MINUTES

of the

Ordinary Council Meeting

held

Tuesday 27 October 2020

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 27 October 2020

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.



Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 27 October 2020

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	

Staff

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Ms S J Clarkson	Finance Officer - Transactions
Mrs D K Chandler	Governance & Executive Coordinator

Approved Leave of Absence
Nil.

Apologies
Councillor I F West
Mrs J Goodbourn

Gallery
L Beatty – Geraldton Newspapers
J Arden – Premier Circle, Port Denison
R Murray – Ocean Drive, Port Denison
J Treherne – Brand Highway, Dongara

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

J Treherne – Brand Highway, Dongara: Why has Council closed the 24 hour rest stop and Seven Mile Beach to campers?

Response by the Shire President: Council made a decision as a result of the COVID-19 pandemic to close these sites to campers, as Council didn't want to compete with the local caravan parks. This decision will be reviewed in 12 months' time.

Additional response by the CEO: Seven Mile is closed as it does not contain the appropriate infrastructure for campers, unlike the southern coastal nodes where Council will be introducing a fee for campers in due course.

J Treherne also questioned why Council can't keep the 24 hour rest stop open for a minimal fee.

Response by the CEO: This will form part of the review, however when the caravan parks were full during the recent school holiday period, Council opened the overflow camping at the Town Oval for a minimal fee and the uptake during this peak period was very low.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 22 September 2020

A copy of the minutes of the 22 September 2020 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 011020:	
MOVED: Cr Gillam	**SECONDED: Cr Wyse**
That the Minutes of the Ordinary Council Meeting, held 22 September 2020, as previously circulated, be adopted as a true and accurate recording of that meeting.	
VOTING DETAILS:	**Carried 7/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

23 September 2020	Councillor Workshop for the Corporate Business Plan
5 October 2020	Main Roads Briefing – Dongara/Geraldton/Northampton planning study
7 October 2020	Councillor Workshop – Budget Review
14 October 2020	2020 State Budget Breakfast in Geraldton with Laurie Graham MLC and the Hon Mark McGowan MLA, Premier of WA
19 October 2020	Main Regional Road Group Meeting, Geraldton
23 October 2020	Dongara District High School Year 12 Leavers Ceremony

9. REPORTS

CORPORATE AND COMMUNITY	CC01-10/20
Subject:	**CC01-10/20 Accounts for Payment**
Author:	**S Clarkson, Finance Officer**
Responsible Officer:	**J Goodbourn, Supervisor Finance**
File Reference:	**Minute Book**
Voting Requirements:	**Simple Majority**

Council Role:

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

☒ **Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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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 receive the list of accounts paid under delegated authority during September 2020.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2020.

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 in accordance with the annual budget.

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 – October 2020
CC01-10/20 Attachment – Accounts for Payment – September 2020

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 021020:

MOVED: Cr Leonard **SECONDED: Cr Eva**

That Council, receives the Accounts paid during September 2020 as presented in Attachment Booklet – October 2020, represented by:

Payment Type/Numbers	Total Amount
EFT 26409 – 26518	$769,721.00
Muni Cheques – 32000 – 32003	$25,024.07
Direct Debit – Telstra	$3,189.11
Direct Debit – WA Treasury Corporation	$25,015.46
Direct Debit – Solar Panel Repayments 09/20	$1,947.66
Direct Debit – Insurance Premiums Repayment	$28,344.32
Direct Debit – Credit Card	$1,260.12
Direct Debit – Henry Road – Bonds Administration	$1,080.00
Direct Debit – Superannuation	$44,560.54
Grand Total	$900,142.28

VOTING DETAILS: **Carried 7/0**

CORPORATE AND COMMUNITY	CC02-10/20
Subject:	**CC02-10/20 Monthly Financial Statements for the Period Ended 30 September 2020**
Author:	**J Goodbourn, Supervisor Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**Minute Book**
Voting Requirements:	**Simple Majority**

Council Role:

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Report Purpose:
To consider and receive the Monthly Financial Statements for the period 1 July 2020 to 30 September 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 September 2020 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/09/2020		YTD Actual	Variance to YTD Budget
	Operating Revenue	6,536,863	111%
	Operating Expenditure	(2,622,564)	94%
	Net Operating	3,914,299	
	Non-Operating Revenue	304,971	47%
	Non-Operating Expenditure	(620,573)	-57%
	Net Non-Operating	(315,602)	
	Cash at Bank	4,628,879	
	Cash at Bank Restricted	561,154	
	Reserve Bank	1,294,556	
	Total Cash Funds	6,484,589	

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.

The actual 2019/20 opening amounts contained in the report are subject to final 2019/20 year end adjustment and audit and could possibly change following the annual audit which took place in August/September. The final accounts will be confirmed by the auditor and presented to Council as part of the annual financial report for 2019/20.

