



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

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 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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I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 August 2012

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 28 AUGUST 2012
COMMENCING AT 4.00PM**

PRESENT:	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)
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4:02pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

All Councillors were in attendance for this Ordinary Council Meeting.

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 JULY 2012

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

COUNCIL MOTION:

MOVED: Cr Hepworth

SECONDED: Cr Scott

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

- 8.1** Welcome to our new Executive Assistant, Erin Greaves to the Shire and her first Council meeting.
- 8.2** On Monday 20 August, along with the Chief Executive Officer and Director Corporate and Community I attended a Batavia sub-region meeting with the Mid West Development Commission, City of Greater Geraldton and the Shires of Chapman Valley and Northampton in regards to the 2012/13 Royalties for Regions Country Local Government Fund – regional component funding.
- 8.3** On Tuesday 21 August the Chief Executive Officer and I attended a Workforce Planning Forum in Perth convened by the Hon John Castrilli MLA, Minister for Local Government.
- 8.4** Congratulations to the following staff members for their Employee of the Month Awards;
- Coralie Palmer for May
 - Jodie O’Keeffe for June; and
 - Carmel Galati for July (nominated by local resident John Rossiter)
- 8.5** I would like to acknowledge the preparation work of the outside and inside staff in the presentation of the Shire’s sporting facilities for last Saturday’s 2nd Semi Finals. Well done. Many positive comments were received from visitors and the community.
- 8.6** The Shire has received advice from FESA that the shared Community Emergency Services Manager position between FESA and the Shire’s of Carnamah, Coorow and Irwin has been approved.

- 8.7** I would like to take this opportunity to acknowledge and thank Mrs Robyn Parsons for her many years of service as the Coordinator of the Port Denison Aged Persons Units. Robyn has foreshadowed her retirement from this role following the completion of the refurbishment works on two of the units in October / November.
- 8.8** This morning, the 28 August, the Deputy President, Chief Executive Officer, Director Corporate and Community and myself undertook a VIP site tour of the Norwest Energy exploratory operations at Arrowsmith.

9. REPORTS

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

Report Purpose:

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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

MOVED: Cr Scott

SECONDED: Cr McClurg

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.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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.

COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr Fitzhardinge

That Standing Orders be suspended.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr West

That Standing Orders be resumed

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

OFFICER'S RECOMMENDATION / COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr West

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

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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

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.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

MOVED: Cr Scott

SECONDED: Cr McClurg

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.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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
Total	\$236.00

Quiz Night

Function Room	\$188.00
Kitchen	\$ 85.00
Bar	\$ 55.00
Total	\$328.00

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

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 / COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr Hepworth

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.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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 / COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr West

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.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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 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.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr West

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."

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

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 20th 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

As approved by the Presiding Member, Council consider Item CEO.01.

CEO.01

Subject: Tender 2 – 2012/13 Sale of Holden Berlina
Reporting Officer: Chief Executive Officer
File Reference: FM.TE
Date Prepared: 27 August 2012
Voting Requirements: Absolute Majority

Report Purpose:

To consider tenders received for the purchase of the Shire of Irwin's 2011 Holden Berlina and authorizing the replacement of the vehicle.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr West

That Council:

1. Accept the tender received from Mr Brian Patten offering \$27,500 to purchase the Shire of Irwin's 2011 Holden Berlina; and
2. Authorise the purchase of a 4-cylinder sedan, to the CEO's satisfaction, as a replacement administration vehicle.

CARRIED BY AN ABSOLUTE MAJORITY VOTE

VOTING DETAILS:

8/0

Background:

As part of the implementation of the Shire's new management structure and the employment contract renewal negotiations for the Director Corporate and Community, Council's 2012/13 budget included a provision to fund the outright purchase a new vehicle for the Director Corporate and Community.

During the procurement phase for the new vehicle, it became apparent that Council would not receive an acceptable trade-in value for the Director's previous vehicle (a Holden Berlina sedan) and as a result alternative arrangements were made to offer the vehicle for sale by open tender.

