



MINUTES

of the

**Ordinary Council Meeting**

held

**Tuesday 22 October 2019**

in the

**Council Chambers**  
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 22 October 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 22 October 2019**

at 6.00pm

## **MINUTES**

*Prior to the commencement of the meeting, Mr Stuart Chandler JP, being an authorised person under the Local Government Act 1995, witnessed the declarations of the following newly elected Councillors:*

*Cr Grant EVA  
Cr Andrew GILLAM  
Cr Michael SMITH  
Cr Hayley WELLS*

*Each Councillor made the “Declaration by an Elected Member of Council” before acting as a Councillor for the Shire of Irwin in accordance with the provisions of the Local Government Act 1995.*

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

In accordance with the provisions of the Local Government Act 1995, the Chief Executive Officer declared the meeting open at 6.00pm and welcomed all those in attendance.

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Members**

Councillor G S Eva  
Councillor A J Gillam  
Councillor M Leonard  
Councillor I Scott  
Councillor M T Smith  
Councillor H M Wells  
Councillor I F West  
Councillor B Wyse

#### **Staff**

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Mrs D K Chandler	Governance & Executive Coordinator

#### **Apologies**

Nil.

#### **Approved Leave of Absence**

Nil.

#### **Guests**

Mr Stuart Chandler, JP.

#### **Gallery**

J Arden, C Palmer, M Caunce, D Furnell, D Furnell, J Fitzhardinge, M Brown, P Nunn, A Pendlebury, K Wilson.

### 3. ELECTION OF SHIRE PRESIDENT

The CEO advised he had received one (1) written nomination prior to the meeting for the office of Shire President as follows:

- Cr Barry Wyse nominated Cr Michael Smith with Cr Smith indicating his consent to the nomination.

An invitation for any further nominations was provided and, as no other nominations were forthcoming, the nomination period was declared closed.

With only (1) one nomination received, Cr Smith was declared elected unopposed to the office of Shire President for the Shire of Irwin for the ensuing two (2) years.

Cr Smith made his declaration as Shire President, before Mr Stuart Chandler JP, being an authorised person under the Local Government Act 1995. Cr Smith then assumed the chair on the podium, to the right of the CEO.

### 4. ELECTION OF THE DEPUTY SHIRE PRESIDENT

The Shire President requested the CEO to undertake the election of Deputy President. The CEO advised he had received one (1) written nomination prior to the meeting for the office of Deputy President as follows:

- Cr Leonard nominated Cr Wyse with Cr Wyse indicating his consent to the nomination.

An invitation for any further nominations was provided and, as no other nominations were forthcoming, the nomination period was declared closed.

With only (1) one nomination received, Cr Wyse was declared elected unopposed to the office of Deputy President for the Shire of Irwin for the ensuing two (2) years.

Cr Wyse made his declaration as Deputy Shire President, before Mr Stuart Chandler JP, being an authorised person under the Local Government Act 1995.

*Mr Stuart Chandler, JP, left the meeting at 6.06pm.*

The Shire President addressed all those in attendance as follows:

*'Thank you for your confidence in nominating me for the role of President. I take this opportunity in welcoming our new members, Hayley and Grant, and congratulations to Andrew on successfully being re-elected.*

*Two years ago, when accepting this role, began one of my biggest personal challenges of all time. After a short time in the role and realising the serious nature of our financial position, we had two choices – ignore it and plead ignorance, or take it on. Take it on we did, hence another organisational review followed by CEO recruitment. For a new Shire President, this was the worst possible scenario to walk into. I can say with confidence we are on the road to recovery, thanks to Shane, Staff and support of Council.*

*I would also note the strain this has had on my family and business, however this is my contribution back to the community after 40 years of residency.*

*To the critics of recent: Council makes the decisions on behalf of the ratepayers, not the President.*

*I do have a vision for the Irwin Shire that benefits not just a few, but the broader community and this requires the following challenges for Councillors – take risks, be creative, accept change and put in a group effort with team purpose. I look forward to the next 2 years serving the Shire of Irwin ratepayers.'*

