



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 26 APRIL 2016

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
26 April 2016

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 26 APRIL 2016
COMMENCING AT 4.00PM**

PRESENT: Presiding Member Cr M T Smith (Deputy President)

Councillors Cr M Leonard *via phone from Shire of Leonora*
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
Mrs C M Palmer – Manager Community Services
Mrs H M Sternick – Manager Corporate Services
Ms E Greaves – Coordinator Executive Services

GALLERY: Mr Jon Arden, Mrs Sue Barnett, Mrs Kath Weinman, Mr Kevan Dennis, Mr John Rossiter, Mr Rod Copeland, Mrs Kellie McDonald.

LEAVE OF ABSENCE: Cr I F West (President)

APOLOGIES: Cr S F Gumley
Cr D R Kennedy

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

Nil.

4. PUBLIC QUESTION TIME

Ms Nicola Burr submitted a number of questions, via email, prior to the meeting. These questions were read aloud and a response provided:

1. Can you please advise how much finance will be allocated to this project this financial year and how much will be allocated in the Budget for 2017?

In the 2015/16 budget \$8,100 has been allocated towards modification works at the skate park/BMX track. The Irwin Rec South Precinct Working Group has not had an opportunity to meet since the liaison meeting with stakeholders on the 15 April and therefore a final decision/ recommendation in regards to what works will be undertaken has not been made. Therefore the funding required for works in next year's budget is still to be determined.

2. Will the working group look for a Grant from Lotterywest?

If appropriate the working group/Council may consider seeking additional funds from Lotterywest once a final decision has been made on the works to be carried out.

3. When shall we expect to see some works?

The Irwin Rec South Precinct Working Group needs to meet and a recommendation adopted by Council as to what works are required and therefore the costs involved. It is likely therefore that this will occur in the 2016/17 budget and the works will occur in that year.

4. Has a notice been posted in the Park, letting the park users know that there are toilet facilities available during specific hours in the Rec. Centre?

Arrangements are being made for such a sign to be erected in the skate park area as discussed at the liaison meeting. I have asked staff if this can be attended to urgently.

Mr Rod Copeland outlined his disappointment that not all Councillors attended the recent presentation by Mr John Fenton on Sunday, 24 April regarding his experience of fracking on his ranch in Wyoming USA.

Will the Shire now take into consideration and act on the concerns of the residents of the township of Irwin and also the ratepayers of the Shire, and support the banning of horizontal hydraulic fracturing (fracking) within the Shire of Irwin?

The Deputy President advised, as has been outlined previously, Council is committed to representing the wider views of the community on such issues. Whilst he cannot speak for individual Councillors, elected members are not all available to attend such community events and it is an individual choice.

Mr Rossiter addressed the following questions to Council:

1. Can you please explain the amount of \$9,050 for study enrolment fees, from the March payments list (ref EFT18993 16/02/2016), as I believe this is against policy E3 which states "iii) the unit of study must be successfully completed by the employee to be eligible for Shire assistance."

The Deputy President referred the question to staff. The CEO outlined that the wording does not clearly reflect the policy's intent and it has been identified to be amended through a review of the Policy Manual.

The Director Corporate and Community advised that due to the specific details of that payment not being available at hand the question would need to be taken on notice.

2. Within the listed accounts for March 2016 are payments of \$3,852.32 to Durack Institute of Technology (Diploma of Leadership and Management) and \$2,410 to the University

of New England (Professional Development). Why is Council paying for study/professional development for staff when they should already be qualified?

The Deputy President outlined that Council are supportive of staff undertaking professional development and educational opportunities that will assist to upskill and further develop staff/obtain qualifications that will enable them to effectively and efficiently undertake their duties.

The CEO further outlined that to be an employer of choice, options such as study assistance can be an appropriate method of attracting and retaining staff. Such arrangements may be included within negotiated salary packages.

3. A question at the March meeting was taken on notice concerning safety issues being listed as maintenance. Why has this item not been responded to?

The Deputy President referred the question to the Director Planning and Infrastructure who outlined that the Shire President responded to this question at the meeting, outlining that community safety matters may often have a maintenance response. She further explained that all maintenance requests/safety concerns are recorded within the Shire's customer service system and assessed appropriately. Any high risk matters would be dealt with as a priority and others as resources are available. Council are unable to protect everyone all the time and each person has a level of personal responsibility for ensuring their own safety.

Mrs Kellie McDonald, on behalf of Midwest Fluoride Free, thanked the Shire President and CEO for attending the recent community information session, facilitated by Dr Payne on 7 April 2016, and also thanked Council for donating the cost of room hire to host the event. Mrs McDonald was disappointed at the lack of attendance by elected members who had indicated a general interest to attend in place of a presentation at a Council Forum. She also outlined that there was an opportunity for Councillors to attend a live presentation by Dr Payne regarding fluoridation and advised that she would email the details to the Shire.

1. In regards to the proposed water fluoridation, Mrs McDonald asked the following:

- a) When is the Department of Health going to hold a community information session, as outlined in correspondence to the Shire President by the Minister for Health?
- b) Where will it be held?
- c) Will it be held at a suitable time that may maximise attendance

The Deputy President indicated that these questions were appropriate for the Department of Health. These questions have been raised by the Shire President to the then Minister for Health, who did indicate in his correspondence that he was aware that the Department was preparing a communication strategy however no detail has been provided.

2. In regards to the Dooka Mine on Kailis Drive, has the Shire received a copy of or issued a special permit for calcium carbonate to be an approved waste product of the mining operations at this site? If not, why not? If so, why has the community not been advised?

The Shire is not aware of such a permit being issued, this is a matter to be raised with the owner of the mine or Department of Mines and Petroleum (DMP).

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 MARCH 2016

A copy of the Minutes of the Ordinary Council Meeting held on 22 March 2016 has been provided to all Councillors under separate cover.

