



AGENDA
FOR THE
ORDINARY MEETING
OF COUNCIL
TO BE HELD ON
TUESDAY, 27 JUNE 2017

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 27 JUNE 2017

IN THE COUNCIL CHAMBERS,
11-13 WALDECK STREET, DONGARA WA



Darren Simmons
Chief Executive Officer

22 June 2017

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS, 11-13 WALDECK STREET, DONGARA ON TUESDAY, 27 JUNE 2017 AT 4.00PM

PRESENT: President	Cr I F West
Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr B C Scott Cr B R Thompson
Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director Planning, Community and Infrastructure* Mrs H M Sternick – Manager Customer Services Ms E Greaves – Acting Coordinator Organisational Performance Miss S J Warnock – Relief Coordinator Executive Services

Leave of Absence Cr M Leonard

**The Director Planning, Community and Infrastructure is a temporary position that will serve to fill the vacant role of Director Planning and Infrastructure through internal capacity until permanent arrangements can be finalised. Geoff Peddie has agreed to fill this position.*

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

Council approved a Leave of Absence for Cr Leonard at the 23 May 2017 Ordinary Council Meeting.

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

Mr Rossiter raised the following questions during Public Question Time at the 23 May 2017 Ordinary Council meeting which were taken on notice, and the provided response is listed below:

2. How many full time and part time employees are employed by the Shire of Irwin, as of today, 23 May 2017?

Response: As of 23 May 2017 the Shire Staff consisted of 34 x full-time employees and 3 part-time employees.

3. In regards to Shire-owned property at 73 Richardson Road:
 - a) When is something going to be done about this property, when it has been vacant for the last 12 months?
 - b) Who decided the property was unfit for habitation?
 - c) When is it going to be renovated to make it habitable?

This question was taken on notice. It was noted however, that a property inspection has been undertaken by Harcourts Dongara which will inform the costings and likely timeframe for any future works.

Response: Based on inspection by officers and real estate agents, Shire officers are in the process of obtaining quotes to repair the property such that it is fit to be a rental with one of the local real estate agents. The costs at this stage are estimated to be substantial and a formal decision will have to be made as to whether the repairs are a financially viable option.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 MAY 2017

A copy of the Minutes of the Ordinary Council Meeting held on 23 May 2017 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 23 May 2017, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

OFFICE OF THE CEO

CEO01 – 06/17

Subject: Accounts for Payment
Reporting Officer: Manager Customer Services
Responsible Executive: Chief Executive Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during May 2017.

Officer's Recommendation:

That Council receives the Accounts paid during May 2017, represented by:

Payment Type/Numbers	Total Amount
EFT 20918 - 21066	\$376,418.52
Muni Cheques 31474 - 31500	\$122,060.59
Trust Cheques – 3136-3137	\$200.00
Direct Debit - Credit Card	\$4,046.12
Direct Debit - Click Super	\$46,613.88
Direct Debit - Transport PL270417 – PL290517	\$74,025.95
Grand Total	\$623,365.06

Attachment:

[Accounts for Payment – May 2017](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of May 2017.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Risk Implications:

It is considered that by reviewing the Accounts for Payment any risk arising would be rare and insignificant in measures of consequence and therefore the risk rating would be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

OFFICE OF THE CEO

CEO02 – 06/17

Subject: Financial Statements for the Period ending 31 May 2017
Reporting Officer: Manager Customer Services
Responsible Executive: Chief Executive Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2016 to 31 May 2017.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 31 May 2017, as outlined in the Attachments Booklet – June 2017.

Attachment:

[Financial Statements for the month ending 31 May 2017.](#)

Background:

The Monthly Financial Report to the 31 May 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Statement of Cashflows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables

- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

The financial position to the end of May 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,346,976	6.1% negative variance
Operating Expenditure	(\$7,709,510)	5.4% positive variance
Net Operating	\$637,467	
Capital Revenue	\$727,672	27.6% negative variance
Capital Expenditure	\$1,283,435	79.9% positive variance
Cash at Bank – Municipal	\$1,935,195	
Cash at Bank – Reserve	\$2,188,698	
Total Funds Invested	\$1,379,635	
Net Rates Collected	95.14%	
Receivables Outstanding	\$69,072	

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:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be 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.

OFFICE OF THE CEO

CEO03 – 06/17

Subject: Differential Rates 2017/18 - Submission
Reporting Officer: Manager Customer Services
Responsible Executive: Chief Executive Officer
File Reference: RV.RT.5
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider submission and initiate the process for seeking Ministerial approval regarding the 2017/18 differential rates.

