



**MINUTES**

**FOR THE**

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

**HELD ON**

**TUESDAY, 26 MAY 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.

## INDEX-ORDINARY COUNCIL MEETING 26 MAY 2015

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1	
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1	
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2	
4.	PUBLIC QUESTION TIME	3	
5.	APPLICATIONS FOR LEAVE OF ABSENCE	5	
6.	PETITIONS	5	
7.	CONFIRMATION OF MINUTES	5	
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 28 APRIL 2015	5	010515
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6	
9.	REPORTS	7	
<b>CORPORATE AND COMMUNITY</b>			
CC01 – 05/15	<a href="#">Accounts for Payment</a>	7	020515
CC02 – 05/15	<a href="#">Financial Statements for the Period ending 30 April 2015</a>	9	030515
CC03 – 05/15	<a href="#">Interim Audit Report</a>	12	060515
CC04 – 05/15	<a href="#">Differential Rates – 2015/16</a>	14	090515
<b>PLANNING AND INFRASTRUCTURE</b>			
PI01 – 05/15	<a href="#">Cleaning Contract Tender</a>	18	100515
PI02 – 05/15	<a href="#">Final Adoption of Local Planning Policy – Advertising Signs</a>	20	110515
PI03 – 05/15	<a href="#">Public consultation of proposed changes to Hepburn Street</a>	22	140515
PI04 – 05/15	<a href="#">Request to Renew Fisherman’s Hall Lease</a>	24	170515
PI05 – 05/15	<a href="#">Temporary Accommodation – 55 Waldeck Street</a>	26	180515
<b>OFFICE OF THE CEO</b>			
CEO01 – 05/15	<a href="#">Approval for Councillor Vacancy to Remain Unfilled</a>	28	190515
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30	
10.1	<a href="#">Notice Of Motion – Proposed Gas Exploration Expo</a>	30	200515
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	32	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	32	
13.	MATTERS BEHIND CLOSED DOORS	32	
14.	CLOSURE	32	

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

Signed: .....  
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN THE FUNCTION ROOM, IRWIN REC ON  
TUESDAY, 26 MAY 2015  
COMMENCING AT 4.02PM**

<b>PRESENT:</b>	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr R J Porteus 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 Mr F A Neuweiler – Manager Community Safety Mrs H M Sternick – Manager Corporate Services Mr D Fotheringham – Manager Planning Services Ms N M Nelson – Manager Tourism and Library Services Mr A S Wootton – 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
<b>APOLOGIES:</b>		Cr K J Hepworth
<b>LEAVE OF ABSENCE:</b>		Cr M T Smith
<b>GUESTS:</b>		Mr G Godwin, Partner - UHY Haines Norton
<b>GALLERY:</b>		Mr J Arden, Mrs J Huck, Mr J Rossiter, Ms S Valentine and Mr B Cockman

- 
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
  - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Cr Scott and Cr Smith were approved a Leave of Absence at the 15 April 2015 Ordinary meeting however Cr Scott is now available to attend the meeting.

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

A number of questions were raised by Mr Rossiter at the 28 April Ordinary Council meeting. Some of these questions were taken on notice however those enquiries were responded to via email to Mr Rossiter and included in the Minutes of that meeting, and a copy is provided below;

#### **1. Why will it take until the end of the year to finish renovations at the Council Chambers? Why is there a delay?**

The Shire President advised that the progress of any construction project is beholden to contractor and material availability and project variations which could impact the ideal completion date. The Shire President invited the Manager Community Safety to comment and he advised that he has been in contact with the Builder to obtain an indicative completion date and this has not yet been provided.

*Note: The day following the meeting, the builder advised the Manager Community Safety that he expected to handover the building site to the Shire by the end of June 2015.*

*In addition, the Financial Statements for the period ending 31 March 2015 (as presented to this meeting under item CC02) indicates that the project is within budget.*

#### **2. Is the Shire protected with a Liquidated Damages clause in regards to the building contract?**

The Chief Executive Officer advised that the Shire would be protected as a standard building industry contract applies to the project.

#### **3. Can a finish date for the building works of the Council Chambers building be provided?**

The Chief Executive Officer advised this question would need to be taken on notice.

*(See note under question #1 above).*

#### **4. Has the project gone over the tender contract price, and, if so, to what extent and where is the additional finance coming from to fund the remaining works?**

The Chief Executive Officer offered to provide the tender information to Mr Rossiter via email and advised that he is not aware of the contract going over budget at this stage.

*(See note under question #1 above and item PI06 of the 24 June 2014 Council meeting).*

#### **5. Does the Shire's Light Fleet Vehicle Policy come from the IPWEA Plant and Vehicle Management Manual?**

Yes, the Policy that has been provided as part of a report to Council at this meeting has been developed in consultation with the Manual, of which has been provided to the Plant Committee members.

#### **6. How is the optimum vehicle change-over determined?**

The policies and guidelines are presented for Council's consideration at this meeting therefore, should the documents be adopted, this will help inform the Plant Committee in making such determinations.

#### **7. Will this alleviate the 12 month turnaround rate for Shire vehicle changeovers?**

As per response to question #6, this will be for the Plant Committee to determine and review.

