



MINUTES
FOR THE
ORDINARY MEETING
OF COUNCIL
HELD ON
TUESDAY, 23 AUGUST 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
23 August 2016

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 23 AUGUST 2016
COMMENCING AT 4.00PM**

PRESENT:	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr M G Meares Cr B C Scott Cr D R Kennedy Cr M Leonard Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Ms S van Aswegen – Director Planning and Infrastructure Mrs H M Sternick – Manager Community Services Ms E Greaves – Coordinator Executive Services
APOLOGIES:		Mr G M Peddie – Director Corporate and Community
GALLERY:		Mrs R Murray, Mr K Dennis, Mr J Rossiter, Ms N Burr and Mr Shane Ivers.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

The Chief Executive Officer (CEO) advised that Mr Peddie may be an apology or would likely arrive late as he is currently attending to a human resource matter.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice at the 26 July Ordinary Council Meeting. Subsequently a response was provided to Mr Rossiter via email and a copy of that response is provided below:

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.

Response: Arrangements have been made to have the Honour Board installed and updated, as well as a wall clock mounted. Efforts will be made to improve the lighting and viewing of information on the TV monitors for the benefit of the public. It is understood that the design and fitout of the Chambers may not suit all users and we do have options available to meet individual needs. Members of the public are encouraged to advise staff if they are experiencing difficulty in viewing items on the screen as this can be adjusted at the time. Copies of the Agenda may also be made available upon request.

4. PUBLIC QUESTION TIME

(Please Note: Unless otherwise indicated, the Shire President provided the recorded response).

Mr John Rossiter referred a number of questions to Council and the response has been summarised where given:

1. In regards to Council's finances:

- a) Why is Batavia Coast Trimmers being paid to travel to Dongara/Port Denison to remove and store shade sails when there is a local trimmer available? Why are the sails being taken down?
- b) Why is telephone equipment being purchased from ML Communications when there are two electronic businesses in town?
- c) Why has \$5,098.70 been spent at Bunnings on expendable tools, a cabinet and an air compressor? Mr Rossiter requested a list of the supplied expendable tools, a description of the cabinet and the brand/model of the air compressor.
- d) What is the payment of \$7,920 to Placement Australia for career transition support for?
- e) Has the Shire negotiated with any other insurance provider for comparisons on public liability? Mr Rossiter requested a copy of the results of any comparisons undertaken.
- f) Why is the Shire paying a contractor for a call centre service (after hours calls) when salaried senior staff could do this on a rostered system?

The Shire President advised that the above questions would be taken on notice.

2. What is the difference between high specification and general use in terms of vehicle procurement/replacement?

High specification refers to vehicle that has additional features, can be considered 'top of the range' whereas general use means standard model/features.

3. The response to my questions raised through the Budget public consultation process refers to vehicles being replaced in accordance with the Plant Committee's guidelines. How old are these guidelines?

The Shire of Irwin Plant Committee is only about 12 months old and utilises the Institute of Public Works Engineering Australia (IPWEA) Plant & Vehicle Management Manual to determine the optimal change over period to ensure best value for money for the Shire.

4. Why is money being wasted on vehicle trade-ins after 12 months when people don't change over their personal cars so quickly?

The Shire President outlined that there are a number of factors used to determine the best time for change over, giving consideration to whole of life costs. The President offered to go through the information with Mr Rossiter if he desired.

5. Why has 510IR done so many kilometres? Why should ratepayers be paying for these costs?

As outlined previously, some employees have been provided personal vehicle use as part of contractual arrangements. This provides better value for the Shire over paying a higher cash salary component of an officer's remuneration package.

Ms Nicola Burr asked a number of questions and summary of the questions and response are provided below:

1. Has fluoride been added to our water supply?

The Shire President referred to the CEO who advised that the Shire has not been made aware that this is the case, so no, not to his knowledge.

2. Will the public find out when it is going to be added?

The CEO advised that he is not aware of a commencement date and presumed the relevant agency would advise the community in due course.

3. Can you please provide an update on the skate park upgrade?

An upgrade of the skate park area has been included in the foreshore redevelopment proposal being used to develop and submit a business case to the Mid West Development Commission (MWDC). So at this stage we are awaiting the outcome of that process which will hopefully fast track outcomes for the area.

4. In the Capital Works programme listed in the Budget there is the replacement of computers and iPads. Is this done annually? Would Council consider donating any items no longer required to the school or playgroup etc?

The CEO outlined that the replacement schedule for computers and iPads is about every 2 – 3 years. Any surplus equipment is often outdated, with software no longer being compatible however the Shire would advertise any suitable items that are surplus to Shire requirements.

Mr Kevan Dennis enquired if the Shire had considered using a buy-back agreement for vehicles?