COUNCIL DECISION 010416:

MOVED: Cr Thompson

SECONDED: Cr Meares

That the Minutes of the Ordinary Council Meeting, held on 22 March 2016, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 5/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- | | |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 March | ART@ Easter Launch and Sundowner – presentation of Shire of Irwin sponsored 'Best Local Artist' Award made by Shire President |
| 31 March | WA Country Health Service (WACHS) meeting for key stakeholders was attended by the Shire President, CEO, Director Corporate and Community and Manager Community Services to discuss capital projects. |
| 1 April | Northern Country Zone of WALGA Elected Member Training Day attended by the Shire President and Cr Gumley. |
| 2 April | Northern Country Zone of WALGA 2016 Conference – Today Towards Tomorrow attended by the Shire President, Cr Gumley and the CEO. |
| 11 April | Councillor Engagement Workshop – attended by all Councillors |
| 15 April | Irwin Rec South Precinct Working Group – Skate Park and BMX Track consultation on site |
| 25 April | Anzac Day – Memorial Park |

ART@Easter Exhibition and 'Best Local Artist Award

Congratulations to Kellie Dawson on being awarded the 'Best Local Artist' Award in 2016.

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 04/16

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

Council Role:

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

Report Purpose:

To receive the list of accounts paid under delegated authority during March 2016.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020416:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That the Accounts paid during March 2016, represented by Trust Cheques 3104-3108 and EFT19164-EFT19165 totalling \$182,892.80 Municipal Cheques 31143-31162, EFT 19107-19241 totalling \$528,103.48, Police Licensing PL260216 – PL290316 totalling \$57,250.40, Credit Card Payments \$348.48, Vehicle Lease \$853.51 and Click Super \$52,409.01, be received.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Accounts for Payment – March 2016](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of March 2016.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

Local Government Act 1995

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

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.

Arrangements were made for Mr Grant Woodhams to be available by phone to provide further information regarding Item CC04 Denison Foreshore Sprint – Recreational Boat Jetty Closure, therefore this item has been brought forward.

Mr Grant Woodhams joined the meeting by phone at 4:28pm.

CORPORATE AND COMMUNITY

CC04 – 04/16

Subject: Denison Foreshore Sprint – Recreational Boat Jetty Closure
Reporting Officer: Manager Community Services
Responsible Executive: Director Corporate and Community
File Reference: RC.EV
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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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to consider supporting the closure of the Recreational Boat Ramp, from 7pm Saturday 24 September 2016, and reopening at 4pm on Sunday 25 September 2016 for the purpose of conducting the Denison Foreshore Sprint.

COUNCIL DECISION 030416:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council suspends Standing Orders at 4:28pm.

VOTING DETAILS:

CARRIED 5/0

COUNCIL DECISION 040416:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council reconvenes under Standing Orders at 4:42pm.

VOTING DETAILS:

CARRIED 5/0

Officer's Recommendation:

That Council supports the closure of the Recreational Boat Ramp for the duration of the Denison Foreshore Sprint being held on Sunday 25 September 2016 as per details presented in Attachment Booklet – April 2016 under separate cover.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 050416:

MOVED: Cr Scott

SECONDED: Cr Leonard

That Council:

- a) supports the closure of the Recreational Boat Ramp for the duration of the Denison Foreshore Sprint being held on Sunday 25 September 2016; and
- b) Supports the propose course layout, as presented within the Attachment Booklet – April 2016 under separate cover.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Fishermen's Boat Ramp at Port Denison](#)
[Denison Foreshore Sprint Insurance](#)
[Proposed Course Layout](#)

Background:

The proposed Denison Foreshore Sprint classic car event is a time trial for vintage/veteran cars. The planned course is to be conducted on public roads and property within the town area of Port Denison, commencing at the Port Store from Leitch Street to the Obelisk and return. This event was previously known as the Port Denison Speed Trials

The course will encompass roads within the foreshore and marina precinct using Point Leander Drive primarily as the start and finish locations. Road closures would be required throughout the duration of the event. The proposed time is 9am to 4pm on Sunday 25 September, 2016. The road closures would need to be in place for this period of time.

Access to the recreational boat ramp will need to be closed, as insurance for the event will only be given if all the road closures are in place and the Denison Foreshore Sprint has exclusive use of this area. The proposed boat ramp closure would need to be in place from Saturday 24 September from 7pm and reopen on Sunday 25 September 4pm. Closing access to the Recreational Boat ramp from Saturday will prevent anyone from being trapped within the proposed road closure.

Mr Woodhams has provided correspondence from Mr Bruce Cockman, the President of the Dongara Professional Fisherman's Association granting permission for members of the public to use the Commercial Boat ramp if this event goes ahead.

The estimated number of participants is 40 plus, and the majority of participants will be accompanied by one or two other people. In addition to the participants and their crew it would be hard to estimate the number of spectators at any given time.

Officer's Comment:

Council's continued support and commitment for events is reflected in the Shire of Irwin Strategic Community Plan 2012 -2022, Tourism Development Plan 2013 – 2018 and the Community Development Plan 2014 – 2019.

At the Shire of Irwin Events Committee meeting held Tuesday 23 February 2016, a recommendation from the committee was to create an agenda report to take to Council for endorsement for closing the recreational ramp on the day.

There are several other events happening over this long weekend; a lawn bowls competition, Ulysses Club Odyssey and a Midwest Show and Shine, so the accommodation providers and local businesses will benefit as the stay of most participants could be for two or three nights.

Stakeholder Engagement:

Mr Grant Woodhams attended the Council Forum held on Tuesday 8 September 2015 to outline to Council a proposal for the Shire to host a motorsport event in Port Denison over the long weekend in September 2016. A meeting was held at the Fisherman’s Hall on 7 October at 2pm between Mr Grant Woodhams, Mr Bruce Pollock, Manager Works Aaron Wootton and Manager Community Services Coralie Palmer. The purpose of this meeting was to look at the proposed course.

This item was also taken to the Events Committee Meeting held on Tuesday 24 November 2015 for discussion and further discussed at the Events Committee Meeting held on Tuesday 15 December 2015.

The Shire of Irwin Events Committee met immediately prior to the 15 December 2015 Council Meeting and, with the Shire President’s approval, tabled the following recommendation for Council consideration.

