



# AGENDA

and

## Notice of Ordinary Council Meeting

to be held

**Tuesday 26 November, 2019**

in the

### **Council Chambers**

11-13 Waldeck Street, Dongara

5.00pm – Agenda Briefing Session

5.15pm – Councillor Information Session

6.00pm – Ordinary Council Meeting

# AGENDA & BUSINESS PAPERS

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

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

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

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

## Disclaimer

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

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



Shane Ivers  
**CHIEF EXECUTIVE OFFICER**

## Council Meeting Information

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

## Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE .....	4
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4. PUBLIC QUESTION TIME .....	5
5. APPLICATIONS FOR LEAVE OF ABSENCE .....	5
6. PETITIONS AND DEPUTATIONS .....	5
7. CONFIRMATION OF MINUTES .....	5
7.1. Minutes of the Ordinary Council Meeting held 22 October 2019.....	5
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	5
9. REPORTS.....	6
9.1. Officer Reports.....	6
CC01-11/19 Accounts for Payment.....	6
CC02-11/19 Monthly Financial Report for the Periods Ended 30 Sept and 31 Oct 2019 .....	8
CEO01-11/19 Annual Meeting with the Council’s Appointed Auditor.....	12
CEO02-11/19 2018/19 Annual Report and Auditor’s Report .....	14
CEO03-11/19 Council Meeting Dates 2020 .....	16
CEO04-11/19 Council Policy review – CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means .....	18
CEO05-11/19 Council Delegates to Committees .....	21
CEO06-11/19 Shire of Irwin Local Risk Assessment.....	24
CEO07-11/19 Consideration of Electors’ Decision 11 November 2019.....	27
CEO08-11/19 Proposed Notice of Motion NCZ of the WALGA .....	29
9.2. Committee Reports .....	32
Shire of Irwin Audit Committee .....	32
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	32
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	32
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION.....	32
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC .....	32
14. CLOSURE .....	32

FORM - Declaration of Interest

FORM - Leave of Absence Request

# ORDINARY COUNCIL MEETING

to be held

**26 November 2019**

at 6.00pm

## **AGENDA**

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

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

#### **Members**

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

Shire President  
Deputy Shire President

#### **Staff**

Mr S D Ivers  
Mr B Jeans  
Mrs D K Chandler  
Mrs Y Robb

Chief Executive Officer  
Manager Regulatory Services  
Governance & Executive Coordinator  
Process Improvement Coordinator

#### **Guests**

Mr Mikey Fiorucci – Office of the Auditor General  
Mr Greg Godwin – Moore Stephens

#### **Apologies**

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

Nil.

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**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 has responded to Ms Pendlebury's request via normal business correspondence.

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

Response: The Mid West Coastal Nodes Visitors Survey was prepared 15 March 2018 for the purpose of assessing the impact on increasing visitation rates and the subsequent economic benefits. The report arising from the survey findings is available on request.

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

Response: Please refer to the Shire of Irwin 2017-2027 Strategic Community Plan, available on the Shire of Irwin website, which outlines clearly the strong support of Council for tourism as a strategic imperative for the economic development of this region.

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. PETITIONS AND DEPUTATIONS**

**7. CONFIRMATION OF MINUTES**

**7.1. Minutes of the Ordinary Council Meeting held 22 October 2019**

A copy of the Minutes of the Ordinary Council Meeting held 22 October 2019 have been provided to all Councillors under separate cover.

**RECOMMENDED:**

**That the Minutes of the Ordinary Council Meeting, held 22 October 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

## 9. REPORTS

### 9.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01- 11/19</b>
<b>Subject:</b>	<b>CC01-11/19 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 October 2019.

#### Background:

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

**Officer Recommendation:**

<b>RECOMMENDED:</b>	
<b>That Council, receives the Accounts paid during October 2019 as presented in Attachment Booklet – November 2019, represented by</b>	
<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 24927 – 25131</b>	<b>\$884,075.28</b>
<b>Muni Cheques - 31939 – 31952</b>	<b>\$57,702.23</b>
<b>Direct Debit – Solar Panel Repayments 09/19</b>	<b>\$1,947.66</b>
<b>Direct Debit – Insurance Premiums Repayment</b>	<b>\$25,273.17</b>
<b>Direct Debit – Credit Card</b>	<b>\$565.49</b>
<b>Direct Debit – Superannuation</b>	<b>\$46,977.75</b>
<b>Direct Debit - Transport – PL260919 – PL291019</b>	<b>\$70,323.70</b>
<b>Grand Total</b>	<b>\$1,086,865.28</b>



<b>CORPORATE AND COMMUNITY</b>		<b>CC02-11/19</b>
<b>Subject:</b>	<b>CC02-11/19 Monthly Financial Report for the Periods Ended 30 September 2019 and 31 October 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>	

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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the periods 1 July 2019 to 30 September 2019 and 1 July 2019 to 31 October 2019.

