



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 24 MARCH 2015

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 March 2015

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE FUNCTION ROOM, IRWIN REC ON
TUESDAY, 24 MARCH 2015
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr K J Hepworth <i>via phone from City of Bunbury</i> Cr R J Porteus Cr M T Smith Cr B C Scott Cr D R Kennedy Cr M Leonard
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community 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 Mrs S Pratt-King – Acting Manager Works Miss L E Tunbridge – Coordinator Organisational Performance Ms E Greaves – Coordinator Executive Services Mr A Hayat – Planning Officer Miss H Watts – Environmental Health Officer Miss S Yelverton – Administration Officer (Trainee)
GALLERY:		23 members of the public

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4. PUBLIC QUESTION TIME

Mr Rossiter outlined a number of works requests that the Shire President asked to be submitted to the Shire Administration in the first instance. Mr Rossiter was asked to bring such matters to the attention of Council only if he receives unsatisfactory service.

The requests were submitted to the Chief Executive Officer.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS

Mr Rossiter presented a petition in regards to works at the Obelisk Precinct. The Shire President accepted and read out the petition to allow for Council to consider the comments in light of a report on such works being presented at this meeting.

The petition read;

We the undersigned request the Irwin Shire Council to return the obelisk exit, back to where it was previously and that some of the kerbing be changed to a mountable profile, that would not damage tyres and wheels.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 February 2015

A copy of the Minutes of the Ordinary Council Meeting held on 24 February 2015 has been provided to all Councillors under separate cover.

COUNCIL DECISION 010315:

MOVED: Cr Kennedy

SECONDED: Cr Leonard

That the Minutes of the Ordinary Council Meeting, held on 24 February 2015, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 8 March Shire President, Chief Executive Officer (CEO) and partners attended an afternoon tea with the Hon. Tony Abbott, PM in Geraldton.
- 11 March Shire President, Cr West and Manager Works attended a Regional Road Group (Coastal Sub-group) meeting

- 13 March The CEO and Coordinator Organisational Performance (COP) made a presentation at the National Seniors Australia Meeting. The Shire President complimented Darren and Lauren on their presentation and advised that attendees had provided positive feedback.
- 16 March Incident Report Group (ISG) meeting held in lieu of Cyclone Olwyn which also served as a LEMC exercise
AWE held a public meeting on Scenecio – 3 operations of which the CEO attended
- 18 March Meet the CEO Session – attended by the CEO and Coordinator Executive Services (CES)
- 20 March WA Local Government Grants Commission Public Hearing was attended by Cr West, CEO and Director Corporate and Community (DCC)
- 21 March CEO attended the Mingenew Irwin Group Biennial Dinner
- 22 March Dongara Denison Surf Life Saving Club held an official opening for the Shed. Cr Smith, Cr Leonard and Cr Kennedy attended and the CEO addressed the group on behalf of Council
- 23 March Councillors were invited to a Briefing by Mr Rick Williamson and Andrew Taylor of APPEA and Jane Aberdeen from AWE.

9. REPORTS

COUNCIL DECISION 020315:

MOVED: Cr West

SECONDED: Cr Leonard

That Council brings forward Item PI06 – 03/15 Environmental Health Complaint – AWE Ltd (AWE) due to the significant interest from members of the gallery in attendance.

VOTING DETAILS:

CARRIED 8/0

The Shire President approved a question from the Gallery but advised that questions are to be raised during Public Question Time.

Mrs J Burr referred to the mention of “exploration” within the Officer’s Report and enquired as to the meaning?

The Chief Executive Officer advised it is his understanding that no approvals have been given for gas extraction to begin.

PLANNING AND INFRASTRUCTURE

PI 06 – 03/15

Subject: Environmental Health Complaint - AWE Ltd (AWE)

Reporting Officer: Manager Community Safety

File Reference: DB.IV

Voting Requirements: Simple Majority

Report Purpose:

To report to Council a recent complaint relating to exploration drilling in the Yardarino/Irwin area.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 030315:

MOVED: Cr Leonard

SECONDED: Cr West

That Council:

- 1. Notes the issues raised in the complaint lodged by Irwin residents and AWE’s immediate response to shut down drilling operations;**
- 2. Requests the Department of Mines and Petroleum (DMP) to facilitate a public information strategy to raise community awareness of future gas drilling operations; and**
- 3. Authorises the Chief Executive Officer to investigate the feasibility of securing relevant equipment in order to undertake independent environmental health monitoring on behalf of the local community.**

VOTING DETAILS:

CARRIED 8/0

Background:

In June 2014 the Shire’s planning officers assessed and approved a planning application for a Temporary Work Camp associated with AWE Ltd’s short duration drilling program at 257 Hunt Farm Road, Yardarino. The camp is used to accommodate workers engaged in the gas drilling program at the Senecio–03 site. Council officers were not involved in the assessment of the proposed drilling operation which was authorised by the State Government’s Department of Mines and Petroleum (DMP).

Arising from DMP’s authorisation and AWE’s commencement of drilling and flow-testing of natural for gas at Senecio–03, the Shire received an in-person complaint from a resident living near the drill site on Friday, 13 March 2015. The issues raised included non-stop noise (tonal in nature),

vibration and odours. These issues were also identified in an email complaint from a number of Irwin residents which was received by the Shire (and copied to Councillors, various government agencies, interest groups and media) received early on Tuesday, 14 March 2015.

