



**MINUTES**

**FOR THE**

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

**HELD ON**

**TUESDAY, 23 JUNE 2015**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

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

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

Signed: .....  
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN THE OCEAN ROOM, IRWIN REC ON  
TUESDAY, 23 JUNE 2015  
COMMENCING AT 4.01PM**

<b>PRESENT:</b>	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr R J Porteus Cr B C Scott Cr D R Kennedy Cr M Leonard
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Mrs H M Sternick – Manager Corporate Services Miss L E Tunbridge – Coordinator Organisational Performance Ms E Greaves – Coordinator Executive Services Mr A Hayat – Planning Officer
<b>APOLOGIES:</b>		Cr M T Smith Mr D Fotheringham – Manager Planning Services
<b>GALLERY:</b>		Mr Jon Arden, Mr James Staniforth-Smith, Mr Chadwick Barron and Mr John Rossiter

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President welcomed everyone for their attendance and opened the meeting at 4:01pm.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

As above.

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

Nil.

**4. PUBLIC QUESTION TIME**

**Mr Staniforth-Smith advised that he had provided a written submission to Council in regards to the Avenue of Trees Anzac Memorial and enquired if Council had seen the correspondence and what the outcome of the project was.**

The Shire President advised that 31 submissions had been received following the public consultation period which closed 8 June 2015. It is anticipated that a report and the responses will be presented to Council at the July Council Forum. Should Council wish to make a determination on the project it will be presented at a future Council Meeting and the submissions will be summarised into a Schedule of Submissions that will outline comments made by individuals to the public but will not name them, as is standard practice. The full individual submissions will be made available to Councillors confidentially.

**Mr Rossiter asked the following questions;**

- 1. Why did it take over 7 months for Unit 4 at the Port Denison Retirement Village (“the Village”) to be renovated?**

Mr Geoff Peddie, Director Corporate and Community was asked to comment by the Shire President however he requested that this be taken on notice.

*Note: Following the meeting, the Manager Community Services reported that Unit 4 underwent a full renovation. The Unit was vacated at the end of July 2014 and renovation work commenced in September 2014, following the establishment of a project plan and on completion of the appropriate procurement process. The refurbishment work continued over the Christmas and New Year period (2014/15) which somewhat affected availability of contractors and materials, and was completed in January 2015.*

- 2. Why did a representative of the Shire contact an individual (name not supplied) to offer them a Unit (at “The Village”), even though they are not on the waiting list and they own their own home?**

The Chief Executive Officer advised offers are only made to those on the waiting list and meet the eligibility criteria, in accordance with the relevant policy and procedures.

The Chief Executive Officer did advise that, due to the arrangements with the Department of Housing, it is possible that contact may have been made by their representative. An enquiry would be made with staff however, without a name, an investigation of this claim is not possible.

- 3. Why are there dump point notices at most of the public toilets in town however there is no mention of 24 hour parking in Waldeck Street?**

The Shire President advised that a signage audit is currently being conducted and some signs may be in production now which may address this issue however this will need to be taken on notice to confirm.

*Note: It is advised that the town overnight camping site is only available to self-contained visitors (RVs/caravans with toilet and shower facilities) therefore it is generally not aimed at many of those utilising public toilet facilities. The Shire has used various other advertising methods to promote the camping site to the target audience.*

- 4. Why are there no toilet facilities and supper room in the Town Hall now?**

The future use for the Town Hall is yet to be determined and it is anticipated that initial discussions will be held at an upcoming Council Forum. A necessary firewall was installed where the Autumn Centre adjoins the Town Hall, and this was incorporated into

the overall building plans for the Council Chambers/ Old Administration Centre refurbishment.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

The Chief Executive Officer foreshadowed his absence for July 2015 whilst on annual leave.

