



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 16 DECEMBER 2014

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, 16 DECEMBER 2014

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



Darren Simmons
Chief Executive Officer

12 December 2014

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, 16 DECEMBER 2014
COMMENCING AT 4.00PM**

PRESENT:	Presiding Member	Cr S C Chandler (Shire President)
	Councillors	Cr I F West (Deputy President) Cr K J Hepworth Cr D R Kennedy Cr M Leonard Cr R J Porteus Cr B C Scott Cr M T Smith
	Staff	Mr G M Peddie – Acting Chief Executive Officer Ms S van Aswegen – Director Planning and Infrastructure Mr F A Neuweiler – Manager Community Safety Mrs C M Palmer – Manager Community Services Mrs H M Sternick – Manager Corporate Services Mr D Fotheringham – Manager Planning Services Mr L G Smith – Manager Recreation Services Ms N Nelson – Manager Tourism and Library Services Mr A S Wootton – Manager Works Ms E Greaves – Coordinator Executive Services Miss L E Tunbridge – Coordinator Organisational Performance Mr K Pollitt – Community Emergency Services Manager Mr A Hayat – Planning Officer Ms C Koot – Senior Customer Service Officer Mrs S Hobbs – Recreation Officer
	Guests	Mr Peter MacKay and Ms Jessica Stingemore from Northern Agricultural Catchments Council (NACC)
	Apologies	Mr D J Simmons - Chief Executive Officer

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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**
 - 4. PUBLIC QUESTION TIME**
 - 5. APPLICATIONS FOR LEAVE OF ABSENCE**
 - 6. PETITIONS**
 - 6.1 DIGITAL TV RECEPTION**

A petition of approximately 300 signatures (approximately 250 households) was received highlighting dissatisfaction with digital TV reception within the Shire of Irwin.

A copy of the cover letter of the petition is provided below;

Dear Councillors,

The undersigned residents of the Shire of Irwin would like to bring to your attention their dissatisfaction with our digital TV reception and ask the Irwin Shire to undertake an independent assessment to try and resolve this problem. Many people that I have spoken to have told me that they have spent a lot of money to try and fix their reception but have been left with an inferior service and they are very reluctant to spend any more. The VAST system is problematic and in need of attention. I ask that this petition and emails be an AGENDA ITEM at your next council meeting on the 16th December 2014. I look forward to discussing this further with you all and working together to resolve this problem.

Regards



Sue Collyer
9 Pickering Drive DONGARA WA 6525
suecollyer@westnet.com.au

Background:

In response to the petition received and to be tabled at the December Council Meeting the following background information is provided noting the advice and events that have led to the current position in regards to the quality of digital television reception being experienced by some members of the community.

In 2010 the then Federal Minister for Communications, Senator Steven Conroy, announced that the free to air analogue television service would be replaced by a digital television service and that the Government had agreed to provide and fund a Direct-To-Home satellite service where there was no or inadequate coverage provided by terrestrial broadcasts. This service would later be referred to as the VAST service (Viewer Access Satellite Television).

The Federal Government also announced that it would not fund any upgrade to self help sites and that communities could fund their own upgrade, subject to stringent conditions in regards to meeting broadcast standards that were consistent with the Government funded service. There were doubts about whether these communities would receive suitable television spectrum to operate as well as other technical matters. Taking this option also meant that the VAST service would not be available in that community.

In a follow up letter in December 2011 the Taskforce Executive Director made the following comments:

“Note that any upgrades of self help towers by licensees themselves must be undertaken at their own cost. There is no capacity for the Australian Government to provide funding for either the upgrade of the tower or costs associated with the ongoing operation and maintenance of the upgraded towers.”

“....it is open to self-help licensees to convert their self-help towers from analogue to digital themselves. Licensees who choose this option will need to apply for digital broadcasting license to retransmit their services from the Australian Communications and Media Authority (ACMA). The decision to approve a license request is a matter for the ACMA and will depend on a wide range of technical and regulatory considerations.”

“It is the Government’s view that digital retransmission towers are unlikely to represent a viable, long term option for remote communities. This is because digital retransmission can impose significant and unpredictable costs for licensees and their community.

Digital terrestrial retransmission will require an ongoing commitment to funding for the operation and maintenance of towers, and may also be subject to additional costs. These could relate to:

- Challenges in implementing any new digital television transmission standards as they roll out nationally, including MPEG-4 and DBV-T2
- Challenges in implementing new retransmission technology, where transmission feeds are sourced from the VAST service
- Capital replacement costs and difficulties in sourcing and installing retransmission hardware and software, in the future, for Australian markets
- On-call costs for qualified DVB-T technicians.

Licensees choosing to upgrade their towers themselves will also be responsible for meeting all costs associated with clearing digital television services from any digital dividend spectrum used to provide these services. The digital dividend is the spectrum that will be freed up following the switchover from analogue to digital television.”

