



MINUTES

of the

**Ordinary Council Meeting**

held

**Tuesday, 23 July 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 23 July 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**

# Table of Contents

	<b>Minute#</b>
1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
4. PUBLIC QUESTION TIME.....	4
5. APPLICATIONS FOR LEAVE OF ABSENCE .....	4
6. PETITIONS AND DEPUTATIONS .....	4
7. CONFIRMATION OF MINUTES .....	4
7.1. Minutes of the Ordinary Council Meeting held 25 June 2019.....	4 010719
7.2. Minutes of the Special Council Meeting held 9 July 2019 .....	5 020719
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	5
9. REPORTS .....	6
9.1. Officer Reports.....	6
CC01-07/19 Accounts for Payment .....	6 030719
CC02-07/19 Financial Statements for the Period ending 30 June 2019 .....	8 040719
CC03-07/19 Differential Rates 2019/20 – Amend Council Decision SS030719 .....	11 050719-070719
RS01-07/19 Adoption of Local Planning Policy – Shipping Containers .....	16 080719
RS02-07/19 Proposed Council Policy – Bush Fire Management.....	19 090719
RS03-07/19 Coastal Management Plan – Stakeholder and Community Engagement Plan.....	21 100719
RS04-07/19 RSL Lease Variation – 10 Waldeck Street, Dongara .....	23 110719
CEO01-07/19 Review of Council Delegations Relating to the Bush Fires Act 1954 .....	25 120719
9.2. Committee Reports .....	29
9.2.1 Community Assistance Scheme and Events Committee Meeting held 4 July 2019 .	29 130719
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	29
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	29
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION ....	29
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC.....	29
14. CLOSURE .....	29

# ORDINARY COUNCIL MEETING

held

**Tuesday, 23 July 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 I Scott

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

Mrs Y R Robb

Coordinator Process Improvement

Mrs S J Bonny

Finance Officer Rating & Payroll

#### **Apologies**

Councillor M Leonard

#### **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

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

*Response: Council have indicated that they will not pursue the matter further and appreciate the effort made by the City of Greater Geraldton to preserve the “Yellow Submarine”.*

2. 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.

*Response: This request has been forwarded to the Parks & Gardens team for consideration should a suitable opportunity and location be identified.*

### 4. PUBLIC QUESTION TIME

Mr J Arden, with regards to the Fishermen’s Hall, questioned who from Geraldton came to inspect the Fishermen’s Hall and what were their findings.

Response: The Shire President advised that to allow officers to gather the appropriate information, this question will be taken on notice.

Mr J Rossiter questioned whether Council can target the floral pest “Sea Lavender” (*Limonium hyblaem*) in line with Council’s current advertising for the prevention and control of Crown Bead Daisy.

Response: The Shire President advised that to allow further investigation, this question will be taken on notice.

### 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 25 June 2019

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

RECOMMENDATION AND COUNCIL DECISION 010719:	
<b>MOVED: Cr Gumley</b>	<b>SECONDED: Cr Gillam</b>
<b>That the Minutes of the Ordinary Council Meeting, held 25 June 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 7/0</b>

## 7.2. Minutes of the Special Council Meeting held 9 July 2019

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

RECOMMENDATION AND COUNCIL DECISION 020719:	
<b>MOVED: Cr Scott</b>	<b>SECONDED: Cr West</b>
<b>That the Minutes of the Special Council Meeting, held 9 July 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 7/0</b>

## 8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 24 June 2019      The CEO and Cr West attended the Northern Country Zone of WALGA meeting in Mingenew.
- 25 June 2019      WALGA advised the Rock Lobster Festival has been cancelled. Cancellation is due to the lack of support from the Western Rock Lobster Council for changes to the domestic lobster supply, upon which the festival was to rely.
- 3 July 2019        Nominations closed for the Local Government Midwest Golf Day on 19 June, this year the event is being hosted by the Shire of Dandaragan in Jurien Bay.
- 9 July 2019        Australian Coastal Councils Association July Newsletter was received.
- 10 July 2019       The Shire President and the CEO met with the Midwest Chamber of Commerce and Industry (MWCCI) and the Australian Petroleum Production & Exploration Association (APPEA).
- 12 July 2019       WALGA provided June Crime Statistics for the Shire of Irwin.
- 16 July 2019       Road Safety Council – Imagine Zero Campaign forum for the community will be held in Geraldton on Thursday, 1 August. This information was shared with the Community via the Shire’s Facebook Page.

