

I certify that this copy of the Minutes is a true and correct record of the meeting held on 29 January 2008

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 29 JANUARY 2008
COMMENCING AT 4.00PM**

There are no attachments to this copy of the Council Minutes. To view attachments, please contact the Shire office or email Judy Hurst on ceosecretary@irwin.wa.gov.au

<u>PRESENT:</u>	President	Cr R K Parsons (Chairperson)
	Councillors	G C Bass, S C Chandler, G L Dean-Gundill, R J Gillam (Deputy President), K J Hepworth, R T McClurg, R W Roberts, L W Wheeler
	Staff	Mr J L Merrick – Chief Executive Officer Mr G M Peddie - Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
<u>GUESTS:</u>		Mr Darren Evans – Greg Rowe & Associates
<u>APOLOGIES:</u>		-
<u>LEAVE OF ABSENCE:</u>		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr Robyn Parsons declared the meeting open at 4.00pm and welcomed all those in attendance for the first Council Meeting of the year. Mr Darren Evans from Greg Rowe & Associates was also present in order to conduct a presentation relating to a proposed development of Lots 51, 52 and 53 Indiana Ocean Drive, Arrowsmith.

The following members of the public were in attendance: Rob Smith (Dongara Denison Surf Life Saving Club), Miles Obst, Melissa Caimanos, Jayne Rolinson, Jenni Jagoe, Roslyn Miller and Colleen Donnelly.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

All Councillors were in attendance.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PRESENTATION TO COUNCIL

- 4.1 Darren Evans – Greg Rowe & Associates:** Mr Evans made a presentation to Council outlining a proposal for development of Lots 51, 52 & 53 Indian Ocean Drive, Arrowsmith (adjacent to Freshwater Point and Knobby Head). The development includes subdividing the land and will possibly consist of facilities for professional fisherman and tourists.

5. PUBLIC QUESTION TIME

- 5.1 Miles Obst – Proposed Outbuilding – Location 307 (No 4) Whelan St Port Denison:** Mr Obst was present in order to discuss Council Item TP.406. Mr Obst provided further details with regard to his application for the use of a gymnasium. He asked for Council's support in the making of its decision.

- 5.2 Rob Smith – Dongara Denison Surf Life Saving Club (SLSC):** Mr Smith provided Council with a report on the SLSC, advising that it had experienced a good Christmas season.

Concerns have been expressed concerning boats parking in the swimming area in front of Grannies Beach. The Shire will check with DPI in order to ascertain whether this is permissible. It was noted that Council does not have any gazetted swimming beaches.

Although there were large volumes of both traffic and people over the New Year's weekend, fortunately no problems were experienced.

A major event will be held on the weekend of 9 & 10 February and the SLSC has requested that the Shire grader prepare a good surface on South Beach and that there be a check of the "8kph" speed limit sign displayed on the beach.

Cr Robyn Parsons gave the SLSC and Mr Smith Council's best wishes for the carnival and thanked him for his address to Council.

- 5.3 Mrs Melissa Caimanos and Ms Jayne Rolinson:** Mrs Caimanos and Ms Rolinson were in attendance to express their concerns in regard to Council Item TP.407 and specifically the use of Golf Course Road as the route to transport the material into the townsites. They have submitted a joint submission during the official public comment period and made the following comments in relation to Golf Course Road:

- They believe that the road is of insufficient width to cater for the proposed truck movements.
- There are insufficient signs and kerbing to ensure safety to other traffic.
- Pedestrians are required to use the road as currently there is no footpath constructed.
- The current intersections with other roads require upgrading to cater for truck movements.
- Purchasers of land in the Blue Water Gardens subdivision have done so without the knowledge that Golf Course Road will be used to transport the sand.

Cr Parsons thanked Mrs Caimanos and Ms Rolinson for expressing their views and assured both that the matters raised would be considered during the determination of the proposal later in the meeting.

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

7. **PETITIONS**

Nil.

8. CONFIRMATION OF MINUTES

8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 DECEMBER 2007

A copy of the Minutes of the Ordinary Council Meeting held on 18 December 2007 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Dean-Gundill

That the Minutes of the Ordinary Council Meeting, held on 18 December 2007, be confirmed as a true and accurate recording of that meeting.

CARRIED
9/0

VOTING DETAILS:

8.2 MINUTES OF OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MEETING HELD ON 5 DECEMBER 2007

1. PRESENT

J Merrick, A Wootton, A Clarkson, F Neuweiler, W Millett, A Dove, N Illich, S O’Keeffe, G Peddie, J Patton, I Cruikshank, R Patroni, S Whitwell, J Dymock, R Butterfield, F Esparon, K Hepworth and R Parsons

2. APOLOGIES

D Loomes

ELECTION OF NEW SAFETY REP

Norm Illich Elected.

John Welcomed Robyn and Kevin.

3. CONFIRMATION OF MINUTES

Confirmed Ashley Seconded Bill

4. MATTERS ARISING

No feedback about rock incident.
New truck driver started - Rod Patroni.
New gardener arrived.
New sweeper has been delivered.
Fire drills have been carried out.

5. CORRESPONDENCE IN-

- 1) Safety and Health Alert - toxic vapours lead to evacuation of shopping centre.
- 2) Safety and Health Alert - fatality during forklift repair
- 3) Safety and Health Alert - modular scaffold collapse
- 4) Safety and Health Alert - tropical cyclones
- 5) Safety and Health Alert - new options to receive alerts
- 6) Safetyline - News letter

CORRESPONDENCE OUT-

Nil.

6. ACCIDENT REPORTS

Nil.

7. HAZARDS/ INCIDENTS BY STAFF

Tree branch through loader window, repairs scheduled soon.

8. POLICIES AND PROCEDURES

No new policies were tabled

9. CONSULTATION PROCESS

9.1 SAFETY REPRESENTATIVES REPORTS

Nil.

9.2 ISSUES TO BE CONSULTED TO STAFF

Nil.

10. PLANNING

10.1 NEW STAFF INDUCTED

Rod Patroni

10.2 Norm Illich needs to do safety reps course

10.3 Rod Patroni needs to do blue card.

11. GENERAL BUSINESS

Frank suggested that the current dual cab should be replaced with larger vehicle.

Jock permission to get a new welder and tool box for ute.

12. EVACUATION PROCEDURES

Drills to be carried out on a regular basis.

Meeting closed at 7.58am.