Council advertised in the West Australian and Local Rag seeking tenders for the outright purchase of the Shire's 2011 Holden Berlina, and did so in accordance with the requirements of the tender provisions contained with the Local Government Act and associated Local Government (Functions and General) Regulations.

Only one tender was received from Mr Brian Patten for \$27,500. It should be noted that the tenderer is a Shire employee, however, he has had no involvement in the tender administration or decision making process of the tender.

Officer's Comment:

By purchasing the Director's new vehicle outright, the Shire has been using his previous vehicle as a general pool vehicle and has been utilised by staff (and an elected member) for routine work requirements, to attend staff training and development opportunities and by leave relief officers where the officer they are relieving has use of their Shire vehicle whilst on leave as part of their employment contract.

Whilst the budget does not specifically provide for this vehicle to be replaced, it is recommended that Council do so. It is intended to purchase a more economical and fuel efficient 4 cylinder sedan at a lower cost than the proceeds received for the existing vehicle, resulting in a replacement vehicle at no nett cost to Council.

Financial Implications:

It is anticipated that the proceeds from the sale of the vehicle, being \$25,000 nett of GST, be used to purchase a replacement vehicle. Any surplus funds will be transferred to the Plant Replacement Reserve.

Statutory Environment:

The Local Government Act provides:

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

The Local Government (Functions and General) Regulations provides:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (3) A disposition of property other than land is an exempt disposition if —
 - (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

Policy Implications:

Nil

13. MATTERS BEHIND CLOSED DOORS

Confidential Item P.50 – Chief Executive Officer’s Annual Performance Review will be discussed.

COUNCIL DECISION	
MOVED: Cr West	SECONDED: Cr Fitzhardinge
That the meeting move behind closed doors to discuss a confidential staff matter in accordance with the Local Government Act 1995 section 5.23 (2) (a).	
VOTING DETAILS:	<u>CARRIED UNANIMOUSLY</u> 8/0

COUNCIL DECISION	
MOVED: Cr Porteus	SECONDED: Cr McClurg
That Standing Orders be suspended at 4:32pm.	
VOTING DETAILS:	<u>CARRIED UNANIMOUSLY</u> 8/0

The Chief Executive Officer, Director Corporate and Community Services, Manager Planning Services, Manager Community Safety, Manager Community Services, Manager Works and Executive Assistant departed the Chambers at 4.32pm.

P.50 – 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 24 August 2012 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 2011 – August 2012 was discussed at length, with Councillors commenting positively on aspects of the Chief Executive Officer’s performance from their own perspective.

COUNCIL DECISION	
MOVED: Cr Hepworth	SECONDED: Cr Porteus
That the meeting be reconvened under Standing Orders.	
VOTING DETAILS:	<u>CARRIED UNANIMOUSLY</u> 8/0

COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr Porteus

That, having undertaken the Chief Executive Officer's annual performance review, Council congratulates the Chief Executive Officer (CEO) on receiving an outstanding review and for his leadership of the Shire's administration over the past year and agrees to amend the CEO's salary package in accordance with his submission provided as an attachment to the Shire President's report P.50 dated 24 August 2012 and summarised as follows:

1. Increase the CEO's existing cash salary by the Salaries and Allowances Tribunal's 1 July 2012 general adjustment of 3.5%;
2. Transfer the existing motor vehicle salary package value to the CEO's cash salary;
3. Adopts the Salaries and Allowances Tribunal's regional/isolation allowance of \$30,000 per annum however this amount will be reduced pro rata whilst Council continues meeting the lease costs of rental accommodation provided to the CEO;
4. Increases professional membership fee payments by \$250 per annum; and
5. Retains existing benefits in respect to superannuation, telecommunications reimbursement, gym and personal training and staff uniform provision.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL DECISION

MOVED: Cr West

SECONDED: Cr Fitzhardinge

That the meeting move out from behind closed doors at 5:13pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5:19pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
28 August 2012

Signed:
Presiding Elected Member

Date:.....