



AGENDA

FOR THE

ORDINARY MEETING

OF COUNCIL

TO BE HELD ON

TUESDAY, 22 OCTOBER 2013

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, 22 OCTOBER 2013

IN THE OCEAN ROOM AT THE IRWIN REC
RIDLEY STREET, PORT DENISON WA

The Council Meeting will be followed by a Business After Hours Function being hosted by the Shire of Irwin in the Function Room from 6pm. All Councillors are invited to attend.



Darren Simmons
Chief Executive Officer

18 October 2013

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.

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AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE OCEAN ROOM, IRWIN REC ON TUESDAY, 22 OCTOBER 2013 COMMENCING AT 4.00PM

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr R J Porteus Cr M T Smith 4 x Vacancies
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Mr F A Neuweiler – A/Director Planning and Infrastructure Mr A S Wootton – Manager Works Mrs H M Sternick – Manager Corporate Services Mrs C M Palmer – Manager Community Services Mrs N Nelson – Manager Library and Tourism Services Mr L G Smith – Manager Recreation Services Ms E Greaves – Executive Assistant Miss L E Tunbridge – Research and Projects Officer Mr A Hayat – Planning Officer
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		-

Prior to the commencement of the meeting the newly elected Councillors will be required to sign a Declaration before assuming office as a Councillor for the Shire of Irwin in accordance with the provisions of the Local Government Act 1995.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

In accordance with the provision of the Local Government Act 1995, the Chief Executive Officer will declare the meeting open.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. ELECTION OF SHIRE PRESIDENT

Nominations are to be lodged in writing, indicating consent of the nominee, prior to or at the Meeting. (Proforma nomination form provided).

4. ELECTION OF DEPUTY PRESIDENT

Nominations are to be lodged in writing, indicating consent of the nominee, prior to or at the Meeting. (Proforma nomination form provided).

5. COUNCILLOR SEATING ALLOCATION

Councillor seating allocation, will be in accordance with Clause 6.2 of Shire of Irwin Standing Orders Local Law 2000. The Chief Executive Officer is to allocate Councillor seating positions by random draw.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS

10. CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 SEPTEMBER 2013

A copy of the Minutes of the Ordinary Council Meeting held on 24 September 2013 and Minutes of the Special Council Meeting held on 8 October 2013 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 24 September 2013, be confirmed as a true and accurate recording of that meeting.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Special Council Meeting, held on 8 October 2013, be confirmed as a true and accurate recording of that meeting.

11. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Presiding Member will undertake the annual Ratepayers Prize Draw.

12. REPORTS

CORPORATE AND COMMUNITY

CC01 – 10/13

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
Date of Report: 15 October 2013
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during September 2013.

Officer's Recommendation:

That the Accounts paid during September 2013, represented by Trust EFT Number 15135 totalling \$1,000, Municipal Cheque Numbers 30265-30288, EFT payment numbers 15057-15134 totalling \$288,782.22, Police Licensing Payment No's PL290813-PL250913 totalling \$44,890.05, Vehicle Lease Payment \$853.51, Credit Card Payment \$976.74.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2013.

Officer's Comment:

Nil

Financial Implications:

Nil

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.

Policy Implications:

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

Strategic Implications:

Strategic Community Plan – Outcome 4.2.1 *Ensure compliance whilst embracing innovation and best practice principles.*

CORPORATE AND COMMUNITY

CC02 – 10/13

Subject: Financial Statements for the Period ending 30/09/2013
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Date Prepared: 16 October 2013
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2012 to 30 September 2013.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2012 to 30 September 2013 be received.

Background:

The Monthly Financial Report to the 30 September 2013 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
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village 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.

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 - 10/13

Subject: Annual Electors Meeting
Reporting Officer: Director Corporate and Community
Date of Report: 17 October 2013
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Report Purpose:

To set a date for the Annual Electors Meeting.

Officer's Revised Recommendation:

That Council;

- a) hold the Annual Electors Meeting at 5.30pm on Tuesday 26 November 2013 in the Ocean Room at the Irwin Recreation Centre
- b) hold a Special Council Meeting on Tuesday 12 November 2013 at 4pm in the Ocean Room at the Irwin Recreation Centre to consider adoption of the 2012/2013 Annual Report and to appoint Council delegates to Committees.

Background:

Council traditionally holds the Annual Meeting of Electors following the Ordinary Council meeting held in November.