**Background:**

The Monthly Financial Reports to the 30 September 2019 and 31 October 2019 are 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 Reports also include various other financial information not required by legislation, but for Council information.

**Officer’s Comment:**

The financial position to the end of September 2019 is detailed in Attachment 1 and summarised as follows relative to year to date budget expectations:

	YTD Actual	Variance to YTD Budget
Operating Revenue	6,434,859	0%
Operating Expenditure	(2,261,408)	-15%
Net Operating	4,173,451	
Non-Operating Revenue	1,383,067	4%
Non- Operating Expenditure	(394,256)	-29%
Net Non- Operating	988,811	
Cash at Bank	159,494	
Cash at Bank Restricted	1,535,585	
Reserve Bank	1,315,403	
Total Cash Funds	3,010,482	

The financial position to the end of October 2019 is detailed in Attachment 2 and summarised as follows relative to year to date budget expectations:

	YTD Actual	Variance to YTD Budget
Operating Revenue	6,595,363	0%
Operating Expenditure	(3,760,729)	5%
Net Operating	2,834,634	
Non-Operating Revenue	1,383,067	1%
Non- Operating Expenditure	(705,560)	-12%
Net Non- Operating	677,507	
Cash at Bank	1,041,975	
Cash at Bank Restricted	1,535,585	
Reserve Bank	1,316,594	
Total Cash Funds	3,894,154	

The attached reports provide 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:**

Attachment 1: Financial Statements for the Period Ended 30 September 2019

Attachment 2: Financial Statements for the Period Ended 31 October 2019

**Officer Recommendation:**

**OFFICER RECOMMENDATION:**

**That Council receives the Monthly Financial Statements for the periods 1 July 2019 to 30 September 2019 and 1 July 2019 to 31 October 2019 as provided in Attachment Booklet – November 2019.**

<b>OFFICE OF CEO</b>	<b>CEO01-11/19</b>
<b>Subject:</b>	<b>CEO01-11/19 Annual Meeting with the Council's Appointed Auditor</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>FM.AD.18.19</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>

**Council Role:**

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**Report Purpose:**

To meet with Council's appointed auditor via teleconference.

**Background:**

The Annual Financial Report for the year ended 30 June 2019, along with the 2018/19 Annual Report will be presented to Council for consideration at this Ordinary Council Meeting (Item CEO04-11/19). In accordance with section 7.12A of the *Local Government Act 1995*, a local government is to meet with the auditor of the local government at least once in every year. It is therefore considered appropriate that this meeting coincides with the presentation of the 2018/19 Annual Report and Auditor's Report.

**Officer's Comment:**

The Shire of Irwin's 2018/19 audit was conducted by the Office of the Auditor General (OAG) who contracted Moore Stephens as field auditors. Both Mikey Fiorucci, OAG and Greg Godwin, Moore Stephens have been invited to attend the meeting via teleconference to provide comment on the audit process and findings. This will provide Councillors an insight into the preparation of the financial reports and how to appropriately interpret the results.

**Consultation:**

An Audit Exit Meeting was held on Thursday 10 October 2019 attended by Mikey Fiorucci (OAG), Greg Godwin (Moore Stephens), Cr Ian West (Audit Committee Chairperson), Cr Mike Smith (Shire President), Shane Ivers (CEO) and Danika Chandler (Governance & Executive Coordinator).

The 2018/19 Annual Financial Statement and Auditor General's audit opinion were received and accepted by the Shire of Irwin Audit Committee at its meeting on 17 October 2019.

**Statutory Environment:**

*Local Government Act 1995*

- Section 7.12A: Duties of local government with respect to audits

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

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

Strategy 4.3.2 Adopt and follow better practice processes.

**Attachments:**

Nil.

**Officer Recommendation:**

**RECOMMENDED:**

**That Council notes the verbal report provided by Mr Mikey Fiorucci, Office of the Auditor General and Mr Greg Godwin, Moore Stephens, in regards to the Shire of Irwin Annual Financial Statement for the year ending 30 June 2019.**

<b>OFFICE OF CEO</b>		<b>CEO02-11/19</b>
<b>Subject:</b>	<b>CEO02-11/19 2018/19 Annual Report and Auditor’s Report</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>CM.RE.1 / FM.AD.18.19</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

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**Report Purpose:**

To consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2019.

**Background:**

The *Local Government Act 1995* requires local governments to prepare and accept, by absolute majority, an Annual Report for each financial year by no later than 31 December after that financial year.

The *Local Government Act 1995* also requires local governments to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from the previous financial year. It is therefore proposed to hold the Annual Electors’ Meeting on Tuesday 10 December 2019 directly before the Ordinary Council Meeting.