### WALGA Quarterly Report

To improve engagement with WALGA members and their respective communities, WALGA have prepared and issued quarterly reports in regards to services accessed, professional development opportunities and events, and industry matters that WALGA may be advocating on. I wish to table the Overview Report for Quarter 2 (April to June 2019) provided by WALGA, available in Attachment Booklet – July 2019.

## 9. REPORTS

### 9.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01 – 07/19</b>
<b>Subject:</b>	<b>CC01-07/19 Accounts for Payment</b>	
<b>Author:</b>	<b>S Clarkson, Finance Officer</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

#### Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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 June 2019.

#### Background:

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

**Officer Recommendation:**

**COUNCIL DECISION 030719:**

**MOVED: Cr Gumley**

**SECONDED: Cr Scott**

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

<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 24428 – 24555</b>	<b>\$620,797.68</b>
<b>Muni Cheques - 31921 – 31927</b>	<b>\$4,101.70</b>
<b>Trust Cheque - 3167</b>	<b>\$100.00</b>
<b>Direct Debit – Solar Panel Repayments 06/19</b>	<b>\$1,947.66</b>
<b>Direct Debit – Credit Card</b>	<b>\$1,281.16</b>
<b>Direct Debit – Superannuation</b>	<b>\$31,746.30</b>
<b>Direct Debit - Transport – PL300519 – PL260619</b>	<b>\$43,623.55</b>
<b>Grand Total</b>	<b>\$703,598.05</b>

**VOTING DETAILS:**

**Carried 7/0**



<b>CORPORATE AND COMMUNITY</b>		<b>CC02-07/19</b>
<b>Subject:</b>	<b>CC02-07/19 Financial Statements for the Period ending 30 June 2019</b>	
<b>Author:</b>	<b>Jim Dillon, Consultant</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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 30 June 2019.

**Background:**

The Monthly Financial Report to the 30 June 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 June 2019 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,333,324	0.6% positive variance
Operating Expenditure	\$9,638,911	6.4% positive variance
Net Operating	-\$1,305,587	
Capital Revenue	\$2,029,628	7.8% negative variance
Capital Expenditure	\$3,452,114	46.6% positive variance
Cash at Bank – Municipal	\$1,346,499	
Cash at Bank – Reserve	\$1,669,874	
Total Funds Invested	\$3,016,898	
Net Rates Collected	94.43%	
Rates Receivables Outstanding	\$303,243	
Non Rates Receivables Outstanding	\$209,140	

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 June 2019

**Officer Recommendation:**

**COUNCIL DECISION 040719:**

**MOVED: Cr West**

**SECONDED: Cr Gillam**

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

**VOTING DETAILS:**

**Carried 7/0**

<b>CORPORATE AND COMMUNITY</b>		<b>CC03-07/19</b>
<b>Subject:</b>	<b>CC03-07/19 Differential Rates 2019/20 – Amend Council Decision SS030719</b>	
<b>Author:</b>	<b>S Bonny, Finance Officer – Rating</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>RV.RT.3</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority (refers to Recommendation 1)</b>	
<b>Voting Requirements:</b>	<b>Simple Majority (refers to Recommendation 2)</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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 provide Council an opportunity to amend the rate in the dollar and minimum rate as a result of new information becoming available since Council Decision SS030719 was made at the 9 July Special Council Meeting.

**Background:**

Amendment SS020719 to Part 1 of the Officers Recommendation and subsequent Substantive Motion and Council Decision SS030719 in the meeting minutes from the 9 July 2019 Special Council Meeting has increased the rates revenue by \$75,252, which represents an overall rate revenue increase of 3.70% when compared to the 2018/19 Budget.

