

MINUTES

of the

Ordinary Council Meeting

held

Tuesday 22 June, 2021

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 22 June 2021

Signed: Presiding Elected Member

Date: 27/7/21

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 22 June, 2021

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

Members

Councillor M T Smith Shire President

Councillor B Wyse Deputy Shire President

Councillor A J Gillam Councillor M Leonard Councillor I Scott Councillor I F West Councillor H M Palmer Councillor G S Eva

Staff

Mr S D Ivers Chief Executive Officer

Mrs D K Chandler Acting Manager Corporate & Community

Mr B Jeans Manager Development
Mr P Godfrey Manager Finance

Mrs J Keene Procurement & Administration Officer

Ms S J Clarkson Acting Senior Finance Officer
Ms N A M'Leane Development & Executive Officer

Guest

Approved Leave of Absence

Apologies

Mr P Traylen Acting Manager Infrastructure & Development

Gallery

J Arden – Premier Circle, Dongara L Beatty – Geraldton Newspapers

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Gillam submitted an application for a Leave of Absence for 27 July 2021.

COUNCIL DECISION 010621:

MOVED: Cr Scott SECONDED: Cr Leonard

That Council grants Cr Gillam a Leave of Absence for 27 July 2021.

VOTING DETAILS: Carried 8/0

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Annual Electors' Meeting held 27 April 2021

A copy of the minutes of the 27 April 2021 Annual Electors' Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 020621:

MOVED: Cr Scott SECONDED: Cr Leonard

That the Minutes of the Annual Electors' Meeting, held 27 April 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

VOTING DETAILS: Carried 8/0

7.2. Minutes of the Ordinary Council Meeting held 25 May 2021

A copy of the minutes of the 25 May 2021 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 030621:

MOVED: Cr Eva SECONDED: Cr Gillam

That the Minutes of the Ordinary Council Meeting, held 25 May 2021, 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

18 June 2021

The Deputy Shire President officiated a Citizenship Ceremony for two new Australian Citizens.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-06/21
Subject: CC01-06/21 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.
	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-judici	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 May 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of May 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 – June 2021 CC01-06/21 Attachment 1 – Accounts for Payment – May 2021

Officer Recommendation:

COUNCIL DECISION 040621:

MOVED: Cr Eva SECONDED: Cr Gillam

That Council receives the Accounts paid during May 2021 as present in Attachment Booklet – June 2021, represented by:

Payment Type/Numbers	Total Amount
EFT 27268 – 27448	\$738,458.21
Muni Cheques - 32055 - 32059	\$9,621.30
Direct Debit – Telstra	\$2,494.07
Direct Debit – WA Treasury Corporation	\$65,350.56
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit - Credit Card	\$3,777.22
Direct Debit - Superannuation	\$35,708.28
Grand Total	\$857,357.30

VOTING DETAILS: Carried 8/0

CORPORATE AND COMMUNITY CC02-06		
Subject:	CC02-06/21 Monthly Financial Statements for the Period Ended 31 May 2021	
Author:	P Godfrey, Manager Finance	
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 May 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 May 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/05/2021		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Reve	nue	7,546,917	7,996,208	6%
Operating Expe	nditure	(11,001,696)	(10,499,424)	-5%
Net Operating		(3,454,779)	(2,503,216)	
Non-Operating	Revenue	5,629,524	1,049,637	19%
Non-Operating	Expenditure	(6,726,509)	(2,081,199)	31%
Net Non-Operating		(1,096,985)	(1,031,562)	
Cash at Bank			3,148,151	
Cash at Bank Restricted			362,875	
Reserve Bank			1,480,059	
Total Cash Funds			4,991,085	

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 - June 2021

CC02-06/21 Attachment 1 - Financial Statements for the Period Ended 31 May 2021

Officer Recommendation:

COUNCIL DECISION 050621:

MOVED: Cr West SECONDED: Cr Leonard

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

VOTING DETAILS: Carried 8/0

CORPORATE AND COMMUNITY		
Subject: CC03-06/21 Differential Rates 2021/22 - Submissions		
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0683 Differential Rates	
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 submissions and initiate the process for seeking Ministerial approval regarding the proposed 2021/22 differential rates.