Officer's Comment:

It is recommended that the Annual Electors Meeting be held on Tuesday 26 November 2013.

The Annual Report for 2012/13 has been substantially completed and is only awaiting receipt of the Audit Report from UHY Haines Norton. It is anticipated that the Audit Report will be received in time for the Annual Report to be presented at a Special Meeting of Council suggested to be held on the day of the November Forum.

It may also be opportune for Councillors to consider the biennial appointment of Council delegates to Committees at this meeting following the election of the new Council.

Financial Implications:

Nil

Statutory Environment:

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.
SCP Outcome 4.2.3 Identify improved communication strategies to inform the community about the Shire's achievements and financial position.

PLANNING AND INFRASTRUCTURE

PI 01 – 10/13

Subject: Land Development, Design and Construction Criteria Policy
Reporting Officer: Manager Works
Date of Report: 15 October 2013
File Reference: CM.PO.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider implementing the reviewed Land Development, Design and Construction Criteria Policy.

Officer's Recommendation:

That Council approve an amendment to the W4 Land Development, Design and Construction Criteria Policy to include the text from the *Shire of Irwin Land Development Specifications, Design and Performance Criteria* document as presented in the Attachments Booklet dated 22 October 2013.

Background:

In order to guide developers in future subdivisional works and standardise the criteria set for those developers Council's Policy Manual – *Policy W4 Land Development, Design and Construction Criteria*, currently only refers to the Land Development, Design and Construction Criteria Handbook and reads as follows;

POLICY

That all land developments comply with the current Land Development – Design and Construction Criteria handbook.

The existing handbook was prepared with external engineering assistance however it is now considered out-of-date.

Officer's Comment:

A new document has been developed to replace the current Handbook which incorporates contemporary practice as well as current local issues and needs which may affect subdivisional development. This document has been reviewed and agreed by relevant staff and Council's consulting engineers, Greenfields Technical Services.

Therefore, it is recommended that Council approve the amended W4 Land Development, Design and Construction Criteria Policy to include the criteria outlined in the *Shire of Irwin Land Development Specifications, Design and Performance Criteria* as presented in the Attachments Booklet.

Financial Implications:

Nil

Statutory Environment:

Local Government Act 1995

Policy Implications:

W4 Land Development – Design and Construction Criteria

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

PLANNING AND INFRASTRUCTURE

PI 02 – 10/13

Subject: Proposed Surf Life Saving Club Shed on Reserve 137,
Lot 11702 White Tops Road, Port Denison
Proponent: Dongara Denison Surf Life Saving Club
Reporting Officer: Planning Officer
Date of Report: 16 October 2013
File Reference: R137 / P421
Voting Requirements: Simple Majority

Report Purpose:

To consider an application for a proposed shed on Lot 11702 White Tops Road, Port Denison

Officer's Recommendation:
That Council;

a) Approve the application for the proposed Dongara Denison Surf Life Saving Club shed on Reserve 137, Lot 11702 White Tops Road, Port Denison subject to the following conditions;

- 1. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority;**
- 2. Any soils disturbed or deposited on the site are to be stabilised and retained on site;**
- 3. 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;**
- 4. The outbuilding shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation or industrial purposes; and,**
- 5. The Dongara Denison Surf Life Saving Club shall indemnify the Shire of Irwin against any damage to the shed and its contents caused by coastal erosion or intrusion of sea water onto the proposed site;**

ADVICE NOTE:

- 1. A Building Permit is required to be approved by the local government prior to the commencement of any construction works on site.**

b) In recognition of its significant community service donates the equivalent sum of the statutory planning and building fees to the Dongara Denison Surf Life Saving Club.

Background:

The application proposes a 14x18m shed, at a height of 5.1m to replace the previous 9x12m shed on Lot 11702 White Tops Road, Port Denison. The previous shed was placed on site in 2003, obtained from West Lime and has since deteriorated to an unusable state. The purpose of the shed is predominantly storage of equipment and provision of first aid, and will provide a safer and larger area to conduct club meetings and train members.

The Shed shall be steel framed and coloured colorbond 'dune' for walls and 'deep ocean' for the flashing. Construction would be likely to commence early November and completed April 2014.

The Land:

The land is zoned for local reserve, vested in the Shire of Irwin as Reserve 137 with the intended land use being for 'recreational purposes'. The site on which the proposed shed is to be erected is located on Lot 11702 White Tops Road, Port Denison. A location plan is attached showing the site on which the previous shed is depicted prior to its removal on the 20 October 2013. The applicant had applied for a demolition permit and was approved for the removal of the shed shown on the attached location plan.

