



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

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 these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

INDEX-ORDINARY COUNCIL MEETING 27 SEPTEMBER 2016

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1	
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1	
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1	
4.	PUBLIC QUESTION TIME	1	
5.	APPLICATIONS FOR LEAVE OF ABSENCE	2	
6.	PETITIONS	2	
7.	CONFIRMATION OF MINUTES	2	
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 23 AUGUST 2016	2	010916
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	3	
9..1	OFFICER REPORTS	4	
CORPORATE AND COMMUNITY			
CC01 – 09/16	Accounts for Payment	4	020916
CC02 – 09/16	Financial Statements for the Period ending 31 July 2016	6	030916
CC03 – 09/16	Financial Statements for the Period ending 31 August 2016	9	040916
PLANNING AND INFRASTRUCTURE			
PI01 – 09/16	Preparation of a new Planning Scheme	12	050916
PI02 – 09/16	Memorandum of Understanding for the Dongara Drive In	14	060916
9.2	COUNCIL COMMITTEE REPORTS	16	
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	16	
10.1	Advice on Future Plans for 30183 Brand Highway, Dongara	16	070916
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	16	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	16	
13.	MATTERS BEHIND CLOSED DOORS	16	
	MEETING CLOSED TO THE PUBLIC	16	080916
	MEETING REOPENED TO THE PUBLIC	16	090916
14.	CLOSURE	17	

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

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 27 SEPTEMBER 2016
COMMENCING AT 4.00PM**

PRESENT:	Councillors	Cr M T Smith (Deputy Shire President/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
GALLERY:		Mr John Rossiter

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Shire President welcomed all in attendance and opened the meeting at 4.00pm and commenced by recognising the sad passing of Mr Kevan Dennis and, on behalf of all at the Shire, expressed condolences to Mr Dennis's family. Mr Dennis was an active community member who regularly attended Council meetings and demonstrated significant interest in Shire affairs through public question time participation over many years.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr I F West (Apology)

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

Mr John Rossiter asked the following questions of Council:

1. Further to Question (a) regarding shade sails. It cost \$6,800 this year for shade sails. Why are they being taken down?
2. Further to Question (e) when did you ever get a refund from LGIS?
3. From the Late Kevin Dennis:
Why is it that we employ staff members for their professional qualifications and ability and then have them contracting outside organisations to do the work for them?
4. From the expenses passed at the August Ordinary Council Meeting, why did it cost \$8,800 for a plant and equipment valuation from Pickles Auctioneers?
5. Why did we get a Geraldton company to do the annual service of the air conditioners in the Admin Centre, when there are two local contractors that could do the same this without the travel component?

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

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 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 DECISION 010916:

MOVED: Cr Leonard

SECONDED: Cr Thompson

That the Minutes of the Ordinary Council Meeting, held on 23 August 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 September Shire President and Coordinator Executive Services attended a North Midlands Strategy Group meeting in Coorow.
- 6 September Manager Community Capacity and Coordinator Executive Services attended the Cluster JAM Forum in Geraldton.
- 8 September AWE Waitsia Launch event – Shire President opened the ceremony, with the CEO joining a tour of the Waitsia facility.
- 9 September CEO attended a workshop with the Public Sector Commissioner in Three Springs.
- 12&13 Sep Economic Workshop – thank you to William Barry, Alison Dalziel and Simon White for facilitating this workshop and those that participated.
- 16 September LGMA Midwest Golf Day.

Announcements

The President congratulates Staff on the presentation of facilities for the North Midlands grand final day - there have been many positive comments passed on from locals and visitors here for the events. Can this please be relayed to the appropriate staff.

The recently adopted Meeting Procedures Local Law was gazetted on Friday, 16 September and will come into effect on Friday 30 September.

Well done to the Irwin Districts Historical Society for conducting its Russ Cottage morning tea and tour event on Saturday, 24 September 2016. Attracting over 75 people (more than double than what was anticipated), it is great to see such a high the level of interest in local history.

Congratulations to the organisers of the Port Denison Sprint and Mid West Show and Shine events held on Sunday, 25 September 2016. From the positive comments of participating drivers and level of public support through attendance, the events proved very successful.

Staff Acknowledgements

The Deputy Shire President congratulated the Shire's Senior Finance Officer, Mrs Jodie O'Keeffe, for recently completing a Certificate IV in Accounting.

After being presented with her Certificate IV in Accounting by the Deputy Shire President, Mrs O'Keeffe thanked Council for providing the professional development opportunity and indicated that the course content had significantly assisted her in performing her duties.

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 AND COUNCIL DECISION 020916:

MOVED: Cr Smith

SECONDED: Cr Meares

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.

VOTING DETAILS:

CARRIED 8/0

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

Report Purpose:

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

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030916:

MOVED: Cr Leonard

SECONDED: Cr Gumley

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.

VOTING DETAILS:

CARRIED 8/0

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

Report Purpose:

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

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040916:

MOVED: Cr Kennedy

SECONDED: Cr Thompson

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.

VOTING DETAILS:

CARRIED 8/0

Attachment:

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

Background:

The Monthly Financial Report to the 31 August 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 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
 - (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.

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.
- 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 preparing a new local planning scheme.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 050916:

MOVED: Cr Leonard

SECONDED: Cr Scott

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.**

VOTING DETAILS:

CARRIED 8/0

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.
- 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 Surf Life Saving Club for the use of the Dongara Drive In.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 060916:

MOVED: Cr Thompson

SECONDED: Cr Meares

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.

VOTING DETAILS:

CARRIED 8/0

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 Live 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

COUNCIL DECISION 070916:

MOVED: Cr Smith

SECONDED: Cr Meares

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.

VOTING DETAILS:

CARRIED 8/0

Please note that the Chief Executive Officer advised that Council staff would invite the owners of the property to a future Council Forum.

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

COUNCIL DECISION 080916:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council closes the meeting to the public at 4:23pm in accordance with section 5.23 (2) (b), (c) and (d) of the Local Government Act 1995.

VOTING DETAILS:

CARRIED 8/0

Mr Rossiter left the meeting at 4:23pm.

Discussion ensued on legal and financial arrangements associated with the proposed Port Denison Foreshore Trails project, individual land tenure arrangements affecting occupiers of coastal fishing shacks and individual land owner requests to clear Shire-controlled land to potentially reduce Bushfire Attack Level (BAL) assessment requirements.

COUNCIL DECISION 090916:

MOVED: Cr Leonard

SECONDED: Cr Kennedy

That Council reopens the meeting to the public at 4:53pm

VOTING DETAILS:

CARRIED 8/0

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4.53pm.

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
27 September 2016

Signed:
Presiding Elected Member

Date:.....