The CEO advised that this arrangement had been used in the past but the Shire assesses a number of options and considers what is dictated by the market at the time. The proposed new Asset Management Advisory Committee will consider these options in future based on whole of life costs.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JULY 2016

A copy of the Minutes of the Ordinary Council Meeting held on 26 July 2016 has been provided to all Councillors under separate cover.

COUNCIL DECISION 010816:

MOVED: Cr Scott

SECONDED: Cr Thompson

That the Minutes of the Ordinary Council Meeting, held on 26 July 2016, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 1 August Deputy President, CEO and Coordinator Executive Services attended meetings with Department of Transport and Dongara Professional Fishermen's Association to discuss the proposed Port Denison Foreshore Project.
- 3 August Shire President, Deputy President and CEO Attended the WALGA AGM in Perth. Congratulations to former Councillor Kevin Hepworth on receiving a Merit Award through WALGA's Honour Awards program in recognition of his role as an elected member of the Shire of Irwin.
- 16 August Shire President, CEO and Coordinator Executive Services attended a Roundtable meeting to discuss AWE's upcoming Waitsia gas production project.
- 22 August Shire President and CEO attended the Northern Country Zone of WALGA meeting in Horrocks Beach.

Staff Acknowledgements

Welcome to Shane Ivers, new Manager Technical Services who is present, and Chris Giltrow the new Procurement Officer.

The Shire President congratulated Suzette van Aswegen on a job well done as Acting CEO whilst Darren was on leave last month.

Mrs Helen Sternick and her team were also acknowledged for the preparation of the Budget for 2016/17.

9.1 OFFICER'S REPORTS

CORPORATE AND COMMUNITY

CC01 – 08/16

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 July 2016.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020816:

MOVED: Cr Leonard

SECONDED: Cr Scott

That the Accounts paid during July 2016, represented by Trust Cheques 3124-3129 and EFT 19572-19574 totalling \$228,067.85 Municipal Cheques 31225-31244, EFT 19569-19707 totalling \$949,865.27, Police Licensing PL290616 – PL270716 totalling \$49,133.85, Credit Card Payment \$2,829.80 and Click Super \$26,752.61, be received.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Accounts for Payment – July 2016](#)

Background:

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

The likelihood of risk arising from accounts for payment 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.

CORPORATE AND COMMUNITY

CC02 – 08/16

Subject: Adoption of 2016/17 Shire of Irwin Budget
Reporting Officer: Manager Customer Services
Responsible Executive: Director Corporate and Community
File Reference: FM.BU.16.17
Voting Requirements: Absolute Majority

Council Role:

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

Report Purpose:

To formally adopt the Shire of Irwin 2016/17 Budget and associated resolutions.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030816:

MOVED: Cr Gumley

SECONDED: Cr Thompson

1. Public Submission

That Council determine the submissions as outlined in the attached Schedule of Submissions provided under separate cover in the Attachments Booklet – August 2016.

2. Adoption of the 2016/17 Municipal Budget

That the Shire of Irwin 2016/17 Budget document, as presented in Attachment Booklet – August 2016 under separate cover, be adopted as the Shire of Irwin Budget for the year ending 30 June 2017, which includes the following:

- Statement of Comprehensive Income by Type and Nature showing revenue as \$8,027,600 excluding non operating grants and non cash items and expenditure as \$10,197,700 excluding loss on disposal of assets;
- Statement of Comprehensive Income by Program showing revenue as \$8,027,600 excluding non operating grants and non cash items and expenditure as \$10,015,000 excluding finance costs and loss on disposal of assets;
- Statement of Cashflows;
- Rate Setting Statement showing an amount required to be raised from rates of \$4,844,100;
- Notes to and forming part of the budget;
- Budget Program schedules; and
- Transfers to and from the Restricted and Reserve accounts.

3. Differential Rating Levels

That Council imposes the following differential rates in the dollar and minimum rates on Gross Rental and Unimproved Values for the purpose of levying differential rates 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	16.9784	\$932

4. Outstanding Rates Penalty Interest

That Council adopts an interest rate of eleven (11) percent charged daily on all rates and costs of proceedings to recover such rates that remain unpaid after becoming due and payable.

5. Instalment Options

That Council adopts the following due dates for the payment in full or by instalments:

Option 1

Payment in full by one instalment only, payment is to be received by 4pm 3 October 2016.

Option 2

Payment by two instalments only

First instalment due date 4pm 3 October 2016

Second instalment due date 4pm 5 December 2016

Option 3

Payment by four instalments only

First instalment due date 4pm 3 October 2016

Second instalment due date 4pm 5 December 2016

Third instalment due date 4pm 6 February 2017

Fourth instalment due date 4pm 10 April 2017

6. Instalment Options Administration Fee

That Council adopts an instalment administration charge of \$5.00 per instalment on each instalment payment after the initial instalment is paid (ie 3 x instalments = \$15.00).