In response, the Shire commenced an initial environmental health investigation during the morning of Tuesday, 14 March 2015 which involved contact with representatives of the complainants, DMP, the Department of Environment Regulation (DER) and AWE.

It is also evident that a grievance was also raised with AWE by affected Irwin residents over the weekend with AWE responding immediately by shutting the drilling program down.

In addition, AWE called a meeting involving affected Irwin residents and, through the Shire's Chief Executive Officer (CEO), requested a Shire representative to be in attendance at the meeting conducted at the Irwin Rec on Monday, 16 March commencing from 7.00pm. Due to the short notice, the CEO, following telephone consultation with the Shire President (who was away on pre-arranged personal business) attended the meeting on the Shire's behalf.

Officer's Comment:

During their investigation, Shire officers contacted residents, AWE, DMP and DER. From this liaison, it was confirmed that the operation had been shut down by AWE on Sunday, 12 March 2015.

AWE had undertaken a noise monitoring program at the drilling site, but not at neighbouring residential, noise sensitive premises. The Shire of Irwin is currently not in possession of the equipment required to monitor noise, vibration and odour due to the very infrequent requirement for their use as well as the costs involved. On the Friday when the complaint was first received officers therefore would have been unable to undertake a meaningful monitoring program and objectively assess the situation.

A DER officer has indicated that the Shire could borrow their noise monitoring equipment for this purpose if the need arises in the future. As this equipment is shared amongst agencies across the State it is not always immediately available.

It may be prudent for Council to authorise the Chief Executive Officer to investigate the feasibility of sourcing the relevant equipment for future complaint investigations.

In respect to current and future explorative gas drilling, both DER and DMP advised that a licence is generally not required for this type of exploration. Hence there is no opportunity to stipulate conditions.

As such, it is currently unclear what the process leading up to exploration drilling is, what departments are involved and if exploration companies have to comply with any pre-existing standards. It would therefore be beneficial if DMP facilitated a local information strategy to clarify these matters.

Stakeholder Engagement:

Representatives of the complainants, AWE, DMP, DER and relevant Shire of Irwin staff

Financial/Resource Implications:

Nil.

Statutory Environment:

Petroleum Act 1936; Petroleum and Geothermal Energy Resources Act 1967; Local Government Act 1995; Health Act 1911

Policy Implications:

Nil.

Risk Implications:

With a measure of consequence rating of 'major' (due to potential health, reputational and environmental impacts), a likelihood rating of 'possible', the overall risk rating is considered to be 'high risk'.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Outcome 1.1 Supports existing industries, facilitates, new development and promotes economic growth.

Outcome 2.3 Conserve and protect our natural and built environment through land-use management, planning and development strategies.

Prior to consideration of Item CC01, 16 members of the gallery left the meeting at 4:16pm.

CORPORATE AND COMMUNITY

CC01 – 03/15

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 February 2015.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 040315:

MOVED: Cr Porteus

SECONDED: Cr Scott

That the Accounts paid during February 2015, represented by Trust Cheques 3056-3059 and EFT17308 totalling \$4,400.00 Municipal Cheques 30814-30826, EFT 17309-17420 totalling \$276,662.46 Police Licensing PL290115 – PL250215 totalling \$69,098.35, Credit Card Payments \$3,260.35, Vehicle Lease \$853.51 and Click Super \$33,239.72, be received.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Accounts for Payment – February 2015](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of February 2015.

Officer’s Comment:

ClickSuper is a new regulatory service that automatically deducts the total employees superannuation contribution from our registered account and remits the funds and accompanying employee remittance advice to the Shire’s nominated recipients.

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 – 03/15

Subject: Financial Statements for the Period ending 28 February 2015
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 28 February 2015.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 050315:

MOVED: Cr Hepworth

SECONDED: Cr West

That the Monthly Financial Statement for the period 1 July 2014 to 28 February 2015 as outlined in the Attachments Booklet – March 2015 under separate cover, be received.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Financial Statements for the Month Ending 28 February 2015](#)

Background:

The Monthly Financial Report to the 28 February 2015 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 February 2015 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,375,746	1.2% negative variance
Operating Expenditure	\$5,166,340	3.1% positive variance
Net Operating	\$2,209,407	
Capital Revenue	\$402,658	16.3% positive variance
Capital Expenditure	\$1,861,773	0.3% negative variance

Cash at Bank – Municipal	\$2,814,756
Cash at Bank – Reserve	\$3,754,610
Total Funds Invested	\$5,765,109
Net Rates Collected	92.57%
Receivables Outstanding	\$130,548

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 – 03/15

Subject: Shire of Irwin Youth Advisory Committee (YAC) – National Youth Week
Reporting Officer: Manager Community Services
File Reference: CS.SP.28
Voting Requirements: Simple Majority

Report Purpose:

To seek Council approval of funds through the Shire of Irwin YAC Activities expenditure for Major Activities for Youth Week 2014/15 financial year.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060315:

MOVED: Cr Porteus

SECONDED: Cr Scott

That Council approves funding of up to \$10,300 for the following Youth Week Activities for the 2014/15 financial year;

- **Engage an artist and conduct workshops with the youth to create and paint murals on the outside of the Drive-in building.**
- **A skateboarding competition at the Skate Park conducted by professionals on Saturday morning.**
- **Music Concert to be held at the Drive-in site for 12 – 17 year olds to attend and enjoy the music and the company in a safe environment.**

VOTING DETAILS:

CARRIED 8/0

Background:

The purpose of the Youth Advisory Committee is to plan, develop and administer events for youth in the Shire of Irwin within budgetary guidelines approved annually by council and to provide advice to Council on short term issues and long term planning related to youth services.

