



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 22 NOVEMBER 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, 22 NOVEMBER 2016

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



Darren Simmons
Chief Executive Officer

17 November 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, 22 NOVEMBER 2016 AT 4.00PM

PRESENT:	President	Cr I F West
	Councillors	Cr M T Smith (Deputy President) Cr S F Gumley Cr D R Kennedy Cr M Leonard Cr M G Meares Cr B C Scott Cr B R Thompson
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Mrs H M Sternick – Manager Customer Services Ms E Greaves – Coordinator Executive Services
	Guest	Mr Greg Godwin, Moore Stephens (Council-appointed Auditor)

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

Mr Rossiter made the following enquiry during Public Question Time at the Ordinary Council Meeting on 25 October 2016 which was taken on notice. A copy of the question and the response provided is outlined below:

2. Two Umbrellas were removed more than 6 months ago for repairs from Grannies Beach. When will they be replaced?
This question was taken on notice.

Response: Replacements have been ordered and it is anticipated that the new umbrellas will be installed in the coming weeks.

- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS AND DEPUTATIONS**

Nil.

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 OCTOBER 2016

A copy of the Minutes of the Ordinary Council Meeting held on 25 October 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 25 October 2016, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9.1 OFFICER REPORTS

As a prelude to the financial reports and to meet the Shire's statutory obligations under section 7.12A (2) of the Local Government Act 1995, Mr Greg Godwin, Moore Stephens (Council's appointed auditor) will provide an overview of the Financial Report for the year ending 30 June 2016.

CORPORATE AND COMMUNITY

CC01 – 11/16

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 October 2016.

Officer's Recommendation:

That Council receives the Accounts paid during October 2016, represented by:

Payment Type/Numbers	Total Amount
EFT 19950 - 20129	\$559,648.57
Cheques 31289 - 31307	\$64,981.09
Trust Cheque 3130	\$375,375.00
Direct Debit - Credit Card	\$4,217.60
Direct Debit - Click Super	\$30,319.37
Direct Debit - Transport PL290916 - PL271016	\$66,555.75
Grand Total	\$1,101,097.38

Attachment:

[Accounts for Payment – October 2016](#)

Background:

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

It is considered that by reviewing the Accounts for Payment any risk arising would be rare and insignificant in measures of consequence and therefore the risk rating would be 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 – 11/16

Subject: Financial Statements for the Period ending 31 October 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 October 2016.

Officer's Recommendation:

That Council receives the Monthly Financial Statement for the period 1 July 2016 to 31 October 2016, as outlined in the Attachments Booklet – November 2016.

Attachment:

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

Background:

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

Operating Revenue	\$6,625,653	2.4% negative variance
Operating Expenditure	(\$2,556,989)	5.7% positive variance
Net Operating	\$4,068,664	
Capital Revenue	\$197,866	53.9% negative variance
Capital Expenditure	\$94,112	56.8% negative variance
Cash at Bank – Municipal	\$4,181,482	
Cash at Bank – Reserve	\$2,270,664	
Total Funds Invested	\$6,278,833	
Net Rates Collected	73.75%	
Receivables Outstanding	\$163,679	

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:

It is considered that any risk associated with the monthly financial statements would be insignificant or minor and unlikely in measures of consequence due reporting past events and therefore the risk rating would be 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 – 11/16

Subject: Community Assistance Scheme Committee Membership
Reporting Officer: Manager Community Capacity
Responsible Executive: Director Corporate and Community
File Reference: CR.SP.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.
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Report Purpose:

To seek Council consideration to accept the amended membership to the Community Assistance Scheme Committee and Terms of Reference.

Officer's Recommendation:

That Council:

- 1. Appoints, by absolute majority, Cr Scott, Cr Gumley, Director Corporate and Community, Manager Community Capacity, Mr Ian Payne and Mrs Tracy Barker to the membership of the Community Assistance Scheme Committee; and**
- 2. Adopts the amended Community Assistance Scheme Committee Terms of Reference as presented in Attachment Booklet – November 2016.**

Attachment:

[CAS Committee Terms of Reference](#)

Background:

The purpose of the Community Assistance Scheme Committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary guidelines approved annually by Council. The Committee assess applications received against the selection criteria before being submitted to Council for deliberation.