7. Instalment Option Interest Levy

That Council adopts an interest rates of 5.5% charged daily where the payment of rates is by instalment.

8. Change of Building Reserve Name to Asset Management Reserve

That Council approves the change of name for the Building Reserve to Asset Management Reserve.

9. Members Attendance Fees

That Council adopts a Shire President's annual attendance fee in lieu of individual meeting fees of \$10,000 per annum.

That Council adopts a Members' annual attendance fee in lieu of individual meeting fees of \$7,612 per annum.

10. Shire President's Allowance

That Council adopts a Shire President annual allowance of \$10,000 per annum.

11. Deputy Shire President's Allowance

That Council adopts a Deputy Shire President's annual allowance of \$2,500 per annum.

12. Annual Telecommunications, IT Allowance and Travel Reimbursement

That each Council member is provided with a portable electronic device for their Council use and budget provision is made for the associated communication costs. Provision is made for reimbursement of associated members travel costs.

13. Budget Review Variance

That the percentage variance used during the budget review process and for financial reporting purposes be set at 10% or \$5,000, whichever is the greater.

14. Schedule of Fees and Charges

That Council adopts the Schedule of Fees and Charges as listed in the Budget document for 2016/17.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment:

[Schedule of Submissions
2016/17 Budget](#)

Background:

At the May Council Meeting, Council adopted differential rates and minimum payments and to have them advertised in accordance with statutory requirements. Two submissions were received during the advertising period regarding the proposed rates, consideration of the submissions were received at the June Council Meeting and adopted a reduced rate in the dollar for mining. An application was submitted to the Minister for Local Government and Communities requesting approval for a differential rate to be more than twice the lowest. Feedback was received that the rate in the dollar included in the application results in an inequitable increase in the average rates per tenement and suggested the mining differential rate in the dollar be reviewed. At the July Council Meeting a reviewed rate in the dollar for mining differential was adopted. Ministerial approval was received on 5 August 2016.

At the June Council forum substantial time and discussion was given to consideration of the provisions in the Draft Budget papers including rating levels, capital improvements, and operational requirements. General acceptance of the major items contained within the draft budget was reached.

At the June Council Meeting, Council resolved to advertise the 2016/17 Draft Budget for the purpose of public consultation, in order to consider any submissions prior to the final adoption of the budget. Closing date for submissions was Monday, 18 July 2016 and one public submission was received.

The formal budget has been prepared with minor changes and now is presented for formal adoption by Council.

The budget, as presented, is in the format that meets the requirements of the Local Government Act 1995, and accompanying Financial Management Regulations 1996, as well as the Australian Accounting Standards (AAS).

Officer's Comment:

One submission has been received in relation to the draft budget consultation, a submission summary and responses is available in the Attachments Booklet – August 2016.

Since the Draft Budget was adopted for public consultation a few minor adjustments and other changes that have arisen. Such adjustments and changes include the following:

- Increase surplus;
- Reduction in Mining Differential Rate revenue;
- Advance payment of the Bushfire Operating Grant;
- Advance payment of BluePrint Funding – Coastal Nodes, including the transfer from restricted;
- Transfer to restricted – road grants;
- Amendment to the roads allocated in the Roads program;
- Specification changes to medium sized SUV;
- Employee costs savings from restructure;
- Overheads, Plant Operations and Plant Depreciation allocations;

The Shire has received approval from the Minister for Local Government and Communities for Council to adopt a UV differential rate which is more than twice the lowest rate on 5 July 2016.

Listed below is an explanation of each of the recommendations:

2. Adoption of the 2016/17 Municipal Budget

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. Rating

The rates reflect an increase of 3% in rate revenue over rates raised last financial year which is designed to ensure Councils operational requirements are kept in line within the projected levels of inflation, increased state government costs of power and water, reduction in Federal Financial Assistance Grants and to continue to invest in infrastructure works to stimulate and promote the economic development of the Shire. Also taken into consideration is the Community Strategic Plan, Corporate Business Plan and other informing strategies.

4. Outstanding Rates Penalty Interest

The Local Government Act 6.51 provides that Council may resolve to impose interest on a rate or service charge that remains unpaid after becoming due and payable. This reflects the loss in investment income to Council and to encourage early payment to assist cash flow management.

5. Instalment Options

The Local Government Act 6.45 (1) and Regulations 64(2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the due date of the first instalment. Each instalment date will be at intervals of two months from the due date of the first instalment.

6. Instalment Options Administration Fee

The Local Government Act 6.45 (3) provides that Council may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments. This is to reflect the administrative cost to Council.

7. Instalment Option Interest Levy

The Local Government Act 6.45 (3) provides that Council may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments. This is to reflect the loss of investment income to Council.