Consultation:

The applicant Mr Rodney Owen, President of the Dongara Denison Surf Life Saving Club (hereafter referred to as SLSC) has been in constant liaison with the Shire's Planning and Building Staff regarding meeting compliance with the use and development of the shed. The club has been granted \$90,000 by Lotterywest and the Department of Sport and Recreation towards the project.

Officer's Comment:

The application is supported.

The proposal is in compliance with the *State Planning Policy 2.6 State Coastal Planning* (hereafter referred to as SPP2.6). The SPP2.6 Guidelines enforce that decision-making should be guided by considering a range of criteria associated with coastal environments to not restrict the social and economic opportunities of the foreshore reserve area, thus allowing flexibility and 'outcome based' decision making rather than using a nominal 'setback' requirement.

The placement of the proposed shed will not alter the existing topography of the land. Being larger than its predecessor, it will be a multipurpose outbuilding, serving such uses as follows;

- Safe storage of gear and equipment belonging to the SLSC;
- Conducting SLSC meetings;
- First aid provisions and member training; and,
- Being available for use by other community groups.

Part 3 of the *Shire of Irwin Local Planning Scheme No. 5* states at Clause 3.4.1;

A person must not –

- (a) Use a Local Reserve; or*
- (b) Commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

Mr Owen has stated in writing that the new shed has an anticipated life of 15 years, which in turn would last the remainder of the lease period, which expires in 2028. The previous shed had been in the same location for 10 years, during which time the applicant states that there had been no coastal erosion or impact on the site or surrounding area. He has also stated that recent summers have seen two cyclones, and while the coast was affected by an abnormally high tide it did not encroach onto the proposed site or the previous shed.

Kite surfing is an event held in the Shire of Irwin every year promoting tourism within the towns of Dongara and Port Denison. Kitestock uses the shed for events, and the shed is also used by the following community groups;

- Dongara Denison Long Board Club;
- Youth Advisory Committee;
- The Recreation Centre uses the lawn surrounding the Shed area for exercise classes; and
- The Shed has been and will be available to community groups and clubs for hosting private/social functions.

Having been granted \$90,000, the estimated cost of construction is \$120,000 of which the variance is provided by the Club with the profits they have generated through their efforts in operating the drive-in theatre for many years. In consideration of the proximity to the high water mark (see plans attached), the applicant has provided a cover letter with the application for planning approval stating that the Club is prepared to indemnify the Shire against any damage to the shed and club equipment by any impact caused by coastal erosion or intrusion of sea water onto the proposed site. Should coastal conditions alter to the point that it would not be safe for the shed to remain in its proposed location, the Club will be responsible for removing the shed with all club gear and other equipment to a location approved by the Shire.

The SLSC has been operating for almost 10 years since founded in 2004 and forms a core part of the town's recreation. The SLSC has between 80-120 members. The Club engages children and adults to participate in surf events, make friends, establish networks between the members and even assisting those wishing to learn how to surf. The SLSC also provide swimming lessons to children, sea rescue training, and conduct patrols along South Beach. By contributing to tourism through storing kite surfing equipment for Kitestock when they use the facility, providing its services to other clubs for functions or providing space to conduct fitness programs, the SLSC shed proposes a necessary facility to a club who promote health, fitness, and community.

Financial Implications:

Nil.

Statutory Environment:

Western Australian Planning Commission

- State Planning Policy 2.6 State Coastal Planning Guidelines (published 30 July, 2013)

Shire of Irwin

- Shire of Irwin Local Planning Scheme No. 5

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 2.3.2 Continue to maintain Shire reserves.

SCP Outcome 3.1.1 Continue to monitor community infrastructure needs and infrastructure utilisation.

SCP Outcome 3.6.5 Continue to support and fund community events such as Larry Lobster Community Festival, Australia Day Celebrations, Kite Stock, Easter Sunday Races and others.

PLANNING AND INFRASTRUCTURE

PI 03 – 10/13

Subject: Unauthorised Development Works
Proponent: Harmer Nominees
Reporting Officer: Acting Director Planning and Infrastructure
File Reference: R43078
Date Prepared: 7 October 2013
Voting Requirements: Simple Majority

Report Purpose:

To consider a retrospective planning application submitted by Mr Hedley Harmer representing Harmer Nominees.

