

August 2012

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## **DISCLAIMER**

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

## Disclosure of Financial or Impartiality Interests Form

This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulation 34C

**To: Chief Executive Officer**

I hereby declare my interest in the following matter/s included on the Agenda paper for the Council/Committee meeting to be held on:

\_\_\_\_\_ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	Extent of Interest (see below)

*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.*

\_\_\_\_\_  
 Name (Please Print)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

**NB:**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1)(a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declaration to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillors'/Employees' responsibility to ensure the interest is brought to the attention of Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

***Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration***

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

\_\_\_\_\_

2. Particulars recorded in the minutes

\_\_\_\_\_

3. Signed by Chief Executive Officer

\_\_\_\_\_

## Leave of Absence Request Form

This form is provided to enable members and officers to apply for leave pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995.

**To: Chief Executive Officer**

I hereby give notice that at the ordinary meeting of Council on \_\_\_\_\_  
I intend to request that Council grant me a leave of absence for the following period:

From: \_\_\_\_\_ To: \_\_\_\_\_ (inclusive)

Councillor: \_\_\_\_\_  
(Please print name in full)

Signed: \_\_\_\_\_

**Guidance Notes to aid completion of Leave of Absence Request Form:**

1. Once you have completed this form, please arrange for it to be delivered to the Chief Executive Officer (ideally before the commencement of the ordinary Council meeting at which the request is to be made)
2. If you are unable to attend the Council meeting at which the request for leave of absence is to be put forward, please complete this form and submit to the Chief Executive Officer as soon as is practicable, so that he can advise the Shire President to put forward the request on your behalf.
3. Any leave of absence approved by Council can only apply to subsequent meetings. Therefore, leave of absence cannot be granted for the ordinary Council meeting at which the approval is given.
4. Pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995, an Elected Member who is absent throughout three (3) consecutive **ordinary** Council meetings, without first obtaining a leave of absence, is disqualified from continuing his or her membership of the Council.
5. Council cannot grant leave of absence in respect of more than six (6) consecutive ordinary meetings of the Council, without the approval of the Minister for Local Government.

Office Use Only:

Date/Initials

1. Particulars of leave of absence given to meeting

\_\_\_\_\_

2. Particulars recorded in the minutes

\_\_\_\_\_

3. Signed by Chief Executive Officer

\_\_\_\_\_

## Meetings Generally Open to the Public

### LOCAL GOVERNMENT ACT 1995 – SECT 5.23

#### 5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



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**AGENDA FOR ORDINARY COUNCIL MEETING  
TO BE HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 28 AUGUST 2012  
COMMENCING AT 4.00PM**

<b>PRESENT:</b>	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R T McClurg 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 & Community Mr F A Neuweiler – Manager Community Safety Mr G F Coaker – Manager Planning Services Mr A S Wootton – Manager Works Miss E Greaves– Executive Assistant (EA) (Minute Taker)
<b>GUESTS:</b>		-
<b>APOLOGIES:</b>		-
<b>LEAVE OF ABSENCE:</b>		-

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

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JULY 2012**

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A copy of the Minutes of the Ordinary Council Meeting held on 24 July 2012 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

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

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

*That the Minutes of the Ordinary Council Meeting, held on 24 July 2012, be confirmed as a true and accurate recording of that meeting.*

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

## 9. REPORTS

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**DCC.04**

**Subject:** Accounts for Payment  
**Reporting Officer:** Director Corporate and Community  
**Date of Report:** 28 August 2012  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To receive the list of accounts paid under delegated authority during July 2012.

**Officer's Recommendation:**

That the Accounts paid during July 2012, represented by Municipal Cheque Numbers 28696-28749, EFT payment numbers 13304-13414 totalling \$529,447.96, Police Licensing Payment No's PL020712 - PL270712 totalling \$48,942.00 Trust No's: 2307-2310 totally \$4,360.00 be received.

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of July 2012.

**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.

**DCC.05**

**Subject:** Financial Statements for the Period ending 31/07/2012  
**Reporting Officer:** Director Corporate and Community  
**File Reference:** Minute Book  
**Date Prepared:** 28 August 2012  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2012 to 31 July 2012.

**Officers Recommendation:**

That the Monthly Financial Statement for the period 1 July 2012 to 31 July 2012 be received.