A briefing note was sent to Councillors advising of the rate revenue increase and the operational decision to postpone advertising to allow the Shire President time to consult Councillors regarding the new information that had become available. An updated timeline for the adoption of the 2019/20 Budget was provided in the briefing note.

As a result of the Shire President consulting Councillors with regards to the new information in the briefing note, a Councillor Memo was sent in accordance with Section 10 of the Local Government (Administration) Regulations 1996 to revoke Part 1 of Council Decision SS030719 to provide Council the opportunity to amend Part 1 of Council Decision SS030719 the rate in the dollar and minimum rate to reflect the overall rate revenue increase of 2.25%. The necessary Councillor signatures were obtained to support revoke Part 1 of Council Decision SS030719 made at the Special Council Meeting held on 9 July 2019.

**Officer's Comment:**

The officer comments in Council report CC01-07/19S proposed an overall rate revenue increase of 2.25%, but Amendment SS020719 to Part 1 of the Officers Recommendation and subsequent Substantive Motion and Council Decision SS030719 in the meeting minutes from the 9 July 2019 Special Council Meeting increased the overall rate revenue to 3.70%.

This report provides Council the opportunity to amend the rate in the dollar and minimum rate in Part 1 of Council Decision SS030719 to reflect an overall rate revenue increase of 2.25%.

Amending Part 1 of the Substantive Motion and Council Decision SS030719 in the meeting minutes from the 9 July 2019 Special Council Meeting has no impact on Part 2, Part 3 or Part 4 of the Officers Recommendation including the Statement of Objects and Reasons.

**Consultation:**

- Councillor Briefing Note 2019-07-11 Differential Rates
- Shire President consultation with Councillors
- WALGA Governance
- Councillor Briefing Note 2019 Council Decision SS030719

**Statutory Environment:**

- Local Government Act 1995
- Local Government (Administration) Regulations 1996:  
10. Revoking or changing decisions (Act s. 5.25(1)(e))

*(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

*(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*

*(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

*(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

*(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*

*(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*

*(b) in any other case, by an absolute majority.*

*3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030.]

**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 1 – Minutes of the Special Council Meeting 9 July 2019

Attachment 2 (Confidential) – Councillor Briefing Note 2019-07-11 Differential Rates

Attachment 3 (Confidential) – Councillor Memo 2019 Council Decision SS030719

**Officer Recommendation 1:**

**COUNCIL DECISION 050719:**

**MOVED: Cr West**

**SECONDED: Cr Wyse**

**SECONDED: Cr Gumley**

**That Council, by Absolute Majority and in accordance with Section 10 of the Local Government (Administration) Regulations 1996, revoke Part 1 of Council Decision SS030719 made at the Special Council Meeting held 9 July 2019, which states:**

- 1) That Council adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2019/20 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations:</i>		
General Rate	11.2188	\$1,100
<i>Unimproved Valuations:</i>		
General Differential Rate	1.4241	\$1,100
Mining Differential Rate	19.0527	\$1,100

**VOTING DETAILS:**

**Carried by Absolute Majority 7/0**

**Officer Recommendation 2:**

**OFFICER'S RECOMMENDATION:**

**MOVED: Cr West**

**SECONDED: Cr Gillam**

**That Council;**

**1) Considers the proposed rates in the dollar for differential rating to be advertised prior to the adoption of the 2019/20 Budget by:**

**a. Adopting an overall 2.25% increase to the 2018/19 Budget rate revenue from \$5,175,300 to \$5,291,744**

**b. Adopting a 2.25% increase to the 2018/19 Budget Minimum Rate from \$999 to \$1,021 across all rate categories:**

<u>Rate Category</u>	<u>Minimum Rate</u>
GRV General Rate	\$1,021
UV General Differential Rate	\$1,021
UV Mining Differential Rate	\$1,021

**c. Adopting the following Rate in Cents for the differential rating categories specified for the 2019/20 financial year where the percentage increase is the same across all the differential rating categories:**