## 5. COUNCILLOR SEATING ALLOCATION

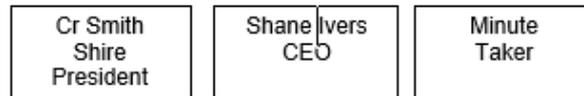
The Deputy Shire President's chair is automatically to the right of the Shire President. Councillor seating allocation (starting from the right of the Deputy President's Chair) was allocated by random draw:

- Seat 1 – Cr Eva
- Seat 2 – Cr Scott
- Seat 3 – Cr West
- Seat 4 – Cr Wells
- Seat 5 – Cr Gillam
- Seat 6 – Cr Leonard

The Shire President and Deputy President are automatically allocated seats as shown in the following Seating Plan:

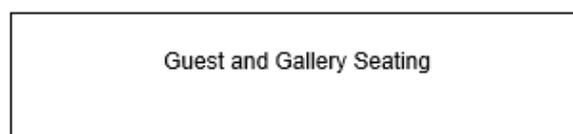
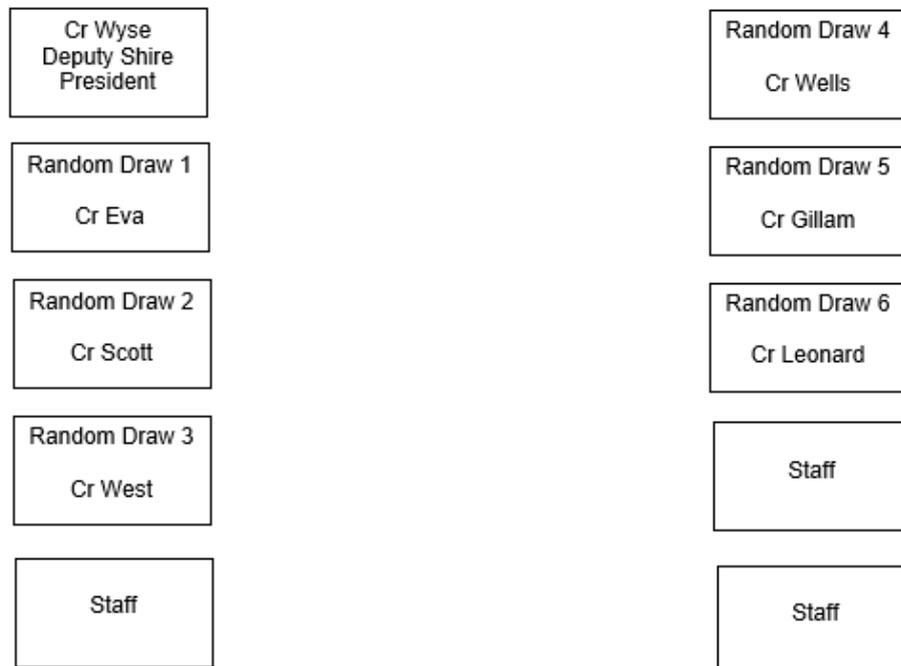
### *Chambers Council Meeting Seating Plan*

*22 October 2019*



#### *PODIUM*

*(front of Council Chambers)*



*Back of Council Chambers*

## 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

**4.1** John Fitzhardinge, Carol Street, Port Denison: With regards to Council's decision (Minute # 140219) at the 26 February 2019 Ordinary Council Meeting, point 6 of the resolution - is Council confident that actions haven't already been taken to remove the Fishermen's Hall as the resolution states that all costs and actions are subject to funding provisions in 2019/20 budget and onwards?

Response: Actions to dismantle the Fishermen's Hall commenced after the 2019/20 Budget had been adopted at the 24 September 2019 Ordinary Council Meeting.

**4.8** John Cole, Point Leander Drive, Port Denison: Will Council reconsider the decision made at the February 2019 Ordinary Council Meeting, regarding the Fishermen's Hall?

Response: A Councillor's Notice of Motion was put forward to Council via the CEO at the 24 September 2019 Ordinary Council Meeting to delay any further action on the hall and consider the DPFA proposal, but the motion was lost. Refer to Council Decision 190919, which was made available to the public 27 September 2019.

**4.11** John Rossiter, Point Leander Drive, Port Denison: Why are the Irwin Shire Council ratepayers still subsidising Batavia Health when they refuse service to some residents, ratepayers and visitors?

