



AGENDA
FOR THE
ORDINARY MEETING
OF COUNCIL
TO BE HELD ON
TUESDAY, 28 JUNE 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.

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 28 JUNE 2016

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



Darren Simmons
Chief Executive Officer

24 June 2016

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, 28 JUNE 2016 AT 4.00PM**

PRESENT:	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr 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 Mrs H M Sternick – Manager Corporate Services Ms E Greaves – Coordinator Executive Services

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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**
 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 24 MAY 2016**

A copy of the Minutes of the Ordinary Council Meeting held on 24 May 2016 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 24 May 2016, be confirmed as a true and accurate recording of that meeting.

A copy of the Minutes can be obtained from the Shire's website at irwin.wa.gov.au.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 06/16

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 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 May 2016.

Officer's Recommendation:

That the Accounts paid during May 2016, represented by Trust Cheques 3113-3117 and EFT19436 totalling \$12,545.00 Municipal Cheques 31185-31205, EFT 19350-19437 totalling \$508,204.00, Police Licensing PL280416 – PL270516 totalling \$51,020.15, Credit Card Payments \$2,605.02 and Click Super \$45,760.53, be received.

Attachment:

Accounts for Payment – May 2016

Background:

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

CORPORATE AND COMMUNITY

CC02 – 06/16

Subject: Financial Statements for the Period ending 31 May 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.
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Report Purpose:

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

Officer's Recommendation:

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

Attachment:

Financial Statements for the month ending 31 May 2016

Background:

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

Operating Revenue	\$8,159,283	2.1% positive variance
Operating Expenditure	\$7,423,468	8.1% positive variance
Net Operating	\$735,815	
Capital Revenue	\$680,518	13.1% negative variance
Capital Expenditure	\$1,907,494	33.8% positive variance
Cash at Bank – Municipal	\$2,409,793	
Cash at Bank – Reserve	\$2,512,027	
Total Funds Invested	\$4,006,506	
Net Rates Collected	97.38%	
Receivables Outstanding	\$46,546	

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

Stakeholder Engagement:

Nil

Financial/Resource Implications:

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

Statutory Environment:

Local Government Act 1995 - Section 6.4

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

Section 34 Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

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

CORPORATE AND COMMUNITY

CC03 – 06/16

Subject: Port Denison Foreshore Development Reserve
Reporting Officer: Manager Corporate Services
Responsible Executive: Director Corporate and Community
File Reference: FM.AD.15.16
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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- 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's approval to create a Port Denison Foreshore Development Reserve Account and to transfer funds.

Officer's Recommendation:

That Council approves:

- 1) **The creation of a Port Denison Foreshore Development Reserve Account and the transfer of \$200,000, being \$159,000 unused municipal fund and \$41,000 from Coastal Management Reserve provision for this purpose included in the 2015/16 Shire of Irwin budget; and**
- 2) **The purpose of the reserve to be "used to fund the development works of the foreshore in Port Denison".**

Background:

The establishment of reserves allow Council to set aside money to be used for a designated purpose in a future financial year.

Provision of \$200,000 was made in the 2015/16 budget to show clear commitment by the Shire with respect to supporting future funding applications for the Foreshore Core Precinct redevelopment.

Officer's Comment:

To ensure the commitment shown in the 2015/16 budget is maintained, it is suggested to transfer \$200,000 of Municipal and Coastal Management Reserve funds into a Port Denison Foreshore Development Reserve Account.

Stakeholder Engagement:

Nil

Financial/Resource Implications:

A provision of \$200,000 was allocated within the 2015/16 budget for the foreshore core precinct project, this consists of \$41,000 transfer from the Coastal Management Reserve and \$159,000 from Municipal Funds.

Statutory Environment:

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

17. Reserve accounts, title of etc.

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

Policy Implications:

Nil

Risk Implications:

The likelihood of risk arising from creating a new Port Denison Foreshore Development Reserve Account is expected to be rare and the consequences would be insignificant. Therefore the risk 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.

CORPORATE AND COMMUNITY

CC04 – 06/16

Subject: Consideration of Submissions Regarding Advertised Differential Rates 2016/17
Reporting Officer: Manager Corporate Services
Responsible Executive: Director Corporate and Community
File Reference: RV.RT.3
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 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 submissions and initiate the process for seeking Ministerial approval regarding the 2016/17 differential rates.