The objectives are to:

- Provide advice and direction (when required) to Council on matters relating to the Community Assistance Scheme Program;

- Ensure that the Community Assistance Scheme Program meets the needs of the Irwin Community;
- Promotes projects that make a positive contribution to the quality of life within the Shire of Irwin; and
- Ensure access and equity in the Community Assistance Scheme Program and an even distribution of funds throughout the Irwin Community.

The functions and responsibilities of the Committee are:

- To assess the Community Assistance Scheme Applications in accordance with the adopted guidelines together with the internal assessment and information provided;
- Grant or decline Community Assistance Scheme Funding based on the information provided in the applications;
- Prepare an Agenda Report to Council for the allocation of funds from the Community Assistance Scheme budget allocation on the completion of each funding round;
- Annually review the Community Assistance Scheme Guidelines and Application forms;
- Provide advice and direction (when required) to Council and ensure applicants receiving the funding provide measurable benefits to the Irwin Community;
- Review the acquittal forms received from grant recipients to ensure that funds were used in the way specified in the original application.

The current membership consists of:

- Director Corporate and Community;
- Director Planning and Infrastructure;
- Manager Community Services;
- Manager Community Safety;
- Manager Recreation Services; and
- 2 x Elected Members.

Due to the organisational restructure changes to this membership and the Terms of Reference are required.

Officer's Comment:

At the October Committee meeting it was recommended by the Committee to advertise for community members to join and to have more of a balanced membership of Officers and Councillors.

Three expressions of interests were received from the community, being: Mr Ian Payne who recently moved to town and was a community representative on the City of Wanneroo's Road Safety Committee and Safety Committee; Mrs Tracy Barker who moved to town a few months ago and was on the Bibra Lake Residents Association; and, Mrs Janet Beermier who has been a resident for four years and works at the school as a Teachers Aid. Mrs Beermier can only attend meetings after 3.30pm due to her working hours. Mrs Beermier also assists the Volunteer Fire Brigade with administration and plays social lawn bowls.

The Community Assistance Scheme Committee currently meet on Friday's commencing from 1pm through to 3pm so the times do not always suit Mrs Beermier. The Committee was scheduled to meet on Friday 11 November 2016 but unfortunately did not have a quorum and therefore was unable to make any recommendations in regards to the membership and Terms of Reference. In its place this Officer's report has been prepared to seek Council's resolution.

A decision by Council is requested so that the new members can assess the applications received for the current round of the Community Assistance Scheme which closed on Monday 12 November. The Committee would need to recommend the successful applicants to Council at the

December meeting in order for the applicants to receive notification in time, otherwise this process would be delayed until the February Ordinary Council meeting.

Stakeholder Engagement:

An advertisement was published in the local Rag requesting for Community members on the 19 and 26 October 2016. Consultation with current committee members has occurred at meetings on the 7 October and 11 November 2016.

Financial/Resource Implications:

There is no financial impact as a result of appointing the new committee members.

Statutory Environment:

Local Government Act 1995

Policy Implications:

C3 Community Assistance Scheme gives guidance on the scheme however the membership of the committee does not form part of this policy so there are no implications.

Risk Implications:

The likelihood of any adversity arising from a change to the Community Assistance Scheme Committee members is rare and any consequences would be insignificant, the existing committee members will ensure that new members understand the scope of their role, therefore mitigate the risk of the Committee acting outside of its role. Therefore the overall risk is considered to be low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.7.1 – Develop a Community Sponsorship and Funding Strategy

Strategy 3.6.4 – Promote the Community Assistance Scheme

PLANNING AND INFRASTRUCTURE

PI01 – 11/16

Subject: Council Policy to Manage Requests for Vegetation Clearance on Shire Reserves to Reduce Bushfire Attack Levels
Reporting Officer: Manager Regulatory Services
Responsible Executive: Director Planning and Infrastructure
File Reference: DB.ST.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.
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Report Purpose:

For Council to consider adopting a Council Policy to manage requests from landowners to implement and maintain firebreaks on Shire reserves in order to reduce the Bushfire Attack Levels (BAL) for their respective developments on adjoining land.