**6. PETITIONS**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 MAY 2015**

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A copy of the Minutes of the Ordinary Council Meeting held on 26 May 2015 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION 010615:**

**MOVED: Cr Scott**

**SECONDED: Cr Leonard**

**That the Minutes of the Ordinary Council Meeting, held on 26 May 2015, be confirmed as a true and accurate recording of that meeting.**

**VOTING DETAILS:**

**CARRIED 6/0**

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

**Irwin (locality) 'Frack Free' Declaration Day**

The Shire President, accompanied by his colleague Councillors of the Shire of Irwin, attended the locality of Irwin's 'Frack Free' Declaration Day on Sunday, 14 June 2015 to receive the Irwin 'Frack Free' Declaration papers from the residents of various streets within the Irwin locality to present to Council.

**Differential Rates**

The Shire's intention to levy differential rates was advertised for more than the statutory 21 day period and no submissions were received as of 12noon, Monday 22 June 2015. Ministerial approval will now be sought for differential rates and minimum payments for 2015/16.

**Functions and Events**

- |         |   |
|---------|---|
| 5 June  | Cancer Council Morning Tea was attended by the Chief Executive Officer (CEO) and fellow CEO, Shire of Gingin, Jeremy Edwards.   |
| 8 June  | The CEO and Coordinator Executive Services (CES) met with Mr Garry Hawkes from WA Electoral Commission to discuss the upcoming local government elections.  |
| 10 June | Meet the CEO Session – initially included the CEO and Environmental Health Officer (EHO), then they were joined by Director Corporate and Community (DCC) and Director Planning and Infrastructure (DPI). |
| 11 June | The Shire President and CES attended a Citizenship Ceremony for Ms Kathleen Potter at the Shire Office.   |

- 16 June LGIS held a regional meeting for CEO's and relevant staff to outline changes to the Safety Audit system and process. This meeting was attended by the CEO, Director Planning and Infrastructure (DPI), Coordinator Organisational Performance (COP) and Operations Support Officer (OSO)
- 18 June Gas Expo Planning meeting Kris Barnes – attended by Cr West, Cr Scott, Cr Kennedy, Cr Porteus, CEO and Ms Nicole Nelson (Acting DCC)
- Public Sector Commissioner, Mal Wauchope and Director of Organisational Governance, Rebecca Harris visited with the CEO and CES in regards to the transfer of minor misconduct functions from Corruption and Crime Commission (CCC) to the Public Sector Commission (PSC).
- 22 June The Shire President, Cr West, Chief Executive Officer and the Coordinator Executive Services attended the Northern Country Zone of WALGA meeting in Mingenew. A Motion was presented and endorsed to lobby WALGA on Dog Act amendments to recognise and include domestic dingoes.
- The Zone President, Cr Karren Chappel thanked Darren and Erin for relieving Barrye Thompson to undertake secretarial and executive support duties.
- 23 June The Chief Executive Officer attended the Mid West Development Commission Strategic Infrastructure Group meeting – it is noted that the proposed gas industry information expo was mentioned at this meeting.

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 06/15

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

#### Report Purpose:

To receive the list of accounts paid under delegated authority during May 2015.

#### OFFICER'S RECOMMENDATION AND COUNCIL MOTION 020615:

**MOVED:** Cr Scott

**SECONDED:** Cr Leonard

That the Accounts paid during May 2015, represented by Trust Cheques 3066 totalling \$1,000.00 Municipal Cheques 30876-30902, EFT 17708-17846 totalling \$462,834.40 Police Licensing PL290415 – PL280515 totalling \$49,073.45, Credit Card Payments \$1,728.68, Vehicle Lease \$853.51 and Click Super \$33,419.14, be received.

**VOTING DETAILS:**

**CARRIED 6/0**

#### Attachment:

[Accounts for Payment – May 2015](#)

#### Background:

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

#### Officer's Comment:

Nil

#### Stakeholder Engagement:

Nil

#### Financial / Resource Implications:

Nil

#### Statutory Environment:

Local Government (Financial Management) Regulations 1996

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications:**

Under Delegation CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Risk Implications:**

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

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

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



**CORPORATE AND COMMUNITY**

**CC02 – 06/15**

**Subject:** Financial Statements for the Period ending 31 May 2015  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To receive the Monthly Financial Statements for the period 1 July 2014 to 31 May 2015.

