



# AGENDA

(AMENDED 3:36PM 19 FEBRUARY 2016)

FOR THE

ORDINARY MEETING  
OF COUNCIL

TO BE HELD ON

**TUESDAY, 23 FEBRUARY 2016**

**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.

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# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 23 FEBRUARY 2016

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



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Darren Simmons  
Chief Executive Officer

19 February 2016

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## **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, 23 FEBRUARY 2016 AT 4.00PM

<b>PRESENT:</b>	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms E Greaves – Coordinator Executive Services Miss S Yelverton – Administration Trainee

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1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
  2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
  3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Mr Hackland submitted several questions to Council at the Ordinary Council meeting held 16 December 2015. The following questions were taken on notice and a copy of the response provided to Mr Hackland is summarised below;**

Mr Hackland made the following enquiries;

1. The 20 December 2005 Ordinary Council Meeting Minutes outline a number of recommendations endorsed by the Shire of Irwin in regards to the Moreton Bay Estate subdivision, including the installation of footpaths. Why have the developers not been required to have those footpaths installed?

The Chief Executive Officer outlined that the WAPC makes the final determination in regards to conditions imposed for subdivisions and is responsible for enforcing them. The Shire provides recommendations to the WAPC for their consideration before giving approval or refusing an application. Staff would need to research the subdivision conditions approved by the Western Australian Planning Commission (WAPC), therefore this question is taken on notice.

Response:

Stage 1 of the Moreton Bay Estate subdivision, involving two separate subdivision approvals, has been completed. The Western Australian Planning Commission (WAPC) approved the first subdivision proposal in 2006, and included Condition 7: for a dual use

footpath on one side of every distributor road. The subdivision approval expired without the footpath being constructed.

After the first subdivision approval expired, the developer and Shire Officer's agreed in principle that a footpath could be implemented at Stage 2 of the subdivision. Subsequently a second application was received for Stage 1. On 27 April 2010, Council resolved to recommend approval with a condition requiring a detailed plan for a dual use footpath. When the WAPC approved the subdivision, Condition 17 was added to ensure a detailed plan was to be approved. When clearing this condition, Officer's met on site with the developer and agreed to a plan showing a footpath adjacent to the distributor roads that front the subdivision (i.e. Tyford Road and the Brand Highway), as recommended by Council and conditioned by the WAPC in the first approval. Please note that it was never the intention to have footpaths on the smaller roads within the subdivision, as these are classed as service roads not distributor roads.

We have not yet received a subdivision application for Stage 2. When this happens, we will ensure that the footpath is implemented along Tyford Road and the Brand Highway.

*Question 2 was responded to at the meeting.*

3. The Minutes from the Ordinary Council Meeting on 28 March 2006 outline a contribution from developers for footpaths, were these funds expended or are they still available?

The Shire President advised that staff would need to research this matter, therefore the question was taken on notice.

Response:

In regards to the footpath contributions received in 2006, these contributions relate to specific subdivisions and are held by the Shire until they are needed to be spent on the subdivision they relate to.

#### 4. PUBLIC QUESTION TIME

#### 5. APPLICATIONS FOR LEAVE OF ABSENCE

#### 6. PETITIONS

#### 7. CONFIRMATION OF MINUTES

##### 7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 DECEMBER 2015

A copy of the Minutes of the Ordinary Council Meeting held on 15 December 2015 has been provided to all Councillors under separate cover.

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#### COUNCIL MOTION:

MOVED: Cr \_\_\_\_\_

SECONDED: Cr \_\_\_\_\_

***That the Minutes of the Ordinary Council Meeting, held on 15 December 2015, be confirmed as a true and accurate recording of that meeting.***

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

## 9. REPORTS

### CORPORATE AND COMMUNITY

CC01 – 02/16

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### 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 receive the list of accounts paid under delegated authority during December 2015 and January 2016.

#### Officer's Recommendation:

That the Accounts paid during December 2015 and January 2016, represented by Trust Cheques 3096-3101 and EFT18754 and EFT18922 totalling \$143,008.00 Municipal Cheques 31077-31117, EFT 18674-18921 totalling \$1,245,630.54, Police Licensing PL271115 – PL270116 totalling \$103,506.35, Credit Card Payments \$12,110.17, Vehicle Lease \$1,707.02 and Click Super \$85,914.84, be received.

#### Attachment:

[Accounts for Payment – December 2015 and January 2016](#)

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of December 2015 and January 2016.

#### 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:**

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 – 02/16**

**Subject:** Financial Statements for the Period ending 31 December 2015  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

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

**Officer's Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2015 to 31 December 2015 as outlined in the Attachments Booklet – February 2016 under separate cover, be received.**

**Attachment:**

[Financial Statements for the month ending 31 December 2015](#)

**Background:**

The Monthly Financial Report to the 31 December 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

**Officer’s Comment:**

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

Operating Revenue	\$7,143,717	2.8% negative variance
Operating Expenditure	\$4,178,037	9.0% positive variance
Net Operating	\$2,965,681	
Capital Revenue	\$355,800	19.2% negative variance
Capital Expenditure	\$845,854	0.0% variance
Cash at Bank – Municipal	\$4,642,811	
Cash at Bank – Reserve	\$2,495,365	
Total Funds Invested	\$6,689,986	
Net Rates Collected	88.51%	
Receivables Outstanding	\$107,116	

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 – 02/16**

**Subject:** Financial Statements for the Period ending 31 January 2016  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

To receive the Monthly Financial Statements for the period 1 July 2015 to 31 January 2016.

**Officer's Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2015 to 31 January 2016 as outlined in the Attachments Booklet – February 2016 under separate cover, be received.**

**Attachment:**

[Financial Statements for the month ending 31 January 2016](#)

**Background:**

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- Schedules 3 – 14 Budget vs Actuals Comparison
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- 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

**Officer's Comment:**

The financial position to the end of January 2016 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,364,758	1.2% negative variance
Operating Expenditure	\$4,774,392	10.5% positive variance
Net Operating	\$2,590,366	
Capital Revenue	\$433,133	44.2% positive variance
Capital Expenditure	\$915,013	62.8% positive variance
Cash at Bank – Municipal	\$4,450,009	
Cash at Bank – Reserve	\$2,495,365	
Total Funds Invested	\$6,689,986	
Net Rates Collected	91.39%	
Receivables Outstanding	\$87,961	

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.
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    - (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**

**CC04 – 02/16**

**Subject:** 2016/17 Budget Adoption Timetable  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** FM.BU.16.17  
**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.
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**Report Purpose:**

To approve a schedule of events, including community consultation to prepare the 2016/17 Budget.

**Officer's Recommendation:**

**That Council approves the following timetable for 2016/17 budget;**

<b>Activity</b>	<b>Date</b>
Budget parameters and Corporate Business Plan Review	9 March 2016
Council adopt the rates in the dollar for differential rating	24 May 2016
Advertise adopted rates in the dollar for differential rating (21 days)	27 May 2016
Council considers a Draft Expenditure Review at Forum	14 June 2016
Public notice submissions relating to advertised rates closes	17 June 2016
Apply to the Minister for Local Government seeking approval to impose differential rating	17 June 2016
Council review the Draft Budget at Forum	12 July 2016
Council adopt the Draft Budget for Public Consultation - Council Meeting (14 days)	26 July 2016
Public Consultation closes	12 August 2016
Council adopts the budget – Council Meeting	23 August 2016

**Background:**

In August 2013 the Department of Local Government and Communities provided a Rating Policy - Differential Rates, which has changed the procedure for applying to the Minister for Local Government and Communities for approval to adopt a UV Rate in the Dollar which is more than twice the lowest UV Rate.

