



MINUTES  
FOR THE  
ORDINARY MEETING  
OF COUNCIL  
HELD ON  
TUESDAY, 26 JULY 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 July 2016

Signed: .....  
Presiding Elected Member

Date:.....



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

<b>PRESENT:</b>	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr B C Scott Cr D R Kennedy Cr M Leonard <i>via phone from Shire of Yalgoo</i> Cr B R Thompson
	Staff	Ms S van Aswegen – Acting Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms E Greaves – Coordinator Executive Services
<b>APOLOGIES:</b>		Cr M G Meares Mr D J Simmons - Chief Executive Officer
<b>GALLERY:</b>		Mrs R Murray, Mr J Rossiter and Mr J Clarke.

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

The Shire President welcomed all for their attendance and opened the meeting at 4:00pm.

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

Cr Meares and Mr D Simmons are apologies.

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

Nil.

**4. PUBLIC QUESTION TIME**

Mrs Rosie Murray addressed the following questions to Council:

1. At one of the foreshore public consultation sessions, the matter of potentially relocating the Sea, Search and Rescue building was raised but was not discussed at the other. Should such a proposal be included, would it not be appropriate to consult with the community further?

The Shire President advised that this was a proposal put forward by a community member at one of the sessions and was discussed briefly but is not proposed to be included in the Plan.

2. Is the Denison Foreshore Sprint event still occurring?

Yes, it is to be held on Sunday, 23 September 2016. The Shire is continuing to liaise with the organisers of the event. The organisers have indicated that they would like to partner with local community and/or sporting groups to get involved in the event and will be making contact soon.

3. Is the Larry Lobster Festival going to be run?

The Shire President advised that it is possible that it may still go ahead as there has been renewed interest from the community.

Mr John Rossiter raised the following matters:

1. What has happened to the Shire grader that was used and damaged by a labour hire group employee recently?

The Shire President outlined that the grader is located at the Depot, waiting for repairs. It was advised that all appropriate steps were taken by the Shire to ensure that the operator was suitably qualified, inducted and supervised, it was just an unfortunate incident. The Shire does have another grader that is currently available for use.

2. Mr Rossiter outlined his opinion of the design and fitout of the Council Chambers. He enquired as to where the clock and honour board were and raised concern with the size and angle of the TV monitors, the comfort of the chairs and the quality of lighting.

The Shire President took the question on notice.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**6. PETITIONS**

Nil.

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 JUNE 2016**

**COUNCIL DECISION 010716:**

**MOVED: Cr Thompson**

**SECONDED: Cr Gumley**

**That the Minutes of the Ordinary Council Meeting, held on 28 June 2016, be confirmed as a true and accurate recording of that meeting.**

**VOTING DETAILS:**

**CARRIED 7/0**

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

**Functions and Events**

- 30 June Residents meeting with Councillors at Sea Rescue in Port Denison
- 7 July The Shire President and Manager Community Capacity met with the judges from the Top Tourism Town Awards
- The Shire President officiated a Citizenship Ceremony for Sarah Whitmarsh in the Function Room
- Session 1 of the Foreshore Consultation with Councillors was held
- 9 July Session 2 of the Foreshore Consultation with Councillors was held
- Thank you to those community members who actively participated in the consultation process for the Port Denison Foreshore Redevelopment project. The Shire values your feedback and is using the information from these sessions and submissions received to develop a final concept plan that will be prepared and presented at a future Council meeting.*
- 12 July The Shire President and Manager Regulatory Services attended a Sub-Regional Planning Steering Group meeting in Jurien Bay

## 9.1 OFFICER REPORTS

### CORPORATE AND COMMUNITY

CC01 – 07/16

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Customer 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 June 2016.

#### OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020716:

**MOVED:** Cr Scott

**SECONDED:** Cr Kennedy

That the Accounts paid during June 2016, represented by Trust Cheques 3118-3123 and EFT19558 totalling \$276,107.94 Municipal Cheques 31206-31224, EFT 19438-19568 totalling \$653,659.15, Police Licensing PL300516 – PL280616 totalling \$91,553.90, Credit Card Payments \$1,689.20 and Click Super \$44,104.91, be received.

**VOTING DETAILS:**

**CARRIED 7/0**

#### Attachment:

[Accounts for Payment – June 2016](#)

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of June 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 – 07/16**

**Subject:** Financial Statements for the Period ending 30 June 2016  
**Reporting Officer:** Manager Customer 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 Monthly Financial Statements for the period 1 July 2015 to 30 June 2016.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030716:**

**MOVED: Cr Thompson**

**SECONDED: Cr Kennedy**

**That the Monthly Financial Statement for the period 1 July 2015 to 30 June 2016 as outlined in the Attachments Booklet – July 2016 under separate cover, be received.**

**VOTING DETAILS:**

**CARRIED 7/0**

**Attachment:**

[Financial Statements for the month ending 30 June 2016](#)

**Background:**

The Monthly Financial Report to the 30 June 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 June 2016 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,936,725	8.6% positive variance
Operating Expenditure	\$8,298,201	17.7% positive variance
Net Operating	\$638,525	
Capital Revenue	\$952,035	21.6% positive variance
Capital Expenditure	\$2,506,411	17.6% positive variance
Cash at Bank – Municipal	\$1,270,259	
Cash at Bank – Reserve	\$3,594,104	
Total Funds Invested	\$0	
Net Rates Collected	97.88%	
Receivables Outstanding	\$45,548	

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 – 07/16**

**Subject:** Differential Rates 2016/17  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Director Corporate and Community  
**File Reference:** RV.VA.5  
**Voting Requirements:** Simple Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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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 consider the adoption of a revised rates in the dollar for 2016/17 differential rating and seek Ministerial approval.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040716:**

**MOVED: Cr Thompson**

**SECONDED: Cr Kennedy**

**That Council makes an amended 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>Unimproved Valuations</i>		
General Differential Rate	1.1817	\$932
Mining Differential Rate	16.9784	\$932

**VOTING DETAILS:**

**CARRIED 7/0**

**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**

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

Two submissions were received Council considered these at its Ordinary Council Meeting on 28 June 2016 and resolved a new rate in the dollar for Unimproved Valuations Mining Differential Rate for the 2016/17 financial year.

**OFFICERS’ RECOMMENDATION AND COUNCIL DECISION 050616:**

**MOVED:** Thompson

**SECONDED:** Kennedy

**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

**VOTING DETAILS:**

**CARRIED 8/0**

Application to the Minister for Local Government and Communities was submitted on Friday 1 July 2016.

**Officer's Comment:**

Feedback has been received from the Department of Local Government and Communities that the rate in the dollar included in Council's application to the Minister results in an inequitable increase in the average rates per tenement. It is suggested that the mining differential rate in the dollar be reviewed by Council that would address this effect and result in a smaller increase in the average rates.

The Department of Mines and Petroleum have increased their tenement rentals as at 1 July 2016 and this has resulted in the UV valuations affected to increase overall by approximately 2%. It should be noted that some tenement valuations have increased by more than this average while others have not changed. However during 2015/16 financial year 22% of the mining tenements in place were cancelled, that resulted in a reduction in the mining rate income received in that year. The net effect of the increased valuations and rate in the dollar for mining as well as reduced tenement numbers has increased the average rates per tenement budgeted for 2016/17.

To alleviate this concern the Department have suggested that Council consider leaving the mining differential rate in the dollar unchanged from 2015/16 and allow the rates for mining to be raised using the increase in valuation from 1 July 2016.

**Stakeholder Engagement:**

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

**Financial/Resource Implications:**

The proposed mining differential rate in the dollar, unchanged from 2015/16, will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2016/17 financial year. The new proposed rate will decrease rate revenue in the draft budget by \$18,600.