**OFFICER'S RECOMMENDATION AND COUNCIL MOTION 030615:**

**MOVED: Cr West**

**SECONDED: Cr Kennedy**

**That the Monthly Financial Statement for the period 1 July 2014 to 31 May 2015 as outlined in the Attachments Booklet – June 2015 under separate cover, be received.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Financial Statements for the Month Ending 31 May 2015](#)

**Background:**

The Monthly Financial Report to the 31 May 2015 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Major Variances
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Non Operating Grants and Contributions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

**Officers Comment:**

The financial position to the end of May 2015 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,304,170	3.5% negative variance
Operating Expenditure	\$6,852,822	7.6% positive variance
Net Operating	\$1,451,348	
Capital Revenue	\$773,291	11.1% negative variance
Capital Expenditure	\$2,702,962	8.4% positive variance

Cash at Bank – Municipal	\$1,729,431
Cash at Bank – Reserve	\$3,758,402
Total Funds Invested	\$4,753,819
Net Rates Collected	97.83%
Receivables Outstanding	\$76,381

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

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

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

**Statutory Environment:**

Local Government Act 1995 - Section 6.4

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

Section 34 Financial activity statement report

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

**Policy Implications:**

Nil

**Risk Implications:**

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

**Strategic Implications:**

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

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

**CORPORATE AND COMMUNITY**

**CC03 – 06/15**

**Subject:** 2015/16 Draft Budget Consultation  
**Reporting Officer:** Manager Corporate Services  
**File Reference:** FM.BU.15.16  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider approving the 2015/16 Draft Budget for public consultation.

**COUNCIL MOTION 040615:**

**MOVED: Cr West**

**SECONDED: Cr Porteus**

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

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL MOTION 050615:**

**MOVED: Cr Leonard**

**SECONDED: Cr Kennedy**

**That Council reconvenes under Standing Orders at 4:30pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**OFFICER'S RECOMMENDATION AND COUNCIL MOTION 060615:**

**MOVED: Cr Leonard**

**SECONDED: Cr Kennedy**

**That Council resolves to advertise the 2015/16 Draft Budget for the purpose of public consultation for a period of twenty one (21) days, in order to consider any submissions prior to the final adoption of the budget, presented in Attachment Booklet – June 2015 under separate cover.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[2015/16 Draft Budget](#)

**Background:**

The Draft Budget has been prepared for the 2015/16 financial year and at the June Council forum, substantial time and discussion was given in consideration of the provisions in the Draft Budget papers, including rating levels, capital improvements and operational requirements. General acceptance on the major items contained within the draft budget was reached.

Subsequent to Council Forum, Council finance staff have found the following savings:

- Insurance Premiums - \$33,800
- Service & Organisational Review - \$15,000; and
- Other minor adjustments

An updated draft budget has been prepared with the changes and requires Council's approval to advertise for public comment.

At the February Council Meeting, Council adopted a 2015/16 Budget Timetable, due to the Draft Budget being presented to the June Forum the timetable has been advanced by approximately a month.

**Officer's Comment:**

The 2015/16 Draft Budget is to be advertised for public comment in the Geraldton Guardian on Friday, 26 June 2015, with submissions closing on Friday, 17 July 2015. Advertising will also be distributed through the Local Rag, A Brilliant Blend Bulletin, the Shire's electronic community notice board, webpage and facebook page. All feedback received from the community and other stakeholders will be presented at the Council Meeting on Tuesday, 28 July 2015 as part of the final adoption of the 2015/16 Budget.

**Stakeholder Engagement:**

The 2015/16 Draft Budget will be advertised for public comment for a period of 21 days.