The Local Government Act 1995 requires Council to adopt a budget by the end of August.

**Officer's Comment:**

A timetable for the preparation of the 2016/17 budget has been prepared to enable the budget to be adopted by Council on Tuesday, 23 August 2016.

The timetable identifies the main responsibilities and timeframes to complete a review of all matters relating to the 2016/17 budget.

Budget Review and Adoption Timetable:

Activity	Date
Budget parameters and Corporate Business Plan Review	9 March 2016
Council adopt the rates in the dollar for differential rating	24 May 2016
Advertise adopted rates in the dollar for differential rating (21 days)	27 May 2016
Council considers a Draft Expenditure Review at Forum	14 June 2016
Public notice submissions relating to advertised rates closes	17 June 2016
Apply to the Minister for Local Government seeking approval to impose differential rating	17 June 2016
Council review the Draft Budget at Forum	12 July 2016
Council adopt the Draft Budget for Public Consultation - Council Meeting (14 days)	26 July 2016
Public Consultation closes	12 August 2016
Council adopts the budget – Council Meeting	23 August 2016

This financial year Council will receive one revaluation roll from Landgate, Unimproved Value (UV) and it is anticipated the roll will be received by early May. It is expected this is sufficient time to analyse the valuations and complete rates modelling.

The process for the change of method of valuation for the properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway is ongoing and the valuations may not be available at the time of adopting the rates in the dollar. Within the budget document, Note 8 Rating Information will reflect the interims this will raise.

Once the adopted rates in the dollar for differential rating is advertised Council must wait until the 21 days public notice period has closed to apply to the Minister for Local Government and Communities to seek approval to impose the differential rate.

At the July forum, Council will discuss the Draft Budget prior to Council adopting the Draft Budget to be advertised for the purpose of public consultation at July Council Meeting.

The budget timetable may be affected if the Minister for Local Government's approval is not received by Budget Adoption date.

**Stakeholder Engagement:**

Consultation was undertaken with Landgate in regards to receiving the Valuation Roll. The Budget timetable provides for community consultation once the Draft Budget has been adopted by Council.

**Financial/Resource Implications:**

No financial impact, the report is for informative purpose.

**Statutory Environment:**

Local Government Act 1995 Section 6.33

Local Government Act (Financial Regulations) 52A

Department of Local Government and Communities Differential Rating Policy of August 2013

**Policy Implications:**

Nil.

**Risk Implications:**

This report is for informative purposes, 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.



**CORPORATE AND COMMUNITY**

**CC05 – 02/16**

**Subject:** Changes to Method of Valuation Used for Rating Purposes  
**Reporting Officer:** Manager Corporate Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RV.RP  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider changing the method of valuation for non-rural properties from the Unimproved Valuation (UV) method to the Gross Rental Valuation (GRV) method of determining valuations for rating purposes, for properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway. Under section 6.28 of the *Local Government Act 1995*, the Shire is required to review and make recommendations to the Minister for Local Government, as to the method of valuation to be used for rating purposes.

**Officer's Recommendation:**

**That Council applies to the Minister for Local Government and Communities for a determination pursuant to Section 6.28 (1) of the Local Government Act 1995, to change the basis of rates for properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway from Unimproved Value (UV) to Gross Rental Value (GRV) as the predominant use of the land of these properties have been determined to be residential or non-rural and not of commercial rural nature.**

**Attachment:**

*Provided under separate, confidential cover.*

**Background:**

Several properties within the Racecourse Estate, Springfield, Industrial area and Brand Highway are currently rated as Unimproved Value (UV) and are potentially no longer being used for rural purpose.

An initial assessment has identified these properties as potentially requiring a change of method of valuation to Gross Rental Value (GRV), where the land is used predominately for non rural purposes i.e. residential, industrial or rural residential.

Different factors need to be taken into account in regards to determining predominate land use, including the activity conducted on the land, any development of the property, income generated from or on the property and Local Planning Scheme.

At the Ordinary Council Meeting held on 24 November 2015, Council resolved to:

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 041115:**

**MOVED: Cr Scott**

**SECONDED: Cr Smith**

**That Council consults with property owners giving 28 days to comment on the proposal to change the method of valuation from Unimproved Value to Gross Rental Value for those properties identified within the Racecourse Estate, Springfield, Industrial area and Brand Highway as outlined under separate, confidential cover.**

**VOTING DETAILS:**

**CARRIED 6/0**

Land Use Declaration forms were sent out to all affected landowners with a covering letter explaining the process along with a two page Frequently Asked Questions sheet. Property owners were given 28 days to return the form, although forms were accepted after this time frame.

**Officer's Comment:**

Of the 179 properties being considered for change, the following responses were received:

- a) 89 No Land Use Declaration was received (stated within the letter that accompanied the Land Use Declaration form, if the declaration form was not returned it would be assumed that the land is used predominately for non rural purposes)
- b) 76 Answered 'No' to the property being used for Rural Purposes
- c) 5 Answered 'Yes' to the property being used for Rural Purposes, 'No' to the property being used 'Predominately' for Rural Purposes
- d) 9 Answered 'Yes' to the property being used for Rural Purposes, 'Yes' to the property being used 'Predominately' for Rural Purposes, 'No' to livelihood

Further results can be found within the confidential attachment.

Officers have undertaken both desktop reviews and consultation with the affected landowners in determining which properties are being recommended to have the rating valuation method changed.

These properties are currently being rated using the UV method of valuation. It would be more appropriate for the use of the GRV method of valuation as these properties can no longer be considered as predominately for rural purposes in nature, see Section 6.28 of the Local Government Act 1995.

The Department of Local Government and Communities, Local Government Operational Guideline N° 12 relating to Changing Methods of Valuation of Land was used throughout this process.

Overview of this process:

- Step 1 Identifying land use changes that may affect predominant use
- Step 2 Reviewing the predominant use
- Step 3 Consulting affected parties
- Step 4 Changing the method of valuation

In assessing the above steps the land identified have been subdivided from farming land into smaller lots with a predominately residential or industrial use.

Should Council adopt the recommendation to apply to the Minister of Local Government and Communities to change the method of valuation, the date the Minister gives approval will be the enforced date. Once Ministerial approval is given the Valuer General will be requested to issue GRV's, these may not be available until September/October 2016. Therefore interims will be raised on these properties in the 2016/17 Financial Year.

**Stakeholder Engagement:**

Consultation was undertaken with the affected Landowners giving a period of 28 days to respond.

**Financial/Resource Implications:**

It is anticipated that the review of the rating system, will create a fair and equitable rating system for all ratepayers. The rate in the dollar will be adjusted so that the Shire's total rate revenue will be similar to prior years (subject to percentage increase). However, the impact on individual assessments will vary greatly as some properties rates will increase whilst others will decrease.

Providing an indication of the likely impact that the change will have on the rate assessment of the affected property(s) is not possible as this cannot be determined without having revaluations done for all properties at a cost. Not only would this cost be an unreasonable extra burden on the Shire of Irwin finances, Landgate does not have the resources to provide indicative valuations for the purpose of assessing implications.

The estimated cost provided from Landgate for the revaluation of the identified properties recommended to change to GRV is approximately \$9,850 for 179 properties, This cost is over and above our annual costs for revaluations.

It is noted that in future years the UV valuations, with the proposed lesser number of valuations to be undertaken annually this cost could reduce. GRV Valuations are undertaken every 4 years, which is due 30 June 2019 this cost could increase with the additional proposed properties.