Next meeting March 2008.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Chandler

That the Minutes of the Occupational Health and Safety Committee Meeting held on 5 December 2007 be received.

CARRIED
9/0

VOTING DETAILS:

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

Nil.

10. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

11. **REPORTS**

B.394: APPLICATION TO RELOCATE DWELLING
LOCATION: LOT 8 FETTLER STREET, IRWIN
PROponents: MARGARET A SCOTT
REPORTING OFFICER: KIM SENIOR – EHO/BUILDING SURVEYOR
DATE OF REPORT: 3 JANUARY 2008
FILE REFERENCE: BG.1
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mrs Scott is seeking retrospective Council approval for an Atwood II dwelling that has been relocated to Lot 8 Fettler Street, Irwin.

Due to unforeseen circumstances, Mrs Scott's dwelling arrived prior to Planning Consent or a Building Licence being granted. The CEO has approved the relocated dwelling subject to Council's endorsement.

COMMENT:

- **General**
The installation of second-hand dwellings is permissible, subject to conditions, in the Irwin area, as this locality is zoned "Rural Small Holding".

The dwelling consists of Hardiflex cladding and metal roof sheeting and has been inspected by a structural engineer (please refer to the attachment) and found to be structurally sound.

- **Financial Implications:** Nil.

- **Policy Implications:**

Second-hand Dwellings & Buildings, Policy B11

Purpose – To advise in which zoned areas of the Shire transportable and existing dwellings may be located to ensure that these buildings, when re-established, are to a satisfactory standard.

The relocation of existing dwellings will not be permitted by Council on land which is zoned specifically for any "Residential" purpose under the Shire of Irwin Town Planning Scheme, unless such dwellings have been specifically constructed as a transportable.

- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That Council grants approval to Mrs Scott for the relocated second-hand dwelling currently located at Lot 8 Fettler Street, Irwin subject to the following conditions:

1. A building licence be obtained prior to the commencement of any further works associated with the installation of the dwelling.
2. A performance bond or bank guarantee to the value of \$1800 shall be lodged by the owner/developer of the land with Council, prior to the issue of a Building Licence. Such performance bond or bank guarantee will be refunded to the owner/developer upon compliance with all conditions of development imposed on the consent by Council.
3. If the conditions of development have not been carried out to the satisfaction of Council within 12 months of the date of issuing of a Building Licence to carry out the development, such bond shall be forfeited to Council. Such forfeiture does not change the applicant's obligation to comply with the conditions of the approval and Council will reserve the right to prosecute for breach of such conditions if it so chooses.
4. All stormwater from roofed and paved areas shall be collected and disposed of onsite.
5. A potable water supply to be provided in accordance with Schedule IV of the Town Planning Scheme (i.e. onsite underground water supply or rainwater storage of at least 90,000 litres).
6. The development shall be connected to an approved septic system.
7. Unless the contrary is expressly stipulated, the land and/or any buildings on the land shall not be used or occupied unless all conditions have been and continue to be complied with.
8. The development to comply with the current Town Planning Scheme.
9. Compliance with the Building Code of Australia and any other relevant legislation.
10. Council's consent for the Project is valid for a period of twelve (12) months only from the date of Council's advice and the project should be commenced within that period.

Notes: A Planning Consent is not an approval to commence any works, or construction; the applicant must apply for and be issued with a Building Licence for the project, comply with the provisions of the Shire of Irwin Town Planning Scheme No 4, and the Building Code of Australia, prior to any demolition, site works or building being carried out on the project site. The developer and/or his architect should liaise with the Shire Planner or Principal Environmental Health Officer prior to preparation of final plans which will be submitted for Building Licence approval.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Chandler

That Council grants approval to Mrs Scott for the relocated second-hand dwelling currently located at Lot 8 Fettle Street, Irwin subject to the following conditions:

1. ***A building licence be obtained prior to the commencement of any further works associated with the installation of the dwelling.***
2. ***A performance bond or bank guarantee to the value of \$1800 shall be lodged by the owner/developer of the land with Council, prior to the issue of a Building Licence. Such performance bond or bank guarantee will be refunded to the owner/developer***

upon compliance with all conditions of development imposed on the consent by Council.

- 3. If the conditions of development have not been carried out to the satisfaction of Council within 12 months of the date of issuing of a Building Licence to carry out the development, such bond shall be forfeited to Council. Such forfeiture does not change the applicant's obligation to comply with the conditions of the approval and Council will reserve the right to prosecute for breach of such conditions if it so chooses.***
- 4. All stormwater from roofed and paved areas shall be collected and disposed of onsite.***
- 5. A potable water supply to be provided in accordance with Schedule IV of the Town Planning Scheme (i.e. onsite underground water supply or rainwater storage of at least 90,000 litres).***
- 6. The development shall be connected to an approved septic system.***
- 7. Unless the contrary is expressly stipulated, the land and/or any buildings on the land shall not be used or occupied unless all conditions have been and continue to be complied with.***
- 8. The development to comply with the current Town Planning Scheme.***
- 9. Compliance with the Building Code of Australia and any other relevant legislation.***
- 10. Council's consent for the Project is valid for a period of twelve (12) months only from the date of Council's advice and the project should be commenced within that period.***

Notes: A Planning Consent is not an approval to commence any works, or construction; the applicant must apply for and be issued with a Building Licence for the project, comply with the provisions of the Shire of Irwin Town Planning Scheme No 4, and the Building Code of Australia, prior to any demolition, site works or building being carried out on the project site. The developer and/or his architect should liaise with the Shire Planner or Principal Environmental Health Officer prior to preparation of final plans which will be submitted for Building Licence approval.

CARRIED
9/0

VOTING DETAILS:

DCS.286: LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN

PROPONENT: DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

REPORTING OFFICER: GEOFF PEDDIE - DIRECTOR CORPORATE SERVICES

DATE OF REPORT: 24 JANUARY 2008

FILE REFERENCE: DA.4

VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

The Local Government Act requires each local authority to carry out a compliance audit for the period 1 January 2007 to 31 December 2007 against the requirements of the Compliance Audit Return.

The Compliance Audit Return is to be:

- a) presented to Council at a meeting of the Council,
- b) adopted by the Council, and
- c) recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes is to be submitted to the Department by 31 March 2008.

COMMENT:

• **General**

A copy of the completed return is attached showing the officer responsible for completion. The relevant officer was consulted as required.