Officer's Recommendation:

That Council:

- 1. Adopts the Council Policy: Requests for the clearance of vegetation on reserves managed by the Shire of Irwin in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land, as presented in the Attachments Booklet – May 2016; and**
- 2. Encourages the Shire's Community Emergency Services Manager to continue liaising with the Chief Bushfire Control Officer in regards to bushfire management.**

Attachment:

[Council Policy: Requests for the clearance of vegetation on reserves managed by the Shire of Irwin in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land.](#)

Background:

A new form of development control was introduced in 2015 as part of a suite of reforms to protect lives and property against bushfire threats. The Department of Planning and the Fire and Emergency Services Commissioner jointly led the "Bushfire Reform", which had its origin in the Keilty Report and several Bushfire reviews conducted under the auspices of the Department of Premier and Cabinet. This Bushfire Reform resulted in significant changes to the planning and development framework under the Planning and Development Act 2005 and building requirements under the Building Act 2011 and the Australian Building Code.

The Fire and Emergency Services Commissioner, under the Fire and Emergency Services Act 1998 (as amended), prepared a Map of Designated Bush Fire Prone Areas. These designated areas are coloured in pink and reflect bushfire hazards. Where a proposed habitable building is to be located within a Bush Fire Prone Area, a BAL Assessment is required to be submitted with a Development Application (sometimes) and a Building Application (always). The BAL Assessment determines the BAL which in turn determines the standards to which the habitable building must be designed under Australian Standard AS3959.

In September 2016 the Shire received two pre-application requests from landowners who intend to build houses on their respective lots. The requests are to remove vegetation for the purposes of creating firebreaks on Shire managed reserves, in order to reduce the individual BAL's for their respective developments.

Officer's Comment:

A Council decision to implement 'wider-than-required strategic firebreaks' (i.e. wider than 3m) will not guarantee that vegetation on Shire reserves adjoining freehold lots will remain cleared in perpetuity, as there is no guarantee that such a Council decision will be reversed by subsequent Councils. Should Council decide to implement 'wider-than-required, a BAL assessor must still consider the vegetation on the state it is in on the day of the assessment and its fully mature state.

Clearing Permits from the Department Environment Regulation may also be required. These types of permits are valid for 2 years. This does not guarantee that vegetation on Shire reserves adjoining freehold lots will remain cleared in perpetuity.

When classifying vegetation, BAL Assessors need to consider the vegetation on the state it is in on the day of the assessment and its state when fully grown. According to the two Shire Officers who have successfully completed the accredited BAL Assessment Training and according to legal advice received from McLeod's Solicitors, the only way for landowners to ensure that vegetation located on adjoining lots (including Shire reserves) remains cleared in perpetuity is by way of notifications on titles.

The two requests were received due to the implementation of new Bushfire, Planning and Building regulations. As there is a significant area of crown land managed by the Shire which adjoins residential land in the Bushfire Prone Area, it is expected that the Shire may receive similar requests in the future. Given this, Officers recommend that a Council Policy be adopted to provide a consistent response to requests for the clearance of vegetation on Shire managed reserves in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land. The attached policy enables the Shire to support such requests, subject to the requesting landowner:

1. placing notifications on the relevant property titles with the purpose of ensuring the landowner will be responsible for ensuring the vegetation is satisfactorily cleared and maintained to the satisfaction of the Shire of Irwin in perpetuity; and
2. bearing the full cost of:
 - a. placing the required notifications on the relevant titles; and
 - b. clearing the vegetation and the ongoing maintenance requirements; and
3. applying for the necessary Clearance Permits from the Department Environment Regulations, at the landowners cost.

Stakeholder Engagement:

The requests were discussed by Shire Officers and with Councillors at the October Council Forum and a subsequent workshop on 7 November 2016. Legal advice was received from McLeod's Solicitors.