Background:

At the Ordinary Council Meeting on 25 May 2021, Council resolved to advertise its intention to adopt differential rates for the 2021/22 financial year:

differential rates for the 2021/22 infancial year.			
COUNCIL DECISION 040521:			
MOVED: Cr Scott SECONDED: Cr Leonard			
That Council:			
Adopts the following rates in categories specified for the 20		for the differential rating	
Rate Category Gross Rental Valuations	Rate in Cents in the Dollar	Minimum Rates	
Gross Rental Valuations General Rate	11.6239	\$1050	
Unimproved Valuations General Differential Rate Mining Differential Rate	1.4756 19.7408	\$1050 \$1050	
 Approves the advertising of its intention in accordance with Section 6.36 of the Local Government Act 1995. 			
 Endorses the Statement of Objects and Reasons, as presented in Attachment Booklet – May 2021 under separate cover. 			
4) Confirms that expenditure has been reviewed and the following efficiency measures have been considered as part of budget deliberations:			
Efficiency Measures: Service levels and core business; Process improvement strategy to increase efficiencies; Rural roads infrastructure improvement strategy; Asset management strategy; Improve utility efficiencies for future savings; and Review each position as vacancies arise.			
VOTING DETAILS: Carried 7/0			

Attachments:

The proposed 2021/22 differential rates were advertised in the Geraldton Guardian on Friday 28 May 2021, Dongara Denison Local Rag on Wednesday 2 June 2021 and on the Shire of Irwin website. Advertising was undertaken in accordance with Section 6.36 of the *Local Government Act 1995* with the submission period for public comment of the proposed differential rates closing Friday 18 June 2021. In addition to the statutory advertising process, letters were sent to mining tenement holders.

Officer Recommendation:

The draft budget is currently being prepared and will be presented to Council at the 27 July 2021 Ordinary Council Meeting.

At the closing of the advertising period, no submissions were received.

The proposed rates of \$5,639,603 includes a 4.9% increase on 2020/21 rates and interim revenue of \$3,065, with a 2.8% increase on the minimum rate. To enable this 4.9% increase and taking into account the change in UV valuations as provided by Landgate for 2021/22, both the UV Rural and UV Mining rates in the dollar have increased by approximately 3.96% from last year's rates in the dollar.

In accordance with Section 6.33 of the *Local Government Act 1995*, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it. The proposed UV Mining rate in the dollar is more than twice the UV Rural rate in the dollar. This is intended to ensure that the mining sector contributes an equitable contribution to the costs of providing for the Shire's assets and services. Mining tenements on average have a relatively low valuation in comparison to rural land unimproved valuations, and as such, a higher rate in the dollar is required to raise an appropriate level of rates income.

Consultation:

The proposed 2021/22 differential rates in the dollar were advertised for 21 days as well as correspondence with all mining tenement holders.

Statutory Environment:

Local Government Act 1995

6.33. Differential general rates

- 1) A local government may impose differential general rates according to any, or a combination, of the following characteristics
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

Policy Implications:

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- zoning
- land use
- vacant land.

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- whether or not it is situated in a town-site
- whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- o the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- o the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

 prepared and made publically available a document clearly describing the object of and reason for each differential general rate;

- given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
- o published the notices after 1 May in the relevant year.

The public notice published by the local government contained:

- details of each differential general rate that the local government intends to impose
- o an invitation for submissions to be made by an elector or ratepayer
- a closing date for submissions which is at least twenty one days after the day on which the notice is published
- o advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.

The council of the local government has:

- o considered each ratepayer submission (if any)
- o resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2021/22 financial year.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Nil.

Officer Recommendation:

COUNCIL DECISION 060621:

MOVED: Cr West SECONDED: Cr Leonard

That Council make application to the Minister for Local Government seeking approval under Section 6.33(3) of the *Local Government Act 1995* to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties, as detailed below:

Unimproved Valuations Rating Category	Rate in Cents in the Dollar	Minimum Rate
General Differential Rate	1.4756	\$1050
Mining Differential Rate	19.7408	\$1050
VOTING DETAILS:		Carried 8/0

OFFICE OF CEO	CEO01-06/21
Subject:	CEO01-06/21 Request for Tender 2-2020/21 Practice Management Support Services
Author:	J Keene, Procurement & Administration Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0215
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 Tender 2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register.

Background:

At the 5 March 2020 Special Council Meeting, Council resolved by Absolute Majority to purchase the Dongara Medical Centre and enter into a formal practice management agreement.

At the 27 October 2020 Ordinary Council Meeting and under separate confidential attachment, Council resolved by Absolute Majority to engage a medical practice management organisation to manage the Dongara Medical Centre alongside the Principal GP, for a period of 6 months.

