

I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 October 2008

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 28 OCTOBER 2008
COMMENCING AT 4.00PM**

THERE ARE NO ATTACHMENTS TO THIS COPY OF THE COUNCIL MINUTES. TO VIEW THE ATTACHMENTS, PLEASE CONTACT THE SHIRE OFFICE ON 9927 0000 OR EMAIL cdadmin@irwin.wa.gov.au

PRESENT:	President	Cr R K Parsons (Chairperson)
	Councillors	Cr G C Bass Cr S C Chandler Cr G L Dean-Gundill Cr R J Gillam Cr K J Hepworth (from 4.05pm) Cr R T McClurg Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – 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
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr R J Gillam had previously received approval for leave of absence, however was able to attend on the day.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 OCTOBER 2008

A copy of the Minutes of the Ordinary Council Meeting held on 14 October 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Roberts, seconded Cr Gillam.

That the Minutes of the Ordinary Council Meeting, held on 14 October 2008, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

**CARRIED
8/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 AWE Board – Dinner

The CEO and Shire President attended a dinner at the Priory with the AWE Board on Thursday 9th October 2008.

8.2 Midwest Development Commission – Dinner

The CEO and Shire President attended a dinner in Mingenew with the Midwest Development Commission and other Local Governments on Thursday 23rd October 2008.

8.3 Geraldton Midwest Vocational Education & Training School Awards

Attended a breakfast in Geraldton for the Geraldton Midwest Vocational Education & Training School Awards. The Shire of Irwin was one of 18 finalists, which was won by Robinsons Welding.

Lyndal Obst won the Top Education Support Student Year 11. The Shire of Irwin was awarded the Local Community Partnerships Certificate of Appreciation.

8.4 Shire Christmas Party

The Shire President advised Council that the Shire Christmas party will be held at the Denison Bowling Club on 13th December 2008.

8.5 Meeting with Grant Woodhams

Met with Grant Woodhams on Friday 17th October 2008, and discussed the following issues:

- Recreation Centre
- Dongara District High School
- Royalties for Regions

8.6 Meeting with Dr Kent Morrison

Attended a meeting with Dr Kent Morrison to discuss health services issues. Dr Morrison advised that he would be meeting with Nick Francis from Rural Health, with regards to concerns raised regarding another Doctor in the Dongara area.

4.05pm *Cr Kevin Hepworth entered the meeting.*

9. REPORTS

CEO.383

Subject: Deputy Shire President
Reporting Officer: Chief Executive Officer
File Reference: AC.3
Date Prepared: 20 October 2008
Voting Requirements: Simple Majority

Issue:

To elect a Deputy Shire President.

Body / Background:

Cr Rob Gillam has resigned as Deputy Shire President, effective 14 October 2008.

Officer's Comment:

Council needs to elect a new Deputy President in accordance with the requirements of the local government act (see statutory environment).

Financial Implications:

Nil

Statutory Environment:

Clause 8 of Schedule 2.3 of the local government act prescribes the election process as follows:

8. *How the deputy mayor or deputy president is elected*
- (1) The council is to elect a councillor to fill the office.
 - (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
 - (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
 - (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
 - (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
 - (6) The votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
 - (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

Policy Implications:

Nil

Officer's Recommendation:

That the Shire President conducts an election for Deputy Shire President at this point.

The Chief Executive Officer advised that only one nomination had been received, being Cr Stuart Chandler.

There being only one nomination the Shire President declared Cr Stuart Chandler elected to the office of Deputy Shire President.

Cr Chandler made the declaration in the prescribed form before the Shire President, Cr Robyn Parsons JP and Councillors.

CEO.384

Subject: General Purpose Grants Methodology Review
Reporting Officer: Chief Executive Officer
File Reference: DG.4
Date Prepared: 9 October 2008
Voting Requirements: Simple Majority

Issue:

To consider a response to the discussion paper and questionnaire on the General Purpose Grants Methodology Review being conducted by the WA Local Government Grants Commission.

Body / Background:

Please find attached completed questionnaire on the General Purpose Grants Methodology Review being conducted by the WA Local Government Grants Commission for Council consideration.

Officers Comment:

The questionnaire has been completed for Council's consideration, to provide feedback on the issues most relevant to the Shire of Irwin in regards our general purpose grant.

Council is aware that notwithstanding our population and tourism growth our general purpose grant has been in decline since 2004/05. The review presents a good opportunity to raise the issues of concern with the Grants Commission.

Financial Implications:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Officer's Recommendation:

That Council endorse the questionnaire on the General Purpose Grants Methodology Review being conducted by the WA Local Government Grants Commission, as presented, as Council's response.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Dean-Gundill

That Council endorse the questionnaire on the General Purpose Grants Methodology Review being conducted by the WA Local Government Grants Commission, as presented, as Council's response.

