



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 27 SEPTEMBER 2016

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 27 SEPTEMBER 2016

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



Darren Simmons
Chief Executive Officer

22 September 2016

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS, 11-13 WALDECK STREET, DONGARA ON TUESDAY, 27 SEPTEMBER 2016 AT 4.00PM

PRESENT:	Councillors	Cr M T Smith (Presiding Member) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Ms N M Nelson – Acting Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms L E Tunbridge – Coordinator Organisational Performance Miss N A M'Leane – Acting Coordinator Executive Services
	Apologies	Cr I F West

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

Mr 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?

Response: The shade sail removal, repair and storage takes place every year during winter. This minimises excessive damage caused by adverse weather events. The shade sails are then reinstalled in spring. Quotes were requested from local and regional service providers for the annual removal, repair, storage and re-installation of the shade sails in line with Council's Purchasing Policy. In this case the local service provider opted not to provide Council with a quote.

- b) Why is telephone equipment being purchased from ML Communications when there are two electronic businesses in town?

Response: ML Communications were able to provide the required telephone equipment that is compatible with our current telephone system. The Shire did liaise with local service providers but they were not able to source the required equipment.

- 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.

Response: Quotes were sought from local and regional suppliers in accordance with the Council's Purchasing Policy and Budget. As the expendable tools (incorporating Ryobi One work and spot lights and Dewalt cordless drill kit) Crommelins Petrol Air Compressor, 3 garage cabinets (2 @1835x1000x450mm and 1@ 1830x780x465mm) were for a local emergency services volunteers and immediate Shire operational need. Bunnings Warehouse offered the best value with stock available for immediate delivery.

- d) What is the payment of \$7,920 to Placement Australia for career transition support for?

Response: The Shire recently obtained services from Outplacement Australia in order to provide third party support for those staff departing the Shire as a result of the recent organisational restructuring. Outplacement Australia specialises in assisting people with professional career coaching and assistance to be able to mitigate the adverse effects of change and enhance opportunities for seeking and obtaining alternative employment. The provision of these services is considered standard human resource management practice and assists the Shire in meeting its legal obligations under relevant employment legislation.

- 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.

Response: The Shire is a member of a statewide-based local government self-insurance pool which uses the services of Local Government Insurance Services (LGIS) for its insurance coverage. LGIS maintains a self-insurance scheme for the following purposes;

- *Liability,*
- *Volunteer Fire Fighters*
- *Work compensation, and*
- *Property*

The self-insurance schemes utilise the scheme policy funds to cover claims and any surplus is retained for future claims or refunded to members.

In regards to other insurance coverage areas, LGIS acts as a broker and obtains proposals/quotes from insurers in the various policy areas and recommends the best value provider to the Shire.

- 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?

Response: Due to the range and diversity of Shire service delivery and in the interests of customer service, the engagement of an after-hours call centre service sees customers' calls answered professionally and reported directly to the designated service provider leading to a more efficient and effective response.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 August 2016

A copy of the Minutes of the Ordinary Council Meeting held on 23 August 2016 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 23 August 2016, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

CORPORATE AND COMMUNITY

CC01 – 09/16

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 August 2016.

Officer's Recommendation:

That the Accounts paid during August 2016, represented by Trust Cheques EFT 19769 totalling \$210,375.00 Municipal Cheques 31245-31266, EFT 19708-19835 totalling \$338,011.83, Police Licensing PL280716 – PL290816 totalling \$59,451.15, Credit Card Payment \$6,029.07 and Click Super \$26,845.99, be received.

Attachment:

[Accounts for Payment – August 2016](#)

Background:

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

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

13. Lists of accounts
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Risk Implications:

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 – 09/16

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

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

Officer's Recommendation:

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

Attachment:

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

Background:

The Monthly Financial Report to the 31 July 2016 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Statement of Cashflows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

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

Operating Revenue	\$156,346	6.1% positive variance
Operating Expenditure	(\$426,192)	32.7% positive variance
Net Operating	(\$269,846)	
Capital Revenue	\$0	0% variance
Capital Expenditure	\$0	0% variance
Cash at Bank – Municipal	\$371,062	
Cash at Bank – Reserve	\$2,265,105	
Total Funds Invested	\$0	
Net Rates Collected	0.00%	
Receivables Outstanding	\$166,409	

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 – 09/16

Subject: Financial Statements for the Period ending 31 August 2016
Reporting Officer: Acting 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.
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Report Purpose:

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

Officer's Recommendation:

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

Attachment:

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Background:

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- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves

- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions
- Detailed Accounts by Program
- Restricted Assets
- Port Denison Retirement Village Financial Activity

Officer's Comment:

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

Operating Revenue	\$6,148,375	0.2% positive variance
Operating Expenditure	(\$893,176)	34.8% positive variance
Net Operating	5,255,199	
Capital Revenue	\$197,866	0% variance
Capital Expenditure	\$5,092	100% variance
Cash at Bank – Municipal	\$469,807	
Cash at Bank – Reserve	\$2,268,869	
Total Funds Invested	\$0	
Net Rates Collected	2.28%	
Receivables Outstanding	\$38,585	

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
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- (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.

