



MINUTES

of the

Ordinary Council Meeting

held on

Tuesday 28 May 2019

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 28 May 2019

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 (Acting)

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ORDINARY COUNCIL MEETING

held on

Tuesday 28 May 2019

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	President
Councillor B Wyse	Deputy President
Councillor A J Gillam	
Councillor S F Gumley	
Councillor M Leonard	
Councillor I F West	
Councillor K L Wilson	

Staff

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Mrs D K Chandler	Governance & Executive Coordinator
Miss N A M'Leane	Regulatory & Governance Officer

Apologies

Councillor I Scott

Approved Leave of Absence

Guests

Mr Kevin Davey	Mitsui E&P Australia Pty Ltd
Mr Ben Treadgold	Mitsui E&P Australia Pty Ltd
Mrs Jane Aberdeen	Mitsui E&P Australia Pty Ltd
Mr Tadashi Ishizuka	Mitsui E&P Australia Pty Ltd

Gallery

Mr J Arden

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Mr Arden asked Council how they feel the Councillor Information Sessions have been going since implementing the new format for monthly Council Meetings.

Response: Cr Smith indicated that Council identified transparency as a key aspect of Council Meetings therefore the openness of these sessions supports this aspect.

Mr Arden indicated that he agrees with this, that Council have his full support and congratulated Council on a job well done.

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 30 April 2019

RECOMMENDATION AND COUNCIL DECISION 010519:	
MOVED: Cr Gillam	SECONDED: Cr Gumley
That the Minutes of the Ordinary Council Meeting, held on Tuesday 30 April 2019, be confirmed as a true and accurate recording of that meeting.	
VOTING DETAILS:	Carried 7/0

7.2. Minutes of the Special Council Meeting held 17 May 2019

RECOMMENDATION AND COUNCIL DECISION 020519:	
MOVED: Cr West	SECONDED: Cr Wyse
That the Minutes of the Special Council Meeting, held on Friday 17 May 2019, be confirmed as a true and accurate recording of that meeting.	
VOTING DETAILS:	Carried 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01 – 05/19
Subject:	Accounts for Payment	
Author:	S Clarkson, Finance Officer	
Responsible Officer:	S Ivers, Acting Chief Executive Officer	
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.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- 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 April 2019.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2019.

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 CEO3 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:

Accounts for Payment – April 2019

Officer Recommendation:

COUNCIL DECISION 030519:

MOVED: Cr Gillam

SECONDED: Cr Wilson

That Council receives the Accounts paid during April 2019 as presented in Attachment Booklet – May 2019, represented by

Payment Type/Numbers	Total Amount
EFT 24153 – 24271	\$387,151.19
Muni Cheques - 31898 – 31909	\$21,869.24
Direct Debit – Solar Panel Repayments 04/19	\$1,947.66
Direct Debit – Credit Card	\$423.35
Direct Debit – Superannuation	\$47,569.27
Direct Debit - Transport – PL280319 – PL260419	\$57,335.45
Grand Total	\$516,296.16

VOTING DETAILS:

Carried 7/0

CORPORATE AND COMMUNITY		CC02-05/19
Subject:	Financial Statements for the Period ending 30 April 2019	
Author:	J Dillon, Consultant	
Responsible Officer:	S Ivers, Acting Chief Executive Officer	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2018 to 30 April 2019.

Background:

The Monthly Financial Report to the 30 April 2019 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Cash Flows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions

Officer's Comment:

The financial position to the end of April 2019 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,585,623	0.6% positive variance
Operating Expenditure	\$7,799,555	6.4% positive variance
Net Operating	-\$213,932	
Capital Revenue	\$1,821,761	7.8% negative variance
Capital Expenditure	\$2,068,829	46.6% positive variance
Cash at Bank – Municipal	\$1,586,152	
Cash at Bank – Reserve	\$1,665,287	
Total Funds Invested	\$3,251,439	
Net Rates Collected	91.48%	
Rates Receivables Outstanding	\$464,005	
Non Rates Receivables Outstanding	\$628,517	

The attached report provides 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

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

Section 34 Financial activity statement report

- (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:

Financial Statements for the Month Ending 30 April 2019.

Officer Recommendation:

COUNCIL DECISION 040519:

MOVED: Cr West

SECONDED: Cr Wyse

That Council receive the Monthly Financial Statement for the period 1 July 2018 to 30 April 2019 as provided in Attachment Booklet – May 2019.

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO01-05/19
Subject:	Review of Council to CEO Delegations and Update of Register	
Author:	D Chandler, Governance & Executive Coordinator	
Responsible Officer:	S Ivers, Acting Chief Executive Officer	
File Reference:	GV.AU.2	
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.
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Report Purpose:

For Council to review and adopt the updated Register of Delegations – Council to CEO, provided as Attachment 1.