Officers Recommendation:

1. That Council, after taking into consideration the Vesting Order for Reserve 43078 and the State Coastal Planning Policy, advise the proponent that the retrospective application for planning approval submitted by Harmer Nominees is not approved.
2. That, unless the cottage is removed within 40 days from the date of this Council decision, legal proceedings against Harmer Nominees for a breach of the Planning and Development Act 2005 and the Shire of Irwin's Local Planning Scheme No. 5 be initiated.

Background:

The building in question is located at Freshwater Point on Reserve 43078, Victoria Location 11982, which is vested in the Shire of Irwin for the purpose of "Parkland, Recreation and the letting of cottages existing thereon on February 1994..." (please refer to the attachment).

Prior to constructing the building in question the proponent did not submit an application for planning approval, an application for septic system, or an application for a building permit.

The Shire of Irwin's Local Planning Scheme No. 5 provides: A person must not use a Local Reserve or commence or carry out development on a Local Reserve, without first having obtained planning approval (please refer to 'Statutory Environment').

Officers Comment:

Clause 10.2 of the Local Planning Scheme No. 5 sets out matters to be considered by the Local Government when assessing an application:

Approved State Planning Policy of the Commission - State Coastal Planning Policy

Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis: Avoid the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions.

Whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk - The proponent stated that over the last five years the high tides have undermined his main shack and it became unstable. He therefore rebuilt it at a nearby location, however, the new location is only approximately 5m from the high water mark and therefore is likely to suffer a similar fate in the near future as the main shack.

The ultimate purpose intended for the Reserve – “Parkland, Recreation and the letting of cottages existing thereon on February 1994...” The Schedule of the Vesting Order provides that no new cottages are to be constructed within the reserve from the date of the Vesting Order.

The preservation of the amenity of the locality – The building is clad with second hand material and therefore detracts from the amenity of the locality.

The likely effect of the proposal on the natural environment – The Shire of Irwin received a written complaint from a member of the public regarding the “...state of disrepair of squatter shacks on the beach front foreshore (at Freshwater Point), as building materials and rubble are falling onto the beach and hence into the ocean.”

Taking the above matters into consideration it is recommended that the planning application be refused. However, the applicant has the right of a review of this decision by applying to the State Administrative Tribunal within 28 days of receiving Council’s refusal.

Financial Implications:

Cost of legal advice.

Statutory Environment:

The Land Act 1933 - Vesting Order (DOLA File 623/994) issued by the Governor: “Parkland, Recreation and the letting of cottages existing thereon on February 1994...” The Schedule of the Vesting Order provides that no new cottages are to be constructed within the reserve from the date of the Vesting Order.

Planning and Development Act 2005 -

220. Development in Planning Control Area without Prior Approval

A person who commences, continues or carries out development in a planning control area except—

- (a) with the prior approval of that development obtained under section 116; and
- (b) in a manner which is in conformity with the approval referred to in paragraph(a) and in accordance with the conditions, if any, subject to which that approval is given commits an offence.

The Shire of Irwin’s Local Planning Scheme No. 5 -

3.4 Use and Development of Local Reserves

3.4.1 A person must not -

a) use a Local Reserve; or b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to –

a) the matters set out in Clause 10.2; and b) the ultimate purpose intended for the Reserve.

10.2 Matters to be considered by the Local Government

The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application –

- a) the aims and provisions of the Scheme and any other relevant town or local planning scheme operating within the Scheme Area;
- b) the requirements of orderly and proper planning including any relevant proposed new town or local planning scheme or amendment which has been granted consent for public submissions to be sought;
- c) any approved State Planning Policy of the Commission;
- d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- e) any relevant policy or strategy of the Commission and any relevant planning policy adopted by the Government of the State of Western Australia;

- f) any Local Planning Policy adopted by the local government under Clause 2.4, any heritage policy statement for a designated heritage area adopted under Clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- i) the compatibility of a use or development within its setting;
- j) any social issues that have an effect on the amenity of the locality;
- k) the cultural significance of any place or area affected by the development;
- l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) the preservation of the amenity of the locality;
- o) the relationship of the proposal to development on adjoining land, including but not limited to, the likely visual impact of the height, bulk, scale, orientation, architectural

Policy Implications:

Council's Policy B13 - Illegal Building Works

State Planning Policy No. 2.6 - State Coastal Planning Policy

Strategic Implications:

SCP Outcome 2.2.2 Review, regulate and monitor access to our natural assets.