**Financial/Resource Implications:**

Ensuring that Council's financial resources are applied towards achieving the desired outcomes, strategies and initiatives included in the Strategic Community Plan 2012 – 2022.

**Statutory Environment:**

The Local Government Act provides as follows:

**6.2. Local government to prepare annual budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
  - (a) the expenditure by the local government;
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
  - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;

- (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.

**Policy Implications:**

C5 – Community Engagement and Public Consultation Policy.

**Risk Implications:**

The consequences of publicly advertising the 2015/2016 Draft Budget are insignificant and the likelihood of there being significant consequences is rare, therefore the risk implications are low.

**Strategic Implications:**

Strategic Community Plan

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

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

**PLANNING AND INFRASTRUCTURE**

**PI01 – 06/15**

**Subject:** Local Planning Policy for Wind Turbines  
**Reporting Officer:** Manager Planning Services  
**File Reference:** LP.PL  
**Voting Requirements:** Simple Majority

**Report Purpose:**

For Council to consider adopting a Local Planning Policy (LPP) for Wind Turbines.

**OFFICER’S RECOMMENDATION AND COUNCIL MOTION 070615:**

**MOVED: Cr Porteus**

**SECONDED: Cr Leonard**

**That Council, pursuant to Clause 2.4.2(b) of the Shire of Irwin Local Planning Scheme No.5, resolves to adopt the Local Planning Policy: Wind Turbines, as presented in the Attachments Booklet June 2015 provided under separate cover. .**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[LPP: Wind Turbines](#)

**Background:**

At the Ordinary Council Meeting on 28 April 2015 Council resolved as follows:

**OFFICER’S RECOMMENDATION AND COUNCIL DECISION 190415:**

**MOVED: Cr Porteus**

**SECONDED: Cr Leonard**

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

**VOTING DETAILS:**

**CARRIED 8/0**

The LPP was advertised from 14 May 2015 until 08 June 2015.

**Officer’s Comment:**

The objective of the policy is to allow for the construction of Wind Turbines, where they are ancillary to existing development, throughout the Shire without compromising the local character and setting of the area or the amenity of neighbouring properties. The policy includes a number of provisions, which would require consideration when assessing planning applications, and some guidance on noise regulations.

Following further analysis of the policy by Planning Services, a modification to provision 2 of the LPP has been made to enable more flexibility when determining whether expert justification needs to be submitted for proposals located on heritage listed properties. It allows the Shire to waive this requirement where the State Heritage Office is in agreement.

A minor modification has also been made to provision 9. This is to ensure that only variations to the measureable standards contained within provisions 5 and 6 can be considered. The other provisions cannot be varied. This will ensure that the policy can be implemented effectively.

As no issues were raised by the public or agencies during the advertising period, it is recommended that Council resolves to adopt the policy.

**Stakeholder Engagement:**

The LPP was publicly advertised, and referred to the State Heritage Office, the Department of Health, the Department of Environment Regulations, Western Power and Telstra. Four written submissions were received during the advertising period.

One submission of support was received from a resident, and no objections in principle were received from the Department of Health and the State Heritage Office, who are pleased to see that the potential impacts on heritage places must be considered. The Department of Environment Regulation support the level of detail that the policy requires to be submitted with planning applications.

The LPP has the support of the Shire's Development Control Unit.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

Shire of Irwin Local Planning Scheme No.5.

**Policy Implications:**

Adoption of the LPP will improve the efficiency of the Shire's operational functions and enable effective control over the development of wind turbines.

**Risk Implications:**

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

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.



*Prior to item PI02 – 06/15, Cr Leonard declared a financial and proximity interest, as a property owner within the Wye Farm / Dongara Downs area. Cr Leonard left the meeting at 4:31pm and did not participate in discussion or vote on this item.*

**PLANNING AND INFRASTRUCTURE**

**PI02 – 06/15**

**Subject:** Proposed Road Closure – Adjacent and to the East of Lots 1771 and 1289 Wye Farm Rd  
**Reporting Officer:** Planning Officer  
**File Reference:** RD.RO  
**Voting Requirements:** Simple Majority

**Report Purpose:**

To consider a request to close a portion of an unconstructed road reserve adjacent and to the east of Lots 1771 and 1289 Wye Farm Road, Yardarino.