VOTING DETAILS:

CARRIED
9/0

CEO.385

Subject: Policy Manual Review
Reporting Officer: Chief Executive Officer
File Reference: AA.2
Date Prepared: 20 October 2008
Voting Requirements: Simple Majority

Issue:

To consider amendments to Council's Policy Manual.

Body / Background:

Council reviewed the current Policy Manual at the Council Forum held on Tuesday 9 September 2008.

Recommended amendments to the Policy Manual are now presented to Council for consideration.

Officers Comment:

The following amendments are recommended to the Shire of Irwin's Policy Manual:

Policy A2	Hire of Equipment	Delete
Policy A5	Localised purchasing	Under Review
Policy A6	Asst to Community Groups	Delete
Policy A7	Recycled Purchasing	Delete
Policy A8	Staff Annual Leave	Delete
Policy A9	Community Service Orders	Delete
Policy A10	Air Travel	Delete
Policy A11	Staff Performance Appraisals	Delete
Policy A13	Office staff dress code	Under Review
Policy A15	Teleco National Code	Delete
Policy A17	Higher duties	Delete
Policy A18	Dividing Fences	Delete
Policy A20	Code of Conduct	Delete (not a Policy)
Policy A21	Community Bus	Under Review
Policy A22	Assist National Sport	Increase amount to \$200 (from \$150)
Policy F2	Entertainment Allowance	Increase amount to \$2000 (from \$1000)
Policy F3	Motor vehicle replacement	Delete
Policy F4	Gratuity Payments	Delete and replace with new Policy
Policy F6	Councillor meeting fees	Delete
Policy B4	Legal Access to properties	Delete
Policy B5	Isolated Outbuildings	Under Review
Policy B9	Council Signs	Delete
Policy B11	Secondhand Dwellings	Change time frame (clause 1c from 21 days to 30 days)
Policy B13	Illegal Building Works	After "that person" on line 2 of paragraph 2 add in "submits an application in accordance with Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960 and Regulation 11A of the Building Regulations 1989 and"
Policy B14	Street Numbering	Delete
Policy B19	Car parking single dwelling	Delete
Policy B21	Fencing	After "masonry" under 1 add in "new colourbond"
Policy B23	Temporary Accommodation	Under Review
Policy H5	Occ Health & Safety	Delete and replace with new Policy

Policy TP1	Home Occupations	Review & adopt as Local Planning Policy
Policy TP3	Bushfire contributions	Review & adopt as Local Planning Policy
Policy TP4	Road works contribution	Under Review
Policy TP5	Clearance of Conditions	Under Review
Policy TP6	Performance Bonds	Under Review
Policy TP7	Grouped Dwellings	Under Review
Policy E1	Land development	Under Review

It is also recommended that Council adopt the following new Policies:

- Study Expenses
- Salary Sacrifice
- Private Works Local Clubs

The Policies that are “Under review” will be marked as such until the relevant Officer has the opportunity to present these Policies to Council for amendment.

Financial Implications:

Some minor changes to Policy amounts included in recommendations.

Statutory Environment:

Council is responsible for the adoption of Policy.

Policy Implications:

Changes a number of Council Policies as per recommendation.

Officer’s Recommendation:

That Council:

- 1) Agree to the following amendments to Council Policy:

Policy A2	Hire of Equipment	Delete
Policy A6	Asst to Community Groups	Delete
Policy A7	Recycled Purchasing	Delete
Policy A8	Staff Annual Leave	Delete
Policy A9	Community Service Orders	Delete
Policy A10	Air Travel	Delete
Policy A11	Staff Performance Appraisals	Delete
Policy A15	Teleco National Code	Delete
Policy A17	Higher duties	Delete
Policy A18	Dividing Fences	Delete
Policy A20	Code of Conduct	Delete (not a Policy)
Policy A22	Assist National Sport	Increase amount to \$200 (from \$150)
Policy F2	Entertainment Allowance	Increase amount to \$2000 (from \$1000)
Policy F3	Motor vehicle replacement	Delete
Policy F4	Gratuity Payments	Delete and replace with new Policy as presented.
Policy F6	Councillor meeting fees	Delete
Policy B4	Legal Access to properties	Delete
Policy B9	Council Signs	Delete
Policy B11	Secondhand Dwellings	Change time frame (clause 1c from 21 days to 30 days)

Policy B13	Illegal Building Works	After “that person” on line 2 of paragraph 2 add in “submits an application in accordance with Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960 and Regulation 11A of the Building Regulations 1989 and”
Policy B14	Street Numbering	Delete
Policy B19	Car parking single dwelling	Delete
Policy B21	Fencing	After “masonry” under 1 add in “new colourbond”
Policy H5	Occ Health & Safety	Delete and replace with new Policy as presented.