**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.

**PLANNING AND INFRASTRUCTURE**

**PI01 – 07/16**

**Subject:** Local Planning Strategy Review  
**Reporting Officer:** Manager Regulatory Services  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** LP.PL.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.
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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 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 adopting the Local Planning Strategy and forwarding it to the Western Australian Planning Commission (WAPC) for consideration and endorsement.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 050716:**

**MOVED: Cr Scott**

**SECONDED: Cr Kennedy**

**That Council:**

- 1. Pursuant to clause 14(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports the Local Planning Strategy Parts 1 and 2 Reports with proposed modifications to address issues raised in the submissions, as presented in the Attachments Booklet – July 2016 provided under separate cover.**
- 2. Forwards the strategy to the Western Australian Planning Commission for consideration and endorsement.**
- 3. Authorises the Chief Executive Officer to prepare a Notice of Revocation for approval of the Commission pursuant to Clause 18(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**VOTING DETAILS:**

**CARRIED 7/0**

**Attachment:**

[LPS Part 1 Report June 2016](#)  
[LPS Part 2 Report June 2016](#)  
[Schedule of public submissions](#)  
[Schedule of agency submissions](#)



**Background:**

In November 2013, the Shire appointed TPG as planning consultants to undertake a comprehensive review of the Shire of Irwin's current Local Planning Strategy (LPS). The project was initiated in January 2014 when TPG began the background analysis for the review. In February 2014 the consultants and sub-consultants visited the Shire of Irwin to carry out on-site analysis, and community and stakeholder engagement sessions and interviews.

Since then, TPG have completed a policy review in consultation with the Shire and State agencies. They have also produced: a Community and Stakeholder Engagement Outcomes Report; Mineral Resources Mapping; a Land Demand Modelling Paper; and an Infrastructure Capacity Report. This work has been included within the consultant's LPS Review Draft Part 2 Report, and is synthesised under Section 6 – Analysis of Key Issues. Section 6 of the Draft Part 2 Report contains the key issues, strategies and actions that were considered for refinement and inclusion within TPG's Draft Part 1 Report. The Part 1 Report is the actual LPS, a comprehensive and contemporary land use and development strategy to provide guidance and direction for the future growth of the Shire.

After the above stages in this project the Council and the WAPC agreed to advertise the Draft LPS. Following advertising the consultants have produced schedules of public and agency submissions (Attachments A and B). The schedule of submissions were presented to Councillors (the Project Steering Group) at a workshop in May 2016, and consensus was reached over TPG's responses to the submissions, which included some recommendations to modify the draft LPS.

The modified LPS Parts 1 & 2 Reports and the schedules of submissions are attached to this report.

**Officer's Comment:**

All submissions have been considered by the Project Steering Group and the LPS has been modified accordingly. Given this, the LPS is recommended for Council adoption and to be forwarded to the WAPC for consideration and endorsement.

**Stakeholder Engagement:**

The LPS Review has been carried out in accordance with the statutory requirements for engagement and consultation. The advertising period exceeded the statutory advertising period of 21 days. The draft was originally advertised in the Midwest Times on 19 November 2015, and open for public comment until 21 December 2015. Following a request from the Mid West Chamber of Commerce and Industry, this period was extended and a second advert was placed in the Mid West Times on 13 January 2016 allowing for comments to be submitted on or before 14 March 2016.

Peter Webb & Associates provided a late submission on 16 July 2016. It included a letter from the Tourism WA's indicating the proposed traveller's stop, campsite and associated facilities at Lot 51-53 is consistent with the State Government's desire to facilitate the development of appropriate infrastructure to support the growing self-drive market, and that an adequate landscape buffer be provided to mitigate visual impact on Indian Ocean Drive. Provision of a landscaping buffer must be identified through a landscape impact assessment, as required by the State Government's Department of Planning. Strategy PH1.3 in the Part 1 report allows for this.