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 – October 2020
CC02-10/20 Attachment 1: Financial Statements for the Period Ended 30 September 2020

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 031020:
MOVED: Cr Gillam **SECONDED: Cr Eva**
That Council receives the Monthly Financial Statements for the period 1 July 2020 to 30 September 2020, provided as CC02-10/20 Attachment 1 in Attachment Booklet – October 2020.
VOTING DETAILS: **Carried 7/0**

CORPORATE AND COMMUNITY	CC03-10/20
Subject:	**CC03-10/20 Budget Review 2020/21**
Author:	**J Goodbourn, Supervisor Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0200**
Voting Requirements:	**Absolute Majority**

Council Role:

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

☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ **Legislative** Includes adopting local laws and local planning schemes.

☐ **Review** When Council reviews decisions made by Officers.

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

Report Purpose:
To consider and adopt a budget review for the 2020/21 financial year.

Background:
Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires Council to conduct a review of its budget between 1 January and 31 March in each financial year and for this review to subsequently be submitted to the Department of Local Government, Sport & Cultural Industries. The matter before Council today is an initial interim review and the annual budget review will still be required later in the year as per Regulation 33A.

Officer's Comment:
Council adopted the 2020/21 Annual Budget on 28 July 2020. The budget was based on a very conservative approach due to the possible implications of the COVID-19 pandemic upon Council's rate base. Where possible, all fees and charges, including the rate in the dollar for all categories, were retained at the same levels as the previous year. In the budget deliberations and subsequent adoption, it was factored in that a review would be carried out after the completion of the first quarter.

Rates were issued on 11 August 2020, with a due date of 15 September 2020, so this review would give the Shire a chance to see how the rate revenue was progressing and whether any further projects and works could be reinstated for 2020/21.

As at the end of September, approximately 70% of the annual rates have been collected, which is on par with previous years. There appears to have been little direct impact from the pandemic on rate payments. This is a great result for both the Shire and the community and has enabled the Shire to utilise the provision for non-payment that had been set aside and bring these funds back into the budget.

A Councillor workshop on the budget review was held on 7 October 2020 to review areas of capital and operating expenditure that could be reintroduced into the scope of works for this year.

This report provides information by program and is based on the three-month period from 1 July 2020 to 30 September 2020.

The budget review reflects the position of the Shire of Irwin – projected full year income and expenditure against full year original budget for specific areas that formed the basis of the review.

The review takes into account the adjusted opening position, increases to various capital projects and addition of further operating projects. These amendments include:

- Commencement of the coastal nodes paid camping areas
- Park shade sails
- Granny's Beach wall
- Pump Track footpath
- New foreshore BBQ
- Upgrade of cricket pitch at the Town Oval
- Safety critical works on Allanooka Springs Road
- Seal Works – Tabletop Road
- Seal Works – Allanooka Springs Road
- Additional prime mover, dolly and side-tippers
- RSL fence
- Vegetation clearance
- Corporate Business Plan development
- Strategic Community Plan review

Following the organisational restructure in 2018 and implementing an interim structure, the Shire is now in a position to progress delivery of the 2018 structure as outlined by the Business Plan – Organisational Restructure 2020, provided to Council under separate confidential cover (CC03 – Confidential Attachment 2).

The overall result from all these changes is a projected closing surplus of $18,386 compared to the original budget which had a projected closing deficit of $26,100.

Attachment 1 provides a list of all the items under review and the changes from the original budget (where the project had already been included) or the amount to be included from adoption of the review.

To enable Council to implement all the items in the review there needs to be included a transfer of $38,135 from the Coastal Management Reserve. The funds represent grant funding received in previous years that were set aside for the continuation of the Coastal Management Plan.

Council will also need to apply to WA Treasury Corporation (WATC) for a loan of $530,000 to complete the purchase of the new prime mover, dolly and 2 x tipper trailers. As the intention to borrow was not included as part of the annual budget, it will need to be advertised in accordance with s 6.20 (2) (a) of the *Local Government Act 1995*.

Consultation:
Responsible officers have been involved in the deliberations over required changes and projects to be included and a Councillor workshop was held on 7 October 2020.

Statutory Environment:
Local Government Act 1995

Local Government (Financial Management) Regulations 1996

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must -

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Australian Accounting Standards

Policy Implications:
Nil.

Financial/Resource Implications:
The adoption of this budget review will result in an estimated surplus of $18,386. To achieve this, Council needs to include a transfer of $38,135 from the Coastal Management Reserve towards the Coastal Management Plan and make application to WATC for a loan of $530,000 to complete the purchase of the new prime mover, dolly and 2 tipper trailers.