8. Change of Reserve Name

Changing the name of the Building Reserve to Asset Management Reserve reflects Councils direction for asset management.

9. Members Attendance Fees

In lieu of meeting fees Council may adopt an annual attendance fee as set out in section 5.99 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 30(3A)(b) to be determined by the Salaries and Allowance Tribunal, which has established a minimum/maximum of \$7,612 and \$16,205 for elected members and \$7,612 and \$25,091 for the Shire President. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with updated band levels for fees, allowances and expenses effective from 1 July 2016. In this determination Council has been placed into Band 3.

10. Shire Presidents Allowance

As set out in section 5.98(5)(a) of the Local Government Act 1995, the Shire President is entitled, in addition to the Members Attendance Fee to an annual allowance. The minimum/maximum allowance for the Shire President is \$1,015 and \$36,591. The current level set by Council is \$10,000. The Salaries and Allowances Tribunal issued its determination for Local Government Elected Council Members, with updated band levels for fees, allowances and expenses effective from 1 July 2016. In this determination Council has been placed into Band 3.

11. Deputy Shire Presidents Allowance

The Local Government Act 5.98A(1) and Regulations provide that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire Presidents allowance.

12. Annual Telecommunications, IT Allowance and Travel Allowance

The Local Government Act 5.99A provides for an Information Technology and Telecommunication allowance, to be determined by the Salaries and Wages Tribunal, the minimum/maximum allowance for Telecommunications and Information Technology is \$500 and \$3,500. Whilst Council members have only claimed for minimal expenses in the past, it is suggested that an allocation be made in the budget for the provision of associated communication costs for the portable electronic devices.

13. Budget Review Variance

As per AASB1031 and Local Government (Financial Management) Regulations 1996, Regulation 34 requires that a material variance percentage and/or dollar figure be adopted by Council to be used during the budget review process and financial reporting.

14. Schedule of Fees and Charges

The Local Government Act 6.2 (4)(c) provides that the annual budget is to incorporate the fees and charges proposed to be imposed by Council.

Stakeholder Engagement:

The 2016/17 Draft Budget was advertised for public comment in the Geraldton Guardian on 1 July 2016 and the Local Rag on 6 July 2016 with submissions closing on 18 July 2016. Notices were also placed on the Council's Facebook page and electronic sign. One submission was received.

Councillors and staff have been actively engaged throughout the budget process from adopting the differential rates at the May Council Meeting and in depth discussions at the June Forum.

Financial/Resource Implications:

The 2016/17 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2016 to 30 June 2017.

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:

Nil.

Risk Implications:

The consequences of not adopting the budget are catastrophic and the likelihood of there being significant consequences is rare, therefore the risk implications are 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

CC03 – 08/16

Subject: CSRFF Grant Application - Tennis Courts Resurface
Reporting Officer: Coordinator Recreation
Responsible Executive: Director Corporate and Community
File Reference: GS.PR.1
Voting Requirements: Simple Majority

Council Role:

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

To present to Council a Department of Sport and Recreation (DSR) Community Sport and Recreation Facilities Fund (CSRFF) grant application for consent to submit to DSR for consideration.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040816:

MOVED: Cr Thompson

SECONDED: Cr Leonard

That Council consents to a Community Sport and Recreation Facilities Fund (CSRFF) grant application for the conversion of three natural grass tennis courts to artificial grass being submitted to the Department of Sport and Recreation (DSR) as Council's first priority for the DSR selection process.

VOTING DETAILS:

CARRIED 8/0

Background:

The costs associated with maintaining four natural grass tennis courts is becoming unsustainable with the rising cost of water and the intensity of labour required to maintain the courts to a high standard. Whilst the football oval is watered with a mixture of 50% bore and 50% scheme water, that option is not available for the tennis courts which require 100% scheme water. To continue to maintain the four natural grass courts into the future our ageing reticulation system and the two concrete holding tanks will require replacement in the next year or two. Replacement of the tennis court fencing is an urgent necessity as the existing fencing is dated and the poles, mesh and joiners are badly rusted (many poles have rusted through at the base).

Officer's Comment:

The Irwin Recreation Centre is a modern multi use facility providing the community with a range of sporting and recreation opportunities. The Recreation Centre design has the primary goal of

providing physical activity opportunities both indoor and outdoor. The existing tennis courts in their current form have served the community very well for many years however natural grass courts are rapidly becoming obsolete due the increasing maintenance costs, inconsistency in play and, being “couch” grass, only available on a seasonal basis.

Council has met with representatives of the Tennis Club on a number of occasions to discuss the future conversion of the tennis courts to an artificial grass surface and agreed to upgrade three of the existing four courts. Provision has been made in the 2016/17 draft budget for the costs of this project and it is recommended to Council that up to one third of the funding be sought from DSR through the CSRFF minor grant round closing 31 August 2016.