EVENTS COMMITTEE RECOMMENDATION AND COUNCIL DECISION 101215:	
MOVED: Cr Gumley	SECONDED: Cr Smith
That Council;	
a) supports the concept of the Port Denison Speed Trials being held September 2016; and	
b) <u>allocates</u> up to \$5,000 for the event in the 2016/17 Budget.	
VOTING DETAILS:	CARRIED 8/0

This item was also discussed at the Events Committee meeting held Tuesday 23 February 2016.

Financial/Resource Implications:

There would be financial implications and organisational responsibilities for the Shire of Irwin both financially and in-kind. The proposal includes areas of responsibility that the Shire of Irwin would need to organise and allocate funds from the next financial year budget.

The Community Assistance Scheme is currently open and a copy of the application and guidelines has been emailed to Mr Grant Woodhams.

There will be benefits to having this event in town through increased tourism opportunities and a financial windfall for the local businesses. Local community and sporting groups would also benefit through their involvement with the event and the potential profits.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The likelihood of risk arising from Council approving the closure of the Recreational Boat jetty are predominately related to reputational risk but this is a short term interruption and the likelihood of risk is possible but the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 1.3.2 Partner and work with local businesses, state government agencies and other regional tourism organisations.

Strategy 3.6.5 Continue to support and fund community events such as Larry Lobster Community Festival, Australia Day Celebrations, Kite Stock, Easter Saturday Races and others.

CORPORATE AND COMMUNITY

CC02 – 04/16

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

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

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

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060416:

MOVED: Cr Meares

SECONDED: Cr Thompson

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

VOTING DETAILS:

CARRIED 5/0

Attachment:

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

Background:

The Monthly Financial Report to the 31 March 2016 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 March 2016 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,713,379	0.9% negative variance
Operating Expenditure	\$5,985,083	12.1% positive variance
Net Operating	\$1,728,296	
Capital Revenue	\$453,391	50.2% positive variance
Capital Expenditure	\$1,672,989	19.1% positive variance
Cash at Bank – Municipal	\$3,277,597	
Cash at Bank – Reserve	\$2,512,027	
Total Funds Invested	\$5,006,506	
Net Rates Collected	96.65%	
Receivables Outstanding	\$79,297	

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 – 04/16

Subject: Budget Review 2015/16
Reporting Officer: Manager Corporate Services
Responsible Executive: Director Corporate and Community
File Reference: FM.BU.15.16
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:

To consider and adopt the budget review for the financial year 2015/16 as presented in the Statement of Financial Activity for the period 1 July 2015 to 29 February 2016.

COUNCIL DECISION 070416:

MOVED: Cr Scott

SECONDED: Cr Meares

That Council suspends Standing Orders at 4:45pm.

VOTING DETAILS:

CARRIED 5/0

COUNCIL DECISION 080416:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council reconvenes under Standing Orders at 4:49pm.

VOTING DETAILS:

CARRIED 5/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 090416:

MOVED: Cr Leonard

SECONDED: Cr Meares

That Council adopts the 2015/16 Budget Review, provided under separate cover in the Attachments Booklet – April 2015.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 5/0

Attachment:

[Budget Review 2015/16](#)

Background:

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government and Communities.

Officer's Comment:

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and greater than \$5,000 for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

- This report provides information by program and is based on the eight month period from 1 July 2015 to 29 February 2016.
- The budget review reflects a view of the position of the Shire of Irwin – projected full year income and expenditure against full year original budget.
- The projected actual are based on the information provided for each program, with an estimated increase in Net Operating Profit of \$81,700 compared to original budget.

In the attachment is an explanation of identified major expenditure and revenue expectations of specific projects not proceeding, reduction in revenue or timing issues.

Stakeholder Engagement:

Discussions have been held with individual Managers and Directors with regards to their project's progress.

Financial/Resource Implications:

The adoption of this budget review will forecast the budget with an estimated surplus of \$81,700. It is suggested that the estimated surplus be retained in the Municipal accounts to be brought forward into next financial year.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Australian Accounting Standards

Policy Implications:

Nil.

Risk Implications:

The associated risks would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. It is therefore considered to have a high risk rating however the completion of the budget review ensures that the local government is following good governance practices and mitigates 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.

PLANNING AND INFRASTRUCTURE

PI01 – 04/16

Subject: Addition of Former Dominican Convent Cemetery, St Dominic's Road, to the Shire's Scheme Heritage List.
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: LP.PL
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

For Council to consider initiating the process to add the Former Dominican Convent Cemetery, St Dominic's Road, as a Heritage Place on the Shire of Irwin Scheme Heritage List.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 100416:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council, pursuant to Part 3 – Heritage Protection of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, initiates the process to add the Former Dominican Convent Cemetery, St Dominic's Road, as a Heritage Place, on the Shire of Irwin Scheme Heritage List.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Heritage Report for Former Dominican Convent Cemetery](#)

Background:

The attached report was prepared by the Shire's Heritage Advisor in 2015. At its January 2016 meeting, the Shire of Irwin Heritage Advisory Committee requested the Shire's Planning Services to initiate the process for including the Former Dominican Convent Cemetery near the Priory Hotel in the Shire's Scheme Heritage List.

The Former Dominican Convent Cemetery is currently contained in the Shire of Irwin Municipal Inventory (Place No. 56).

Officer's Comment:

If Council resolves to initiate the process, the landowner will be informed and provided with the opportunity to comment. Any comments received will be reviewed by the Heritage Advisory Committee prior to making final recommendation to Council.

Stakeholder Engagement:

The Heritage Advisory Committee requested the proposal and the Manager Library and Tourism Services supports it.

If Council agrees to initiate the heritage listing process, the proposal would be referred to the landowner for a period of 21 days.

Financial/Resource Implications:

Nil.

Statutory Environment:

Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 5

Policy Implications:

Nil.

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 – 2022
Outcome 2.1 Recognise and retain our places of heritage value.

PLANNING AND INFRASTRUCTURE

PI02 – 04/16

Subject: Memorandum of Understanding for Uncle Ann’s Writers Group for One Room at Denison House
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: CP.RE.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 licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To seek Council’s approval to enter into a Memorandum of Understanding with the Uncle Ann’s Writer Group for the exclusive use of one room at Denison House.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 110416:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council approves the Memorandum of Understanding with the Uncle Ann’s Writer Group for part of the property located on Lot 787, Retreat Boulevard, Port Denison, as presented in the Attachment Booklet – April 2016, provided under separate cover.