Background:

To delegate is to appoint another person to exercise a power or discharge a duty. A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty. Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per the *Local Government Act 1995* s5.18 and s5.46. Council has not yet reviewed the Register this financial year.

Historically, Council have reviewed both the Council to CEO delegations and CEO to other staff delegations. Section 5.46 (2) of the *Local Government Act 1995* states that “*at least once every financial year, delegations made under this Division are to be reviewed by the delegator*”. Therefore Council is required to review only the Council to CEO delegations and it is the responsibility of the CEO to review delegations to other staff.

Officer’s Comment:

As part of process improvement across the organisation, it has been identified that an in depth review of delegations will achieve better practice and improve compliance. It is proposed to update all delegations using the template provided by WALGA over the coming months. As new delegations are developed, they will be implemented individually and incorporated into the Register. Therefore, Council will see delegations in the Register in both the old format and the new format, until all delegations have been reviewed and adopted.

The following new delegations have been incorporated into the Register as part of this review:

- *CEO20 – Trust Funds* has been added to delegate to the Chief Executive Officer the power to transfer trust funds that have been held for 10 years to the municipal fund and together with any interest earned, repay the money to a person claiming and establishing a right to the repayment – as per s6.94(4) of the *Local Government Act 1995*.

- *CEO21 – Food Business Registrations* has been added to delegate the Chief Executive Officer the power to grant or cancel registration of food businesses.
- *CEO22 – Appoint Authorised Officers and Designated Officers* has been added to delegate to the Chief Executive Officer the authority to appoint authorised officers for the purposes of the Food Act 2008 and Public Health Act 2016 and designated officers for the purposes of issuing infringement notices.

The following amendments to the Register include:

- *CEO8 – Approval / Refusal of Development Applications* has been amended to better reflect the current development application process under Local Planning Scheme No 5.

The paragraph relating to “A” uses has been revised to allow the CEO to approve these applications where the Scheme process has been carried out and no objections. Previously it only provided the CEO with delegation to proceed to advertise “A” use DA’s, which is actually required by the Scheme anyway.

The 3rd paragraph was revised to remove reference to approving developments that are in compliance with the Scheme, as this is suitably covered in other paragraphs, so is not considered necessary. Minor revisions were made in regards to the refusal to use language more consistent with the Scheme.

The 4th paragraph was revised with some additional wording to better reflect the process of development applications. Previously it suggested all minor proposals must be advertised to be considered, which is not always the case.

- *CEO10 – Oversized Sheds – Rural Smallholdings Zone* has been deleted as it was originally created reactively and ad-hoc and now can all be covered under Delegation CEO8. Please refer to Attachment 2 for the CEO10 delegation proposing to be deleted.
- *CEO11 – Subdivision Referrals from WAPC* has been amended by increasing the number of lots from “three” to “five”. The purpose of this is to streamline the approval process and avoid unnecessary delays for small subdivision applications.

Consultation:

Staff reviewed Council to CEO delegations that were relevant to their department and were consulted in the lead up to the preparation of this report.

Statutory Environment:

Local Government Act 1995

- s5.18
- s5.42
- s5.46

Local Government (Miscellaneous Provisions) Act 1960

- Section 2

Bush Fires Act 1954

- Section 48

Planning and Development Act 2005

- Item 11.3.1

Policy Implications:

The Delegations Register will link with and guide some Council policies. Reference to the relevant Council Policy for each delegation is made within the Register.

Financial/Resource Implications:

Delegations allow for a more streamlined and timely service which is an effective use of Council’s human resources. However, there will be increased resourcing requirements over the coming months to update the entire delegations register using the WALGA template.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

Attachments:

Attachment 1 – Register of Delegations – Council to CEO – May 2019

Attachment 2 – CEO10 Delegation – proposed to be deleted

Officer Recommendation:

COUNCIL DECISION 050519:

MOVED: Cr Gumley

SECONDED: Cr Wyse

That Council, by Absolute Majority, adopt the ‘Register of Delegations – Council to CEO’ dated May 2019, as presented in Attachment Booklet – May 2019.

VOTING DETAILS:

Carried by Absolute Majority 7/0

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

INFRASTRUCTURE AND OPERATIONS		IO01-05/19
Subject:	Surf Beach Stabilisation	
Author:	S Ivers, Acting Chief Executive Officer	
Responsible Officer:	S Ivers, Acting Chief Executive Officer	
File Reference:	PK.US.1	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

To seek Council approval to engage In-Situ Construction Maintenance (ICM) for Surf Beach stabilisation works instead of sand replenishment works, as reported in the 2018/19 Budget Review, and approve the additional transfer of \$24,780 from the Asset Management Reserve necessary to complete the Surf Beach stabilisation work. The total value of the work is proposed to be \$74,780.

