



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 26 July, 2022

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 26 July, 2022

Signed:
Presiding Elected Member

Date: 23/8/22

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.



Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 26 July, 2022

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests and members in the Gallery and opened the meeting at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

COUNCIL DECISION 010722:

MOVED: Cr Gillam

SECONDED: Cr Tunbridge

That Council, by Absolute Majority approve Councillor Mark Leonard to attend the 26 July 2022 Ordinary Council Meeting by teleconference.

VOTING DETAILS:

Carried by Absolute Majority 8/0

Members

Councillor M T Smith

Councillor I M Scott

Councillor G S Eva

Councillor A J Gillam

Councillor M Leonard (*via Teleconference*)

Councillor H M Palmer

Councillor E Tunbridge

Councillor B Wyse

Shire President

Deputy Shire President

Staff

Mr S D Ivers

Mrs D K Chandler

Ms N A M'Leane

Mrs K Dowson

Mrs J Keene

Chief Executive Officer

Acting Manager Corporate & Community

Development & Executive Officer

Human Resources Supervisor

Procurement & Administration Officer

Guests

Nil.

Approved Leave of Absence

Nil.

Apologies

Nil.

Gallery

J Arden, Premier Circle

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ian West, Bygrave Drive, Port Denison: What is the cost of the foreshore masterplan to date?

Response: \$144,000 since 2018 including the 2021 community consultation sessions and compiling the feedback from the community into the designs.

V Carrick, Retreat Boulevard, Port Denison:

Question: Why has the Shire neglected the 'Retreat' area since it was handed over to the Shire from the developer?

Response: The 'Retreat' area is included in the Shire's fire preventive maintenance program. There was no requirement specified by the developer to maintain this area to any other standard.

Question: Can the area of grassland at the entry to the footpath be included in the Shire's mowing program so it is mowed similar to the grassland between the boardwalk and Ocean Drive?

Response: Yes

Question: Is it correct that private land must be mowed to 100mm by 15 October each year?

Response: Yes, provided the land is vacant and the area is 5000 square metres or less. Refer to the Shire's Firebreak Notice for information on land greater than 5000 square metres.

Question: Can the Shire mow private land to 100mm for private landowners and charge accordingly?

Response: Private landowners may enquire with the Shire regarding the provision of private works on their properties. Any agreed work would be subject to the Shire of Irwin's adopted Schedule of Fees and Charges as well as staff and equipment availability.

The Shire may also conduct works on private land under the direction of a Fire Control Officer and may also subsequently infringe any private landowners' whose property is not compliant with a Firebreak Notice issued under Section 33 of the *Bush Fires Act 1954*.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 28 June 2022

A copy of the minutes of the 28 June 2022 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 020722:	
MOVED: Cr Palmer	SECONDED: Cr Wyse
That the Minutes of the Ordinary Council Meeting, held 28 June 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.	
VOTING DETAILS:	Carried 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

- 12 July 2022 The CEO met with Cole Thurley, Chief of Staff, Shelley Court, Regional Development Commissions & Daniela Mattheys, Principal Policy Adviser Regional Development, Communications from the Office of the Minister for Regional Development Hon Alannah MacTiernan MLC.
- 12 July 2022 The CEO met with Travis Robinson, Chief of Staff, Office of the Environment, Climate Change Hon Reece Whitby MLA.
- 14 July 2022 The Shire President and CEO met with representatives of Mitsui E&P.
- 15 July 2022 The Shire President and CEO met with Rob Houwen, Chair of the Midwest Development Commission.
- 18 July 2022 The CEO met with Ron Sao, Chief of Staff, Annabel Keogh, Principal Policy Adviser – Energy & Mark Andrews, Senior Policy Adviser – Mines and Petroleum from the Office of the Minister for Mines and Petroleum Hon Bill Johnston MLA.
- 20 July 2022 The CEO met with Dave Coggin, Director Policy & Sarah Keegan, Senior Policy Adviser State Development, Office of the Premier Hon Mark McGowan MLA.
- 20 July 2022 The CEO met with Crispin Collier, representative of Strike Energy.
- 20 July 2022 Councillor Hayley Palmer attended the Bush Fire Advisory Committee meeting.
- 22 July 2022 The CEO met with Neil Fergus, Chief of Staff Ilka Novak, Principal Policy Adviser & Phil Gorey, Deputy Director General – Resources and Project Facilitation from the Office of the Minister for State Development, Jobs and Trade Hon Roger Cook MLA.
- 22 July 2022 The CEO met with Jai Thomas, Office of Energy Policy WA.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-07/22
Subject:	CC01-07/22 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & 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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during June 2022.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of June 2022.