#### 4. PUBLIC QUESTION TIME

**Mr Murray Brown submitted a number of questions in writing prior to the meeting of which the Chief Executive Officer read aloud and responded to;**

- 1. What is the current situation with regard to the proposed Aged Care facility that is planned to be built on Council land opposite the Dongara Health Centre?**

The Shire entered into discussion with the City of Swan Aged Person Homes Trust Inc (now Global Care Group Inc) to provide an 'Ageing in Place' concept back in 2009. At that time, Global Care's proposed Thungarra Seaside Estate was modelled on its 'Balladong Country Estate' which would see a purpose-built residential aged care facility and several independent living units constructed on land vested in the Shire on Henry Road, Port Denison.

The Shire supported Global Care's plans through the provision of the land, facilitating a town planning re-zoning of the land, a development application to allow construction of an initial 19 independent living units and by co-sponsoring a 2011 application for the allocation of a 26 aged care bed licences to enable an residential aged care facility to be constructed. The Shire also supported a further application in 2012 for 34 beds which incorporated a transfer of 8 beds from Blake House in addition to the original 26 bed proposal. Ultimately these applications to the Federal Government proved unsuccessful.

Whilst it was the Shire's understanding that Global Care planned to lodge a third bed licence application, in September 2013 it advised the Shire that it was withdrawing from the project as a review had identified that it was no longer viable.

- 2. What recent action has been taken to attract a proponent for this proposal?**

The Shire of Irwin continues to lobby Federal, State and Local Government representatives on a regular basis regarding this issue.

As an example, the Shire is a participant in the State-wide 'Ageing in the Bush' Project – a collaborative initiative led by the Regional Development Council, with involvement from the Mid West Development Commission, Department of Regional Development, WA Country Health Service and all nine development commissions across regional WA in order to provide a holistic regional solution to assist ageing residents to remain in their communities for as long as possible.

Whilst the project's final report is yet to be made public, it is anticipated that it will provide:

- A description of the key whole of State regional issues, impediments and opportunities for ageing in community
- A region by region overview of aged care services, infrastructure and governance models.
- Identification of possible models for regional Western Australia and
- An Action Plan that identifies strategies to address the major whole of state issues and impediments to ageing in the bush.

**3. Does this proposal still have a high priority?**

Aged care remains a key issue within the Shire's Strategic Community and Corporate Business Plans particularly in respect to the lack of appropriate aged and disability care accommodation options.

In this regard, the Shire has successfully applied for part-funding through the Department of Local Government and Communities to prepare an Age-Friendly Communities Plan looking at eight specific aspects covering Outdoor Spaces and Buildings; Transport; Housing; Respect and Social Inclusion; Social Participation; Communication and Information; Civic Participation and Employment; and Community Support and Health Services.

Whilst subject to Council funding within the 2015/16 Budget, the development and adoption of this Plan will assist the Shire's advocacy with relevant government agencies and service providers in order to encourage and facilitate an enhanced delivery of appropriate aged and disability services for the Shire of Irwin.

**Mr John Rossiter expressed concerns regarding access of vehicles towing caravans to a number of Shire facilities including the Irwin Rec Centre, Surf Beach and Grannies Beach.**

The Shire President advised that signage could be installed in some of the established areas identified to deter access or warn of changed road conditions as considered appropriate.

*Following the meeting, the Chief Executive Officer initiated a Customer Service Request ICS1520398 to investigate and install signage at various locations to improve awareness for drivers, as deemed appropriate.*

**Mrs Sue Valentine enquired about whether the Shire was aware of any additional plans for Aged Care facilities or an extension to Blake House?**

The Shire President indicated, from his previous involvement on the Working Committee for Blake House, that the architect had made provision for a further 8 more hostel units. In the past the Shire has also lobbied with the WA Country Health Services (WACHS) to extend the accommodation as the kitchen and other amenities are already there.

Any future activities by the Shire are on hold until the results of the Ageing in the Bush report are made available.

The Chief Executive Officer added that whilst WACHS have not included any funds for the extensions in any of their forward estimates they have been involved in the Ageing in the Bush development. Participation in this process will help determine the best value for money options but we need to await for the data to become available.

It is important to understand that residential aged care is a federal issue and aged accommodation is a state matter. The Shire is working to lobby the federal government and market testing to determine the effect on resources and the current aged accommodation may be required before pursuing any further proposals but this stage there are no investors.

The Ageing in the Bush report has been developed due to an indentified crisis in the sector and this will help provide clarity for funding.

**Is Council aware that a large number of beds are allocated to Geraldton?**

The Chief Executive Officer outlined that he shared these concerns. The current data used for issuing bed licences appears to be based on regional data on an aggregate basis that may not take into account local needs and accordingly 65kms to Geraldton may be considered an appropriate distance to travel for available care.

The viability of increasing the amount of beds is also under question as at it has been suggested that a facility with 50 to 80 beds at least to be a viable proposition and, as a result, no short term fixes for a complex issue.

The Shire President advised that he has had a positive experience in meeting with Federal Assistant Minister for Health, Senator Fiona Nash in Jurien Bay last year as she showed a genuine interest and understanding of the matters our community and region shares.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. PETITIONS**

Nil

*Mrs Sue Valentine and Mr John Rossiter left the meeting at 4:18pm.*

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 APRIL 2015**

---

A copy of the Minutes of the Ordinary Council Meeting held on 28 April 2015 has been provided to all Councillors under separate cover.