**Statutory Environment:**

Local Government Act 1995 - Section 6.8

6.28 Basis of rates

- (1) The Minister is to –
  - (a) Determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) Publish a notice of the determination in the Government Gazette.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –
  - (a) Where the land is used predominantly for rural purposes, the unimproved value of the land; and
  - (b) Where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

Valuation of Land Act 1978

*Unimproved Land Values (UV's)*

A new UV is determined each year for all land within the State, and it comes into force on 30 June. UV is defined in the *Valuation of Land Act 1978*, and in some cases it is a statutory formula. As a broad guide the following applies:

- *Within a Townsite*

For land situated within a townsite the UV is the site value of the land. In general this means the value of the land as if it were vacant with no improvements except merged

improvements. Merged improvements relate to improvements such as clearing, draining and filling.

- *Outside a Townsite – Rural*

The UV of land outside a townsite is valued as if it had no improvements. In this case the land is valued as though it remains in its original, natural state, although any land degradation is taken into account.

If the UV cannot reasonably be determined on this basis, it is calculated as a percentage of the value of the land as if it had been developed to a fair district standard but not including buildings. This percentage is prescribed (where it applies) by the VG from year to year and is currently 50%.

- *Exceptions*

There are certain exceptions to the above for which the *Valuation of Land Act 1978* provides a statutory formula for calculating the UV – such as a fixed rate per hectare or a multiple of the annual rent.

Exceptions include Mining Tenements, leases under the *Land Administration Act* (such as for grazing) Agreement Acts, and land held under the *Conservation and Land Management Act*.

- *Strata Titles*

Section 62(1) of the *Strata Titles Act* provides that for UV the Valuer General must value the whole of the land subject to a strata plan as a single parcel in single ownership. The rating and taxing authority is required to apportion the value in proportion to the unit entitlement, which is shown on the registered strata plan.

Section 62A(2) of the *Strata Titles Act* provides that each lot in a survey-strata scheme shall be valued as a separate parcel of land.

- *UV Valuation Methodology*

Market based UV's are determined by reference to the land market at the date of valuation. All sales relevant to the predetermined date of valuation are investigated and where considered necessary, the parties interviewed.

Unsuitable sales, such as between related parties or those with special circumstances, are discarded. By this process, a fair and reasonable criteria is established for the fixing of values.

#### *Gross Rental Values (GRV's)*

GRV is defined in the *Valuation of Land Act 1978*, means the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land.

A GRV is determined on the basis that the rental **includes** outgoings such as rates and other property expenses.

As most commercial rentals are negotiated net of outgoings these need to be added to the net rental to equate to the statutory definition.

The introduction of the Goods and Services Tax (GST) has impacted on the determination of GRV. Where property rental payments are subject to GST, they represent a tax payable by the property owner and are included in the GRV.

Where an annual rental cannot reasonably be determined, the GRV becomes the assessed value. Assessed value is defined in the *Valuation of Land Act 1978* as a percentage applying to the capital value of land within a particular class.

Residential land for which no rental value can be determined is valued on the basis of 3% of its total capital value from 1 July 2011. Assessed value for land designated for other uses is assessed on the basis of 5% of its total capital value.

Land used for residential purposes only must be valued on the basis of rental value. Any other land with a relatively low rental value in comparison to its capital value may be valued as if it were vacant land.

- *GRV Valuation Methodology*

A database of rental evidence is assembled from information obtained from a variety of sources.

A schedule of properties rented at the date of valuation is prepared for the area to be valued.

The rented properties are inspected and the rents analysed (for example deductions for furniture included in the letting).

Unsuitable lettings, such as those between related parties, are discarded so that the final list is acceptable as the basis for the determination of fair gross rentals as illustrated by actual market dealings.

From the analysis of actual rentals the fair gross rental of each property is established, after making allowances for any special features or detriments.

The GRV normally represents the annual equivalent of a fair weekly rental. For instance a GRV of \$15,600 represents a weekly rental of \$300.

The Department of Local Government and Communities has developed a Local Government Operational Guideline N<sup>o</sup> 12 relating to Changing Methods of Valuation of Land, which identifies several steps in this process.

Step 1 – Identifying land use changes that may affect predominant use

Land use changes for the selected areas have been identified through a broad based assessment that these areas are not predominantly used for rural purposes.

Step 2 – Reviewing predominant use

Assessing the predominant use of land is fundamental to determining the method of valuation to be used for rating purposes. The Act does not define the term “predominant”. Consequently, an assessment has to be made on a case by case basis as a question of “fact and degree” as to whether or not the use of a particular property should be categorised as predominantly rural or non-rural.

Local Governments should take all relevant factors into consideration including the following:

- a) Activity conducted on the land

Many activities may be associated with the use of the property. The nature, scale and extent of each activity should be taken into account in any assessment of predominant use.

Example:

*A house is situated on a four (4) hectare property. On the property there is a vegetable patch and some fruit trees. The occupier also keeps livestock, including a cow, two sheep, two horses and several chickens and ducks. There is no doubt some rural activities are undertaken on the property. However, these activities are undertaken on a small scale. The produce is mainly for personal consumption. Although from time to time the occupier may sell some produce at a roadside stall, the occupier is not deriving his/her livelihood from “working the land”. The predominant use can be said to be residential.*

b) Development on the land

The nature, scale and extent of the development of a property can give an indication of the nature, scale and intensity of associated uses. They can also affect the capacity for a property to be used for other purposes.

Example:

*More than half of a small rural property is occupied by chalets and associated developments. The rest of the lot is used occasionally to graze sheep and cattle. Given the scale of the chalet development it would be difficult to determine that the predominant use is rural.*

c) Income

Where a property is used for two (2) or more different purposes, the income generated from each use can be a guide to assessing the predominant use of the land.

Example:

*A portion of a property is being used for an agricultural purpose and the remainder is being used for holiday accommodation. The income generated from the holiday accommodation is significantly more than that from the agricultural pursuit. The predominant use could arguably be said to be non-rural.*

d) Local Planning Scheme

A local planning scheme enables the use of land for a rural or non-rural purpose and should be considered in assessing predominant use ie the Shire of Irwin’s Local Planning Scheme No 5 sets out land uses which can be considered in certain zones.

e) Vacant Land

As vacant land is generally not used for any purpose, it is arguable what the predominant use of such land might be. In determining the “predominant use” of vacant land, consideration should be given to the predominant use of the surrounding land and any planning/development restrictions that apply to the vacant land in question.

Example:

*A vacant 2 hectare property is situated in a rural residential zone. The surrounding properties are of a similar size and zoning and most of them are developed for residential purposes with people living on them. Most of the residents of these properties keep some animals and grow produce mainly for personal consumption. However, due to the small scale of the “rural activities” the predominant use is residential. As the majority of the surrounding properties are used predominantly for non-rural purposes, the vacant land could be deemed to be predominantly non-rural.*

Step 3 – Consulting affected parties

The public consultation for the consideration of changing methods of valuation of land is to be undertaken.

Property owners whose properties have been identified for a possible change in valuation method to be advised in writing and will be invited to make comment to be received in writing and addressed to the Chief Executive Officer within the twenty eight (28) day submission period.

Step 4 – Changing the method of valuation

Once the submission period has closed a report will be presented to Council. If Council supports the changes to rating methods a submission will then be made to the Minister for Local Government and Communities.

**Policy Implications:**

Nil.

**Risk Implications:**

The likelihood of risk arising from changing the method of valuation from Unimproved Values to Gross Rental Values is expected to be unlikely, however the consequence would be moderate. 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.