**Financial/Resource Implications:**

The LPS Review is funded by a grant received from the Department of Planning.

**Statutory Environment:**

Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk arising from Council adopting the LPS 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 1.7.2 Continue to monitor and review the Local Planning Scheme and Local Planning Strategies.

**PLANNING AND INFRASTRUCTURE**

**PI02 – 07/16**

**Subject:** Memorandum of Understanding for South Beach Kiosk  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Director Planning and Infrastructure  
**File Reference:** CP.RE.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.
- 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 (MOU) with the owner of the South Beach Kiosk.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060716:**

**MOVED: Cr Leonard**

**SECONDED: Cr Kennedy**

**That Council approves the Memorandum of Understanding with the owner of the South Beach Kiosk, premises at Reserve 11702 White Tops Road, Port Denison, as presented in the Attachment Booklet – July 2016 provided under a separate cover.**

**VOTING DETAILS:**

**CARRIED 7/0**

**Attachment:**

[Memorandum of Understanding for South Beach Kiosk](#)

**Background:**

The costs for using the South Beach Kiosk have not been reviewed for three years. The current business operator at the Kiosk (Starfish Café) had a lease agreement with the Shire. This lease agreement expired in 2013. The Shire does not currently have a Management Order for Reserve 11702. The Department of Lands have indicated a new Management Order will not be issued until Native Title matters have been resolved. The Department do not have a timeline for resolution of these matters.

Due to the Shire requiring a Management Order prior to the extension of lease, the Shire has initiated action to enter into an MOU to provide the written agreement between the business owner and the Shire of Irwin for the use of the South Beach Kiosk. Entering into an MOU may also assist

the business operator secure insurance for the business (their current insurance expires in August 2016, and acquiring new insurance is problematic without a lease).

Currently, the Shire pays for all water costs on the reserve. The business owner’s lease required them to pay for their own water costs. However, there is no record of the Shire recovering these water costs. The Shire also pays 66% of the reserve’s electricity costs, which also includes the Surf Lifesaving Club (SLC) shed and the public toilets/showers, with the business operator paying the other 33%.

Table 1: The current overall expenses for the use of the building, for the 2015/16 financial year, are outlined below:

	<b>Shire of Irwin</b>	<b>South Beach Kiosk Business Owners</b>
<b>Rent</b>	N/A	\$2,868 annually (approx. \$55 weekly)
<b>Water Costs for whole site</b>	\$1,364.89 100% of the water costs for the Lot, including the Kiosk, public toilets/showers and the Surf Club	N/A Currently do not pay for water usage, although the lease state the Kiosk should pay for its water usage
<b>Electricity costs for whole site</b>	66% Public toilets/showers and SLC shed	33%
<b>Total Costs (2015/16)</b>	<b>\$3,885.33</b>	<b>\$4,128.23</b>

The Shire currently pays the business operator \$4,783.30 per annum to clean the adjacent public toilets/showers. This agreement is a separate matter, as the business owner was awarded the cleaning contract following public tendering.

**Officer’s Comment:**

The Shire requested an increase in rent to a total of \$87 weekly and for the business to contribute to 10% of the overall water bill to cover the cost of water from kiosk business operations.

Table 2: The proposed changes to the current unwritten agreement are outlined below:

<b>2015/16</b>	<b>Shire of Irwin</b>	<b>South Beach Kiosk</b>
<b>Rent</b>	N/A	\$4,524 annually (\$87 weekly)
<b>Water Costs for whole site</b>	90%	10%
<b>Electricity costs for whole site</b>	66%	33%
<b>Estimated Total Costs (based on 2015/16 figures)</b>	<b>\$3,748.84</b>	<b>\$6,182.72</b>

\*Please note, these figures are based on the 2015/16 financial year and are subject to change dependent on usage and cost increases incurred by utility providers

**Stakeholder Engagement:**

The proposed MOU was negotiated with the business operator, who has agreed to the rent, water and electricity costs set out in Table 2 above.