**COUNCIL DECISION 010515:**

**MOVED: Cr Scott**

**SECONDED: Cr Leonard**

**That the Minutes of the Ordinary Council Meeting, held on 28 April 2015, be confirmed as a true and accurate recording of that meeting.**

**VOTING DETAILS:**

**CARRIED 6/0**

[Minutes of the Ordinary Council Meeting held 28 April 2015](#)

[Minutes of the Ordinary Council Meeting held 28 April 2015 – Attachments Booklet CC](#)

[Minutes of the Ordinary Council Meeting held 28 April 2015 – Attachments Booklet CC04](#)

[Minutes of the Ordinary Council Meeting held 28 April 2015 – Attachments Booklet PI](#)

[Minutes of the Ordinary Council Meeting held 28 April 2015 – Attachments Booklet PI04](#)

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

**Functions and Events**

- 8 May CEO met with Kerry Neill, The Futures Group in regards to the Service and Organisational Review
- 13 May Thank a Volunteer Sundowner
- 15 May Joint LGMA Midwest and Coastal Midlands Branch Meeting – attended by Darren and Lauren. Nicole provided a presentation on projects and activities which lead to the Shire receiving the Silver Local Government Award for Tourism in the WA Tourism Awards.
- 18 May Darren, Suzette and Aaron met with Main Roads representatives regarding Road Access Planning
- 22 May Obelisk Precinct Redevelopment Working Group met on site, outcomes of which have resulted in a request for engineer plans to be developed
- Darren attended the Dongara RSL Thank you BBQ to celebrate the success of the Anzac Day Celebrations
- 25-27 May Kerry Neill and Ben Andrews, The Futures Group conducted interviews as part of the Shire’s Service and Organisational Review with Councillors and staff.

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 05/15

**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 April 2015.

#### OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020515:

**MOVED:** Cr Kennedy

**SECONDED:** Cr Leonard

That the Accounts paid during April 2015, represented by Trust Cheques 3061-3065 and EFT17525 totalling \$3,800.00 Municipal Cheques 30848-30875, EFT 17522-17707 totalling \$823,487.71 Police Licensing PL300315 – PL280415 totalling \$54,436.30, Credit Card Payments \$5,088.37, Vehicle Lease \$853.51 and Click Super \$33,120.55, be received.

**VOTING DETAILS:**

**CARRIED 6/0**

#### Attachment:

[Accounts for Payment – April 2015](#)

#### Background:

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

#### 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 CEO3 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 – 05/15**

**Subject:** Financial Statements for the Period ending 30 April 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 30 April 2015.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030515:**

**MOVED:** Cr Kennedy

**SECONDED:** Cr Leonard

**That the Monthly Financial Statement for the period 1 July 2014 to 30 April 2015 as outlined in the Attachments Booklet – May 2015 under separate cover, be received.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Financial Statements for the Month Ending 30 April 2015](#)

**Background:**

The Monthly Financial Report to the 30 April 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 April 2015 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,693,574	0.0%	negative variance
Operating Expenditure	\$6,212,387	8.7%	positive variance
Net Operating	\$1,481,187		
Capital Revenue	\$463,608	32.1%	positive variance
Capital Expenditure	\$2,572,700	2.0%	positive variance

Cash at Bank – Municipal	\$1,668,088
Cash at Bank – Reserve	\$3,758,402
Total Funds Invested	\$4,751,687
Net Rates Collected	96.94%
Receivables Outstanding	\$68,263

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 – 05/15**

**Subject:** Interim Audit Report  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** FM.AD.14.15  
**Voting Requirements:** Simple Majority  
**Guest:** Mr Greg Godwin, UHY Haines Norton

**Report Purpose:**

To consider the information contained within the Interim Audit Report for 2014/15.

**COUNCIL DECISION 040515:**

**MOVED: Cr Leonard**

**SECONDED: Cr Porteus**

**That Council suspends Standing Orders at 4:21pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL DECISION 050515:**

**MOVED: Cr Porteus**

**SECONDED: Cr Scott**

**That Council reconvenes under Standing Orders at 4:43pm**

**VOTING DETAILS:**

**CARRIED 6/0**

**REVISED OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060515:**

**MOVED: Cr West**

**SECONDED: Cr Kennedy**

**That Council;**

- a) receives the interim audit report as presented in Attachment Booklet – May 2015 under separate cover and notes that no matters were raised, and;
- b) notes the presentation provided by Mr Greg Godwin, UHY Haines Norton on the results of the Interim Audit report and financial performance for the Shire of Irwin.

**VOTING DETAILS:**

**CARRIED 6/0**

An additional note (part “b”) was added to the officer’s recommendation at the meeting to recognise the verbal presentation provided by the Shire’s external auditor, Mr Greg Godwin, of UHY Haines Norton.

**Attachment:**

[Interim Audit Report](#)

**Background:**

Council’s auditors, UHY Haines Norton, visited Council’s offices in March and undertook an interim audit of Council’s records in accordance with the Audit Specifications.

**Officers Comment:**

A copy of the interim audit report is attached for information and consideration.