Response: The average Shire contribution of \$2,800 per year to a service that supports over 40% of residents is tremendous value to the ratepayers receiving this service. The Shire is currently working with Batavia Health to increase the number of residents that can have access to this service.

**4.12** John Rossiter, Point Leander Drive, Port Denison: Referring to the minutes of the 24 May 2016 Ordinary Council Meeting, Item 10.1, why hasn't the last paragraph; *"...it is open for Council to change its position in regards to the arrangements relating to the provision of financial assistance to Batavia Health as outlined within Cr Scott's Notice of Motion"*; been acted on?

Response: Council Decision 140516 *"That Council provides financial assistance to Batavia Health for the purposes of providing and operating a General Practitioner (GP) medical service within the Dongara Health Centre, Blenheim Road, Port Denison and, eventually, a GP medical and allied health service under construction at Lot 13 Point Leander Drive, Dongara for a period of ten years backdated to 1 April 2016 and in the form of \$24,000 (ex GST) per year paid monthly and granting a full waiver during that period from the payment of local government rates levied on the property at Lot 13 Point Leander Drive, Dongara."* is currently being acted on and valid until 2026.

**4.18** John Cole, Point Leander Drive, Port Denison: In the event that Council change the decision made at the 26 February 2019 Ordinary Council Meeting regarding the Fishermen's Hall, would they consider putting the funds currently allocated for demolishing the Fishermen's Hall, towards the MOFATS proposal put forward by the IDHS and DPFA?

Response: A Councillor's Notice of Motion was put forward to Council via the CEO at the 24 September 2019 Ordinary Council Meeting to delay any further action on the hall and consider the DPFA proposal, but the motion was lost. Refer to Council Decision 190919, which was made available to the public 27 September 2019.

**4.19** Hugh Campbell, Dongara: With reference to John Cole's question (4.18), would this change of decision be made public and if so, is there a timeframe?

Response: A Councillor's Notice of Motion was put forward to Council via the CEO at the 24 September 2019 Ordinary Council Meeting to delay any further action on the hall and consider the DPFA proposal, but the motion was lost. Refer to Council Decision 190919, which was made available to the public 27 September 2019.

## 7. PUBLIC QUESTION TIME

**7.1** Annette Pendlebury, Plester Street, Port Denison: Can Council reconsider the Norfolk Island Pines at the Skate Park and replace them with smaller shrubs that don't affect the view for residents?

Response: The Shire President advised Ms Pendlebury that her question was *taken on notice*, however he read out a letter received from Ms Pendlebury regarding this issue, for the benefit of Councillors.

**7.2** Michael Counce, Emily Way, Port Denison: Will Council consider undertaking some research into the economic benefits provided by the coastal nodes free camping?

Response: This question was *taken on notice*.

**7.3** Jon Arden, Premier Circle, Port Denison: *Mr Arden congratulated Cr Smith on his re-election as Shire President.* Are the solar panels that the Shire installed some time ago working as well as anticipated?

Response: The Shire President requested the CEO to respond to the question. The CEO explained that there were 3 sets of solar panels installed on the Administration building, Council Chambers building and at the Irwin Rec Centre. So far, the panels on the Council Chambers and Irwin Rec Centre buildings have saved approximately 30% in power, while the panels on the Administration building have saved approximately 50%. These savings include the repayment costs.

**7.4** Jon Arden, Premier Circle, Port Denison: Has the new stabilisation works at Surf Beach shown any results yet?

Response: The Shire President requested the CEO to respond to the question. The CEO indicated that the stabilisation works have prevailed well so far, however we haven't experienced any significant storms yet.

**7.5** Michael Counce, Emily Way, Port Denison: Where do Council stand on the promotion of tourism?

Response: The Shire President advised that this question was *taken on notice*.

## 8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

## 9. PETITIONS AND DEPUTATIONS

Nil.

