



**MINUTES**

of the

**Ordinary Council Meeting**

held

**Tuesday 23 February, 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 23 February 2021

*Signed:* .....  
Presiding Elected Member

*Date:* .....

## 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.

A handwritten signature in black ink, appearing to read 'Shane Ivers', is positioned above the printed name and title.

Shane Ivers  
**CHIEF EXECUTIVE OFFICER**

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# ORDINARY COUNCIL MEETING

held

**Tuesday 23 February, 2021**

at 6.00pm

## **MINUTES**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors and Staff 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 G S Eva	
Councillor A J Gillam	
Councillor M Leonard	
Councillor I Scott	
Councillor H M Wells	
Councillor I F West	

#### **Staff**

Mr S D Ivers	Chief Executive Officer
Mr P Traylen	Acting Manager Infrastructure & Development
Mrs D K Chandler	Acting Manager Corporate & Community
Mr B Jeans	Manager Development
Ms S J Clarkson	Acting Senior Finance Officer
Ms N A M'Leane	Development & Executive Officer
Mrs F Boksmati	Community Development Officer

#### **Approved Leave of Absence**

Nil.

#### **Apologies**

Nil.

#### **Gallery**

J Arden – Premier Circle, Dongara  
R Murray – Ocean Drive, Port Denison  
L Beaty – Geraldton Newspapers

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

Nil.

### **4. PUBLIC QUESTION TIME**

R Murray – Ocean Drive, Port Denison: Can Council consider reducing the speed limit from 50km/h to 40km/h at the Point Leander Drive Granny's Beach roundabout and in front of the Port Store as it is quite dangerous for pedestrians?

Response by the Shire President: Speed zones are controlled by Main Roads WA and 50km/h is the recommended limit for built up areas, however it can be investigated therefore we will take your question on notice.

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Eva submitted an application for a Leave of Absence for the period 25 March – 6 April 2021 (inclusive).

<b>COUNCIL DECISION 010221:</b>	
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr West</b>
<b>That Council grants Cr Eva a Leave of Absence for the Period for the period 25 March 2021 to 6 April 2021 (inclusive).</b>	
<b>VOTING DETAILS:</b>	<b>Carried 7/0</b>

## 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 8 December 2020 Ordinary Council Meeting have been provided to all Councillors under separate cover.

<b>COUNCIL DECISION 020221:</b>	
<b>MOVED: Cr Gillam</b>	<b>SECONDED: Cr Scott</b>
<b>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.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

## **8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

### **Functions, Meetings & Events**

- |                  |  |
|------------------|--|
| 26 January 2021  | Shire President and CEO attended the Australia Day Citizenship Awards Ceremony at the Denison Foreshore. |
| 22 February 2021 | Northern Country Zone of WALGA meeting in Mingenew   |

## 9. REPORTS

### 9.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01-02/21</b>
<b>Subject:</b>	<b>CC01-02/21 Accounts for Payment</b>	
<b>Author:</b>	<b>S Clarkson, A/Senior Finance Officer</b>	
<b>Responsible Officer:</b>	<b>D Chandler, A/Manager Corporate &amp; Community</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

#### 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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 030221:**

**MOVED: Cr Leonard**

**SECONDED: Cr Eva**

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
<b>Grand Total</b>	<b>\$1,104,597.31</b>

**VOTING DETAILS:**

**Carried 8/0**



<b>CORPORATE AND COMMUNITY</b>		<b>CC02-02/21</b>
<b>Subject:</b>	<b>CC02-02/21 Monthly Financial Statements for the Period Ended 31 December 2020</b>	
<b>Author:</b>	<b>S Clarkson, A/Senior Finance Officer</b>	
<b>Responsible Officer:</b>	<b>D Chandler, A/Manager Corporate &amp; Community</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 040221:**