At the end of the six month period, the Shire of Irwin is now seeking to appoint a suitably qualified and experienced organisation to provide Practice Management Support Services for the Dongara Medical Centre to ensure the continuation of high quality, cost effective medical services. The services provided will include recruitment of staff, human resources management, accounting, book-keeping, clinical leadership, service coordination, corporate services and practice management to support the current Medical Service Provider.

Public tenders were invited from suitably experienced organisations for the service of providing Practice Management Support for the Dongara Medical Centre where statewide public notice was given in The West Australian newspaper on 22 May 2021, with the tender closing date of 15 June 2021.

An evaluation panel comprising of three (3) voting members of staff individually assessed the tender submission. Evaluation Panel Members formally met on 18 June 2021, to develop the consensus evaluation of the respondent and make recommendation that resulted in the finalised Evaluation Panel Report, provided as Confidential Attachment 3.

This submission met the required compliance criteria and was assessed against the qualitative criteria before pricing was considered in the evaluation to determine value for money.

Officer's Comment:

The submission by Respondent A met the qualitative criteria as set out in the Request for Tender (RFT) document, provided as Attachment 1. For full details of the scores and ranking refer to the RFT Evaluation Report provided as Confidential Attachment 3.

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

It is recommended that Council award Tender 2-2020/21 Practice Management Support Services to Respondent A for the contract value of \$473,550 (including GST) with the option to proceed with an additional two (2) years to the value of \$334,950 (including GST), subject to the availability of Council approved funds.

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 —

CONFIRMED BY COUNCIL

- (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:

Award of Tender 2-2020/21 Practice Management Support Services is within the 2021/22 DRAFT Annual Budget allocation for the service of providing practice management support to the Medical Service Provider at Dongara Medical Centre. The 2021/22 Draft Annual Budget was presented to Council at the Draft Budget Workshop held 18 May 2021, with the final 2021/22 Draft Budget to be presented to Council for adoption at the 27 July 2021 Ordinary Council Meeting.

Attachments:

Attachment Booklet - June 2021

CEO01-06/21 Attachment 1 – RFT 2-2020/21 Practice Management Support Services CEO01-06/21 Attachment 2 – RFT 2-2020/21 Evaluation Matrix

CONFIDENTIAL Attachment Booklet - June 2021

CEO01-06/21 Confidential Attachment 3 – Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii) of the *Local Government Act 1995*.

Officer Recommendation:

COUNCIL DECISION 070621:

MOVED: Cr Leonard SECONDED: Cr Wyse

That Council, by Absolute Majority:

- 1. Accepts the tender submission for Tender No. 2-2020/21 Practice Management Support Services, received from First Health, named as 'Respondent A' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 3 and identified as the most advantageous, to the contract value of \$473,550 (including GST) over 3 years with the option to proceed with an additional 2 years to the value of \$334,950 (including GST), subject to the availability of Council approved funds;
- 2. Authorises the Chief Executive Officer to execute the contract for awarding Tender No. 2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register in accordance with s.9.49A of the *Local Government Act 1995*; and
- 3. Notes that the Chief Executive Officer has delegated authority in accordance with s.5.42(1) of the *Local Government Act 1995*, to negotiate minor variations to the contract for Tender No.2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register before and / or after its execution, in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996*, as per Council to CEO Delegation CEO100 Tenders for Goods and Services (Amended for a declared State of Emergency).

VOTING DETAILS: Carried by Absolute Majority 8/0

INFRASTRUCTURE & DEVELOPMENT ID01-06/21	
Subject:	ID01-06/21 Delegated and Authorised Actions for May 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 May 2021 to 31 May 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 - June 2021

ID01-06/21 Attachment 1 – Table of Delegated Actions for May 2021, Development

CONFIDENTIAL Attachment Booklet - June 2021

ID01-06/21 Attachment 2 – Detailed table of delegated actions for May 2021, Development

Officer Recommendation:

COUNCIL DECISION 080621:

MOVED: Cr Scott SECONDED: Cr Eva

That Council receives the Delegated and Authorised Actions for May 2021 as set out in Attachment 1 in Attachment Booklet – June 2021.

VOTING DETAILS: Carried 8/0

9.2. Committee Reports

9.2.1 Audit Committee

The minutes of the Audit Committee Meeting held Thursday 22 April 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – June 2021.