- **Financial Implications:** Nil
- **Policy Implications:** Nil
- **Statutory Implications:** Nil

STAFF RECOMMENDATION:

That the Compliance Audit Return for the 2007 calendar year, as presented, be adopted by Council as the official return of Council.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Bass

That the Compliance Audit Return for the 2007 calendar year, as presented, be adopted by Council as the official return of Council.

CARRIED
9/0

VOTING DETAILS:

ATTACHMENT: DCS.286

Department of Local Government and Regional Development - Compliance Audit Return



Irwin - Compliance Audit Return 2007

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government and Regional Development together with a copy of section of relevant minutes.

Caravan Parks and Camping Grounds

No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2006 to 30 June 2007.	Yes		Kim Senior

Cemeteries

No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial.	Yes		Jodie O'Keeffe
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants.	Yes		Jodie O'Keeffe
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in 2 above.	Yes		Jodie O'Keeffe

Commercial Enterprises by Local Governments

No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2007.	N/A		Danika Loomes
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2007.	N/A		Danika Loomes
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2007.	N/A		Danika Loomes

4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2007.	N/A		Danika Loomes
5	s3.59(5)	Did the Council, during 2007, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Danika Loomes

Delegation of Power / Duty

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Danika Loomes
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Danika Loomes
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Danika Loomes
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Danika Loomes
5	s5.18	Has Council reviewed delegations to its committees in the 2006/2007 financial year.	Yes		Danika Loomes
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Danika Loomes
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Danika Loomes
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes		Danika Loomes
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Danika Loomes
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Danika Loomes
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Danika Loomes
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2006/2007 financial year.	Yes		Danika Loomes
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Danika Loomes

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Danika Loomes

2	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	Yes	Danika Loomes
3	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	Danika Loomes
4	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes	Danika Loomes
5	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes	Danika Loomes
6	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes	Danika Loomes
7	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes	Danika Loomes
8	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes	Danika Loomes
9	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes	Danika Loomes
10	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes	Danika Loomes
11	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes	Danika Loomes
12	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes	Danika Loomes
13	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2007.	Yes	Danika Loomes

14	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2007.	Yes	Danika Loomes
15	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes	Danika Loomes
16	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes	Danika Loomes
17	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes	Danika Loomes
18	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes	Danika Loomes
19	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes	Danika Loomes
20	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes	Danika Loomes

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was any property that was not disposed of by public auction or tender, given local public notice prior to disposal (except where excluded by Section 3.58(5)).	N/A		Danika Loomes
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Danika Loomes

Elections					
No	Reference	Question	Response	Comments	Respondent
1	4.17(3)	Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b).	N/A		Danika Loomes
2	s4.20(2)	Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner.	No	The CEO was the Returning Officer.	Danika Loomes
3	s4.20(4)	Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the electoral commissioner.	N/A		Danika Loomes
4	s4.20(5)	Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day.	Yes		Danika Loomes
5	s4.32(4)	Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.	Yes		Danika Loomes
6	s4.32(6) Elect Reg 13	Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol.	Yes		Danika Loomes
7	s4.35(2)	Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.	Yes		Danika Loomes
8	s4.35(3)	Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person.	Yes		Danika Loomes
9	s4.35(5)	Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision.	N/A		Danika Loomes

10	s4.35(6)	Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.	Yes	Danika Loomes
11	s4.35(7)	Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).	Yes	Danika Loomes
12	s4.39(2)	Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments.	Yes	Danika Loomes
13	s4.41(1)	Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day.	Yes	Danika Loomes
14	s4.41(2)	Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments.	Yes	Danika Loomes
15	s4.43(1)	Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day.	Yes	Danika Loomes
16	s4.47(1)	Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day.	Yes	Danika Loomes
17	s4.47(2)(a)	Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled.	Yes	Danika Loomes
18	s4.47(2)(b)	Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent.	Yes	Danika Loomes
19	s4.47(2)(c)	Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent.	Yes	Danika Loomes
20	s4.47(2)(d)	Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations.	Yes	Danika Loomes
21	s4.61(2)	Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority.	N/A	Danika Loomes

22	s4.61(3)	Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day.	Yes	Danika Loomes
23	s4.64	Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates.	Yes	Danika Loomes
24	Elect Reg 7	Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7.	Yes	Danika Loomes
25	Elect Reg 8(2)	Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2007 Ordinary Elections.	Yes	Danika Loomes
26	Elect Reg 8(3)	Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2007 Ordinary Elections.	Yes	Danika Loomes
27	Elect Reg 13(1)	Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register.	Yes	Danika Loomes
28	Elect Reg 13(4)	Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate.	Yes	Danika Loomes
29	Elect Reg 17	Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected.	Yes	Danika Loomes
30	Elect Reg 26(4)	Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government.	Yes	Danika Loomes
31	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A	Danika Loomes

32	Elect Reg 30G(3)	Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years.	N/A	Danika Loomes
33	Elect Reg 30H	Has the electoral gift register been kept at the appropriate local government offices.	N/A	Danika Loomes
34	Elect Reg 40	Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered.	Yes	Danika Loomes
35	Elect Reg 81	Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election.	Yes	Danika Loomes

Executive Functions

No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes		Danika Loomes
2	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Danika Loomes
3	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Danika Loomes
4	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	N/A		Danika Loomes
5	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	N/A		Danika Loomes
6	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	N/A		Danika Loomes
7	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Danika Loomes

8	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes	Danika Loomes
9	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes	Danika Loomes
10	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	Yes	Danika Loomes
11	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	Yes	Danika Loomes
12	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection.	Yes	Danika Loomes

Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2007 that contained the prescribed information under the Act and Regulations.	Yes		Danika Loomes
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2007.	Yes		Danika Loomes
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	N/A		Danika Loomes
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Danika Loomes
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		Danika Loomes
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	Yes		Danika Loomes

7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes	Danika Loomes
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes	Danika Loomes
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes	Danika Loomes
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	N/A	Danika Loomes
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes	Danika Loomes
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).	Yes	Danika Loomes
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	N/A	Danika Loomes
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	N/A	Danika Loomes
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	N/A	Danika Loomes
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	N/A	Danika Loomes

17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	N/A		Danika Loomes
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		Danika Loomes
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes	24/07/2007	Danika Loomes
20	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		Danika Loomes
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	Yes		Danika Loomes
22	FM Reg 33	Was the 2007/2008 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes	03/08/2007	Danika Loomes
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes		Danika Loomes
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	Yes		Danika Loomes
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4(1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	Yes		Danika Loomes
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2007, submitted to the Auditor by 30 September 2007 or by the extended time allowed by the Minister or his delegate.	Yes		Danika Loomes
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes		Danika Loomes
28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Danika Loomes