Background:

The beaches to the North of Port Denison Boat Harbour have been experiencing erosion for a number of years, particularly in front of the Dongara Denison Beach Caravan Park. The Caravan Park is on Crown Reserve vested in the Shire of Irwin and leased to a private operator. The erosion on the beaches to the north of Port Denison was first investigated in 2001 by MJ Paul & Associates on behalf of both the Department of Transport and the Shire of Irwin, after the Shire approached the Department in April 2000 to seek advice on the cause of erosion and options for managing its impact. The erosion was further investigated in 2012 by MP Rogers & Associates and provides further history of erosion issues in the area.

The most recent work was done in 2017 by Cardno in an attempt to find affordable solutions ranging from sand replenishment through to groynes and hard protection items.

The following data is either available or has been collected by the Shire:

- Landgate has aerial images going back to at least 1965;
- A number of datasets exist from the period between the late 1970s and early 1980s around the construction of the Port Denison Boat Harbour in 1978-79. These include:
 - Beach surveys from 1975 to 1983;
 - A nearshore hydrographic survey in 1973;
 - Offshore wave data in 20m of water measured from 29/07/1974 to 28/10/1975; and
 - Nearshore wave data in 14m of water measured from 15/07/1975 to 06/07/1976.
- There was a nearshore hydrographic survey captured by DoT in 2001;

- There were a large number of beach profiles surveyed along this section of beach in 2009;
- The Port Denison area was captured as part of the LiDAR survey conducted by DoT in early 2016;
- DoT has undertaken shoreline movement analysis based on a large number of aerial photos covering at least the period 1965 to 2010; and
- The closest active tidal gauge is at Geraldton.

Due to ongoing erosion, in 2010 the Shire commissioned the staged construction of a rubble mound seawall in front of the caravan park. Stage 1 involved construction of a 30m section of seawall which was completed in 2010. Stage 2 involved an extension of the seawall by 170m and was completed in 2011.

MP Rogers & Associates conducted a study in 2012 which reviewed the 2001 report and prepared concept options to help maintain beach width and reduce the amount of beach nourishment required along this section of coast.

Nourishment has previously been undertaken on a number of occasions along this section of beach as detailed in the attached reports.

The Shire has also prepared a Coastal Hazard Risk Management Adaptation Plan (CHRMAP) that includes this area.

Officer's Comment:

The total cost estimate provided in the Cardno Short Term Remediation Coastal Processes Investigation (Attachment 2) is \$378,000 (incl GST). This was the lowest cost option designed by coastal engineers, but was still unaffordable for the Shire, plus there was no guarantee that this design would be successful. Longer term options that are guaranteed success, such as sea walls, cost significantly more than the short term solution.

The Shire has in the past investigated grant funding to assist with the delivery of these coastal management solutions, but these funds cover up to 20% of the cost of the short term solutions and are very competitive across local governments. The Shire was unsuccessful in its 2017 submission for grant funding.

With an accelerated level of erosion experienced at Surf Beach over Summer and with Winter pending, the Shire approached a local civil contractor with coastal management experience to develop a temporary solution with a minimum requirement of protecting the Surf Beach car park. ICM have provided a quote (Attachment 1) to stabilise the vicinity immediately in front of Surf Beach car park.

The amount of \$50,000 was approved in the 2018/19 Budget Review for sand replenishment works.

Consultation:

Coastal management was identified as the highest priority item by the 2016 MARKYT Scorecard community consultation process during the development of the 2017-2027 Strategic Community Plan.

Statutory Environment:

Local Government Act 1995

- *s6.8 Expenditure from municipal fund not included in annual budget*

Policy Implications:

C12 Localised Purchasing
C13 Purchasing

Financial/Resource Implications:

Funds are proposed to be sourced from the Asset Management Reserve, with a current balance of \$792,010.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 2.1 Our natural and built environment is managed through contemporary land-use practices.

Attachments:

Attachment 1 – ICM Surf Beach Stabilisation and Quote

Attachment 2 – Cardno Report

Officer Recommendation:

COUNCIL DECISION 060519:

MOVED: Cr Wyse

SECONDED: Cr Gillam

That Council, by Absolute Majority:

- 1. Approves sole sourcing the provisions of contract services from In-Situ Construction Maintenance as per the quote and sketch provided in Attachment 1 to the value of \$74,860 excluding GST.**
- 2. In addition to the \$50,000 excluding GST approved for sand replenishment works in the 2018/19 Budget Review, approve the additional transfer of \$24,860 excluding GST from the Asset Management Reserve to the Municipal Fund in the 2018/19 financial year and amend the Budget accordingly, for the purpose of completing the Surf Beach stabilisation work.**

VOTING DETAILS:

Carried by Absolute Majority 7/0

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 6.07pm.

An electronic copy of the Minutes are available for download from the Shire's website
<http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>