VOTING DETAILS:

CARRIED 5/0

Attachment:

- [Plan](#)
- [Request](#)
- [Memorandum of Understanding](#)

Background:

Denison House is sometimes known as ‘the Monastery’ or ‘Dr. Bartlett’s House’. Currently, two rooms are rented out to the Dongara Denison Art Group and Dongara Patchwork Club (see attached plan). Uncle Ann’s Writer Group approached the Shire of Irwin requesting use of one of the rooms at the Denison House (see attached plan and request).

The Dongara Denison Art Group currently pay \$574.55 per annum (excluding GST) and the Dongara Patchwork Club pay \$668.18 per annum (excluding GST).

An MOU has been drafted to manage the use of the property by the proponents. The proposed rental period is for 12 months, commencing on 1 May 2016. The annual rent would be \$300. After the first year, if all parties are agreeable, the MOU may be renewed for a longer period as determined by Council.

Officer's Comment:

As the room to be used is smaller than the rooms used by the other groups, a smaller fee is considered appropriate. The MOU should be supported.

Stakeholder Engagement:

Discussions were held between the proponents and the Manager Community Services, Manager Community Safety and the Planning Officer, and it was agreed that the annual rent would be \$300.

Financial/Resource Implications:

The Uncle Ann's Writer Group will contribute \$300 annually.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council entering into a Memorandum of Understanding with Uncle Ann's Writer Group is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Outcome 3.6 Arts, culture and recreation are recognised and supported.

Strategy 3.6.2 Annually review the cost and utilisation of all community facilities and services.

Outcome 3.7 Community groups and volunteers are acknowledged and supported.

PLANNING AND INFRASTRUCTURE

PI03 – 04/16

Subject: Placemaking Working Group’s Terms of Reference
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: LP.PL
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

To consider the recommendation from the Placemaking Working Group to adopt its Terms of Reference.

OFFICER’S RECOMMENDATION:

That Council endorse the Placemaking Working Group Terms of Reference, as presented in the Attachment Booklet – April 2016 provided under separate cover.

OFFICER’S REVISED RECOMMENDATION

That Council endorses the Placemaking Working Group Terms of Reference, as presented in the Attachment Booklet – April 2016 provided under separate cover, subject to the quorum definition being in accordance with section 5.19 of the Local Government Act 1995 which states;

“The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or committee.”

OFFICER’S REVISED RECOMMENDATION AND COUNCIL DECISION 120416:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council refers Item PI03 – 04/16 Placemaking Working Group’s Terms of Reference to the May 2016 Council Forum for further information.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Placemaking Working Group Terms of Reference](#)

Background:

The Dongara Town Centre Placemaking Project was initiated after being presented to the Council Forum in September 2015. The project commenced in December 2015, following approval from the Shire's SMT. The purpose of this project is to raise awareness about Placemaking for the Dongara Town Centre and to form a Placemaking Working Group that will be responsible for implementing small-scale do-able improvements in the Dongara Town Centre. This project aims to make the Dongara Town Centre a high quality public place, with improved levels of social and economic activity.

The Placemaking Working Group is not a Committee of Council. It will operate independently. Through Planning Services, the Shire's role is to assist the group with advice, some basic administration work and funding applications.

The Placemaking Working Group is to be divided into two groups. One group will be comprised of three 'nominated representatives': Sarah Collins, Janet Ross and Kellie Wilson. This group's purpose is to represent the Placemaking Working Group in meetings, to make final decisions and be the main point of contact between the Shire and the Placemaking Working Group. The remaining members will work on projects, brainstorm idea, assist with fundraising and advertise Placemaking within the town centre.

The purpose of the Terms of Reference is to set the objectives, functions and duties, membership and general provisions of the Placemaking Working Group. The Terms of Reference is to be reviewed by the Placemaking Working Group on an annual basis.

Officer's Comment:

The Terms of Reference outline the way the group will operate. The Shire is to play a supporting role only and has helped to draft the Terms of Reference. When the project was initiated, the Shire made it clear that the Terms of Reference should include 9 Placemaking Principles. These principles have been included. Given this, and the other reasonable content, it is recommended that Council endorse the group's Terms of Reference.

Stakeholder Engagement:

Consultation with those interested in being part of the Placemaking Working Group was undertaken. The Terms of Reference was circulated for review prior to the Placemaking Working Group Meeting on Thursday 10 March 2016. Any feedback has been incorporated into the Terms of Reference.

Financial/Resource Implications:

There will be no financial implications, as the Placemaking Working Group will rely on grant funding, fundraising and donations.

The Working Group finances will be situated in the Shire's bank accounts. Any grant funding applications on Shire owned land will require the funding to be given to the Shire of Irwin. The Placemaking Working Group finances will be in a restricted Shire bank account to allow for future grant funding opportunities. This restricted account will be created for the purpose of the Placemaking Working Group, and only be accessed for the payment of goods and services for any Placemaking Working Group Projects. The Placemaking Working Group will be required to abide by the Shire's Purchasing Policies – which includes the signing-off of purchase orders for any use of the funds.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council approving the Placemaking 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

Outcome 2.5 Our Town Centres are attractive, accessible and inviting, whilst maintaining their unique character.

Strategy 3.6.2 Annually review the cost and utilisation of all community facilities and services.

Outcome 3.7 Community groups and volunteers are acknowledged and supported.

Mrs Barnett and Mrs Weinman left the meeting at 4:55pm.