National Youth Week is the largest celebration of young people in Australia. Thousands of young people aged 12-25 from across Australia are involved in Youth Week each Year. In 2015 National Youth Week will be held from 10 – 19 April.

The Youth Advisory Committee would like to hold several activities over this week to celebrate National Youth Week. The proposed activities are:

13 – 17 April – Engage an artist and conduct workshops with the youth to create and paint murals on the outside of the Drive-in building.

18 April – A skateboarding competition at the Skate Park conducted by professionals on Saturday morning.

18 April – Music Concert to be held at the Drive-in site for 12 – 17 year olds to attend and enjoy the music and the company in a safe environment.

The Shire of Irwin Youth Advisory Committee are busy planning and organising these exciting activities and believe events like this encourage participation and showcase what is possible when you work together.

Officer's Comment:

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

The National Youth Week is an opportunity for the youth of Irwin and visitors to town to become involved in these activities and to participate and enjoy the entertainment that is on offer.

Events such as this demonstrate that Council are committed to achieving the outcomes from our Strategic Community Plan and hold events that benefit the youth in the district.

Stakeholder Engagement:

The Youth Advisory Committee have been involved in the planning and preparation of these activities and will be assisting throughout the week to ensure that these events are successful and conducted within accordance to the Terms of Reference.

Financial/Resource Implications:

Council has made provision in the 2014/15 Budget allocation for up to \$10,300 expenditure under YAC activities expenditure allocations.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

There is a potential financial and reputational risk but the risk implications are low and the benefits from word of mouth feedback and recognition of the funding for this activity would outweigh these risks.

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

PLANNING AND INFRASTRUCTURE

PI01 – 03/15

Subject: Proposed subdivision of Lots 4 and 5 Brand Highway, Dongara and Lot 15 Francisco Road, Dongara
Reporting Officer: Manager Planning Services
Proponents: CLE Town Planning & Design
File Reference: WAPC.151026
Voting Requirements: Simple Majority

Report Purpose:

To consider an application to subdivide Lots 4 and 5 Brand Highway and Lot 15 Francisco Road, as referred by the Western Australian Planning Commission for comment by Council.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 070315:

MOVED: Cr Kennedy

SECONDED: Cr Smith

That Council resolves to advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 4 and 5 Brand Highway, Dongara and Lot 15 Francisco Road, Dongara (Ref: WAPC151026), provided under separate cover in the Attachments Booklet – March 2015, subject to the following conditions and advice notes:

Conditions:

1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - a) lots can accommodate their intended use; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)
3. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy. (Local Government)
4. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)
5. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'The lot(s) are subject to a fire management plan.' (Local Government)
6. Local Development Plan(s) being prepared and approved for lots shown on the plan dated (attached) that address the following:

- a) restriction of access to the Boulevard Entry Road from abutting lots by limiting access points and requiring the placement and design of parking areas to allow vehicles to return to the street in forward gear; and
- b) mitigation of noise received from the Brand Highway through building placement and/or design controls on lots within, or with a portion within, 48m of the Brand Highway, in accordance with the Acoustic Assessment undertaken for the Structure Plan Area.

To the satisfaction of the Western Australian Planning Commission (Local Government)

7. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Detailed Area/ Local Development Plan are advised in writing that Detailed Area Plan provisions apply (Local Government)
8. An area(s) of land at least 6.86ha in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for Public Open Space and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
9. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government)
10. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider;
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension.

To the satisfaction of the Western Australian Planning Commission. (Local Government)

11. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/ applicant. (Local Government)
12. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Francisco Road to the standard of neighbourhood connector. (Local Government)
13. Francisco Road being widened in accordance with the approved plan of subdivision by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening. (Local Government)
14. The section of Francisco Road widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)
15. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *Liveable Neighbourhoods* policy (Local Government)

16. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'A reticulated sewerage service is not available to the lot/s.' (Local Government)

Advice Notes

1. In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
2. The landowner/applicant is advised that the Department of Environment Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment Regulation website.
3. With regard to Condition 9, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.
4. In regard to Condition 10, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
5. In regard to Condition 17, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/ applicant, a Land Development Agreement under Section 67 of the *Water Agencies (Powers) Act 1984* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Proposed Plan of Subdivision and Modified Structure Plan](#)

Background:

The proponents submitted a subdivision application in November 2014, which has been referred to the Shire by the Western Australian Planning Commission (WAPC). The proposed subdivision is for 84 residential lots. As more than 3 lots are proposed, the Shire's Delegations Register does not allow Officers to respond directly to the WAPC. As such, Council must resolve to advise the Commission of its recommendation. Officers have been unable to bring this matter to Council thus far, as the WAPC and the proponents have been discussing a local structure plan for the subdivision area.

In October 2014, Council adopted a local structure plan for Lots 4, 5 & 10 Brand Highway for approximately 80-85 lots for the same proponents. The WAPC have assessed the adopted structure plan, which has been modified to include additional public open space, a noise assessment (and the requirement for a setback from the Brand Highway) and additional comments from the Water Corporation requiring the need for an Urban Water Management Plan. Subsequently, the proposed plan of subdivision has been modified accordingly. The WAPC are satisfied that this subdivision plan is in accordance with the final structure plan, which they intend

endorse at a forthcoming meeting. As such, they have requested Council provide a response to the subdivision referral.