**Body / Background:**

The Monthly Financial Report to the 31 July 2012 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Trust Fund
- Restricted Assets
- 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.

**MC.01**

**Subject:** Sponsorship Request – Lucy Collier  
**Reporting Officer:** Manager Community Services  
**Date of Report:** 21 August 2012  
**File Reference:** CR.SP  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider requests received from the Dongara Eagles Veterans AFL Masters Football Club and a Fundraising Committee for sponsorship to support a Ladies Luncheon and a Quiz Night which are fundraising events to raise money for Lucy Collier and her family.

**Officers Recommendation:**

That Council provides the use of the Irwin Recreation Centre and facilities for both events at no cost in support of these fundraising events for the Collier family.

**Body/Background:**

Please find correspondence received from Erica Hall, a committee member of a fundraising committee for Lucy Collier and her family, and correspondence from Dongara Eagles Veterans AFL Masters Football Club.

Lucy Collier has Neurofibromatosis Type 1:

- Brain tumour behind her eye that is benign but inoperable,;
- Scoliosis (wears a spinal brace);
- Neurofibromas or lumps that grow just under the skin;
- Learning, behavioral and speech problems;
- Brown birth marks over her body;
- Lisch nodules, benign lumps that grow on the coloured part of the eye.

Lucy and her mother Mary are required to travel to Perth fortnightly to enable Lucy to obtain treatment and to attend specialist appointments.

A Fundraising Committee was formed by members of the community and this committee is working in partnership with the Dongara Eagles Veterans AFL Masters Football Club to raise money towards this worthwhile cause.

The Fundraising Committee is holding a Ladies Day Luncheon on Saturday 20 October 2012 at the Irwin Recreation Centre and is seeking a donation of the venue from the Shire of Irwin.

The Dongara Eagles Veterans AFL Masters Football Club is holding a Quiz night on Saturday 27 October 2012, at the Irwin Recreation Centre and is seeking a donation of the venue from the Shire of Irwin.

The money raised will go towards a heated swimming pool and assist towards other associated costs if there is any left over.

**Officer's Comment:**

That Council supports the Fundraising Committee and the Dongara Eagles Veterans AFL Masters Football Club by providing the venues for both events at no charge. The Ladies Luncheon and the Quiz Night are community events run by community organisations to raise funds that will benefit Lucy Collier and her family.

**Financial Implications:**

**Irwin Recreation Hire Fees**

The financial implication to the Shire would be \$564.00 which is the costs to hire the Irwin Recreations Centre facilities as listed below:

**Ladies Luncheon**

Function Room	\$168.00
Kitchen	\$ 68.00
<b>Total</b>	<b>\$236.00</b>

**Quiz Night**

Function Room	\$188.00
Kitchen	\$ 85.00
Bar	\$ 55.00
<b>Total</b>	<b>\$328.00</b>

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**MCS.01**

**Subject:** Re-assignment of South Beach Kiosk Lease Agreement and South Beach Ablutions Cleaning Contract  
**Proponent:** Mrs Christiane Taylor - Majchrzak  
**Reporting Officer:** Manager Community Safety  
**File Reference:** CP.RE.3  
**Date Prepared:** 21 August 2012  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To seek Council's approval to re-assign the South Beach Kiosk Lease Agreement and the South Beach Ablutions Cleaning Contract to the new owners of the 'Little Starfish'.

**Officer's Recommendation:**

1. That Council resolves to endorse the re-assignment of the Port Denison 'South Beach Kiosk' lease to Margaret Elizabeth Saunders, subject to;
  - No amendments be made to the lease; and
  - Mrs Saunders provides evidence of conformance with clause 3.9 of the lease.
2. That Council approves the re-assignment of the South Beach ablutions cleaning contract to Margaret Elizabeth Saunders.

**Background:**

At an ordinary Council meeting held on the 19 August 2008 Council resolved:

*That Council approves the new lease with Mr. Paul Taylor and Ms. Christiane Majchrzak for the South Beach Kiosk (The Little Starfish), located on Reserve 11702 White Tops Road Port Denison, as circulated with the agenda, and terminates the existing lease concurrently.*

*That Council approves the attachment of Council's seal on the lease document to be signed by the Shire President and Chief Executive Officer.*

The term for the current lease is 5 years; commencing on the 1 November 2008 and terminating on 31 October 2013, with a five year option (a copy of the lease is included in the attachments for Council consideration).

