



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 23 February, 2021

in the

Shire of Irwin Council Chambers

- 5.00pm – Agenda Briefing
- 5.15pm – Councillor Information Session
- 6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

Welcome to the Ordinary Council Meeting of the Shire of Irwin.

Please be advised that Ordinary Council Meetings during 2021 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, (unless otherwise advised) commencing at **6.00pm**.

DATES	
23 February 2021	27 July 2021
23 March 2021	24 August 2021
27 April 2021	28 September 2021
25 May 2021	26 October 2021
22 June 2021	23 November 2021
	14 December 2021

Members of the public are most welcome to attend the Agenda Briefing, the Councillor Information session and the Ordinary Council Meetings.

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

Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally, all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. **Public Question Time:** It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
 - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
 - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
 - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
 - Only questions can be addressed to Council, not statements.
 - A minimum of 15 minutes is allocated to Public Question Time. A member has 2 minutes to submit a question.
 - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
 - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
 - The Presiding member may decide that a question shall not be responded to where:
 - the same or similar question has been asked at a previous meeting and a response has already been provided;
 - a statement has been made and is not reformed into a question; or
 - a question is offensive or defamatory in nature and is not reformed into a question.
 - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next meeting of Council.
 - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request system.
 - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
 - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least 72 hours prior to the Council meeting at which you wish them to be presented.
5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.
6. **Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The Officer must declare that interest and generally the Presiding Member will advise the Officer if he/she is to leave the meeting.
7. Agendas are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting.
8. Agendas for Ordinary Meetings are available to the public from the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au seventy-two (72) hours prior to the meeting.
9. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council and ideally received written confirmation of the outcome. Please note the Disclaimer in the Agenda (page 3).
10. Public Inspection of Unconfirmed Minutes (Reg 13): A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection at the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au within ten (10) working days after the Meeting.

Table of Contents

CHIEF EXECUTIVE OFFICER.....	2
1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	5
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	5
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
4. PUBLIC QUESTION TIME.....	5
5. APPLICATIONS FOR LEAVE OF ABSENCE.....	5
6. PETITIONS AND DEPUTATIONS.....	5
7. CONFIRMATION OF MINUTES.....	6
7.1. Minutes of the Ordinary Council Meeting held 8 December 2020.....	6
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	6
9. REPORTS.....	7
9.1. Officer Reports.....	7
CC01-02/21 Accounts for Payment.....	7
CC02-02/21 Monthly Financial Statements for the Period Ended 31 December 2020.....	9
CC03-02/21 Monthly Financial Statements for the Period Ended 31 January 2021.....	12
CEO01-02/21 Local Government Elections 2021.....	15
ID01-02/21 Delegated and Authorised Actions for December 2020 to January 2021 – Development.....	18
ID02-02/21 Request For Quotation VP222187 Bitumen Sealing 2020/21.....	20
9.2. Committee Reports.....	25
9.2.1 Community Assistance Scheme & Events Committee.....	25
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	25
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	25
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION.....	25
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC.....	25
14. CLOSURE.....	25

ORDINARY COUNCIL MEETING

to be held

23 February 2021

at 6.00pm

AGENDA

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

Members

Councillor M T Smith
Councillor B Wyse
Councillor G S Eva
Councillor A J Gillam
Councillor M Leonard
Councillor I Scott
Councillor H M Wells
Councillor I F West

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mr P Traylen
Mrs D K Chandler
Mr B Jeans
Ms S J Clarkson
Ms N A M'Leane
Mrs F Boksmati

Chief Executive Officer
Acting Manager Infrastructure & Development
Acting Manager Corporate & Community
Manager Development
Acting Senior Finance Officer
Development & Executive Officer
Community Development Officer

Approved Leave of Absence

Apologies

Gallery

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

- 4. PUBLIC QUESTION TIME**

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**

- 6. PETITIONS AND DEPUTATIONS**

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 8 December 2020

A copy of the Minutes of the Ordinary Council Meeting held 8 December 2020 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 8 December 2020, as previously circulated, be adopted as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-02/21
Subject:	CC01-02/21 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 December 2020 and January 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of December 2020 and January 2021

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 all payments by Council.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

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 – February 2021

CC01-02/21 Attachment 1 – Accounts for Payment – December 2020 and January 2021

Officer Recommendation:

RECOMMENDED:

That Council, receives the Accounts paid during December 2020 and January 2021 as present in Attachment Booklet – February 2021, represented by;

Payment Type/Numbers	Total Amount
EFT 26724 – 26920	\$824,066.11
Muni Cheques – 32020 – 32030	\$84,040.69
Direct Debit – Telstra	\$2,371.57
Direct Debit – WA Treasury Corporation	\$77,370.08
Direct Debit – Solar Panel Repayments	\$3,895.32
Direct Debit – Insurance Premiums Repayment	\$28,344.32
Direct Debit – Credit Card	\$6,905.25
Direct Debit – Superannuation	\$77,603.97
Grand Total	\$1,104,597.31

CORPORATE AND COMMUNITY		CC02-02/21
Subject:	CC02-02/21 Monthly Financial Statements for the Period Ended 31 December 2020	
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 consider and receive the Monthly Financial Statements for the period 1 July 2020 to 31 December 2020.

Background:

The Monthly Financial Statements to 30 June 2021 are prepared in accordance with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and includes the following statutory reports:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer’s Comment:

The financial position to the end of December 2020 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/12/2020		YTD Actual	Variance to YTD Budget
	Operating Revenue	7,060,367	101%
	Operating Expenditure	(5,556,671)	102%
	Net Operating	1,503,696	
	Non-Operating Revenue	1,219,473	55%
	Non-Operating Expenditure	(1,095,140)	35%
	Net Non-Operating	124,333	
	Cash at Bank	4,687,312	
	Cash at Bank Restricted	362,875	
	Reserve Bank	1,296,048	
	Total Cash Funds	6,346,235	

The attached statements provide explanatory notes for items greater than 10% or \$10,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- Section 6.4 Financial report

Local Government (Financial Management) Regulations

- Section 34 Financial activity statement report provides as follows:

- (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.

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Strategic Implications:

Strategic Community Plan 2017 – 2027

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 – February 2021

CC02-02/21 Attachment 1 – Financial Statements for the Period Ended 31 December 2020

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statements for the period 1 July 2020 to 31 December 2020 as provided in Attachment Booklet – February 2021.

CORPORATE AND COMMUNITY		CC03-02/21
Subject:	CC03-02/21 Monthly Financial Statements for the Period Ended 31 January 2021	
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 consider and receive the Monthly Financial Statements for the period 1 July 2020 to 31 January 2021.

Background:

The Monthly Financial Statements to 30 June 2021 are prepared in accordance with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and includes the following statutory reports:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer’s Comment:

The financial position to the end of January 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/01/2021		YTD Actual	Variance to YTD Budget
	Operating Revenue	7,238,207	101%
	Operating Expenditure	(6,521,672)	102%
	Net Operating	716,535	
	Non-Operating Revenue	1,219,473	49%
	Non-Operating Expenditure	(1,175,892)	27%
	Net Non-Operating	43,581	
	Cash at Bank	4,718,665	
	Cash at Bank Restricted	362,875	
	Reserve Bank	1,296,460	
	Total Cash Funds	6,378,000	

The attached statements provide explanatory notes for items greater than 10% or \$10,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- Section 6.4 Financial report

Local Government (Financial Management) Regulations

- Section 34 Financial activity statement report provides as follows:

(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.

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Strategic Implications:

Strategic Community Plan 2017 – 2027

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 – February 2021

CC03-02/21 Attachment 1 – Financial Statements for the Period Ended 31 January 2021

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statements for the period 1 July 2020 to 31 January 2021 as provided in Attachment Booklet – February 2021.

OFFICE OF CEO	CEO01-02/21
Subject:	CEO01-02/21 Local Government Elections 2021
Author:	N M’Leane, Development & Executive Officer
Responsible Officer:	D Chandler, A/Manager Corporate & Community
File Reference:	3.0242
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. 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 consider appointing the Western Australian Electoral Commissioner (WAEC) to conduct a postal election for the 2021 local government elections, together with any other election or polls which may be required.

Background:

Local government ordinary elections are held on the third Saturday in October every two years. The next local government ordinary elections will be held on 16 October 2021.

The Shire has the option of facilitating a voting in person election day or running the election via postal vote.

The Electoral Commissioner is responsible for conducting all local government postal elections in Western Australia and can also conduct voting in person elections on request under the *Local Government Act 1995*. By making the Electoral Commissioner responsible for these elections, the Shire of Irwin ensures that elections are conducted independently and with impartiality.