<u>Rate Category</u>	<u>Rate in Cents</u>
GRV General Rate	11.1808
UV General Differential Rate	1.4193
UV Mining Differential Rate	18.9882

**d. Authorising the Chief Executive Officer for advertising purposes to recalculate the Rate in Cents for any adopted amendments Council makes to the percentage increase for Items a) and/or b) above.**

*Formal debate followed with Elected Members speaking either for or against the motion.*

*Cr Wyse moved an amendment to Part 1)a. of the Officer's Recommendation to adopt an overall 0% increase to the 2018/19 Budget rate revenue.*

**AMENDMENT**

**MOVED: Cr Wyse**

**SECONDED: Cr Wilson**

**That Council amends Part 1) a. of the Officer's Recommendation to read as follows:**

**a. Adopting an overall 0% increase to the 2018/19 Budget rate revenue of \$5,175,300.**

*Cr Wyse, as the Mover, spoke to the amendment.*

*Cr Wilson, as the Seconder, spoke for the amendment*

*Formal debate followed with elected members speaking either for or against the amendment.*

*Cr Wyse, as the Mover, spoke to close the debate and the amendment was put and lost.*

**COUNCIL DECISION ON AMENDMENT 060719:**

**MOVED: Cr Wyse**

**SECONDED: Cr Wilson**

**That Council amends Part 1) a. of the Officer's Recommendation to read as follows:**

- a. Adopting an overall 0% increase to the 2018/19 Budget rate revenue of \$5,175,300.**

**VOTING DETAILS:**

**Lost 2/5**

*The Shire President invited any Elected Members to speak for the Substantive Motion.*

*Cr West, as the Mover of the Substantive Motion, spoke to close the debate.*

*The Substantive Motion was put and carried.*

**COUNCIL DECISION 070719:**

**MOVED: Cr West**

**SECONDED: Cr Gillam**

**That Council;**

- 1) Considers the proposed rates in the dollar for differential rating to be advertised prior to the adoption of the 2019/20 Budget by:**

- a. Adopting an overall 2.25% increase to the 2018/19 Budget rate revenue from \$5,175,300 to \$5,291,744**
- b. Adopting a 2.25% increase to the 2018/19 Budget Minimum Rate from \$999 to \$1,021 across all rate categories:**

<u>Rate Category</u>	<u>Minimum Rate</u>
GRV General Rate	\$1,021
UV General Differential Rate	\$1,021
UV Mining Differential Rate	\$1,021

- c. Adopting the following Rate in Cents for the differential rating categories specified for the 2019/20 financial year where the percentage increase is the same across all the differential rating categories:**

<u>Rate Category</u>	<u>Rate in Cents</u>
GRV General Rate	11.1808
UV General Differential Rate	1.4193
UV Mining Differential Rate	18.9882

- d. Authorising the Chief Executive Officer for advertising purposes to recalculate the Rate in Cents for any adopted amendments Council makes to the percentage increase for Items a) and/or b) above.**

**VOTING DETAILS:**

**Carried 5/2**



<b>REGULATORY SERVICES</b>		<b>RS01-07/19</b>
<b>Subject:</b>	<b>RS01-07/19 Adoption of Local Planning Policy – Shipping Containers</b>	
<b>Author:</b>	<b>B Jeans, Manager Regulatory Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>LP.PO</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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:**

For Council to consider adoption of the proposed Local Planning Policy – Shipping Containers.

**Background:**

Council at its 30 April 2019 Ordinary Council Meeting resolved to advertise the proposed Local Planning Policy – Shipping Containers ('the Policy'). The Policy was advertised for a 21 day period in the newspapers circulating the district. One (1) public submission was received and detailed in the 'Consultation' section below.

**Officer's Comment:**

As a result of the public advertisement process, it is recommended Council adopt the Policy as advertised without modifications. The Policy will take effect from the date of notice of Council's adoption in the newspaper.

**Consultation:**

Advertising was carried out in accordance with Clause 4(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. One (1) submission was received expressing concerns of the Policy's application in industrial zones and the impacts of restricting the use of shipping containers in industrial areas for storage.