**MOVED: Cr Eva**

**SECONDED: Cr Gillam**

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

**VOTING DETAILS:**

**Carried 8/0**

<b>CORPORATE AND COMMUNITY</b>		<b>CC03-02/21</b>
<b>Subject:</b>	<b>CC03-02/21 Monthly Financial Statements for the Period Ended 31 January 2021</b>	
<b>Author:</b>	<b>S Clarkson, A/Senior Finance Officer</b>	
<b>Responsible Officer:</b>	<b>D Chandler, A/Manager Corporate &amp; Community</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

To consider 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.*
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  - (c) *such other supporting information as is considered relevant by the local government.*
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    - (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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 050221:**

**MOVED: Cr West**

**SECONDED: Cr Eva**

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

**VOTING DETAILS:**

**Carried 8/0**

<b>OFFICE OF CEO</b>	<b>CEO01-02/21</b>
<b>Subject:</b>	<b>CEO01-02/21 Local Government Elections 2021</b>
<b>Author:</b>	<b>N M'Leane, Development &amp; Executive Officer</b>
<b>Responsible Officer:</b>	<b>D Chandler, A/Manager Corporate &amp; Community</b>
<b>File Reference:</b>	<b>3.0242</b>
<b>Voting Requirements:</b>	<b>Absolute Majority</b>

**Council Role:**

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**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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 060221:**

**MOVED: Cr Scott**

**SECONDED: Cr West**

**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.**

**VOTING DETAILS:**

**Carried 8/0**

<b>INFRASTRUCTURE &amp; DEVELOPMENT</b>		<b>ID01-02/21</b>
<b>Subject:</b>	<b>ID01-02/21 Delegated and Authorised Actions for December 2020 to January 2021 – Development</b>	
<b>Author:</b>	<b>B Jeans, Manager Development</b>	
<b>Responsible Officer:</b>	<b>P Traylen, A/Manager Infrastructure &amp; Development</b>	
<b>File Reference:</b>	<b>3.00125</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 070221:**

**MOVED: Cr Eva**

**SECONDED: Cr Leonard**

**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.**

**VOTING DETAILS:**

**Carried 8/0**

<b>INFRASTRUCTURE AND DEVELOPMENT</b>		<b>ID02-02/21</b>
<b>Subject:</b>	<b>ID02-02/21 Request For Quotation VP222187 Bitumen Sealing 2020/21</b>	
<b>Author:</b>	<b>S Pratt-King, Coordinator Infrastructure &amp; Procurement</b>	
<b>Responsible Officer:</b>	<b>P Traylen, A/Manager Infrastructure &amp; Development</b>	
<b>File Reference:</b>	<b>4.00250</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**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:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 080221:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

**That Council, by Absolute Majority, accepts the submission for Request for Quotation VP222817 Bitumen Sealing 2020/21, received from Colas Western Australia Pty Ltd, 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.**

**VOTING DETAILS:**

**Carried 8/0**



## 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 1 December 2020 have been provided as Attachment 9.2.1 in Attachment Booklet – December 2020.

#### OFFICER RECOMMENDATION AND COUNCIL DECISION 090221:

**MOVED: Cr Eva**

**SECONDED: Cr Gillam**

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

**VOTING DETAILS:**

**Carried 8/0**

#### OFFICER RECOMMENDATION AND COUNCIL DECISION 100221:

**MOVED: Cr Leonard**

**SECONDED: Cr West**

**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.**

**VOTING DETAILS:**

**Carried 8/0**

#### OFFICER RECOMMENDATION AND COUNCIL DECISION 110221:

**MOVED: Cr Eva**

**SECONDED: Cr Gillam**

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

<b>OFFICE OF CEO</b>	<b>CEO02-02/21</b>
<b>Subject:</b>	<b>CEO02-02/21 Amendments to Local Government Act and Regulations – Adoption of Complaints Form and Authorisation of Complaints Officer</b>
<b>Author:</b>	<b>D Chandler, A/Manager Corporate &amp; Community</b>
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>File Reference:</b>	<b>2.0019</b>
<b>Voting Requirements:</b>	<b>Simple Majority and Absolute Majority (as shown)</b>

### 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.
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### Report Purpose:

To ensure compliance with recently commenced amendments to the *Local Government Act 1995* and associated Regulations, in particular the *Local Government (Model Code of Conduct) Regulations 2021* (the “Code”).