DRAFT POLICY – GRATUITY PAYMENTS

Policy Number: F4

Policy Subject: **Retirement/Resignation of Employees – Council Gift/Functions**

Policy Statement: For the purpose of section 5.50 of the Local Government Act (Payments to employees in addition to contract or award) under no circumstances will Council pay to an employee whose employment with the Shire is finishing, an amount in addition to any amount to which the employee is otherwise entitled.

Council provides for the retirement of employees through the contribution of 9% superannuation plus an additional contribution of up to 5% to match additional contributions for those employees who voluntarily contribute up to 5%.

Council is supportive of recognising the service of employees whose employment with the Shire is finishing by providing a suitable gift and/or function in accordance with this policy.

Upon resignation/retirement of an employee who has provided satisfactory service to Council for 5 (five) years or more, the Chief Executive Officer, in consultation with the Shire President, may authorise a suitable gift to be presented to that employee. The following is a guide to the value of the gift:

5 years	\$200
10 years	\$400
15 years	\$600
20 years	\$800

Objectives: To show appreciation to employees who have made long term or otherwise contributions to Council and to promote good Council/Staff relations.

Guidelines: At the discretion of the Chief Executive Officer, a gift may be provided to employees leaving Council prior to 5 years of service. The value of the gift to be approximately \$30 for every year of service.

An appropriate farewell/presentation to be organised for Executive Officer’s leaving Council, at the discretion of the Shire President and Chief Executive Officer.

DRAFT POLICY - OCCUPATIONAL SAFETY & HEALTH

The Shire of Irwin is committed to providing a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors. To achieve this, the council has allocated responsibilities and accountabilities to all levels of persons within the council to ensure the maintenance of the occupational safety & health program is optimal.

Continuous improvement incentives have been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Irwin safety objectives and targets.

The objectives of this policy are to achieve:

- An annual reduction of workplace injury and disease.
- The provision and maintenance of a safe workplace, plant and systems of work.
- The identification, elimination and control of workplace hazards.
- The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
- A safety culture where best practice initiatives are entrenched in daily business activities.
- Compliance with the relevant Occupational Safety and Health legislation, Standards and Codes of Practice.

The Shire of Irwin encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the council's employees and property.

Safety is considered a shared responsibility and the council will strive to ensure the compliance and integrity of this policy is maintained.

- 2) Note that the following Council Policies are under review and will be submitted to Council when reviewed by the appropriate Staff member:

Policy A5	Localised purchasing	Under Review
Policy A13	Office staff dress code	Under Review
Policy A21	Community Bus	Under Review
Policy B5	Isolated Outbuildings	Under Review
Policy B23	Temporary Accommodation	Under Review
Policy TP1	Home Occupations	Review & adopt as Local Planning Policy
Policy TP3	Bushfire contributions	Review & adopt as Local Planning Policy
Policy TP4	Road works contribution	Under Review
Policy TP5	Clearance of Conditions	Under Review
Policy TP6	Performance Bonds	Under Review
Policy TP7	Grouped Dwellings	Under Review
Policy E1	Land development	Under Review

- 3) Agree to adopt the following new Policies (Staff Study Expenses, Staff Salary Sacrifice and Works for Clubs) as Council Policy:

DRAFT POLICY – STAFF STUDY EXPENSES

- Policy Number: New
- Policy Subject: **Study Expenses**
- Policy Statement: The Chief Executive Officer may approve the reimbursement of the costs of enrolment / registration expenses in respect to staff undertaking further studies.

The following eligibility criteria applies:

- i) Must be a permanent employee of the Shire who has worked a minimum of 12 months.
- ii) The course of study must be directly related to the employee's normal duties.
- iii) The unit of study must be successfully completed by the employee to be eligible for Shire assistance.
- iv) Study to be generally undertaken in employees own time. The CEO may approve time off work to attend a course or for study leave.
- v) Maximum reimbursement to be \$1,000 per annum per employee if not specifically included in the annual budget. If an employee requests more than this amount it is to be negotiated as part of the salary package and included in the annual budget.

- Objectives: To encourage higher education attainment by employees, relative to their duties, in order to achieve greater efficiency in Council operations and enhance promotional opportunities of the employees.

DRAFT POLICY – STAFF SALARY SACRIFICES

- Policy Number: New
- Policy Subject: **Salary Sacrifices for Shire Employees**
- Policy Statement: A policy which provides for all employees to reduce their salary and obtain certain benefits, which are not subject to Fringe Benefits Tax.

- Objective: To allow employees to package their remuneration more effectively to their needs and wants. Offering salary packaging will make the Shire of Irwin more attractive to present and prospective employees.