## 10. CONFIRMATION OF MINUTES

### 10.1. Minutes of the Ordinary Council Meeting held 24 September 2019

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

<b>RECOMMENDATION AND COUNCIL DECISION 011019:</b>	
<b>MOVED: Cr Wyse</b>	<b>SECONDED: Cr Leonard</b>
<b>That the Minutes of the Ordinary Council Meeting, held 24 September 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

## 11. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

### Correspondence, Functions and Events

2 October 2019	Met with Jane Aberdeen, Mitsui.
8 October 2019	Received a request for a Special Meeting of Electors from Mr John Fitzhardinge, containing a total of 271 signatures of electors.
10 October 2019	Attended the 2018/19 Audit Exit Meeting with Mr Mikey Fiorucci (Office of the Auditor General) and Mr Greg Godwin (Moore Stephens), Cr Ian West as Chair of the Audit Committee and Shane Ivers.
11 October 2019	Received correspondence from Mr Grant Woodhams on behalf of the competitors and officials of the 2019 Denison Foreshore Sprint endorsing the level of engagement and purpose the Shire brought to the event, in particular the brilliant investment by Shannan Taylor.
12 October 2019	Attended the official opening of the Dongara Patchwork Club's Hanging of the Quilts at the Irwin Recreation Centre and made a presentation on behalf of the Shire.
19 October 2019	2019 Local Government Elections (results of the election were read out by the CEO during the Councillor Information Session prior to the meeting).

## 12. REPORTS

### 12.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01-10/19</b>
<b>Subject:</b>	<b>CC01-10/19 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 September 2019.

#### Background:

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

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 021019:**

**MOVED: Cr Leonard**

**SECONDED: Cr Wyse**

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

Payment Type/Numbers	Total Amount
EFT 24876 – 24926	\$378,497.88
Muni Cheques - 31937 – 31938	\$31,210.42
Direct Debit – Solar Panel Repayments 09/19	\$1,947.66
Direct Debit – Insurance Premiums Repayment	\$25,273.17
Direct Debit – Credit Card	\$3,115.08
Direct Debit – Superannuation	\$31,864.35
Direct Debit - Transport – PL290819 – PL250919	\$52,921.45
<b>Grand Total</b>	<b>\$524,830.01</b>

**VOTING DETAILS:**

**Carried 8/0**

<b>CORPORATE AND COMMUNITY</b>		<b>CC02-10/19</b>
<b>Subject:</b>	<b>CC02-10/19 Monthly Financial Report for the Period Ended 31 August 2019</b>	
<b>Author:</b>	<b>M Shirt, 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 2019 to 31 August 2019.

**Background:**

The Monthly Financial Report to the 31 August 2019 is prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Report also includes various other financial information not required by legislation, but for Council information.

**Officer's Comment:**

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

	YTD Actual	Variance to YTD Budget
Operating Revenue	264,519	-10%
Operating Expenditure	(819,652)	-55%
Net Operating	(555,133)	
Non-Operating Revenue	1,383,067	4%
Non- Operating Expenditur	(220,845)	-59%
Net Non- Operating	1,162,222	
Cash at Bank	(837,394)	
Cash at Bank Restricted	1,566,723	
Reserve Bank	1,310,454	
Total Cash Funds	2,039,782	

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 Period Ended 31 July 2019

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 031019:**

**MOVED: Cr West**

**SECONDED: Cr Gillam**

**That Council receives the Monthly Financial Statement for the period 1 July 2019 to 31 August 2019 as provided in Attachment Booklet – October 2019.**

**VOTING DETAILS:**

**Carried 8/0**

<b>REGULATORY SERVICES</b>		<b>RS01-10/19</b>
<b>Subject:</b>	<b>RS01-10/19 Proposed Lease - Dongara Airstrip Site</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.1, TT.SP.1, A7143</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**Council Role:**

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- Legislative** Includes adopting local laws, local planning schemes and policies.
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- 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 entering into a new ground lease for an existing leased site at the Dongara Airstrip.

**Background:**

The Shire manages the Dongara Airstrip situated on Reserve 36040, located on Kailis Drive, consistent with the management order and purpose of the reserve as an 'Aerial Landing Ground'. The Shire, with the approval of the Minister for Lands, is granted the power to lease the land for a period of up to 21 years.

Historically the airstrip sites (8 x 1,600sqm portions of land adjacent to the airstrip) have been leased by the Shire. The non-commercial/recreational users would lease a site under a Memorandum of Understanding (MOU) and the commercial users would by way of a more formal lease with the Shire. This particular site was previously leased (by MOU) to Mr S Johns. The owner of Mandolin Pty Ltd expressed interest to lease the site; hence this new lease process. The new lessee intends to use the site for recreational purposes.

