



AGENDA

and

Notice of Ordinary Council Meeting

to be held on

Tuesday, 25 June 2019

in the

Council Chambers

11-13 Waldeck Street, Dongara

5.00pm – Agenda Briefing Session

5.30pm – Councillor Information Session

6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

Please be advised that Ordinary Council Meetings during 2019 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, commencing at **6.00pm**.

DATES	
26 February 2019	23 July 2019
26 March 2019	27 August 2019
30 April 2019	24 September 2019
28 May 2019	22 October 2019
25 June 2019	26 November 2019
	10 December 2019

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

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

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

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FORM - Declaration of Interest
FORM - Leave of Absence Request

ORDINARY COUNCIL MEETING

to be held on

Tuesday, 25 June 2019

at 6.00pm

AGENDA

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 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 Scott	
Councillor I F West	
Councillor K L Wilson	

Staff

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Miss N A M'Leane	Governance & Executive Coordinator (Acting)

Apologies

Approved Leave of Absence

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS AND DEPUTATIONS**

7. CONFIRMATION OF MINUTES

A copy of the Minutes of the Special Council Meeting have been provided to all Councillors under separate cover.

RECOMMENDED:

That the minutes of the Special Council Meeting, held 23 May 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.
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A copy of the previous Minutes of the Ordinary Council Meeting have been provided to all Councillors under separate cover.

RECOMMENDED:

That the minutes of the Ordinary Council Meeting, held 28 May 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-06/19
Subject:	Accounts for Payment	
Author:	S Clarkson, Finance Officer	
Responsible Officer:	S Ivers, 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 May 2019.

Background:

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

Officer Recommendation:

RECOMMENDED:

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

Payment Type/Numbers	Total Amount
EFT 24272 – 24427	\$871,981.11
Muni Cheques - 31910 – 31920	\$79,499.70
Direct Debit – Solar Panel Repayments 05/19	\$1,947.66
Direct Debit – Credit Card	\$2,537.75
Direct Debit – Superannuation	\$32,836.04
Direct Debit - Transport – PL290419 – PL290519	\$69,408.60
Grand Total	\$1,058,210.86

CORPORATE AND COMMUNITY		CC02-06/19
Subject:	Financial Statements for the Period ending 31 May 2019	
Author:	J Dillon, Consultant	
Responsible Officer:	S Ivers, 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 consider and receive the Monthly Financial Statements for the period 1 July 2018 to 31 May 2019.

Background:

The Monthly Financial Report to the 31 May 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 May 2019 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,803,239	0.6% positive variance
Operating Expenditure	\$8,758,085	6.4% positive variance
Net Operating	-\$954,846	
Capital Revenue	\$1,821,761	7.8% negative variance
Capital Expenditure	\$2,346,035	46.6% positive variance
Cash at Bank – Municipal	\$1,358,951	
Cash at Bank – Reserve	\$1,667,833	
Total Funds Invested	\$3,026,784	
Net Rates Collected	92.54%	
Rates Receivables Outstanding	\$406,450	
Non Rates Receivables Outstanding	\$93,564	

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 31 May 2019

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statement for the period 1 July 2018 to 31 May 2019 as provided in Attachment Booklet – June 2019.

REGULATORY SERVICES		RS01-06/19
Subject:	Dedication of Road – Brand Highway Safety Barrier Project	
Author:	B Jeans, Manager Regulatory Services	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	RD.AG	
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. 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 dedicate as road a portion of Unallocated Crown Land and private Freehold Land for the purposes of the Brand Highway Safety Barrier Project being undertaken by Main Roads Western Australia.

Background:

Main Roads Western Australia (Main Roads) plan to undertake the Brand Highway Safety Barrier Project (the Project) and in doing so require a portion of Unallocated Crown Land (UCL) and private Freehold Land to be dedicated as road.

To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that Council resolves, as the local government, to request the dedication of the land as road.

The Project by Main Roads aims to construct a vehicle safety barrier along a small section of Brand Highway (as per Attachments 2 and 3) near Ellery Road to improve driver safety due to the steep embankment on the western side. Land Dealings Plan (LDP) 1960-029 (Attachment 1) shows the extent of portions required to be dedicated as road to support the project works.

Officer's Comment:

The road dedication process is a common practice carried out by local governments to comply with the requirements of the *Land Administration Act 1997*. In this case, due to Brand Highway being under the control of Main Roads, the Shire (as the local government) through a Council resolution must carry out the dedication process on their behalf.

Main Roads has confirmed that they will indemnify the Shire against all costs and charges that may arise as a result of the road dedication. There are no risks or implications on the Shire as a result of Council resolving to dedicate the land as road. The resolution merely provides the support for Main Roads to progress the required land transactions to acquire the land and carry out the improvements. It was identified that there was a small parcel of Ellery Road Reserve that could be rationalised through a road closure process. As it is not a priority and has associated administrative costs on the Shire, this will be progressed at a later date.