Officer's Recommendation:

That Council;

- a) notes that the submission received from ratepayers regarding the proposed differential rates 2017/18 has been considered; and
- b) make application to the Minister for Local Government; Heritage; Cultural and Arts seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Unimproved Valuations</i>		
General Differential Rate	1.2706	\$965
Mining Differential Rate	16.9784	\$965

Attachment:

Confidential submission provided under separate cover, as per Local Government Act 1995 s5.23 (2)(c).

Background:

At its Ordinary Council Meeting on 23 May 2017, Council resolved to advertise its intention to adopt differential rates for the 2017/18 financial year.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 050517:

MOVED: Cr Thompson

SECONDED: Cr Kennedy

That Council;

- 1) advertises its intention, in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2017/18 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	9.9974	\$965
<i>Unimproved Valuations</i>		
General Differential Rate	1.2706	\$965
Mining Differential Rate	17.5726	\$965

- 2) endorses the Statement of Objects and Reasons, as presented in the Attachments Booklet – May 2017 under separate cover.
- 3) confirms that expenditure has been reviewed and the following have been considered as part of budget deliberations:

Efficiency Measures:

- Implemented light fleet and plant replacement program;
- Implemented rural roads maintenance grading program;
- Market test future cleaning contract;
- Cost savings on new contract for waste removal;
- Service levels and core business;
- Improve efficiencies by completing roadside slashing and oval aeration internally;
- Improve utility efficiencies for future savings; and
- Review each position as vacancies arise.

VOTING DETAILS:

CARRIED 7/0

As part of the budget process, Councillors reviewed the projected changes in operating income and expenditure, along with efficiency measures, proposed capital works, projects and new initiatives. Although Council’s adopted Long Term Financial Plan includes a 5.7% rate increase in 2017/18 the proposed differential rates were based on a 3.5% increase in the rate in the dollar across all categories.

Advertising was undertaken in accordance with Section 6.36 of the Local Government Act 1995 with the submission period for public comment of the propose Differential Rates closing 19 June 2017. In addition to the statutory advertising process, letters were sent to owners of mining properties.

Officer’s Comment:

A submission has been received in relation to the mining differential rate.

Date Submission Received	Ratepayer	Submission Summary	Officer’s Comment
12 June 17	1	Considers the mining rate to be excessive for two reasons:	UV General and UV Mining are based on “Unimproved Values” provided by the

		<ul style="list-style-type: none"> • Do not distinguish between operating mines and non-operating mines (i.e. exploration areas and identified resources yet to be developed) • Number of the listed additional burdens on the council attributed to mining are invalid, in the case of this submission's project, and in some cases, more generally <p>Proposals for Council to consider:</p> <ul style="list-style-type: none"> • Introduce a reduced rate for mineral exploration and mining tenure where mining has not yet commenced (a rate aligned with Policy Area C at 1.2706 cents in the dollar is considered appropriate) • Reduce rates applied to active mining operations by 15% or refrain from any further rate increase for at least 5 years to enable redress of the mining rate • Consider adopting a user pays case by case approach to recouping the additional costs presented by mining operations to ensure that the charges levelled are fair and just 	<p>Valuer General, the <i>Valuation of Land Act 1978</i> prescribes different methods of calculating each one.</p> <p>The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.</p> <p>The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.</p>
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It is suggested that Council consider leaving the mining differential rate in the dollar unchanged from its 2015/16 rate in the dollar of 16.9784 based on feedback from previous years. Using this rate in the dollar will reduce the draft budget rates revenue by approximately \$13,300.

Stakeholder Engagement:

Community consultation occurred through advertising of the differential rates for 21 days in the Geraldton Guardian dated 26 May 2017, the Rag, Shire of Irwin website and Facebook. Correspondence was sent to all Mining Tenements owners.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2017/18 financial year.

Statutory Environment:

Local Government Act 1995

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

Policy Implications:

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- zoning
- land use
- vacant land.

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- whether or not it is situated in a town-site
- whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- o the terms of this policy (through the provision of a copy of this document to the ratepayer;*
- o the local government's objects of and reasons for proposing to impose the differential general rates;*
- o the differential general rate that will apply to the ratepayer's property; and*
- o the differential general rate that applied in the previous year for comparison*
- o and was given at least 21 days to make submissions to the local government on the proposal.*

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- o prepared and made publically available a document clearly describing the object of and reason for each differential general rate;*
- o given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)*
- o published the notices after 1 May in the relevant year.*

The public notice published by the local government contained:

- o details of each differential general rate that the local government intends to impose*
- o an invitation for submissions to be made by an elector or ratepayer*
- o a closing date for submissions which is at least twenty one days after the day on which the notice is published*
- o advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.*

The council of the local government has:

- o considered each ratepayer submission (if any)*
- o resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.*

Risk Implications:

The likelihood of risk arising of the Shire in terms of maintaining Council's financial sustainability is expected to be unlikely and the consequences would be major. Therefore the risk is moderate.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

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

OFFICE OF THE CEO

CEO04 – 06/17

Subject: 2017/18 Draft Budget Consultation
Reporting Officer: Manager Customer Services
Responsible Executive: Chief Executive Officer
File Reference: FM.BU.17.18
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider approving the 2017/18 Draft Budget for public consultation.