As part of the Shire's land management/leasing review from late 2018, a more comprehensive formal lease document template was developed for use in circumstances where the approval of the Minister for Lands is required.

**Officer's Comment:**

The proposed lease for Site B has been developed for some time in liaison with the prospective lessee and existing lessee. All the responsibilities and requirements have been communicated and are clear. The lease is proposed for an initial 5 year term with an option of extension for a further 5 year term and will allow for the continued occupation and intended use of the site.

Should Council support the Officer's Recommendation, the Shire will carry out the necessary requirements for disposal of property which would commence with a public notice period.

**Consultation:**

Mandolin Pty Ltd  
Mr S Johns (existing leaseholder)  
Department of Planning, Lands and Heritage

Through the Shire's recent review of leasing, consultation has occurred with existing lessees regarding the changes from the previous MOU to a more formal lease arrangement and the review of appropriate rent as part of a market valuation.

**Statutory Environment:**

*Local Government Act 1995*

*3.58 Disposing of property*

*(1) In this section —*

**dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

**property** *includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

*(a) the names of all other parties concerned; and*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to —*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

**Policy Implications:**

Nil

**Financial/Resource Implications:**

A review of the Shire's leasing arrangements commenced in late 2018 with the aim to rationalise and bring consistency to the leasing of Shire managed reserves, land and buildings.

This review included the management of the airstrip leases. A valuation was carried out, which identified the appropriate market rent value for the airstrip sites, taking into account other airstrips leased around the state. The valuation determined a market rent of \$4,800 per annum per site.

The next scheduled market rent valuation is 2024 (every 5 years) with the cost of this to be borne by the lessees.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 2.2.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

**Attachments:**

Attachment 1 – Airstrip Site Plan

Confidential Attachment 2 – Draft Lease

Confidential Attachment 3 – Market Valuation Report

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 041019:**

**MOVED: Cr Wyse**

**SECONDED: Cr West**

**That Council, by Absolute Majority:**

- 1. In accordance with s3.58(4)(ii) of the Local Government Act 1995, accepts the Valuation Report (Confidential Attachment) dated December 2018 to be a true and accurate indication of the value of the proposed disposition.**
- 2. Delegates authority to the Chief Executive Officer to undertake public notification, in accordance with s3.58(3) of the Local Government Act, for the proposed disposal of a portion (known as Site B) of Reserve 36040, to Mandolin Pty Ltd.**

**VOTING DETAILS:**

**Carried 8/0**

<b>REGULATORY SERVICES</b>		<b>RS02-10/19</b>
<b>Subject:</b>	<b>RS02-10/19 Memorandum of Understanding – Drive In</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>A7141; CP.RE.4; RS.LI.9</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:**

To seek Council's approval to renew the Memorandum of Understanding (MOU) with the Dongara Denison Surf Life Saving Club (DDSLSC) for the use of the Drive-In Theatre at Lot 941 Ridley Street, Port Denison.

**Background:**

The DDSLSC has successfully operated the Drive-In Theatre for several years under an MOU arrangement with the Shire. The DDSLSC seek to renew the MOU for another season under the same requirements.

The MOU, as per last year, sets a monthly fee and payment per screening to be paid to the Shire for the purpose to assist with maintenance costs for the Drive-In.

As a result of public consultation carried out recently, the DDSLSC will be the responsible operator but will also be liaising directly with the community groups whom registered an interest to run movie screenings through the season.

**Officer's Comment:**

It is recommended the MOU arrangement be approved to facilitate the continued operation of the Drive-In Theatre by the DDSLSC.

