



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 26 November 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 26 November 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 26 November 2019

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff and Guests and opened the meeting at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

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

Staff

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Mrs D K Chandler	Governance & Executive Coordinator
Mrs Y Robb	Process Improvement Coordinator
Mrs S Bonny	Finance Officer – Rating & Payroll (<i>left the meeting at 6.28pm</i>)

Apologies

Councillor H M Wells

Approved Leave of Absence

Nil.

Guests

Mr Mikey Fiorucci – Office of the Auditor General (via telephone)
Mr Greg Godwin – Moore Stephens (via telephone)

Gallery

G Parker, J Arden, J Rossiter, K Wilson, L Butler

The Shire President obtained verbal consensus to proceed with Item CEO01-11/19 (Annual Meeting with the Council's Appointed Auditor) as the next order of business due to time limitations.

OFFICE OF CEO	CEO01-11/19
Subject:	CEO01-11/19 Annual Meeting with the Council's Appointed Auditor
Author:	D Chandler, Governance & Executive Coordinator
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	FM.AD.18.19
Voting Requirements:	Simple Majority

Council Role:

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

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.

COUNCIL DECISION 011119:

MOVED: Cr West

SECONDED: Cr Scott

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.01pm, in order for Mr Mikey Fiorucci, Office of the Auditor General and Mr Greg Godwin, Moore Stephens (Council's appointed auditor) to provide a verbal report on the Shire's Annual Financial Report for the year ending 30 June 2019.

VOTING DETAILS:

Carried 7/0

Mr Fiorucci, OAG and Mr Godwin, Moore Stephens were present via telephone and the following points were noted:

Mikey

- *Congratulated the Shire on completing the audit on time*
- *The audit was relatively smooth with the audit opinion issued on 15 October 2019*
- *Irwin was equal third for the earliest Council to complete their audit with the OAG.*

Greg

- *Conducted the audit exit meeting with management and Chair of the Audit Committee, prior to signing off the audit.*
- *Concluded that all requirements were covered and recommended to the OAG that the Annual Financial Report provided a true and fair position as at June 30 2019.*
- *The OAG issued a clean, unqualified opinion*
- *Two matters identified were the significant adverse trends in the Current Ratio (below average for the last 2 years) and the Operating Surplus Ratio (below average for the last 3 years).*
- *This means that the ratios are not quite meeting the target with Current Assets being less than Current Liabilities and Operating Expenditure being greater than Operating Income.*
- *The Shire is required to send a report to the DLGSC outlining the reasons for these adverse trends and strategies in place to correct them.*
- *The Operating Surplus Ratio is difficult to correct, particularly for regional councils, as it includes depreciation in the operating expenses. This therefore needs to be included in the explanation to the Department.*
- *Audited potential risks and focus areas and identified that there were no material matters, therefore issued an unqualified opinion.*
- *Identified that there were no significant deficiencies in internal controls.*
- *Items raised at interim audit were followed up at end of year audit and auditors were satisfied that these were corrected.*
- *The Shire has no illegal issues*
- *The Shire has no non-compliance*
- *The Shire has appropriate accounting policies*

- *This was a longer than usual audit due to changes in legislation and accounting policies but Irwin was amongst the first 5-10 Councils to be signed off.*
- *Cr West questioned whether the Current Ratio includes money held in reserves.*
- *Greg advised that it doesn't as reserve funds are classified as restricted cash.*

Mikey

- *Thanked all involved for being cooperative*
- *This was the first year for the OAG conducting audit so there was an extra "layer", however the OAG are pleased to see Irwin's audit go fairly smoothly.*
- *Next year's audit by the OAG and they will be planning on whether they issue the existing auditors an extension to their current contract or if they will re-tender for the next 2-3 years. This will be finalized in the coming months the Shire will be notified.*
- *The OAG have approximately 100 opinions to issued with approximately 40 left.*

The Shire President thanked both Mr Greg Godwin and Mr Mikey Fiorucci for attending the meeting via telephone.

Mr Godwin and Mr Fiorucci left the meeting at 6.16pm.

COUNCIL DECISION 021119:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council reconvenes under the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.14pm.

VOTING DETAILS:

Carried 7/0

Officer Recommendation:

RECOMMENDATION AND COUNCIL DECISION 031119:

MOVED: Cr Eva

SECONDED: Cr Leonard

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.

VOTING DETAILS:

Carried 7/0

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 Counce, 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

4.1 K Wilson – Quondong Road, Springfield: With the Sustainable Environment Committee potentially disbanding, what will happen with the funds received from the Pop Up Shop?