**Officer’s Comment:**

The 2018/19 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is presented as an attachment for Councillors’ perusal, consideration and acceptance. The report contains the audited annual financial statements and highlights the Shire of Irwin’s achievements throughout 2018/19, in accordance with the Strategic Community Plan 2017-2027.

The Shire of Irwin’s auditors, Moore Stephens, on behalf of the Office of the Auditor General, have completed an audit of the annual financial statements for the year ended 30 June 2019. The audit report and management letter have been provided to the Shire President, CEO and have been presented to the Shire of Irwin Audit Committee.

**Consultation:**

Once the 2018/19 Annual Report has been accepted by Council, the Shire is required to give local public notice of the availability of the report as soon as practicable.

**Statutory Environment:**

*Local Government Act 1995*

- Section 5.53

- Section 5.27
- Section 5.29
- Section 7.2
- Section 7.12A

*Local Government (Audit) Regulations 1996*

- Regulation 10

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

There are no financial or budget implications.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

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

Strategy 4.3.3 Adopt and follow better practice processes.

**Attachments:**

2018/19 Annual Report

**Officer Recommendation:**

**RECOMMENDED:**

**That Council, by Absolute Majority;**

- a) Receives the Audit Report from the Office of the Auditor General for the year ending 30 June 2019;**
- b) Accepts the 2018/19 Annual Report as presented in Attachment Booklet – November 2019; and**
- c) Holds the Annual Electors' Meeting at 5.00pm on Tuesday 10 December 2019 in the Shire Council Chambers.**



<b>OFFICE OF CEO</b>	<b>CEO03-11/19</b>
<b>Subject:</b>	<b>CEO03-11/19 Council Meeting Dates 2020</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.CM.1</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>

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**Report Purpose:**

For Council to consider and set its meeting dates for 2020.

**Background:**

In the past, Council has held its Ordinary Council Meetings on the fourth Tuesday of each month except for January and December. In 2019, there was no Council Meeting scheduled for January.

As per Regulation 12 of the *Local Government (Administration) Regulations 1996*, Council is required to set the meeting dates for the next 12 months and make them available to the local public.

**Officer's Comment:**

It is recommended to hold Ordinary Council Meetings for 2020 on the fourth Tuesday of each month, except for in January and December.

As per last year's schedule, it is recommended that there be no Council Meeting in January 2020.

The December 2020 Ordinary Meeting is recommended to be held on the second Tuesday in December to allow staff sufficient time to take appropriate action in regards to any Council decisions and prepare the minutes.

The approval of accounts for payment and financial statements normally provided in January would be scheduled for consideration at the February 2020. In regards to the presentation of statements of financial activity to Council, Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, provides the following:

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
  - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

(b) recorded in the minutes of the meeting at which it is presented.

To improve community engagement whilst maximising knowledge and information sharing, it is proposed to continue with the existing format for monthly meetings of Council – Agenda Briefing, Councillor Information Session and Councillor Discussion Session.

**Consultation:**

Staff were consulted internally in regards to any events or potential risks that may affect any of the proposed dates, however none were identified.

**Statutory Environment:**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

- Regulation 12

*Local Government (Financial Management) Regulations 1996*

- Regulation 34

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Minor advertising costs will be incurred to provide local public notice of meeting dates.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

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

**Attachments:**

Nil.

**Officer Recommendation:**

**OFFICER RECOMMENDATION:**

**That Council hold its 2020 Ordinary Council Meetings in accordance with the following schedule:**

<b>MONTH</b>	<b>ORDINARY COUNCIL MEETING DATE</b>
February	25
March	24
April	28
May	26
June	23
July	28
August	25
September	22
October	27
November	24
December	8

**With meetings to be held in the Council Chambers at 13 Waldeck Street, Dongara, commencing at 6.00pm.**

<b>OFFICE OF CEO</b>	<b>CEO04 – 11/19</b>
<b>Subject:</b>	<b>CEO04-11/19 Council Policy review – CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means</b>
<b>Author:</b>	<b>Y Robb, Process Improvement Coordinator</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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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 the revised Council Policy *E7 Persons not physically present at a Council or Committee Meeting* which was reviewed to provide better practice and compliance with all relevant legislation.

**Background:**

A review of the requirements regarding attendance by telephone was performed to identify all the relevant legislation and how the administration of this type of attendance could be established to ensure better practice, efficiency and transparency.

The review also included identifying risk and areas of ambiguity. The review identified that the current policy is not very clear in its purpose, it contains sections of the regulations but not all and it doesn't explain how to administer the policy.

It was identified that there were no supporting documents to further explain the process and the policy does not reference the Shire of Irwin's *Meeting Procedures Local Law 2016*, Clause 6.17(4) which directly references Council Policy.