Consultation:

In line with legislative requirements under the *Land Administration Act 1997* no public advertising is required to undertake dedication of land.

Statutory Environment:

Land Administration Act 1997

Section 56 of the *Land Administration Act 1997* provides for a local government to request the Minister for Lands to dedicate a portion of land as a road.

Policy Implications:

Nil.

Financial/Resource Implications:

All costs associated with the dedication and acquisition is the sole responsibility of Main Roads.

Main Roads have provided the Shire with an indemnity against any costs and claims resulting from the dedication and as such there are no financial implications to the Shire.

Following dedication of this land as road reserve, Main Roads will be responsible for the ongoing maintenance of this area.

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.

Attachments:

Attachment 1 – Land Dealings Plan (LDP) 1960-029

Attachment 2 – Aerial Plan

Attachment 3 – Safety Barrier Project Map

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, grants approval for the Shire of Irwin to request the Minister for Lands to dedicate a 3,893m² portion of land, in accordance with Section 56 of the *Land Administration Act 1997*, from Lot 2 and Unallocated Crown Land on Land Dealings Plan 1960-029, as shown in Attachment 1, subject to;

- a) Main Roads WA indemnifying the Shire against all costs, charges and claims that may arise from the dedication actions; and**
- b) Main Roads WA acquiring the required portion of land to be dedicated.**

9.2. Committee Reports

9.2.1 Sustainable Environment Committee Meeting held 29 May 2019

Attachment Booklet – June 2019 – Part 2 (CM): Sustainable Environment Committee Meeting Minutes – 29 May 2019

RECOMMENDED:

That Council receives the Minutes of the Sustainable Environment Committee meeting held 29 May 2019.

RECOMMENDED:

That Council support the Shire of Irwin Sustainable Environment Committee to register for the Garage Sale Trail project and in doing so support the payment of \$1,685.00 excluding GST from the 2018/19 allocated Sustainable Environment Committee budget.

- 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**
- 13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 14. CLOSURE**

Declaration of Interest

This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

Note: Use one form per declaration of interest

To: Chief Executive Officer

I hereby declare my interest in the following matter/s included on the Agenda paper for the Council/Committee meeting to be held on: [Click here to enter the Council/Committee meeting date](#)

Agenda Item No.	Subject	Type of Interest Impartial/Financial
Click here to enter the Agenda Item number	Click here to enter the Agenda item subject.	<input type="checkbox"/> Financial pursuant to Section 5.60A of the Local Government Act 1995 <input type="checkbox"/> Proximity pursuant to Section 5.60B of the Local Government Act 1995 <input type="checkbox"/> Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995 <input type="checkbox"/> Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process. Employees must disclose extent of interest if the Council or Committee requires them to.

The extent of my interest is: Click or tap here to enter the extent of interest.

Click here to enter your name.		Click here to enter the date.
Name (Please Print)	Signature	Date

- NB:**
- This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed.
 - The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only:	Date/Initials
Particulars of declaration given to meeting	
Particulars recorded in the minutes	
Signed by Chief Executive Officer	

Leave of Absence Request

FRM Leave of absence request DRAFT

This form is provided to enable members and officers to apply for leave pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995.

To: Chief Executive Officer

I hereby request at the Ordinary Council Meeting on **Enter full date of Council Meeting** that Council grant me a leave of absence for the following period:

From:	Enter first date of absence	To:	Enter last date of absence (inclusive)
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Click here to enter your name.		Click here to enter the date.
Name (Please Print)	Signature	Date

Guidance Notes to aid completion of Leave of Absence Request Form:

1. Once you have completed this form, please arrange for it to be delivered to the Chief Executive Officer (ideally before the commencement of the ordinary Council meeting at which the request is to be made)
2. If you are unable to attend the Council meeting at which the request for leave of absence is to be put forward, please complete this form and submit to the Chief Executive Officer as soon as is practicable, so that he can advise the Shire President to put forward the request on your behalf.
3. Any leave of absence approved by Council can only apply to subsequent meetings. Therefore, leave of absence cannot be granted for the ordinary Council meeting at which the approval is given.
4. Pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995, an Elected Member who is absent throughout three (3) consecutive **ordinary** Council meetings, without first obtaining a leave of absence, is disqualified from continuing his or her membership of the Council.
5. Council cannot grant leave of absence in respect of more than six (6) consecutive ordinary meetings of the Council, without the approval of the Minister for Local Government.

Office Use Only:

Date/Initials

Particulars of declaration given to meeting	
Particulars recorded in the minutes	
Signed by Chief Executive Officer	