In the report, no matters were noted in the context of the scope of the engagement with the Auditors.

Also included in the report is the status of the Shire meeting the requirements of Fair Value Accounting, as mandated by Financial Management Regulation 17A, a local government in Western Australia must show all of the assets in its financial report at fair value by 30 June 2015.

The report also notes a number of reminders of items to be undertaken prior to year end.

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

No financial impact, the report is for informative purpose.

**Statutory Environment:**

Local Government Act 1995 Part 7  
Local Government Act (Financial Regulations)

**Policy Implications:**

Nil

**Risk Implications:**

The external interim audit included audit procedures which test Council's compliance with the Local Government Act 1995 and accompanying regulations, ensuring that the local government is following good governance practices. It is therefore considered to have a low risk rating.

**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**

**CC04 – 05/15**

**Subject:** Differential Rates – 2015/16  
**Reporting Officer:** Rating and Finance Officer  
**File Reference:** RV.RT.3  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider the adoption of rates in the dollar for differential rating to be advertised prior to the adoption of the 2015/16 Budget.

**OFFICER’S RECOMMENDATION AND COUNCIL DECISION 070515:**

**MOVED: Cr Scott**

**SECONDED: Cr Porteus**

**That Council;**

- 1) **advertises its intention to adopt the following differential rates and minimum payments for each of the following rating categories in the 2015/16 financial year.**

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<u>Gross Rental Valuations</u>		
Residential	9.3900	\$905
Commercial	9.3900	\$905
Light & General Industry	9.3900	\$905
Special & General Industry	9.3900	\$905
Undeveloped	9.3900	\$905
<u>Unimproved Valuations</u>		
Mining	16.9784	\$905
Rural	1.1468	\$905

- 2) **makes application to the Minister for Local Government and Communities seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining Tenement properties at more than twice the rate of UV Rural properties, subject to no objections being received, during the public consultation period.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Sample Properties Showing Rate Increase Scenarios](#)

**Background:**

The Local Government Act provides (S 6.36) that before imposing differential general rates or a minimum payment applying to a differential rate category a local government is to give 21 days’ local public notice of its intention to do so. Where a local government proposes to modify the proposed rate or minimum payment after considering any submissions received during the advertising period it is not required to give local public notice of the modified rate or minimum payment, however it is necessary to provide an explanation with the rates notice when it is issued.

**Officer’s Comment:**

The draft budget for 2015/16 is currently being prepared and will be presented for Council discussion and consideration at the June Forum. For Council to meet the requirements of the Act

as noted above it is required to advertise the proposed differential rates within time frames to meet the 21 day period before the budget is adopted.

The proposed differential rates in the dollar are based on raising an additional 4.5% of rate revenue over rates raised in July last year as well as taking into consideration any interim rate revenue due to valuation changes from new and/or developed properties over the past year. Minimum rates increase by slightly more (4.6%) due to rounding. In 2015/16 a revaluation has been received for both Gross Rental Values and Unimproved Valuations.

#### *Unimproved Valuations*

Landgate has advised that the total unimproved valuation for the Shire of Irwin has decreased by an overall average of approximately 6.5% to \$140,647,000.

The Valuer's comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations.

In the letter, the Valuer also makes the following comments:

#### *“OVERALL VARIATION TO UNIMPROVED VALUATION*

*Small rural holdings in the district surrounding Dongara/Port Denison have experienced a fall in values. There has been no other significant change to unimproved values.*

*Some changes to individual assessments may have occurred either as a product of the mass valuation process or where records have been amended or corrected for more up to date information about soil types etc.”*

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued in August 2015 they will not necessarily reflect a 4.5% increase in rates on their property.

#### *Gross Rental Valuations*

Landgate has provided a new Gross Rental Valuation to take effect from 1 July 2015. The previous roll was effective from 1 July 2011 and therefore the amendments to valuations in the GRV areas are over a four year period and potentially therefore a greater variation in change.

In the General Valuation Summary for the Shire of Irwin 2015 the following information and comments are provided in regards to the new Roll:

*The following data and advice should be read in conjunction with the statistical summary at the end of the valuation roll.*

- *Date of Valuation* 1 August 2014
- *Date of coming into force* 1 July 2015
- *In respect of Gross Rental Values (GRV's) for the Local Authority of Irwin, the following statistics are provided for your assistance:-*

	<u>%Inc/Dec</u>	<u>Agg. Values</u>	<u>% of Total</u>
<i>Residential</i>	+ 13.57%	\$19,425,610	77.10%
<i>Commercial</i>	+3.44%	\$1,665,774	6.61%
<i>Industrial</i>	+6.29%	\$1,231,018	4.88%
<i>Vacant Land</i>	-20.37%	\$2,874,230	11.41%

---

TOTALS	+7.3%	\$25,196,632	100%
--------	-------	--------------	------

*N.B The actual total for all Local Authority GRV's is \$25,336,772 as disclosed at the bottom of the valuation roll. The discrepancy between this figure and the total shown above is due to the fact that these statistics ignore properties without a previous GRV. Therefore, the figure above can only be used as an indicative guide to the movement between General Valuations.*

*Please note that the % change in values for 'vacant land' is significant when compared to the other land use classifications. The use of a 'differential rate' or other mechanisms available within the Local Government Act may be appropriate to smooth out these anomalies and provide a more equitable distribution of the rates burden.*

#### *Mining Valuations*

The Mining Valuation Roll is not received until the beginning of the new financial year and therefore projections for mining rates are based on indicative figures provided.