29	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	Yes	Danika Loomes
30	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes	Danika Loomes
31	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes	Danika Loomes
32	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes	Danika Loomes
33	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes	Danika Loomes
34	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A	Danika Loomes
35	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	Yes	Danika Loomes
36	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1)(c) of the Act or where the amount to be used did not exceed \$5,000).	N/A	Danika Loomes
37	s6.12, 6.13, 6.16(1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes	Danika Loomes
38	s6.12, 6.13, 6.16(1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes	Danika Loomes
39	s6.12, 6.13, 6.16(1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes	Danika Loomes

40	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes	Danika Loomes
41	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes	Danika Loomes
42	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes	Danika Loomes
43	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	Yes	Danika Loomes
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	Yes	Danika Loomes
45	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A	Danika Loomes
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A	Danika Loomes
47	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	Yes	Danika Loomes
48	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	N/A	Danika Loomes

49	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		Danika Loomes
50	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	N/A		Danika Loomes
51	s6.33(3)	Did Council obtained the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	Yes		Danika Loomes
52	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A		Danika Loomes
53	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		Danika Loomes
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		Danika Loomes
55	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		Danika Loomes
56	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	No	Ministerial approval was granted on 19th July 2006 for imposing minimum payments on more than 50% of separately rated properties in the GRV Vacant and UV Mining Vacant categories.	Danika Loomes
57	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	Yes		Danika Loomes

58	s6.36		Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	Yes	Danika Loomes
59	s6.36		Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	Yes	Danika Loomes
60	s6.38(1) Reg 54	FM	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A	Danika Loomes
61	s6.38		Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A	Danika Loomes
62	s6.46		Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	Yes	Danika Loomes
63	s6.47		When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	N/A	Danika Loomes
64	s6.51		Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes	Danika Loomes
65	S6.76(6)		Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	N/A	Danika Loomes
66	FM Reg 5		Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes	Danika Loomes
67	FM Reg 6		Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes	Danika Loomes

68	FM Reg 8	Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts.	Yes	Danika Loomes
69	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	N/A	Danika Loomes
70	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes	Danika Loomes
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes	Danika Loomes
72	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes	Danika Loomes
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes	Danika Loomes
74	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes	Danika Loomes
75	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	Yes	Danika Loomes
76	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	Yes	Danika Loomes
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes	Danika Loomes

78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes	Danika Loomes
79	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes	Danika Loomes
80	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes	Danika Loomes
81	FM Reg 33A	Did the local government, between 1 January and 31 March 2007, carry out a review of its annual budget for the year ended 30 June 2007.	Yes	Danika Loomes
82	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes	Danika Loomes
83	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes	Danika Loomes
84	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes	Danika Loomes
85	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	Yes	Danika Loomes
86	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	Danika Loomes
87	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	Yes	Danika Loomes
88	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	Danika Loomes
89	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes	Danika Loomes
90	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	Danika Loomes
91	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2007 received by the local government within 30 days of completion of the audit.	Yes	Danika Loomes

92	s7.9(1)	Was the Auditor's report for 2006/2007 received by the local government by 31 December 2007.	Yes	Danika Loomes
93	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	Danika Loomes
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	Danika Loomes
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	Danika Loomes
96	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	Danika Loomes
97	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	Danika Loomes
98	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	Danika Loomes
99	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes	Danika Loomes
100	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes	Danika Loomes

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Danika Loomes
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	Yes		Danika Loomes

3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes	Danika Loomes
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes	Danika Loomes
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes	Danika Loomes
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes	Danika Loomes
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	Yes	Danika Loomes
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes	Danika Loomes
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	Danika Loomes
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes	Danika Loomes
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes	Danika Loomes
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A	Danika Loomes
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes	Danika Loomes
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes	Danika Loomes

15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes	Danika Loomes
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes	Danika Loomes
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes	Danika Loomes
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	Yes	Danika Loomes
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes	Danika Loomes
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes	Danika Loomes
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes	Danika Loomes
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	Yes	Danika Loomes
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98(5) within the prescribed range.	Yes	Danika Loomes

Local Government Grants Commission

No	Reference	Question	Response	Comments	Respondent
1	s12(4) Local Government Grants Act 1978	Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission.	Yes		Danika Loomes

Local Laws					
No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	N/A		Danika Loomes
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	N/A		Danika Loomes
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	N/A		Danika Loomes
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	N/A		Danika Loomes
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	N/A		Danika Loomes
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A		Danika Loomes
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A		Danika Loomes
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	N/A		Danika Loomes
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	N/A		Danika Loomes
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	N/A		Danika Loomes
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A		Danika Loomes

12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A	Danika Loomes
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	Yes	Danika Loomes
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A	Danika Loomes
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A	Danika Loomes
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A	Danika Loomes
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	N/A	Danika Loomes
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A	Danika Loomes

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Danika Loomes
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Danika Loomes
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Danika Loomes

4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A	Danika Loomes
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	N/A	Judy Hurst
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A	Judy Hurst
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes	Danika Loomes
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes	Danika Loomes
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	Yes	Judy Hurst
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A	Danika Loomes
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes	Danika Loomes
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes	Danika Loomes
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes	Danika Loomes
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes	Danika Loomes

15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes	Danika Loomes
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A	Danika Loomes
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes	Danika Loomes
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes	Danika Loomes
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes	Danika Loomes
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes	Danika Loomes
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes	Danika Loomes
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	N/A	Judy Hurst
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes	Danika Loomes
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes	Danika Loomes
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes	Danika Loomes
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	N/A	Judy Hurst

27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes	Danika Loomes
28	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes	Danika Loomes
29	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes	Danika Loomes
30	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes	Danika Loomes
31	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes	Danika Loomes
32	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes	Danika Loomes
33	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all token gifts received by Council members and employees.	Yes	Judy Hurst
34	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A	Danika Loomes
35	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes	Danika Loomes
36	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	Yes	Danika Loomes
37	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes	Danika Loomes

38	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes	Danika Loomes
39	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes	Danika Loomes
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes	Danika Loomes
41	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes	Danika Loomes
42	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes	Danika Loomes
43	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes	Danika Loomes
44	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes	Danika Loomes
45	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes	Danika Loomes
46	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes	Danika Loomes
47	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes	Danika Loomes