PLANNING AND INFRASTRUCTURE

PI 04 – 10/13

Subject: Waste Consultancy Service
Proponent: Talis Consultants Pty Ltd
Reporting Officer: Acting Director Planning and Infrastructure
File Reference: WM.CO
Date Prepared: 14 October 2013
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider a consultancy fee proposal submitted by Talis Consultants Pty Ltd for the provision of a waste management infrastructure sighting selection study and preparation of a waste collection tender / contract documentation.

Officers Recommendation:

That Council accepts Talis Consultant's fee proposal of \$69,700 for the provision of:

- a) The preparation of a waste contract and tender administration;**
- b) waste infrastructure and sighting selection study; and**
- c) a due diligence and land capability assessment,**

subject to confirmation of the financial support of the Waste Authority.

Background:

In 2009 the Batavia Regional Organisation of Councils prepared a Regional Investment Plan and obtained financial assistance for the implementation of a number of the key recommendations. Following on from the success of the pilot phase the Waste Authority has committed to continuing to provide financial assistance for Local Government Authorities. Talis submitted a grant application to the Waste Authority earlier this year on behalf of the Shire of Irwin. We received verbal advice that the \$40,000 grant was approved; however, the written advice is still outstanding.

The Shire's Corporate Business Plan identified the following projects to be undertaken during the present financial year:

- The review of the current Waste Management Plan to assess end-of-life of the Shire transfer station and options for relocation;
- the investigation of opportunities for the reduction of waste within the Shire;
- the promotion of regional and local recycling; and
- the identification of opportunities for the Shire to develop as a Regional Centre of Excellence in Waste Management and recycling.

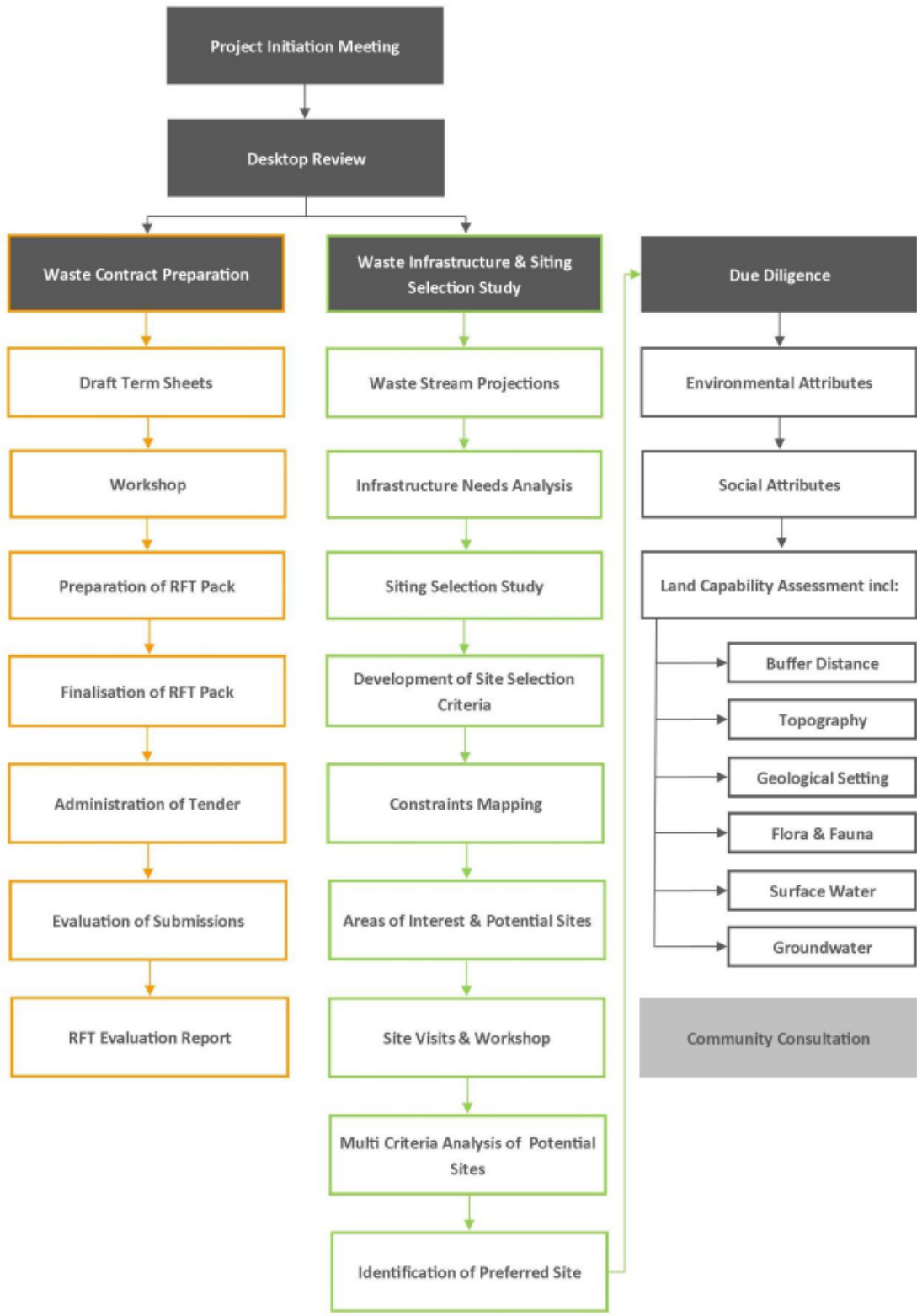
Fifty thousand dollars have been set aside in the current budget for the waste management plan.