- Guidelines:
1. The following items will be available for salary sacrifice packaging by staff:
 - (i) Superannuation
 - (ii). Laptop computers – one computer per employee per year
 - (iii). Mobile phones (provided they are primarily used for business)
 - (iv). Leisure Centre memberships (under \$500)
 - (v). Briefcases
 - (vi). Electronic Diaries/Calculators

2. Items that require the Shire to incur expenditure to purchase are subject to the following:
 - (i) Minimum period of employment of 12 months
 - (ii) Maximum time to repay is 12 months
 - (iii) Must be covered by annual/long service leave accrued at time of agreement

DRAFT POLICY – WORKS FOR CLUBS

Policy Number: New

Policy Subject: **Private Works - Local Clubs/Organisations**

Policy: That Council's policy relating to works of a private nature for clubs and organisations within the Shire of Irwin be as follows:

1. Where Council is requested to undertake or provide services relating to outside works on behalf of community groups or organisations on Crown, Club or Council property then the following will apply.

Works performed during normal hours of Council operations which are of a routine maintenance and adhoc in nature and do not lead rise to further requests on a regular basis be provided free of charge if approved by the Chief Executive Officer (ie. one off load of sand to a community group)

- i. Works performed either during normal hours of Council operation or outside these hours which are of a routine maintenance and are carried out on a regular basis for the benefit of that group or organisation shall be charged at cost recovery rates if approved by the Chief Executive Officer (ie. regular mowing of a leased reserve or grounds)
 - ii. Works requests which are significant in nature and beyond routine maintenance and result in a capital improvement of that group or organisation's grounds/facilities shall be placed before Council with a decision relating to the charge or otherwise being on the merits of the application.
2. Works performed on land outside of Crown, club or Council owned property to be charged at normal private works rates for community groups or organisations.

Objectives: To provide a fair and equitable arrangement for the provision of Council services to local sporting and charitable organisations.

Guidelines: A record shall be kept of all private works of this nature so that the value of services to groups/clubs can be identified.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Dean-Gundill

That Council:

1) Agree to the following amendments to Council Policy:

Policy A2	Hire of Equipment	Delete
Policy A6	Asst to Community Groups	Delete
Policy A7	Recycled Purchasing	Delete
Policy A8	Staff Annual Leave	Delete
Policy A9	Community Service Orders	Delete
Policy A10	Air Travel	Delete
Policy A11	Staff Performance Appraisals	Delete
Policy A15	Teleco National Code	Delete
Policy A17	Higher duties	Delete
Policy A18	Dividing Fences	Delete
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Policy A22	Assist National Sport	Increase amount to \$200 (from \$150)
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2) *Note that the following Council Policies are under review and will be submitted to Council when reviewed by the appropriate Staff member:*

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<i>Policy A13</i>	<i>Office staff dress code</i>	<i>Under Review</i>
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Policy Statement: *A policy which provides for all employees to reduce their salary and obtain certain benefits, which are not subject to Fringe Benefits Tax.*

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- Guidelines:**
- 1. *The following items will be available for salary sacrifice packaging by staff:*
 - (i) *Superannuation*
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- i. **Works performed either during normal hours of Council operation or outside these hours which are of a routine maintenance and are carried out on a regular basis for the benefit of that group or organisation shall be charged at cost recovery rates if approved by the Chief Executive Officer (ie. regular mowing of a leased reserve or grounds)**
 - ii. **Works requests which are significant in nature and beyond routine maintenance and result in a capital improvement of that group or organisation's grounds/facilities shall be placed before Council with a decision relating to the charge or otherwise being on the merits of the application.**
3. **Works performed on land outside of Crown, club or Council owned property to be charged at normal private works rates for community groups or organisations.**

Objectives: **To provide a fair and equitable arrangement for the provision of Council services to local sporting and charitable organisations.**

Guidelines: **A record shall be kept of all private works of this nature so that the value of services to groups/clubs can be identified.**

VOTING DETAILS:

**CARRIED
9/0**

CEO.386

Subject: Ward and Representation Review
Reporting Officer: Chief Executive Officer
File Reference: AC.3
Date Prepared: 21 October 2008
Voting Requirements: Simple Majority

Issue:

To consider undertaking a review of wards and representation for the Shire of Irwin.

Body / Background:

In December 2007 correspondence was received from the Local Government Advisory Board (LGAB) advising that *the LGAB resolved that the Shire of Irwin is required to complete a review of ward and representation to address existing imbalances.*

The CEO prepared a report which was presented to Council on 12 February 2008 with the following recommendation:

For consideration

Council considered the CEO's recommendation and adopted an alternate resolution, being:

That the information from the Local Government Advisory Board be received.

Further correspondence has been received by the LGAB advising:

In December 2007, the LGAB advised the Shire of Irwin that it is required to complete a review of its wards and representation under schedule 2.2 of the local government act. To date the LGAB has not received any advice from you in relation to the review.