48	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	N/A	Judy Hurst
49	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	N/A	Judy Hurst
50	Admin Reg 12(3)(4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	N/A	Judy Hurst
51	Admin Reg 12(3)(4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	N/A	Judy Hurst
52	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes	Danika Loomes
53	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes	Danika Loomes
54	Admin Reg 14(1)(2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes	Danika Loomes
55	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	Yes	Danika Loomes
56	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	Yes	Danika Loomes

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	Yes		Danika Loomes
2	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Danika Loomes
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	Yes		Danika Loomes

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes		Danika Loomes
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Danika Loomes
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Danika Loomes
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Danika Loomes
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Danika Loomes
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b)(c).	Yes		Danika Loomes

Swimming Pools

No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		Kim Senior

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Danika Loomes
2	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	Yes		Danika Loomes
3	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes		Danika Loomes
4	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	Yes		Danika Loomes
5	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11(1).	Yes		Danika Loomes
6	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Danika Loomes
7	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Danika Loomes
8	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Danika Loomes

9	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes	Danika Loomes
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes	Danika Loomes
11	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes	Danika Loomes
12	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes	Danika Loomes
13	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes	Danika Loomes
14	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes	Danika Loomes
15	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes	Danika Loomes
16	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes	Danika Loomes
17	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes	Danika Loomes
18	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes	Danika Loomes
19	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes	Danika Loomes
20	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes	Danika Loomes

21	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes	Danika Loomes
22	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes	Danika Loomes
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes	Danika Loomes
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes	Danika Loomes
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes	Danika Loomes
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	Yes	Danika Loomes
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes	Danika Loomes
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes	Danika Loomes
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes	Danika Loomes
30	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes	Danika Loomes
31	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A	Danika Loomes
32	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	Danika Loomes

33	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes	Danika Loomes
34	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes	Danika Loomes
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes	Danika Loomes
36	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes	Danika Loomes
37	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes	Danika Loomes
38	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes	Danika Loomes
39	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes	Danika Loomes
40	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A	Danika Loomes
41	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes	Danika Loomes
42	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	Danika Loomes
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	Danika Loomes

44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A	Danika Loomes
45	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A	Danika Loomes
46	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A	Danika Loomes
47	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A	Danika Loomes

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

 Signed Mayor / President, Irwin

 Signed CEO, Irwin

F.336: ACCOUNTS FOR PAYMENT

LOCATION: -

PROPONENT: -

REPORTING OFFICER: JODIE O'KEEFFE – FINANCE OFFICER

DATE OF REPORT: 24 JANUARY 2008

FILE REFERENCE: MINUTE BOOK

VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

A cheque list is attached showing all payments made since the last Council meeting held on 18 December 2007.

COMMENT:

- **General:** Nil.
- **Financial Implications:** Outlined hereunder.
- **Policy Implications:** Nil.
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That the Accounts for payment, represented by Municipal Cheque Numbers 26857-26891, EFT payment numbers 6743-6905 totalling \$569,935.50, Trust Payment Cheque Numbers 2030-2043 totalling \$16,182.49 be authorised for payment.

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Bass

That the Accounts for payment, represented by Municipal Cheque Numbers 26857-26891, EFT payment numbers 6743-6905 totalling \$569,935.50, Trust Payment Cheque Numbers 2030-2043 totalling \$16,182.49 be authorised for payment.

CARRIED
9/0

VOTING DETAILS:

F.337: FINANCIAL STATEMENTS
LOCATION: -
PROPONENT: -
REPORTING OFFICER: DANIKA LOOMES - ACCOUNTANT/SENIOR ADMINISTRATION OFFICER
DATE OF REPORT: 23 JANUARY 2008
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Attached are the Financial Statements for the period ending 31 December 2007.

COMMENT:

• **General**

The reports included to 31 December 2007 are:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Notes to and Forming Part of the Report:
 - Note 1 – Significant Accounting Policies
 - 2 – Statement of Objective
 - 3 – Acquisition of Assets
 - 4 – Disposals of Assets
 - 5 – Financial Assets
 - 6 – Information on Borrowings
 - 7 – Reserves
 - 8 – Net Current Assets
 - 9 – Rating Information
 - 10 – Trust Funds

Supplementary Information:

- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Financial Statement
- Budget vs Actual Comparison Report
- APU Operating Statement

- **Financial Implications** - Nil.
- **Policy Implications** - Nil.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the Financial Statements for the period ending 31 December 2007 be received.

COUNCIL MOTION:

Moved Cr Wheeler, seconded Cr Hepworth

That the Financial Statements for the period ending 31 December 2007 be received.

CARRIED
9/0

VOTING DETAILS:

TP.405:	PROPOSED SUBDIVISION
LOCATION:	LOT 834, NO. 8 CORAL COURT, PORT DENISON
PROPONENT:	JL & EG MEARES
REPORTING OFFICER:	GLENN COAKER – TOWN PLANNER
DATE OF REPORT:	22 JANUARY 2008
FILE REFERENCE:	TP.3/1 (P115, WAPC REF: 136338)
VOTING REQUIREMENTS:	NORMAL MAJORITY

BACKGROUND:

An application to subdivide Lot 834 (No 8) Coral Court, Port Denison has been forwarded by the Western Australian Planning Commission for consideration by Council.

COMMENT:

- **General**

The property is zoned Residential R12.5 under the current Town Planning Scheme No 4. The zoning remains unchanged under Draft Town Planning Scheme No 5.

The property is currently vacant and is 1743m² in area with 16 metres of frontage to Coral Court.

The application proposes to subdivide the block into two new lots, Lot A being of 873m² and Lot B being of 870m². Lot A is proposed as a battleaxe type lot with an access leg and an area for building at the rear (see attached).

In accordance with the R12.5 zoning, the minimum lot size required is 700m² with an average of 800m². The new lots as proposed are in excess of this with a minimum of 870m² and an average of 871.5m². The R Codes also require a specific minimum lot area for battleaxe lots of 762.5m² which Lot A complies with.

Residential lots as per the R Codes must also comply with a minimum lot frontage, i.e. the width of the front boundary. In the case of R12.5 coding the minimum frontage is 17 metres. Lot A is exempt from this requirement being a battleaxe configuration but the requirement does apply to Lot B. Currently, Lot B is proposed to have a frontage of only 11 metres.

The principle behind the 17 metre frontage in the R12.5 zone is to provide lots wide enough to build a typical dwelling on and allow space and a sense of openness between buildings. It also helps to ensure that driveways and crossovers don't dominate the verge.