A new structure for the development of Council Policies has been created that will assist in compliance and provide a clear structure for the requirements regarding creating and developing policies in accordance with the Strategic Community Plan 2017-2027. This new structure was presented to Council in June 2019.

**Officer's Comment:**

The review has allowed for greater understanding of the regulations, local law and the process of attending meetings by telephone, video conference or other electronic means which translates into the creation of a more effective, compliant policy referencing required legislation, local law and supporting document to guide the administration process.

The following policy was reviewed, revised and allocated a new number under the new policy numbering system. The name of the policy has also been changed to reflect section 5.25(1) of the *Local Government Act 1995*, creating further clarity and reference to legislation.

*E7 Persons not physically present at a Council or Committee Meeting – CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means.*

This policy has been renamed and revised to align with *Local Government (Administration) Regulations 1996 r14A* and the Meeting Procedures Local Law 2016 6.17(4).

The policy brings the required legislation, Local Law and supporting guideline together to provide structure for administering these requests, it also removes ambiguity and misrepresentation of legislation.

Guideline 01 – Council or Committee Meeting Attendance by External Audio Contact

This guideline has been created to provide the requirements that will assist the administration of the process in regards to a Council or Committee Member requesting attendance via telephone, video conference or other electronic means.

**Consultation:**

This policy was reviewed in consultation with Council, the Chief Executive Officer and advice from WALGA and was developed in accordance with relevant legislation and better practice for the Shire of Irwin.

The proposed policy and guideline was presented at the Councillor Information and Discussion Session on 27 August 2019 for Councillor comment.

**Statutory Environment:**

**Local Government Act 1995**

*5.25. Regulations about council and committee meetings and committees*

*(1) Without limiting the generality of section 9.59, regulations may make provision in relation to*

—  
*(ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and*

**Local Government (Administration) Regulations 1996**

*14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))*

*(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

*(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

*(b) the person is in a suitable place; and*

*(c) the council has approved\* of the arrangement.*

*(2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

*(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

*(4) In this regulation —*

**disability** has the meaning given in the *Disability Services Act 1993* section 3;

***suitable place*** —

*(a) in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and*

*(b) in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —*

*(i) in a townsite or other residential area; and*

*(ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

***townsite*** has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

\* Absolute majority required.

**Meeting Procedures Local Law 2016 6.17(4)**

**6.17 Prevention of disturbance**

*(4) A person shall ensure that his or her electronic devices are not switched on or used during any meeting of the Council unless it is being used for accessing and viewing Council documents for the purposes of the meeting, including to communicate with a person not physically present at the meeting but is taken as present in accordance with Council Policy and Regulation 14A of the Regulations.*

**Policy Implications:**

Adoption of CP36 will replace the current Policy E7. Reference to the relevant legislation and supporting documentation will be made within the policy control box.

**Financial/Resource Implications:**

No financial impact, the policy will ensure better practice and process.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2 Effective governance, management and prudent financial responsibility.

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

Strategy 4.3.2 Adopt and follow better practice processes.

**Attachments:**

Attachment 1 – Revised Council Policy: CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means

Attachment 2 – Guideline 01 Council or Committee Meeting attendance by external audio contact

**Officer Recommendation:**

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Adopts the revised Council Policy – CP36 – Council or Committee Meeting attendance by telephone, video conference or other electronic means; and**
- 2. Notes the associated Guideline 01 – Council or Committee Meeting attendance by external audio contact.**

<b>OFFICE OF CEO</b>		<b>CEO05-11/19</b>
<b>Subject:</b>	<b>CEO05-11/19 Council Delegates to Committees</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.CO.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.
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- Legislative** Includes adopting local laws and local planning schemes.
- 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 appointing Councillor, community and staff delegates to Committees of Council and on various external committees.

**Background:**

In light of the recent local government elections and subsequent changes to Council, there is a requirement for Council to appoint delegates to each Council committee and external committee to ensure appropriate representation.

Each committee has a responsible case officer who will facilitate any appropriate administrative tasks, including additional community representatives to be formerly appointed under section 5.10 of the *Local Government Act 1995* until the full delegations list is considered again. Any matters relating to a committee without an appointed case officer should be referred to the staff delegate in the first instance or Governance & Executive Coordinator if the CEO is the appointed delegate.

**Officer’s Comment:**

Councillors have been provided an opportunity to consider these appointments and have been asked to forward any expressions of interest prior to the meeting.

In the Officer Recommendation, the staff member appointments have been named (position titles) to clarify the current representation and outline any new appointments that are recommended. However, Councillor appointments have been left blank for Council to consider at this meeting.

In regards to the Local Emergency Management Committee, it is preferable that one of the delegates is the Shire President, but not essential.

It is recommended to disband the Sustainable Environment Committee and any related matters dealt with by the whole of Council at either Ordinary Council Meetings or Councillor Discussion Sessions.