Stakeholder Engagement:

10 November 2015 – four committee members of the Dongara Tennis Club including the President, Vice President and Secretary were invited to council’s forum to discuss with council the clubs future requirements for tennis courts.

13 January 2016 – five committee members of the Dongara Tennis Club met with the Irwin Rec South Precinct Working Group to again discuss their needs going forward.

23 May 2016 – the Irwin Rec South Precinct Working Group met to discuss budget considerations for the 2016/17 Draft Budget including the conversion of natural grass courts to synthetic grass.

Financial/Resource Implications:

The Department of Sport and Recreations contribution to successful CSRFF small grant submissions is one third of the project cost with one third contributions from the applying sporting organisation and the other third from Local Government. As this is a Shire of Irwin application Council may be required to contribute more than one third given the size and financial means of the Dongara Tennis Club. Funding of \$192,000 has been allocated in the Shire’s 2016/17 draft budget to be fully funded through loan funds if external funding is not obtained.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil

Risk Implications:

The CSRFF grant application process requires applications to be lodged with the Local Government Authority, in the event multiple applications are received in the same funding round council is required to rank each application before been submitted to DSR. As this is the only Irwin application for this funding round the likelihood of any risk to reputation in submitting the application is expected to be rare. Therefore, the overall risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

PLANNING AND INFRASTRUCTURE

PI01 – 08/16

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 AND COUNCIL DECISION 050816:

MOVED: Cr Meares

SECONDED: Cr Leonard

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 Thompson, Cr Smith and Cr Gumley.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

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.

PLANNING AND INFRASTRUCTURE

PI02 – 08/16

Subject: Development concept for Lot 2476 Brand Highway, Dongara
Reporting Officer: Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
File Reference: A5681
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

To consider a request to support a proposed development concept for Lot 2476 Brand Highway, Dongara.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060816:

MOVED: Cr Thompson

SECONDED: Cr Kennedy

That the proponent of a development concept for Lot 2476 Brand Highway, Dongara be advised that Council has no objections, in principle to the proposed concept, subject to the preparation of an amendment to Local Planning Scheme No. 5, which incorporates such plans, studies and reports as deemed necessary under the Planning and Development Act 2005 to demonstrate consistency with:

- **the scope of Local Planning Scheme No. 5 as set out in the Act, in particular Schedule 7;**
- **the regulations under the Act;**
- **the Shire of Irwin's Local Planning Strategy; and**
- **relevant State Planning Policies.**

VOTING DETAILS:

CARRIED 8/0

Background:

Mr Gerard Dornford attended the June Council Forum with a one-page concept plan for Lot 2476 and requested that Council agree to initiate an amendment to Local Planning Scheme No. 5, in accordance with the concept for this property. Mr Dornford indicated that he is in the process of acquiring the land. The landowners are Somerville Pty Ltd (the Shire's contact is Mr John Steffanelli).

The Manager Regulatory Services advised Mr Dornford that the Council cannot make decisions at a Council Forum and that a scheme amendment cannot be initiated without the necessary technical information to support it.

Mr Dornford then requested that Councillors agree to support the development concept.

Officer's Comment:

It is recommended that Council advises the proponent that it has no objections in principle to a development concept for the property, subject to the preparation of an amendment to Local Planning Scheme No. 5, which incorporates such plans, studies and reports as deemed necessary under the Planning and Development Act 2005 to demonstrate consistency with:

- the scope of Local Planning Scheme No. 5 as set out in the Act, in particular Schedule 7;
- the regulations under the Act;
- the Shire of Irwin's Local Planning Strategy;
- Relevant State Planning Policies.

A future amendment to the planning scheme prepared in accordance with the above recommendation has the best chance of being successfully adopted by Council and endorsed by the State Government. The Shire would assist by implementing an efficient and effective approval process that facilitates new development and promotes economic growth.

Stakeholder Engagement:

The proposed concept plan was discussed at a Council Forum.

Financial/Resource Implications:

Nil.

Statutory Environment:

Planning and Development Act 2005.

Policy Implications:

Nil

Risk Implications:

With regard to the Officer's recommendation, which is in accordance with the requirements of the Planning and Development Act 2005, the likelihood of risk is expected to be rare and the consequences insignificant. Therefore, the risk is low.

As the proposed development concept was provided without any supporting documentation, if the recommendation is worded in some other way there is a risk of Council being in breach of the Planning and Development Act 2005. There would also be a reputational risk associated with the potential for the proponent to use Council's words to market the proposed development.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process

Strategy 2.3.5 Continue to review and implement the Local Planning Scheme and Local Planning Strategies.