In justifying the reduced frontage, the applicant has demonstrated that, due to the shape of Lot B, once the standard 7.5 metre front setback for a dwelling is applied to the lot, the effective frontage becomes 19.25 metres, which is above that required by the R Codes.

Additionally, it is noted that because Lot A is a battleaxe type lot, from a streetscape point of view, any building on proposed Lot A will be set back a considerable distance from the street, thus reducing the impact of housing density on the streetscape.

In regards to crossovers, it is recognised that the subdivision will create an accumulation of crossovers on the road verge at this point, as both neighbouring properties have existing crossovers adjoining the boundaries of Lot 834. However, as the property has already been

identified as a duplex lot by the Shire, which would result in two extra crossovers anyway, and that this is a common shortfall of cul-de-sac heads, it is not considered a major constraint.

The application complies with all other requirements of the Town Planning Scheme and the R Codes and, as such, it is recommended the application be supported.

- **Financial Implications** - One extra rateable property.
- **Policy Implications** - Nil.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the Shire of Irwin advises the Western Australian Planning Commission that the application to subdivide Lot 834, No. 8 Coral Court, Port Denison is supported.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Hepworth

That the Shire of Irwin advises the Western Australian Planning Commission that the application to subdivide Lot 834, No. 8 Coral Court, Port Denison is supported.

CARRIED
9/0

VOTING DETAILS:

Cr Kevin Hepworth declared a proximity interest in the following item and departed the Chambers at 5.00pm.

TP.406: PROPOSED OUTBUILDING
LOCATION: LOT 307 (No 4) WHELAN STREET, PORT DENISON
PROPONENT: M OBST
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 22 JANUARY 2008
FILE REFERENCE: BA.2 (P114)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

An application has been received to construct an outbuilding on the above property. The proposed outbuilding is larger than normally permitted by the Town Planning Scheme, hence the proponent has requested Council consideration.

COMMENT:

- **General**
Lot 307 (No 4) Whelan Street is zoned Residential R12.5 under the current Town Planning Scheme No 4. The zoning will be amended to Residential R30 under Draft Town Planning Scheme No 5.

The property is 810m² in area and currently contains a single dwelling.

The application proposes to construct an outbuilding at the rear of the property that would be a total of 153m² in area with dimensions of 18 metres by 8.5 metres and totally enclosed. Internally, the outbuilding would be split into three sections, the two end sections accessed by panel lift doors and the middle section accessed by sliding glass doors.

Wall height is proposed to be 3.0 metres with a total roof height of 3.9 metres. The proposed construction material is Colorbond steel, with the roof and walls being a “smooth cream” colour and the trim in “deep ocean” (see attached).

The applicant has advised that the outbuilding is required for general storage purposes.

The proposal complies with the requirements of Town Planning Scheme No 4 and the Residential Design Codes (R Codes), with exception to the size of the outbuilding.

In this regard, the relevant clause under Town Planning Scheme No 4 states as follows:

Clause 5.1.9 – outbuildings permitted that comply with the following:

- “(a) In any Residential zone of the Shire (except Residential R2.5 Low Density):
- (i) Non-masonry construction, where the total non-masonry outbuilding area does not exceed 55m² and the total outbuilding area does not exceed 75m²; and
 - (ii) Masonry construction, where the total outbuilding area has walls constructed of the same materials and appearance of the house and does not exceed 75m² and no parapet wall is greater in length than 8m;
 - (iii) Wall height of any outbuilding not to exceed 3m; this height limitation also applies to parapet walls; in the case of gable roof construction, the maximum building height is not to exceed 4m;

- (iv) Prior to considering a parapet wall for construction on any boundary, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
- (v) No planning consent will be granted, for any outbuildings, on any residential zoned lot which does not contain a residence;
- (vi) The applicant providing the Shire with his written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme;
- (vii) Any development application which does not comply with the above shall be referred to Council for consideration”.

The provisions in Draft Town Planning Scheme No. 5 further clarify point (i) above by restricting zincalume outbuildings to 55m², while allowing Colorbond outbuildings to 75m².

Therefore, the standard maximum size for a Colorbond outbuilding in the Residential zone is 75m².

The application, as proposed, exceeds this by a further 78m² and, as per part (vii) above, is referred to Council for consideration.

In support of the application, the proponent has approached the five neighbours surrounding Lot 307 and obtained letters of no objection. However, it is noted that the size of the outbuilding, as stated on the letters of no objection, is 18m by 7m, which amounts to a 126m² outbuilding, not 153m² as per the application.

There are a number of factors which Council should give consideration to in determining this application.

Firstly, the statutory provisions for outbuildings in the Residential zone. At 153m², the outbuilding would be more than double the maximum allowed under the general provisions of the Town Planning Scheme. An outbuilding of this size would normally be associated with, and be more appropriately located, in an Industrial zone or as part of a farming operation.

Secondly, the objectives of the Residential zone in both TPS No 4 and Draft TPS No 5 make reference to the need to ensure the zone is primarily used for residential purposes and to protect the amenity and character of the area.

TPS No 5 specifically states under Clause 4.2.1 b) the following objective:

“To ensure that any non-residential use permitted under the provisions of the Scheme, shall be of service to, compatible in character with and of a scale and operation which is not detrimental to the predominant residential use”.

An outbuilding of 153m² in area would be larger than the existing dwelling onsite and has the potential to become the dominant use on the property. This conflicts with the above objective and would not be considered “. . . compatible with and of a scale and operation which is not detrimental to the predominant residential use.”

Thirdly, the size of the outbuilding is inappropriate for the size of the property. Lot 307 is 810m² in area which is typical of the Residential R12.5 zone but is by no means a large residential lot. As a result, the outbuilding would be set back the minimum 1 metre from three side boundaries (as per TPS No 5) and would be difficult to screen from view in an area where ocean views are possible.

Fourthly, under proposed TPS No 5, the area in which this property is located will be rezoned to Residential R30. This zoning allows the average lot size to be reduced to 300m². As

properties take advantage of this rezoning and redevelop, an outbuilding of this size and nature would be even more inappropriate.

Lastly, there is the possibility that, if approved, it may set a precedent for future applications for outbuildings which are far in excess of the maximum set by the Town Planning Scheme. Although precedent is not normally recognised in planning principle, as each application should be considered on its own individual merits, it may perhaps encourage more applications for outbuildings of a size not compatible with the Residential zone.