Strategic Implications:
Strategic Community Plan 2017 - 2027
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.3 Adopt and follow better practice processes

Attachments:
Attachment Booklet – October 2020
CC03-10/20 Attachment 1: Budget Review – Final

CONFIDENTIAL Attachment Booklet – October 2020
CC03-10/20 Attachment 2: Business Plan – Organisational Structure 2020 – Final

Officer Recommendation:

COUNCIL DECISION 041020:

MOVED: Cr Leonard **SECONDED: Cr Gillam**

That Council, by Absolute Majority:

a) **Adopts the 2020/21 Budget Review, presented as CC03 Attachment 1 in Attachment Booklet – October 2020;**

b) **Approves the implementation of the organisational restructure, provided as CC03-10/20 Attachment 2 in Confidential Attachment Booklet – October 2020, commencing 2 November 2020;**

c) **Approves a transfer of $38,135 from the Coastal Management Reserve to the Municipal Account for the purpose of the continuation of the Coastal Management Plan;**

d) **Amends the budget accordingly; and**

e) **Authorises the Chief Executive Officer to give one month's local public notice of the intention to borrow $530,000 for the purchase of a new prime mover, dolly and two tipper trailers in accordance with Section 6.20 (2) (a) (b) of the Local Government Act 1995.**

VOTING DETAILS: **Carried by Absolute Majority 7/0**

OFFICE OF CEO	CEO01-10/20
Subject:	**CEO01-10/20 New Council Policy – CP35 Declared State of Emergency for a Pandemic**
Author:	**D Chandler, Governance & Executive Coordinator**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00068**
Voting Requirements:	**Simple Majority**

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Report Purpose:
For Council to consider adopting new Council Policy CP35 Declared State of Emergency for a Pandemic.

Background:
Western Australia has been very fortunate to date with regards to the current state of emergency due to the COVID-19 pandemic. The Shire's operations have been through a lock-down period earlier this year and as a result, the following new management policies, guidelines and manuals were implemented and will remain in place should there be an outbreak in the Shire of Irwin:

- MP05 Flexible Working Locations
- Guideline 02 Working from Home
- Guideline 07 Personal Illness and COVID-19

In relation to COVID-19, a COVID-19 Procedure Manual and associated guidelines are also being developed for internal use as a guide to implementing appropriate actions across the organisation to ensure the safety of Elected Members, employees, contractors, volunteers and the community.

Officer's Comment:
It is still a possibility that a COVID-19 outbreak will occur in our state and inevitably in the Shire of Irwin. To enable the smooth transition into "lock-down" mode by activating the relevant management policies and guidelines, a new Council Policy has been developed for Council's consideration:

CP35 Declared State of Emergency for a Pandemic

The purpose of this Council policy is to provide guidance in response to declared states of emergency for not only the COVID-19 pandemic but any future pandemic that may occur. This will ensure that the Shire is able to reduce risks to Elected Members, employees, contractors, volunteers and the community in the event of a community outbreak.

Consultation:
Discussions were had with other local governments who have implemented procedures specifically relating to COVID-19. It was the Shire's decision to implement the CP35 Declared State of Emergency for a Pandemic to enable a streamlined response to any future pandemic. Information for relevant accompanying documents have been and will continue to be developed in consultation with the Department of Health, WALGA and the Department of Local Government, Sport & Cultural Industries.

Statutory Environment:
Local Government Act 1995

Policy Implications:
The Council Policy Manual will be updated accordingly, and new management policies will be developed where required in due course.

Financial/Resource Implications:
Nil.

Strategic Implications:
Strategic Community Plan 2017 - 2027
Strategy 4.3.3 Adopt and follow better practice processes
Strategy 4.3.5 Promote workplace health, safety and well-being

Attachments:
Attachment Booklet – October 2020
CEO01-10/20 Attachment 1: CP35 Declared State of Emergency for a Pandemic

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 051020:	
MOVED: Cr Scott	**SECONDED: Cr Wyse**
That Council adopts new Council Policy CP35 Declared State of Emergency for a Pandemic, provided as Attachment 1 in Attachment Booklet – October 2020 and authorises the Chief Executive Officer to update the Council Policy Manual accordingly.	
VOTING DETAILS:	**Carried 7/0**

Cr Andrew Gillam declared an interest in item CEO02-10/20 being impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The extent of the interest being that Cr Gillam is a member of the Irwin South Brigade and through this hold the position of Deputy Chief Fire Control Officer for the Shire of Irwin.

Cr Gillam remained in the Chambers and voted.

OFFICE OF CEO	**CEO02-10/20**
Subject:	**CEO02-10/20 Bushfire Brigade Donation**
Author:	**S Ivers, Chief Executive Officer**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0174**
Voting Requirements:	**Absolute Majority**

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Report Purpose:
For Council to consider a donation to the Dongara Town Volunteer Bushfire Brigade in recognition of the exceptional voluntary service provided for the green waste controlled burn at the Dongara Transfer Station.