In addition, the waste management contract with Veolia has expired and needs renewing. This is an opportunity to update the contract and invite tenders to establish what other waste management operators are interested in providing this service.

Officers Comment:

Talis Consultants have the necessary experience and expertise for the provision of all services sought by the Shire (please refer to the attachment) and they are familiar with our region through their previous involvement in Midwest regional waste management projects.

The following graph outlines Talis' proposed methodology to deliver the required tasks:



Talis' proposed timeline for the project is shown below:

Task	Duration
Project Initiation Meeting	Day 1
Desktop review	Week 1
Waste Contract Preparation	
Draft Term Sheets	Week 2
Shire Review of Draft Term Sheets	Week 3
Finalise Term Sheets	Week 4
Draft RFT Pack	Week 7
Shire Review of RFT Pack	Week 8
Finalise RFT Pack	Week 9
Administration of Tender Process	Week 15
Evaluation of Submissions	Week 17
RFT Evaluation Report	Week 19
Waste Infrastructure and Siting Selection Study	
Waste Infrastructure Demand Analysis	
Waste stream projections	Week 10
Waste management infrastructure requirements	Week 11
Siting Selection Study	
Development of siting selection criteria	Week 12
Constraints mapping	Week 13
Areas of Interest & Potential Sites	Week 14
Site Visits & Workshop	Week 15
Multi Criteria Analysis of Potential Sites	Week 16
Identification of Preferred Site	Week 16
Reporting	
Draft report	Week 17
Shire Review	Week 18
Finalise report and submit	Week 19
Due Diligence Assessment	
Environmental Attributes	Week 23
Social Attributes	Week 23
Land Capability Assessment	Week 23
Reporting	
Draft report	Week 24
Shire review	Week 25
Finalise report and submit	Week 26

Financial Implication

A budget allocation of \$50,000 has been made and a further \$40,000 grant is expected to be received from the Waste Authority.

A breakdown of Talis' Fees are listed in the table below;

Task	Cost (ex GST)
Project Initiation	\$1,930
Desktop Review	\$1,100
Waste Contract	
Waste Contract Preparation	\$14,970
Tender Administration	\$2,100
Evaluation of Submissions	\$4,200
RFT Evaluation Report	\$4,510
SUB TOTAL	\$28,810
Waste Infrastructure & Siting Selection Study	
Waste Management Infrastructure Demand Analysis	\$3,150
Development of Selection Criteria	\$705
Constraints Mapping	\$3,490
Areas of Interest & Potential Sites	\$4,490
Site Visits and Meeting	\$7,810
Multi Criteria Analysis of Potential Sites	\$3,050
Identification of Preferred Site	\$590
Waste Infrastructure & Siting Study Reporting	\$7,905
SUB TOTAL	\$31,190
Due Diligence & Land Capability Assessment	
Due Diligence Investigation	\$1,820
Land Capability Assessment	\$2,000
Reporting	\$5,880
SUB TOTAL	\$9,700
TOTAL	\$69,700

Statutory Environment:

Environmental Protection Act 1986 and subsidiary legislation.