During the workshop with Councillors on 8 November 2016, Officers advised that the Shire is currently developing a Bushfire Management Plan in partnership with the Department of Fire and Emergency Services. Councillors acknowledged this and indicated that, while this plan was being

developed, they wished to encourage the Shire's Community Emergency Services Manager to continue liaising with the Chief Bushfire Control Officer in regards to bushfire management.

Financial/Resource Implications:

The cost of the legal advice was budgeted for within the Shire's Town Planning budget.

Statutory Environment:

Bush Fires Act and Regulations 1954
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
State Planning Policy 3.7 and Guidelines – Planning in Bushfire Prone Areas
Building Act 2011
Building Regulations 2012
Building Code of Australia
Local Government Act 1995
Environment Protection Act 1986
Transfer of Land Act 1893

Policy Implications:

Adoption of the Council Policy will provide a consistent response to requests for the clearance of vegetation on reserves managed by the Shire of Irwin in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land.

Risk Implications:

The likelihood of risk arising from clarifying Council's policy position on requests for the clearance of vegetation on reserves managed by the Shire of Irwin in order to reduce Bushfire Attack Levels for habitable buildings on adjacent land is expected to be rare and the consequences insignificant. Therefore the overall risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.1.1 Implement an efficient and effective approval process

PLANNING AND INFRASTRUCTURE

PI02 – 11/16

Subject: Proposed Subdivision of Lot 2575 Melaleuca Road, Bonniefield
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: WAPC154252/A9325
Proponent: BSO Development Consultants on behalf of Mr and Mrs Mawer
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 an application to subdivide Lot 2575 Melaleuca Road, Bonniefield as referred by the Western Australian Planning Commission for comment by Council.

Officer's Recommendation:

That Council resolves to advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2575 Melaleuca Road, Bonniefield (Ref:WAPC154252) as presented in the Attachment Booklet – November 2016 provided under a separate cover, subject to the following conditions:

1. Engineering drawings and specifications are to be submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road(s) are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the applicants cost.
2. A 14 metre truncation is to be provided at the junction of the access way and the road reserve.
3. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Beagle Road in the locations as shown on the plan dated 5 September 2016.
4. Information is to be provided to demonstrate that the measures contained in the bushfire management plan dated 7 June 2016 that addresses the following:
 - a) 4.3.3 Water – providing adequate means of water supply for fire fighting purposes (30,000l water tanks) on the proposed lots have been implemented during subdivisional works.

5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
“A mains potable water supply is not available to the lot/s”
6. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
“A reticulated sewerage service is not available on the lot/s.”
7. Prior to the commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission.
8. The landowner/applicant installing suitable rural fencing of good standard in accordance with the plan dated 5 September 2016 (attached) to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. In regard to Condition 1, the landowner/applicant is advised that road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayment's, are to be generally consistent with the approved plan of subdivision.

Attachment:

[Subdivision Application and Plans](#)
[Site Photos](#)

Background:

The proponents submitted a subdivision application in September 2016, which has been referred to the Shire of Irwin by the Western Australian Planning Commission (WAPC). The proposed subdivision is for 4 lots and 1 road reserve. As more than 3 lots are proposed, the Shire's Delegation Register does not allow officers to respond directly to the WAPC. As such, Council must resolve to advise the WAPC of its recommendation.

The subject land is currently vacant and zoned 'Rural Smallholdings' under the Shire of Irwin Local Planning Scheme No. 5 (LPS 5).

Council approved a similar subdivision application at this Lot at the July 2010 Ordinary Council Meeting. This subdivision was approved by the WAPC on the 16 August 2010. The approval expired on the 16 August 2013.

Officer's Comment:

The proposed subdivision is consistent with the relevant provisions of the LPS 5, or the relevant provisions of the Local Planning Strategy's Policy Area D (Attachment 3). The proposed lot sizes range from 15.001ha to 20.0376ha, which meet the minimum lot size provision under the LPS 5.