The proposed general increase of 4.5% is based on the predicted increase in the Local Government Cost Index for 2015-2016 as well as compensation for FAGS grants decreasing and additional costs for state charges such as street lighting increases etc. The Local Government Cost Index is designed to more accurately reflect increases in costs for local government than CPI which is oriented towards household goods and services.

#### **Stakeholder Engagement:**

Community consultation will occur through advertising of the differential rates once adopted.

#### **Financial/Resource Implications:**

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2015/16 financial year.

#### **Statutory Environment:**

*A local government may impose differential general rates according to any, or a combination, of the following characteristics -*

- the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;*
- the predominant purpose for which the land is held or used as determined by the local government;*
- whether or not the land is vacant land; or*
- any other characteristic or combination of characteristics prescribed.*

*In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

In recent years Council has adopted a UV differential rate to be applied to mining properties which is more than twice the lowest UV differential rate.

This situation has been created by increasing UV values being imposed on rural properties whilst mining tenements, which are valued using a different method, have remained steady. The differential rate on rural properties, therefore, has decreased whilst the rate on mining has increased in accordance with rate rise percentages each year. The lower UV rate has remained below 50% of the mining rate and needs the Minister's approval before being imposed.

Submissions must be considered before imposing the differential rates.

It is therefore necessary to apply to the Minister to seek such approval. The Department has advised that Council is to inform the Mining Companies of the differential rates in a letter and to apply to the Minister after the statutory advertising period has finished.

**Policy Implications:**

Nil.

**Risk Implications:**

Given the nature of this matter is to adopt a differential rate for future rating and will be subject to further community consultation it is assessed that any risk is unlikely to occur and would be insignificant resulting in a low risk rating.

**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.

**PLANNING AND INFRASTRUCTURE**

**PI01 – 05/15**

**Subject:** Cleaning Contract Tender  
**Reporting Officer:** Manager Community Safety  
**File Reference:** FM.TE.14.15  
**Voting Requirements:** Simple Majority

**Report Purpose:**

For Council to consider tenders that were submitted for the cleaning contract from 1 July 2015 to 30 June 2018.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 080515:**

**MOVED: Cr Scott**

**SECONDED: Cr Porteus**

**That Council awards the three year cleaning contract from 1 July 2015 – 30 June 2018 for:**

- 1. Shire Administration Centre, Council Chambers & Offices, Dongara Public Library, Shire Works Depot, Dongara Pavilion, Dongara Town Park Ablutions, Port Denison Foreshore and Marina Facilities and Ablutions, Seaspray Public Ablutions, Memorial Park Ablutions to Delron Cleaning Geraldton at an annual rate of \$91,668.25 for the first year;**
- 2. South Beach Ablutions to Paul and Betty Saunders at an annual rate of \$5,455.50 for the first year; and**
- 3. Coastal Nodes Facilities and Town Park Dump Point to CJ Huck at an annual rate of \$6,275.50 for the first year**

**as per selection criteria and price schedule provided under separate confidential cover.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

Copies of the Tenders have been provided under separate confidential cover, as per section 5.23 (2)(c) of the Local Government Act 1995.

**Background:**

Delron Cleaning Geraldton are the current cleaning contractor for the bulk of the facilities, with the exception of the South Beach ablutions. Their service has been of a suitably high standard with very few complaints having been recorded.

Council received four submissions for the cleaning contract; two contractors made a submission for one tender section only.

- Paul and Betty Saunders are the current contractors cleaning the South Beach ablutions. This arrangement works well as they also hold the lease for the south beach kiosk.
- Mr Huck made a submission for the coastal nodes and town park dump point tender section.
- Delron Cleaning Geraldton and a local contractor, All Conditions Cleaning submitted a proposal for all tender sections.

**Officer's Comment:**

The tenders were assessed as per the tender brief which provided that a best value for money approach would apply to this Request. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.

Following the evaluation process it was considered beneficial to award the South Beach ablutions to Mr and Mrs Saunders and the coastal nodes ablutions to Mr Huck. It is recommended to award the rest of the contract to the incumbent; Delron Cleaning Geraldton.

**Stakeholder Engagement:**

The tender was advertised as follows: Shire website 31 March 2015; the West Australian 1 and 2 April 2015; 'Local Rag' 8 April 2015.

**Financial/Resource Implications:**

The entire contract, including all sections is valued at \$105,000.00, excluding cleaning of the Main Roads ablutions and extra cleaning.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

F1 Localised Purchasing; and F2 Purchasing Policy

**Risk Implications:**

With a measure of consequence rating of 'moderate' if cleaning is not carried out, or to a substandard level and a likelihood rating of 'possible', the overall risk rating is considered to be 'moderate' if the contractors fail to deliver this service to the expectation of facility users.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Outcomes 2.5.4 - Continue to provide a high standard of maintenance and presentation in the town centres.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 05/15**

**Subject:** Final Adoption of Local Planning Policy – Advertising Signs  
**Reporting Officer:** Planning Officer  
**File Reference:** LP.PL  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider for final adoption the Local Planning Policy for Advertising Signs.