In response to the submission received, in sections 3.1(a) and 3.6 of the Policy the use of shipping containers are permitted in the industrial zones with minimal policy limitations. This is to support the industrial land uses with a convenient storage solution and due to there being less amenity related matters to address in the industrial areas.

**Statutory Environment:**

Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions

Part 2 Clause 4 of the Deemed Provisions sets out the procedure for making a local planning policy.

#### 4. Procedure for making local planning policy

*(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

*(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of — (i) the subject and nature of the proposed policy; and (ii) the objectives of the proposed policy; and (iii) where the proposed policy may be inspected; and (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made; (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission; (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

*(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*

*(3) After the expiry of the period within which submissions may be made, the local government must —*

*(a) review the proposed policy in the light of any submissions made; and (b) resolve to — (i) proceed with the policy without modification; or (ii) proceed with the policy with modification; or (iii) not to proceed with the policy.*

*(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*

*(5) A policy has effect on publication of a notice under subclause (4).*

*(6) The local government —*

*(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and (b) may publish a copy of each of those local planning policies on the website of the local government.*

#### **Policy Implications:**

Adoption of the proposed Local Planning Policy – Shipping Containers will replace the current Local Planning Policy – Sea Containers.

#### **Financial/Resource Implications:**

Nil.

#### **Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 1.1.1 Continually improve approval processes.

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

#### **Attachments:**

RS01 – Attachment 1 - Item RS01-04/19 30 April 2019 Ordinary Council Meeting Minutes

RS01 – Attachment 2 – Local Planning Policy – Shipping Containers

**Officer Recommendation:**

**COUNCIL DECISION 080719:**

**MOVED: Cr Gillam**

**SECONDED: Cr Gumley**

**That Council;**

- 1. Pursuant to Part 2 Clause 4(3)(b)(i) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to adopt Local Planning Policy – Shipping Containers, as set out in Attachment 2, without modification; and**
- 2. Pursuant to Part 2 Clause 4(4) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, publish notice of the adoption of the Policy.**

**VOTING DETAILS:**

**Carried 7/0**

<b>REGULATORY SERVICES</b>		<b>RS02-07/19</b>
<b>Subject:</b>	<b>RS02-07/19 Proposed Council Policy – Bush Fire Management</b>	
<b>Author:</b>	<b>B Jeans, Manager Regulatory Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>CM.PO</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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:**

For Council to consider adoption of the proposed new Bush Fire Management Council Policy.

**Background:**

Each year the Shire prepares a Firebreak Notice as required by the Bush Fires Act 1954. The Firebreak Notice sets out the requirements and responsibilities of property owners in relation to installing and maintaining firebreaks during the fire season, typically between October and April. The Firebreak Notice also notifies property owners of the requirements and restrictions regarding burning.

The Bush Fire Management Council Policy has been developed as part of an overall structural review of Council's Policies. The proposed Policy results in a very clear direction from Council in regards to fire management expectations and reinforces the commitment of Council to notify property owners of their fire management responsibilities through the Firebreak Notice.

**Officer's Comment:**

The intent of this Policy is to rationalise existing related policies in a more concise, standardised and clear format. The proposed Policy supports the provision of the annual Firebreak Notice and related fire management functions.

**Consultation:**

Consultation is not required however Council's Policy Manual will be updated and is available to the public.

**Statutory Environment:**

Local Government Act 1995

Section 2.7(2) (b) refers to the making of local government policies as a role of Council.

Bush Fires Act 1954

The proposed Policy relates to Section 33 of the Act in regards to the requirement for the local government to prepare and provide property owners with an annual Firebreak Notice.