The proposal included a Bushfire Management Plan. This plan referred to water supply for the purpose of firefighting purposes on a lot not owned by the applicant. The Shire will impose a standard condition to ensure that the applicant implements adequate measures for firefighting purposes.

The above recommendation is consistent with the Council decision for the previous subdivision approval.

The subdivision application has also been referred to other agencies (Water Corporation, Western Power etc) by the WAPC, who will recommend their own conditions from the same WAPC manual.

Stakeholder Engagement:

The application was referred to the Shire of Irwin's Development Control Unit. There were no objections, in principle, following referral.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Planning Scheme No. 5
Local Planning Strategy

Policy Implications:

The above recommendation is consistent with Council's *Land Development – Design and Construction Criteria* policy.

Risk Implications:

The likelihood of risk arising from Council supporting the proposed subdivision is expected to be rare and the consequences insignificant. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 1.1.1 Implement an efficient and effective approval process.

PLANNING AND INFRASTRUCTURE

PI03 – 11/16

Subject: Variation to Memorandum of Understanding (MOU) for the use of South Beach Kiosk
Reporting Officer: Planning Officer
Responsible Executive: Director Planning and Infrastructure
File Reference: CP.RE.3
Voting Requirements: Simple Majority

Council Role:

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

Report Purpose:

For Council to consider a variation to the Memorandum of Understanding for the use of South Beach Kiosk.

Officer's Recommendation:

That Council approves a variation to the Memorandum of Understanding for the South Beach Kiosk at Lot 11702 White Tops Road, Port Denison, as presented in the Attachment Booklet – November 2016 provided under a separate cover.

Attachment:

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

Background:

At the July Ordinary Council Meeting, Council approved a Memorandum of Understanding (MOU) between the Shire and the operator of the Starfish Café at the South Beach Kiosk. The Starfish Café has since been sold from Betty Saunders to Michael and Nicola Counce.

The proposed variation of the MOU is to remove the previous operator and add the current operators to the MOU.

Officer's Comment:

Officers have no objection in principle to the MOU remaining largely the same, with the only change being the business operator, and recommend that Council resolve to approve the variation to the MOU.

Stakeholder Engagement:

The Shire was approached by the previous and current operators.

Financial/Resource Implications:

Nil.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council approving the variation of the MOU 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 – 11/16

Subject: Lot 13 Point Leander Drive Carpark
Reporting Officer: Manager Technical Services
Responsible Executive: Director Planning and Infrastructure
File Reference: A8943 / PH.SE.1
Voting Requirements: Absolute Majority

Council Role:

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

Report Purpose:

Seek approval for the final plan BAH-AH13-100 to 109 and additional transfer of up to \$207,000 from the Asset Management Reserve to construct the carpark at Lot 13 Point Leander Drive.

Officer's Recommendation:

That Council:

1. Approves the Plan BAH-AH13-100 to 109, as presented to Councillors under separate confidential cover;
2. Approves an additional transfer of up to \$207,000 from the Asset Management Reserve to construct the carpark at Lot 13 Point Leander Drive; and
3. Authorises the 2016/17 Budget be amended accordingly.

Attachment:

CONFIDENTIAL Allied Health Building Drawing BAH-AH13-100 to 109
CONFIDENTIAL: Contract of Sale – Lot 13 Point Leander Drive, Dongara
Confidential attachments provided to Councillors under separate confidential cover.
[Minutes Special Council Meeting 100215](#)

Background:

The Council, in accordance with Section 3.58 of the Local Government Act 1995, disposed of Lot 13 Point Leander Drive, Dongara by private treaty to Batavia Health subject to the following conditions:

- a. The purchase price be set at \$500,000 exclusive of GST;
- b. A restrictive covenant being placed over the Lot to ensure that the property is used for the purpose of providing medical and allied health services for a minimum term of ten (10) years; and

- c. The responsibility for the construction and long term maintenance of the car park and associated fencing on the Lot being the responsibility of the Shire of Irwin in exchange for a caveat and/or other legal instruments that ensure reciprocal medical centre and public vehicle parking is retained on the Lot.