**OFFICER'S RECOMMENDATION AND COUNCIL MOTION 080615:**

**MOVED: Cr West**

**SECONDED: Cr Porteus**

**That Council resolves, under Section 58 of the Land Administration Act 1997, to initiate the road closure process for a proposal to close a portion of an unconstructed road reserve adjacent and to the east of Lots 1771 and 1289 Wye Farm Road, Yardarino, as presented in the Attachment Booklet – June 2015 under separate cover.**

**VOTING DETAILS:**

**CARRIED 5/0**

**Attachment:**

[Formal request and plan](#)  
[Plan of Road Reserves and Easements](#)

**Background:**

The Shire has received a road closure application, for a portion of an unconstructed road reserve (marked yellow in Attachment 1). The proponent, who owns Lot 1771 Wye Farm Road, seeks to close the unconstructed road reserve first, and then hopes to acquire the land from the Minister for Lands to create an easement for the purposes of legal access and fire escape. Attachment 2 shows the area's road reserves and easements.

The applicant's land does not have access to a Crown road reserve. This means that planning approval is required before they can develop the land. In order to obtain planning approval the landowner requires legal access from their land to a Crown road reserve. This is why they hope to acquire the land to create an easement.

**Officer's Comment:**

The proposal requires advertising in accordance with the Land Administration Act 1997 and referral to relevant neighbours and government agencies. Following closure of the advertising/referral period, all submissions shall be considered and a recommendation would be made to Council. Initiating the road closure process will enable Officers and Council to properly assess the application. As such, it is recommended that Council initiate the road closure process.

**Stakeholder Engagement:**

Should Council agree to initiate the road closure process, the Shire will refer the proposal for a period of 35 days to adjoining neighbours and the relevant service authorities and place an advertisement in the Midwest Times (in accordance with Section 58 of the Land Administration Act 1997).

**Financial/Resource Implications:**

If the road closure process is initiated, the application fee will cover advertising and administration costs.

**Statutory Environment:**

Land Administration Act 1997 – Part 5, Division 1, Section 58:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

Shire of Irwin Local Planning Scheme No.5. Clause 5.14:

5.14 Development of land without constructed road frontage

*Notwithstanding any other provisions of the Scheme, the local government's Planning Approval is required for the development of land abutting an unconstructed Crown road reserve or a lot which does not have frontage to a Crown road reserve.*

*In considering such an application, the local government may:-*

- a) *refuse the application until the road has been constructed or access by means of a constructed road is provided; or*
- b) *grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or*
- c) *require other legal arrangements are made for permanent access, to the satisfaction of the local government.*

**Policy Implications:**

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

**Risk Implications:**

The likelihood of risk arising from Council agreeing to initiate the road closure process is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 2.6.1 Maintain road assets and ancillary infrastructure

Following item PI02 – 06/15 and prior to Item CEO01, Cr Leonard rejoined the meeting at 4:32pm.

**OFFICE OF THE CEO**

**CEO01 – 06/15**

**Subject:** Delegations Register Review 2015  
**Reporting Officer:** Coordinator Executive Services  
**File Reference:** CM.PO.1  
**Voting Requirements:** Absolute Majority

**Report Purpose:**

For Council to review the updated Delegations Register for adoption.

**OFFICER'S RECOMMENDATION AND COUNCIL MOTION 090615:**

**MOVED: Cr Scott**

**SECONDED: Cr Leonard**

**That Council adopts the Delegations Register dated June 2015 and notes the Schedule of Authorised Persons as presented in Attachment Booklet – June 2015 under separate cover.**

**VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**Attachment:**

[Delegations Register 2015](#)  
[Schedule of Authorised Persons](#)

**Background:**

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per Local Government Act 1995 s5.18 and s5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council has not yet reviewed the Register this financial year.