Given the difficulties of meeting the Government’s requirements and the uncertainty of whether a license would be granted, in January 2012 Council resolved that the self help tower would be switched off to allow the community access to use the VAST service and the subsidies that were being offered at the time of the switchover.

The analogue signal was switched over to a digital signal in mid 2013 with community members receiving the signal via 2 options:

- VAST service
- Terrestrial transmission from the broadcasters in the Geraldton area.

Officer Comment:

The petition seeks Council’s assistance to improve the quality of reception and asks that an independent assessment be made to resolve the problem.

As noted above the Shire of Irwin has no jurisdiction in this area and its level of influence is limited to an advocacy role to raise the issue with the Federal Government and/or the broadcasters.

OFFICER’S RECOMMENDATION

That Council receives the petition titled “ Digital TV Reception” and authorises the Shire President and Chief Executive Officer to liaise with Ms Melissa Price MP Member for Durack in order to seek federal government assistance in relation to the issues raised within the petition.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2014

A copy of the Minutes of the Ordinary Council Meeting held on 25 November 2014 has been provided to all Councillors under separate cover and a hyperlink is provided below.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 25 November 2014, be confirmed as a true and accurate recording of that meeting.

[Minutes of Ordinary Council Meeting held on 25 November 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 25 November 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 25 November 2014 – Local Planning Scheme](#)

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Mr Peter MacKay and Ms Jessica Stingemore from the Northern Agricultural Catchments Council (NACC) have been invited to make a presentation to Council on the Coastal Hazard Risk Management and Adaptation Planning Project.

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 12/14

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during November 2014.

Officer's Recommendation:

That the Accounts paid during November 2014, represented by Trust Cheque 3048-3054 totalling \$8,150.00 Municipal Cheques 30709-30750, EFT 16886-17013 totalling \$635,363.92 Police Licensing PL301014 – PL261114 totalling \$47,527.10, Credit Card Payments \$2,821.02 and Vehicle Lease \$853.51, be received.

Attachment:

Accounts for Payment – November 2014

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of November 2014.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

Local Government (Financial Management) Regulations 1996

13. Payments from Municipal fund or Trust fund by CEO, CEO'S duties as to etc.

- (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.

Risk Implications:

This report covers past events therefore the risk implications are low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

CORPORATE AND COMMUNITY

CC02 – 12/14

Subject: Financial Statements for the Period ending 30/11/2014
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2014 to 30 November 2014.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2014 to 30 November 2014 as outlined in the Attachments Booklet – December 2014 under separate cover, be received.

Attachment:

Financial Statements for the Month Ending 30 November 2014

Background:

The Monthly Financial Report to the 30 November 2014 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
- Major Variances
- 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
- Non Operating Grants and Contributions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

Officers Comment:

The financial position to the end of November 2014 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$6,484,004	2.1% negative variance
Operating Expenditure	\$3,163,036	4.7% positive variance
Net Operating	\$3,320,967	
Capital Revenue	\$218,203	7.1% negative variance
Capital Expenditure	\$795,375	1.7% positive variance
Cash at Bank – Municipal	\$4,088,948	
Cash at Bank – Reserve	\$3,704,534	
Total Funds Invested	\$7,203,255	
Net Rates Collected	85.22%	

Receivables Outstanding \$151,470

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Statutory Environment:

Local Government Act 1995 - Section 6.4

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

Risk Implications:

Due to the monthly financial statements reporting past events the risk implications are low.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 – 12/14

Subject: Cliff Head – Development of Coastal Node
Reporting Officer: Manager Library and Tourism Services
File Reference: LP.PL.1
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council's approval to apply for funding and commit a financial contribution towards an Aboriginal Heritage Assessment and architectural concept designs for a nature based camping area at Cliff Head.

Officer's Recommendation:

That Council

- 1. Approves participation in a joint application for funding to the Community Chest Fund of the Mid West Regional Grants Scheme, along with the Shires of Northampton, Coorow and Dandaragan, to undertake an Aboriginal Heritage Assessment, relevant surveys and prepare designs for the development of nature based coastal camping nodes within each Shire;**
- 2. Supports the Shire of Irwin being the lead agency in the joint application for funding of the project and for future stages of the project; and**
- 3. Commits up to \$10,000 from the Coastal Management Reserve as the Shire of Irwin's contribution to the cost of the planning and design stage of the project.**

Attachment:

[Coastal Node Extract – Mid West Tourism Development Strategy](#)

Background:

At the September Mid West Tourism Alliance board meeting it was resolved that a joint application be made for grant funding for concept landscape designs for coastal node developments along the Mid West coast and requested that the Shire of Irwin be the leading authority when applying for funding to progress this objective.

As one of the top strategies identified within the Mid West Tourism Development Strategy (as shown in the attachment), four local governments are working together to achieve a consistent coastal development along the Mid West coast line including Little Bay in the Shire of Coorow, Sandy Cape in the Shire of Dandaragan, Cliff Head in the Shire of Irwin and Lucky Bay - Half Way Bay in the Shire of Northampton.