PLANNING AND INFRASTRUCTURE

PI03 – 08/16

Subject: Memorandum of Understanding for the Dongara Denison Local Rag
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: A7106
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 Denison Local Rag.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 070816:

MOVED: Cr Meares

SECONDED: Cr Kennedy

That Council approves the Memorandum of Understanding with the Dongara Denison Local Rag for the use of one room at the 'Old School' premises at 1 Waldeck Street, Dongara, as presented in the Attachment Booklet – August 2016, provided under a separate cover.

VOTING DETAILS:

CARRIED 8/0

Attachment:

[Memorandum of Understanding](#)

Background:

The Dongara Denison Local Rag entered into an agreement with the Shire of Irwin for the use of the Old School, in exchange for free advertising in 2008.

In 2009, the Rag attempted to enter into a Deed of Lease with the Shire of Irwin, for the use of the room for the cost of one peppercorn per annum. The proposed Deed of Lease was presented to Council in May 2009, who resolved to 'let the motion lay on the table'. There was no further discussion of the proposed lease.

In 2014, the Shire and the Local Rag entered into a written advertising agreement. This agreement was:

- Up to six black and white Community pages per Rag issue to be offered to the Shire,

- The Shire is liable for advertising charges, as per Rag Advertising Costs and Conditions, for any Business advertising pages submitted (with corresponding purchase order number),
- The Shire would be entitled to submit up to 1 colour full page advertisement every three months for Special Events, and
- All logos submitted with relevant advertising items are not to be removed or altered in any way (to ensure the Shire comply with our Style Guide as well as funding or other such agreements).

In June 2016, the Shire initiated the process to implement a Memorandum of Understanding (MOU) with the Local Rag, due to the lack of written agreement. The Shire and the Local Rag have negotiated the attached MOU.

The proposed annual rent and utility costs are 'equivalent' to the advertising the Shire receives at no charge (estimated value of \$21,000 per annum). On this basis, the Council currently waives the \$1,670 rental value for the Rag to use the Old School building.

Officer's Comment:

The proposed MOU is to provide written agreement of the existing advertising agreement and use of the room. The tenants and the Shire are in agreement to the terms of the MOU. Therefore, it is recommended that the proposed MOU be supported.

Stakeholder Engagement:

The proposal was negotiated with the Dongara Denison Local Rag, who has agreed with the proposed Memorandum of Understanding.

Financial/Resource Implications:

The advertising provided to the Shire annually equates to approximately \$21,000 per annum. The Council will continue to waiver the \$1,670 rental value for the Rag to use the Old School building.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council entering into an MOU with the Dongara Denison Local Rag 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 – 08/16

Subject: RAV Speed Restriction Review
Reporting Officer: A/Manager Technical Services
Responsible Executive: Director Planning and Infrastructure
File Reference: RD.ME.1
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

For Council to consider an application to increase the RAV speed restriction on Tabletop Road and Mount Horner Road West.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 080816:

MOVED: Cr Scott

SECONDED: Cr Leonard

That Council support the following proposals:

- 1. Increase the Restricted Access Vehicles (RAV) speed restriction on Tabletop Road (Midlands Road to Allanooka Springs Road) to 100km/h**
- 2. Increase the RAV speed restriction on Tabletop Road (Allanooka Springs Road to Burma Road) to 80km/h**
- 3. Increase the RAV speed restriction on Mount Horner Road West to 80km/h**

VOTING DETAILS:

CARRIED 8/0

Background:

The Shire of Irwin received an application on the 26 June 2016 from a local heavy vehicle operator to increase the Restricted Access Vehicle (RAV) speed limit on Tabletop Road and Mount Horner Road West.

Under the Road Traffic (Vehicles) Act 2014, the Commissioner of Main Roads WA (MRWA) is responsible for granting road access to Restricted Access Vehicles. The Commissioner carries out this function through MRWA Heavy Vehicle Services (HVS). RAV applications are assessed and approved by MRWA in consultation with the asset owner. The asset owner can include a number of restrictions on a RAV application and in this case the Shire of Irwin has imposed speed restrictions

of 60km/hr on both Tabletop Road and Mount Horner Road West. The speed restrictions imposed by the Shire only apply to heavy vehicle traffic.

The speed restriction on Tabletop Road was applied prior to a portion of the road (Midlands Road – Allanooka Springs Road) being upgraded to a sealed road. Tabletop Road (Allanooka Springs Road – Burma Rd) is still unsealed and future funding opportunities to upgrade the road are considered rare. The condition and surface treatment (unsealed) of Mount Horner Road West has not altered since it was originally added to the RAV network.

Officer’s Comment:

With Councils support the Shire of Irwin can apply to MRWA to have the RAV speed restriction on Tabletop Road and Mount Horner Road West increased to accommodate heavy vehicle operators. In this case MRWA may need to reassess the route to identify any design or safety constraints against the application.