Officer's Comment:

The attached plan of subdivision is generally in accordance with the latest version of the structure plan, which the WAPC have advised is about to be endorsed. As such, Planning Services recommend Council support the subdivision proposal, subject to standard local government conditions and advice notes, which have been taken from the WAPC's manual. The WAPC will not consider conditions from outside this manual.

The subdivision application has also been referred to other agencies (Water Corporation, Western Power etc) by the WAPC, who will recommend their own conditions from the same WAPC manual.

Stakeholder Engagement:

The adopted structure plan was referred to adjoining neighbours and public authorities for a period of 21 days, from 07 August 2014 to 29 August 2014. The plan was also publicly advertised in the Midwest Times for a period of 14 days.

Financial/Resource Implications:

Subdivision referrals expend the responsible Officers time.

Statutory Environment:

Local Planning Scheme No. 5.

Policy Implications:

If approved, the clearance of subdivision conditions must be in accordance with the Shire's Green Infrastructure Strategy and Council Policy W4: Land Development – Design and Construction Criteria.

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI02 – 03/15

Subject: Adoption of Proposed Scheme Amendment 17
Reporting Officer: Planning Officer
Proponents: CLE Town Planning & Design
File Reference: LP.PL.2.17
Voting Requirements: Simple Majority

Report Purpose:

To consider adopting proposed Amendment No. 17 for incorporation within the Shire of Irwin's Local Planning Scheme No.5 (LPS No. 5), which seeks to rezone Lots 15, 16 and 17 Brand Highway, Bonniefield from 'General Farming' to 'Development'.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 080315:

MOVED: Cr West

SECONDED: Cr Leonard

That Council, pursuant to Section 75 of the Planning and Development Act 2005, resolves to:

1. Adopt for final approval Scheme Amendment No.17 to the Shire of Irwin Local Planning Scheme No.5 without modification, as presented in the Attachment Booklet – March 2015 provided under separate cover; and
2. Seek final approval of the Scheme Amendment from the Minister for Planning.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Attachment A – Proposed Amendment 17](#)
[Attachment B - Schedule of Submissions](#)

Background:

At the Ordinary Council Meeting held on 25 November 2014, Council resolved as follows:

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 090314:

MOVED: Cr West

SECONDED: Cr Leonard

That Council, in pursuance of Section 75 of the Planning and Development Act 2005, resolves to initiate proposed Scheme Amendment 17 to rezone Lots 15, 16 and 17 Francisco Road, Bonniefield from "General Farming" to "Development" by:

1. forwarding the proposed amendment, as presented in the Attachment Booklet – November 2014, to the Western Australian Planning Commission; and
2. subject to the Western Australian Planning Commission's response, publicly advertising and referring the modified planning scheme and the summary of proposed modifications and reasons to the relevant service authorities for a period of 42 days.

VOTING DETAILS:

CARRIED 8/0

Amendment 17 was advertised from 15 January 2015 til 2 March 2015 in accordance the *Town Planning Regulations 1967*. This involved letters being sent to adjoining landowners and relevant authorities, and a notice was published in the Mid West Times newspaper.

Officer's Comment:

The proposed Development zone would result in a change to LPS No. 5's zoning maps (see attachment A). This would allow for the consideration of 'future residential' land on the subject land, which is inconsistent with the current Local Planning Strategy (2007). However, it is consistent with the Shire's adopted District Structure Plan (DSP) 2014, which identifies the land for 'future residential'. It is also consistent with the Draft Local Planning Strategy (LPS), which has been informed by the DSP, and identifies the subject land as being the highest priority area for Future Residential land.

The applicant's amendment report indicates that the intention is to stage land release in accordance with demand. The DSP and Draft LPS also recommend staging the release of residential land. If the subject land is rezoned to the Development zone, it will be consistent with this recommendation, as no development could happen without the approval of a local structure plan. This means that the staging of residential land release for this site can be controlled through the local structure planning process, rather than the rezoning process i.e. the Development zone can remain undeveloped until such time that it is determined that land release is appropriate.

The amendment proposes a logical extension to future development on adjacent lots 4, 5 and 10 Brand Highway which were rezoned to 'Development' through Amendment 15 (gazetted August 2013). The Shire's adopted District Structure Plan identifies the subject land for 'future residential'. There were no significant issues raised during stakeholder engagement. Taking all of these matters into consideration, it is recommended that Council adopts the proposed scheme amendment without modification.

Stakeholder Engagement:

Prior to commencement of advertising, and in accordance with Section 81 of the Planning and Development Act 2005, Amendment 17 was referred to the Environmental Protection Authority (EPA). The EPA does not consider Amendment 17 to warrant formal environmental impact assessment and therefore does not have any objections.

The Shire referred the proposal to a number of agencies. No objections in principle were received from Department of Fire & Emergency Services (DFES), Telstra, Department of Agriculture and Food, Department of Environmental Regulation, Department of Mines and Petroleum, Department of Aboriginal Affairs, State Heritage Office, Tourism Western Australia and Main Roads. Submissions from two of the six landowners were in support of the amendment, whereas the other four did not respond. Amendment 17 was also referred to the Shire's Development Control Unit, who have no objections in principle.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005
Town Planning Regulations 1967

Policy Implications:

Nil.