### Background:

Extensive consultation on the proposed amendments was undertaken during 2019 and 2020 with submissions lodged by the WA Local Government Association (WALGA), LG Professionals and local governments highlighting concerns and issues. Council was advised of the likelihood and effect of some of the changes during training provided in November 2019, following the October elections.

The short notice for the provisions now coming into effect imposes administrative burdens on small local governments to comply at a time when priorities include completion of the Compliance Audit Return and preparation of the March budget review and although there are a range of matters to be addressed and implemented, the priority is with the authorisation of a Complaints Officer and the adoption of a Complaints Form.

The Department of Local Government, Sport & Cultural Industries (DLGSCI) have advised that such actions should be taken by 24 February 2021, because complaints must be lodged within 1 month of the alleged breach occurring, following commencement of the Regulations on 3 February 2021, thus the Shire needs to have authorised a Complaints Officer to receive complaints as well as an adopted Complaints Form for lodging complaints.

There is also a need to determine a complaint handling policy and procedure but if a complaint is lodged, at least it can be accepted, and if necessary, a complaint handling procedure fast-tracked. It is hoped that WALGA will facilitate the development of this in due course.

## **Officer's Comment:**

### Appointment of Complaints Officer

The Code requires at 11(3) - "The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints." and DLGSCI advise that this appointment should occur prior to 24 February 2021.

This relates to Division 3 of the Code of Conduct and applies to Council Members, Committee Members and candidates regarding:

- personal integrity
- relationships with others
- Council or Committee meetings

It should be noted that there will be, thus 2 Complaints Officers for 2 different purposes - but of course they may be the same person.

There is a requirement under s5.120 of the LGA to appoint a Complaints Officer (who is the CEO, by default, unless another employee is appointed - in the case of the Shire of Irwin, it is the CEO), in relation to the (former) Rules of Conduct Regulations matters, which are now incorporated into the Code of Conduct via Division 4 of the Regs.

These apply to Council Members and candidates but not Committee Members and relate to:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests

As this decision to appoint the (cl. 11 (2)) Complaints Officer is made by the local government it is capable of being delegated to the CEO under s5.42 of the LGA. Accordingly, it is proposed that the CEO be authorised by Council as the Complaints Officer and delegated to make the authorisation of other persons, if needed.

### Approval of Complaints Form

Local Governments must also approve a complaint form in accordance with cl. 11(2)(a) of the Code. It is proposed that the DLGSC template be used for this purpose, provided as Attachment 1.

## **Consultation:**

Advice received from DLGSCI and WALGA and assistance with interpretation and implementation by external governance advisor.

## **Statutory Environment:**

On 3 February 2021 changes took effect to the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*. The *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* commenced.

This item relates specifically to issues arising from the changes to the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.

Council will be presented with further items at the March and April Ordinary Council Meetings (OCM) relating to:

- consideration of the CEO Standards to determine whether they should be “tailored” to reflect Shire of Irwin
- adoption of Policy regarding appointment of Acting CEO which is compliant with the new CEO Standards
- review of current delegation to the CEO to appoint ACEO, to ensure compliant with CEO Standards and Act
- consideration of the extent to which the CEO contract is consistent and compliant with the CEO Standards
- the possible amendment of the Code of Conduct to reflect “tailoring” for the Shire of Irwin (detailed consideration is required at the April OCM, prior to May 2021 deadline, being 3 months since commencement of the legislation)

**Policy Implications:**

Council adopted the Council Member Code of Conduct and Committee Member Code of Conduct at the 25 August 2020 Ordinary Council Meeting. The new Model Code as per the 2021 Regulations now supersedes these previously adopted Codes of Conduct until Council adopts the Model Code.