Response: The Shire President took this question on notice.

4.2 K Wilson – Quondong Road, Springfield: If the Sustainable Environment Committee is disbanded, would the Placemaking Working Group be able to take on environmental tasks as a community group?

Response: The Shire President took this question on notice.

4.3 J Rossiter – Point Leander Drive, Port Denison: Why is Council responding to emails sent in by fictitious persons, such as Petrer By?

Response: The Shire President took this question on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

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

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

COUNCIL DECISION 041119:	
MOVED: Cr Wyse	SECONDED: Cr Gillam
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.	
VOTING DETAILS:	Carried 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Correspondence, Functions and Events

- 23 October 2019 Site visit to Mt Adams mobile rig
- 31 October 2019 Meeting with Tronox
- 1 November 2019 Cr Wyse attended the 2019 Dongara District High School Year 12 Leaver's Assembly
- 11 November 2019 Presided over the Special Electors' Meeting
- 21 November 2019 Conducted a Citizenship Ceremony for two members of our community

WALGA Quarterly Report

To improve engagement with WALGA members and their respective communities, WALGA have prepared and issued quarterly reports in regards to services accessed, professional development opportunities and events, and industry matters that WALGA may be advocating on. This edition of the quarterly report includes the Shire's annual Spend and Save Report, which outlines Council's expenditure and savings through the WALGA Preferred Supplier Arrangements (PSA) and associated business services for 2018/19. I wish to table both the Overview Report for Quarter 3 (July to September 2019) and the Spend and Save Report for 2018/19 provided by WALGA, available in Attachment Booklet – November 2019.

Annual Ratepayers Prize Draw

The Shire President noted that in 2015 the Presiding Member confirmed that there was no objection to Councillors or staff being eligible to receive a prize should they meet the entry requirements and be drawn.

Winners were drawn at random by S Bonny, Finance Officer – Rating & Payroll, for the 2019/20 Ratepayer's Prize Draw:

Prize	Assessment Number	Name
Norwest Energy - \$500 Cash	A2612	N Pulbrook
Shire of Irwin - \$500 off your rates	A3023	M Leonard
Easy Auto Care- \$350 Service Voucher	A2027	D Barrett
Dongara Freight - \$200 Cash	A8534	P Anthony
Dongara Bobcat & Contracting Services - \$200 Garden Soil/Mulch	A9529	A Gracie
Pagoda Resort and Spa – Overnight Stay with Breakfast	A8152	S Thompson
Mitchell & Brown – \$100 Voucher	A700	G Henry
Kirkland Electrical - \$100 Voucher	A8588	Molgaard Super Pty Ltd
Dongara Tyre Power – Wheel Rotation and Balance	A2046	J Taylor
Dongara Bakery - \$30 Voucher	A8498	A White
Dongara Bakery - \$30 Voucher	A9145	Tronox Management Pty Ltd
Dongara Bakery - \$30 Voucher	A9414	A Pavelka
Guardian Pharmacy Dongara - \$50 Voucher	A3036	D Fraser
IGA - \$20 Voucher	A9544	R Kendrick
IGA - \$20 Voucher	A8636	R Jones
IGA - \$20 Voucher	A3010	J Treacy
IGA - \$20 Voucher	A9451	Tronox Management Pty Ltd
IGA - \$20 Voucher	A8800	S Boyd
Moreton Bay Café - \$30 Voucher	A9146	Tronox Management Pty Ltd

S Bonny left the meeting at 6.28pm.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01- 11/19
Subject:	CC01-11/19 Accounts for Payment	
Author:	S Clarkson, Finance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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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:

OFFICER RECOMMENDATION AND COUNCIL DECISION 051119:

MOVED: Cr Leonard

SECONDED: Cr Scott

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

Payment Type/Numbers	Total Amount
EFT 24927 – 25131	\$884,075.28
Muni Cheques - 31939 – 31952	\$57,702.23
Direct Debit – Solar Panel Repayments 09/19	\$1,947.66
Direct Debit – Insurance Premiums Repayment	\$25,273.17
Direct Debit – Credit Card	\$565.49
Direct Debit – Superannuation	\$46,977.75
Direct Debit - Transport – PL260919 – PL291019	\$70,323.70
Grand Total	\$1,086,865.28

VOTING DETAILS:

Carried 7/0

CORPORATE AND COMMUNITY		CC02-11/19
Subject:	CC02-11/19 Monthly Financial Report for the Periods Ended 30 September 2019 and 31 October 2019	
Author:	M Shirt, Consultant	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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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 AND COUNCIL DECISION 061119:

MOVED: Cr West

SECONDED: Cr Eva

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.