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI03 – 03/15

Subject: Draft Local Planning Policy – Advertising Signs
Reporting Officer: Planning Officer
File Reference: LP.PL
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider advertising the Draft Local Planning Policy for Advertising Signs.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 100315:

MOVED: Cr Scott

SECONDED: Cr Kennedy

That Council resolves to advertise the Draft Local Planning Policy for Advertising Signs, as presented in the Attachment Booklet – March 2015 provided under separate cover, in accordance with Clause 2.4.1 of the Shire’s Local Planning Scheme No.5.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Draft Local Planning Policy – Advertising Signs](#)

Background:

Currently advertising signs require both Planning Approval and a Sign Licence, where the signs are not exempt under Schedule 5 of Local Planning Scheme No.5 (the Scheme) or under the Signs Local Law. Recently, Shire Officers carried out an audit of all signs within the Shire of Irwin and a review of local planning policies for signage adopted by other local governments. Following this, a draft Local Planning Policy (LPP) for Advertising Signs was drafted (see attachment).

Officer’s Comment:

Planning Services consider the dual Planning Approval / Signs Licence process to be onerous and intend to implement the LPP and repeal the Local Law for signs to dispose of unnecessary red tape. The draft LPP establishes clear guidelines for the construction and display of advertising signs. It also incorporates planning provisions for advertising signs, which currently set out in the Signs Local Law, and some new provisions developed from the review of similar signage policies.

The implementation of the LPP will require all advertising signs (unless exempt under the Scheme or LPP) to seek Planning Approval only. Therefore, it is recommended to seek Council’s endorsement to commence advertising in accordance with Clause 2.4 of the Scheme.

Stakeholder Engagement:

The LPP has the support of the Shire’s Development Control Unit and the Senior Management Team. As part of the advertising procedure, the LPP will also be referred to relevant agencies, including Main Roads Western Australia and the Chamber of Commerce.

Financial/Resource Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No.5. Clause 2.4.1 states:

If a local government resolves to prepare a Local Planning Policy, the local government

-
- a) is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of –*

- i) where the draft Policy may be inspected;*
 - ii) the subject and nature of the draft Policy; and*
 - iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
- b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*

Policy Implications:

The proposed LPP will improve the efficiency of the Shire's operational functions and improve the quality of signage control.

Risk Implications:

The likelihood of risk arising from Council advertising the draft Signage LPP is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI 04 – 03/15

Subject: Temporary Accommodation - 8 Linthorne Road, Port Denison
Reporting Officer: Environmental Health Officer
File Reference: DB.BD
Proponent: Mr Greg Reilly
Voting Requirements: Absolute Majority

Report Purpose:

To consider accepting a proposal for temporary accommodation at 8 Linthorne Rd, Port Denison.

REVISED OFFICER'S RECOMMENDATION AND COUNCIL DECISION 110315:

MOVED: Cr Kennedy

SECONDED: Cr Porteus

That Council:

1. **Accepts the proposal for temporary accommodation for a period of six months at 8 Linthorne Road, Port Denison as contained in the attachment booklet – March 2015 under separate cover, subject to: Prior to installing toilet, shower and laundry in the shed a relevant building permit is obtained; compliance with Policy B10; dividing fence to comply with the Shire of Irwin Local Laws Relating to Fencing; and compliance with the Environment Protection (Noise) Regulations 1997;**
2. **Delegates authority to the Chief Executive Officer to extend this arrangement for a further six months if required, subject to the Shire not receiving any valid complaints about the temporary accommodation causing a nuisance or annoyance to the surrounding locality; and**
3. **Advises the proponent that in the event of a declared emergency, the use of a caravan as temporary accommodation cannot be located outside of an appropriately rated building.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

NOTE: Point 3 was included in light of the recent cyclone threat and the issues similar events may pose in such a circumstance, and to ensure the proponents safety.

Officer's Recommendation:

That Council:

1. **Accepts the proposal for temporary accommodation for a period of six months at 8 Linthorne Road, Port Denison as contained in the attachment booklet – March 2015 under separate cover, subject to: Prior to installing toilet, shower and laundry in the shed a relevant building permit is obtained; compliance with Policy B10; dividing fence to comply with the Shire of Irwin Local Laws Relating to Fencing; and compliance with the Environment Protection (Noise) Regulations 1997;**
2. **Delegates authority to the Chief Executive Officer to extend this arrangement for a further six months if required, subject to the Shire not receiving any valid complaints about the temporary accommodation causing a nuisance or annoyance to the surrounding locality**

Attachment:

[Request for Temporary Accommodation](#)

Background:

On 2 February 2015 a request was made to the Shire by Mr Reilly to temporarily reside in his caravan, located within his shed at 8 Linthorne Road, while the building of his new house is completed at the same site.

It is his intention for him and his wife to spend occasional weekends, 1-2 nights at the location for a period of 6-8months. He has stated that the site will have appropriate ablutions and will have power. Mr and Mrs Reilly currently reside in their home in Moora.

Mr Reilly has previously submitted planning and building applications for 8 Linthorne Road which have both been approved by the Shire. The building works have already partially commenced.

Officer's Comment:

The use of a caravan for the temporary accommodation is consistent with Council's Policy for temporary accommodation, B10. However, it is recommended that Mr Reilly should adhere to the following conditions:

- An inspection by the Shire's Environmental Health Officer to be conducted prior to the occupation of the temporary accommodation to ensure amenities are installed and available as per Council Policy B10.
- Prior to installing toilet, shower and laundry in the shed a building permit is obtained for these works.
- Proponent must comply with the Environment Protection (Noise) Regulations 1997.
- Taking into consideration comments made by one of his neighbours; the proponent must comply with the Shire of Irwin Local Laws Relating to Fencing.