To ensure that any changes are implemented in time for the 2009 local government elections, the review should be submitted to the LGAB by 31 December 2008.

There is no record of the Shire responding to the LGAB's correspondence of December 2007.

Officer's Comment:

The ward system has been an issue with the Irwin Shire for a number of years as highlighted below:

July 2001	Council resolves "that an internal review of its ward system should be undertaken".
February 2002	Council resolves "to advertise option 2 including all Northshore development to be included in the Town ward".
June 2002	Council resolves "that Council defers a review of its Ward system until after completion of the Budget meeting on 25 June 2002".
December 2002	Council resolves "that Council seek public comment on the ward boundary representation as presented to Council (including all options)".

- November 2003 Council resolves “that Council reaffirm its decision from December 2002 that its preferred option for ward boundaries and representation, to be forwarded to the LGAB contains the following provisions:
- That Denison ward remains unchanged with four representatives.
 - That the Northshore Estate be removed from the North Ward and allocated to the Town Ward and representation be increased to three.
 - That the Racecourse Estate be removed from the Town Ward and allocated to the Rural Ward with the southern boundary being Pickering Drive.
 - That the North Ward and South-East Ward be amalgamated and representation be reduced from four to two.
 - That the 2005 Local government elections be advertised to reflect the above”.
- February 2004 Council resolves “that Council resolves to:
- Reduce total representation from 10 to 9
 - Amalgamate the North and South-East Wards to a Rural ward
 - Declare that the Rural ward have two representatives
 - Increase the Town ward representation from 2 to 3
 - Remove the Northshore Estate from the Rural Ward and place in the Town Ward
 - Remove the Racecourse Estate from the Town Ward and place in the Rural Ward
 - Request that no vacancy occur in the Rural Ward until 2007”
- May 2004 Received correspondence from the Department advising that the Minister has accepted the recommendations of the LGAB in relation to changes to wards.
- August 2005 Correspondence received from the LGAB advising that:
- The LGAB recommended the changes to the Minister on the basis that they would result in a more balanced representation across the Shire. The LGAB is concerned that the May 2005 elector information provided by the Shire reveals that 2 wards are now significantly outside the plus or minus 10% tolerance.*
- As a consequence the LGAB resolved:*
- *To ask the Shire for an explanation regarding the discrepancy between the Councillor to elector ratios predicted at the time of the last review and the figures reflected at the May 2005 elections, and*
 - *To request the Shires comments on how and when it plans to address the imbalance in representation.*
- The Shire responded that the differences were due to new developments and that in time the ratios will come closer.
- Given the complexities of keeping a balanced ward system in place in a growing local government it is recommended that Council consider removing the ward system and having no wards. The Shire expended substantial effort through 2002, 2003 and 2004 to devise a fair ward system yet it was deemed not appropriate at both the 2005 and 2007 elections.

If Council is to keep the ward system then we need to accept the requirement to undertake regular reviews and to implement regular changes.

Council also needs to consider whether nine Councillors are still required or whether this should be reduced.

Financial Implications:

Cost of undertaking a review.

Statutory Environment:

Clause 6 of Schedule 2.2 of the local government act states:

6. *Local government with wards to review periodically*
- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
 - (2) A local government which is not divided into wards may carry out reviews as to —
 - (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
 - (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

Following is information on how to do a review of Wards and Representation

A local government that has a ward system is required to carry out reviews of:

- (a) Its ward boundaries; and
- (b) The number of offices of councillor for each ward; from time to time so that not more than eight years elapse between successive reviews.

The purpose of a review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or a ward;
- Changing the number of offices of councillor on a council; and
- Specifying or changing the number of offices of councillor for a ward.

How to start

The Council must resolve to undertake a review of its ward system.

Before conducting the review, a local government is to give local public notice that a review is to be carried out. The notice must also advise that submissions may be made to the local government by a date at least 42 days from the date of the first notice.

Maps clearly showing the current situation and possible options are essential.

A discussion or information paper can be prepared to outline the various options and explain the five factors against which the options will be assessed. The availability of this discussion paper can be included in the public notice.

What to consider

The local government must consider all submissions it receives and record this in the minutes of its meeting. All options must be assessed against the following factors:

- Community of interest;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in the various wards.

The Board considers that the ratio of councillors to electors is always significant. It is expected that each local government will have similar ratios of electors to councillors across the wards of its district. It may become apparent that of the other four factors some have less relevance to the local situation or a particular option. It may emerge that in some cases, factors are in conflict with each other. It is for the local government to decide which of the other four factors have the most relevance to the assessment of options and why.