In May 2012 Council accepted the cleaning tender submitted by the owners of the 'Little Starfish' for the cleaning of the South Beach ablutions.

The current lessee is now planning to sell the business known as 'the Little Starfish', which includes the South Beach ablutions cleaning contract, to Mrs Margaret Elizabeth Saunders. Settlement of the sale is to take place on the 12 September 2012. Consequently the lessee is requesting that Council endorse the re-assignment of the kiosk lease and the South Beach ablutions cleaning contract to Mrs Saunders.

**Officers Comment:**

It is recommended that the identical kiosk lease be re-assigned to Mrs Saunders, subject to the lessee providing evidence of compliance with clause 3.9 of the lease, requiring an insurance cover of no less than \$5,000,000.

Furthermore, it is recommended that Council also approve the re-assignment of the South Beach ablutions cleaning contract.

**Financial Implications:**

Clause 3.7 of the lease imparts that any expense arising in the course of the re-assignment of the lease will be covered by the lessee.

**Statutory Environment:**

Clause 3.7 of the lease provides that section 80 and 82 of the Property Law Act are excluded.

**Policy Implications:**

Nil

**MPS.01**

**Subject:** Proposed Introduction of Development Zone  
**Reporting Officer:** Manager Planning Services  
**Date of Report:** 21 August 2012  
**File Reference:** LP.PL.2.14  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider the introduction of a “Development” zone into the Shire of Irwin Local Planning Scheme No 5.

**Officer’s Recommendation:**

That Council, pursuant to section 75 of the *Planning & Development Act 2005*, resolves to amend the Shire of Irwin Local Planning Scheme No 5 by:

1. Inserting a new clause 4.2.13 Objectives of the Development Zone;
2. Amend Table 1 – Zoning Table to include a Development Zone;
3. Insert a new clause 4.8 Development Zone, and renumbering subsequent clauses accordingly;
4. Replacing clause 5.23.2 with the requirement for and operation of structure plans in the Residential zone; and
5. Inserting a new clause 5.35 Structure Planning Areas and renumbering subsequent clauses accordingly.

**Body/Background:**

A scheme amendment application has been received from CLE Town Planning & Design (CLE) for the purpose of introducing a “Development” zone into the Shire’s Local Planning Scheme No 5 (the Scheme).

CLE have been engaged by Mr Ben Clarke to prepare the amendment. It should be noted though that this amendment does not propose to rezone any particular lot or land parcel, it represents an addition to the Scheme text only. The Shire is however, currently in consultation with CLE on a proposed separate amendment, to be reported at a later date, that will seek to rezone land within the Shire to the proposed “Development” zone.

The objectives of the “Development” zone are stated as follows:

*‘To provide for comprehensive planning of large scale / broadacre development including residential, industrial and / or commercial through a structure plan to facilitate subdivision and development’*

The introduction of the “Development” zone is therefore designed to allow large land parcels, or land with more complex planning issues, to be first identified as being suitable for development, followed by detailed structure planning and eventual subdivision and/or development. It provides for land to be first ‘earmarked’ as suitable for development, which then gives a degree of certainty to then allow the preparation of more detailed structure planning prior to subdivision application and development.

The “Development” zone only applies to urban development proposals and is not suitable for rural subdivision or development, although it may involve the conversion of rural land to urban uses.

The text to be added into the Scheme as proposed by this amendment comprises three main parts:

- Firstly, the creation of the “Development” zone which includes:
  - Inserting a new clause 4.2.13, being the zone objectives;
  - Amending Table 1 – Zoning Table to include a Development zone column; and

- Inserting a new clause 4.8 detailing how the Development zone is to be applied, including the requirement for structure planning prior to subdivision and/or development.
- Secondly, amending the Residential zone provisions to refer to the requirement for Structure Planning, as opposed to the requirement for Outline Development Plans, thereby ensuring consistency of terminology and approach.
- Lastly, the bulk of the amendment proposes a new Clause 5.35 which provides the instructions for the preparation and adoption of Structure Plans.