**CORPORATE AND COMMUNITY**

**CC06 – 02/16**

**Subject:** Community Assistance Scheme Committee Terms of Reference  
**Reporting Officer:** Manager Community Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** CR.SP.2  
**Voting Requirements:** Simple Majority

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**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 seek Council resolution to adopt the Community Assistance Scheme Committee Terms of Reference (TOR).

**Officer's Recommendation:**

**That Council adopts the Community Assistance Scheme Committee Terms of Reference, as provided in the Attachments Booklet – February 2016 under separate cover.**

**Attachment:**

[Community Assistance Scheme Committee Terms of Reference.](#)

**Background:**

The Community Assistance Scheme (CAS) Committee was established by Council and the purpose of the committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary guidelines approved annually by Council.

The Terms of Reference act as a guide to set out the parameters within which the Community Assistance Scheme Committee operate and describe the purpose and structure of the committee.

A review of these Terms of Reference will be undertaken, following the appointment of new Committee members.

The Community Assistance Scheme Committee will assess applications received against the selection criteria before being submitted to Council for deliberation. The objectives of the Committee are:

- Provide advice and direction (when required) to Council on matters relating to the Community Assistance Scheme Program;



- Ensure that the Community Assistance Scheme Program meets the needs of the Irwin Community;
- Promotes projects that make a positive contribution to the quality of life within the Shire of Irwin;
- Ensure access and equity in the Community Assistance Scheme Program and an even distribution of funds throughout the Irwin Community.

**Officer's Comment:**

The Shire of Irwin Community Assistance Scheme is to provide assistance to not for profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational, art and cultural projects that make a positive contribution to the quality of life within the Shire of Irwin.

The Program is aimed at assisting community based organisations to undertake projects which can be shown to support the Shire of Irwin's Vision Statement.

The Shire of Irwin is committed to supporting local community through the Community Assistance Scheme. This Scheme has two funding rounds per year. The maximum amount for funding is up to \$5,000.00.

**2016/2017**

Round	Date Open	Date Closed	Funding Outcome Announced
Round 1	4 April 2016	13 May 2016	End June 2016
Round 2	3 October 2016	11 November 2016	End December 2016

The Community Assistance Scheme Committee has been established to accomplish the following functions:

- To assess the Community Assistance Scheme Applications in accordance with the adopted guidelines together with the internal assessment and information provided;
- Grant or decline Community Assistance Scheme Funding based on the information provided in the applications;
- Prepare an Agenda Report to Council for the allocation of funds from the Community Assistance Scheme budget allocation on the completion of each funding round;
- Annually review the Community Assistance Scheme Guidelines and Application forms;
- Provide advice and direction (when required) to Council and ensure applicants receiving the funding provide measurable benefits to the Shire of Irwin community;
- Review the acquittal forms received from grant recipients to ensure that funds were used in the way specified in the original application.

**Stakeholder Engagement:**

Consultation was undertaken in the preparation of Community Assistance Scheme Terms of Reference at a Community Assistance Scheme Meeting held Thursday 17 December 2015. The Terms of Reference were circulated for review and feedback requested. Any feedback has been incorporated into the Terms of Reference.

**Financial/Resource Implications:**

The Community Assistance Scheme Committee does not have the delegated authority to commit Council to the provision of funding or other resources but there is a budget provision in the 2015/16 budget.

**Statutory Environment:**

The following Terms of Reference have been prepared in accordance with the Local Government Act 1995 (Act), the Local Government (Administration) Regulations 1996 and the Shire of Irwin Standing Orders Local Law 2000.

These Terms of Reference apply to the Community Assistance Scheme Committee established by Council under Section 5.8 of the Act. Advisory Groups are constituted as a Committee of Council and are usually established by Council to provide advice or information in particular areas.

**Policy Implications:**

A Financial Assistance Funding policy has been created to provide Council guidelines for the application; assessment and determination of requests received for funding and to ensure expenditure of all funds are appropriately accounted for and reported on.

**Risk Implications:**

The likelihood of risk arising from Council approving the Community Assistance Scheme Committee Terms of Reference is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012-2022

Strategy 3.7.1 Develop a Community Sponsorship and Funding Strategy

Strategy 3.6.4 Promote the Community Assistance Scheme

**CORPORATE AND COMMUNITY**

**CC07 – 02/16**

**Subject:** Financial Assistance Funding Policy  
**Reporting Officer:** Manager Community Services  
**Responsible Executive:** Director Corporate and Community  
**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:**

To seek Council consideration for adoption of the Financial Assistance Funding Policy.

**Officer's Recommendation:**

**That Council adopts the Financial Assistance Funding Policy, as provided in the Attachments Booklet – February 2016 under separate cover.**

**Attachment:**

[Financial Assistance Funding Policy](#)

**Background:**

The purpose of this policy is to provide guidelines for the application; assessment and determination of requests received for funding and to ensure expenditure of all funds are appropriately accounted for and reported on.

With the adoption of this policy it will provide an overarching framework for the Shire of Irwin to provide financial assistance to not for profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational art and cultural projects that make a positive contribution to the quality of life within the Shire of Irwin.

The Shire of Irwin provides funding assistance in a number of ways. These can be broadly categorised as follows:

- **Recurring Grants** – can be provided annually to support activities such as Anzac Day, Australia Day and the Geraldton University Scholarship;
- **Sundry Donations** – Small grants up to \$500 can be applied for at any time through a written request on a Sundry Application form;

- **Travel Subsidy – Assistance for Resident Elite Athletes** – provided financial assistance to Shire of Irwin residents selected to participate in a national sporting event who receive a scholarship to the Mid West Academy of Sports;
- **Waiver of Fees and Charges** – will be considered up to the value of \$1,000, in cases where the request exceeds this the applicant will be advised to apply through the Community Assistance Scheme;
- **Community Assistance Scheme** – the Program is aimed at providing assistance to not-for-profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational art and cultural projects that make a positive contribution to the quality of life within the Shire of Irwin. Funding is up to \$5,000.

Guidelines and Applications forms have been designed for the various funding categories; these will be made available on the Shire of Irwin's website and will be implemented on adoption of the Financial Assistance Funding Policy.

**Officer's Comment:**

The Shire receives requests for assistance throughout the year. The Financial Assistance Funding Policy will ensure:

- Transparency and accountability to the Irwin Community;
- Fairness and equity to all applicants;
- Eligibility criteria is applied to each type of Financial Assistance;
- The amount of Financial Assistance available;
- Guidelines are in place to assist applicants in completion and lodgement of forms;
- Applications are assessed by a Delegated Officer or Committee.

Each application for funding assistance is considered on its individual merits and must meet the eligibility criteria before approval is granted.

Successful applicants are to acknowledge the Shire of Irwin in any advertising and on any material relating to the activity for which the funding has been provided.

It should be noted that not all applications will be successful. Funding will be dependent upon Council's Budget, and whether the applications meet the requirements of this Policy.

The Shire of Irwin is committed to ensure access and equity in its funding assistance and an even distribution throughout the Shire, this policy will provide direction and good governance and transparency in its operations.

**Stakeholder Engagement:**

This item was discussed at the Community Assistance Scheme Committee meeting held on Thursday 17 December 2015 and at the Senior Management Team meeting held on Wednesday 3 February 2016.