For the Shire to facilitate a voting in person election day, several local government staff plus externally appointed staff would be required to host the election at the Irwin Recreation Centre on the specified election date for residents to cast their vote in person.

Postal elections for local government in WA were first trialled by four (4) local governments in 1995. This has increased over the years to 90 local governments in 2019.

For the Shire to run a postal election, a local Returning Officer will need to be appointed and at least two local government staff members will be required to work in the polling place on election day. All eligible electors will receive a postal voting package around three weeks prior to polling day. The package will include a list of candidates, ballot papers, instructions on how to vote and a declaration.

The current procedure required by the *Local Government Act 1995* is that written agreement must be obtained before the vote by Council is taken to appoint the Electoral Commissioner to conduct the

election. To facilitate the process the Electoral Commissioner has provided correspondence serving as agreement to be responsible for the conduct of the ordinary elections in 2021 for the Shire of Irwin in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. This agreement is subject to the proviso that the Shire of Irwin also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

Officer's Comment:

Postal voting historically has a much higher participation rate (response rate for previous Shire of Irwin postal election being 52.4%) than election days with voting in person, as postal voting is more convenient for many electors.

It is recommended that Council agree to the Electoral Commissioner running the 2021 Shire of Irwin ordinary election, and other required election or poll via postal vote due to the experience of the WAEC, their independence and impartially in the process, and convenience and participation rates for voters. A postal vote could ensure that an election outcome is not hindered by a delay or elector absence due to the COVID-19 pandemic. Advantages are outlined below;

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.
- Eliminates the potential risk of COVID-19 transmission and exposure on election day.

Advantages for candidates

- Availability of an experienced Returning Officer “at arm’s length” from Local Government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner.
- Economies of scale can reduce some of the costs (advertising).
- Elected Councillors have a high level of support from the local community.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- *Section 4.20(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

Local Government Act 1995

- *Section 4.61(2) The local government may decide* to conduct the election as a postal election.*
** Absolute majority required.*

Policy Implications:

Nil.

Financial/Resource Implications:

The Commission is required to conduct local government elections on a full cost recovery basis which may vary depending on factors such as the cost of materials and number of replies received.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election the Shire will be advised as early as possible.

The actual costs for the 2019 Elections were \$18,989.00 inc GST. It has been recommended by the Electoral Commission that \$22,000 inc GST be considered for the 2021/22 Budget, based on the following assumptions:

- 2,700 electors
- response rate of approximately 55%
- 4 vacancies
- count to be conducted at the offices of the Shire of Irwin
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- a minimum of two local government staff members to work in the polling place on election day and any additional postage rate increase by Australia Post
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.4 Promote programs to encourage participation in elections.

Attachments:

Attachment Booklet – February 2021

CEO01-02/21 Attachment 1 – Correspondence from the Western Australian Electoral Commission

Officer Recommendation:

RECOMMENDED:

That Council by Absolute Majority;

- 1) Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required; and**
- 2) Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.**

INFRASTRUCTURE & DEVELOPMENT		ID01-02/21
Subject:	ID01-02/21 Delegated and Authorised Actions for December 2020 to January 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
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 December 2020 to 31 January 2021.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

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:

Strategic Community Plan 2017 - 2027

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 – February 2021

ID01-02/21 Attachment 1: Table of Delegated Actions for December 2020 to January 2021, Development

CONFIDENTIAL Attachment Booklet – February 2021

ID01-02/21 Attachment 2: Detailed table of delegated actions for December 2020 to January 2021, Development

Officer Recommendation:

RECOMMENDED:

That Council receives the Delegated and Authorised Actions for December 2020 to January 2021 as set out in Attachment 1 in Attachment Booklet – February 2021.

INFRASTRUCTURE AND DEVELOPMENT		ID02-02/21
Subject:	ID02-02/21 Request For Quotation VP222187 Bitumen Sealing 2020/21	
Author:	S Pratt-King, Coordinator Infrastructure & Procurement	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	4.00250	
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. 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:

For Council to consider Awarding Request for Quotation (RFQ) VP222187 Bitumen Sealing 2020/21.

Background:

The Shire’s 2020/21 road renewal program includes provisions for bitumen resealing of Allanooka Springs Road (8km) and Tabletop Road (5km) as part of the Regional Road Group (RRG) funded program inclusive of road repairs and resealing works.