Stakeholder Engagement:

Mr Reilly has been directed to request comments from neighbours in regards to his proposal. Three submissions were received and are detailed in the following table:

Name	Address	Details of Submission
Shannon Wickham	6 Linthorne Road, Port Denison	No objection to proposal of temporary accommodation Concern raised over height of fence & tradesman being able to see into children's bedrooms
Daryl Grantham	9 Linthorne Road, Port Denison	No objection to proposal of temporary accommodation for a period of 6 months
Paikea Waller	7 Linthorne Road, Port Denison	No objection to proposal for temporary accommodation

Financial/Resource Implications:

Nil

Statutory Environment:

Caravan Park and Camping Grounds Regulations 1997, Regulation 11 (2)

Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or

- (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building permit has effect in relation to the land.

Policy Implications:

Council Policy B10: Temporary Accommodation

Risk Implications:

The likelihood of risk arising from Council accepting the proposal is expected to be unlikely and the consequence would be minor. Therefore the risk is low. It is expected that the risk would be greater if the proposal is refused.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 – Implement an efficient and effective approvals process.

PLANNING AND INFRASTRUCTURE

PI05 – 03/15

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

Report Purpose:

For Council to consider three submissions received for a regional waste contract.

COUNCIL DECISION 120315:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council suspends Standing Orders at 4:20pm.

VOTING DETAILS:

CARRIED 8/0

COUNCIL DECISION 130315:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council reconvenes under Standing Orders at 4:24pm.

VOTING DETAILS:

CARRIED 8/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 140315:

MOVED: Cr Kennedy

SECONDED: Cr Leonard

That Council resolves to:

1. Participate in the seven year Regional Waste Collection and Facilities Operation Services Contract;
2. Accept Toxfree's contract proposal as contained in the attachment booklet – March 2015 under separate cover;
3. Authorise the Chief Executive Officer to finalise the contract documents.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[RFQ 18 1415 – Regional Waste Collection and Facilities Operation Services Evaluation Report.](#)

Background:

Late in 2013 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 seven year waste management contract to save costs. At the February 2014 meeting Council resolved "That Council consent to participating in a regional waste management contract".

The four local governments commissioned Talis Consultants Pty Ltd (Talis) to assist with the preparation of a Request for Quotation (RFQ) and contract documentation and to assist in the evaluation of the Submissions received for the RFQ.

The Contracts developed for the RFQ was based on the Western Australian Local Government Association's (WALGA's) template *Draft Conditions of Contract for the Supply of Waste Disposal Goods and Undertaking of Various Services in Respect of Waste Collection and Disposal*. The RFQ was created with four Separable Portions which may result in four separate Contracts with the Preferred Tenderer(s). Each Separable Portion has two Price Schedules, one in the event that a common Contractor is engaged across the four Contracts and one if two or more Contractors are engaged to provide the Services. It is anticipated that by awarding the four Contracts to a single Contractor economies of scale will enable a lower overall cost to the Principals.

On Monday 15 December 2014 the group of local governments (the Principals) released a Request for Quotation (RFQ), No. 18/1415, to the WALGA Preferred Supplier Panel for Waste Collection Goods and Services via the WALGA E-quotes Portal.

Three Submissions were received from Avon Waste, Toxfree, and Veolia prior to the deadline of 2pm on Friday 23 January 2015.

Toxfree's Submissions was subject to a 'Clarification Request' to establish whether their Tendered Rate for Special Services was an additional cost or included in the Tendered Rate and to provide their Organisation Structure and number of personnel.

All compliant submissions were then assessed by the Tender Evaluation Panel (TEP), consisting of one member from each Local Government and Talis against the Compliance Criteria as specified within the RFQ document. The results from the evaluation are summarised as follows: Toxfree - **76.8**; Avon Waste - **73.7**; Veolia - **73.6**.

Officer's Comment:

It was recognised by Council that there are advantages for Council to participate in a regional waste contract as it would generate a wider interest amongst waste contractors, it potentially would lead to a favourable financial outcome, it will enhance regional cooperation and it may result in an improved service.

In the end three contractors submitted a proposal. They were asked to split the tender in two parts; one costing for individual contracts and one for a regional contract. The cost difference between an individual contract and the regional contract is a potential annual saving of \$84,305 for the Shire of Irwin (please refer to the attachment).

Service Type	Avon	Toxfree	Veolia
Score Index	1,001	1,019	1,000
Commercial Risk	Low	Low	Medium
Rank	3	1	2

Toxfree provided the best value for money submission for both the Mandatory Services and the Combined (Mandatory and Discretionary) Services. The Toxfree proposal also scored the highest on the 'Qualitative Criteria' and the 'Total Annual Cost' (please refer to the attachment).

It is therefore recommended that Council accept Toxfree's proposal for a regional waste contract.

Stakeholder Engagement:

Talis Consultants and officers of the four local governments involved communicated regularly during the preparation of the documents.

Financial/Resource Implications:

It is anticipated that the savings between a regional waste collection contract and an individual contract are \$84,305 and the savings to the current contract \$98,000. For details please refer to the attachment.

The cost for Talis to finalise the contract documents will be an additional \$1,000.