These eco-tourism developments will include walking trails, designated camping areas, parking for day trips, ablution blocks, conservation-rehabilitation zones, and access tracks off the main road, shaded communal benches, signage, rubbish collection and gas BBQs.

The locations will aim to attract holiday makers wanting both day trip opportunities to extended camping stays including the 4WD, RV's, fishing and aquatic-marine holiday market. The objective being an overall increase in the amount of visitors, an increase in the length of stay and raising awareness of the Mid West.

Officer's Comment:

The concept designs that will result from this project will be required when future Royalties for Region funding from the State's Caravan and Camping Action Plan (C&CAP) becomes available. This will then present an opportunity for Mid West LGAs to deliver on one of the six priorities identified in the Mid West Tourism Development Strategy.

In order to unlock infrastructure funds from the C&CAP, Shire's must have Flora, Fauna, Heritage Assessments and concept plans in place to demonstrate a consistent and high quality approach to guide use of the funds. These concept plans are urgently required as some possible State funding is likely but must be expended by June 2015. The Shire of Irwin's Coastal Development Strategy prepared by Landvision in 2000 already identifies the Flora and Fauna of the site and this will be used when applying for the expected funding in the future.

The Shire of Irwin will be the Project Manager, hold contributing funds from other Local Governments, undertake the financial management of the project and the funding application, with the support of the Mid West Development Commission.

Once established the nearby towns of these locations will be the beneficiaries of this project.

Stakeholder Engagement:

The development of the coastal node at Cliff Head was canvassed as part of the Community Consultation process of the Shire of Irwin's Tourism Development Plan 2013-2018 strategy five 'Prioritise and source funding for tourism related product and infrastructure development' - Review of coastal camp sites.

The Mid West Development Commission included this project as part of the Mid West Tourism Development Strategy released in September this year.

Financial/Resource Implications:

Up to \$10,000 from the Coastal Management Reserve may be necessary during this stage of the project as the Shire of Irwin's contribution to demonstrate its commitment.

Internal staff resources used to lead and manage the project will also be required.

Statutory Environment:

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997
State Planning Policy 2.6 State Coastal Planning Policy
Planning and Development Act 2005
Aboriginal Heritage Act 1972

Policy Implications:

T2 Non-Commercial Camping

Risk Implications:

The existing control rating is effective and the consequence of developing the design plans is minor and the likelihood of this occurring often is rare.

Strategic Implications:

Strategic Community Plan 2012 – 2022
Strategy 1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure.
Strategy 1.3.2 Partner and work with local businesses, state government agencies and other regional tourism organisations.
Strategy 2.3.11 Maximise the opportunity of the Shire's freehold land assets

CORPORATE AND COMMUNITY

CC04 – 12/14

Subject: Adoption of Tidy Towns Sustainable Committee Terms of Reference
Reporting Officer: Manager Community Services
File Reference: CR.CO
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council resolution to adopt the Tidy Towns Sustainable Committee Terms of Reference (TOR).

Officer's Recommendation:

That Council adopts the Tidy Towns Sustainable Committee Terms of Reference, as provided in the Attachments Booklet – December 2014 under separate cover.

Attachment:

[Tidy Towns Sustainable Terms of Reference](#)

Background:

The Tidy Towns Sustainable Committee was reformed in June 2011 and the purpose of the Tidy Towns Sustainable Committee is the development of activities and targeted campaigns in order to educate different sectors of the community in litter prevention, environmental protection and conservation and sustainability.

Since the reformation of the Tidy Towns Sustainable Committee, the committee have been successful with several funding applications for revegetation works to address the coastal erosion issue and meets every two months to discuss and plan various programs and activities. It was identified at these meeting that a Terms of Reference needed to be created.

The Terms of Reference is to act as a guide to the Tidy Towns Sustainable Committee in the development of activities and projects that aim to change behaviours by providing education to promote interest, pride and encourage participation by the broader community in areas such as :

- Environmental Protection and Conservation;
- Streets, verges and roadsides;
- Parks;
- Public open space; and
- Private gardens.

The committee works hard to engage the community in projects such as the revitalisation of the Irwin River, environmental protection and conservation, recycling, litter prevention and water conservation. This is done by forming partnerships with like minded groups such as Northern Agricultural Catchments Council, Mingenew Irwin Group and the Department of Water.

Officer's Comment:

The Tidy Towns Sustainable Committee provides leadership in the field of environmental protection and conservation, litter prevention and reduction and water conservation. The committee promotes community awareness and engagement, education and works to change attitudes and behaviours of the community within the Shire of Irwin. The function of the Tidy Towns Sustainable Committee is to:

- Provide advice and direction (when required) to Council on all activities and programs proposed; and
- Ensure that the activities and programs arranged provide measurable benefits.

The Tidy Towns Sustainable Committee was recognised at the Midwest-Gascoyne Regional Tidy Towns Sustainable Communities Awards Ceremony held in Guilderton on Friday 29 August winning the Natural Environment Conservation category.