Officer's Recommendation:

That Council advertises the 2017/18 Draft Budget for the purpose of public consultation closing 12 noon Monday, 17 July 2017, in order to consider any submissions prior to the final adoption of the budget, presented in Attachment Booklet – June 2017 under separate cover.

Attachment:

[2017/18 Draft Budget](#)

Background:

The Draft Budget has been prepared for the 2017/18 financial year and at a Budget Workshop, substantial time and discussion was given in consideration of the provisions in the Draft Budget papers, including capital improvements and operational requirements. General acceptance on the major items contained within the draft budget was reached.

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

At the February Council Meeting, Council adopted a 2017/18 Budget Timetable, due to the Budget Workshop being held on Monday, 15 May 2017 the timetable has been advanced by approximately a month. Subject to Ministerial approval of the Differential Rates the budget may be adopted in July 2017.

Officer's Comment:

The 2017/18 Draft Budget, if approved, is to be advertised for public comment in the Geraldton Guardian on Friday, 30 June 2017, with submissions closing on 12 noon Monday, 17 July 2017. 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, 25 July 2017 as part of the final adoption of the 2017/18 Budget.

Stakeholder Engagement:

The 2017/18 Draft Budget will be advertised for public comment closing 12 noon, Monday 17 July 2017.

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 1995 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 2017/18 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 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

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

OFFICE OF THE CEO

CEO05 – 06/17

Subject: Shire of Irwin Strategic Community Plan (2017 - 2027)
Reporting Officer: Coordinator Organisational Performance and Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.PL.1
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

This report seeks Council to adopt the Shire of Irwin Strategic Community Plan 2017 – 2027.

Officer's Recommendation:

That Council:

- 1) **advertises the draft Strategic Community Plan 2017 - 2027 for a period of 4 weeks to provide members of the community with an opportunity to formally submit relevant feedback;**
- 2) **adopts the draft Shire of Irwin Strategic Community Plan 2017 - 2027 as attached, subject to no submissions being made during the engagement period outlined in (1) which would result in required changes affecting the intent of the document; and**
- 3) **authorises the Chief Executive Officer to make minor amendments to the document, subject to the result of these changes not altering the document's intent.**

Attachment:

[Strategic Community Plan 2017 – 2027](#)
[2016 MARKYT Scorecard Report](#)

Background:

The *Local Government (Administration) Regulations 1996* were amended in August of 2011 with the inclusion of Regulation 19C – Planning for the Future: Strategic Community Plans. This regulation requires Councils to produce and maintain a Strategic Community Plan (SCP) covering a period of not less than ten (10) years. The purpose of the Strategic Community Plan is to set out the visions, aspirations and objectives of the community.

SCP's are an integral part of the State Government-initiated integrated planning framework that will also see the development of a corporate business plan and a number of other informing plans and strategies that will underpin Council's annual budget process and future decision-making.

The draft SCP has been produced in consultation with Councillors, staff, and the community.

Officer's Comment:

In October – November 2016 the Shire worked with Catalyse, a third-party consultant, to engage with the community to better understand their areas of priority and current levels of satisfaction relating to Council provided services. The Shire made efforts through this process to engage with the community by:

- Sending out 1,650 hard copy surveys to local residents (reply paid envelopes included);
- Providing access to an electronic version of the survey through the Shire's website and social media platforms; and
- Advertising details about how to access the survey and duration of the engagement period (21 October 2016- 7 November 2016) through mediums such as the Shire website and Facebook pages, Dongara-Denison Local Rag, Dongara Public Noticeboard and Electronic Community Sign.

After receiving completed scorecard surveys from 323 residents, Catalyse provided the Shire with an in-depth MARKYT Scorecard report dated December 2016. As an outcome of this report, as well as Council and Staff presentations by Catalyse held on Monday, 12 December 2016, key areas of strength as well as the areas that were considered to be of priority by the community were more clearly identified.

In acknowledging this information, both Councillors and staff were significantly involved in reviewing the document from mid-January to mid-June in order to clarify the Shire's Vision, Mission, Values, Objectives, Outcomes and Strategies, as well as the broader content of the plan. As a result of the communication, engagement and teamwork throughout this process, it is felt that the final document adequately responds to feedback received and clarifies the Shire's future direction and commitment to the community.