In accordance with s.11(2)(b) of the *Local Government (Functions and General) Regulations 1996* quotes were invited for the supply of road sealing services undertaken as a tender exempt purchase through the WALGA Preferred Supplier Program.

Three suppliers were invited to quote, in line with Council Policy *CP20 – Purchasing – Amended for a declared State of Emergency*, of which three submissions were received. Of these all submissions meet the required compliance criteria and were assessed against the qualitative criteria, before pricing was applied in the evaluation to determine the best value for money and most advantageous submission as recommended in the Evaluation Report provided as Confidential Attachment 3.

As per delegation *CEO100 Tenders for Goods & Services – (Amended for a declared State of Emergency)* the Chief Executive Officer has delegated authority to approve tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less. Therefore, this purchase requires Council approval.

Officer’s Comment:

The recommended submission by Respondent B ranked the highest in the qualitative criteria as set out in the RFQ document. For full details of the scores and ranking refer to the RFQ Evaluation Report for final scores and ranking as provided in Confidential Attachment 3.

For further details regarding the compliance and qualitative criteria, refer to the attached RFQ Evaluation Report as provided in Confidential Attachment 3.

As per the Shire's RRG funding submission the total value of the bitumen resealing works is \$712,000. This value includes vegetation clearances, pavement repairs, bitumen resealing, traffic management, asphaltting the Tabletop/Midlands intersection, drainage & shoulder repairs, replacing guideposts, line marking and project supervision. Any savings on the above scope of work will be translated into additional bitumen resealing upon MRWA approval.

It is recommended that Council award contract VP222187 for the Supply of Road Sealing Services to Respondent B to the contract value of \$375,496.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of
 - (i) all quotations received; and
 - (ii) all purchases made.

Local Government (Function and General) Regulations 1996

11. When tenders have to be publicly invited

- (1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.
- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program; or
 - [(ba) deleted]
 - (c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) the following apply —

(i) the goods or services are to be supplied by —

(I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or

(II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;

and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money;

or

(i) the goods or services are to be supplied by an Australian Disability Enterprise; or

(j) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

(ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and

(iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(ja) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract is to expire within 3 months;

and

(ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and

(iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

(3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —

(a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

and

(b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

Policy Implications:

CP20 – Purchasing

CP01 – Localised Purchasing (Regional Price Preference)

Financial/Resource Implications:

The 2020/21 Annual Budget contains \$712,000 for road renewal of Allanooka Springs and Tabletop Road. Of this \$474,667 is grant funded through the Regional Road Group (RRG) program with Council contributing the balance of \$237,333.

Award of RFQ VP222817 Bitumen Sealing 2020/21 to the value of \$375,496 is within the 2020/21 Annual Budget allocation for the resurfacing component of the road renewal program.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 2.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:

Attachment Booklet – February 2021

ID02-02/21 Attachment 1 – RFQ VP222817 Bitumen Sealing 2020/21

ID02-02/21 Attachment 2 – RFQ VP222817 Evaluation Matrix

CONFIDENTIAL Attachment Booklet – February 2021

ID02-02/21 Attachment 3 – Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii)

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, accepts the submission for Request for Quotation VP222817 Bitumen Sealing 2020/21, received from {_____}, named as 'Respondent B' in the Evaluation Report recommendation detailed in Confidential Attachment 3 and identified as the most advantageous, for a lump sum value of \$375,496 including GST.

9.2. Committee Reports

9.2.1 Community Assistance Scheme & Events Committee

The minutes of the Community Assistance Scheme & Events (CASE) Committee Meeting held Tuesday 9 February 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – February 2021.

RECOMMENDED:

That Council receives the Minutes of the Shire of Irwin Community Assistance Scheme & Events (CASE) Committee Meeting held Tuesday 9 February 2021.
--

CASE COMMITTEE RECOMMENDATION TO COUNCIL:
--

That Council support the Irwin District Historical Society applying for the pre-approved funding of \$4,200 from Round 1 that was not utilised, under a new Community Assistance Scheme Application for the Cemetery Walk and the Port Denison Heritage Walk brochure updates.

CASE COMMITTEE RECOMMENDATION TO COUNCIL:
--

That Council opens Round 2 of the Community Assistance Scheme from 1 March 2021 until 31 March 2021.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14. CLOSURE