PLANNING AND INFRASTRUCTURE

PI04 – 04/16

Subject: Memorandum of Understanding for LOGICIT's use of TV Tower
Reporting Officer: Manager Planning Services
Responsible Executive: Director Planning and Infrastructure
File Reference: A7335
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

To seek Council's approval to enter into a Memorandum of Understanding with LOGICIT for use of the Shire of Irwin's TV Tower on Lot 302 Dee Street, Dongara.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 130416:

MOVED: Cr Scott

SECONDED: Cr Thompson

That Council approves the Memorandum of Understanding with LOGICIT for use of the Shire of Irwin's TV Tower on Lot 302 Dee Street, Dongara as presented in the Attachment Booklet – April 2016, provided under separate cover.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Location Plan](#)

[Memorandum of Understanding](#)

Background:

The Shire owns a TV tower on Lot 302 Dee Street, but not the land on which it is located. Lot 302 is unallocated crown land (see attached Location Plan). LOGICIT have some Wi-Fi equipment on the tower. The equipment supports the Shire's free Wi-Fi network and was allowed on the tower to assist this successful project in May 2015. Access is currently via the adjacent road to the east beside the golf course. To formalise this arrangement a Memorandum of Understanding (attached) has been prepared by Officers in consultation with LOGICIT.

Lot 302 is currently unallocated crown land. Prior to preparing the MOU, the Shire has been in discussions with the Department of Lands (DoL) with a view to acquiring the land as a Shire reserve. DoL have no objection in principle. However, the process is likely to be lengthy, due to consideration of matters relating to Native Title. In the meantime, DoL informed the Shire that they have no objections in principle to use MOU's to manage use of the TV tower, as this would not affect the underlying land tenure.

Officer's Comment:

LOGICIT have indicated that they would like to add more equipment to the tower to provide an internet service for gaps in the market not covered by the NBN roll-out. The Shire has been contacted recently by residents asking if such a service could be provided, which indicates that there may be some local demand.

The proposed MOU allows the Shire to control access and the placement of equipment on the tower. The Shire and LOGICIT have agreed in principle to a period of 5 years (5 year renewal option), with a monthly rent to be paid in accordance with a fee set annually within the Shire's Schedule of Fees and Charges. There is an equipment shelter at the base of the tower, which uses electricity for lighting and air conditioning. If LOGICIT's activities result in excessive electricity bills, they have agreed to pay additional costs. The Shire has agreed to give LOGICIT a key to access the site for maintenance purposes.

While Planning Services have no objection in principle to additional equipment on the tower, the MOU has been drafted to allow the Shire to monitor additions, as some equipment may require Development Approval under Local Planning Scheme No. 5. However, experience with other telecoms towers suggests that most additional equipment will likely be considered Permitted Development under the Telecommunications (Low-impact Facilities) Determination 1997.

Taking all of the above matters into consideration, the MOU should be approved.

Stakeholder Engagement:

Discussions were held between LOGICIT and Shire Officers from Corporate Services and Planning and Infrastructure. Discussions were also held between DoL and Planning and Infrastructure.

Financial/Resource Implications:

Based on similar arrangements in other local government areas, the rent will start at \$130 per month (including GST). Electricity costs will be shared by the Shire and LOGICIT, with LOGICIT paying additional where excessive costs are incurred. LOGICIT will also be required to pay a \$1,000 bond for the key to access the property.

Statutory Environment:

Local Government Act 1995
Local Planning Scheme No, 5
Telecommunications (Low-impact Facilities) Determination 1997
Land Administration Act 1997

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council entering into a Memorandum of Understanding with LOGICIT is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 – 2022, Strategies:

- 1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure;
- 4.1.3 Continue to monitor and update communication strategies, including social media;

4.5.2 – Lobby for improved services, including telecommunications, water, power and waste water treatment.

Tourism Development Plan 2013 – 2018

5.4 – Investigate and implement free Wi-Fi in Dongara and Port Denison.

PLANNING AND INFRASTRUCTURE

PI05 – 04/16

Subject: Transfer of Funds from Plant Replacement Reserve to Capital Works Program 2015/16
Reporting Officer: Manager Works
Responsible Executive: Director Planning and Infrastructure
File Reference: PK.DE
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
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Report Purpose:

To consider transferring funds from the Plant Replacement Reserve to the municipal account for the purchase of a new zero turn mower.

COUNCIL DECISION 140416:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council suspends Standing Orders at 4:55pm.

VOTING DETAILS:

CARRIED 5/0

COUNCIL DECISION 150416:

MOVED: Cr Meares

SECONDED: Cr Thompson

That Council reconvenes under Standing Orders at 5:00pm.

VOTING DETAILS:

CARRIED 5/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 160416:

MOVED: Cr Thompson

SECONDED: Cr Meares

That Council approves the transfer of \$20,000 from the Plant Replacement Reserve for the replacement of a new zero turn mower and authorises the Budget be amended accordingly.

VOTING DETAILS:

CARRIED BY AN ABSOLUTE MAJORITY 5/0

Background:

The current Toro zero turn mower was purchased in 2013 for use in small areas and around obstacles that the larger mowers cannot access and is due for replacement in the 2016/17 budget. The machine itself while very effective is designed for domestic use and as such is struggling to keep up with the demand of the Shire, resulting in excessive maintenance and repair costs. A maintenance report was presented to the Plant Committee on Monday, 11 April 2016 where all members supported the recommendation to replace the mower this financial year.

Officer's Comment:

The Toro zero turn mower is due for replacement next financial year as per Council's Small Plant and Equipment Replacement Program, however with the regular need to carry out maintenance on the current machine it is recommended that money be made available through the Plant Reserve in line with the Plant Committee's recommendation. It is considered that the machine, in its current state, would provide good value as a trade in as opposed to waiting until next financial year.

Stakeholder Engagement:

A maintenance report was developed in consultation with the Operations Supervisor and presented to the Plant Committee for their consideration at their 11 April 2016 meeting.