The judging was based on community initiatives such as the Earth Carer's Course, Irwin Estuary Boxthorn Removal Program and participation in Clean Up Australia Day activities.

Stakeholder Engagement:

Consultation was undertaken in the preparation of Tidy Towns Sustainable Committee Terms of Reference with the Senior Management Group and at a Corporate and Community Directorate Meeting. The Terms of Reference were circulated for review and feedback requested. Any feedback has been incorporated into the Terms of Reference.

Financial/Resource Implications:

The Tidy Towns Sustainable Committee does not have the delegated authority to commit Council to the provision of funding or other resources but there is a budget provision in the 2014/15 budget.

Statutory Environment:

The following Terms of Reference have been prepared in accordance with the Local Government Act 1995 (Act), the Local Government (Administration) Regulations 1996 and the Shire of Irwin Standing Orders Local Law 2000.

These Terms of Reference apply to the Tidy Towns Sustainable Committee established by Council under Section 5.8 of the Act. Advisory Groups are constituted as a Committee of Council and are usually established by Council to provide advice or information in particular areas.

Policy Implications:

A new policy may need to be created to provide Council with policy direction for the Tidy Towns Sustainable Committee.

Risk Implications:

The Terms of Reference will ensure that the Tidy Towns Sustainable Committee understands the scope of its role, therefore mitigating the risk of the Committee acting outside of its role.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.2.3 Support environmental community organisations and initiatives that promote coastal protection, foreshore and river reserve management, such as Northern Agricultural Catchment Council.

Strategy 2.5.3 Support the Tidy Towns Sustainable Committee

CORPORATE AND COMMUNITY

CC05 – 12/14

Subject: Adoption of Youth Advisory Committee Terms of Reference
Reporting Officer: Manager Community Services
File Reference: CM.PL.2
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council resolution to adopt the Youth Advisory Committee Terms of Reference (TOR).

Officer's Recommendation:

That Council adopts the Youth Advisory Committee Terms of Reference, as provided in the Attachments Booklet – December 2014 under separate cover.

Attachment:

[Youth Advisory Committee Terms of Reference](#)

Background:

The Youth Advisory Committee was reformed in December 2012 with the primary role of the Youth Advisory Committee to provide the best possible advice to Council on how to monitor and investigate the demand for youth programs and facilities within the Shire of Irwin. The committee focuses on the 12-17 year old age bracket.

The Youth Advisory Committee supports and facilitates the delivery of effective and appropriate youth services that meet the needs of youth in our community. The committee promotes community awareness and engagement, education and works to change attitudes and behaviours of the youth within the Shire of Irwin.

Since the reformation the Youth Advisory Committee, the committee have held several functions and meet monthly to discuss and plan events. It was identified at these meetings that a Terms of Reference needed to be created.

The purpose of the Youth Advisory Committee's Terms of Reference is to act as a guide in the development of youth based activities and targeted campaigns in order to plan, develop and administer events for youth in the Shire of Irwin.

Officer's Comment:

It is felt with the adoption of the Terms of Reference that this will be an advantage and provide guidance to the Committee on how a committee of Council functions. This ensures that each committee member is made aware of their responsibilities under the Code of Conduct and other Council Policies.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

The Youth Advisory Committee of Council provides the following benefits to the community:

- Raises community awareness;
- Supported by the Shire of Irwin through administration and financial;
- Better funding opportunities;
- Provide programs and activities for the youth of Dongara.

Stakeholder Engagement:

Consultation was undertaken in the preparation of Youth Advisory Committee Terms of Reference with the Senior Management Group and at a Corporate and Community Directorate Meeting. The Terms of Reference were circulated for review and feedback requested. Any feedback has been incorporated into the Terms of Reference.

Financial/Resource Implications:

The Youth Advisory Committee has no delegation of authority from the Council to make binding decision. Operations and events of YAC will be subject to an annual report to Council seeking authority to undertake events and activities and a budget allocation to fund these requirements.

Statutory Environment:

The following Terms of Reference have been prepared in accordance with the Local Government Act 1995 (Act), the Local Government (Administration) Regulations 1996 and the Shire of Irwin Standing Orders Local Law 2000.

These Terms of Reference apply to the Youth Advisory Committee established by Council under Section 5.8 and 5.9 (2) (c) of the Act. Advisory Groups are constituted as a Committee of Council and are usually established by Council to provide advice or information in particular areas.

Policy Implications:

A new policy may need to be created to provide Council with policy direction for the Youth Advisory Committee

Risk Implications:

The risk implications are low as the Terms of Reference will ensure that the Youth Advisory Committee understands the scope of its role, therefore mitigating the risk of the Committee acting outside of its role.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.4.1 Monitor and investigate the demand for youth programs and facilities

Strategy 3.4.2 Support youth programs

Strategy 3.4.3 Partner and support the District High School and other educational facilities

CORPORATE AND COMMUNITY

CC06 – 12/14

Subject: Fair Go for the West Campaign
Reporting Officer: Director Corporate and Community
File Reference: FM.TA.3
Voting Requirements: Simple Majority

Report Purpose:

To consider supporting the 'Fair Go for the West' Campaign being promoted by Melissa Price MP, aimed at improving the GST share for WA.