Background:
Green waste is accepted free of charge at the Dongara Transfer Station where the Shire typically mulches the green waste and provides it back to the community free of charge. The amount of green waste that accumulated at the Transfer Station this year far exceeded previous amounts, which may be due to the current state of emergency where people were staying at home and completing gardening tasks. The estimate to mulch the green waste was approximately $50,000.

However, there has been little community support taking the mulch and over summer it becomes a fire hazard where on several occasions, piles have randomly self-ignited. These types of fires can burn for a week or longer and are very hard to extinguish. To mulch the large volume of green waste at the Transfer Station this year would significantly add to the fire risk at the Dongara Transfer Station at a significant financial cost.

Through the Shire's Community Emergency Services Manager, the Dongara Town Volunteer Bushfire Brigade was engaged to assist with burning the green waste at the Dongara Transfer Station. This was carefully planned according to favourable weather conditions and communicated extensively with the community with regards to potential smoke and closure of the Dongara Transfer Station for safety purposes.

Officer's Comment:
The green waste burn at the Dongara Transfer Station resulted in a very positive outcome due to the exceptional service provided by the Dongara Town Volunteer Bushfire Brigade as well as a significant cost saving to Council. The brigade commenced the burn 24 September 2020 and monitored the smouldering embers daily until it was safely extinguished the following week.

In recognition of this appreciation to a very important volunteer group in our community, it is recommended that the Shire of Irwin donate $3,000 to the Dongara Town Volunteer Bushfire Brigade.

Consultation:
Nil.

Statutory Environment:
Nil.

Policy Implications:
Nil.

Financial/Resource Implications:
The 2020/21 Budget contains sufficient funding for this purpose with no material effect on the budget.

Strategic Implications:
Strategic Community Plan 2017 - 2027
Strategy 3.3.1 Partner with relevant agencies in relation to emergency services management

Attachments:
Nil.

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 061020:	
MOVED: Cr Leonard	**SECONDED: Cr Wyse**
That Council, by Absolute Majority, donate $3,000 to the Dongara Town Volunteer Bushfire Brigade in recognition of the exceptional voluntary service provided for the green waste controlled burn at the Dongara Transfer Station that commenced 24 September 2020.	
VOTING DETAILS:	**Carried by Absolute Majority 7/0**

REGULATORY SERVICES	**RS01-10/20**
Subject:	**RS01-10/20 Delegated and Authorised Actions for September 2020 – Regulatory Services**
Author:	**B Jeans, Manager Regulatory Services**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

Council Role:

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

☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ **Legislative** Includes adopting local laws and local planning schemes.

☐ **Review** When Council reviews decisions made by Officers.

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

Report Purpose:
To inform Council of officer actions made under delegated authority and authorisation in the Regulatory Services 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 Regulatory Services department under delegated authority or authorisation for the period 1 September to 30 September 2020.

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 – October 2020
RS01-10/20 Attachment 1: Table of Delegated Actions for September 2020, Regulatory Services

CONFIDENTIAL Attachment Booklet – October 2020
RS01-10/20 Attachment 2: Detailed table of delegated actions for September 2020, Regulatory Services

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 071020:	
MOVED: Cr Eva	**SECONDED: Cr Wyse**
That Council receives the Delegated and Authorised Actions for September 2020, provided as Attachment 1 in Attachment Booklet – October 2020.	
VOTING DETAILS:	**Carried 7/0**

9.1. Committee Reports

Nil.

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

Nil.

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

13.1 CEO03-10/20

The matter at CEO03-10/20 is to be considered behind closed doors in accordance with Section 5.23(2)(b) and (d) of the *Local Government Act 1995* as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.

COUNCIL DECISION 081020:	
MOVED: Cr Wyse	**SECONDED: Cr Scott**
That Council close the meeting to the public at 6.10pm in accordance with Section 5.23(2)(b) and (d) of the Local Government Act 1995 as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.	
VOTING DETAILS:	**Carried 7/0**

S Clarkson, B Jeans and members of the gallery left the meeting at 6.11pm.

The matter was considered by Council and voted on behind closed doors as per 27 October 2020 CONFIDENTIAL Item Minutes.

COUNCIL DECISION 121020:	
MOVED: Cr Gillam	**SECONDED: Cr Eva**
That Council reopen the meeting to the public at 6.29pm.	
VOTING DETAILS:	**Carried 7/0**

COUNCIL DECISION 131020:	
MOVED: Cr Leonard	**SECONDED: Cr Wells**
That Council adopts the Confidential Schedule.	
VOTING DETAILS:	**Carried 7/0**

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.30pm.

An electronic copy of the Minutes are available for download from the Shire's website https://www.irwin.wa.gov.au/council/council-meetings/agendas-minutes/2020-council-meetings