For the reasons outlined above, it is recommended that the application be refused.

In considering an appropriate size for an outbuilding, the provisions of the Residential Design Codes (R Codes) may be a useful reference point. The R Codes include provisions for outbuildings where they are not already covered under a local Town Planning Scheme. They state that the maximum outbuilding size is 10% of the lot area or 60m², whichever is lesser.

10% of the lot area, however, may be a suitable guide when considering variations to the maximum size. In this instance, the application represents 18.8% of the lot area; if this was reduced to 10%, the outbuilding area would be 81m², which is only 6m² more than what the Scheme allows. This may be a more appropriate size outbuilding for the property.

- **Financial Implications** - Nil.
- **Policy Implications** - Proposed outbuilding 78m² in excess of standard maximum set by both Town Planning Scheme No 4 and Draft Town Planning Scheme No 5.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the application for an outbuilding on Lot 307 (No 4) Whelan Street, Port Denison be refused for the following reasons:

1. The size of the outbuilding exceeds the maximum under Clause 5.1.9 of Town Planning Scheme No 4 by an unacceptable amount.
2. The outbuilding would conflict with the objectives of the Residential zone under Town Planning Scheme No 4 and Draft Town Planning Scheme No 5.
3. The size of the outbuilding is incompatible with the lot area and existing residential development.
4. The outbuilding would be of a size that is inappropriate for the Residential R30 zone as proposed under Draft Town Planning Scheme No 5.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Bass

That the proponent negotiates with Council's Town Planner to look at further options which would meet the Town Planning Scheme and Building requirements.

CARRIED
8/0

VOTING DETAILS:

Cr Kevin Hepworth returned to the Chambers at 5.12pm.

Cr Stuart Chandler declared a financial interest in the following item as the proponent shares a business interest. Cr Chandler departed the Chambers at 5.12pm.

TP.407: PROPOSED EXTRACTIVE INDUSTRY
LOCATION: LOT 2328 SPRINGFIELD DRIVE, SPRINGFIELD
PROPONENT: P SCHULZE
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 23 JANUARY 2008
FILE REFERENCE: TP.3/5
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

At Council's meeting held on 27 November 2007, an application was considered for an extractive industry license on Lot 2328, Springfield Drive.

Council resolved the following:

- “1. That Council consents to advertising the proposed quarry on Lot 2328, off Springfield Road, with adjoining owners and occupiers being invited to comment, placement of an advertisement in the Local Rag, and the proposal be displayed in a prominent position on Lot 2328 for a period of 21 days.
2. That Council agrees to allowing trucks to use Golf Course Road as a route from the quarry to town and that a letter be provided to the Dongara Golf Club advising of this impending use.
3. That the contractor be responsible for maintaining the road and that the gate remains in a locked state”.

Advertising has since been completed and the application is now presented to Council for formal consideration.

COMMENT:

- **General**
Lot 2328 is zoned Special Rural under the current Shire of Irwin Town Planning Scheme No 4. The zone will change to Rural Residential under proposed Town Planning Scheme No 5.

Under the current TPS No 4, an Extractive Industry is not a listed use, hence the requirement for the application to be advertised and to come back to Council for formal consideration, as per Clause 3.2.4 of the Scheme.

The applicant has submitted formal documentation as required by the Shire's Extractive Industry Local Law. The main elements of the application are as such:

- The extraction pertains solely to the removal of a mobile sand dune which has encroached onto the property. This sand dune is being mined by Cockburn Cement on the opposite side of the boundary.

- Duration of the programme is expected to take 2-3 years. There is the possibility that the applicant may apply for a second stage to mine a vegetated ridge running across the lot, depending on demand.
- The operation would involve mining the sand with a front end loader and transporting it off the site using trucks.
- The sand is intended to be used for house pads and as clean fill for subdivision works.
- No processing of the sand will be carried out onsite.
- The haulage route is proposed to follow the reserve boundary adjoining Mr Bill Arkell's property, past the Golf Course and onto Golf Course Road which provides access to Point Leander Drive.
- Truck movements are estimated to vary depending on demand. Some days, no trucks would be in operation; conversely, in peak periods, trucks may be as frequent as six loads per hour.
- No trucks would operate between 6pm and 7am Monday to Saturday, with no works on Sundays or Public Holidays.
- Truck sizes would range from single axle up to single semi tippers.
- A rehabilitation programme is proposed, including erecting a new boundary fence, planting of 400 Tuart trees around the boundary to be watered by truck in the first year and to return the top soil currently buried under the dune to grazing for stock.

Advertising of the application finished on 4 January 2008; a total of two submissions were received.

The first submission is a joint submission from the owners of Lots 30 and 31 Golf Course Road, Port Denison objecting to the proposal. The reasons for the objection are listed below:

- The intersection between Golf Course Rd, Point Leander Dr, Blenheim Rd and Pearse Rd is already a dangerous intersection without the added pressure of road trains using this intersection.
- Golf Course Rd is inadequate to carry heavy haulage vehicles.
- Bluewater Gardens residents will be appalled to discover when they inhabit their new homes, that within 15 metres from their front door, heavy duty haulage trucks will be passing every half hour or so from 7am to 6pm.
- Excess noise pollution.
- Excess dust pollution.
- Devaluation of surrounding properties.
- Dangerous for the ambulance staff, recreational users (golfers), rubbish tip users and residents who use this road as their main accessway.

The submission goes on to say that the trucks carrying material to the tip from the demolition of the Recreation Centre already make the road dangerous.

The second submission was lodged by the owner of Lot 30 St Dominics Road, Springfield, on the corner of St Dominics and Blenheim Road, also objecting to the proposal. The objection is largely based on similar principles to that above, however, as the haulage route is not intended to actually pass this property or use Springfield Drive/Blenheim Road, the objection is not relevant.

In considering this application, there are two main issues, the primary issue being the proposed haulage route.

The proposed route will bring trucks past the Golf Course and along Golf Course Road to intersect with Point Leander Drive. This benefits Springfield residents, in that it bypasses Springfield Drive and Blenheim Road and still brings trucks to a central point between Port Denison and Dongara. However, this route does raise its own issues

As outlined in the first submission, there will be an increase in the number and size of trucks using Golf Course Road between Point Leander Drive and Money Street. This portion of road is being developed primarily for residential purposes. The north side of the road has a number of dwellings already under construction and it is possible the south side may also be developed to a similar residential density.