Officer's Recommendation:

That the Shire of Irwin supports the 'Fair Go for the West' Campaign, by encouraging the community to sign an online petition and participate in photo opportunities.

Background:

Melissa Price MP, Federal Member for Durack, which includes the Shire of Irwin, has written to all Councils in the Durack Electorate urging them to support her Fair Go for the West Campaign.

The campaign aims to raise awareness to address the current inequities in GST distribution to WA.

Ms Price has made the following comments in her letter:

"Durack communities from the Kimberley and throughout the Pilbara, Gascoyne, Mid-west and northern Wheatbelt can add some weight to this campaign to address the current inequalities in GST distribution," Ms Price said.

"My support for WA to get a better share of the GST campaign remains steadfast."

"Whilst I am collaborating with my Western Australian colleagues, Federal MPs and Senators, in Canberra, I think a grass roots campaign across the Durack electorate will really add some momentum to our efforts in Canberra to secure financial prosperity for WA."

Officer's Comment:

Ms Price has asked for Council support in the following ways:

- **Join the petition:** <http://bitly.com/fairgoforthewest>
- **Call to action:** send a note to the community to sign up and invite them to a photo shoot.
- **Send a photo** of a work group, community group or family and friends who have signed the petition and the name of your shire to Ms Price's media advisor - kim.pervan@aph.gov.au.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

Nil

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

Any risks associated with this item are insignificant and rare therefore an overall risk rating of low has been provided.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 4.5.1 Continue to lobby government and key industry on key issues, as required.

Strategy 4.5.2 Lobby for improved services.

PLANNING AND INFRASTRUCTURE

PI01 – 12/14

Subject: Regional Waste Management Contract
Reporting Officer: Manager Community Safety
File Reference: WM.CO
Voting Requirements: Absolute Majority

Report Purpose:

To obtain Council consent to provide delegated authority to the CEO to determine and appoint the most suited contractor for the supply of waste management services to the Shire of Irwin.

Officer's Recommendation:

That Council:

- 1. Delegates authority to the Chief Executive Officer to determine and appoint the most suited contractor for the supply of waste management services to the Shire of Irwin after evaluation of submissions from the Western Australian Local Government Authority's 'Request for Quote' process and in collaboration with the Batavia Regional Council's Waste Management Group (BRCWMG).**
- 2. Allocates funds accordingly in the 2015/2016 Budget to accommodate the appointed contractor for the supply of waste management services to the Shire of Irwin.**
- 3. Delegates authority to the Chief Executive Officer, in collaboration with WALGA and the BRCWMG, to approve an extension of the existing contract with Veolia for the supply of waste management services to the Shire of Irwin.**

Attachment:

[Batavia Regional Council's Waste Management Group Term Sheet Workshop Notes.](#)

Background:

Late last year discussions were held between the Shires of Northampton, Irwin, Chapman Valley and City of Greater Geraldton to investigate the feasibility to work co-operatively to tender for a regional waste management contract to save costs. At the February 2014 meeting Council resolved "That Council consent to participating in a regional waste management contract".

Talis Consultants were appointed to prepare tender documents for the waste management services. The current situation is that the four local government authorities forming the Batavia Regional Council's Waste Management Group (BRCWMG) have finalised specifications and have commenced the Request for Quote (RFQ) process through the WALGA Preferred Suppliers List for the provision of waste management services. Attached is a copy of notes from the recent BRCWMG meeting where the specifications were discussed, developed and finalised to meet both the needs of each individual LGA and the collective group.

One of the issues the BRCWMG had to address was the staggered expiry dates of the current individual waste management contracts. The BRCWMG has co-opted the assistance of the WALGA Procurement Services to broker an extension of all existing individual LGA contracts with Veolia until the 31 August 2015, to allow a smooth transition from existing to new contractual arrangements.

The basis of setting the new contract date to commence on the 1 September 2015 is to allow all existing contracts to terminate at the same time and to ensure that the chosen contractor has enough time to mobilise the necessary infrastructure to provide the service to the region. Industry standards suggest this time period can be up to six months.

Stakeholder Engagement:

Talis Consultants and officers of the four local governments belonging to the BRCWMG communicated regularly during the preparation of the documents.

Officer's Comment:

Unfortunately the timing of finalising the tender documents coincides with the Christmas/New Year break. Rather than to wait until the February 2015 Council meeting and hold the tender process up it is recommended that Council delegates the authority to accept the preferred contractor to the Chief Executive Officer, once the tender evaluation is completed.

It is also recommended that the CEO be authorised to approve the extension of the current contract until the 31 August 2015 to allow the chosen contractor to get organised.