Financial/Resource Implications:

Allocation of \$20,000 from the 2015/16 Plant Reserve

Statutory Environment:

Local Government Act 1995

Risk Implications:

The likelihood of risk arising from purchasing a new machine would outweigh the risk of keeping the older machine knowing that costly maintenance is inevitable.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 2.3.2 – Continue to Maintain Shire Reserves

Outcome 2.6 – Physical assets are maintained efficiently and effectively

PLANNING AND INFRASTRUCTURE

PI06 – 04/16

Subject: Point Leander Verge Planting Project Initiation – Stage 1
Reporting Officer: Manager Works
Responsible Executive: Director Planning and Infrastructure
File Reference: PK.DE
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

To consider a proposal to commence verge planting works along Point Leander Drive.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 170416:

MOVED: Cr Scott

SECONDED: Cr Meares

That Council approves Stage 1 of the Point Leander Verge Planting Project, as presented in the Attachments Booklet – April 2016 provided under separate cover.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Point Leander Verge Planting Project - Project Initiation Form](#)

Background:

The Green Infrastructure Strategy was adopted by Council in March 2015 and is on the Western Australian Local Government Association's (WALGA) list of best practice climate change projects. WALGA have invited the Shire to speak about the strategy's aim to plant more trees at a conference in August 2016, with the intent of inspiring other local governments.

The strategy contains an Action Plan that sets out a range of projects and initiatives including the Point Leander Verge Planting Program. This project is considered high priority by Council within the Green Infrastructure Strategy, as it will beautify the longest and one of the most significant streets in Port Denison.

Officer's Comment:

The Point Leander Verge Planting Program is to be staged due to cost. Stage 1 Autumn/Winter 2016 will commence around the Point Leander Drive / Pearse Road roundabout, near the drainage swales. The plants will be a mixture of small trees/shrubs and ground cover that will suit the constraints of the area (powerlines overhead and services underground) and the environmental conditions.

The project also has the support of the Tidy Towns Sustainable Committee and Tidy Towns volunteers will assist with planting. This will enable the Shire to promote the project within the Community. This example of partnership-working will also be promoted when the Shire applies for external funding sources for future green infrastructure projects.

Stage 1 of the Point Leander Verge Planting Project should be initiated in accordance with the attached Project Initiation Form.

Stakeholder Engagement:

External

- Tidy Towns Sustainable Committee

Internal

- Senior Management Team
- Executive Management Team

Financial/Resource Implications:

Allocation of \$10,000 from the 2015/16 Budget

Statutory Environment:

Local Government Act 1995

Policy Implications:

Council Policy for Verge Planting

Risk Implications:

The likelihood of risk arising from this project is expected to be unlikely and the consequence minor therefore the risk would be low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 2.5.2 Support the Tidy Towns Sustainable Committee

OFFICE OF THE CEO

CEO01 – 04/16

Subject: Shire of Irwin Economic Development Advisory Committee Terms of Reference
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: ED.PL.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 licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

Council are asked to consider the recommendation provided by the Shire of Irwin Economic Development Advisory Committee in regards to adopting the presented Terms of Reference.

EDAC/OFFICER'S RECOMMENDATION AND COUNCIL DECISION 180416:

MOVED: Cr Leonard

SECONDED: Cr Meares

That Council adopts the Shire of Irwin Economic Development Advisory Committee Terms of Reference as presented in Attachment Booklet – April 2016 under separate cover.

VOTING DETAILS:

CARRIED 5/0

Attachment:

[Shire of Irwin Economic Development Advisory Committee Terms of Reference](#)

Background:

The newly established Shire of Irwin Economic Development Advisory Committee held its first meeting on 22 March 2016 immediately following the Ordinary Council Meeting.

A draft set of Terms of Reference were developed and presented at this meeting in order to guide the Committee's processes and strategies for meeting the purpose and objectives of the Committee and provide direction to Council.

Following review and discussion on the EDAC Terms of Reference the Committee resolved the following:

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE DECISION

MOVED: Cr Thompson

SECONDED: Mr Saulsman

That the Economic Development Advisory Committee (EDAC) accepts the Terms of Reference as presented as a separate attachment, subject to the following amendments;

- **Meetings be held bimonthly (every second month) on the third Wednesday of the month at 4:30pm in the Council Chambers.**

CARRIED 7/0

At the meeting it was clarified that the Committee would be responsible for considering any applications and making a recommendation to Council for the appointment of any new Committee members, including the 2 x independent community representatives as set by Council at the November 2015 Ordinary Council Meeting. All Committee appointments are to be determined by Council.

The “*Approved Means” as defined within the Terms of Reference was discussed. The CEO outlined that the intent was to assist Committees and staff to better understand the need to align any actions or outcomes with the Shire’s strategic direction. The intent is not to hinder new or innovative ideas but encouraged further justification or description if it did not align so that Council may consider a new direction.

Officer’s Comment:

As the Committee has only had one meeting since being established, members are yet to establish any specific strategies in meeting Council’s and the Committee’s own objectives. The Terms of Reference do outline the proposed functions of the Committee:

- To develop a Shire of Irwin Economic Development Plan
- Promote local economic opportunity and innovation through appropriate stakeholder engagement;
- Assist the Shire in meeting its strategic objectives in concert with the Shire’s integrated planning and reporting framework which includes but is not limited to the Shire’s, Strategic Community Plan, Corporate Business Plan, Annual Budget and other informing documents; and
- Offer direction to the Shire in making recommendations to Council in accord with these Terms of Reference.

Stakeholder Engagement:

The Economic Development Advisory Committee were consulted in regards to their own Terms of Reference.

Members of the Committee currently include Cr West (Chairperson), Cr Thompson, Cr Smith, Cr Meares, the CEO and Mr Ron Saulsman and Wayne Wickham as representatives of the Mid West Chamber of Commerce and Industry (MWCCI) Dongara Sub-Committee.

Advertising has commenced to attract two independent community representatives. The expressions of interest will be considered by the Committee and a recommendation made to Council on the appointments.

Financial/Resource Implications:

As outlined within the Terms of Reference, EDAC is not authorised to make decisions on behalf of Council (including allocation and expenditure of funds) but may make recommendations to Council through an approved means (as explored above, it is outlined that any recommendations are to be submitted, in writing to the CEO, outlining the proposed recommendation and how it aligns with the Shire's integrated planning and reporting framework.

Statutory Environment:

Local Government Act 1995, Part 5, Division 2
Local Government (Administration) Regulations 1996, Part 2
Shire of Irwin Standing Orders Local Law 2000

Policy Implications:

Nil.