The structure planning provisions proposed by this amendment are extensive and form an important part of the changes to the Scheme. The text to be included provides comprehensive instructions on the following:

- The details to be included in a structure plan;
- Advertising of structure plans;
- Adoption of a structure plan by the local government;
- Endorsement by the Western Australian Planning Commission (WAPC);
- The operation of a structure plan;
- Variation to a structure plan;
- Provisions for Detailed Area Plans;
- Appeal rights under structure plans and detailed area plans; and
- Bringing previously approved subdivision guide plans and outline development plans under the same provisions as structure plans.

A full copy of the text proposed to be included in the Scheme by this amendment is attached.

**Officer's Comment:**

The proposed inclusion of the "Development" zone into Local Planning Scheme No 5 is generally supported. It is considered that it will add an important level of flexibility into the Scheme and allow areas required for future urban expansion to be set aside for such.

In order to provide some context to the operation of the "Development" zone, it is important to first consider how current rezoning amendments operate under the existing zones of the Scheme.

In this regard, a scheme amendment which proposes a rezoning to allow future subdivision and development must indicate upfront the exact boundaries for individual land uses and, in the case of residential zoning, the exact boundaries for each density proposed by the amendment. If approved, these boundaries are then transferred to the Scheme maps and subsequent subdivision and development has to accord with the boundaries as indicated on the Scheme maps. To ensure this level of detail is accurate, it often requires the preparation of detailed engineering reports and studies as part of the initial amendment application.

The difficulty with this approach is that where large land parcels are concerned, or where a land area may have more complex planning issues, subdivision and development may take place over a number of years. As time progresses, urban design methods often improve and developers may wish to adjust their plans to respond to changing market demands. Once the zoning boundaries are locked in however, they cannot be changed, unless a further amendment is undertaken. The result is a very rigid statutory planning framework and one that is time consuming and cumbersome to change and improve.

The "Development" zone as proposed is intended to overcome some of these issues in that it is designed to include a level of flexibility into the process and provide a clearly defined staged approvals process.

In this regard, a request to rezone land to the "Development" zone is simply a request to identify land as suitable for urban development. If granted, the specific details concerning the boundaries

for particular land uses and residential densities are worked through and decided upon as part of a subsequent structure plan.

The structure planning component therefore forms an integral part of the “Development” zone, in that once the zoning is in place, before any subdivision or development can take place, a structure plan must first be prepared and approved by both Council and the WAPC (where it proposes subdivision). This shifts the focus on specific details of the development from the initial rezoning stage and the Scheme maps to the structure plan. The provisions proposed by this amendment therefore include comprehensive instructions on when a structure plan is required, how it is to be prepared, advertised, adopted, amended etc.

As a reflection of the importance that the structure plan plays, the text to be included as part of this proposed amendment includes provision for structure plans, once approved, to apply as if they are part of the Scheme. This way, the requirements and any specific provisions of an approved structure plan have the same weight and carry the same importance as would any provision of the Scheme.

It should be noted however, that although the emphasis of these provisions is on structure planning, it should not be construed that initial rezoning proposals to the “Development” zone can be considered as merely a formality and do not require close scrutiny. Such rezoning proposals will still need to demonstrate to the satisfaction of Council upfront, that the land is suitable for and actually capable of development. This would include addressing essential service provision, environmental constraints, proximity to an established urban area etc.

The main benefit of the “Development” zone therefore is that it introduces a level of flexibility into the Scheme. Land can be set aside or ‘earmarked’ for future development, without necessarily having to decide on the exact specifics of land use boundaries and residential densities as part of the initial rezoning. The emphasis on these details is shifted to the structure plan which has the ability to be molded and refined over time and to adapt to improved methods and to respond to changing market demands as the land is progressively developed.

It also has the benefit of introducing a clearly defined staged approvals process. Landowners are able to determine whether Council and the WAPC agree that a site has development potential before investing considerable time and expense in the detail necessary for the preparation of a structure plan. The added benefit of this is the simpler process to set aside land for future urban development, increasing Council’s ability to protect important urban expansion areas from rural subdivision pressure.

In relation to the format of the text proposed by this amendment, it is noted that it follows exactly the text which has recently been included in the City of Greater Geraldton Local Planning Scheme No 5. It also closely corresponds with the “Development” zone provisions included in the Northampton Local Planning Scheme. In consultation with the Department of Planning, these provisions are to be used as a model when introducing this zone into a Scheme, to ensure standardisation across Schemes within the State.