Stakeholder Engagement:

The community was engaged to a high degree through the MARKYT Scorecard process. Councillors and Shire of Irwin staff, particularly the members of the Executive Management and Collaborative Management Teams, have been consulted with extensively throughout the review process.

Financial/Resource Implications:

The SCP will inform the Corporate Business Plan, Budget and other plans and strategies as part of the integrated planning and reporting framework.

Statutory Environment:

Local Government Act 1995 - section 5.56

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations – regulation 19

19BA. *Terms used*

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

19C. *Strategic community plans, requirements for (Act s. 5.56)*

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Policy Implications:

As part of the Integrated Planning and Reporting Framework, the Strategic Community Plan will guide Council's future decision-making.

Risk Implications:

Failure to adopt the reviewed Strategic Community Plan 2017 – 2027 will result in a moderate compliance risk with the likelihood being considered as likely resulting in an overall risk rating of 'high'.

Strategic Implications

Strategic Community Plan 2012 – 2022

Strategy 4.1.4 Undertake an Annual Customer Satisfaction Survey

Strategy 4.2.2 Implement the Integrated Planning Framework, including the Long Term Financial Plan, Workforce Plan, Asset Management Plan, Corporate Business Plan and Annual Budget

OFFICE OF THE CEO

CEO06 – 06/17

Subject: Better Practice Review – Progress Report
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.RW.1
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To update Council on any outstanding actions from the Better Practice Review Final Report, since consideration of the last Progress Report in September 2016.

Officer Recommendation:

That Council receives the Better Practice Review - June 2017 Progress Report and advises the Department of Local Government and Communities of the updated outcomes.

Attachment:

[Better Practice Review – June 2017 Progress Report](#)

Background:

The Better Practice Review Final Report and associated Action Plan was endorsed by Council in February 2016.

Subsequently a Progress Report was prepared in June and September 2016 to update Council of the associated outcomes resulting from the included Action Plan. At the Ordinary Council Meeting in October 2016, it was resolved that a further progress report would be presented through the Audit Committee before 30 June 2017 (Minute #251016)

Officer's Comment:

There is currently no requirement to hold an Audit Committee before 30 June 2017 therefore this report has been prepared for Council's direct consideration.

A majority of the outstanding actions from the September 2016 Progress Report have either been completed, are nearing completion or the timeframe has been extended. Any extensions have been considered around the 2017/18 Budget and internal operational planning based on priorities

and resourcing capabilities. Further comment to that which is included in the Progress Report is provided below:

Business Continuity – LGIS have offered to provide support for developing a Business Continuity Plan but due to a change in LGIS Regional Risk Coordinator this has been delayed, with an expected completion date of January 2018.

ICT Framework – work is continuing on the development of an ICT Strategic Plan and is expected to be completed by September 2017.

Heritage Register – Stage 1 of 3 of the municipal inventory and associated heritage register review has been completed. Stage 2 is currently in progress. The overall project is expected to be completed by August 2018.

Long Term Financial Plan – this review is expected to be completed by 30 September 2017, with annual reviews to be conducted each year following.

Asset Management – an Asset Management Strategy has been prepared and is to be presented to Council for adoption in June 2017. Resourcing is now available to assist with the preparation of the Asset Management Plans and work has now commenced.

Economic Development – an Economic Development Plan is currently being drafted.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

As the Better Practice Review report was designed to assist the Shire in meeting better practice standards, a failure to meet the appropriate recommendations could result in a high risk outcome relating to compliance and reputation. Compliance with the recommendation better practices results in a reduced overall risk rating of Low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

OFFICE OF THE CEO

CEO07 – 06/17

Subject: Review of Delegations and Update of Register
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.PO.1
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to review the updated Delegations Register for adoption.

Officer's Recommendation:

That Council adopts the Delegations Register dated June 2017 and notes the Schedule of Authorised Persons as presented in Attachment Booklet – June 2017 under separate cover.

Attachment:

[Delegations Register 2017](#)
[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 Collaborative Management Team (CMT) were provided an opportunity to review and specifically discuss the Delegations Register at a CMT meeting in June 2017 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;

- Reflects new positions through the restructures of the Planning and Infrastructure and Corporate and Community directorates (across various delegations);
- CEO03 - Provides an additional online authorising officer for payroll payments/funds transfers (Coordinator Organisational Performance);

- CEO19 – new inclusion to identify requirements and delegations under the Bush Fire Act

Through the Better Practice Review, the Shire has also developed an internal Delegation Procedure to assist staff in understanding their responsibilities under delegated authority.

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 considered to be 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

CEO08 – 06/17

Subject: Policy Manual Review 2017
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.PO.1
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to review the updated Policy Manual for adoption.