The *Local Government (Functions and General) Regulations 1996* govern all procurement activities by Local Governments in Western Australia. The intention of the Regulations is to ensure integrity, fairness and transparency within the procurement processes of a Council and to allow the supplier markets to bid for Local Government business.

WALGA's Business Solutions arm focuses on harnessing the collective purchasing power of Local Government to provide access to key goods and services on terms more favourable than would be available to each Local Government individually. This is achieved through conducting commercial negotiations on behalf of Members and exploring strategic partnering. WALGA is the only Local Government owned and controlled entity in Western Australia that has a gazetted tender exemption.

WALGA's tender exemption allows Local Governments to procure any value of goods and services through Preferred Supply Panels or Business Services without having to go to tender. There is no

need for the Shire of Irwin to obtain quotes in this instant as Talis Consultants Pty Ltd are on WALGA's preferred suppliers list.

Policy Implications:

Nil

Strategic Implications:

SCP Outcomes 2.3.9 - Review and update the Waste Management Plan to improve access and identify possible relocation options.

OFFICE OF THE CEO

CEO 01 – 10/13

Subject: Council Meeting Dates 2014
Reporting Officer: Executive Assistant
Date of Report: 10 October 2013
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider and set its meeting dates for 2014

Officer's Recommendation:

That Council hold its 2014 Forum and Ordinary Meetings in the Ocean Room, Irwin Rec Centre, Ridley Street, Port Denison commencing at 4:00pm in accordance with the following schedule;

MONTH	COUNCIL FORUM	COUNCIL ORDINARY MEETING
January	N/A	N/A
February	11	25
March	11	25
April	8	22
May	14	28
June	13	27
July	8	22
August	12	26
September	9	23
October	14	28
November	11	25
December	N/A	16

Background:

As per the 2013 schedule, Council has held its Ordinary Council Meetings on the fourth Tuesday of each month except for January and December which are held on the third Tuesday. In 2013 there was no Council Forum or Council Meeting scheduled for January and no Council Forum in December.

As per the Local Government (Administration) Regulations 1996, Council are required to set the meeting dates for next 12 months and make them available to the local public.

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*

The meetings have been scheduled to be held in the Ocean Room at the Irwin Rec Centre due to the renovation works being conducted at the Council Chambers site. It is anticipated that this work will continue throughout 2014.

Officer's Comment:

As per last year's schedule, there is no Council Meeting in January.

It is common practice of local governments within the region to not hold a meeting in January due to the reduced service demand, minimal work's programming and decreased staff levels.

The approval of accounts for payment and financial statements normally provided in January would be scheduled for consideration at the February 2014 meeting. In regards to the presentation of statements of financial activity to Council, the Local Government (Financial Management) Regulations 1996 Section 6.4, states the following;

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

Financial Implications:

Nil

Statutory Environment:

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

OFFICE OF THE CEO

CEO 02 – 10/13

Subject: Delegation of Authority to Appoint an Acting Chief Executive Officer
Reporting Officer: Chief Executive Officer
Date of Report: 11 October 2013
File Reference: PE.AU.1
Voting Requirements: Absolute Majority

Report Purpose:

For Council to give consideration to delegating authority to the Chief Executive Officer to be able to make appointments to the position of Acting Chief Executive Officer during periods of absence not exceeding thirty-five (35) days.

Officer's Recommendation:

That Council delegate authority to the Chief Executive Officer the power to make appointments to the position of Acting Chief Executive Officer based on:

- a) **The Shire employee holding the substantive position of 'Director' and is designated a 'Senior Employee' by the Local Government Act 1995; and**
- b) **Appointments being for no longer than thirty-five (35) days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination.**
- c) **That the delegation be added to Council's Delegation Register**

Background:

The Local Government Act 1995 requires that a local government employ a person to be the Chief Executive Officer.

The CEO, throughout the course of his employment with the Shire, will be entitled to take periods of annual and sick leave and may be absent from the Shire for other reasons, which will prevent him/her from fulfilling his statutory obligations. As a result of these circumstances occurring from time to time and for other circumstances it is advisable that a process be in place by which another employee of the Shire can be appointed to the role of Acting CEO.

In order to provide such a process it is open to Council to delegate the authority to the CEO to be able to appoint another employee of the Shire who is employed as the status of 'Director' and designated as a senior employee under the provisions of the Local Government Act 1995.