Risk Implications:

There are minor risks associated with the Committee acting outside of its role (compliance and reputational risks) but they have been mitigated by the development of the proposed Terms of Reference, complementing the existing statutory requirements of the Committee. The overall risk rating is considered to be low.

Strategic Implications:

Strategic Community Plan 2012 – 2022 Strategies:

- 1.4.1 Develop and implement a Community and Economic Development Plan
- 1.4.2 Investigate options to leverage investment and promote retail development
- 1.5.1 Partner with industry to leverage local opportunities

OFFICE OF THE CEO

CEO02 – 04/16

Subject: Proposed Meeting Procedures Local Law
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: LE.LO.11
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.
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- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To give notice of the purpose and effect of the proposed Meeting Procedures Local Law 2016.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 190416:

MOVED: Cr Scott

SECONDED: Cr Meares

That Council gives public notice of the purpose and effect of the proposed Shire of Irwin Meeting Procedures Local Law 2016, in accordance with section 3.12 of the Local Government Act 1995, which are as follows:

- (1) The purpose of this local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.**
- (2) The effect of this local law is to result in:**
 - (a) better decision-making by the Council and committees;**
 - (b) the orderly conduct of meetings dealing with Council business;**
 - (c) better understanding of the process of conducting meetings; and**
 - (d) the more efficient and effective use of time at meetings.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 5/0

Attachment:

[Proposed Shire of Irwin Meeting Procedures Local Law](#)

Background:

Following the preparatory work undertaken during the Local Law Review resulting in a Council decision to remake and repeal the Standing Orders Local Law, research and consultation has been done to develop a Meeting Procedure Local Law that meets industry best practice, local needs and circumstances and is compliant with legislative process.

The presented (proposed) Local Law is based on the WALGA model Meeting Procedures Local Law.

Officer's Comment:

The presented local law reflects only one noteworthy change to the model, which is in regards to the Order of Business. The proposed law is considered to better reflect our current practice and future needs.

All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws. Whilst the proposed local law does reiterate the Act and relevant legislation, it has been included to provide readers with some clarity and a reference for further guidance.

The WALGA model law was used to develop this local law, however it is proposed that the law be adopted by reference (that is, adopt a Local Law already published by another Local Government) to create efficiencies and reduce advertising expenditure. It is worth noting that a new local law must be advertised in the Government Gazette in full at around \$260 per page which, in this case, would amount to an estimated \$6,800.

Provided below is the steps for Making a Local Law:

1. Prepare a report to Council outlining the purpose and effect of the proposed local law
2. Obtain Council approval
3. Provide state-wide and local public notice for at least 50 days
4. Notify the Minister for Local Government (and any other relevant Minister) of the proposed local law, providing a copy of it and the public notices
5. Ensure members of the public have access to the proposed local law and record any submissions received within the advertised period
6. Undertake a review of any submissions received (may be necessary to begin the process again if significant change is called for).
7. Prepare a report to Council for them to consider adopting the local law
8. Send a copy of the Local Law to State Law Publisher to be printed in the Gazette
9. Send a copy of the Gazette to the Minister for Local Government (and any other relevant Minister) and provide an Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation (JSCDL)
10. Provide state-wide and local public notice that a Local Law has been made

It is important to note that there are strict requirements and guidelines around adopting a local law, and should it be determined that these requirements are not met, the Shire may need to recommence this statutory process.

Stakeholder Engagement:

Councillors were briefed on the proposed Meeting Procedures Local Law 2016 and provided an opportunity to seek clarification of any matters before the Law was to be drafted for presentation at an Ordinary Council Meeting to go out for public consultation.

Public consultation is the next statutory step in making a Local Law should approval be provided at this meeting. There is a statutory requirement for the proposed local law to be advertised to the public for at least 50 days. Any submissions received will be assessed and a report will be presented to Council following the close of the public consultation period.

Financial/Resource Implications:

State-wide and local public notice of the proposed local law will incur advertising costs.

Statutory Environment:

3.12. Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and (c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Policy Implications:

There are no significant policy implications at this time.

Risk Implications:

Should the statutory process for making a local law not be followed or it is not considered lawful by the JSCDL there is a risk that the process will need to recommence from the start. By using the WALGA model local law, these risks are reduced.

There is also a risk that the public consultation process will propose significant changes, at which time the process will need to begin at Step 1 (see timeline above). Again, this risk is reduced by utilising the WALGA model local law, following guidance and advice prepared by WALGA and the previous consultation already undertaken throughout the Local Law Review process i.e. Local Law Discussion Paper etc that was developed to assist in informing the public on its intent.

These risks pose a moderate measure of consequence (regarding compliance and reputational), although because it is unlikely the overall risk rating is Moderate.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

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

OFFICE OF THE CEO

CEO03 – 04/16

Subject: Corporate Business Plan – Desktop Review
Reporting Officer: Coordinator Organisational Performance
Responsible Executive: Chief Executive Officer
File Reference: FM.BU.16.17 / CM.PL.1
Voting Requirements: Absolute Majority

Council Role:

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

Report Purpose:

For Council to consider changes to the 2016/17 component of the Corporate Business Plan 2014 - 2018.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 200416:

MOVED: Cr Leonard

SECONDED: Cr Meares

That Council approves the changes to the Corporate Business Plan allocations for the 2016/2017 financial year as specified in the attachment 'Corporate Business Plan modifications 2016/17'.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 5/0

Attachment:

[Corporate Business Plan 2014-2018 \(as adopted 25 June 2013\)](#)

[Corporate Business Plan modifications 2016/17](#)

Background:

The Local Government (Administration) Regulations 1996 (the Regulations) were amended in August of 2011 with the inclusion of regulations that ensure Council meets its statutory obligation under section 5.56 of the Local Government Act 1995 to 'plan for the future of the district'.

The Regulations require Council to prepare and adopt a Corporate Business Plan (CBP) as identified in the Local Government (Administration) Regulations 1996.

Officer's Comment:

On 25 June 2013, Council adopted the Shire of Irwin Corporate Business Plan 2014-2018 (CBP) which has been provided as an attachment. This strategic document has assisted in operational planning since its date of adoption and has been considered by Councillors and staff on an annual basis in order to ensure that its content remains relevant and in line with Council's defined priorities.