**OFFICER’S RECOMMENDATION AND COUNCIL DECISION 090515:**

**MOVED:** Cr Kennedy

**SECONDED:** Cr Porteus

**That Council, pursuant to Clause 2.4.2(b) of the Shire of Irwin Local Planning Scheme No.5, resolves to adopt the Local Planning Policy – Advertising Signs without modification, as presented in the Attachments Booklet – May 2015 provided under separate cover.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Local Planning Policy – Advertising Signs](#)

**Background:**

At the ordinary Council meeting on 24 March 2015, Council resolved as follows:

**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**

The Local Planning Policy (LPP) was advertised from 16 April 2015 until 11 May 2015.

**Officer’s Comment:**

During the advertising period, one submission was received from the State Heritage Office, who do not object to the LPP and are supportive of the requirement for signage at heritage listed places to respond appropriately to the character of the place.

Adoption of the LPP will provide a sound framework for the assessment of proposed advertising signs, to ensure they do not have an adverse impact on public safety, the local character and setting of the area or the amenity of the neighbouring properties. The LPP can also allow the Shire to repeal the Local Law Relating to Signs Hoardings and Bill Posting, as part of a future review of local laws, which will reduce red tape for signage proposals.

As no issues were raised during the advertising period, it is recommended that Council adopt the LPP.

**Stakeholder Engagement:**

The LPP was advertised to the general public, relevant State Agencies such as Main Roads Western Australia and the State Heritage Office. It was also referred to the Mid West Chamber of Commerce and Industry and the Irwin District Historical Society.

The LPP has the support of the Shire's Development Control Unit and the Senior Management Team.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

Shire of Irwin Local Planning Scheme No.5.

**Policy Implications:**

Adoption of the 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 adopting the 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**

**PI03 – 05/15**

**Subject:** Public consultation of proposed changes to Hepburn Street  
**Reporting Officer:** Manager Works  
**File Reference:** RD.ST  
**Voting Requirements:** Simple Majority

**Report Purpose:**

For Council to consider advertising approval of proposed changes to Hepburn Street, from a two way street to a one way thoroughfare exiting onto Smith Street.

**COUNCIL DECISION 100515:**

**MOVED: Cr Kennedy**

**SECONDED: Cr Scott**

**That Council suspends Standing Orders at 4:45pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL DECISION 110515:**

**MOVED: Cr Porteus**

**SECONDED: Cr Leonard**

**That Council reconvenes under Standing Orders at 4:51pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 120515:**

**MOVED: Cr Kennedy**

**SECONDED: Cr Leonard**

**That Council grants advertising approval of proposed changes to turn Hepburn Street into a one way thoroughfare exiting onto Smith Street for a period of twenty eight (28) days to allow for public comments to be received.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Correspondence received from Greenfields Technical Services](#)

**Background:**

As per Councils Community Engagement and Public Consultation Policy the involvement of the Shire of Irwin community members and key stakeholders in planning and decision making for the local area is fundamental to effective governance.

Through the Shire of Irwin's customer service system it has been highlighted that a number of members within the community have raised concerns regarding the safety of Hepburn Street, including the Moreton Terrace intersection.

**Officer's Comment:**

Hepburn Street, in its current condition is not wide enough to allow parking on both sides of the road whilst traffic currently flows in both directions. By turning Hepburn Street into a one way road it will allow more uniform parking and improve traffic flow. Additionally it will alleviate visibility

problems that are present at the Moreton Terrace intersection, resulting in a safer pedestrian and vehicular crossing.

Greenfields conducted a site visit of the area on 7 May 2015 and have confirmed, through correspondence, that the proposal to turn Hepburn Street into a one way thoroughfare is both practical and will ultimately improve safety.

With Councils approval, the proposed scope of works for Hepburn Street will be advertised for public comment for a period of twenty eight (28) days. Advertisement of the proposed works will be distributed through the Local Rag, the Shire's electronic community notice board, webpage and Facebook page, along with face to face meetings with affected business owners.

**Stakeholder Engagement:**

Nil

**Financial/Resource Implications:**

As per 2014/15 Budget allocations.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

The recommendation is consistent with the Shire's Community Engagement and Public Consultation Policy.

**Risk Implications:**

The risk implications involved with advertising the proposed changes to Hepburn Street is calculated as low. In terms of health, financial impact, service interruption, compliance, reputational, property and environment the consequences are considered insignificant, with a likelihood rating considered rare.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.5.7 Engage with the business community to improve presentation and disability access.

Strategy 2.6.1 Maintain road assets and ancillary infrastructure.

Strategy 4.1 A well informed and engaged community.

**PLANNING AND INFRASTRUCTURE**

**PI04 – 05/15**

**Subject:** Request to Renew Fisherman’s Hall Lease  
**Reporting Officer:** Planning Officer  
**File Reference:** A7133  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To decline the request from Dongara Professional Fishermans Association to extend the lease for the Fisherman’s Hall.