**Policy Implications:**

This Council Policy will rationalise existing Council Policies.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.3.2 – Adopt and follow better practice processes

**Attachments:**

RS02 – Attachment 1 - Proposed Council Policy – Bush Fire Management

**Officer Recommendation:**

**COUNCIL DECISION 090719:**

**MOVED: Cr Gillam**

**SECONDED: Cr Wilson**

**That Council adopt the proposed Council Policy – Bush Fire Management, as outlined in Attachment 1.**

**VOTING DETAILS:**

**Carried 7/0**

<b>REGULATORY SERVICES</b>		<b>RS03-07/19</b>
<b>Subject:</b>	<b>RS03-07/19 Coastal Management Plan – Stakeholder and Community Engagement Plan</b>	
<b>Author:</b>	<b>B Jeans, Manager Regulatory Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>LP.PL.16</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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:**

For Council to support the proposed Stakeholder and Community Engagement Plan (‘the SCEP’) for the Coastal Management Plan (‘the CMP’) project.

**Background:**

In August 2018, the Shire was successful in receiving a grant from the Department of Planning, Lands and Heritage (DPLH) for the preparation of a Coastal Management Plan (CMP). The successful consultants, Land Insights, are tasked with developing the Shire’s CMP with guidance by a Steering Committee for the project comprising of DPLH officers, the Shire’s Manager Regulatory Services, Councillor Leonard and Councillor Wilson and a community member Sarah Taylor.

A significant component of the CMP is the public consultation and engagement process due to the relevance and impacts of coastal hazards on the community and stakeholders. This is highlighted in the Shire’s Strategic Community Plan where coastal management rated as the highest priority. For this reason the CMP project included the preparation of a Stakeholder and Community Engagement Plan (SCEP) as the first stage to clearly outline the consultation and engagement methods to be undertaken for the development of the CMP.

The Consultants developing the CMP have prepared the SCEP (Attachment 1) for Council’s support prior to progressing with the project.

**Officer’s Comment:**

The SCEP has been developed incorporating the provisions of Council Policy C5 Community Engagement and Public Consultation and is driven by the principles from the International Association for Public Participation (known as IAP2) to ensure a quality approach is taken. The overarching objective of the SCEP is to openly engage with the community and relevant stakeholders early in the project, to receive feedback and information to help develop the CMP. The SCEP details the various mechanisms of consultation and engagement proposed over the life of the project including an initial public survey, ongoing stakeholder/agency liaison, closed group meetings, open-house workshops and general advertisements through the Shire website and local newspaper. It is considered the SCEP will deliver a

community engagement process above and beyond the traditional methods of public advertisement for such plans.

**Consultation:**

The purpose of the SCEP is to set out the public consultation methods proposed for the CMP project. The requirement of a SCEP for the project was to outline a clear objective to deliver quality consultation and engagement with the community.

**Statutory Environment:**

Nil

**Policy Implications:**

Council Policy C5 – Community Engagement and Public Consultation

**Financial/Resource Implications:**

The CMP project is part grant funded by the Department of Planning, Lands and Heritage and part funded by the Shire. The preparation of the SCEP and actions arising from the SCEP is part of this funded/budgeted CMP project.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.1.2 Utilise contemporary communication strategies and tools to enhance public participation.

Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders.

**Attachments:**

RS03 Attachment 1 – Stakeholder and Community Engagement Plan

**Officer Recommendation:**

**COUNCIL DECISION 100719:**

**MOVED: Cr Wilson**

**SECONDED: Cr Gumley**

**That Council support the Stakeholder and Community Engagement Plan, as outlined in Attachment 1, for the project of the development of the Shire’s Coastal Management Plan.**

**VOTING DETAILS:**

**Carried 7/0**

<b>REGULATORY SERVICES</b>		<b>RS04-07/19</b>
<b>Subject:</b>	<b>RS04-07/19 RSL Lease Variation – 10 Waldeck Street, Dongara</b>	
<b>Author:</b>	<b>B Jeans, Manager Regulatory Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>CP.RE.16</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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:**

For Council to authorise the Shire President and Chief Executive Officer to use the Common Seal and sign a lease variation.

**Background:**

The local Dongara RSL Club approached the Shire to advise of organisational changes within the RSL of Australia that will affect the current lease held with the Shire for Lot 162 (#10) Waldeck Street, Dongara. These changes are outlined in the letter from the Dongara RSL Club (Attachment 1).