The Senior Management Group was provided an opportunity to review and discuss the Delegations Register and Policy Manual at a Senior Management Meeting in March 2015 and officers were consulted further in the lead up to the preparation of this report.

**Officer's Comment:**

Below are the recommended changes made to Council's Delegation Register;

- A note has been included with the contents page regarding financial interest returns to outline the requirements for a person with delegated duties including a link to the Department of Local Government's operational guidelines.
- Formatting has been changed to show the delegation at the top of the first page and each relevant delegation now includes supporting documents (linking the document to policies and procedures).
- **CEO3 Payment Authorisation** has been amended to include a fourth point regarding purchasing limits and orders. The CEO has authority to determine delegations for relevant officers to issue and sign purchase orders as per the Purchasing Authority and Limits list.
- Amendment to **CEO5 Temporary Road Closure** to extend to other relevant purposes such as emergencies, events and road repairs. A delegation from the CEO to Directors (ON1) has also been included which reflects the changes.
- **CEO6 Certain Provision About Land** has been removed as this has now been superseded by the inclusion of Delegation CEO16 and the Schedule of Authorised Persons.
- **CEO13 Writing off Minor Outstanding Amounts** has been increased from \$250 to \$300.
- Addition of **CEO15 Appointment of Authorised Persons** has been added to incorporate the appointment of authorised persons through the Local Government Act 1995 and any other relevant legislation (these authorisations have previously been listed in Council's

Policy Manual however it has been identified that they should be listed in the Delegation Register.

- **CEO16 Administration of Local Laws** has been identified as a relevant inclusion as a review of Council's Local Laws is scheduled to occur over the next 12 months.
- **CEO17 Powers under the Dog Act and CEO18 Powers under the Cat Act** have been added to ensure the CEO is able to undertake duties under the relevant legislation including the appointment of authorised persons.
- **COMM1 Council Auditors** has been removed as it is inconsistent with recent practice of the Auditor meeting with the whole of Council.
- **STAFF1 Powers and Duties – Health Act** has been amended to include the Shire's Environmental Health Officer.
- **ON2 Home Occupation Renewals, ON3 Subdivision Clearance Approvals, ON4 Approval/Refusal of Development Applications and ON5 Subdivision Referrals from WAPC** now includes the Director Planning and Infrastructure.
- Addition of **ON8 Approval of Development Applications for Single Houses and Outbuildings** to streamline the procedure for processing Town Planning applications.
- Addition of section at end of Delegations Register to allow for one-off delegations from Council through the Council Meeting process or to other officers by the CEO to ensure that a full list is maintained within the one document.

**Financial/Resource Implications:**

Delegations allow for a more streamlined and timely service which is an effective use of Council's human resources.

**Statutory Environment:**

Local Government Act 1995 s5.18 and s5.46

**Policy Implications:**

The Delegations Register will link with and guide some Council and internal policies. Reference to the relevant Council Policy for each delegation is listed in the register.

**Risk Implications:**

Non-compliance is considered the most significant consequence with potentially major impacts however they are considered unlikely with the development and review of statutory and operational policies and delegations as required. The overall risk rating is therefore Moderate.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

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

**OFFICE OF THE CEO**

**CEO2 – 06/15**

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

**Report Purpose:**

For Council to consider adopting the attached Engineered Obelisk Precinct Plan and authorising works at the Obelisk Precinct.