The Minister for Local Government (the Minister) has indicated that he will not consider changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for that local government. If local governments consider that they have exceptional circumstances that justify ward councillor/elector ratio deviations greater than plus or minus 10% then they must present the arguments for these circumstances to the Board.

Reaching a decision

It needs to be clear from the consideration of submissions and the assessment of options against the factors why an option has been chosen as the best one for the district.

If the Council proposes to maintain the status quo then reasons for this must be included in the resolution. If the Council decides to make a change, then an absolute majority is required. The resolution of the Council must propose the making of an order under s2.2 (1), s2.3 (3) and/or s2.18 (3) of the Act.

The impact of change

Once a decision is made the local government may consider the impact of implementing any change at the next ordinary election. In some circumstances elected members may be unable to complete their term of office in view of the implementation of changes.

Reporting to the Local Government Advisory Board

Once the local government has completed its review, it must provide a written report about the review to the Local Government Advisory Board. The report must outline the process and outcome of the review and include any recommendations for change. The officer's report to the Council forms the basis of this report.

The Board considers all review reports submitted by local governments and assesses them against the requirements of the Act. If the Board determines that some part of a review does not meet the requirements of the Act, then the local government may be requested to undertake another review (or part of a review) that does meet the requirements.

The Board will consider all recommendations for change submitted as part of the review. The Board makes recommendations to the Minister who has the final decision and may accept or reject the Board's recommendations.

Implementing changes

If the Minister accepts the Board's recommendations, then several other processes follow. Changes to wards and representation are subject to an order to be signed by the Governor and then published in the Government Gazette. The order will include the date of implementation of changes which may be the date of gazettal or the next ordinary election day and any resulting elections arising from the changes. Where there are changes to boundaries, the order will also include a new technical description of the ward boundaries, prepared by the Department of Land Information at the local government's cost. If a boundary change affects electors, then the WA Electoral Commission prepares new rolls for those affected wards.

Policy Implications:

Nil

Officer's Recommendation:

That Council:

1. Undertake a review of its ward and representational system.
2. Request the CEO to prepare a discussion paper to outline the various options and explain the five factors against which the options will be assessed. The discussion paper to be endorsed by Council prior to giving public notice.
3. Agree that the discussion paper should canvass the option of a no ward system and reducing the number of Councillors, and
4. Forward correspondence to the LGAB apologising for not responding to their correspondence of December 2007 and advising of the current situation.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Wheeler

That Council:

1. ***Undertake a review of its ward and representational system.***
2. ***Request the CEO to prepare a discussion paper to outline the various options and explain the five factors against which the options will be assessed. The discussion paper to be endorsed by Council prior to giving public notice.***
3. ***Agree that the discussion paper should canvass the option of a no ward system and reducing the number of Councillors, and***
4. ***Forward correspondence to the LGAB apologising for not responding to their correspondence of December 2007 and advising of the current situation.***

VOTING DETAILS:

**CARRIED
9/0**

DCS.308

Subject: Lease of Land at the Airstrip
Reporting Officer: Director Corporate Services
File Reference: AA.6
Date Prepared: 19 August 2008
Voting Requirements: Simple Majority

Cr Hepworth declared an interest affecting impartiality.

Issue:

To consider the approval of applications from three parties for the lease of land at the airstrip for the purpose of constructing aircraft hangars.

Body / Background:

Applications have been received from the following three applicants for the lease of land at the airstrip for the purpose of constructing hangars, listed in order of receipt:

- D & M Stokes
- I. West
- B. Taylor

Officer's Comment:

A copy of the standard lease document used previously has been provided for Councillors' information and consideration. The lease provides for a term of five years with an option for a further five year period. The lease fee was originally set at \$100 in 2006 increasing by CPI each year. The current amount is \$107.60. Council may wish to consider whether the existing lease fee is set at a reasonable level given the recent upgrades to the airstrip and general area in recent years. The leases are also rated, currently at minimum rates.

In 2007 Council adopted a structure plan for the future development of the airstrip. This provided for the sealing of the strip, fencing of the surrounds, construction of a new access and parking area and provision of lease areas along the western side of the strip. All of these provisions have been completed and the facilities at the airstrip have therefore been substantially improved.

To date two leases have been approved in Lease Areas A & B and therefore if approved the applications being considered will take up Lease Areas C, F and G. When adopting the structure plan Areas D & E were set aside as aircraft parking areas. Mr and Mrs Stokes have also advised of their interest in leasing a second area to construct a hangar for sub-leasing, dependant on costs and conditions. Currently the conditions of the lease require the consent of the lessor and Minister to sublet.

Financial Implications:

The lessees will be responsible for all costs incurred in the preparation of lease documents. Additional revenue from lease fees and rates will be received.