Officer's Recommendation:

That Council;

- 1) notes that the submissions received from ratepayers regarding the proposed differential rates 2016/17 have been considered; and
- 2) make application to the Minister for Local Government and Communities seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	9.6594	\$932
<i>Unimproved Valuations</i>		
General Differential Rate	1.1817	\$932
Mining Differential Rate	17.8310	\$932

Attachment:

Copies of the submission letters have been provided under separate confidential cover, as per *Local Government Act 1995 s5.23 (2)(c)*.

Background:

At its Ordinary Council Meeting on 24 May 2016, Council resolved to advertise its intention to adopt differential rates for the 2016/17 financial year.

OFFICER’S RECOMMENDATION AND COUNCIL DECISION 040516:

MOVED: Cr Thompson

SECONDED: Cr Gumley

That Council;

- 1) advertises its intention, in accordance with Section 6.36 of the Local Government Act 1995 to adopt the following rates in the dollar and minimum rates (option 1 in the officer’s comments) for the differential rating categories specified for the 2016/17 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	9.6594	\$932
<i>Unimproved Valuations</i>		
General Differential Rate	1.1817	\$932
Mining Differential Rate	18.0335	\$932

- 2) endorses the Statement of Objects and Reasons, as presented in the Attachments Booklet – May 2016 under separate cover.

- 3) makes application to the Minister for Local Government and Communities seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV General properties, subject to no objections being received, during the public consultation period.

VOTING DETAILS:

CARRIED 8/0

As part of the budget process, Councillors reviewed the projected changes in operating income and expenditure, along with efficiency measures, proposed capital works, projects and new initiatives. Although Council’s adopted Long Term Financial Plan includes a 5.7% rate increase in 2016/17 the proposed differential rates were based on a 3% increase in the rate in the dollar across all categories.

Advertising was undertaken in accordance with Section 6.36 of the Local Government Act 1995 with the submission period for public comment of the propose Differential Rates closing 20 June 2016. In addition to the statutory advertising process, letters were sent to owners of mining properties.

Officer’s Comment:

Two (2) submissions have been received in relation to the mining differential rate.

Date Submission Received	Ratepayer	Submission Summary	Officer’s Comment
20 June 16	1	<ul style="list-style-type: none"> • Does not have an active mine on these leases (only exploration) • UV levels proposed has Mining UV at 18.0335 compared to a General UV at 1.1817 resulting in the Mining Rate being an extraordinarily and unacceptable 1,526% higher 	UV General and UV Mining are based on “Unimproved Values” provided by the Valuer General, the <i>Valuation of Land Act 1978</i> prescribes different methods of calculating each one.

		<ul style="list-style-type: none"> The general 3% overall rate increase is proposed, in the case of the UV Mining rate, the increase is proposed from 16.9784 to 18.0335 is in fact a 6% increase The DMP is raising mining tenement rentals by 3.4%. The reason for the additional increase over CPI is stated as being to cover the Departments processing costs when assessing Mining Proposals and Programs of Work 	<p>The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.</p> <p>The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.</p>
20 June 16	2	<ul style="list-style-type: none"> UV levels proposed has Mining UV at 18.0335 as against General UV at 1.1817 resulting in the Mining Rate being an extraordinarily and unacceptable 1,526% higher The general 3% overall rate increase is proposed, in the case of the UV Mining rate, the increase is proposed from 16.9784 to 18.0335 is in fact a 6% increase The DMP is raising mining tenement rentals by 3.4%. The reason for the additional increase over CPI is stated as being to cover the Departments processing costs when assessing Mining Proposals and Programs of Work Contributes to the local community by sponsoring sporting activities 	<p>The general 3% overall rate increase in mining rate revenue is not over the rate in the dollar. It is calculated by using the actual rates raised as at 1 July 2015 and then adjusted by any full year equivalent increase or decrease on interims received for the year.</p>

The Mining Tenement Roll has now been received, when the original rates modelling was completed Mining Tenements valuation was 2,184,074 now the valuation is 2,223,551. If Council maintained the advertised 2016/17 rate in the dollar it would raise approximately \$5,700 more in rates. By changing the rate in the dollar to 17.8310 it would raise the same anticipated amount of \$401,372.

Stakeholder Engagement:

Community consultation occurred through advertising of the differential rates for 21 days in the Geraldton Guardian dated 17 May 2016, the Rag, Shire of Irwin website and Facebook. Correspondence was sent to all Mining Tenements owners.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2016/17 financial year.