Officer's Recommendation:

That Council adopts the Policy Manual version 2017.1 and notes the new Stallholder Policy as presented in Attachment Booklet – June 2017.

Attachment:

[Council Policy Manual – June 2017](#)

Background:

There is no formal requirement for Council to review the Policy Manual however it is considered better practice to ensure Council have a relevant and current policy stance each year that reflects the ongoing changes within local government and our community.

Officer's Comment:

A summary of any changes to the Council Policy Manual is provided in the table below;

Policy	Amendments/Changes
E2 Christmas Closure	Amendment made to incorporate all Shire of Irwin workplaces as it applies.
E3 Staff Salary Sacrifices	Amended to align with advice from Australian Tax Office in regards to FBT and eligible portable devices.
E14 Elected Members' Allowances and Expenses	Replace maximum with minimum and median under 1.1 and 1.2 – previous discussions with Council indicated that the minimum was intended but maximum written in error.
E1 Use of Council Chambers	Removed "senior" in reference to a staff member being present at a meeting being held in the Council Chambers.

E2 Christmas Closure	Anomaly accounted for should New Year's Day fall on a Thursday then work will commence on following Monday (to reflect Christmas arrangement subject to other conditions being met).
E3 Staff Salary Sacrifices	Delete "to their needs and wants" relating to staff remuneration packaging.
E4 Use of Common Seal	Updated to now reference Shire of Irwin Meeting Procedures Local Law 2016.
E8 Entertainment Allocation	Renamed as Entertainment Allocation (was Entertainment Allowance) to provide clarity for budgeting. Now includes Directors to reflect their engagement with relevant community stakeholders.
E11 Code of Conduct	Has been identified that significant changes are required resulting from recent departmental advice – this is currently being drafted and will be presented to Council as a separate report.
C1 Use of Shire of Irwin Community Bus	Also identified that may require an update – further internal consultation required.
C5 Community Engagement and Public Consultation	Requires a thorough review to be more practical and relevant. To be presented at future Council meeting.
C7 Financial Assistance Funding	Currently being reviewed by Community Capacity, in consultation with Community Assistance Scheme Committee.
C15 Management of Investments	Advice has been received that there may be Regulation changes relating to management of investments. May be subject to change in near future.
C12 Localised Purchasing	Amended Localised Purchasing Policy currently out for public consultation (statutory requirement). Replacement Policy to be presented to Council in July, which considers any public submissions.
C17 Asset Management	The Asset Management Advisory Committee have recommended a replacement policy be adopted by Council. Proposed that it be moved to Planning and Infrastructure once new policy is adopted.
C18 Depreciation and Capitalisation of Assets	Useful Life in Years figures for Light Vehicles and Sundry Plant & External Equipment have been updated to 2 years and 5 years respectively. Reference to "asset inventory listing" has been changed to "equipment inventory listing" as items less than \$1,000 are not defined or treated as assets.
C19 Accounting	Depreciation figures for Light Vehicles and Plant & External Equipment updated, as per C18.
P8 Bushfire Contributions	Was removed in February 2017 (Minute#120217)
P16 Protection of Kerb/Footpath & Cleaning of Road and/or Drains	Minor amendments made to update processes and practice.
P20 Vehicle Crossover Policy	Minor amendments made to update processes and practice.
P23 Stallholder Permits	<p>*** New Policy ***</p> <p>The Policy objectives are:</p> <ol style="list-style-type: none"> 1. ensure that there is no conflict with applications that may have their determination impacted by other legislation, such as the Food Act 2008; 2. ensure the location of stalls is appropriate and that the associated activity has a community benefit;

	<ol style="list-style-type: none">3. allow for temporary food stalls to operate within 300m of another premises that sells the same good/services, where it is a temporary food stall taking part in an event approved by the Shire;4. define the classes of person to whom a stallholder permit is not required to be obtained (i.e. stallholders on private land are exempt but will require Development Approval or an exemption from Development Approval for the use of the land); and5. identify where a fee for an application is not required to be paid (e.g. where charitable organisations are the applicants).
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Stakeholder Engagement:

The Collaborative Management Team (CMT) were provided an opportunity to prepare any proposed amendments in early 2017 and discussed as a group in June 2017.

Financial/Resource Implications:

Staff have been appropriately resourced to undertake this review

Statutory Environment:

Local Government Act 1995 s5.18 and s5.46

Policy Implications:

As outlined

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.

CORPORATE AND COMMUNITY

DPCI01 – 06/17

Subject: Self-Supporting Loan – Dongara Golf Club (Inc)
Reporting Executive: Director Planning, Community and Infrastructure
File Reference: RC.LI.5
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider an application from the Dongara Golf Club (Inc) for a self-supporting loan to purchase mowing equipment.