The Council approved the car park on the basis of understanding that the Shire of Irwin would be responsible for the costs associated with:

- Construction of the car park
- Long term maintenance of the car park
- Provision of a fence around the lot

The associated capital construction costs were to be offset by the \$500,000 (exclusive of GST) sale price that was received from Batavia Health upon settlement of Lot 13 Point Leander Drive, Dongara.

The Seller (Shire of Irwin) placed the conditions on the Buyer (Batavia Health) for the sale of Lot 13 Point Leander Drive:

1. Must not make any alterations to the Approved Plans or the Approved Budget without the prior written consent of the Seller, which consent shall not be unreasonably withheld
2. At all times ensure that any occupier of the Land and their customers and invitees and the public at large are able or authorised to use the Carpark free of charge for pedestrian access, vehicle access and car parking
3. Except for maintenance, emergency or safety reasons, ensure that access to the Carpark is not refused, restricted or obstructed and no fence or other obstruction will be erected on the Land and their customers and invitees or the public at large

The Shire placed a provisional amount of \$150,000 into the 2016/17 Budget until accurate estimates could be established through detailed design and engaging in a commercial tendering process for the construction costs.

Officer's Comment:

The original approved plan included with the contract of sale (Annexure 2) had:

- 45 standard parking bays
- 2 long vehicle bays
- Provision for Stage 2 development of the Batavia Health medical centre.
- Separate entry and exit points where the entry point was in close proximity to the Hunts Rd & Pt Leander Drive intersection

The modifications to the approved plan shown in BAH-AH13-100 to 109 include:

- Improved pedestrian access from the car park into the town centre and considered driver safety by combining the entry and exit points and then moving the entry and exist point as far as possible from the Hunts Rd & Pt Leander Drive intersection.
- Stage 2 development of the Batavia Health medical centre removed to maximise the number of parking bays available to the Shire.
- 61 standard parking bays (includes ACRO parking)
- 2 long vehicle bays rationalised into 1 long vehicle bay and reoriented making available additional standard parking bays without increasing the car park area.

The detailed engineering design has now been completed and the construction tendered. The total cost estimate for the carpark is \$385,000 which includes:

- Engineering design work
- Native Title settlement
- Heritage checks
- Surveying & Soil Analysis

- Retaining Wall
- Fencing around the Lot
- Carpark construction:
 - Construction management
 - Earthworks
 - Drainage
 - Pavement
 - Kerbing
 - Footpaths with Pram Ramps
 - Line marking & Signage

The Buyer has absorbed approximately \$28,000 of the cost estimate total leaving a balance of \$207,000 not taking into account the amount of \$150,000 already approved in the 2016/17 Budget.

Stakeholder Engagement:

Batavia Health (Quirko Investments)
Greenfields Technical Services

Financial/Resource Implications:

Additional transfer of up to \$207,000 from the Asset Management Reserve to construct the carpark at Lot 13 Point Leander Drive. There is no impact of Shire staff resourcing.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The reporting officer has considered some possible alternative options available to Council and the associated risks:

1. Do Nothing – do not adopt Officer’s recommendations:
 - Risk Implication –
 - i. The contract of sale stipulates that the Seller to provide written consent to the Buyer for any alterations to the Approved Plans or the Approved Budget and that consent for these alterations shall not unreasonably be withheld
2. Do not approve the final plan BAH-AH13-100 to 109 to eliminate a perceived cost increase:
 - Risk Implication -
 - i. The cost differential between the original approved plan and the final plan BAH-AH13-100 to 109 is estimated to be less than 10%.
 - ii. the contract of sale stipulates that the Seller to provide written consent to the Buyer for any alterations to the Approved Plans and that consent for these alterations shall not unreasonably be withheld
3. Reduce the size of the carpark
 - Risk Implication -
 - i. There has been no change in the car park area from the original approved plan to the final plan BAH-AH13-100 to 109. It is an inefficient measure to reduce the size of the carpark to reduce costs, as even a 50% reduction in the car park area would only result in a 25% cost saving.

Having considered the above options, the recommendation provided by the reporting officer presents a low risk solution for Council.