**Financial/Resource Implications:**

The Shire of Irwin allocates an annual budget allocation for funding and also makes provision in the budget for the Community Assistance Scheme Program.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

This Financial Assistance Funding policy has been created to provide Council guidelines for the application; assessment and determination of requests received for funding and to ensure expenditure of all funds are appropriately accounted for and reported on.

**Risk Implications:**

The likelihood of risk arising from Council adopting the Financial Assistance Funding Policy is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012-2022

Strategy 3.7.1 Develop a Community Sponsorship and Funding Strategy

**CORPORATE AND COMMUNITY**

**CC08 – 02/16**

**Subject:** Community Assistance Scheme Funding  
**Reporting Officer:** Manager Community Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** CR.SP.2  
**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 the approval of funds through the Shire of Irwin Community Assistance Scheme 2015/2016 financial year for applications submitted in this funding round.

**Officer's Recommendation:**

**That Council approves the following funding allocations for the Community Assistance Scheme for round two of the 2015/2016 financial year as presented in Attachment Booklet – February 2016 under separate cover.**

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT</b>
Dongara Playgroup	Playgroup New Resources	\$3,000.00
Dongara Irwin Race Club Inc	Fashions of the Field – Easter Races	\$1,500.00
Autumn Craft Round Up Committee Inc	Midwest Autumn Craft Round Up 2016	\$2,960.80
	<b>TOTAL</b>	<b>\$7,460.80</b>

**Attachment:**

Applications provided under separate, confidential cover.

**Background:**

The Shire of Irwin Community Assistance Scheme (CAS) is to provide assistance to not for profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational, art and cultural projects that make a positive contribution to the quality of life within the Shire of Irwin.

The Program is aimed at assisting community based organisations to undertake projects which

can be shown to support the Shire of Irwin's Vision Statement.

This financial year has seen the introduction of two funding rounds being offered with maximum funding of up to \$5,000 per applicant.

Round	Date Open	Date Closed	Funding Outcome Announced
Round 1	3 August 2015	14 September 2015	End of October 2015
Round 2	2 November 2015	21 December 2015	End of February 2016

The Community Assistance Scheme Committee met on Friday 15 January 2016 to assess the applications received under the Shire of Irwin Community Assistance Scheme and to make their recommendation.

**Officer's Comment:**

This round, the Community Assistance Scheme received three applications with a total fund request of **\$9,460.80**.

The Community Assistance Scheme Committee (Committee) determined that the three applications met the scheme guidelines and that they were worthy of funding.

*Selection Criteria*

Each application is assessed against the selection criteria outlined in the Community Assistance Scheme Application form. Council endeavours to ensure access and equity in its grant program, and an even distribution throughout the Shire. Applicants must demonstrate the following:

- Demonstrate linkage to the Shire of Irwin Strategic Community Plan 2012-2022;
- The capacity of the applicant to successfully complete the project;
- Ability to achieve tangible outcomes for the benefit of the Shire of Irwin community;
- A balanced, realistic and complete project budget including a cash or in-kind contribution to the project by their group/organisation;
- Levels of volunteer participation and wider community participation;
- Effort for cooperative and partnership arrangements with others;
- Evidence of consultations with relevant other parties in and out of Shire of Irwin.

The application received from the Dongara Playgroup was discussed at length by the Committee and the Committee have agreed to support the purchase of equipment but have excluded the cost of a swing set due to the proximity of the Town Park and the need for this equipment to comply with the Australian Standards AS4685 and AS 4486.

The total funding recommended by the Community Assistance Scheme Committee for Council approval is \$7,460.80.

**Stakeholder Engagement:**

Advertising of the Shire of Irwin Community Assistance Scheme was done via advertisements in the Dongara Denison Local Rag, Posters placed around town, Shire of Irwin website, Facebook and on the Community Sign.

Letters and emails were sent to local community groups and sporting organisations advertising the opening of the funding round.

Grant Writing Workshops were held on Wednesday 25 November at 10am and 5.30pm to provide information and support to potential applicants and to discuss their proposed project.

One-on-one meetings were held with applicants unable to attend the Grant Writing Workshops.

**Financial/Resource Implications:**

Council has made provision in the 2015/16 Budget allocation for up to \$47,900 total expenditure under the Community Assistance Scheme Program. This allocation includes Round 1 and 2 of the Community Assistance Scheme and other sponsorship support. Round 1 of the CAS funded 5 projects totalling \$11,006.

**Statutory Environment:**

Local Government (Functions and General Regulations) 1996

**Policy Implications:**

A Financial Assistance Funding policy has been created to provide Council guidelines for the application; assessment and determination of requests received for funding and to ensure expenditure of all funds are appropriately accounted for and reported on.

**Risk Implications:**

The likelihood of risk arising from Council approving the funding from the Community Assistance Scheme is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012-2022

Strategy 3.7.1 Develop a Community Sponsorship and Funding Strategy

Strategy 3.6.4 Promote the Community Assistance Scheme



**CORPORATE AND COMMUNITY**

**CC09 – 02/16**

**Subject:** Art Acquisition Display and Management Policy  
**Reporting Officer:** Manager Community Services  
**Responsible Executive:** Director Corporate and Community  
**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:**

To seek Council consideration for adoption of the Art Acquisition Display and Management Policy.

**Officer's Recommendation:**

**That Council adopts the Art Acquisition Display and Management Policy, as provided in the Attachments Booklet – February 2016 under separate cover.**

**Attachment:**

[Art Acquisition Display and Management Policy.](#)

**Background:**

The purpose of this policy is to provide guidance for the effective acquisition, display and management of art located within Council premises, public spaces or space owned or administered by the Shire of Irwin Council.

Artworks can be acquired by Council through the following methods, subject to compliance with this Policy, and the availability of funds in the budget:

- **Art Acquisition through Art Awards** – through the provision of the annual Shire of Irwin 'Best Local Artist Award' sponsored to the value of \$500 for the winning entry;
- **Art Acquisition through Funding** – Council will actively seek funding for future art projects;
- **Commissioned Artwork Projects** – Council can acquire artworks through commissioning an artist(s) in line with the acquisition criteria.

The Shire of Irwin Art Collection aims to promote the development of art and artists by acquiring artworks both traditional and contemporary. The following criteria will be used to determine the suitability of all art being considered for acquisition:

- Artworks that build on the strengths and address the gaps in the Shire of Irwin's collection;

- Artworks designed or created by artists living, working in, or who have a strong connection to the Shire of Irwin;
- Artworks with themes relating to the Shire of Irwin;
- Artworks intended to excite the imagination of the public and increase the understanding and enjoyment of art;
- Artworks designed or created through processes of group or community artistic expression;
- The cost and community value of the artwork;
- The ongoing maintenance costs of the artwork.

**Officer's Comment:**

By adopting this Art Acquisition Display and Management Policy, the Shire of Irwin recognises the value and significance of arts and culture to the community.

This Art Acquisition Display and Management Policy is a reinforcement of Council's support that a visually attractive town stimulates a sense of community pride and belonging.

In addition, this Art Acquisition Display and Management Policy has links with the following objectives taken from the Strategic Community Plan 2012 – 2022:

1. Implement the Public Open Space Strategy;
2. Recognise Places of Heritage Value in the Tourism Development and Promotion Plan, including Cultural and Built Heritage;
3. Investigate the Feasibility of an Arts and Cultural Centre;
4. Develop a Town Centre Revitalisation Plan;
5. Develop a Community Sponsorship and Funding Strategy;
6. Support Arts, Culture and Recreation Programs through a Community Grants Scheme.

Appropriate art provides social, economic, cultural and environmental benefits to the community and the Shire of Irwin.