Statutory Environment:

Local Government Act 1995

6.33. Differential general rates

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

6.36. Local government to give notice of certain rates

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

Policy Implications:

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

Objectivity

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

- zoning
- land use
- vacant land.

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

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

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

Fairness and Equity

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

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

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

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

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

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

- the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison

and was given at least 21 days to make submissions to the local government on the proposal.

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

Consistency

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

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

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

Transparency and administrative efficiency

The local government has:

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

The public notice published by the local government contained:

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

The council of the local government has:

- considered each ratepayer submission (if any)

- resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

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

CORPORATE AND COMMUNITY

CC05 – 06/16

Subject: 2016/17 Draft Budget Consultation
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.
- 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 approving the 2016/17 Draft Budget for public consultation.

Officer's Recommendation:

That Council resolves to advertise the 2016/17 Draft Budget for the purpose of public consultation closing 12 noon Monday, 18 July 2016, in order to consider any submission prior to the final adoption of the budget, presented in Attachment Booklet – June 2016 under separate cover.

Attachment:

2016/17 Draft Budget

Background:

The Draft Budget has been prepared for the 2016/17 financial year and at the June Council forum, substantial time and discussion was given in consideration of the provisions in the Draft Budget papers, including capital improvements and operational requirements. General acceptance on the major items contained within the draft budget was reached.

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

At the February Council Meeting, Council adopted a 2016/17 Budget Timetable, due to the Draft Budget being presented to the June Forum the timetable has been advanced by approximately a month. Subject to Ministerial approval of the Differential Rates the budget may be adopted in July 2016.

Officer's Comment:

The 2016/17 Draft Budget, if approved, is to be advertised for public comment in the Geraldton Guardian on Friday, 1 July 2016, with submissions closing on 12 noon Monday, 18 July 2016. Advertising will also be distributed through the Local Rag, A Brilliant Blend Bulletin, the Shire's electronic community notice board, webpage and facebook page. All feedback received from the community and other stakeholders will be presented at the Council Meeting on Tuesday, 26 July 2016 as part of the final adoption of the 2016/17 Budget.

Stakeholder Engagement:

The 2016/17 Draft Budget will be advertised for public comment closing 12 noon, Monday 18 July 2016.

Financial/Resource Implications:

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

Statutory Environment:

The Local Government Act 1995 provides as follows:

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

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

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

Policy Implications:

C5 – Community Engagement and Public Consultation Policy.

Risk Implications:

The consequences of publicly advertising the 2016/2017 Draft Budget are insignificant and the likelihood of there being significant consequences is rare, therefore the risk implications are low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

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

PLANNING AND INFRASTRUCTURE

PI01 – 06/16

Subject: Coastal Hazard Risk Management and Adaptation Plan
Reporting Officer: Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
File Reference: LP.PL.11
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 adopting the Coastal Hazard Risk Management and Adaptation Plan.

Officer's Recommendation:

That Council adopts the Coastal Hazard Risk Management and Adaptation Plan to be used as a guide for future planning decisions, as presented in the Attachments Booklet – June 2016 provided under separate cover.

Attachment:

Final CHRMAP

Background:

The Shire, Northern Agricultural Catchments Council (NACC) and Curtin University's Department of Engineering formed a partnership and made a successful funding application to carry out a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) project.

The purpose of the CHRMAP is to provide strategic guidance on coordinated, integrated and sustainable management and adaptation for land use and development in the coastal zone. Specifically this CHRMAP:

- provides information on the effects of coastal hazards;
- presents a decision-making framework to assess the associated risks;
- highlights coastal hazard areas in terms of vulnerability and risk; and
- suggests possible adaptation options.

The objectives of the CHRMAP are to:

- increase knowledge of coastal features, processes and hazards in the Shire;
- include stakeholders and community in planning and decision-making process;

- identify coastal hazards;
- identify coastal hazard risk areas (both natural and man-made) impacted by coastal hazards and their functions;
- determine likelihood and consequence of impacts from coastal hazards on assets and assign a level of risk; and
- identify relevant management/Coastal adaptation actions and how these can be incorporated into short and long term planning.

After identifying coastal hazard risk areas, modelling was carried out for various inundation and erosion scenarios. This is the first time the Irwin coast has been modelled in this way. The modelling results are limited by the availability of accurate data, particularly geophysical data (much of the coastline has never been comprehensively surveyed). This means that there are likely to be inherent inaccuracies with the modelling results, which cannot be taken as a true representation of what may happen during inundation and erosion events. However, the results can be used as indicators and preliminary findings for further detailed studies.