The original 2005 lease of this premises was with the 'Dongara Sub Branch RSL'. In 2009, the lessee was incorporated under the *Associated Incorporation Act 1987* and the lessee was therefore known as 'Dongara RSL Club Inc'. This prompted the variation to the 2005 lease to correctly state the lessee as Dongara RSL Club Inc.

The most recent request is now to revert back to the Dongara Sub Branch RSL, hence requiring a lease variation again. The existing lease expires in 2025.

**Officer's Comment:**

The Shire instructed McLeods Barristers and Solicitors to prepare the lease variation as was previously done in 2009. No other lease changes are proposed and the variation is purely administrative to assist the Dongara RSL Club with their legal obligations with RSL Australia.

**Consultation:**

Dongara RSL  
McLeods Barristers and Solicitors

**Statutory Environment:**

Local Government Act 1995  
Local Government (Functions and General) Regulations 1996



**Policy Implications:**

Council Policy E4 Use of Common Seal

**Financial/Resource Implications:**

Nil. All associated costs with the lease variation are borne by the RSL of Australia WA Branch Incorporated.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

**Attachments:**

RS04 – Attachment 1 – Dongara RSL Club letter of request

RS04 – Attachment 2 – Deed of Variation of Lease

*Prior to discussion Cr Scott disclosed an Impartiality Interest in item RS04-07/19, as an Affiliate Member of the Dongara RSL Club, in accordance with Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. Cr Scott continued to participate in the discussion as the Regulations allow.*

**Officer Recommendation:**

**COUNCIL DECISION 110719:**

**MOVED: Cr Wyse**

**SECONDED: Cr Wilson**

**That Council authorise the Shire President and Chief Executive Officer to sign and seal the lease variation document as outlined in Attachment 2.**

**VOTING DETAILS:**

**Carried 7/0**

<b>OFFICE OF CEO</b>		<b>CEO01-07/19</b>
<b>Subject:</b>	<b>CEO01-07/19 Review of Council Delegations Relating to the Bush Fires Act 1954</b>	
<b>Author:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>GV.AU.2</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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:**

For Council to consider the adoption of new and revised Council Delegations relating to the *Bush Fires Act 1954*.

**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 reviewed and adopted the Council to CEO Register of Delegations (the "Register") at the 28 May 2019 Ordinary Council Meeting.

At this meeting, it was reported to Council that officers would be gradually updating the Register over the coming months by reviewing individual delegations in-depth and implementing them using the WALGA template.

**Officer's Comment:**

Delegations relating to the *Bush Fires Act 1954* have been reviewed in line with the associated Council Policy also being presented to Council for consideration at this meeting.

The *Bush Fires Act 1954* provides the following:

**48. Delegation by local governments**

- (1) *A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) *Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
  - (a) *is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
  - (b) *is to be treated as performance by the local government.*

- (3) *A delegation under this section does not include the power to subdelegate.*
- (4) *Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

In line with the *Bush Fires Act 1954* and the *Local Government Act 1995*, the following new delegations have been proposed for incorporation into the Register:

- *CEO23 – Make Request to FES Commissioner – Control of Fire* - authority to request on behalf of the Shire of Irwin that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations.
- *CEO24 – Prohibited Burning Times – Vary* – authority to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer.
- *CEO25 – Prohibited Burning Times – Control Activities* – authority to determine control activities during prohibited burning times relating to permits, harvest vehicle movement, machinery movement, firebreaks and directions to Bushfire Control Officers.
- *CEO26 – Restricted Burning Times – Vary and Control Activities* – authority to determine to vary restricted burning times and the control of activities during this time.
- *CEO27 – Control of Operations Likely to Create Bush Fire Danger* – authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from various devices / apparatus and the authority to determine requirements for the carriage and deposit of incendiary materials.
- *CEO28 – Burning Garden Refuse / Open Air Fires* – authority to manage permissions and prohibitions relating to open air fires.
- *CEO29 – Appoint Bush Fire Control Officer/s and Fire Weather Officer* – authority to appoint various persons as Bush Fire Control Officers and Fire Weather Officers and determine their respective seniority.
- *CEO30 – Control and Extinguishment of Bush Fires* – authority to control fires on land where permits have been issued.
- *CEO31 – Apply for Declaration as an Approved Area* – authority to apply to the Minister to have the local government district declared as an approved area.
- *CEO32 – Recovery of Expenses Incurred through Contraventions of this Act* – authority to recover expenses incurred as a result of an offence against the Bush Fires Act.
- *CEO33 – Prosecution of Offences* – authority to institute and carry on proceedings against a person for an offence and to serve an infringement notice.
- *CEO34 – Withdrawal of Infringement Notices* – authority to withdraw an infringement notice for an offence against the Bush Fires Act.