The Midwest / Wheatbelt Joint Development Assessment Panel is included in this item for Council to consider appointing members to the panel as these positions also become vacant following a local government election. Panel members are only required to attend these meetings for applications that are within the Shire of Irwin.

**Consultation:**

All Councillors were invited to submit an expression of interest form via email prior to the meeting.

**Statutory Environment:**

*Local Government Act 1995*

- Section 5.9
- Section 5.10
- Section 5.11

*Planning and Development (Development Assessment Panels) Regulations 2011*

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil.

**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:**

Nil.

**Officer Recommendation:**

<b>RECOMMENDED:</b>		
<b>That Council:</b>		
<b>1. Appoints the following Committee delegates:</b>		
<b>Committee</b>	<b>Council Vacancies and existing appointments</b>	<b>Expressions of Interest</b>
<b>SHIRE OF IRWIN AUDIT COMMITTEE</b>	Cr _____, Cr _____, Cr _____, and Cr _____, Case Officer: Governance & Executive Coordinator (GEC)	Cr Smith Cr West Cr Leonard
<b>SHIRE OF IRWIN BUSH FIRE ADVISORY COMMITTEE</b>	Cr _____, Cr _____, <b>Chief Executive Officer, Manager Regulatory Services, Community Emergency Services Manager (CESM), Shire Ranger and Chief Bush Fire Control Officer.</b> Case Officer: Community Emergency Services Manager (CESM)	Cr

<p><b>SHIRE OF IRWIN                  COMMUNITY                  ASSISTANCE                  SCHEME AND                  EVENTS (CASE)                  COMMITTEE</b></p>	<p>Cr _____,                  Cr _____, <b>Community Officer                  and two (2) community members.</b>                   Case Officer: Community Officer</p>	<p>Cr</p>
<p><b>LOCAL                  EMERGENCY                  MANAGEMENT                  COMMITTEE</b></p>	<p>Cr _____,                  Cr _____, <b>Chief Executive                  Officer and Community Emergency Services                  Manager (CESM).</b>                  Case Officer: Community Emergency Services                  Manager</p>	<p>Cr Smith</p>
<p><b>PORT DENISON                  MARITIME                  ADVISORY GROUP</b></p>	<p>Cr _____ and <b>Chief Executive                  Officer</b></p>	<p>Cr Smith                  Cr Leonard</p>
<p><b>MIDWEST                  REGIONAL ROAD                  GROUP                  COMMITTEE</b></p>	<p>Cr _____ and <b>Chief Executive                  Officer</b></p>	<p>Cr West</p>
<p><b>MID-WEST/                  WHEATBELT                  JOINT                  DEVELOPMENT                  ASSESSMENT                  PANELS</b></p>	<p>Cr _____ and                  Cr _____.                  Cr _____ and                  Cr _____ as <b>alternate members.</b></p>	<p>Cr West                  Cr Leonard</p>
<p><b>MID WEST                  INDUSTRY ROAD                  SAFETY ALLIANCE</b></p>	<p>Cr _____ and                  Cr _____</p>	<p>Cr</p>

**2. Disbands the Sustainable Environment Committee.**



<b>OFFICE OF CEO</b>	<b>CEO06-11/19</b>
<b>Subject:</b>	<b>CEO06-11/19 Shire of Irwin Local Risk Assessment</b>
<b>Author:</b>	<b>K, Pollitt, Community Emergency Services Manager</b>
<b>Responsible Officer:</b>	<b>K Pollitt, Community Emergency Services Manager</b>
<b>File Reference:</b>	<b>ES.PL</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. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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**Report Purpose:**

For Council to note the process undertaken in the development of the Shire of Irwin Local Risk Assessment and the resulting report.

**Background:**

The concept behind the Emergency Risk Management process is to further identify what areas of the Shire of Irwin will be affected should any of the identified hazards impact at a catastrophic magnitude.