The CHRMAP contains a number of recommendations for each of the hazard risk areas which were modelled. It also contains a prioritised implementation plan with identified actions.

Officer’s Comment:

The modelling results demonstrate that the weakest point of the Shire’s coastline with the most significant levels of public and private assets is between Granny’s Beach and Surf Beach in Port Denison. The Irwin River was not included in the study, and is noted as a significant gap in knowledge of coastal processes. Therefore, the highest priority actions are to:

1. In the Port Denison, Granny’s Beach and Surf Beach area:
 - a. investigate potential inundation impacts and ascertain the need and viability for improving the inundation resilience of public infrastructure in this area (e.g. the sea wall between Granny’s Beach and Surf Beach);
 - b. investigate retrofitting urban drainage systems to accommodate fluvial flooding;
 - c. investigate the need for coastal protection structures to protect/defend areas from erosion; and
2. Carry out flood modelling of the Irwin River, including an analysis of combined river flooding and coastal impacts.

Stakeholder Engagement:

The project has been led by a steering group comprised of a Shire Councillor, Shire staff, the Department of Planning, the Department of Transport, NACC and Curtin University. A community workshop was held in April 2015 to present the project and allow the community to participate in identifying the hazard risk areas. In April/ May 2016, NACC facilitated 2 risk analysis workshops with Shire Councillors and staff. In June 2016, the modelling results and the draft CHRMAP were presented at a second community workshop, which also involved a question and answer session.

The draft CHRMAP was then publicly advertised for a period of 14 days and referred to a number of state government agencies. Letters were also sent to all owner/occupiers of fishermen’s shacks within the coastal nodes on Reserve 43708 (south of Port Denison).

One public submission was received. The submission is in support of the fishermen’s shacks. The submitter is not a Shire resident and is not a shack owner/occupier. All of the state government agencies that responded indicated that they have no comments to make.

Financial/Resource Implications:

The CHRMAP is funded by a grant (\$50,000) received from the Department of Planning and \$50,000 contribution from the Shire. Curtin University were provided \$70,000 to produce the coastal modelling results. NACC were given \$30,000 to provide advice and facilitate workshops. The Shire produced the final plan in-house at no financial cost on officer time.

Statutory Environment:

Planning and Development Act 2005

Policy Implications:

State Planning Policy 2.6 State Coastal Planning

Risk Implications:

The likelihood of risk arising from Council adopting the CHRMAP and forwarding it to the WAPC for consideration and endorsement is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.4 Our natural assets and open spaces are accessible and amenable.

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 4.1 A well informed and engaged community.

PLANNING AND INFRASTRUCTURE

PI02 – 06/16

Subject: Memorandum of Understanding for Shire Assets
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 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's approval to enter into Memorandums of Understanding (MOU) with various community groups.

Officer's Recommendation:

That Council approves the following Memorandums of Understanding with:

- **Dongara Community Resource Centre for the use of the Irwin Community House premises at 11 Moreton Terrace, Dongara;**
 - **Dongara Charities Group for the use of 9 Moreton Terrace, Dongara;**
 - **Dongara Denison Art Group for the use of the Art Gallery, Billiard Room, Study and Kitchen at Denison House, Lot 787 Retreat Boulevard, Port Denison; and**
 - **Irwin District Historical Society (Inc) for the use of the 'Old Police Station' premises at 5 Waldeck Street, Dongara and 'Russ Cottage' premises at 1 Saint Dominics Road, Port Denison;**
- as presented in the Attachment Booklet – June 2016 provided under a separate cover.**

Attachment:

1. Draft Memorandum of Understanding for Dongara Community Resource Centre
2. Draft Memorandum of Understanding for Dongara Charities Group
3. Draft Memorandum of Understanding for Dongara Denison Art Group
4. Draft Memorandum of Understanding for the Irwin District Historical Society (Inc)

Background:

The Dongara Community Resource Centre (CRC), Dongara Charities Group and Dongara Denison Art Group (DDAG) have previously had MOUs with the Shire for the use of the above relevant Shire buildings. These MOUs were not renewed when they expired in June 2015. The Shire has offered new MOUs be established for the use of the buildings (Attachment 1, 2, 4).

The Irwin District Historical Society (IDHS)'s MOU expires on 30 June 2016. A renewed MOU has been requested by the IDHS for an additional five (5) years (Attachment 3).