**Stakeholder Engagement:**

This item was discussed at the Community Assistance Scheme Committee meeting held on Thursday 17 December 2015 and at the Senior Management Team meeting held on Wednesday 3 February 2016.

**Financial/Resource Implications:**

As per 2015/2016 Budget Allocation, for new art purchases and projects Council will need to seek funding.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

This Art Acquisition Display and Management Policy has been created to provide Council guidelines for the effective acquisition, display and management of art.

**Risk Implications:**

The likelihood of risk arising from Council adopting the Art Acquisition Display and Management Policy is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

**Strategic Implications:**

Strategic Community Plan 2012-2022

Strategy 3.6.4 Support Arts Culture and Recreation Programs through a Community Grants Scheme

Strategy 3.7.1 Develop a Community Sponsorship and Funding Strategy

**CORPORATE AND COMMUNITY**

**CC10 – 02/16**

**Subject:** Concept Design for Billboards on Brand Highway  
**Reporting Officer:** Manager Library and Tourism Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** GS.PR.15  
**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.
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**Report Purpose:**

To seek Council support for the design of the billboards to be installed on Brand Highway.

**Officer's Recommendation:**

**That Council approves the concept design of the billboards as presented in Attachment Booklet – February 2016 under separate cover.**

**Attachment:**

[Billboard triple photo – February 2016.](#)

**Background:**

An action recommended within the Tourism Development Plan 2013-2018 was replacing the "Beautiful Marina" signs covered under strategy one "Implement actions which will encourage tourist traffic on the Brand Highway to divert through Dongara – Port Denison."

The Direction Signage Project is underway and its first priority is "to provide attractive billboards along the Brand Highway".

Funding has been sourced from Round One of the Regional Visitor Centre Sustainability Grant Program, supported through the Royalties for Regions funding program. This funding is matched by the current Council budget. It is hoped to install 3 billboards 6m x 3m, two will replace the "Beautiful Marina" signs located at Seven Mile and corner of Kailis Drive / Brand Highway and the third located 8kms south of that turnoff, subject to approval from Main Roads.

The project was considered by the Senior Management Team for assistance and support where several photos were presented as options. Several design options were also shown including a one

image concept design and the chosen three imaged design. All were consistent with the destination brand “Explore, Rest, Play Dongara Port Denison”.

The attached concept design was the one given the majority of support.

**Officer’s Comment:**

The research conducted for this project included recommendations from Haeberlin Consulting report “The future of Visitor Centres in WA”. It mentions “A California Welcome Centre in Lake Tahoe experienced a 100% increase in visitation simply with the introduction of clearly marked highway signage”.

The Tourism Development Plan suggests “The quality of tourism signage within the Shire, particularly the signage directing traffic off the Brand Highway, is poor and represents a lost opportunity to target passing traffic. On the highway there are a number of “Beautiful Marina” signs which indicate the distance to the turnoff. While a Marina is an attraction it is not something that will appeal to everybody or that reflects the range of attractions in Dongara and Port Denison.”

Replacing the signs with fresh, bold images that show the river and ocean were chosen to ensure passersby knew the beauty and closeness to the coast. Each image represents its tag from the destination brand, one each for Explore, Rest and Play.

**Stakeholder Engagement:**

Replacing the highway signs was discussed at length at the workshops during the development of the Tourism Development Plan. It was also highlighted as an action to come at the Tourism Forum in June 2015 amongst tourism stakeholders and local businesses.

Visitor Centre members have been provided with updates via email from the reporting officer when the funding was approved and that the project should be completed by the end of this financial year.

Conversations and emails have occurred with Main Roads as to the locations.

Approval was sought from the Senior Management Team on the concept design.

**Financial/Resource Implications:**

As per 2015/16 Budget allocation of \$17,500 in addition to matched grant funds from the Regional Visitor Centre Sustainability Grant of \$17,500, total of \$35,000.

**Statutory Environment:**

Local Government Act 1995  
Planning and Development Act 2005

**Policy Implications:**

Local Planning Scheme No. 5

**Risk Implications:**

The likelihood of risk arising from Council approving the concept design is rare and the consequence and finance risk would be moderate therefore the overall risk is low.

**Strategic Implications:**

Strategic Community Plan 2012 – 2022 Strategy

- 1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure;
- 1.2.2 Develop and implement a signage and information strategy within the Town Centre;
- 2.5.4 Continue to provide a high standard of maintenance and presentation in the Town Centres;
- 2.6.1 Maintain road assets and ancillary infrastructure.

**CORPORATE AND COMMUNITY**

**CC11 – 02/16**

**Subject:** Irwin Rec South Precinct Working Group Additional Member.  
**Reporting Officer:** Manager Recreation Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RC.PL  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

For Council to consider the appointment of an additional member to the Irwin Rec South Precinct Working Group.

**Officer's Recommendation:**

**That Council appoints Cr S Gumley to the Irwin Rec South Precinct Working Group.**

**Background:**

In considering public feedback to the proposed removal of the BMX track and a cleanup of the Skate Park precinct Council deferred any decision relating to the BMX track and established a working group to plan for the future development of the area south of the Irwin Recreation Centre. This area comprises of the current tennis courts, hard courts, old disused ablutions, water tanks, BMX track and skate park.

**Officer's Comment:**

The Irwin Rec South Precinct Working Group was established by Council at its 24 November Ordinary meeting to consider future development for the area after a number of issues were identified through the community engagement process.

Membership of the Working Group currently consists of the Shire President, Deputy President, Cr Leonard, Cr Thompson, Cr Meares, Cr Kennedy, Director Planning and Infrastructure, Director Corporate and Community and the Manager Recreation Services.

The Working Group held its first meeting on 14 December 2015 which was attended by Cr Gumley who expressed an interest in joining the group. There were no objections from the Working Group to Cr Gumley becoming a member.

**Stakeholder Engagement:**

Irwin Rec South Precinct Working Group.

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

Local Government Act 1995.

**Policy Implications:**

Nil

**Risk Implications:**

Any risk associated with the appointment of an additional member to the Irwin Rec Precinct Working Group is considered to be unlikely with insignificant consequences, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

**CORPORATE AND COMMUNITY**

**CC12 – 02/16**

**Subject:** Aquatic Needs Advisory Committee Additional Member.  
**Reporting Officer:** Manager Recreation Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RC.PL  
**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.
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**Report Purpose:**

For Council to consider the appointment of an additional member to the Shire of Irwin Aquatic Needs Advisory Committee.

**Officer's Recommendation:**

**That Council appoint Cr B Thompson to the Shire of Irwin Aquatic Needs Advisory Committee.**

**Background:**

Council has resolved to form an Aquatic Needs Advisory Committee to further consider the recommendations of the Aquatic Facilities Feasibility Study Final Report, prepared by A Balance View Leisure Consultants. The report was adopted by Council to determine a specific aquatic facilities future direction by investigating and considering possible aquatic facilities designs, costs and practicality of integration with the Irwin Recreation Centre's physical and management structures.

**Officer's Comment:**

The Committee held its first meeting 14 December 2015, Cr Thompson had communicated to the meeting an interest in joining the Aquatic Needs Advisory Committee. There were no objections from the Committee.

Membership of the Aquatic Needs Advisory Committee currently consists of Cr Leonard (Chair), Cr Gumley, Cr Meares, Director Planning and Infrastructure, Director Corporate and Community, Manager Community Services and the Manager Recreation Services.

**Stakeholder Engagement:**

Aquatic Needs Advisory Committee

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

Local Government Act 1995.