Officer's Recommendation:

That Council:

- 1) supports the application from the Dongara Golf Club (Inc.) for a self-supporting loan of \$40,000 for the purposes of purchasing a second hand Toro mower, to be repaid over a 5 year period;
- 2) makes application to Treasury Corporation for a loan to the value of \$40,000 to be repaid by semi-annual debentures over five years; and
- 3) gives one month notice of the proposal to borrow.

Attachment:

[Dongara Golf Club \(Inc\) Letter of Application](#)
[Treasury Corporation Indicative Loan Repayment Schedule](#)
[Guarantee Fee Indicative Future Payments report](#)

Background:

The Dongara Golf Club (Inc) sought information from Council staff in April in regards to the requirements for applying for a self-supporting loan through Council to assist in the purchase of a second hand mower. Staff obtained indicative rates from the Treasury Corporation for such a loan and provided these details to the Club at the time.

Officer's Comment:

The Dongara Golf Club (Inc) have now submitted an application to Council for a self-supporting loan of \$40,000 to purchase a Toro 4000D surrounds mower which is three years old and has 1,300 hours of operation registered. The negotiated price is \$45,000 and the new price for such an asset is suggested by the Club to be \$90,000.

The Club had an existing loan with Council which was fully repaid on 22 May 2017.

Stakeholder Engagement:

Council staff have communicated with members of the Golf Club to discuss possible shared resource arrangements whereby the Club may use Council's mowing plant, when not being utilised for Council purposes to meet its own mowing requirements. Whilst this would alleviate the need to purchase its own mowers, it was apparent through discussions that any spare capacity that the Shire may have would not be sufficient to meet the requirements of the Club.

Financial/Resource Implications:

The financial impacts of the self-supporting loan would be cash neutral and details will be included in the 2017/18 Shire of Irwin budget.

Statutory Environment:

Local Government Act Section 6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
- a) *borrow or re borrow money; or*
 - b) *obtain credit; or*
 - c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
- a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - b) *the resolution to exercise that power is to be by absolute majority.*

Policy Implications:

Nil

Risk Implications:

It is assessed that the Club will have the means to repay the loan as per the debenture schedule and therefore any financial risk is unlikely to occur and with minor consequence, resulting in an overall risk rating of low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.6.4 Support arts, culture and recreation programmes.

PLANNING AND INFRASTRUCTURE

DPCI02 – 06/17

Subject: Mount Adams Road and Tomkins Road Intersection Alignment –
Indemnity of the Minister for Lands.
Reporting Officer: Planning Officer
Responsible Executive: Director Planning Community and Infrastructure
File Reference: UCL12453/RD.RO
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To indemnify the Minister for Lands against any claim for compensation over a portion of Unallocated Crown Land (UCL) adjacent and to the south-west of Mount Adams Road and Tompkins Road intersection, Arrowsmith to allow this portion of UCL to be dedicated as Road Reserve.

Officer's Recommendation:

That Council agrees, pursuant to section 56(4) of the Land Administration Act 1997, to indemnify and keep indemnified the Minister for Lands against any claim for compensation payable as a result of the acquisition of a portion of Unallocated Crown Land adjacent to the west of Mount Adams Road and Tomkins Road intersection, as presented in the Attachment Booklet – June 2017.

Attachment:

[Ordinary Council Minutes 28 March 2017](#)
[Department of Lands request to indemnify Minister for Lands](#)
[Indicative Plan for Dedication of Road Reserve](#)

Background:

At its Ordinary Council Meeting held on 28 March 2017, Council recommended:

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 150317:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council, pursuant to Section 56 of the Land Administration Act 1997, requests the Minister for Lands to dedicate a portion of Unallocated Crown Land (UCL) adjacent and to the south-west of the Mount Adams Road and Tomkins Road intersection, as road, as shown in the Indicative Plan for Dedication of Road presented in the Attachment Booklet – March 2017.

VOTING DETAILS:

CARRIED 8/0

Shire Officers requested that the Minister for Lands dedicate a portion of UCL adjacent and to the south-west of the Mount Adams Road and Tomkins Road intersection, as Road Reserve in a letter dated 04 April 2017, which included the Council Report (Attachment 1).

On 24 May 2017 Department of Lands requested that Council indemnify the Minister for Lands against any claim for compensation payable for the acquisition of this portion of UCL (Attachment 2 and 3).

Officer's Comment:

As the Shire of Irwin will become the land managers of this portion of UCL, once it has been formally dedicated as Road Reserve, it is considered a reasonable request to indemnify the Minister for Lands. There are unlikely to be any significant claims for compensation, as there are no third parties with interests in the UCL. As such, it is recommended that Council indemnify the Minister for lands for the portion of UCL west of the intersection of Mount Adams Road and Tompkins Road, Arrowsmith.