**COUNCIL MOTION 100615:**

**MOVED: Cr Kennedy**

**SECONDED: Cr West**

**That Council suspends Standing Orders at 4:33pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL MOTION 110615:**

**MOVED: Cr Kennedy**

**SECONDED: Cr West**

**That Council reconvenes under Standing Orders at 4:34pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**OFFICER'S RECOMMENDATION AND COUNCIL MOTION 120615:**

**MOVED: Cr Kennedy**

**SECONDED: Cr West**

**That Council:**

- i. **Adopts the attached Engineered Obelisk Precinct Plan as provided in the June 2015 attachments booklet; and**
- ii. **Supports the Chief Executive Officer in authorising works at the Obelisk.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Attachment:**

[Engineered Obelisk Precinct Plan – June 2015](#)

**Background:**

At the Ordinary Council Meeting held on 24 February 2015 Council made the following decision:

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 270215:**

**MOVED: Cr Hepworth**

**SECONDED: Cr Kennedy**

**That Council;**

- 1) **Notes the actions of the Chief Executive Officer in suspending work at the Obelisk; and**
- 2) **Establishes an Obelisk Precinct Redevelopment Working Group comprising of the Shire President, Deputy President, Cr Smith, Cr Scott and the Chief Executive Officer to review the Port Denison Foreshore Master Plan concept for the obelisk area and the current works being undertaken in order to present to Council a works program for its consideration.**

**VOTING DETAILS:**

**CARRIED 8/0**

Since this time the Obelisk Precinct Redevelopment Working Group (OPRWG) has met onsite on several occasions to discuss the obelisk precinct resulting in the attached plan proposed.

**Officer's Comment:**

The plan as presented in the attachments is considered to meet the needs of both pedestrian and vehicle traffic (including recreational vehicles) by providing for traffic manoeuvrability, adequate parking and acceptable footpath provisions.

It is expected that in resuming the project, works will include the modification of existing kerbing to align with the attached plan, required bitumen treatments, line marking, installation of footpaths as well as the necessary preparations for revegetation work to be undertaken as a joint project between Shire staff and the Tidy Towns Sustainable Committee in late 2015.

Revegetation work will be carried out in both of the roundabouts featured as part of the obelisk precinct, the area surrounding the Obelisk Memorial and along the foreshore area within the precinct (in line with the Foreshore Master Plan).

The OPRWG will continue to work together to see necessary infrastructure (i.e. bins, seating, bollards), artwork and signage installed within this precinct as part of these works so as to provide necessary guidance and aesthetic appeal to all users of the area.

As a second stage to these works, it is envisaged that the OPRWG will make recommendations to the Council on actions required to facilitate minor revitalisation work of the Obelisk Memorial itself (i.e. review of signage, paths and aesthetics of the area).

**Stakeholder Engagement:**

The Obelisk Precinct Redevelopment Working Group has met onsite on several occasions to discuss the project and subsequently have liaised with Matt Barns from Greenfields Engineering in order to achieve a plan that aligns with the concept for the area originally adopted as part of the Port Denison Foreshore Master Plan in October 2013.

**Financial/Resource Implications:**

Operational works allocations within the Obelisk Precinct are to be absorbed as part of the existing staffing budget provisions, additional costs associated with infrastructure and plant are to be allocated to 8064 Infrastructure Assets in the 2015/16 Budget.

**Statutory Environment:**

Local Government Act 1995.

**Policy Implications:**

C5 – Community Engagement and Public Consultation Policy.

**Risk Implications:**

It is considered that by resuming works at the Obelisk the Shire's reputation will be impacted at a minor level, which is considerably lower than the level expected if the Obelisk works were to remain in its current state. This reputational risk is considered to be possible which results in an overall risk rating of moderate.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

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

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 NOTICE OF MOTION – Review of Irwin Rec Operations and Management**

**COUNCIL MOTION 130615:**

**MOVED: Cr Leonard**

**SECONDED: Cr West**

**That, on the completion of the current service and organisational review, Council requests the Audit Committee to undertake a review of costs and community benefits associated with the operations of the Irwin Rec Centre and present a report to Council for consideration by 30 March 2016 to enable recommendations to be considered in the 2016/17 budget deliberations and as part of ongoing operations.**

**VOTING DETAILS:**

**CARRIED 6/0**

**Background:**

Cr Leonard provided a email to the Chief Executive Officer on Sunday, 14 June outlining the following justification for the Notice of Motion;

“I would like councillors to have the opportunity to consider conducting a review of the operations of the Rec Centre. From my understanding a major review has not been carried out for a number of years. As a major cost item to the community and a facility that plays a major role in our community perhaps it is timely that a review be conducted.”