**Consultation:**

Dongara Denison Surf Life Saving Club  
Shire Community Officer

The Shire advertised for Expression of Interest for other local community and not-for-profit groups to be involved in the operation of the Drive-In Theatre, highlighting the opportunity to fundraise for their respective group. This was positively received with several groups registering interest and will expand the community involvement and benefit of the Drive-Ins.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial/Resource Implications:**

The previous revisions to the 2018-19 MOU better reflected the maintenance costs to the Shire whilst ensuring the DDSLSC could continue to fundraise. This is to continue unchanged.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 3.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors)

Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

**Attachments:**

Confidential Attachment 1 – MOU 2018-19

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 051019:**

**MOVED: Cr Scott**

**SECONDED: Cr Gillam**

**That Council, by Absolute Majority, delegates authority to the Chief Executive Officer to sign a Memorandum of Understanding with the Dongara Denison Surf Life Saving Club for the use of the Drive-In Theatre premises at Lot 941 Ridley Street, Port Denison for the period 23 October 2019 to 30 May 2020.**

**VOTING DETAILS:**

**Carried 8/0**

<b>OFFICE OF CEO</b>	<b>CEO01-10/19</b>
<b>Subject:</b>	<b>CEO01-10/19 Chief Executive Officer Leave Arrangements</b>
<b>Author:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>
<b>Responsible Officer:</b>	<b>M Smith, Shire President</b>
<b>File Reference:</b>	<b>PE.RE.IVE01, PE.RE.TRA01</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.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To seek Council's endorsement to appoint Mr Peter Traylen as acting Chief Executive Officer.

**Background:**

The CEO is not currently in a position to appoint an acting CEO due to the CEO14 delegation conditions that limit such appointments to substantive positions of Director – roles that are no longer part of Council's approved executive management structure.

Therefore, Council is required to appoint an Acting Chief Executive Officer to be responsible for the Shire's day-to-day operations and assume the statutory requirements of the position during the CEO's period of approved leave.

**Shire President's Comment:**

The Chief Executive Officer has recently been in contact with the Shire President regarding taking two weeks annual leave commencing 24 October 2019. It is recommended that Council appoint Mr Peter Traylen as acting CEO for the duration of Mr Shane Ivers' leave based on being suitably qualified and being personally agreeable for consideration of such appointment.

Mr Peter Traylen has a total of 20 years local government experience at municipalities including the City of Greater Geraldton, Shire of Murray and the Town of Port Hedland and has over 10 years' experience at Director and Manager levels.

As the impact of an adverse consequence arising from Council's decision not to appoint an acting CEO is considered major with a likelihood rating of "likely", the overall risk rating is high.

**Consultation:**

Shire President  
Operations Supervisor

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Financial/Resource Implications:**

A higher duties payment will be applicable.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

4.3.3 Promote workplace health, safety and well-being

**Attachments:**

Nil

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 061019:**

**MOVED: Cr Wyse**

**SECONDED: Cr Gillam**

**That Council, by Absolute Majority, appoints Mr Peter Traylen as Acting Chief Executive Officer on a commensurate pro rata cash salary as the Chief Executive Officer for the period Thursday 24 October to Friday 8 November 2019 (inclusive).**

**VOTING DETAILS:**

**Carried 8/0**

**12.2. Committee Reports**

Nil.

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**15. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

**15.1. Northern Country Zone of WALGA**

It was brought to the Presiding Member’s attention that the Northern Country Zone of WALGA require Councils to appoint Elected Member delegates and deputy delegates to the Zone and notify WALGA by no later than 8 November 2019, which is before the next Ordinary Council Meeting at which committee delegates are usually set following an election. It was therefore proposed to appoint delegates.

*To provide further clarification for Councillors, Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law was suspended.*

**COUNCIL DECISION 071019:**

**MOVED: Cr Leonard**

**SECONDED: Cr Wyse**

**That Council suspends Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 6.29pm.**

**VOTING DETAILS:**

**Carried 8/0**

*Discussion was held around the purpose of the Northern Country Zone of WALGA and the most appropriate Councillors to appoint as delegates.*

**COUNCIL DECISION 081019:**

**MOVED: Cr Scott**

**SECONDED: Cr West**

**That Council reconvenes under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 6.35pm.**

**VOTING DETAILS:**

**Carried 8/0**

**COUNCIL DECISION 091019:**

**MOVED: Cr Scott**

**SECONDED: Cr Gillam**

**That Council appoint Cr Smith and Cr West as delegates to the Northern Country Zone of the Western Australian Local Government Association (WALGA), with the Chief Executive Officer as proxy.**

**VOTING DETAILS:**

**Carried 8/0**

## **16. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil.

## **17. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 6.36pm.

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