**Financial Implications:**

Nil.

**Statutory Environment:**

Planning & Development Act 2005 (as amended),  
Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or

- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

**Policy Implications:**

Nil.

**MW.01**

**Subject:** Tender 1-2012/13 – Shire of Irwin Bitumen (Supply and Spray)  
**Reporting Officer:** Manager Works  
**File Reference:** PL,DI  
**Date Prepared:** 21<sup>st</sup> August 2012  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider awarding the Tender for the 'Supply and Spray of Bitumen' as per Tender 1-2012/13.

**Officers Recommendation:**

That the Tender submitted by Bitutek be accepted for the 'Supply and Spray of Bitumen', Tender 1-2012/13 being;

"Supply and Spray 118,000 litres of Cutback Bitumen for primer seal works on Table-top Rd and Saint Dominics Rd \$0.99 per litre (\$116,820). Supply and Spray 121,800 litres of Bitumen for various second coat and reseal works \$0.99 per litre (\$120,582)

**Total \$237,402**

Supply of two spreader Trucks on an hourly rate.  
\$120.00 per hour each gate to gate, plus accommodation costs as required."

**Background:**

Tenders were called on the 28 July 2012 for the supply and spraying of approximately 240,000 litres of bitumen and supply spreader trucks for the works. The works were planned into two stages; the first stage being the primer seal; and the second is the seal coat. Four Tenders for the works were received by the closing time on Monday the 20<sup>th</sup> August 2012.

**Officer's Comment:**

The following companies have submitted tenders for Council's sealing program for the 2012/2013 financial year.

- RNR Contracting was awarded the supply and spray tender in the 2010/2011 financial year. They have also completed contract works for the shire in the past to a very high standard.
- Boral Contracting was awarded the tender for the previous year but were unable to finalise their arrangements with Council because of the high demand for bitumen across the state. They have completed contract works for the shire in the past to a very high standard.
- Bitumen Surfacing has not done sealing works for the shire before.
- Bitutek is a new company made up of ex RNR staff who have previous experience in working on projects with the Council.

The Bitutek Tender meets Council's requirements and is the most cost effective option of the four tenders received.

**Financial Implications:**

**RNR CONTRACTING**

Supply and Spray 118,000 litres of Cutback Bitumen for primer seal works on Table-Top Rd and Saint Dominics Rd \$1.07 per litre (\$126,260). Supply and Spray 121,800 litres of Bitumen for various second coat and reseal works \$1.07 per litre (\$130,326)

**Total \$256,586**

Supply of two spreader Trucks on an hourly rate.  
\$115.00 per hour each gate to gate, plus accommodation costs as required.

**BORAL ASPHALT**

Supply and Spray 118,000 litres of Cutback Bitumen for primer seal works on Table-top Rd and Saint Dominics Rd \$1.07 per litre (\$126,260). Supply and Spray 121,800 litres of Bitumen for various second coat and reseal works \$1.09 per litre (\$132,762)

**Total \$259,022**

Supply of two spreader Trucks on an hourly rate.

\$115.00 per hour each gate to gate, plus accommodation costs as required.

**BITUTEK**

Supply and Spray 118,000 litres of Cutback Bitumen for primer seal works on Table-top Rd and Saint Dominics Rd \$0.99 per litre (\$116,820). Supply and Spray 121,800 litres of Bitumen for various second coat and reseal works \$0.99 per litre (\$120,582)

**Total \$237,402**

Supply of two spreader Trucks on an hourly rate.

\$120.00 per hour each gate to gate, plus accommodation costs as required.

**BITUMEN SURFACING**

Supply and Spray 118,000 litres of Cutback Bitumen for primer seal works on Table-top Rd and Saint Dominics Rd \$1.23 per litre (\$145,140). Supply and Spray 121,800 litres of Bitumen for various second coat and reseal works \$1.18 per litre (\$143,724)

**Total \$288,864**

Supply of two spreader Trucks on an hourly rate.

\$120.00 per hour each gate to gate, plus accommodation costs as required.

**Statutory Environment:**

Local Government (Functions and General) Regulations 1996

Division 2 — Tenders for providing goods or services (s.3.57)

**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.50 – Chief Executive Officer’s Annual Performance Review) will be discussed.

**14. CLOSURE**

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

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