**Officers Comment:**

In general terms, the Chief Executive Officer supports the motion as the intent of the motion aligns with advice provided to the Audit Committee in December 2014, as part of the CEO Review of Risk Management, Internal Controls and Legislative Compliance in that it was suggested that it was open for the Audit Committee to partner with the Office of the CEO to undertake internal audits, reviews and assessments of various Shire operations.

Whilst it was intended that a internal audit program would be developed in early 2015, this program development has been deferred pending the completion of the Service and Organisational Review (SOR) currently underway. As the motion indicates that the proposed review of the Irwin Rec operations and management will not commence until the completion of the SOR the Chief Executive Officer has no objection to the timing of the notice of motion.

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

Nil

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

Nil

**13. MATTERS BEHIND CLOSED DOORS**

**13.1 CONFIDENTIAL**

**Service and Organisational Review (SOR) – Councillor and Staff Feedback Report**

Councillors have been provided with a copy of the confidential consultant’s report outlining Councillor and staff feedback and associated recommendations, in accordance with the *Local Government Act 1995* s5.23 (2)(a) and Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007*.

**COUNCIL MOTION 140615:**

**MOVED: Cr Kennedy**

**SECONDED: Cr Porteus**

**That Council moves behind closed doors at 4:35pm, in accordance with Local Government Act 1995 s5.23 (2)(a) as the item refers to a confidential matter relating to staff.**

**VOTING DETAILS:**

**CARRIED 6/0**

**With the exception of the Chief Executive Officer, all staff left the meeting at 4:35pm.**

**COUNCIL MOTION 150615:**

**MOVED: Cr Leonard**

**SECONDED: Cr Kennedy**

**That Council returns from behind closed doors at 5:06pm.**

**VOTING DETAILS:**

**CARRIED 6/0**

**COUNCIL MOTION 160615:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

**That Council;**

- a) notes the two (2) confidential Service and Organisational Full reports as prepared by The Futures Group; and,**
- b) endorses the ‘Service and Organisational Review Actions Timetable’, as presented by the Chief Executive Officer and outlined below;**

	<b>Date</b>	<b>Task</b>	<b>Who is Responsible</b>
1.	15 June 2015	Send draft Stakeholder Feedback Report and Recommendation to the Shire (CEO) for review	Kerry Neill
2.	17 June 2015	Consultant’s Report to be send back to The Futures Group (TFG)	Darren Simmons
3.	18 June 2015	Consultant’s Report changes made and a staff summary prepared and returned to CEO	Kerry Neill
4.	19 June 2015	Consultant’s Report sent to Councillors	Darren Simmons
5.	23 June 2015	Re-visit priorities with Councillors and forward to The Futures Group (TFG)	Darren Simmons
6.	24 June 2015	Consultant’s summary to staff notifying of feedback - opportunity to comment from 29 June till 10 July (CEO to establish process).	Darren Simmons
7.	17 July 2015	A summary overview to be prepared by Acting CEO or Executive Support by 17 July.	Acting CEO and Executive Support
8.	June/July	Acting CEO to work with TFG on strategic plan in July	Acting CEO and K Neill
9.	18 August 2015	Staff strategic planning day to be organised by CEO and facilitated by K Neill	Darren Simmons/K Neill
10.	4 September 2015	Staff operational planning day 4 September	Darren Simmons/K Neill

**VOTING DETAILS:**

**CARRIED 6/0**



**14. CLOSURE**

There being no further business, the Shire President declared the meeting closed at 5:07pm.

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

I certify that this copy of the Minutes is a true and correct record of the meeting held on  
26 June 2015  
*Signed:* .....  
Presiding Elected Member  
Date:.....