The new Model Code has been made available on the Shire of Irwin website in place of the previously adopted codes.

**Financial/Resource Implications:**

No direct financial implications except for external resourcing which is currently budgeted for.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

**Attachments:**

CEO02-02/21 Attachment 1 – FRM Complaint about alleged breach

CEO02-02/21 Attachment 2 – Local Government (Model Code of Conduct) Regulations 2021

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 120221:**

**MOVED: Cr Gillam**

**SECONDED: Cr Scott**

**That Council:**

1. **approve the Complaint Form for the purposes of cl 11(2) of the Code of Conduct for Council Members, Committee Members, and election candidates, provided as Attachment 1; and**
2. **authorises the Chief Executive Officer to be the Complaints Officer for the purposes of Clause 11(3) of the Code of Conduct for Council Members, Committee Members, and election candidates.**

**VOTING DETAILS:**

**Carried 8/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 130221:**

**MOVED: Cr Scott**

**SECONDED: Cr Eva**

**That Council, by Absolute Majority and pursuant to s5.42 of the Local Government Act 1995, delegates authority to the Chief Executive Officer to appoint persons as additional Complaints Officers for the purposes of Clause 11(3) of the Code of Conduct for Council Members, Committee Members, and election candidates and that this happen expeditiously following the Council meeting to ensure compliance (if necessary).**

**VOTING DETAILS:**

**Carried 8/0**

<b>OFFICE OF CEO</b>	<b>CEO03-02/21</b>
<b>Subject:</b>	<b>CEO03-02/21 Main Roads Socio-Economic Study</b>
<b>Author:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>File Reference:</b>	<b>3.00143</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>

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

**Report Purpose:**

To endorse the involvement of the Chief Executive Officer (CEO) on behalf of the Shire of Irwin in the Main Roads WA independent Socio-Economic Study relating to the proposed Indian Ocean Drive extension.

**Background:**

The CEO attended an initial meeting at Main Roads WA in Geraldton on Monday 22 February 2021 regarding an independent Socio-Economic Study for the proposed Indian Ocean Drive (IOD) extension. The study working group for this includes:

- City of Greater Geraldton
- Shire of Chapman Valley
- Shire of Northampton
- Shire of Irwin
- Main Roads WA
- Mid West Development Commission
- Mid West Chamber of Commerce & Industry
- Tourism WA

The proposed IOD extension alignment does not exist, but at a strategic level travels along the coast north of Cliff Head and eventually linking efficiently back into the coastal alignment of Brand Highway through to Geraldton.

The Socio-Economic Study for the proposed IOD extension will, amongst other objectives, model the economic impact of industries such as tourism on local business should the road be constructed.

Main Roads WA will lead the study and engage a suitably qualified consultant.

**Officer's Comment:**

To ensure the Shire of Irwin's input into this proposed project, it is recommended that Council endorses the involvement of the CEO on the Shire's behalf.

The purpose of the study is not to establish a preferred alignment but consider at a strategic level the economic benefits should the IOD extension be constructed.

**Consultation:**

Main Roads WA  
City of Greater Geraldton  
Shire of Chapman Valley  
Shire of Northampton  
Shire of Irwin  
Mid West Development Commission  
Mid West Chamber of Commerce & Industry  
Tourism WA

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027  
Strategy 1.1.2 Partner with and advocate on behalf of commerce and industry to improve local infrastructure and services  
Strategy 2.1.4 Prepare cutting edge land use strategies to guide future development  
Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

**Attachments:**

Nil.

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 140221:**

**MOVED: Cr Scott**

**SECONDED: Cr Eva**

**That Council endorses the involvement of the Chief Executive Officer on behalf of the Shire of Irwin in the Main Roads WA Socio-Economic Study relating to the proposed Indian Ocean Drive extension.**

**VOTING DETAILS:**

**Carried 8/0**

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

Nil.

### **14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 6.14pm.

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>