Additionally, the Shire has endorsed a new access into the Medical Centre that utilises Money Street and intersects with Golf Course Road. With the increase in traffic this will bring and the likelihood of further residential development fronting Golf Course Road, there is the potential for conflict with the road being used as a haulage route.

In this regard, though, it is noted that the road is already dedicated for use by trucks as it is the only access in and out of the Transfer Station. Golf Course Road is already, and will continue to be, a relatively busy road used by trucks.

It is also worth noting that the frequency of the trucks is dependent on the demand for sand. It is likely that the majority of the time trucks will only be required to deliver sand for house pads which would not put an undue load on the road.

The peak period for trucks using the road will be if sand is needed for subdivision fill which the applicant has advised could result in trucks as frequent as 1 every 10 minutes. However, demand for this would generally be limited to 2-3 weeks per project in the winter months and is not one that is carried out year-round.

The route also poses a potential problem with vehicles accessing the golf course. The route requires the trucks to utilise the access road into the golf course and there is concern that this may be dangerous to patrons of the golf course.

In addressing the situation, the applicant has advised that, in consultation with the Shire Works Supervisor, the access road into the golf course will be upgraded, at the applicant's cost, to accommodate two-way traffic. Additionally, a self-imposed 30km/hr speed limit will be placed on this section of road.

Part of the proposed route at the southern end also traverses part of the mining lease currently held by Cockburn Cement for their sand mining operation. If approved, the applicant will be required to consult with Cockburn Cement to permit trucks to traverse this lease.

The second issue relates to the permissibility of an Extractive Industry in this zone. Under proposed Town Planning Scheme No 5, an Extractive Industry is listed as an 'X' use in the Rural Residential zone, meaning that it cannot be approved. Therefore, if this application was being considered under proposed Town Planning Scheme No 5 only, then Council could not give consideration to the application, as it would not be a permitted use.

The principle behind this being that land in this zone should primarily be used for residential purposes with the added amenity of extra space and a rural environment. An extractive industry has the potential to detrimentally impact on this, particularly with a minimum lot size of 2ha and, as such, would not be considered a compatible use within the zone.

This application may be considered unique, however, in that the proposal is to excavate a mobile dune encroaching onto the property. The removal of the sand will actually benefit the zone as it will protect private property from drifting sand and will ultimately provide new land for subdivision.

With this in mind (and that the adjoining property already contains a full scale excavation operation by Cockburn Cement), it is appropriate to consider the application under the provisions of Town Planning Scheme No 4.

The application has been assessed in accordance with all other provisions of the Shire of Irwin Extractive Industries Local Law and the Town Planning Scheme. The application complies in respect to these statutory requirements.

In response to the concerns raised by the residents on Golf Course Road and the potential for conflict with users of the golf course, Council may wish to consider issuing an initial temporary approval. The approval could be for a minimum of one or two years, after which time, Council would consider renewing the application in light of how the operation has performed.

This approach has been adopted for previous Extractive Industry approvals in the Shire and gives Council and the public an opportunity to review the application after it has been in operation.

The application is recommended for approval subject to conditions.

- **Financial Implications** - Nil.
- **Policy Implications** - Approval under Shire of Irwin Extractive Industries Local Law 2000.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the application for an Extractive Industry on Lot 2328 Springfield Drive, Springfield be approved subject to the following conditions:

1. The applicant obtaining approval from Cockburn Cement to access their mining lease as part of the proposed haulage route.
2. The excavation operation being limited to that area detailed in Stage 1 of the submission to Council for Planning Approval consideration.
3. The upgrading of the access to the golf course, at the applicant's cost, in consultation with the Shire Works Supervisor.
4. Hours of operation to be limited to 7:00am to 6:00pm Monday to Saturday with no works being conducted on Sundays or Public Holidays.
5. All vehicles carting sand from Lot 2328 to be covered or sprayed down with water to prevent wind-blown nuisance.
6. On completion of works, the land to be rehabilitated in the manner detailed in the submission to Council for Planning Approval consideration.

7. The applicant obtaining any other necessary approvals from other government agencies required under separate legislation prior to commencement.

ADVICE TO APPLICANT:

1. An annual renewal fee of \$55 applies to Extractive Industry licenses.
2. An Extractive Industry License cannot be transferred without further approval from the Local Government.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Dean-Gundill

That the application for an Extractive Industry on Lot 2328 Springfield Drive, Springfield be approved subject to the following conditions:

1. *The applicant obtaining approval from Cockburn Cement to access their mining lease as part of the proposed haulage route.*
2. *The excavation operation being limited to that area detailed in Stage 1 of the submission to Council for Planning Approval consideration.*
3. *The upgrading of the access to the golf course, at the applicant's cost, in consultation with the Shire Works Supervisor.*
4. *Hours of operation to be limited to 7:00am to 6:00pm Monday to Saturday with no works being conducted on Sundays or Public Holidays.*
5. *All vehicles carting sand from Lot 2328 to be covered or sprayed down with water to prevent wind-blown nuisance.*
6. *On completion of works, the land to be rehabilitated in the manner detailed in the submission to Council for Planning Approval consideration.*
7. *The applicant obtaining any other necessary approvals from other government agencies required under separate legislation prior to commencement.*
8. *This approval being valid for a period of two (2) years from the date of this determination. Council will consider renewal of the approval after the initial two year period based on the performance of the operation.*
9. *No agricultural limesands being transported via the Dongara and Port Denison townsites.*

ADVICE TO APPLICANT:

1. *An annual renewal fee of \$55 applies to Extractive Industry licenses.*
2. *An Extractive Industry License cannot be transferred without further approval from the Local Government.*

CARRIED
7/1

VOTING DETAILS:

Cr Stuart Chandler returned to the Chambers at 5.39pm.

Cr George Bass departed the Chambers at 5.39pm and returned at 5.40pm.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

14. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

14.1 Departure of CEO: The Shire President, Cr Robyn Parsons, announced that Mr John Merrick has been successful in his appointment as CEO with the Shire of Chittering and his resignation from the Shire of Irwin will be effective from 7 March 2008.

14.2 Sand Drift: Kailis Drive: Cr George Bass asked if anything has been arranged with regard to the sand drift on Kailis Drive. Council's CEO advised that Council will construct a gravel access at the site and Cockburn Cement will remove the sand to their plant as required. Council staff will assist with traffic management.

15. MATTERS BEHIND CLOSED DOORS

Nil.

16. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.53pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
29 January 2008

Signed:
Presiding Elected Member

Date:.....