Officer's Comment:

Dongara CRC

There were no changes to the Draft MOU in comparison with the previous MOU between the Shire of Irwin and the CRC. There were two amendments requested when consulting with the CRC, which the Shire considered reasonable and agreed to (see table below).

Dongara Charities Group

There were no changes to the Draft MOU in comparison with the previous MOU between the Shire of Irwin and the Dongara Charities Group. There were no amendments requested when consulting with the Dongara Charities Group.

Dongara Denison Art Group

The Draft MOU also includes the use of an additional room (Study) and the shared use of the kitchen with the Uncle Ann's Writers Group. The annual rent has increased from \$640.50 to \$745. The DDAG did not request any further amendments to the MOU when consulted with the Draft MOU.

The DDAG currently do not contribute to the electricity and water charges of the Denison House. The Draft MOU has included that the DDAG contribute a portion of the electricity and water charges. The portion was determined based on the frequency of group meetings, in comparison to the other community groups that use the Denison House. The DDAG are required to contribute to;

- 37% of the electricity charges
- 27% of the water charges

These charges were based on the use of the three rooms and the shared use of the kitchen.

Irwin District Historical Society (Inc)

There were no changes to the renewed MOU in comparison with the current MOU between the Shire of Irwin and the IDHS. There were no amendments requested when consulting with the IDHS.

Community Group or Organisation	Responses	Officer Comment
<p>Dongara Community Resource Centre (CRC)</p>	<p>1. The CRC were unable to confirm funding for the originally offered five years, and requested that it be changed to a four year period. 2. The original draft included a statement that read "excluding the use of the room formally used for Veteran Affairs" this was requested to be removed.</p>	<p>1. This was a reasonable request, the MOU was amended to read four years (Attachment 1) 2. After investigation into this, the Draft MOU was amended to include the use of the room formally used for Veteran Affairs, as they are currently using.</p>
<p>Dongara Charities Group</p>	<p>N/A</p>	<p>The Draft MOU has not had any amendments following consultation with the Dongara Charities Group</p>
<p>Dongara Denison Art Group (DDAG)</p>	<p>1. The DDAG have requested to be able to share the kitchen with the Uncle Ann's Writers Group 2. To be able to utilise other rooms in the Denison House</p>	<p>1. This is a reasonable request and the Shire will allow the DDAG to utilise the kitchen facilities. The costs of water and electricity will be charged accordingly to the DDAG. 2. The Shire has offered the Art Group the use of the study also,</p>

		for an additional cost (to be included in the annual rent)
Irwin District Historical Society	N/A	The Draft MOU has not have any amendments following consultation with the Irwin District Historical Society

Stakeholder Engagement:

The Draft MOUs were referred to the various community groups and organisations for comment (see above).

Financial/Resource Implications:

These community groups will contribute financially for the use of the buildings, including portions of utility costs.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council entering into Memorandums of Understanding with Dongara Community Resource Centre, Dongara Charities Group, Irwin District Historical Society and Dongara Denison Art Group is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

Strategy 3.1.1 Continue to monitor community infrastructure needs and infrastructure utilisation

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

OFFICE OF THE CEO

CEO01 – 06/15

Subject: Delegations Register Review 2016
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.PO.1
Voting Requirements: Absolute Majority

Council Role:

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

Report Purpose:

For Council to review the updated Delegations Register for adoption.

Officer's Recommendation:

That Council adopts the Delegations Register dated June 2016 and notes the Schedule of Authorised Persons as presented in Attachment Booklet – June 2016 under separate cover.

Attachment:

Delegations Register 2016
Schedule of Authorised Persons

Background:

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

The Senior Management Team was provided an opportunity to review and discuss the Delegations Register at a Senior Management Meeting in March 2016 and officers were consulted further in the lead up to the preparation of this report.

Officer's Comment:

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

- Reflects new positions through the restructures of the Planning and Infrastructure and Corporate and Community directorates (across various delegations);

- CEO03 - Provides an additional online authorising officer for payroll payments/funds transfers (Coordinator Organisational Performance);
- CEO19 – new inclusion to identify requirements and delegations under the Bush Fire Act

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

Financial/Resource Implications:

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

Statutory Environment:

Local Government Act 1995 s5.18 and s5.46

Policy Implications:

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

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Tidy Towns Sustainable Committee Minutes and Adoption of Recommendations En Bloc

TIDY TOWNS SUSTAINABLE COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Tidy Towns Sustainable Committee meeting held 25 May 2016;
- b) approves the submission of funding applications for:
 - 1. a NACC Community Grant for re-vegetation and signage along north side of the Irwin River, west of the bridge;
 - 2. a NACC Quick Step Grant to fund an interpretative sign near the estuary; and
 - 3. a NACC Quick Step Grant to fund a clean-up day at South Cliff Head;
- c) approves a budget allocation of \$20,000 in the 2016/17 Budget to implement the actions from the Irwin River Estuary Management Plan.; and,
- d) Appoints, by Absolute Majority, Jenny Fox as a Community Member on the Tidy Towns Sustainable Committee.

as provided within the Attachments Booklet – June 2016.