Financial Implications:

It is anticipated the regional concept of providing waste management services may result in cost reductions. Tender price to be included in next year's budget.

Statutory Environment:

Local Government Act 1995, Section 5.42 – Delegation to CEO.
Local Government (Functions and General) Regulations 1996

Using the WALGA Preferred Suppliers List circumvents the need for Council to go through the full tender process, therefore expediting the process and ensuring all statutory requirements are complied with.

Policy Implications:

F1 Localised Purchasing; F2 Purchasing

That Council, in determining tenders for goods and services, and the staff in undertaking all other Council purchases (those purchases not requiring a tender in accordance with Local Government functions and General Regulations) shall apply a regional price preference based on;

1. The price preference offered to suppliers within the Shire and/or Mid West Region can be up to 5% of the value of goods and services. The maximum value of the price preference cannot exceed \$10,000.
2. The price preference is to be applied to businesses within the Shire and/or Mid West Region, who have operated continuously for not less than six months.
3. The price preference is applicable in the first instance to businesses who are based in and operate within the Shire of Irwin. If no suppliers are based within the Shire of Irwin then the price preference applies to those businesses who are based in and operate within the Mid West Region.
4. The price preference may be applied to businesses operating from outside the Shire, but only goods and services sourced from within the Shire.
5. The onus will be on the supplier to quantify any local content component.
6. The price preference will only apply to goods over the value of \$1,000.

Risk Implications:

There is a potential financial and/or reputational risk if a compliant tender is not received. This risk is considered as low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.2 Well utilised, efficient and multi-purpose community resources.

PLANNING AND INFRASTRUCTURE

PI02 – 12/14

Subject: Proposed Road Network for the area known as Dongara Downs
Reporting Officer: Manager Planning Services
File Reference: LP.PL.6
Proponents: Six local landowners: Virginia McGuinness, Phil Toon, Casey Saunders, Richard Hamilton, Paul McKenzie and Mark Leonard
Voting Requirements: Simple Majority

Report Purpose:

To consider accepting a proposed road network for the area known as Dongara Downs.

Officer's Recommendation:

That Council resolves to:

1. **Accept the proposed road network, provided under separate cover in the Attachments Booklet – December 2014; and**
2. **Forward the proposed network to all affected landowners for a period of 42 days to allow for these parties to make written submissions.**

Attachment:

[Proposed Road Network for the area known as Dongara Downs](#)

Background:

In October 2013 Councillors agreed at the Council Forum to investigate potential improvements to the road network in the area. Landvision (planning consultants) were engaged and provided four options. Then in April 2014, Council determined to:

1. approve a the Discussion Paper on the potential for a road network in the Dongara Downs area, as a means to commence dialogue with the affected landowners; and
2. authorised the Shire's officers to commence a consultation process with the affected landowners.

All 32 affected landowners were sent a copy of the Discussion Paper, which included 4 potential road network options, and 6 submissions were received during the six week notification period. Analysis of the submissions demonstrated that:

- Option 1 was preferred by 5 parties, with 1 party noting Option 3 as a second preference;
- Option 4 is preferred by 1 party, with Option 1 noted as their second preference;
- Three parties would like to know more about how road improvements could be financed;
- Two parties consider that land resumptions should be equitable.

On 08 December, the Shire President held a roundtable meeting, which included six local landowners (5 of which had made timely submissions to the Discussion Paper), Councillor Mike Smith and Shire Officers. The six landowners are Virginia McGuinness, Phil Toon, Casey Saunders, Richard Hamilton, Paul McKenzie (who had made a late submission on the Discussion Paper) and Mark Leonard (who was participating as a landowner, not Councillor).

The outcome of this meeting was that the six landowners agreed to present a preferred road network proposal for Council's consideration. This option is similar to Option 1 from the Discussion Paper, but differs in that it proposes a shorter length of new roads and fewer means of retreat along such roads in times of emergency.

Officer's Comment:

Officers consider that the proposal has some merit, as it takes a 'whole of area' approach to resolving the road network issues. As such, Council should accept the proposed road network. This proposal can then be forwarded to all affected landowners for a period of 42 days to allow for these parties to make written submissions. Following this process, Council can then consider submissions before providing the proponents with appropriate advice.

Stakeholder Engagement:

All 32 affected landowners were sent a copy of the Discussion Paper on the potential for a road network in the Dongara Downs area, and a roundtable meeting with 6 landowners.

Financial/Resource Implications:

There are no financial implications associated with consideration of the report.

Statutory Environment:

Planning and Development Act 2005
Local Planning Strategy 2008
Local Planning Scheme No. 5
Land Administration Act 1997

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council seeking the views of the affected landowners is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 4.2 Effective governance, sound management and prudent financial responsibility.