In the past where the CEO is scheduled to be absent from the Shire and unable to fulfil the statutory duties of the position of the CEO, a report has been presented to the Council recommending another employee be appointed to the role of Acting CEO during the identified period of absence.

A report was in fact presented and adopted by Council at an Ordinary Council Meeting in April 2012 however the delegation was not updated to the Delegations Register at the time and therefore not transferred over to the new Delegations Register that was adopted in June 2013 by Absolute Majority.

Officer's Comment:

The Local Government Act 1995 requires that it is the Council that has the power to appoint a person to the position of CEO. However, the power to appoint a person to the position of CEO on an acting basis may be delegated by the Council to the CEO.

Circumstances may arise relating to the permanent CEO being required to be absent from the Shire for various reasons such as annual, personal or training/conference attendance leave. In these circumstances it is appropriate that the CEO be delegated the authority to be able to appoint another employee of the Shire who is employed as a 'Director' and is designated as a Senior Employee of the Shire as per the Local Government Act 1995.

It is recommended that in accordance with good governance principles, the ability for the CEO to appoint a person to the Acting position of CEO should be for periods of no more than thirty-five (35) days. All appointments for a Shire employee to act in the position of CEO greater than thirty-five (35) days must be referred to the Council for consideration.

Financial Implications:

Additional salary expenses associated with a higher duties payment as determined by the CEO

Statutory Environment:

Sections 5.36, 5.37, 5.39, 5.42 and 5.43 of the *Local Government Act 1995*

Policy Implications:

Nil

Strategic Implications:

Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

OFFICE OF THE CEO

CEO 03 – 10/13

Subject: Foreshore Master Plan
Reporting Officer: Research and Projects Officer
Date of Report: 15 October 2013
File Reference: PK.US.1
Voting Requirements: Simple Majority

Report Purpose:

To consider the adoption of the Foreshore Master Plan (FMP), to act as a guide for future decision making in regards to the Port Denison Foreshore area.

Officer's Recommendation:

That Council adopt the Port Denison Foreshore Master Plan concept document provided as a separate attachment to the report of the Research and Projects Officer dated 15 October 2013.

Background:

Findings from the community engagement process carried out as a part of the development of the Strategic Community Plan (SCP) 2012-2022 outlined that one of the community's greatest wishes was for the 'maintenance and careful development of ocean and foreshore'. As a result of this feedback the adopted SCP includes strategy 1.2.5 'Develop and implement a Foreshore Strategy, including the area from the Surf Beach to the Obelisk', which contributes to successfully achieving Outcome 1.2 'Irwin Shire, Dongara and Port Denison are recognised as a lifestyle community'.

Throughout the FMP process, community engagement was seen as a priority with two community consultation workshops being carried out (4 April and 23 May) as well as large amounts of advertising via the rag, facebook, Shire website, direct mail to local volunteer organisations and sporting groups, local notice boards advertising and carrying out two 'door-knocking' exercises for residences along the foreshore area. Internally, there were also informal meetings carried out with Councillors and Senior Management staff on two occasions as well as a presentation made by RPS at the Council Forum on the 14 May 2013.

The feedback received from the Shire's internal and external customers was used to inform the Foreshore Master Plan.

Officer's Comment:

With input received from the community during the creation of the FMP, it is felt that the community's needs and desires have been accommodated in the final outcomes of this plan. As well as community engagement, there has been an emphasis on environmental and economic impacts as well as accommodating for tourism and social interaction.

Resulting from extensive stakeholder consultation, Shire staff and external consultants have refined the final draft with particular emphasis being made around the obelisk road realignment, boat ramp extension (preferred option of study carried out by MP Rogers) and foreshore core rejuvenation.

It is now recommended that Council formally adopt the FMP in order to guide future decision making around the foreshore precinct and assist in sourcing external funding for the proposed projects.

Financial Implications:

Whilst the FMP outlines an indicative total costing of all proposed projects of \$7,370,920 (excluding GST), each project will be considered on its merits with specific funding identified and secured.

Statutory Environment:

Local Government Act 1995

Policy Implications:

An adopted FMP will guide Council's future decision making around the foreshore precinct and assist in sourcing external funding for the proposed projects.

Strategic Implications:

SCP Outcome 1.2.5 Develop and implement a Foreshore Strategy, including the area from the Surf Beach to the Obelisk.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil

15. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

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