**Financial/Resource Implications:**

The financial/resource implications are set out in Table 2 above.

**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 the business owner of South Beach Kiosk 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

**PLANNING AND INFRASTRUCTURE**

**PI03 – 07/16**

**Subject:** Memorandum of Understanding for Dongara Patchwork Club the use of the Chapel Rooms 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 Dongara Patchwork Club for the exclusive use of the Chapel Rooms at the Denison House.

**OFFICER'S RECOMMENDATION AND COUNCIL DECISION 070716:**

**MOVED: Cr Gumley**

**SECONDED: Cr Kennedy**

**That Council approves the Memorandum of Understanding with the Dongara Patchwork Club for the use of rooms at Denison House, premises Lot 787, Retreat Boulevard, Port Denison, as presented in the Attachment Booklet – July 2016, provided under separate cover.**

**VOTING DETAILS:**

**CARRIED 7/0**

**Attachment:**

[Memorandum of Understanding Plan](#)

**Background:**

Denison House is sometimes known as 'the Monastery' or 'Dr Bartlett's House'. The Dongara Patchwork Club currently use the two Chapel Rooms at the Denison House, however, there is no written agreement between the Dongara Patchwork Club and the Shire of Irwin. There are two other community groups who use the Denison House (Dongara Denison Art Group and Uncle Ann's Writers Group) both have current MOUs in place.

The Shire initiated the process to enter into a Memorandum of Understanding (MOU) to manage the use of the property by the proponents, and provide for a signed written agreement between the parties. The proposed rental period is for five (5) years, starting 1 August 2016. The annual rent would be \$745 (including GST) which has increased by the standard CPI for this financial year. The Dongara Patchwork Club will also contribute towards 37% of the electricity bills for Denison House.

**Officer's Comment:**

The MOU has been established to ensure that there is a written agreement between the Shire and the Dongara Patchwork Club, to adequately manage the use of the property. There is no change to the annual rent (aside from the CPI increase) and the Dongara Patchwork Club are willing to contribute to the electricity charges.

**Stakeholder Engagement:**

Negotiations were undertaken with the Dongara Patchwork Club to form the MOU as presented in the attachment booklet.

**Financial/Resource Implications:**

The Dongara Patchwork Club will contribute \$745 annually for the use of the building, and 37% of the electricity charges of that building.

**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 the Dongara Patchwork Club 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

**PLANNING AND INFRASTRUCTURE**

**PI04 – 07/16**

**Subject:** Establishment of an Asset Management Advisory Committee  
**Reporting Executive:** Director Planning and Infrastructure  
**File Reference:** GV.CO.2  
**Voting Requirements:** Absolute Majority

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building 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 establishing an Asset Management Advisory Committee and appointing Councillor delegates

**Officer's Recommendation:**

That, pursuant to section 5.8 and 5.10 of the Local Government Act 1995, Council:

1. Establishes the Shire of Irwin Asset Management Advisory Committee, and
2. Appoints the following Committee delegates; The Shire President - Cr West, Cr\_\_\_\_\_, Cr\_\_\_\_\_ and Cr\_\_\_\_\_.

**COUNCIL DECISION 080716:**

**MOVED:** Cr Gumley

**SECONDED:** Cr Leonard

That item PI04 – 07/16 Establishment of an Asset Management Advisory Committee be held over to the next Ordinary Council meeting to enable all Councillors the opportunity to nominate for the proposed Committee.