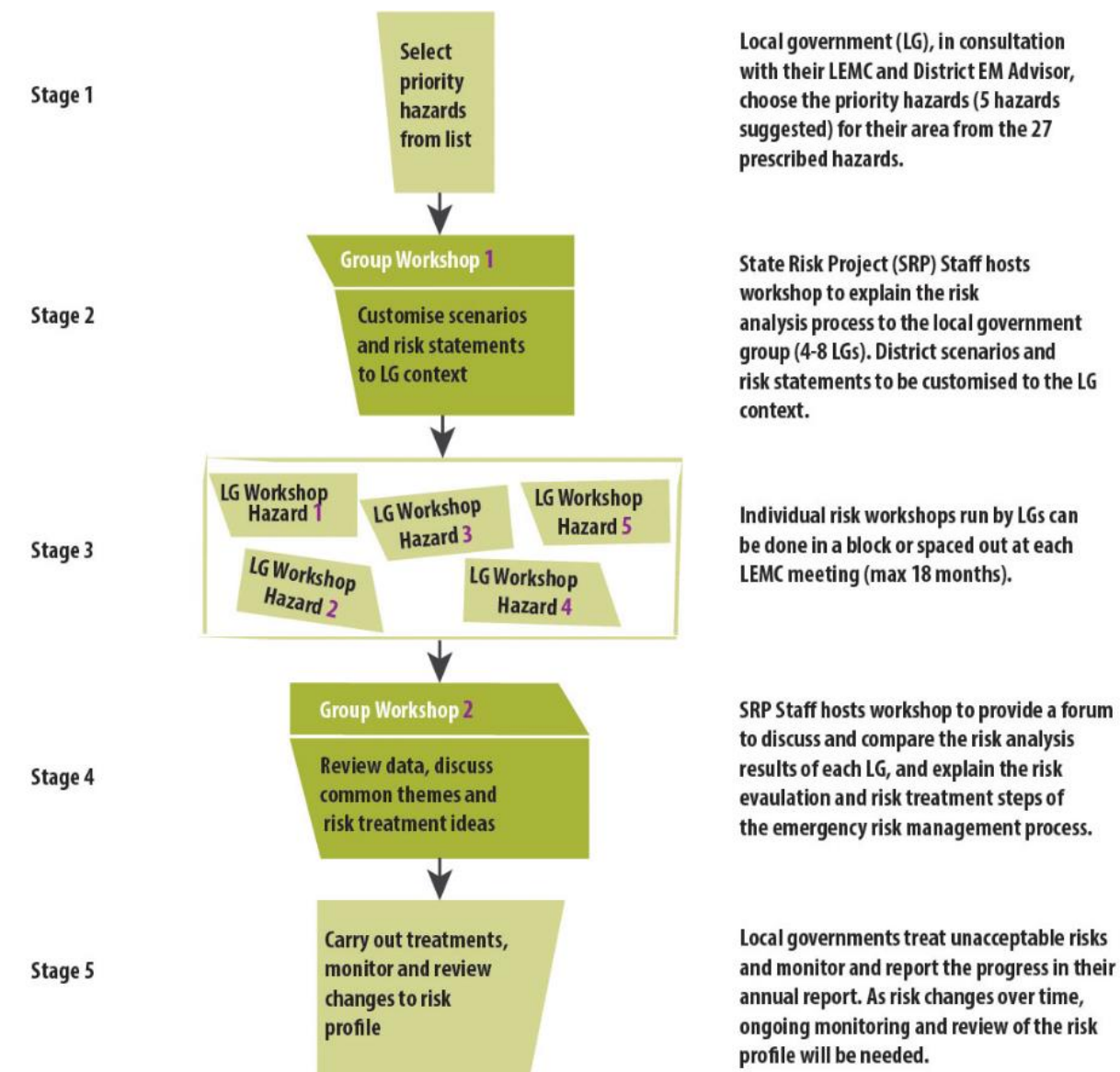
At the March 2018 Local Emergency Management Committee (“LEMC”) meeting, it was resolved to submit a grant application for *All West Australians Reducing Emergencies* (“AWARE”) funding to undertake the Emergency Risk Management process as part of the Shires Local Emergency Management Arrangements (“LEMA”).

In essence, the State Emergency Management Committee initiated the State Risk Project which was designed to gain a comprehensive and consistent understanding of the risks faced at state, district, and local levels across the 27 hazards prescribed in emergency management legislation.

During 2018 the State Emergency Management Committee made funds available to local governments – via the *All West Australians Reducing Emergencies* (“AWARE”) Grants – to undertake the Emergency Risk Project. The Shire of Irwin applied and was a successful recipient of an AWARE Grant.

**Officer’s Comment:**

The process which was undertaken to arrive at the completed report is as follows:



Stages 1 – 4 listed above have been completed over the past 12 months. The results of these stages are encompassed in the attached *Local Risk Assessment Summary* (Attachment 1) and *Risk Register* (Attachment 2), while the treatments and reviews to the Shire’s risk profile will be an ongoing stage forming topics of discussion for the Local Emergency Management Committee.

**Consultation:**

Consultation with community members was undertaken during the Risk Management process. Stakeholders engaged comprised of representatives from DFES, Bush Fire Service, Volunteer Fire & Rescue Service, WA Police, St John Ambulance, Volunteer Marine Rescue, Main Roads, Department of Communities and local business owners.

**Statutory Environment:**

*Emergency Management Act 2005*

**Section 41. Emergency management arrangements in local government district**

- (2) The local emergency management arrangements are to set out –
  - (d) a description of emergencies that are likely to occur in the local government district;
  - (e) strategies and priorities for emergency management in the local government district.