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (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 CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031
 Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
 Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – July 2022
 CC01-07/22 Attachment 1: Accounts for Payment – June 2022

Officer Recommendation:

COUNCIL DECISION 030722:

MOVED: Cr Eva **SECONDED: Cr Scott**

That Council receives the Accounts paid during June 2022 as presented in Attachment Booklet – July 2022, represented by:

Payment Type/Numbers	Total Amount
EFT 28852 – 29020	\$939,503.13
Muni Cheques – 32111 – 32113	\$8,670.45
Direct Debit – Telstra	\$2,855.33
Direct Debit – WA Treasury Corporation	\$58,247.22
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$12,868.43
Direct Debit – Land Use Agreement	\$1,041.66
Direct Debit – Rental Charges	\$2,600.00
Direct Debit – Bonds Administrator	\$1,080.00
Direct Debit – Superannuation	\$33,174.06
Grand Total	\$1,061,987.94

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID01-07/22
Subject:	ID01-07/22 Delegated and Authorised Actions for June 2022 – Development	
Author:	N M’Leane, Development & Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
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. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To inform Council of officer actions made under delegated authority and authorisation in the Development department.

Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer’s Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 June 2022 – 30 June 2022.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – July 2022

ID01-07/22 Attachment 1: Table of Delegated Actions for June 2022, Development

Officer Recommendation:

COUNCIL DECISION 040722:

MOVED: Cr Tunbridge

SECONDED: Cr Eva

That Council receives the Delegated and Authorised Actions for June 2022 as set out in Attachment 1 in Attachment Booklet – July 2022.

VOTING DETAILS:

Carried 8/0

9.2. Committee Reports

9.2.1. Shire of Irwin Local Emergency Management Committee Meeting 1 June 2022

The minutes of the Shire of Irwin Local Emergency Management Committee Meeting held Wednesday 1 June 2022 have been provided as Attachment 9.2.1 in Attachment Booklet – July 2022.

COUNCIL DECISION 050722:	
MOVED: Cr Tunbridge	SECONDED: Cr Eva
That Council receive the Minutes of the Shire of Irwin Local Emergency Management Committee Meeting held Wednesday 1 June 2022 provided as Attachment 9.2.1 in Attachment Booklet – July 2022.	
VOTING DETAILS:	Carried 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

12.1. CEO01-07/22

The matter at CEO01-07/22 is to be considered behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it relates to a matter affecting an employee to be discussed at the meeting.

COUNCIL DECISION 060722:	
MOVED: Cr Palmer	SECONDED: Cr Tunbridge
That Council close the meeting to the public at 6.07pm in accordance with Section 5.23(2)(a) of the <i>Local Government Act 1995</i> as it relates to a matter affecting an employee to be discussed at the meeting.	
VOTING DETAILS:	Carried 8/0

The matter was considered and voted on behind closed doors.

COUNCIL DECISION 080722:	
MOVED: Cr Scott	SECONDED: Cr Tunbridge
That Council reopen the meeting to the public at 6.10pm.	
VOTING DETAILS:	Carried 8/0

COUNCIL DECISION 090722:	
MOVED: Cr Gillam	SECONDED: Cr Wyse
That Council adopts the Confidential Schedule.	
VOTING DETAILS:	Carried 8/0

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.11pm.

An electronic copy of the Minutes are available for download from the Shire's website.

<https://www.irwin.wa.gov.au/council/council-meetings/2022-council-meetings>