In line with the *Bush Fires Act 1954* and the *Local Government Act 1995*, delegation *CEO2 – Firebreaks*, has been revised to provide further clarity around the authorisation. This includes the authority to give written notice to owners and occupiers regarding requirements around firebreaks, powers of entry and recovery of costs and expenses.

The existing delegation *CEO19 – Powers Under the Bush Fires Act* is proposed to be withdrawn from the Delegations Register as it is considered to be too broad and open to interpretation. This could be problematic and leave Council open to litigation. The new and revised delegations being considered by council provide specific detail of each delegated function.

It is considered appropriate for Council to review all related Council documentation requiring approval as a “package”. Therefore, these delegations are associated with the Council Policy being presented for review and adoption also at this meeting.

**Consultation:**

These delegations were reviewed in consultation with Regulatory Services and were developed in line with the WALGA template.

**Statutory Environment:**

*Local Government Act 1995*

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

*Local Government (Administration) Regulations 1996*

- Regulation 19

*Bush Fires Act 1954*

- Section 48
- Section 50
- Section 65
- Section 66

**Policy Implications:**

These Delegations link with and guide Council Policies relating to the *Bush Fires Act 1954*. Reference to the relevant Council Policy for each delegation will be made within the final Register of Delegations – Council to CEO.

**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 – New & Revised Council to CEO Delegations relating to the Bush Fires Act 1954

Attachment 2 – Delegation CEO19 – proposed to be deleted

**Officer Recommendation:**

**COUNCIL DECISION 120719:**

**MOVED: Cr Gumley**

**SECONDED: Cr Scott**

**That Council, by Absolute Majority;**

**1. Adopt the following new Delegations:**

- a) CEO23 – Make Request to FES Commissioner – Control of Fire
- b) CEO24 – Prohibited Burning Times – Vary
- c) CEO25 – Prohibited Burning Times – Control Activities
- d) CEO26 – Restricted Burning Times – Vary and Control Activities
- e) CEO27 – Control of Operations Likely to Create Bush Fire Danger
- f) CEO28 – Burning Garden Refuse / Open Air Fires
- g) CEO29 – Appoint Bush Fire Control Officer/s and Fire Weather Officer
- h) CEO30 – Control and Extinguishment of Bush Fires
- i) CEO31 – Apply for Declaration as an Approved Area
- j) CEO32 – Recovery of Expenses Incurred through Contraventions of this Act
- k) CEO33 – Prosecution of Offences
- l) CEO34 – Withdrawal of Infringement Notices;

**2. Adopt the revised Delegation CEO2 – Firebreaks;**

**3. Withdraw the existing Delegation CEO19 – Powers Under the Bush Fires Act; and**

**4. Approve the CEO to update the Register of Delegations – Council to CEO, accordingly.**

**VOTING DETAILS:**

**Carried by Absolute Majority 7/0**

## 9.2. Committee Reports

### 9.2.1 Community Assistance Scheme and Events Committee Meeting held 4 July 2019

Attachment Booklet – July 2019 – Part 2 (CM): Community Assistance Scheme and Events Committee Meeting Minutes – 4 July 2019.

#### COUNCIL DECISION 130719:

**MOVED:** Cr Wilson

**SECONDED:** Cr Gumley

**That Council receives the Minutes of the Community Assistance Scheme and Events Committee meeting held 4 July 2019.**

**VOTING DETAILS:**

**Carried 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

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 6.30pm.

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