COUNCIL DECISION 090621:

MOVED: Cr Eva SECONDED: Cr West

That Council receives the Minutes of the Audit Committee Meeting held Thursday 22 April 2021.

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

The Shire President recommended that Council suspend meeting procedures under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016, in order to discuss and gain clarification on item ID02-06/2021.

Cr West moved the procedural motion.

COUNCIL DECISION 100621:	
MOVED: Cr West	SECONDED: Cr Wyse
That Council suspends the meeting under Clause 10.2 of the <i>Shire of Irwin Meeting Procedures Local Law 2016</i> at 6.08pm, in order to discuss and gain clarification on item ID02-06/2021.	
VOTING DETAILS:	Carried 8/0

The Shire President facilitated discussion on item ID02-06/21 and the CEO provided clarification where required.

COUNCIL DECISION 110621:	
MOVED: Cr Gillam	SECONDED: Cr Leonard
That Council reconvenes the meeting under Procedures Local Law 2016 at 6.22pm.	Clause 10.2 of the Shire of Irwin Meeting
VOTING DETAILS:	Carried 8/0

INFRASTRUCTURE & DEVELOPMENT ID02-06/21	
Subject:	ID02-06/21 Review of RV Overnight Stay Town Oval and Seven Mile Beach
Author:	B Jeans, Manager Development
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development
File Reference:	3.0428
Voting Requirements:	Simple Majority & 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.
	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 the provision of overnight camping at Dongara Town Oval and Seven Mile Beach.

Background:

At its 23 June 2020 Ordinary Council Meeting, Council adopted to introduce a paid camping operating model for the Southern Coastal Nodes (Cliff Head, Knobby Head and Freshwater Point). On 22 March 2021 the Shire commenced the paid camping system for these Southern Coastal Nodes.

Council also resolved at its 23 June Ordinary Council Meeting to temporarily close the free RV Overnight Stay at the Dongara Town Oval and Seven Mile Beach sites for a 12-month period in response to COVID and to enable review for the future uses of these sites.

Seven Mile Beach

As covered in the June 2020 Council report, the prohibition for camping at Seven Mile Beach was implemented in recognition of the lack of infrastructure and appropriate development to support camping. This site was also subject to a review in 12 months' time. Since June 2020, temporary closed signage was erected and daily patrols by the Shire's Community Rangers conducted to monitor compliance. During this period the Shire has progressed the draft Coastal Management Plan which examines Seven Mile Beach as an undeveloped node and recommends (currently in draft form) to limit the use of the site in the short term that undermines the environmental stability i.e. camping encroaching into dunal vegetation, informal vehicle access etc. The long term objective in the draft Coastal Management Plan however is to develop Seven Mile Beach to be suitable for camping activities should funding enable so.

Dongara Town Oval - RV Overnight Stay

The RV Overnight Stay at the Dongara Town Oval was implemented in 2014. To attract the RV Friendly Town status, the RV Overnight Stay was implemented free of charge. It is estimated the provision of the RV Overnight Stay costs at least \$30,000 per annum to effectively maintain and renew (factoring in ongoing cleaning costs, maintenance and patrols).

As covered in the June 2020 Council report, the decision to temporary close the overnight stay grounds was to support the local caravan parks following the impact of the COVID-19 pandemic in March 2020. This temporary closure was for a 12-month period to review and assess the economic impacts with identified stakeholders to assist determining the appropriate future implementation of camping options in town.

Leading up to the conclusion of this 12 month review period, the Shire carried out engagement with local businesses and caravan park operators (as noted in the 23 June 2020 Agenda Item IO01-06/20) via an online survey platform. The survey sought feedback on questions relating to the perceived economic impacts on their business from the closure in June 2020 and potential reopening of the Dongara Town Oval RV Overnight Stay. Questions relating to Seven Mile Beach weren't developed due to the investigation and progress of the draft Coastal Management Plan recommending that Seven Mile Beach be maintained as a day use site only with no camping permitted for the short term in recognition of the site's environmental fragility.

Officer's Comment:

From July 2020, as a result of the COVID-19 pandemic, a significant increase in intrastate travel has been observed. This domestic travel has resulted in more prolonged tourist activity in WA beyond the typical peak travel times that has been observed and captured pre-COVID pandemic, including locally.