**Policy Implications:**

Nil

**Financial/Resource Implications:**

Nil

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

3.3.1 Partner with relevant agencies in relation to emergency services management

3.3.2 Support community safety and crime prevention initiatives

4.2.3 Adopt a risk and asset management approach

**Attachments:**

Attachment 1: Shire of Irwin Local Risk Assessment Summary Document

Attachment 2: WA Risk Register Tool for the Shire of Irwin

**Officer Recommendation:**

**RECOMMENDED:**

**That Council notes the Local Risk Assessment Summary document and accompanying Risk Register tool as undertaken and compiled by the Shire of Irwin Local Emergency Management Committee and provided in Attachment Booklet – November 2019.**

<b>OFFICE OF CEO</b>	<b>CEO07-11/19</b>
<b>Subject:</b>	<b>CEO07-11/19 Consideration of Electors' Decision 11 November 2019</b>
<b>Author:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>File Reference:</b>	<b>GV.CM.1</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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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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 the decision made by the Electors at the Special Electors' Meeting held 11 November 2019.

**Background:**

In accordance with section 5.33 of the *Local Government Act 1995*, all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or where practicable.

In accordance with sections 5.28 and 5.29 of the *Local Government Act 1995*, a Special Electors' Meeting was held on Monday 11 November 2019 as a result of a petition received on 8 October 2019 containing 271 elector's signatures relating to the proposal developed by the Irwin District Historical Society (IDHS) and the Dongara Professional Fishermen's Association (DPFA) to refurbish the Fishermen's Hall and create a maritime museum.

**Officer's Comment:**

As per the petition received, the matter to be discussed at this Special Electors' Meeting was:

*"To explain the proposal being developed by the Irwin District Historical Society (IDHS) and Dongara Professional Fishermen's Assoc. (DPFA). The intention being to return the appearance of the Hall to the original structure. The total cost of this work would be funded by the DPFA.*

*Included in this refurbishment will be the creation of a Maritime Museum reflecting the historical uses such as a Bond Store, Community Hall, a Bank and over the past 50 years being the home of the DPFA. Over this long time the DPFA have been responsible for the upkeep of the building including a \$200,000 refurbishment. It is proposed that the museum would be operated by IDHS.*

*We wish to discuss the refusal by Council at the recent Council meeting to give sufficient time for the joint proposal for the future of the Hall by the IDHS and DPFA to be developed and urge the Council to re-consider this decision.*

*Finally, we wish to allow the public to express their views in regard to this proposal, as it is our view that the Council has not been willing to accept previous consultations, which overwhelmingly supported retention of this Historical building.”*

As stated at the Special Electors’ Meeting, the matter to be discussed was no longer relevant due to the Hall being dismantled.

The Presiding Member addressed a variety of questions from the electors at Public Question time and an elector motion was put forward as recorded in the attached Minutes of the Special Electors’ Meeting held 11 November 2019. The Presiding Member advised the electors that the motion put forward was simply a statement and provided an opportunity to amend the motion, but the electors chose not to amend the motion. The electors voted and their proposed motion was carried with the majority of electors in favour of the motion.

Whilst the points raised in the electors’ motion are not necessarily factually accurate, it is the officer’s recommendation that Council considers the concerns raised by the electors as an opportunity to improve future engagement with the community.

**Consultation:**

The Special Electors’ Meeting was attended by 32 electors of the district and 2 non-electors.

**Statutory Environment:**

*Local Government Act 1995*

- Section 5.33

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

**Attachments:**

Minutes of the Special Electors’ Meeting held 11 November 2019

**Officer Recommendation:**

**RECOMMENDED:**

**That Council notes the decision made by the Electors as recorded in Item 5 of the attached Minutes of the Special Electors’ Meeting held 11 November 2019.**

OFFICE OF CEO		CEO08-11/19
<b>Subject:</b>	<b>CEO08-11/19 Proposed Notice of Motion for the Northern Country Zone (NCZ) of the WA Local Government Association (WALGA)</b>	
<b>Author:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>GR.LO.6</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. performance of the Local Government's function under law, administration of Local Laws, 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:**

For Council to consider a notice of motion for the Northern Country Zone (NCZ) of the WA Local Government Association (WALGA) meeting to be held Friday 29 November 2019.

**Background:**

The WA Local Government Association (WALGA)'s key focus is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

WALGA's advocacy positions are determined by State Council as appropriate and are typically guided by the following principles, expressed by WALGA's "Vision for Local Government" in the Strategic Plan 2015-2020:

- WALGA is committed to advancing the vision for Local Government in Western Australia where:*
- Local Governments will be built on good governance, autonomy, local leadership, democracy, community engagement and diversity; and*
  - Local Governments will have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meets the needs of their communities.*

As Local Governments all over Western Australia exist for the benefit of local communities, WALGA's advocacy positions have been developed with community benefit front of mind.