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

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.

F2 Purchasing

Risk Implications:

Rubbish collection and associated facility maintenance is a vital service. As the current contract expires at the end of August 2015 there is a high risk that if this item is delayed the successful contractor may not have sufficient time to mobilise plant and equipment.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.3 Conserve and protect our natural and built environment through land-use management, planning and development strategies.

OFFICE OF THE CEO

CEO01 – 03/15

Subject: Compliance Audit Return (CAR) 2014
Reporting Officer: Coordinator Executive Services
File Reference: FM.AD.1
Voting Requirements: Simple Majority

Report Purpose:

To consider the recommendation from the Audit Committee to adopt the 2014 Compliance Audit Return as per the Local Government Act 1995 s7.13 and the Local Government (Audit) Regulations - Regulation 14.

REVISED OFFICER'S RECOMMENDATION AND COUNCIL DECISION 150315:

MOVED: Cr West

SECONDED: Cr Porteus

That the Compliance Audit Return for the 2014 calendar year, provided in Attachment Booklet – March 2015, be adopted.

VOTING DETAILS:

CARRIED 8/0

Officer's and Audit Committee's Recommendation:

That the Compliance Audit Return for the 2014 calendar year, as attached, be recommended for adoption by Council at the Ordinary Council Meeting scheduled for 24 March 2015.

Attachment:

[Compliance Audit Return 2014](#)

Background:

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk".

The Audit Committee reviewed the annual CAR and a report prepared by the Coordinator Executive Services at a meeting held 24 February 2014 and resolved the following;

OFFICER'S RECOMMENDATION AND AUDIT COMMITTEE DECISION:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That the Compliance Audit Return for the 2014 calendar year, as attached, be recommended for adoption by Council at the Ordinary Council Meeting scheduled for 24 March 2015.

VOTING DETAILS:

3/0

After adoption of CAR by Council, the return is to be signed by the Shire President and the CEO prior to it being forwarded to the Department of Local Government and Communities (DLGC).

Officer's Comment:

The following list provides an outline of each section addressed in the 2014 Compliance Audit Return;

Commercial Enterprises by Local Governments

As the Shire has not undertaken any commercial enterprises in the 2014 calendar year a N/A response has been provided.

Delegation of Power / Duty

An investigation was undertaken to ensure that the Shire is meeting its statutory obligations in regards to Delegated Authority. Evidence can be shown that the Shire is complying however some improvements to the Delegation Register and Council's Policy Manual following a full review later this financial year will assist in providing clear evidence and foster best practice in the future.

Disclosure of Interest

Recordkeeping practices for Disclosures of Interest are sound and staff have a number of practices/procedures in place to ensure compliance in this area.

Disposal of Property

This section directly relates to the Shire's proposal with Batavia Health to dispose of Lot 13 Point Leander Drive, Port Denison and the necessary public notice requirements, of which the Shire has complied.

Elections

There was only one question for this section which relates to the keeping of an electoral gift register. 2014 was a non-election year however the register is available and maintained each year, evidence of which can be provided through the Shire's records management system.

Finance

This section relates to the Audit Committee and its duties. The Shire is considered to be compliant in all areas.

Local Government Employees

This section relates to the recruitment of the Chief Executive Officer (CEO) or designated senior employees. A N/A response has been provided for all questions as the Shire of Irwin has not been involved with this process during 2014.

Official Conduct

The Shire of Irwin has not been in receipt of any Complaints relating to official conduct of Council members however a Complaints register is available and maintained.

Tenders for Providing Goods and Services

The Shire is considered to be compliant in all areas of this section and recent steps have been taken to improve tender and purchasing practices across the organisation to ensure this is consistent.

Stakeholder Engagement:

The CAR is presented to the Shire's Audit Committee to consider the results of the return prior to making a recommendation to Council.

Financial/Resource Implications:

Nil

Statutory Environment:

The Local Government Act provides at Section 7.13:

7.13. Regulations as to audits

- (1) Regulations may make provision —

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.

The Local Government (Audit) Regulations provides at Regulation 14:

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Policy Implications:

Nil

Risk Implications:

Adoption of the CAR is a statutory requirement of Council which could have major compliance implications for the Shire. It is therefore considered to have a high risk rating however the completion of this return annually helps to ensure that the local government is following good governance practices and complies with the relevant Acts and Regulations and mitigates associated risks.

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.

OFFICE OF THE CEO

CEO02 – 03/15

Subject: Local Government Elections 2015
Reporting Officer: Coordinator Executive Services
File Reference: GV.EL.1
Voting Requirements: Absolute Majority

Report Purpose:

To consider appointing the Western Australian Electoral Commissioner to conduct a postal election for the 2015 local government elections, together with any other election or polls which may be required.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 160315:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council;

- 1) Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and**
- 2) Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

Background:

The Shire has been in receipt of correspondence from the Western Australian Electoral Commission (WAEC) advising the next local government ordinary elections are to be held on 17 October 2015.

This correspondence requests that Council considers whether to appoint the Electoral Commissioner to be responsible for undertaking the 2015 election and to conduct the election by postal vote.

The current procedure required by the *Local Government Act 1995* is that written agreement must be obtained before the vote by Council is taken to appoint the Electoral Commissioner to conduct the election. To facilitate the process the Electoral Commissioner has provided correspondence serving as agreement to be responsible for the conduct of the ordinary elections in 2015 for the Shire of Irwin in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioner's agreement is subject to the proviso that the Shire of Irwin also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

Officer's Comment:

It is recommended that Council agree to the Electoral Commission running the 2015 ordinary election, and other required election or poll via postal vote due to the experience of the WAEC, their independence and impartiality in the process, and convenience and participation rates for voters. Advantages are outlined below;

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.

- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer “at arms length” from Local Government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner
- Economies of scale can reduce some of the costs (advertising).
- Elected Councillors have a high level of support from the local community.

Financial/Resource Implications:

The Commission is required to conduct local government elections on a full cost recovery basis which may vary depending on factors such as the cost of materials and number of replies received.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election the shire will be advised as early as possible.

The actual costs for the 2013 Elections were \$14,258. It has been recommended by the Electoral Commission, based on estimates of postage costs, response rates, amount of vacancies etc, that \$16,500 be considered for the 2015/16 Budget.

The estimate does not account for non-statutory advertising, legal expenses, additional posting costs and the cost of one local government staff member to work in the polling place on election day.

Statutory Environment:

Local Government Act 1995 s4.20(4) and s4.61(2)

Policy Implications:

Nil

Risk Implications:

The most significant risks to consider is the impact on resources should the Shire conduct the elections in-house and reputational risk as the Shire may not be perceived as impartial to the process. These risks could have moderate consequences however as Council have previously agreed to allow the Electoral Commission to run the elections by postal vote with success, it is unlikely to have an affect therefore the overall risk rating is moderate.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.3.2 Continue to promote programs to encourage greater participation in elections.

OFFICE OF THE CEO

CEO03 – 03/15

Subject: Obelisk Precinct – Remedial Works
Reporting Officer: Coordinator Organisational Performance
File Reference: PK.US.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider the proposed modifications to road and kerbing structure within the Obelisk Precinct.

COUNCIL DECISION 170315:

MOVED: Cr Leonard

SECONDED: Cr Porteus

That Council suspends Standing Orders at 4:26pm.

VOTING DETAILS:

CARRIED 8/0

COUNCIL DECISION 180315:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council reconvenes under Standing Orders at 4:44pm.

VOTING DETAILS:

CARRIED 8/0

The Shire President acknowledged and thanked Miss Lauren Tunbridge, Coordinator Organisational Performance for the preparation and presentation of the Slide Show outlining the proposed changes to the Obelisk Precinct.

COUNCIL DECISION 190315:

MOVED: Cr Leonard

SECONDED: Cr Porteus

That Council endorses the ‘Obelisk Concept Plan (required changes)’ and authorises the Chief Executive Officer to undertake the remedial works as outlined within the ‘Obelisk Precinct Redevelopment Working Group Notes – 28 February 2015’ as provided in the Attachments Booklet – March 2015 and the officer’s presentation provided to the Council on 24 March 2015.

VOTING DETAILS:

CARRIED 8/0

NOTE: Council considered it necessary to note the presentation provided on this Item and requested that a copy of the presentation be provided with the Minutes.

OFFICER’S RECOMMENDATION:

That Council endorses the ‘Obelisk Concept Plan (required changes)’ and authorises the Chief Executive Officer to undertake the remedial works as outlined within the ‘Obelisk Precinct Redevelopment Working Group Notes – 28 February 2015’ as provided in the Attachments Booklet – March 2015

Attachment:

[Obelisk Precinct Redevelopment Working Group Notes – 28 February 2015](#)
[Obelisk Concept Plan \(required changes\)](#)
[Obelisk Concept Plan \(required changes\) Presentation](#)

Background:

After a community engagement process incorporating community meetings, public notices, extensive advertising periods and site signage, the Port Denison Foreshore Master Plan (PDFMP) was adopted by Council at its Ordinary Council Meeting held on 14 October 2013:

OFFICERS RECOMMENDATION AND COUNCIL DECISION 141013:

MOVED: Cr Hepworth

SECONDED: Cr Smith

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.

VOTING DETAILS:

CARRIED 8/0

Further to this decision, Council approved the allocation of funds towards the Obelisk Precinct Development within the 2014/15 Annual Budget.

Works on road infrastructure within the Obelisk Precinct commenced in January 2015 which saw work carried out in line with the adopted PDFMP and Council's adopted 2014/15 Budget.

However, as a result of community concerns the Council, at its Ordinary Meeting held on 27 February 2015, agreed to suspend works and form an Obelisk Precinct Redevelopment Working Group (the working group).

On 27 February 2015, the working group held a meeting on site to discuss and determine required changes. At the Council Forum held on 10 March 2015 discussion on the working group's recommendations indicated broad support as they would improve ingress/egress and manoeuvrability for all vehicles whilst retaining a higher level of safety for pedestrians utilising the planned footpath networks within the area.

Stakeholder Engagement:

Prior to any works taking place, notices informing the community of the works will be placed in the local press, on the Shire's website, facebook page, community noticeboard and electronic community sign as well as having onsite signage outlining future proposed works.

Financial/Resource Implications:

Minor expense is expected to be incurred as a result of the modification to kerbing within the Obelisk precinct however this will be within existing budget parameters.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil.

Risk Implications:

The reputational risks anticipated in pursuing the modifications to the Obelisk precinct are thought to be minor with the likelihood considered unlikely resulting in an overall risk rating of low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4:47pm.

An electronic copy of the Minutes are available for download from the Shire's website <http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 March 2015
Signed:
Presiding Elected Member

Date:.....