PLANNING AND INFRASTRUCTURE

PI03 – 12/14

Subject: Proposal to Construct a Road on an Isolated Unconstructed Road Reserve to the East of Wye Farm Road
Reporting Officer: Manager Planning Services
File Reference: A9047
Proponent: Phil Toon
Voting Requirements: Simple Majority

Report Purpose:

To consider a proposal to construct a road on an isolated unconstructed road reserve to the east of Wye Farm Road.

Officer's Recommendation:

That Council defers the consideration of the proposal to construct a road on an isolated unconstructed road reserve to the east of Wye Farm Road, until such time that the proponent's other proposal for a road network in the area known as Dongara Downs has been resolved.

Attachment:

[Request to construct a road on an isolated unconstructed road reserve to the east of Wye Farm Road](#)

Background:

In October 2014 Mr Toon made the initial request for Council to consider a proposal to construct a road on an isolated unconstructed road reserve to the east of Wye Farm Road. The intent of the proposal is to create a legal access from his land, Lot 1771 Wye Farm Road, to an existing easement on Lot 1289 Wye Farm Road, which connects with the constructed part of Wye Farm Road. This would then allow Mr Toon to develop his land. Shire Officers have been considering this proposal along with several other road network proposals for the local area, which is known as Dongara Downs.

On 08 December, the Shire President held a roundtable meeting with six local landowners to discuss the various road network proposals. Mr Toon was one of the six landowners. As such, he agreed to present a proposed road network for the area known as Dongara Downs to Council at its next available meeting (i.e. this meeting, see previous item). Mr Toon also requested that his proposal to construct a road from his property be considered at this same meeting.

Officer's Comment:

While both of Mr Toon's proposals have merit, the Shire advises that his joint proposal for a road network for the area is preferable, as it takes a 'whole of area' approach to resolving the access issues in the area. As such, Council should defer the proposal to construct a road on an isolated unconstructed road reserve to the east of Wye Farm Road, until such time that a decision has been made on the proponent's other related proposal for a road network in the area known as Dongara Downs has been determined.

Stakeholder Engagement:

Given the recommendation, no stakeholder engagement has been sought for this proposal.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Government Act 1995
Local Planning Scheme No. 5

Policy Implications:

Nil

Risk Implications:

The likelihood of risk arising from Council deferring the request is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2 Effective governance, sound management and prudent financial responsibility.

PLANNING AND INFRASTRUCTURE

PI04 – 10/14

Subject: Unauthorised Structure at ‘Harley’s Hole’
Reporting Officer: Planning Officer
File Reference: DB.DB
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider a recommendation for the removal of an unauthorised structure, which has been erected at the coastal location known as Harley’s Hole.

Officer’s Recommendation:

That Council resolves to:

- 1. Have an unauthorised structure, which has been constructed at the coastal location known as ‘Harley’s Hole’ removed, as it:**
 - a. does not have the required Planning or Building approvals;**
 - b. is considered unsafe and a significant risk to public safety;**
 - c. is considered to present a significant bushfire risk;**
 - d. has no legal access;**
 - e. conflicts with Policy Objective 4 of State Planning Policy 2.6 – State Coastal Planning Policy;**
 - f. conflicts with the key findings of the Dongara to Cape Burney: Visual Landscape Assessment; and**
- 2. Advise the Minister for Lands to undertake procedures as per Section 270 of the *Land Administration Act 1997*.**

Attachment:

[Attachment A – Location Plan and photos](#)
[Attachment B – Public submissions](#)

Background:

The Shire received a complaint on the 17 November 2014 regarding an unauthorised structure being erected at the coastal point known as ‘Harleys Hole’ (see Attachment A). The location is approximately 1.7km north-west of the Brennand-Francisco road intersection, and the structure has been constructed on Unallocated Crown Land.

Advice from the Department of Lands indicates that as the subject land is Unallocated Crown Land, the Shire’s powers are limited in this situation. If Council resolves the unauthorised structure should be removed, this determination should be sent to the Minister for Lands to utilise powers pursuant to section 270 of the Land Administration Act 1997.

Officer’s Comment:

The Shire’s Ranger and Planning Officer conducted a site visit on the 21 November 2014. Following the site inspection and further research, the following observations were made:

1. the unauthorised structure appears to be used as a shelter for recreational purposes by a group of young people, including the son of the second public submitter (see the letter in Attachment B);
2. it does not have Planning or Building Approval;
3. evidence suggests that the users have been lighting fires in the shelter and there may be significant risk of bushfire;
4. there is no legal access to the unauthorised structure as the tracks used to access it are located on a private property;
5. the unauthorised development also conflicts with:
 - a. Policy Objective 4 of State Planning Policy 2.6 – State Coastal Planning Policy – To protect, conserve and enhance coastal zone values, particularly in areas of

- landscape, biodiversity and ecosystem integrity, indigenous and cultural significance; and
- b. the Dongara to Cape Burney: Visual Landscape Assessment, where the broad key findings for this area are the:
- i. protection and maintenance of the natural character and
 - ii. restoration and enhancement of coastal areas.