The application was discussed at the Irwin Roadwise meeting held Monday 8 August 2016, all present supported an increase to 80km/hr on the unsealed RAV network roads as listed above and an increase to 100km/h on the sealed portion of Tabletop Road.

Stakeholder Engagement:

The following stakeholders were consulted with, in preparation of this report:

- Irwin Roadwise Committee
- Main Road WA
- Applicant

Financial/Resource Implications:

Nil

Statutory Environment:

Local Government Act 1995
Road Traffic (Vehicles) Regulations 2014
Road Traffic (Administration) Regulations 2014
Road Traffic (Authorisation to Drive) regulations 2014
Road Traffic (Administration) Act 2008
Road Traffic Vehicles Act 2012

Policy Implications:

Nil

Risk Implications:

The consequence of increasing the speed restrictions is considered minor with an unlikely chance of the risk occurring. Therefore the risk implication for Council is considered low; the risk is acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 3.8.7 Partner with the Mid West Industry Road Safety Alliance and other road safety organisations.

OFFICE OF THE CEO

CEO01 – 08/16

Subject: Meeting Procedures Local Law
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: LE.LO.11
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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 give notice of the purpose and effect of the proposed Meeting Procedures Local Law 2016.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 090816:

MOVED: Cr Meares

SECONDED: Cr Leonard

That Council:

1. **Adopts the Shire of Irwin Meeting Procedures Local Law 2016 as provided within the Attachments Booklet – August 2016 by reference to the City of Greater Geraldton Meeting Procedures Local Law 2011, in accordance with section 3.12 of the Local Government Act 1995;**
2. **Repeals the Shire of Irwin Standing Orders 2000 Local Law;**
3. **Submits an Explanatory Memorandum and copy of the Shire of Irwin Meeting Procedures Local Law, signed by the CEO and Shire President, to the Joint Standing Committee on Delegated Legislation (JSCDL);**
4. **Submits a copy of the Shire of Irwin Meeting Procedures Local Law for Gazettal by Reference (using the City of Greater Geraldton as a primary reference); and**
5. **Gives local public notice on the Shire of Irwin Meeting Procedures Local Law, summarising the purpose and effect, the day it comes into operation and advising of where copies can be obtained from.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment:

[Gazettal by Reference of Meeting Procedures Local Law \(based on City of Greater Geraldton\)](#)
[Copy of City of Greater Geraldton Meeting Procedures Local Law](#)

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

Background:

Following the preparatory work undertaken during the Local Law Review process, resulting in a Council decision (26 April 2016) to remake and repeal the Standing Orders Local Law, research and consultation has been done to develop a Meeting Procedures Local Law that meets industry best practice, local needs and circumstances, and is compliant with legislative process.

Local and statewide public notice of the proposed local law was commenced 30 April 2016 with the consultation period closing 20 June 2016. Advertising was included in the West Australian, Midwest Times and the Dongara Denison Local Rag, as well as promotion on Facebook, our website and the community electronic sign.

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

Officer's Comment:

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

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

There are a number of minor changes made through consultation with WALGA and the Department of Local Government and Communities, as well as incorporating some wording changes to align with the City of Greater Geraldton, with no change to the intent of the originally considered proposed Local Law that went out for public consultation. This makes the process of adoption by reference much more simple.

All meetings are to be conducted in accordance with the Act, the Regulations and this local law.

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

Stakeholder Engagement:

The public consultation period for the proposed local law closed 20 June 2016.

During this period the Department of Local Government and Communities provided feedback on the proposed Local Law, outlining a number of minor formatting and typographical changes and some advice to ensure that the Shire is in the best position to have the Law accepted by the JSCDL and Minister.

The Department highlighted some necessary minor changes, specifically around the suggestion to remove all referencing of specific legislation as they:

- i) Have no legal effect in themselves; and
- ii) May become misleading if that legislation is amended in the future

The Department outlined that their comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;

- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

“The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.”

In July 2016, a copy of the proposed Local Law was provided to WALGA for comment after implementing the recommended changes by the Department. Again some minor wording changes were suggested to provide clarity and consistency.

There were no submissions received from members of the public in regards to the proposed local law.

Financial/Resource Implications:

Inclusion in the Government Gazette and Statewide and local public notice of the adopted Local Law will incur advertising costs, which has been allowed for within the Budget.

Statutory Environment:

3.12. Procedure for making local laws

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

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

(3) The local government is to —

(a) give Statewide public notice stating that —

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

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

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

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

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

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

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

** Absolute majority required.*

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

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

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

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

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

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

Policy Implications:

Section 6.12(6) provides that Council may make a policy to deal with circumstances in which a person may be given consent to address a committee meeting.