9.2.2 Receipt of Community Assistance Scheme Committee Minutes and Adoption of Recommendations En Bloc

COMMUNITY ASSISTANCE SCHEME COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Community Assistance Scheme Committee meeting held 27 May 2016; and,
- b) approves the following funding allocation for the Community Assistance Scheme funding round which closed Monday 16 May 2016 for the 2016/2017 financial year:

ORGANISATION	PROJECT DESCRIPTION	GRANT
Duyfken 1606 Replica Foundation	Duyfken 2016 Dirk Hartog Commemorative Voyage and Exhibition	\$4,500.00
Dongara Returned Services League	Installation of Sound Absorbing Material	\$3,250.00
St John Ambulance - Irwin Districts Sub Centre	Mid West South Emergency Services Games	\$5,000.00
Dongara Patchwork Club Inc	20th Anniversary Calendar	\$1,925.00
Irwin District Charity Ball Inc	Irwin District Charity Ball	\$2,300.00
	TOTAL	\$16,975.00

as provided within the Attachments Booklet – June 2016.

9.2.3 Receipt of Roadwise Committee Minutes and Adoption of Recommendations En Bloc

ROADWISE COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Roadwise Committee meeting held 30 May 2016; and,
- b) approves the transfer of \$1,963.50 from Restricted Assets - Roadwise Funds to the Municipal Account for the purchase of a display board to be used for Roadwise events and promotions and a TV for promotional videos located at the Irwin,

as provided within the Attachments Booklet – June 2016.

9.2.4 Receipt of Heritage Advisory Committee Minutes and Adoption of Recommendations En Bloc

HERITAGE ADVISORY COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Heritage Advisory Committee meeting held 31 May 2016;
- b) supports the concept of the Interpretive Signage Project, and a budget allocation of \$5,000 in 2016/2017 financial year; and,
- c) appoints Debbie Gillam, by Absolute Majority, as a Community Committee Member to the Shire of Irwin Heritage Advisory Committee,

as provided within the Attachments Booklet – June 2016.

9.2.5 Receipt of Plant Committee Minutes and Adoption of Recommendations En Bloc

PLANT COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Plant Committee meeting held 13 June 2016;
- b) makes provision for the following changes to the Draft Plant Replacement Program during its 2016/17 Budget consideration;
 - 1) disposal of the Caterpillar Steel Roller, John Deere Grader and Kenworth DAF prime mover in the 2016/17 financial year;
 - 2) replacement of the Merlo Telehandler in the 2016/17 financial year with a review of the current specifications;
- c) disbands the current Plant Committee, including its terms of reference and membership to enable the creation of a new Asset Management Advisory Committee

(with an associated staff report being presented in July 2016 for Council consideration);

as provided within the Attachments Booklet – June 2016.

9.2.6 Receipt of Audit Committee Minutes and Adoption of Recommendations En Bloc

AUDIT COMMITTEE RECOMMENDATION

That Council:

- a) receives the Minutes of the Shire of Irwin Audit Committee meeting held 14 June 2016;**
- b) accepts the Financial Management and Audit Regulations Review Report dated 26 May 2016 prepared by Andrew Burchfield Consulting and notes the management actions identified within the report;**
- c) appoints by Absolute Majority, Moore Stephens as the provider of audit services for the 2016/17 financial year, as per the fees quoted (circulated to Councillors under separate confidential cover in accordance with section 5.23(2)(c) of the Local Government Act) and appoints the following persons as its auditors:**

Mr G Godwin – Registered Company Auditor No 310219

Mr DJ Tomasi – Registered Company Auditor No 15724

Mr Wen-Shien Chai Registered Company Auditor No 299761; and,

- d) receives the BPR Progress Report June 2016 as presented and seeks a further progress report to be provided to the Audit Committee in September 2016,**

as provided within the Attachments Booklet – June 2016.

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

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

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