PLANNING AND INFRASTRUCTURE

PI01 – 09/16

Subject: Preparation of a new Local Planning Scheme
Reporting Officer: Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
File Reference: LP.PL.14
Voting Requirements: Simple Majority

Council Role:

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

To consider preparing a new local planning scheme.

Officer's Recommendation:

That Council:

- 1. Pursuant to Section 72 of the Planning and Development Act 2005 prepares a new local planning scheme for the Shire of Irwin; and**
- 2. Advertise the resolution in accordance with Regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

Background:

In July 2016 Council adopted a draft Local Planning Strategy and forwarded it to the Western Australian Commission for consideration and final approval. The strategy provides statutory guidance for land use and development in the Shire, including guidance for developing a new planning scheme. Around the same time that Council adopted the draft strategy, the Department of Planning's Northern Planning Program provided the Shire with grant funding to employ consultants to assist in the preparation of a new planning scheme. The Shire is currently in the process of finding the preferred consultants.

Officer's Comment:

If Council resolves to prepare a new scheme, the resolution must be advertised in a newspaper circulating in the Shire and sent to relevant agencies and adjacent local governments. The recommendation above refers to the relevant parts of the Act and its associated regulations for local planning schemes.

Stakeholder Engagement:

Nil.

Financial/Resource Implications:

The project will be funded by a \$60,000 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 resolving to prepare a new scheme and advertise the resolution 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 – 09/16

Subject: Memorandum of Understanding for the Dongara Drive In
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: CP.RE.4, A7141
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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- 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 seek Council's approval to enter into a Memorandum of Understanding with the Dongara Denison Surf Life Saving Club for the use of the Dongara Drive In.

Officer's Recommendation:

That Council approves the Memorandum of Understanding with the Dongara Denison Surf Life Saving Club for the use of the Dongara Drive-In premises at Lot 941 Ridley Street, Port Denison, for a period of twelve months, as presented in the Attachment Booklet – September 2016, provided under a separate cover.

Attachment:

[Memorandum of Understanding](#)

Background:

The Dongara Denison Surf Life Saving Club entered into an agreement with the Shire of Irwin in 2014 for the use of the Dongara Drive In. This agreement was for one year with the option to renew in September 2016. When approached in August 2016, they advised the Shire they would like to renew the agreement for an additional year (in practice they only operate the site for seven months in twelve).

Officer's Comment:

That Council approve the Memorandum of Understanding with the Dongara Denison Life Saving Club for the use of the Drive In.

Stakeholder Engagement:

The proposal was negotiated with the Dongara Denison Surf Life Saving Club, who have agreed with the proposed Memorandum of Understanding.

Financial/Resource Implications:

The Dongara Denison Surf Life Saving Club will contribute \$125 per month and \$1 per car paid after each screening.

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 Life Saving 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

9.2 COUNCIL COMMITTEE REPORTS

Nil.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Appearance of former Shell Roadhouse at 30183 Brand Highway, Dongara

CR SMITH's MOTION:

That Council writes to the owners of the former Shell Roadhouse at 30183 Brand Highway, Dongara (A4200) advising that Council is of the view that the site is untidy, unsightly and is reflecting poorly on the entrance to our town and seeks their advice on their future plans in respect to the development/demolition of the existing building infrastructure.

Background:

Cr Smith submitted a request to the Chief Executive Officer via email on Friday, 26 August 2016 for the above Notice of Motion to be included in the September Ordinary Council Meeting Agenda.

Officer's Comment:

Shire officers have been liaising with the landowners of Lot 30183 Brand Highway Dongara regarding the condition of the site, and the landowners' future plans for the site, on the following dates:

1. December 2013
2. March 2014
3. December 2014
4. August 2015
5. September 2015
6. April 2016
7. May 2016
8. July 2016
9. August 2016

As a result of this liaison, Shire officers are aware of informal planning in respect to establishing certainty regarding the future of the site however it is open for Council to communicate formally with the landowners if Council considers it appropriate.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

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