Section 6.17(4) outlines that Council Policy and relevant Regulations provide for communication with a person not physically present at a meeting (refer Policy E7 Persons Not Physically Present at a Council or Committee Meeting).

Risk Implications:

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

Any associated risks are considered to have a moderate measure of consequence (regarding compliance and reputational), although because it is unlikely the overall risk rating is Moderate.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

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

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Economic Development Advisory Committee (EDAC) Minutes and Adoption of Recommendations En Bloc

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES:

That Council receives the Minutes of the Shire of Irwin Economic Development Advisory Committee (EDAC) meeting held 20 July 2016 as provided within the Attachment Booklet – August 2016.

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATION:

1. That the Governance Overview for Council Committees be received and noted; and
2. That Council endorses the Economic Development Advisory Committee (EDAC) in undertaking research to measure the impact of the Dongara Town Free Camping site, located at the Dongara Town Oval, on the local economy (including local business). The project scope to include the following initiatives:
 - Collection of daily statistics on visitor numbers at the Dongara Town free camping site, subject to approval by the Shire's Chief Executive Officer
 - Collaborative local business competition aimed at capturing information on visitor spending that includes an allocation of \$600 in the 2016/17 Shire Budget to be used for a monthly prize of \$100 for a period of 6 months beginning 1 September 2016; and
 - The development of a survey specifically aimed at determining the per day local spend of visitors to the free camping site.

9.2.2 Receipt of Events Committee Minutes

EVENTS COMMITTEE MINUTES:

That Council receives the Minutes of the Shire of Irwin Events Committee meeting held 26 July 2016 as provided within the Attachment Booklet – August 2016.

9.2.3 Receipt of Tidy Towns Sustainable Committee (TTSC) Minutes

TIDY TOWNS SUSTAINABLE COMMITTEE MINUTES:

That Council receives the Minutes of the Shire of Irwin Tidy Towns Sustainable Committee (TTSC) meeting held 25 July 2016 as provided within the Attachment Booklet – August 2016.

9.2.4 Receipt of Roadwise Committee Minutes

ROADWISE COMMITTEE MINUTES:

That Council receives the Minutes of the Shire of Irwin Roadwise Committee meeting held 8 August 2016 as provided within the Attachment Booklet – August 2016.

EN BLOC COUNCIL DECISION 100816:

MOVED: Cr Thompson

SECONDED: Cr Leonard

9.2.1 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

That Council receives the Minutes of the Shire of Irwin Economic Development Advisory Committee (EDAC) meeting held 20 July 2016 as provided within the Attachment Booklet – August 2016.

1. That the Governance Overview for Council Committees be received and noted; and
2. That Council endorses the Economic Development Advisory Committee (EDAC) in undertaking research to measure the impact of the Dongara Town Free Camping site, located at the Dongara Town Oval, on the local economy (including local business). The project scope to include the following initiatives:
 - Collection of daily statistics on visitor numbers at the Dongara Town free camping site, subject to approval by the Shire's Chief Executive Officer
 - Collaborative local business competition aimed at capturing information on visitor spending that includes an allocation of \$600 in the 2016/17 Shire Budget to be used for a monthly prize of \$100 for a period of 6 months beginning 1 September 2016; and
 - The development of a survey specifically aimed at determining the per day local spend of visitors to the free camping site.

9.2.2 EVENTS COMMITTEE

That Council receives the Minutes of the Shire of Irwin Events Committee meeting held 26 July 2016 as provided within the Attachment Booklet – August 2016.

9.2.3 TIDY TOWNS SUSTAINABLE COMMITTEE

That Council receives the Minutes of the Shire of Irwin Tidy Towns Sustainable Committee (TTSC) meeting held 25 July 2016 as provided within the Attachment Booklet – August 2016.

9.2.4 ROADWISE COMMITTEE

That Council receives the Minutes of the Shire of Irwin Roadwise Committee meeting held 8 August 2016 as provided within the Attachment Booklet – August 2016.

VOTING DETAILS:

CARRIED 8/0

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

COUNCIL DECISION 110816:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council closes the meeting to the public at 4:26pm in accordance with section 5.23 (2)(a) and (f)(i) of the Local Government Act 1995.

VOTING DETAILS:

CARRIED 8/0

Members of the public and staff, excluding the CEO, left the meeting at 4:26pm.

The CEO provided a verbal report relating to a confidential legal matter.

A discussion concerning administrative arrangements for the CEO's forthcoming Performance Review was held in confidence, being a confidential matter affecting an employee.

COUNCIL DECISION 120816:

MOVED: Cr Meares

SECONDED: Cr Thompson

That Council reopens the meeting to the public at 4:49pm.

VOTING DETAILS:

CARRIED 8/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4:50pm.

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
23 August 2016

Signed:
Presiding Elected Member

Date:.....