Stakeholder Engagement:

Nil.

Financial/Resource Implications:

The Shire of Irwin's Insurance should cover any claim for compensation.

Statutory Environment:

Land Administration Act 1997
Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The Shire of Irwin is liable for any claim of compensation to all other Shire owned roads, and this is covered under the Shire's insurance policies. As there are no third party interests in the land, the level of financial risk the Shire currently has over road reserves is unlikely to increase as a result of indemnifying the Minister for Lands.

Strategic Implications:

Strategic Community Plan 2012 – 2022
Strategy 2.6.1. Maintain road assets and ancillary infrastructure.

PLANNING AND INFRASTRUCTURE

DPCI03 – 06/17

Subject: Management of Girl Guides Hall Site – 12 Herbert St, Port Denison
Reporting Officer: Planning Officer
Responsible Executive: Director Planning, Community and Infrastructure
File Reference: A7341
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider a request from Department of Lands to either:

1. Provide comments on the proposed request from the Girl Guides Association of WA Inc. to change the purpose of Reserve 27850 from 'Hall Site Girl Guides' to 'Hall Site' and confer a power to lease in the management order; or
2. Consider accepting a management order over Reserve 27850 in lieu of the Association, the Reserve being for the purpose of 'Hall Site' with a power to lease for 10 years.

Officer's Recommendation:

That Council advises the Department of Lands that:

1. **the purpose of Reserve 27850 should be 'Civic', rather than 'Hall Site', in order to be enable flexibility in terms of potential land use and to be consistent with the requirements of the Shire's next Local Planning Scheme; and**
2. **Council declines the opportunity to accept a management order over Reserve 27850, given the additional costs associated with the management of the assets on this Reserve.**

Attachment:

[Department of Lands Request for Comment](#)

Background:

Reserve 27850 is located at 12 Herbert Street, Port Denison. The Reserve was used by the Girl Guides Association of WA Inc. for the purpose of a Girl Guides Hall. This is reflected in the current Reserve purpose, 'Hall Site Girl Guides'. Following a proposal from the Association, the Department of Lands have requested Council consider:

1. providing comments on the proposed request from the Girl Guides Association of WA Inc. to change the purpose of Reserve 27850 from 'Hall Site Girl Guides' to 'Hall Site' and confer a power to lease in the management order; or

2. accepting a management order over Reserve 27850 in lieu of the Association, the Reserve being for the purpose of 'Hall Site' with a power to lease for 10 years.

Officer's Comment:

Should Council enter into a Management Order with the Department of Lands, Council would then take responsibility for the asset on Reserve 27850 including potential financial obligations for which Council has not budgeted for. The Girl Guides Association of WA Inc. have been managing this reserve for a number of years without any significant issues. Given this, Shire Officers recommend that Council should not enter into a management order over Reserve 27850.

Within the Shire's emerging Draft Local Planning Scheme No. 6, Reserve 27850 will be designated as a reserve with the purpose being 'Civic'. This allows for a reasonable level of flexibility in terms of potential land uses. As such, it is recommended that Council recommend to the Department of Lands that the Reserve purpose be 'Civic', rather than 'Hall Site'.

Stakeholder Engagement:

LGIS provided the advice referred to above.

Financial/Resource Implications:

Should Council recommend that the purpose of Reserve 27850 be 'Civic' and refuse the offer to accept a management order over Reserve 27850 there is unlikely to be significant financial or resource implications.

Statutory Environment:

Land Administration Act 1997
Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

Should Council recommend that the purpose of Reserve 27850 be 'Civic' and refuse the offer to accept a management order over Reserve 27850 the likelihood of financial risk arising would be rare, and the financial consequences insignificant, therefore, the risk is low (1).

Strategic Implications:

Strategic Community Plan 2012 - 2022

Outcome 4.2 Effective governance, sound management and prudent financial responsibility.

PLANNING AND INFRASTRUCTURE

DPCI04 – 06/17

Subject: Transfer Station Transportable Building
Reporting Officer: Manager Technical Services
Responsible Executive: Director Planning, Community and Infrastructure
File Reference: WM.SP.2
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

Seeking Council endorsement of the Chief Executive Officer's decision to purchase a transportable building to replace the existing office at the Shire's Waste Transfer Station.