In a bid to embrace innovation and best practice principles it is considered that formalising its annual review of the plan through the Council process to ensure transparency and accountability will be in the Shire's best interest. The CBP will be reviewed again in the 2016/17 financial year.

In acknowledging the Shire's legislative obligations the adoption of this report will enable the Shire to meet its responsibilities particularly in respect to both sections 19DA(4) and 19DA(6).

Stakeholder Engagement:

This report is based on the outcome of a Budget and Corporate Business Plan workshop Council Workshop held on Wednesday, 9 March 2016. 7 Councillors were present at this meeting (apology noted from Cr Gumley) as well as Executive Management Team members, Executive Management Team support staff and the Manager Corporate Services.

Financial/Resource Implications:

The budget allocations nominated within the attached document informs the 2016/17 budget preparation process.

The nominated figures will still be required to be adopted through the 2016/17 Budget report and therefore will remain a reflection of Council's intent until such a time that they are formally adopted through this process.

Statutory Environment:

Local Government (Administration) Regulations 1996.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*

- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Policy Implications:

Nil.

Risk Implications:

Given that this document outlines Council's intent for inclusions within the 2016/17 budget rather than a formal adoption of figures, it is considered that the reputational risk associated with this report would be considered to have an insignificant measure of consequence and an unlikely measure of likelihood resulting in an overall risk rating of low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

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

OFFICE OF THE CEO

CEO04 – 04/16

Subject: General Practitioner (GP) Services Financial Assistance
Reporting Executive: Chief Executive Officer
File Reference: PH.SE.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 licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To respond to Council's 22 March 2016 resolution concerning its General Practitioner (GP) Services Financial Assistance package.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 210416:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council invite Dr James Quirke, Principal of Batavia Health, to the May 2016 Council Forum to outline Batavia Health's position in respect to any future General Practitioner (GP) Services Financial Assistance by the Shire of Irwin.

VOTING DETAILS:

CARRIED 5/0

Background:

At its meeting held on 22 March 2016, Council resolved:

SHIRE PRESIDENT'S MOTION AND COUNCIL DECISION 210316:

MOVED: Cr West

SECONDED: Cr Leonard

That Council suspends, with immediate effect, the existing accommodation and financial assistance package provided to Batavia Health for local General Practitioner (GP) services pending a staff report being presented to the April 2016 Council meeting outlining the current situation and future options for Council consideration.

VOTING DETAILS:

CARRIED 8/0

Officer's Comment:

In January 2010 Council resolved to provide access to a house plus a \$2,000 monthly financial assistance payment to attract and retain a local GP service.

Since this time the Shire has continued to support the Dongara Medical Centre through this initiative, confirming it through the integrated planning framework and annual budget process.

In respect to the dwelling used for doctor housing, the Shire has recently taken possession of the property and staff have liaised with local real estate agents and are currently assessing options in respect to future residential tenancy.

In terms of the \$2,000 monthly financial assistance payment, this has been suspended in accordance with Council's resolution.

Also in accordance with Council's resolution, staff have identified the following options for Council consideration:

1. Resume the 2010 financial assistance package, as is;
2. Resume the 2010 financial assistance package, in part (say access to housing or assistance payment only);
3. Cease the 2010 financial assistance package and replace with a rates concession for the Lot 13 Point Leander Drive, Dongara whilst it used as medical and allied health centre (currently under construction);
4. Cease the 2010 financial assistance package and replace with a rates concession for the southern part of Lot 13 Point Leander Drive that will be used for public car parking; or
5. No longer provide any form of assistance.

However, prior to Council considering the matter further, it is suggested and considered appropriate that Council consider inviting Dr James Quirke, the principal of Batavia Health, (the parent company of the Dongara Medical Centre) to the May 2016 Council Forum to outline Batavia Health's position.

This approach is consistent with the Shire's recent consultations with the Dongara Tennis Club and skate park/BMX Track users.

Stakeholder Engagement:

Shire President
Director Corporate and Community

Financial/Resource Implications:

As Council has suspended payment of the 2010 financial assistance package and the May 2016 Council Forum is already scheduled there is no additional costs to be incurred by Council in considering the Officer's recommendation.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

With Batavia Health's commitment to a new medical and allied health centre, the likelihood of risk to medical services of a decision to cease or alter the existing GP financial assistance is considered to be rare whilst consequence is considered moderate. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.5.1 Continue to advocate for improved facilities and access to services, including doctors and allied health professionals.

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

13.1 Confidential - Audit Committee Review of Irwin Rec Operations and Management

(In accordance with Regulation 14 (2) of the *Local Government (Administration) Regulations 1996*, the CEO is of the opinion that it is likely that the part of the Council meeting involving consideration of Item 13.1 will be closed to members of the public under Section 5.23 (2) of the *Local Government Act 1995* and, therefore, the Officer's Report for item 13.1 has been marked "Confidential" and provided to Councillors under separate cover).

COUNCIL DECISION 220416:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council closes the meeting to the public at 5:06pm, in accordance with section 5.23(2) of the Local Government Act 1995.

VOTING DETAILS:

CARRIED 5/0

Members of the public, Manager Community Services and Manager Corporate Services left the meeting at 5:07pm.

COUNCIL DECISION 230416:

MOVED: Cr Thompson

SECONDED: Cr Scott

That Council reopens the meeting to the public at 5:50pm.

VOTING DETAILS:

CARRIED 5/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 240416:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council holds a Workshop on Monday, 9 May 2016 at 5pm in the Council Chambers to initiate the review of the Irwin Recreation Centre's operations and management, and consider the following points;

- 1. An analysis of community use and expectations regarding access and availability of facilities.**
- 2. A review of fees and charges**
- 3. Such facts and operational procedures that can yield a cost/benefit analysis**

- 4. Provision of a detailed update to the June Council Forum.
- 5. A final report to be prepared and presented at the June Council meeting.

VOTING DETAILS:

CARRIED 5/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5:51pm.

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

I certify that this copy of the Minutes is a true and correct record of the meeting held on 26 April 2016

Signed:
Presiding Elected Member

Date:.....