The matter was referred to the Shire's Development Control Unit, and the Manager Community Safety advised that:

- no building permit has been issued; and
- there is a high risk that the building could break up and that debris could injure people; and
- recommends that the building be removed.

The Shire's Community Emergency Services Manager has indicated verbally that the structure should be removed.

Two submissions have been received from Shire residents which show support for the structure (see Attachment B). These have been summarised below:

Form of Submission	Summary of Submitter's Comments
1- Email	Commending the locals responsible for erecting a shelter for everyone to use, and seeing it as a constructive use of time. The submitter states that the people responsible for building the structure help clean up the rubbish in the area.
2- Letter	Support for the locals who have built the shelter, including the son of this submitter. Believes that dismantling the shelter will 'send the wrong message' to the 'young men' responsible. Encourage the Shire to inspect the property before dismantling it.

Taking all of the above matters into consideration the unauthorised structure should be removed, as it:

1. does not have the required Planning or Building approvals;
2. is considered unsafe and a significant risk to public safety;
3. is considered to present a significant bushfire risk;
4. has no legal access;
5. conflicts with Policy Objective 4 of State Planning Policy 2.6 – State Coastal Planning Policy; and
6. conflicts with the key findings of the Dongara to Cape Burney: Visual Landscape Assessment.

Given the Shire's authority in this regard, the removal process should be managed through the Land Administration Act 1997.

Alternatively, the submitter of the second public submission may wish to inform the Shire in writing that they wish the Shire to remove the structure for free without the need to serve a notice.

Stakeholder Engagement:

The Shire referred the matter to the following State authorities: and the Department of Lands. No objections in principle were received from Department of Parks and Wildlife, Department of Health, Department of Environment Regulation. The Department of Planning and the Department of Fire and Emergency Services did not respond. The Department of Lands advised of a process to remove unauthorised buildings.

The matter was also referred to the Shire's Development Control Unit, discussed above.

Financial/Resource Implications:

The Shire may incur costs for removing the structure. These costs can be recovered from the developer.

Statutory Environment:

Land Administration Act 1997
Planning and Development Act 2005.
Local Planning Scheme No. 5
Building Act 2011

Policy Implications:

SPP 2.6 – State Coastal Planning Policy

Risk Implications:

The likelihood of risk arising from Council authorising the removal of the structure is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.2 Manage and protect the coastal environment and the Irwin River environment

OFFICE OF THE CEO

CEO01 – 12/14

Subject: Annual Meeting of Electors 2014
Reporting Officer: Coordinator Executive Services
File Reference: GV.CM.1
Voting Requirements: Simple Majority

Report Purpose:

To consider the Minutes of the 2014 Annual Meeting of Electors and endorse any recommendations resolved from this meeting.

Officer's Recommendation:

That Council note the Minutes of the 2014 Annual Meeting of Electors provided in the Attachments Booklet – December 2014 under separate cover and the only decision of the meeting as below;

MEETING OF ELECTORS RESOLUTION:

MOVED: Mr Jon Arden

SECONDED: Mr Murray Brown

That the Shire of Irwin's Annual Report for the financial year ending 30 June 2014 be accepted.

CARRIED

Attachment:

[Minutes of Annual Meeting of Electors held 25 November 2014](#)

Background:

Council have historically been issued the minutes from the Annual Meeting of Electors as an attachment to the next Ordinary Council meeting following the Electors Meeting. A new standard was set in 2013 by presenting the minutes and recommendations through an agenda report.

Officer's Comment:

The practice of including the Minutes and relevant recommendations from the Annual General Meeting of Electors within an agenda report ensures Council are meeting their statutory obligation to consider decisions made at the Electors meeting and preserves those Minutes within the Minute Book.

The only recommendation to come out of the 2014 Annual Meeting of Electors was to accept the 2013/14 Annual Report.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

Nil

Statutory Environment:

Local Government Act 1995

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved;
- and

- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications:

Nil

Risk Implications:

It has been identified that non-compliance as a result of Council not considering the Annual Meeting of Electors Minutes and recommendation would have a moderate consequence however the likelihood is low and is therefore provided an overall risk category of low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

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

12.1. CEO Review of Risk Management – Systems, controls and legislative compliance.

A CEO report on the review of risk management, internal control and legislative compliance, in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996 will be submitted to the Audit Committee meeting to be held at 2:45pm on 16 December 2014. Subject to the Audit Committee's consideration of the report it is anticipated that the Audit Committee will report the results of its review to Council as per Regulation 16, of the Local Government (Audit) Regulations 1996.

13. MATTERS BEHIND CLOSED DOORS

13.1 New Proposal to Dispose of Lot 13 Point Leander Drive, Dongara for a Medical and Allied Health Centre

A confidential report CEO02 – 12/14 and relevant attachments have been provided to Councillors under separate confidential cover as per the Local Government Act 1995 s5.23 (2) (c) which relates to a potential contract being entered into.

14. CLOSURE

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

_____.