**Policy Implications:**

Nil

**Risk Implications:**

Any risk associated with the appointment of an additional member to the Shire of Irwin Aquatic Needs Advisory Committee is considered to be unlikely with insignificant consequences, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.1.1 Continue to monitor community infrastructure needs and infrastructure utilisation.



**CORPORATE AND COMMUNITY**

**CC13 – 02/16**

**Subject:** Club Storage Facility  
**Reporting Officer:** Manager Recreation Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RC.PL  
**Voting Requirements:** Simple Majority

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*This item has been withdrawn by the Chief Executive Officer at 3:36pm on Friday, 19 February 2016.*

**PLANNING AND INFRASTRUCTURE**

**PI01 – 02/16**

**Subject:** Private Car Park Sealing Works  
**Reporting Officer:** Manager Works  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** RD.MA; A435  
**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.
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**Report Purpose:**

To consider a proposal from Mr R Emery to repair and seal his car park between Smith Street and Post Office Lane.

**Officer's Recommendation:**

**That Council does not approve the proposal to carry out works at the ratepayers cost on the carpark located at Lot 4 Smith Street, as the area in question is privately owned land and does not serve a purpose for parking by the general public.**

**Attachment:**

[Lot 4 Smith Street – Site location](#)

**Background:**

A meeting was requested by Mr Richard Emery to discuss issues associated with his property along Moreton Terrace (between the National Bank and the Newsagency) and most of those requests were handled internally.

Mr Emery also requested that the Council consider doing repairs and sealing the car park located in Smith Street behind the Chemist. Mr Emery claims that the car park is a private car park for his tenants however he believes that it has more use by the public and therefore should be the responsibility of the Council to maintain.

Previously to this proposal the Council has undertaken works on private parking at the Dongara Hotel in an agreement with the then owners which allowed the general public usage and this is still being used to date.

**Officer's Comment:**

The car park in question has been monitored and it appears that the shop keepers from in that general precinct are the main users of the area and not the general public. Unlike the Hotel Parking area this carpark has no frontage to Moreton Terrace and the likelihood of the general public's use would be low.

**Stakeholder Engagement:**

A meeting was held with Mr Emery on 27 November 2015 in attendance was Director Planning and Infrastructure, Manager Planning Services and Manager Works.

**Financial/Resource Implications:**

There is no budget allocation for these works in the current financial year.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Risk Implications:**

The risk to Council is precedential in nature, as in carrying out these works at the ratepayers cost could lead to other businesses in the Dongara/Port Denison town sites applying to Council for their car parks to be upgraded.

**Strategic Implications:**

Strategic Community Plan 2012 – 2022

Strategy 1.1.2 - Partner and negotiate with industry and commerce to improve local infrastructure.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 02/16**

**Subject:** Traders Permit Application  
**Reporting Officer:** Manager Community Safety  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LE.RE.13  
**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.
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**Report Purpose:**

For Council to consider an application for a Traders Permit to sell coffee from a Reserve vested in the Shire of Irwin.

**Officer's Recommendation:**

**That Council approves the application submitted by Mr Glen Parker for a Traders Permit to sell hot refreshments and hot doughnuts from a caravan parked at Lot 947, Reserve 46561 subject to the following conditions:**

- 1. Traders Licence to be valid for 364 days per annum and to be renewed on an annual basis;**
- 2. Compliance with the Food Act 2008;**
- 3. Business to be registered in accordance with the Food Act 2008;**
- 4. Trading seven days per week, from 5am to 5pm;**
- 5. The caravan to be removed from the premises after close of business;**
- 6. Maintain a Public Liability Insurance of no less than \$10,000,000;**
- 7. Prior to commencing the proponent indemnifies Council against any claims that could result from operating this business and accepts Lot 947 as is;**
- 8. Any improvements made to Lot 947 by the proponent are to be carried out to the satisfaction of the Manager Works.**

**Attachments:**

[Site Plan.](#)  
[Additional information and notes provided by the applicant.](#)

**Background:**

Mr Glen Parker submitted an application to Council to park a retro style caravan on Lot 947, Ocean Drive, to sell take-away coffee, hot doughnuts and other items that can be consumed with coffee.

The subject Lot is located adjacent to the Big 4 Caravan Park and is part of Reserve 46561, vested in the Shire for the purpose of 'Recreation'.

It is proposed to park the converted 1960's caravan on the vacant land near the 'Grannies Beach' playground (please refer to the attachment). The four metre van will be self-contained and be able to be operated independently of services such as water and power. The energy needs will be covered by solar panels, batteries and gas. The proposed dates of operation are seven days per week from 5am to 5pm.

**Officer's Comment:**

The Traders Permit is valid for a period of 12 months; on expiry the traders are required to re-apply. This provides officers with the opportunity to re-evaluate the application and any issues that have arisen over the previous 12 months. The Local Law also allows the permit to be cancelled at any time if the trader does not comply with any conditions of the permit.

The proposed site is more than 300m from the nearest food premises, therefore complies with the provisions of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

**Stakeholder Engagement:**

The Manager Planning Services provided the following comment: The land is zoned 'Special Use Zone 13'. As an Eating House is the only permissible use in this zone the proposal cannot be granted development approval. However, Planning Services can give an exemption from development approval by allowing a temporary use to occur on the land for 364 days or less within a 12 month period.

Other staff members that were consulted commented that they generally support the application as it will enhance and add vibrancy to the foreshore area.

**Financial/Resource Implications:**

Fees & Charges for Trader Permits: -

Application Fee (to be paid at the time of submitting the application)	\$10.00
Daily Fee (to be paid on issue of each permit and renewal)	\$12.00
Weekly Fee (to be paid on issue of each permit and renewal)	\$50.00
Monthly Fee (to be paid on issue of each permit and renewal)	\$90.00
Annual Fee (to be paid on issue of each permit and renewal)	\$250.00

**Statutory Environment:**

Local Government Act 1995  
Planning and Development (Local Planning Schemes) Regulations 2015  
Local Planning Scheme No. 5  
Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000, Part 6.

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council accepting the proposal is expected to be unlikely and the consequence would be minor. Therefore the risk is low.  
It is expected that the risk would be greater if the proposal was refused.

**Strategic Implications:**

Strategic Community Plan 2012 - 2022

Strategy 1.4.2 - Investigate options to leverage investment and promote retail development.

**OFFICE OF THE CEO**

**Subject:** Compliance Audit Return (CAR) 2015  
**Reporting Officer:** Coordinator Executive Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** FM.AD.1  
**Voting Requirements:** Simple Majority

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**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

To consider and recommend to Council the adoption of the 2015 Compliance Audit Return as per the Local Government Act 1995 s7.13 and the Local Government (Audit) Regulations - Regulation 14.

**Audit Committee's Recommendation:**

**That the Shire of Irwin's Compliance Audit Return for the 2015 calendar year, as attached, be adopted.**

**Attachment:**

[Compliance Audit Return 2015](#)

**Background:**

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk".

The Audit Committee considered the annual CAR on Tuesday, 9 February 2016 and this report is now presented to Council to consider the recommendation and results of that review.

After adoption the return is to be signed by the Shire President and the CEO prior to it being forwarded to the Department of Local Government and Communities (DLGC).

**Officer's Comment:**

The following list provides an outline of each section addressed in the 2015 Compliance Audit Return:

Commercial Enterprises by Local Governments

As the Shire has not undertaken any commercial enterprises in the 2015 calendar year a N/A response has been provided.

