



MINUTES

of the

Ordinary Council Meeting

held

Tuesday, 25 June 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 25 June 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.

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, 25 June 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 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

Guests

Gallery

Mr J Arden, Mr J Rossiter, Mr G Vivian – Geraldton Newspapers.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Mr Rossiter asked the following questions:

1. Council how many residences owned by Council are currently vacant?

Three of four residences are currently vacant.

2. Mr Rossiter asked if Council will support having the “Yellow Submarine” returned to the Shire of Irwin following interest shown by the community.

This question was taken on notice.

3. Mr Rossiter asked Council if some Cape Lilac trees could be planted in the Shire of Irwin to potentially attract Black Cockatoos and create diversification between the existing Moreton Bay Figs and Poincianas.

This question was taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Special Council Meeting held 23 May 2019

RECOMMENDATION AND COUNCIL DECISION 010619:	
MOVED: Cr Wyse	SECONDED: Cr Gumley
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.	
VOTING DETAILS:	Carried 8/0

7.2. Minutes of the Ordinary Council Meeting held 28 May 2019

RECOMMENDATION AND COUNCIL DECISION 020619:	
MOVED: Cr Gillam	SECONDED: Cr Wyse
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.	
VOTING DETAILS:	Carried 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 05 June 2019 The Shire President and the CEO attended a breakfast with Hon David Templeman, Minister for Local Government, Heritage, Culture and the Arts and Laurie Graham MLC, Member for Agricultural Region and representative from Local Government Authorities within the WALGA Northern Country Zone. To discuss changes to the Local Government Act and discuss matters on interest and concern.
- 14 June 2019 The Shire President and the CEO attended the Thank a Volunteer Sundowner at the Irwin Rec Centre organised by the Shire of Irwin in conjunction with the Dongara Community Resource Centre. The Shire President made a speech on behalf of the Shire of Irwin.

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:

COUNCIL DECISION 030619:																	
MOVED: Cr Gumley	SECONDED: Cr Wilson																
That Council receives the Accounts paid during May 2019 as presented in Attachment Booklet – June 2019, represented by																	
<table border="1"><thead><tr><th>Payment Type/Numbers</th><th>Total Amount</th></tr></thead><tbody><tr><td>EFT 24272 – 24427</td><td>\$871,981.11</td></tr><tr><td>Muni Cheques - 31910 – 31920</td><td>\$79,499.70</td></tr><tr><td>Direct Debit – Solar Panel Repayments 05/19</td><td>\$1,947.66</td></tr><tr><td>Direct Debit – Credit Card</td><td>\$2,537.75</td></tr><tr><td>Direct Debit – Superannuation</td><td>\$32,836.04</td></tr><tr><td>Direct Debit - Transport – PL290419 – PL290519</td><td>\$69,408.60</td></tr><tr><td>Grand Total</td><td>\$1,058,210.86</td></tr></tbody></table>	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	
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VOTING DETAILS:	Carried 8/0																

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:

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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:

COUNCIL DECISION 040619:	
MOVED: Cr West	SECONDED: Cr Scott
That Council receives the Monthly Financial Statement for the period 1 July 2018 to 31 May 2019 as provided in Attachment Booklet – June 2019.	
VOTING DETAILS:	Carried 8/0

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:

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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:

COUNCIL DECISION 050619:

MOVED: Cr Scott

SECONDED: Cr Wyse

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.**

VOTING DETAILS:

Carried by Absolute Majority 8/0

9.2. Committee Reports

Sustainable Environment Committee Meeting held 29 May 2019

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

COUNCIL DECISION 060619:	
MOVED: Cr Gillam	SECONDED: Cr Gumley
That Council receives the Minutes of the Sustainable Environment Committee meeting held 29 May 2019.	
VOTING DETAILS:	Carried 8/0

COUNCIL DECISION 070619:	
MOVED: Cr Gumley	SECONDED: Cr Wyse
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.	
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

Nil.

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 6.10pm.

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