Statutory Environment:

Section 3.58 of the Local Government Act provides the following in relation to disposing of property

- (1) In this section -
dispose ~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property ~ includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to -
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (5) This section does not apply to -
 - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Regulation 30 of the Local Government (Functions and General) Regulations provides as follows in relation to dispositions of property to which section 3.58 of Act does not apply.

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if –
 - (i) its market value is less than \$5 000

Policy Implications:

Nil

Officer's Recommendation:

1. That Council approves a new lease with the following parties for the lease of land located at the airstrip on Reserve 36040 Kailis Drive Dongara, subject to the approval of the Minister, and as per the standard lease document circulated with the agenda;
 - Dale and Margaret Stokes Lease Area C
 - Ian West Lease Area F
 - Brad Taylor Lease Area G
2. That Council approves the attachment of Council's seal on the lease documents to be signed by the Shire President and Chief Executive Officer.

Cr Hepworth declared an interest which may affect impartiality, being that one of the applicants was the partner of one of his employees.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

1. ***That Council approves a new lease with the following parties for the lease of land located at the airstrip on Reserve 36040 Kailis Drive Dongara, subject to the approval of the Minister, and as per the standard lease document circulated with the agenda, subject to the following***
 - ***That the airstrip structure plan be amended to use Lease areas C and D as the parking areas so that the parking will be closer to the head of the runway.***
 - ***That the lease period be for an initial three year period with five year option.***
 - ***That the leases be allocated on the following basis:***
 - ***Dale and Margaret Stokes - Lease Areas E and H or G an H, at their choice***
 - ***Ian West - Lease Area F (E if D & M Stokes choose G and H)***
 - ***Brad Taylor - Lease Area G (E if D & M Stokes choose G and H)***
2. ***That Council approves the attachment of Council's seal on the lease documents to be signed by the Shire President and Chief Executive Officer.***

VOTING DETAILS:

LOST
3/6

Moved Cr Roberts, seconded Cr Bass

That the item be deferred until the next meeting of Council for further investigation to be undertaken.

VOTING DETAILS:

CARRIED
9/0

F.348

Subject: Financial Statements for the Period ending 30 September 2008.
Reporting Officer: Accountant/Senior Administration Officer
File Reference: Minute Book
Date Prepared: 14 October 2008
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2008 to 30 September 2008.

Body / Background:

The Monthly Financial Report to the 30 September 2008 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be -
 - (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2008 to 30 September 2008 be received.

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Wheeler

That the Monthly Financial Statement for the period 1 July 2008 to 30 September 2008 be received.

VOTING DETAILS:

**CARRIED
9/0**

TP.452

Subject: Proposed Subdivision of Lots 16 & 17 Point Leander Drive, Port Denison
Proponent: RE & EC Carr
Reporting Officer: Town Planner
File Reference: 138594
Date Prepared: 21 October 2008
Voting Requirements: Simple Majority

Issue:

To consider an application to subdivide the above land, as referred by the Western Australian Planning Commission for comment by Council.

Body / Background:

Lots 16 and 17 Point Leander Drive are 1.03ha and 0.95ha in area respectively and are located between Ayelia Parkway and Blenheim Road on the east side of Point Leander Drive. The land is currently cleared and apart from two abandoned duplex's on the property the land is vacant (see attached location plan).

This land has previously been considered for subdivision. In 1981 an application was submitted to create two 3000m² lots around the existing dwellings and for the remaining land to be included in two balance lots. That application was refused by the then Town Planning Board of Western Australia as it did not comply with the zoning at the time and the land has remained undeveloped ever since.

Under the Shire's current Local Planning Scheme No 5 the land is zoned Residential R12.5. This zoning requires a minimum lot size of 700m² and an average of 800m².

The application proposes to subdivide the land into 18 new residential lots plus a Public Open Space lot, two cul-de-sac roads and a road widening along Point Leander Drive (see attached).

Lots range in size from a minimum of 700m² to a maximum of 1185m² with an average lot size of 840m². Both the existing duplexes are proposed to be retained and included in their own separate new lots (Lots 3 and 9).

Officer's Comment:

The application is generally compliant with the requirements of the Residential Design Codes for the R12.5 zone in that the subdivision meets the minimum and average lot sizes and each lot has good frontage to a road.

Similarly, the application is compliant with the Scheme in that the road widening for Point Leander Drive, as required by Scheme Map No 4, is proposed to be ceded as part of this subdivision.

It's also noted the two existing duplex buildings have been allocated large enough lots, with adequate setbacks and separation from existing unit development to comply with the provisions of the Scheme for grouped dwelling development. The proponent has advised that they are in excellent condition. If they are to remain it would be advisable to request a condition that they be brought up to the current R Code standard for grouped dwelling's including provision of driveways and parking, storerooms etc. Alternatively, if it is felt the buildings should be removed a condition could be requested requiring all buildings to be demolished and removed from the site.