Officer's Recommendation:

That Council:

- 1. endorses the Chief Executive Officer's actions to procure a transportable building from Batavia Health for \$15,000 to replace the existing office at the Shire's Waste Transfer Station; and**
- 2. Writes off the previous Waste Transfer Facility office being of no further value.**

Background:

The office at the Shire's Waste Transfer Station has deteriorated significantly:

- Leaking roof during rainfall events
- Floor has failed and needs replacing
- Base of the external walls severely corroded
- Rodents present in the office due to corrosion issues
- General poor appearance

The 2016/17 Budget currently has an allocation of \$4,000 to repair the office roof and floor. A recent quote to repair the floor was \$7,000 for labour and materials. The question has been raised whether this is prudent investment of Shire funds considering more funds will be required to repair or replace the roof and walls together with ongoing maintenance costs due to the age and deteriorated state of the building.

Batavia Health have recently built a medical centre on Point Leander Drive and no longer have use for their transportable building located at the Dongara Health Centre on Blenheim Road. Batavia Health offered a price of \$15,000 which is a 75% discount from the original purchase price.

Officer's Comment:

The Shire together with Toxfree have conducted an external inspection of the transportable building located at the Dongara Health Centre on Blenheim Road and consider it fit for purpose as an office for the Shire's Waste Transfer Station. The proposed office has a reception area improving service delivery, a separate office for record keeping plus a toilet that could be connected at a later date to septic tanks if required. The office also provides the Waste Transfer Station staff a clean and private area for meal breaks.

It is proposed to write off the existing office and renew it with the transportable building located at the Dongara Health Centre on Blenheim Road. The cost is estimated to be \$20,000 allowing \$5,000 for the relocation of the building and with the target of completing this task by 30 June 2017. The office positioning will change slightly such that the office doors front directly to where vehicles stop before entering the Waste Transfer Station thereby improving the overall presentation of facility to visitors entering the Waste Transfer Station.

Stakeholder Engagement:

Toxfree – current contract to manage the Shire's Waste Transfer Station

Financial/Resource Implications:

Whilst \$4,000 is in the 2016/17 Budget for repairs of the donga roof and floor, there is adequate funds in account 1772 Waste Transfer Station Maintenance to renew the transportable building at the Shire's Waste Transfer Station.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The reporting officer has considered the alternative option of not adopting the recommendations in this report and instead repair the existing building. There is a high risk that the initial repair costs together with the ongoing repair costs for the existing transportable building will exceed \$20,000 which is considered to represent a poor value for money option for the Shire.

Having considered the alternative option, the recommendation provided by the reporting officer presents a low risk solution.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 2.3.12 Support and promote efficient use of resources.

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Community Assistance Scheme Minutes and Recommendations to Council from 7 June 2017.

COMMUNITY ASSISTANCE SCHEME MINUTES:

That Council receives the Minutes of the Community Assistance Scheme Committee held 7 June 2017, as provided within the Attachment Booklet – June 2017.

COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION TO COUNCIL:

That Council approves the following funding allocations for the Community Assistance Scheme round one of the 2017/2018 financial year.

ORGANISATION	PROJECT DESCRIPTION	FUNDS REQUESTED	FUNDS APPROVED
<i>Denison Foreshore Sprint and Midwest Show and Shine</i>	<i>Denison Foreshore Sprint and Midwest Show and Shine</i>	\$5,000	\$5,000
<i>Dongara Horseriding Club Inc</i>	<i>Timing and Jumping Equipment</i>	\$5,000	\$0
<i>Dongara Town Centre Placemaking Group</i>	<i>'Kids Matter' Art Project</i>	\$3,894.05	\$3,000
<i>Uniting Church in Australia – Dongara Congregation</i>	<i>'R-500 Year Celebration'</i>	\$1,752.30	\$993.80
<i>Local Drug Action Group Dongara</i>	<i>Midwest Fest</i>	\$5,000	\$3,000
<i>St John Ambulance – Irwin District Sub Centre</i>	<i>Mid West South Emergency Services Games</i>	\$5,000	\$5,000
	TOTAL	\$25,646.35	\$16,993.80

9.2.2 Receipt of Asset Management Advisory Committee Minutes and Recommendation to Council from 29 May 2017.

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Asset Management Advisory Committee meeting held 29 May 2017, as provided within the Attachment Booklet – June 2017.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATION TO COUNCIL:

That Council adopts the Asset Management Policy and Strategy as provided to the Asset Management Advisory Committee at the 15 June 2017 meeting.

9.2.3 Receipt of Irwin Roadwise Committee Meeting Minutes and Recommendation to Council from 12 June 2017.

IRWIN ROADWISE COMMITTEE MINUTES:

That Council receives the Minutes of the Irwin Roadwise Committee Meeting held 12 June 2017, as provide within the Attachment Booklet – June 2017.

IRWIN ROADWISE COMMITTEE RECOMMENDATION TO COUNCIL:

That Council endorse the Irwin Roadwise Terms of Reference as approved by the Committee at their 29 May 2017 meeting.

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

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at

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