Survey engagement summary

In June 2021 the Shire, with assistance from Aha! Consulting, developed a survey which was distributed to caravan park operators and local businesses. The survey questions were tailored to gain a better understanding of the economic impact the closure of the RV Overnight Stay had on businesses. Acknowledging the influence COVID-19 pandemic has had on domestic travel, the survey questions

draw on perceived impacts. Aha! Consulting also provided an external review of the survey results and produced a summary report (Attachment 1).

One question of particular relevance for Council's consideration that was included in the survey was in regard to the RV Friendly Town status. The 'RV Friendly Town' trademark status was achieved in 2014 subject to the Shire providing RV overnight stay at the Dongara Town Oval free of charge. It was considered important to gather feedback from survey respondents if opening the RV Overnight Stay at Dongara Town Oval would be supported with the inclusion of a nominal fee for the purpose of reducing cost burden; with the acknowledgement this would impact the trademark designation as an RV Friendly Town. As noted in the conclusion of the survey summary report, there is a split in views between caravan park operators and local businesses with respect to both the reopening and the designation impacts.

On review of the survey summary report, the following in regard to the reopening and designation is observed:

- Responses from caravan park operators (in summary) suggest "re-opening the facility would have an overall negative impact on their business, though this could be relieved by having a nominal fee".
- Responses from other businesses (in summary) were generally positive about the re-opening however there was a high volume of neutral sentiment. In regards to implementing a nominal fee, this question was met with mixed responses, with equal number of negative, neutral and positive responses.
- Caravan Park operators (in summary) responded positively to achieving similar outcomes without the trademark 'RV Friendly Town' status whilst other businesses suggested "a free facility would cultivate the Shire's reputation as being an RV Friendly Town".

Proposed Officer recommendation

With consideration of the survey responses, it is proposed that the Dongara Town Oval – RV Overnight Stay be re-opened and a fee of \$10 per self-contained RV be implemented for a 12 month trial period. It is acknowledged that imposing a fee will result in the Shire not achieving the 'RV Friendly Town' trademark, however it is considered a balance of the wider factors influencing the provision of the RV Overnight Stay is of higher importance. This proposed fee would assist in reducing the annual maintenance and operational cost burden on the Shire (estimated to be between \$30-50k per year), with the cost savings being reallocated.

In respect to Seven Mile Beach, it is proposed the site remain closed for day use "recreational purpose" only and that camping be prohibited at Seven Mile Beach with appropriate signage reinstated outlining this. This recommendation is in response to the site currently being undeveloped for camping use and the short term objectives to protect the site from further land degradation.

It is not proposed to change the model for Overlfow Camping at the Dongara Town Oval. The Shire maintains contact with caravan park operators during peak periods to identify when to open the overflow camping on the Dongara Town Oval.

Consultation:

Internal Staff

Local Businesses and Caravan Park operators (Survey)

The Shire carried out an engagement process in June 2021 with local businesses and caravan park operators to gain feedback on the 12 month closure of the RV Overnight Stay at the Town Oval. This engagement was a survey format with questions relating to perceived economic impacts within the town and was conducted through email (via SurveyMonkey), by phone or in-person. A summary report of the survey findings has been prepared by an external consultant (Attachment 1).

Should Council support the Officer's Recommendation, it is the Shire's intent to implement a survey program of visitors who use the Town Oval for overnight stay. This will gather valuable feedback and data for consideration at the end of the 12 month trial period.

Statutory Environment:

Caravan Park and Camping Grounds Act 1995

Caravan Park and Camping Grounds Regulations 1997

Policy Implications:

Nil.

Financial/Resource Implications:

Should Council reopen the RV Overnight Stay without a fee, the costs of \$30,000 per annum or greater mentioned earlier in the report will need to be factored into the 2021/22 Budget.

Should Council reopen the RV Overnight Stay with a fee to recover some provisional costs, the 12 month trial period will enable the Shire to gather data to realise the extent of cost recovery achieved.

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 - June 2021

ID02-06/21 Attachment 1 – Consultant's Survey Report dated 21 June 2021

CONFIDENTIAL Attachment Booklet - June 2021

ID02-06/21 Attachment 2 – Raw Survey Data

ID02-06/21 Attachment 3 – Raw Survey Data Additional Question

Officer Recommendations:

OFFICER RECOMMENDATION AND COUNCIL DECISION 120621:

MOVED: Cr Scott SECONDED: Cr Gillam

That Council endorses Seven Mile Beach as a 'day use only' site with no camping permitted.