WALGA State Council is the decision-making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of Local Government.

The State Council Structure consists of the following:

- Chaired by the President
- 24 Members ('State Councillors'): 12 from country Zones and 12 from metropolitan Zones
- Members must be a serving Mayor, President or Councillor in a WA Local Government

There are 12 country Zones and 5 metropolitan Zones. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

The Shire of Irwin is a member of the Northern Country Zone (NCZ), which contains the following members:

- Shire of Carnamah
- Shire of Chapman Valley
- Shire of Coorow
- City of Greater Geraldton
- Shire of Irwin
- Shire of Mingenew
- Shire of Morawa
- Shire of Northampton
- Shire of Perenjori
- Shire of Three Springs

Clause 35.0 of the Northern Country Zone's Standing Orders allows under 'General Business' for a delegate to introduce a motion relating to any item of interest to Local Government, but not otherwise. Should Council resolve to support the notice of motion put forward by Cr West, the notice of motion can be presented to the NCZ meeting to be held on Friday 29 November 2019.

**Officer's Comment:**

Received from Cr West:

*Motion*

That the NCZ requests WALGA to lobby the State Government to amend the *Mining Act 1978* to include in the conditions required for the granting of a Mining Lease the requirement for mining companies to negotiate with Local Government, a suitable arrangement with regards to the upkeep of local government roads that service their proposed mining operation.

*Comment*

At present there is no condition that needs to be met by mining companies during the approval process of mining leases that requires prospective miners to contribute to the maintenance and upkeep of local government roads servicing their mining operation. This issue has been raised at a public hearing with the Grants Commission and at Regional Road Group meetings across the State.

Councils are struggling to maintain these roads which service their ratepayers due to the increase in heavy traffic from mining operations. Unsealed roads that service pastoral properties are being subjected to, in some instances, hundreds of thousands of additional tonnage which is damaging the structural integrity of the road causing repairs far beyond the scope of local government finances.

If a requirement for mining lease approval was a satisfactory agreement between local government and mining tenement holders, then maintenance on these bulk haulage routes would be taken care of by the primary user. This motion differs from the motion carried at the WALGA AGM in that it specifically targets the local road network which will be subjected to mining operations.

If carried, this motion could be added to the motion carried at the AGM or if State Council decide not to progress the AGM motion (as is their right) then this could be a stand- alone motion from the Zone directing State Council (if supported by other Zones) to action the issue as per the motion.

Motion carried at the WALGA AGM

1. WALGA requests that the Hon Bill Johnson, Minister for Mines and Petroleum, undertakes a review of the Mining Act 1978 with a view to maximising the benefits to local communities and its impact on local communities; and
2. The mining application process includes a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.

**Consultation:**

Shire President and Chief Executive Officer

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Financial/Resource Implications:**

Nil

**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:**

Nil

**Officer Recommendation:**

**RECOMMENDED:**

That Council support the following Notice of Motion for the Northern Country Zone (NCZ) of the Western Australian Local Government Association (WALGA) Meeting to be held Friday 29 November 2019:

That the NCZ requests WALGA to lobby the State Government to amend the *Mining Act 1978* to include in the conditions required for the granting of a Mining Lease the requirement for mining companies to negotiate with Local Government, a suitable arrangement with regards to the upkeep of local government roads that service their proposed mining operation.



## **9.2. Committee Reports**

### **9.2.1. Shire of Irwin Audit Committee**

<b>RECOMMENDED:</b>
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That Council receives the Minutes of the Shire of Irwin Audit Committee meeting held 17 October 2019.
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<b>AUDIT COMMITTEE RECOMMENDATION TO COUNCIL:</b>
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That Council;
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- |   |
|---|
| <ol style="list-style-type: none"><li>1. Accepts the 2018/19 Annual Financial Statement presented as Attachment 1;</li><li>2. Receives the Office of the Auditor General’s Audit Opinion (Attachment 2) and Transmittal Letters (Attachments 3 and 4); and</li><li>3. In accordance with Section 7.12A(4)(a) of the Local Government Act 1995, endorses the preparation of a report addressing the significant matters identified in the audit report to be provided to the Minister by 31 December 2019.</li></ol> |
|---|

## **10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

## **12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

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

## **14. CLOSURE**

## Declaration of Interest

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

*Note: Use one form per declaration of interest*

### To: Chief Executive Officer

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

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

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

The extent of my interest is: <a href="#">Click or tap here to enter the extent of interest.</a>
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<a href="#">Click here to enter your name.</a>		<a href="#">Click here to enter the date.</a>
<b>Name (Please Print)</b>	<b>Signature</b>	<b>Date</b>

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

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

## Leave of Absence Request

FRM Leave of absence request DRAFT

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

**To: Chief Executive Officer**

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

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

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

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

### Office Use Only:

Date/Initials

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