**VOTING DETAILS:**

**CARRIED 7/0**

**Background:**

Council, at its June 2016 Ordinary Council meeting, resolved as follows:



**PLANT COMMITTEE RECOMMENDATION AND COUNCIL DECISION 160616:**

**MOVED: Cr Thompson**

**SECONDED: Cr Meares**

**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.**

**VOTING DETAILS:**

**CARRIED 8/0**

**Officer's Comment:**

Following the recent organisational restructure and an increased focus on asset management, an excellent opportunity exists for Council to establish an Asset Management Advisory Committee with strategic oversight of all Shire assets, excluding IT assets. The role of the Asset Management Advisory Committee will be to provide high level policy and strategic direction to the officer based, cross-functional Asset Management Team, who in turn will be responsible for the provision of evidence based analysis and modelling to enable informed, long-term decision making by the Council. The Asset Management Team will prepare systems, procedures, processes, records, documents and Asset Management Plans in line with the strategic direction provided by the Asset Management Advisory Committee through an Asset Management Policy, Guidelines and Strategy.

To ensure good governance and compliance with the Integrated Planning and Reporting Framework, as prescribed by the Department of Local Government and Communities, the Asset Management Policy, Guidelines and Strategy will be consistent with IPWEA's International Infrastructure Management Manual with an emphasis on whole-of-life costing and associated financial modelling, which in turn will be reflected in the Shire's Long Term Financial Plan.

The Asset Management Advisory Committee meetings will be governed by a Terms of Reference that will be prepared for consideration by the Asset Management Advisory Meeting at its inaugural meeting.

**Stakeholder Engagement:**

Nil

**Financial/Resource Implications:**

The Asset Management Advisory Committee is not authorised to make any decisions on behalf of Council. The Committee may, however, make recommendations to Council via monthly Committee Meeting Minutes showing due consideration of the degree of alignment with the Shire's Integrated Planning and Reporting Framework, Asset Management Policies and Guidelines, Asset Management Strategy and IPWEA's International Infrastructure Management Manual.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

The Asset Management Advisory Committee will establish a policy framework for the pro-active management of the Shire's infrastructure assets.

**Risk Implications:**

The likelihood of any adversity arising from the establishment of an Asset Management Advisory Committee is rare and any consequences would be insignificant, therefore the risk is considered 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.

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

**10.1 Invitation to Dongara Golf Club and Denison Bowling & Recreation Club**

**CR THOMPSON'S MOTION AND COUNCIL DECISION 090716:**

**MOVED: Cr Thompson**

**SECONDED: Cr Smith**

**That the Dongara Golf Club Inc. and the Denison Bowling and Recreation Club Inc. be invited to make submissions to the next Council Forum (Tuesday 9 August 2016) to show reason why the Shire of Irwin should contribute on an annual basis to the facilities and/or plant and machinery equipment needs of the respective clubs.**

**VOTING DETAILS:**

**CARRIED 7/0**

**Background:**

Cr Thompson provided an email to the Acting Chief Executive Officer on Monday 18 June 2016 at 12:33pm outlining the following justification for the Notice of Motion;

“As all Councillors would be aware I have been long advocating for an equitable funding to two organisations that provide community recreation facilities with no financial assistance from the Shire of Irwin. They are the Dongara Golf Club Inc. and the Denison Bowling and Recreation Club Inc. Each time I have raised the subject there has been inadequate time to debate the matter or it wasn't raised at all as an agenda item. I see no difference between sporting clubs utilising Shire facilities paying a license for their use, and facilities provided at no cost to the Shire by clubs for recreational use on Shire land and the Shire making contribution to the clubs towards the community use of those amenities.”

“It should be noted that the fees and charges collected from users of Shire recreation facilities is but a fraction of the cost of providing those amenities.”

Following informal discussions, Councillors have indicated a desire to receive information from the respective Clubs to gain an understanding of their requirements and position in regards to their future service provision and sustainability.

**Officer's Comment:**

In general terms, the Acting Chief Executive Officer supports the motion, as it is open for Council to invite organisations, groups and/or developers to present concepts, development plans and ideas to Councillors at the monthly Council Forum for information purposes. It should be noted that the Council Forum is not a decision making forum and therefore requests for financial assistance cannot be considered during this time.

**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**

The Presiding Member closed the meeting at 4:34pm.

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 July 2016  
*Signed:* .....  
Presiding Elected Member  
  
Date:.....