VOTING DETAILS: Carried 8/0

OFFICER RECOMMENDATION:

MOVED: Cr Leonard SECONDED: Cr Eva

That Council by Absolute Majority endorse reopening the RV Overnight Stay at the Dongara Town Oval for a 12 month trial period effective from 31 August 2021 subject to the following:

- a) Restricted to self-contained caravans/campervans/RVs only:
- b) Maximum one night stay permitted;
- c) Introduce a fee of \$10 per night per vehicle in the 2021-22 Fees and Charges; and
- d) Review the above no later than 31 August 2022 as part of the trial period.

The officer recommendation was moved by Cr Leonard and seconded by Cr Eva.

The Shire President invited Cr Leonard, as the Mover, to speak to the Motion.

Cr Leonard moved an amendment to add the words "including location", to item d) in the Motion.

Cr Wyse seconded the amendment.

The Shire President invited Cr Leonard, as the Mover, to speak to the amendment.

Cr Leonard spoke to the amendment.

The Shire President invited Cr Wyse, as the Seconder, to speak to the amendment.

Cr Wyse spoke to the amendment.

The Shire President invited any other Councillors to speak for or against the amendment.

The Shire President put the amendment to vote.

AMENDMENT AND COUNCIL DECISION 130621:

MOVED: Cr Leonard SECONDED: Cr Wyse

That Council add the words "including location," to item d) in the Motion, to read:

d) Review the above, including location, no later than 31 August 2022 as part of the trial period.

VOTING DETAILS: Carried 8/0

The amendment was CARRIED.

AMENDED SUBSTANTIVE MOTION:

MOVED: Cr Gillam SECONDED: Cr Leonard

That Council by Absolute Majority endorse reopening the RV Overnight Stay at the Dongara Town Oval for a 12 month trial period effective from 31 August 2021 subject to the following:

- a) Restricted to self-contained caravans/campervans/RVs only;
- b) Maximum one night stay permitted;
- c) Introduce a fee of \$10 per night per vehicle in the 2021-22 Fees and Charges; and
- d) Review the above including location, no later than 31 August 2022, as part of the trial period.

The Amended Substantive Motion was moved by Cr Gillam and seconded by Cr Leonard.

The Shire President invited Cr Gillam, as the Mover, to speak to the Amended Substantive Motion.

Cr Gillam declined to speak.

The Shire President invited Cr Leonard, as the Seconder, to speak to the Amended Substantive Motion.

Cr Leonard declined to speak.

The Shire President invited any other Councillors to speak for or against the Amended Substantive Motion.

Cr Wyse moved a second amendment to include in the Amended Substantive Motion before item d), "that Council relocates the existing RV Overnight Stay to the northern boundary of the Town Oval, adjacent to the fence of the Old Mill Caravan Park."

Cr West seconded the amendment.

The Shire President invited Cr Wyse, as the Mover, to speak to the amendment.

Cr Wyse declined to speak.

The Shire President invited Cr West, as the Seconder, to speak to the amendment.

Cr West declined to speak.

The Shire President invited any other Councillors, to speak for or against the amendment.

The Shire President put the amendment to vote.

SECOND AMENDMENT AND COUNCIL DECISION 140621:

MOVED: Cr Wyse SECONDED: Cr West

That Council add:

d) that Council relocates the existing RV Overnight Stay to the northern boundary of the Town Oval, adjacent to the fence of the Old Mill Caravan Park.

VOTING DETAILS: Carried 8/0

The amendment was CARRIED.

SECOND AMENDED SUBSTANTIVE MOTION AND COUNCIL DECISION 150621:

MOVED: Cr Leonard SECONDED: Cr Wyse

That Council, by Absolute Majority, endorses reopening the RV Overnight Stay at the Dongara Town Oval for a 12 month trial period effective from 31 August 2021 subject to the following:

- a) Restricted to self-contained caravans/campervans/RVs only:
- b) Maximum one night stay permitted;
- c) Introduce a fee of \$10 per night per vehicle in the 2021-22 Fees and Charges;
- d) That Council relocates the existing RV Overnight Stay to the northern boundary of the Town Oval, adjacent to the fence of the Old Mill Caravan Park; and
- e) Reviews the above, including location, no later than 31 August 2022, as part of the trial period.

VOTING DETAILS: Carried by Absolute Majority 8/0

The Second Amended Substantive Motion was CARRIED.

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 6.37pm.

An electronic copy of the Minutes are available for download from the Shire's website. https://www.irwin.wa.gov.au/council/council-meetings/2021-council-meetings