Strategic Implications:

Strategic Community Plan 2012 - 2022

1.1.2 Partner and negotiate with industry and commerce to improve local infrastructure

OFFICE OF THE CEO

CEO01 – 11/16

Subject: Council Meeting Dates 2017
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: GV.CM.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:

For Council to consider and set its meeting dates for 2017

Officer’s Recommendation:

That Council hold its 2017 Forum and Ordinary Meetings in accordance with the following schedule;

MONTH	COUNCIL FORUM	COUNCIL ORDINARY MEETING
January	N/A	N/A
February	14	28
March	14	28
April	11	26
May	9	23
June	13	27
July	11	25
August	8	22
September	12	26
October	10	24
November	14	28
December	N/A	12

Meetings will commence at 4:00pm and will be held in the Council Chambers at 13 Waldeck Street, Dongara.

Background:

In the past, Council has held its Ordinary Council Meetings on the fourth Tuesday of each month except for January and December. In 2016 there was no Council Forum or Council Meeting scheduled for January and no Council Forum in December.

As per the Local Government (Administration) Regulations 1996, Council are required to set the meeting dates for next 12 months and make them available to the local public.

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*

Officer's Comment:

As per last year's schedule, it is suggested that there be no Council Meeting in January.

In 2017, the fourth Tuesday in April falls on Anzac Day (25 April) therefore it is proposed that the meeting be held on the next business day being Wednesday 26 April 2017.

The 2016 December Ordinary Meeting was scheduled for the second Tuesday in December, as the third Tuesday fell in the Shire's final business week before the Christmas break and staff felt this may not leave sufficient time to take appropriate action in regards to any Council decisions and prepare the Minutes. It is therefore recommended that the meeting be held on the second Tuesday (12 December) again in 2017.

It is common practice of local governments within Western Australia to not hold a meeting in January due to the reduced service demand, minimal work's programming and decreased staff levels resulting from staff utilising their annual leave entitlements.

The approval of accounts for payment and financial statements normally provided in January would be scheduled for consideration at the February 2017 meeting. In regards to the presentation of statements of financial activity to Council, the Local Government (Financial Management) Regulations 1996 Section 6.4, states the following;

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Stakeholder Engagement:

Staff were consulted internally in regards to any events or potential risks that may affect any of the proposed dates, however there were none identified.

Financial / Resource Implications:

Minor advertising costs will be incurred to provide local public notice of meeting dates.

Statutory Environment:

Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Risk Implications:

To ensure compliance with relevant legislation and maximise notice to the community a list of dates has been prepared for Council to consider. Therefore this is a low risk matter with effective controls in place.

Strategic Implications:

Strategy Community plan 2012-2022

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

OFFICE OF THE CEO

CEO02 – 11/16

Subject: Policy Manual Review 2016
Reporting Officer: Coordinator Executive Services
Responsible Executive: Chief Executive Officer
File Reference: CM.PO.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.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to review the updated Policy Manual for adoption.

Officer's Recommendation:

That Council adopts the Policy Manual version 2016.3 as presented in Attachment Booklet – November 2016.

Attachment:

[Council Policy Manual – November 2016](#)

Background:

There is no formal requirement for Council to review the Policy Manual however it is considered better practice to ensure Council have a relevant and current policy stance each year that reflects the ongoing changes within local government and our community.

Officer's Comment:

A summary of any changes to the Council Policy Manual is provided in the table below;

Policy	Amendments/Changes
E2 Christmas Closure	Amendment made to incorporate all Shire of Irwin workplaces as it applies.
E3 Staff Salary Sacrifices	Amended to align with advice from Australian Tax Office in regards to FBT and eligible portable devices.
E14 Elected Members' Allowances and Expenses	Replace maximum with minimum and median under 1.1 and 1.2 – previous discussions with Council indicated that the minimum was intended but maximum written in error.
E15 Elected Members iPad	Update of position title.
E18 Personal and Professional	Created to outline Council's commitment and support in