**COUNCIL DECISION 130515:**

**MOVED:** Cr Kennedy

**SECONDED:** Cr Leonard

**That Council suspends Standing Orders at 4:52pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL DECISION 140515:**

**MOVED:** Cr Porteus

**SECONDED:** Cr Leonard

**That Council reconvenes under Standing Orders at 5:04pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**OFFICER’S RECOMMENDATION AND COUNCIL DECISION 150515:**

**MOVED:** Cr Kennedy

**SECONDED:** Cr Porteus

**That Council;**

- a) resolves to not extend the lease between the Shire of Irwin and Dongara Professional Fishermans Association for the premises known as ‘Fisherman’s Hall’; and,
- b) recognises the Dongara Professional Fishermans Association’s continued use by drafting a Memorandum of Understanding.

**VOTING DETAILS:**

**CARRIED 6/0**

**An additional point (part “b”) has been added to the Officer’s recommendation to recognise the Fishermans Association’s desire to continue to utilise the building but without the burden of the lease requirements.**

**Background:**

Fisherman’s Hall is located on the Port Denison Foreshore. It is Heritage Listed, being assigned a Management Category 2 on the Shire of Irwin Municipal Inventory of Heritage Places.

The lease between the Dongara Professional Fishermans Association (‘the Association’) and the Shire of Irwin for the premises known as ‘Fisherman’s Hall’ shall expire on 30 June 2015. It was agreed between both parties at the 12 May 2015 Council Forum that the Shire assumes management responsibility of the premises, which still allows the Association to book the hall when required.

**Officer's Comment:**

The Association already book the premises through the Shire when hosting functions, therefore extending the lease has no benefit to either party. Consequently it is supported that the lease not be extended.

**Stakeholder Engagement:**

The Association requested to the Shire that the lease be extended. The matter was discussed at a Council Forum.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil.

**Risk Implications:**

The likelihood of risk arising from Council not extending the lease is expected to be rare and the consequences would be insignificant. Therefore, the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.1.2 Continue to maintain, enhance and utilise Shire heritage buildings

Port Denison Foreshore Master Plan

**PLANNING AND INFRASTRUCTURE**

**PI05 – 05/15**

**Subject:** Temporary Accommodation – 55 Waldeck Street  
**Reporting Officer:** Environmental Health Officer  
**File Reference:** DB.BD  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider accepting a proposal for camping within a caravan for a period of 3 months at 55 Waldeck St.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 160515:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

**That Council resolves to approve the proposal for a caravan to be parked at 55 Waldeck Street, Dongara for the purpose of short term accommodation (camping) for a period of 3 months from 25 May 2015 to 25 August 2015, subject to the following conditions:**

- 1. Caravan occupiers must comply with the Environment Protection (Noise) Regulations 1997.**
- 2. Caravan occupiers must comply with the Caravan Park and Camping Ground Regulations 1997.**
- 3. If the Shire receives any complaints from neighbouring properties, the approval may be revoked.**
- 4. the proponent be advised 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 6/0**

**Attachment:**

[Request for camping](#)

**Background:**

On 29 April 2015 a request was made by Malcolm Craig for temporary use of a caravan on his property (55 Waldeck St) for a period of three months. The additional accommodation is required as his son and daughter and law have recently moved to Dongara seeking employment, and are expecting to have work by June/July. In the interim, they have requested that their caravan be parked in their driveway and used for temporary accommodation. Mr Craig's son and daughter in law will have access to the main house, however the caravan will be occasionally be powered to allow for refrigeration storage.

**Officer's Comment:**

Mr Craig's request is consistent with the provisions of the Caravan Park & Camping Grounds Regulations 1997, regulation 11. Under this legislation, a person may camp for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy. In addition to this, local government may give approval in writing for camping on such land for longer than 3 nights for a period of no longer than three months in a twelve month period.

It is recommended that if approved, the following conditions should be adhered to:

- Caravan occupiers must comply with the Environment Protection (Noise) Regulations 1997.
- Caravan occupiers must comply with the Caravan Park and Camping Ground Regulations 1997.
- If the Shire receives any complaints from neighbouring properties, the approval may be revoked.

**Stakeholder Engagement:**

Nil

**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 sub regulation (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) (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:**

Nil

**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

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 – Implement an efficient and effective approvals process.

**OFFICE OF THE CEO**

**CEO01 – 05/15**

**Subject:** Approval for Councillor Vacancy to Remain Unfilled  
**Reporting Officer:** Coordinator Executive Services  
**File Reference:** GV.EL.1  
**Voting Requirements:** Absolute Majority

**Report Purpose:**

For Council to consider the options available with respect to the vacancy created by the resignation of Cr Hepworth.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 170515:**

**MOVED: Cr West**

**SECONDED: Cr Kennedy**

**That Council resolves to;**

- a) **Note the resignation of Cr Hepworth;**
- b) **Acknowledge Cr Hepworth for his commitment and service to the Shire of Irwin;**
- c) **Seek approval from the Electoral Commissioner for the vacancy to remain unfilled until the ordinary local government elections in October 2015, in accordance with s4.17 of the Local Government Act 1995.**

**VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**Background:**

Cr Hepworth was first elected as a Councillor of the Shire of Irwin in May 2005, was appointed Deputy President from February 2012 – October 2013 and served on a number of Council advisory committees. Cr Hepworth has formally tendered his resignation from Council with the Chief Executive Officer (CEO) which is effective 1 June 2015.