Delegation of Power / Duty

An investigation was undertaken to ensure that the Shire is meeting its statutory obligations in regards to Delegated Authority. As indicated in the 2014 report, improvements have been made to Council's Delegation Register and Policy Manual, as guided by research and the Better Practice Review process.

Disclosure of Interest

Recordkeeping practices for Disclosures of Interest are sound and staff have a number of practices/procedures in place to ensure compliance in this area.

Disposal of Property

This section directly relates to the Shire's proposal with Batavia Health to dispose of Lot 13 Point Leander Drive, Port Denison and the necessary public notice requirements, of which the Shire has complied. This process carried over into 2015 therefore the same response as 2014 applies.

Elections

Whilst no gifts were disclosed the Shire continues to maintain and make available an Electoral Gifts Register.

Finance

This section relates to the Audit Committee and its duties. The Shire is considered to be compliant in all areas.

Local Government Employees

This section relates to the recruitment of the Chief Executive Officer (CEO) or designated senior employees. A N/A response has been provided for all questions as the Shire of Irwin has not been involved with this process during 2015.

Official Conduct

The Shire of Irwin has not been in receipt of any Complaints relating to official conduct of Council members however a Complaints register is available and maintained.

Tenders for Providing Goods and Services

The Shire is considered to be compliant in all areas of this section. A review of its tender processes are undertaken annually to improve tender and purchasing practices across the organisation to ensure this is consistent.

**Stakeholder Engagement:**

The CAR is presented the Shire's Audit Committee to consider the results of the return and then make a recommendation to Council.

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

*The Local Government Act provides at Section 7.13:*

7.13. Regulations as to audits

- (1) Regulations may make provision —



- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
  - (i) of a financial nature or not; or
  - (ii) under this Act or another written law.

*The Local Government (Audit) Regulations provides at Regulation 14:*

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

**certified** in relation to a compliance audit return means signed by —

  - (a) the mayor or president; and
  - (b) the CEO.

**Policy Implications:**

Nil

**Risk Implications:**

Adoption of the CAR is a statutory requirement of Council which could have major compliance implications for the Shire and therefore considered to have a high risk rating however the completion of this return annually helps to ensure that the local government is following good governance practices and compliances with the relevant Acts and Regulations and is mitigating associated risks.

**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**

**CEO02 – 02/16**

**Subject:** Rules of Conduct Review  
**Reporting Officer:** Coordinator Executive Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** GR.SL.14  
**Voting Requirements:** Simple Majority

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**Council Role:**

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**Report Purpose:**

Council is asked to consider the recommendations provided in regards to the Department of Local Government and Communities' Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework.

**Officer's Recommendation:**

**That Council accepts the recommendations, as presented in Attachment Booklet – February 2016 under separate cover, in regards to the Department of Local Government and Communities' Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework.**

**Attachment:**

[DLGC Rules of Conduct Review Discussion Paper and Officer's Response.](#)

**Background:**

The Department of Local Government and Communities (DLGC) is sponsoring a review to be carried out on the Local Government (Rules of Conduct) Regulations 2007 and the Minor Branch Disciplinary Framework, and has released a consultation paper.

The Regulations, which provide a disciplinary framework to deal with minor breaches by local government elected members, are being reviewed in response to a range of concerns that have been raised by the sector.

A consultation paper has been prepared which sets out findings from the review conducted, including the current complaints procedure and implementation of the Regulations, and proposes a number of regulatory and process amendments in response to those findings.

The proposals encompass four key elements;

1. Amending the regulations to improve clarity and alignment with policy intent.
2. Improving guidance material and complaint documentation.
3. Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes.
4. Codifying the Standards Panel procedures and practice, and simplifying reporting.

Submissions from local governments are due to the Department Friday, 4 March 2016.

**Officer's Comment:**

A response has been prepared generally supporting the proposals and suggestions for improvement are provided where sought.

As any changes to the Regulations may have repercussions for elected members statewide it is important for our elected members to participate in such consultation opportunities.

WALGA and LGMA WA have also requested that any feedback be supplied to them to help inform them of emerging issues and the general position of the sector.

**Stakeholder Engagement:**

As above, any feedback submitted to DLGC will be forwarded to WALGA and LGMA WA.

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

Local Government (Rules of Conduct) Regulations 2007

**Policy Implications:**

Whilst the Shire has no policy in regards to how the Shire responds to requests for feedback from government agencies and supporting bodies, it is considered good practice to be involved in policy decisions through the Council decision-making process and its affiliation with these agencies.

**Risk Implications:**

Risks associated with providing feedback on the DLGC's Review of the Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework are considered to be insignificant and rare therefore the overall risk rating is 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.

Strategy 4.4.1 Participate in regional forums, including the Northern Country Zone of WALGA, Regional Road Group, Batavia Region of the MWDC.

**OFFICE OF THE CEO**

**CEO03 – 02/16**

**Subject:** Better Practice Review Program Final Report  
**Reporting Officer:** Coordinator Executive Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** GV.RE  
**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.
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**Report Purpose:**

For Council to receive the Department of Local Government and Communities' Final Report on the Shire of Irwin's performance through the Better Practice Review (BPR).

**Officer's Recommendation:**

**That Council:**

- a) **Receives and endorses the attached Local Government Better Practice Review (BPR) Program Final Report and associated action plan provided in Attachment Booklet – February 2016; and,**
- b) **Notes the correspondence received by the Shire President from the Hon. Tony Simpson, MLA, Minister for Local Government; Community Services; Seniors and Volunteering; Youth in regards to the Shire's achievements recognised through the BPR Program.**

**Attachment:**

[Better Practice Review Program – Final Report](#)  
[Letter from Hon. Tony Simpson MLA](#)

**Background:**

As outlined in the Better Practice Review Final Report, "The Local Government Better Practice Review (BPR) Program is an initiative undertaken by the Department of Local Government and Communities (Department) to recognise and promote good practice in Western Australian country local governments. The BPR Program is part of the State Government's Country Local Government Fund (CLGF) Capacity Building Program."

The Shire of Irwin agreed to participate in the Program in early 2015. This initiative involved the completion of a checklist which captured information on the Shire's activities and practices in regards to the key performance areas of Governance, Planning and Regulatory functions, Plan for the Future, Assets and Finance, Workforce Planning and Human Resource Management and Community Consultation. This checklist was then assessed by a dedicated DLGC team, who conducted an on-site visit in April 2015.

Based on the checklist and on-site assessment a draft report was prepared which outlined the Shire's performance in each area and provided feedback on its achievements. The Shire had an opportunity to review the Draft before the Final Report was prepared and submitted to the Minister for his endorsement.

**Officer's Comment:**

The BPR Final Report is now provided for Council's perusal.

A copy of correspondence received from the Minister for Local Government, the Hon, Tony Simpson has also been provided, which congratulates Council and staff for their cooperation and the positive outcomes received as a result of this Review.

The Executive Summary provided within the report, briefly outlines areas where the Shire is performing well and identifies areas for further development. The report goes on to provide further detail of each assessment area and an Action Plan that will assist the Shire in improving its practices and processes.

Participation in the BPR program has been a valuable process as it has provided staff with some great tools for ensuring ongoing improvement, compliance and good governance.

**Stakeholder Engagement:**

The BPR Team consulted with Council, the Shire President, Chief Executive Officer, Executive Management Team and operational level staff to develop a final report.

**Financial/Resource Implications:**

Nil

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

Only minor reputational risk has been identified in regards to the consideration and anticipated adoption of the BPR Final Report. This risk is considered to be of low consequence and rare therefore the overall risk rating is 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

**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 BEHIND CLOSED DOORS**

**14. CLOSURE**

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

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