Policy	Amendments/Changes
Development	regards to personal and professional development
C1 Use of Shire of Irwin Community Bus	Cleaning bond increased to \$75 (from \$60) to reflect current fees and charges.
C2 Assistance for Resident Elite Athletes	Removed – provided for within the Financial Assistance Scheme Policy.
C3 Community Assistance Scheme	Removed – provided for within the Financial Assistance Funding Policy.
C7 Financial Assistance Funding Policy	It was considered unnecessary to list the members of the Community Assistance Scheme Committee, which is subject to change, so as not to require a policy change each time.
F4 Management of Investments	Update of position title and amended numbering.
F5 Use of Corporate Credit Card	Update of position title and amended numbering.
F7 Depreciation and Capitalisation of Assets	Financial Management Review report recommended that the capitalisation threshold for Plant & Equipment and Furniture & Equipment (non current assets) be increased to \$1,000 (from \$500) and amended numbering.
F8 Accounting	The above has been amended in this policy under (f) Capitalisation Threshold and amended numbering.
S5 Security Cameras	The wording has been updated to reflect digital recordings and an amendment has been made to “Authorised personnel” to include the CEO and at his/her discretion, authorises other persons to fit individual circumstances/incident. The record keeping requirements have been amended to be more general and removed the need to maintain a log book (although appropriate recordkeeping practices are expected to be followed). Numbering has also been amended.
B2 Supply of Keys to Council Owned Buildings	Update of position title and amended numbering.
H1 Disposal of Chemical Drums – Dongara Refuse Site	Update of position title and amended numbering.
W3 Private Works – Local Clubs / Organisations	Reference to Financial Assistance Funding /CAS included and amended numbering.

A new policy has also recently been developed *P21 Requests for the Clearance of Vegetation on Reserves Managed by the Shire of Irwin in Order to Reduce Bushfire Attack Levels for Habitable Buildings on Adjacent Land* and has been provided in a separate report for Council consideration at this meeting. Should it be adopted, that Policy will also be incorporated into this Manual.

Staff have identified a number of policies that require amendment but will be provided to Council consideration upon completion of further research and consultation. Some examples are provided below

- Credit Card Policy – research implications of recent Report on a Matter of Governance at the Shire of Dowerin prepared by the Corruption and Crime Commission.
- Purchasing Policy – research above and seek further advice from WALGA’s Procurement services
- Code of Conduct – research recommendations from Public Sector Commission and implications of recent legislative change (*Corruption, Crime and Misconduct Act 2003*), as well as incorporate Shire values and behaviours

Stakeholder Engagement:

The Senior Management Team (SMT) were provided an opportunity to review and discuss the Policy Manual in October and November of 2016.

The Draft Policy Manual was presented to the Executive Management Team (EMT) in November.

Financial/Resource Implications:

Staff have been appropriately resourced to undertake this review

Statutory Environment:

Local Government Act 1995 s5.18 and s5.46

Policy Implications:

As outlined

Risk Implications:

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

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

9.2 COUNCIL COMMITTEE REPORTS

9.2.1 Receipt of Roadwise Committee Minutes

ROADWISE COMMITTEE MINUTES

That Council receives the Minutes of the Roadwise Committee meeting held 31 October 2016, as provided within the Attachment Booklet – November 2016.

9.2.2 Receipt of Economic Development Advisory Committee (EDAC) Minutes

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES

That Council receives the Minutes of the Economic Development Advisory Committee (EDAC) meeting held 9 November 2016, as provided within the Attachment Booklet – November 2016.

9.2.3 Receipt of Asset Management Advisory Committee (AMAC) Minutes and Recommendations to Council

ASSET MANAGEMENT ADVISORY COMMITTEE MINUTES

That Council receives the Minutes of the Asset Management Advisory Committee (AMAC) meeting held 16 November 2016, as provided within the Attachment Booklet – November 2016.

ASSET MANAGEMENT ADVISORY COMMITTEE RECOMMENDATIONS TO COUNCIL

That Council defers the sale of the John Deere CH670 Grader until April 2017 with a review of the sale thereafter.

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

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

14. CLOSURE

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

_____.