In his letter to the CEO, Cr Hepworth expressed, "It has been an education and a privilege to have worked with your staff and fellow councillors to serve the Irwin community over the last 10 years." "I thank you for a modern, progressive and inclusive approach you have brought to Dongara and thank past and present councillors for their dedication, good sense and fairness in deliberating on behalf of our community. In particular I wish to record my gratitude for our president Stuart Chandler for his additional thoroughness and guidance to councillor and the shire." Cr Hepworth also expressed a desire to attend a final council meeting to resign in person but his other commitments have not allowed this.

According to s2.32(b) of the Local Government Act 1995 (the Act) the office of a member of Council as a councillor becomes vacant if the member resigns from the office.

Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled (with the office ending on the day on which it would have ended if the vacancy had not occurred) if the member's office becomes vacant after the third Saturday in January and before the third Saturday in July of the election year in which the office term expires.

Cr Hepworth's term was due to expire this year.

**Officer's Comment:**

It is common for approval to be sought from the Electoral Commissioner before Council considers allowing the position to remain vacant however it seems appropriate to recognise the resignation and give the Commissioner an indication that Council supports this, prior to sending the written request letter.

The final outcome will be determined once a response is received from the Commissioner.

**Stakeholder Engagement:**

Advice has been sort from the WA Electoral Commission on how to proceed with seeking approval and it has been indicated that the chosen process for Council to first consider the matter would satisfy the Act and the Commissioner's requirements.

**Financial/Resource Implications:**

Other than some minimal savings in member allowances, it is anticipated there are no other financial or resource implications should Council approve to not fill the vacancy. However, should Council wish to fill the vacancy through an extraordinary election, there would be some financial and resource implications that have not been budgeted for in facilitating an election.

**Statutory Environment:**

Local Government Act 1995 s2.32 and s4.17.

**4.17. Cases in which vacant offices can remain unfilled**

(2) *If a member's office becomes vacant under section 2.32 —*

*(a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*

*(b) before the third Saturday in July in that election year,*

*the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

*(4A) Subsection (3) applies —*

*(a) if —*

*(i) the office is for a district that has no wards; and*

*(ii) at least 80% of the number of offices of member of the council in the district are still filled;*

**Policy Implications:**

Nil

**Risk Implications:**

It is important to consider the minor risk associated with the unbudgeted financial/resource implications should an extraordinary election be called to fill the vacancy. This risk is likely and therefore an overall Moderate risk rating is relevant.

There may also be some minor reputational risk should the position remain vacant with only 7 elected members remaining on Council however this risk is mitigated by present good governance systems.

**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**

**NOTICE OF MOTION AND COUNCIL DECISION – PROPOSED GAS EXPLORATION EXPO**

**MOVED: Cr Chandler**

**SECONDED: Cr Kennedy**

**That Council authorises the Chief Executive Officer to;**

- a) liaise with relevant stakeholders to identify support to hold a Gas Exploration Expo in the Shire of Irwin to assist in raising community awareness on relevant issues, and**
- b) facilitate the Expo if support is indicated.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Background:**

Following the Council decision of the March Ordinary Meeting, the Chief Executive Officer wrote to the Department of Mines and Petroleum (DMP) advising of Council's resolution resulting from the environmental health complaint received regarding the exploration drilling in Irwin by AWE Limited. A copy of the resolution is provided below;

**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**

A CEO Workshop was then held on 28 April 2015 to discuss a proposal from the CEO for DMP, Department of Water and Department of Health to present at the 26 May 2015 Ordinary Council Meeting as a result of a written request to use a Council meeting as a vehicle to raise community awareness on gas exploration within the Shire. Concern was raised with using Public Question Time at a Council meeting for facilitating community awareness and indicated that it may be more appropriate to make a presentation under 'Deputations' in accordance with the Shire's Standing Orders. The option to host/facilitate an Expo on gas exploration within the Shire was offered as an alternative.

The Chief Executive Officer wrote to DMP to outline the outcomes of the CEO Workshop and a response has been provided indicating they would be in favour of hosting an Expo. DMP considers this to be an appropriate forum to raise community awareness and enable members of the community to speak with stakeholders directly.

**Officer's Comment:**

The Chief Executive Officer supports the motion and considers the Expo to be an appropriate way for all stakeholders to have an opportunity to be present and engage with the community.

**Financial/Resource Implications:**

Council could sponsor the event by hosting it at the Irwin Recreation Centre, which would incur some material costs and staff resources.

**Statutory Environment:**

Local Government Act 1995

**Risk Implications:**

Given the significant interest by local and regional community members and interest groups, a reputational risk exists for the Shire in not meeting its strategic objectives (see below) which could be considered major and likely which provides an overall High risk rating.

Continued liaison with relevant stakeholders and the facilitation of this workshop would reduce the risk to Council.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

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

**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 Shire President thanked those present for attending and declared the meeting closed at 5:06pm.

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

<p>I certify that this copy of the Minutes is a true and correct record of the meeting held on 26 May 2015 <i>Signed:</i> ..... Presiding Elected Member  Date:.....</p>
--