The main issue with this application however, concerns the proposed Public Open Space (POS). The POS as proposed is 1895m² in area which corresponds with the requirement for 10% of the site area, but the shape and positioning of the POS is undesirable.

In this regard, one of the main objectives in providing POS or parkland is to ensure that its location, layout and design minimise the potential for problems relating to personal security, surveillance, property security and vandalism. This is usually done by bounding parks with a street system or ensuring adjacent lots overlook the area. If this is not factored in, particularly with small pocket parks, they can become unsafe and prone to anti social behaviour.

The POS as currently proposed would fall into the unsafe category as it has three narrow access points at the end of each cul-de-sac, has irregular shaped boundaries which would obscure vision of the whole park and is completely surrounded by either rear or side boundaries.

It's noted the location of the POS has come about due to an existing subdivision approval over Lot 18 adjoining to the east. When that application was being considered the WAPC prepared a very basic structure plan over the area that included Lots 16 and 17. That plan is attached and as can be seen it includes an area of POS connecting all three cul-de-sacs together. The subdivision of Lots 16 and 17 are now somewhat bound to this plan as Lot 18 has been approved for subdivision in accordance with this structure plan and includes a small portion of the POS. If the structure plan was discarded and the subdivision of Lot 18 went ahead, that small portion of the POS would be created in isolation, which would be an even less desirable outcome. It's also likely the POS will be required in this location for drainage.

The subdivision is generally on the right track but rather than approaching the requirement for POS as an imposition, it needs to be carefully integrated into the design and when done properly, can add value to the adjoining lots. In this regard, the WAPC's document Liveable Neighbourhood's includes design considerations for POS that would benefit this application. In particular Elements 3 and 4 dealing with Lot Layout and Public Parkland include provisions that small pocket parks should be bounded by a street system around the perimeter of the park or by adjoining lots overlooking it. This ensures a more open and accessible feeling for people using the park and provides passive surveillance from people driving or walking past and from the houses overlooking it. If similar principles to these are applied to this application it would result in a better and safer park.

On this basis, it is recommended the application should not be supported until the design of the POS and the adjoining lots have been revised.

Financial Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5.
Residential Design Codes 2008.
Liveable Neighbourhoods 2007.

Policy Implications:

Nil.

Officer's Recommendation:

That Council advises the Western Australian Planning Commission that it does not support the application to subdivide Lots 16 and 17 Point Leander Drive, Port Denison due to the poor design of the Public Open Space. Council would be prepared to consider a revised design incorporating the elements of Liveable Neighbourhoods relating to Lot Layout and Public Parkland, particularly Element 4, R11 – Parkland Frontage and Surveillance.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Roberts

That Council advises the Western Australian Planning Commission that it does not support the application to subdivide Lots 16 and 17 Point Leander Drive, Port Denison due to the poor design of the Public Open Space. Council would be prepared to consider a revised design incorporating the elements of Liveable Neighbourhoods relating to Lot Layout and Public Parkland, particularly Element 4, R11 – Parkland Frontage and Surveillance.

VOTING DETAILS:

**CARRIED
9/0**

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

COUNCIL MOTION:

Moved Cr Roberts, Seconded Cr Chandler

That Council deal with the late item presented with regards to the Annual Electors Meetings (CEO.387).

VOTING DETAILS:

**CARRIED
9/0**

CEO.387

Subject: Annual Electors Meeting
Reporting Officer: Chief Executive Officer
File Reference: AA.3/2
Date Prepared: 28 October 2008
Voting Requirements:

Issue:

To set a date for the Annual Electors Meeting.

Body / Background:

The Shire of Irwin has received an electronic copy of the Audit Report and can now finalise the Annual Report for adoption by Council at the next ordinary Council meeting to be held on Tuesday 11 November 2008.

Officer's Comment:

It is a requirement to give at least 14 days local public notice of the Annual Electors Meeting and accordingly if a date is not set until the next Council meeting we cannot hold the Annual Electors Meeting on the same date as the second meeting in November.

If Council wishes to hold the Annual Electors Meeting to coincide with the November 25 Council meeting then a date needs to be set at this meeting.

Financial Implications:

Nil

Statutory Environment:

5.27. Electors' general meetings

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

5.29. Convening electors' meetings

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

Policy Implications:

Nil

Officer's Recommendation:

That Council hold the Annual Electors Meeting at 7:00pm on Tuesday 25 November 2008.

COUNCIL MOTION:

Moved Cr Roberts, Seconded Cr Dean-Gundill

That Council hold the Annual Electors Meeting at 7:00pm on Tuesday 25 November 2008.

VOTING DETAILS:

CARRIED
9/0

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.09pm.

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

Signed:
Presiding Elected Member

Date:.....