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO02-11/19
Subject:	CEO02-11/19 2018/19 Annual Report and Auditor's Report	
Author:	D Chandler, Governance & Executive Coordinator	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	CM.RE.1 / FM.AD.18.19	
Voting Requirements:	Absolute Majority	

Council Role:

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

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:

OFFICER RECOMMENDATION AND COUNCIL DECISION 071119:

MOVED: Cr Wyse

SECONDED: Cr Gillam

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.**

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO03-11/19
Subject:	CEO03-11/19 Council Meeting Dates 2020	
Author:	D Chandler, Governance & Executive Coordinator	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	GV.CM.1	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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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 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 AND COUNCIL DECISION 081119:

MOVED: Cr Leonard

SECONDED: Cr Wyse

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

MONTH	ORDINARY COUNCIL MEETING DATE
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.

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO04 – 11/19
Subject:	CEO04-11/19 Council Policy review – CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means	
Author:	Y Robb, Process Improvement Coordinator	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	CM.PO	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. 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 AND COUNCIL DECISION 091119:

MOVED: Cr Wyse

SECONDED: Cr Gillam

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.**

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO05-11/19
Subject:	CEO05-11/19 Council Delegates to Committees	
Author:	D Chandler, Governance & Executive Coordinator	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	GV.CO.2	
Voting Requirements:	Absolute Majority	

Council Role:

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

COUNCIL DECISION 101119:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.31pm,

VOTING DETAILS:

Carried 7/0

COUNCIL DECISION 111119:

MOVED: Cr Scott

SECONDED: Cr Leonard

That Council reconvenes under the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.43pm.

VOTING DETAILS:

Carried 7/0

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 121119:

MOVED: Cr Gillam

SECONDED: Cr Leonard

That Council, by Absolute Majority:

- 1. Appoints the following Committee delegates:**

Committee	Council Vacancies and existing appointments	Expressions of Interest
SHIRE OF IRWIN AUDIT COMMITTEE	Cr Smith, Cr West, Cr Leonard and Cr Wyse. Case Officer: Governance & Executive Coordinator (GEC)	Cr Smith Cr West Cr Leonard Cr Wyse
SHIRE OF IRWIN BUSH FIRE ADVISORY COMMITTEE	Cr Gillam and Cr Smith as Proxy, Chief Executive Officer, Manager Regulatory Services, Community Emergency Services Manager (CESM), Shire Ranger and Chief Bush Fire Control Officer. Case Officer: Community Emergency Services Manager (CESM)	
SHIRE OF IRWIN COMMUNITY ASSISTANCE SCHEME AND EVENTS (CASE) COMMITTEE	Cr Wells, Cr Eva, Community Officer and two (2) community members. Case Officer: Community Officer	Cr Wells
LOCAL EMERGENCY MANAGEMENT COMMITTEE	Cr Smith, Cr Eva, Cr Gillam, Cr Wells, Chief Executive Officer and Community Emergency Services Manager (CESM). Case Officer: Community Emergency Services Manager	Cr Smith Cr Wells Cr Eva
PORT DENISON MARITIME ADVISORY GROUP*	Cr Smith, Cr Leonard, Cr Eva and Chief Executive Officer.	Cr Smith Cr Leonard Cr Eva
MIDWEST COASTAL SUB GROUP (REGIONAL ROAD GROUP) COMMITTEE*	Cr West and Chief Executive Officer	Cr West

<p>MID-WEST/ WHEATBELT JOINT DEVELOPMENT ASSESSMENT PANELS*</p>	<p>Cr West and Cr Leonard. Cr Gillam and Cr Scott as alternate members.</p>	<p>Cr West Cr Leonard</p>
<p>MID WEST INDUSTRY ROAD SAFETY ALLIANCE*</p>	<p>Cr West</p>	

* *These are external Committees that include Council / Shire representatives.*

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

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO06-11/19
Subject:	CEO06-11/19 Shire of Irwin Local Risk Assessment	
Author:	K, Pollitt, Community Emergency Services Manager	
Responsible Officer:	K Pollitt, Community Emergency Services Manager	
File Reference:	ES.PL	
Voting Requirements:	Simple Majority	

Council Role:

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

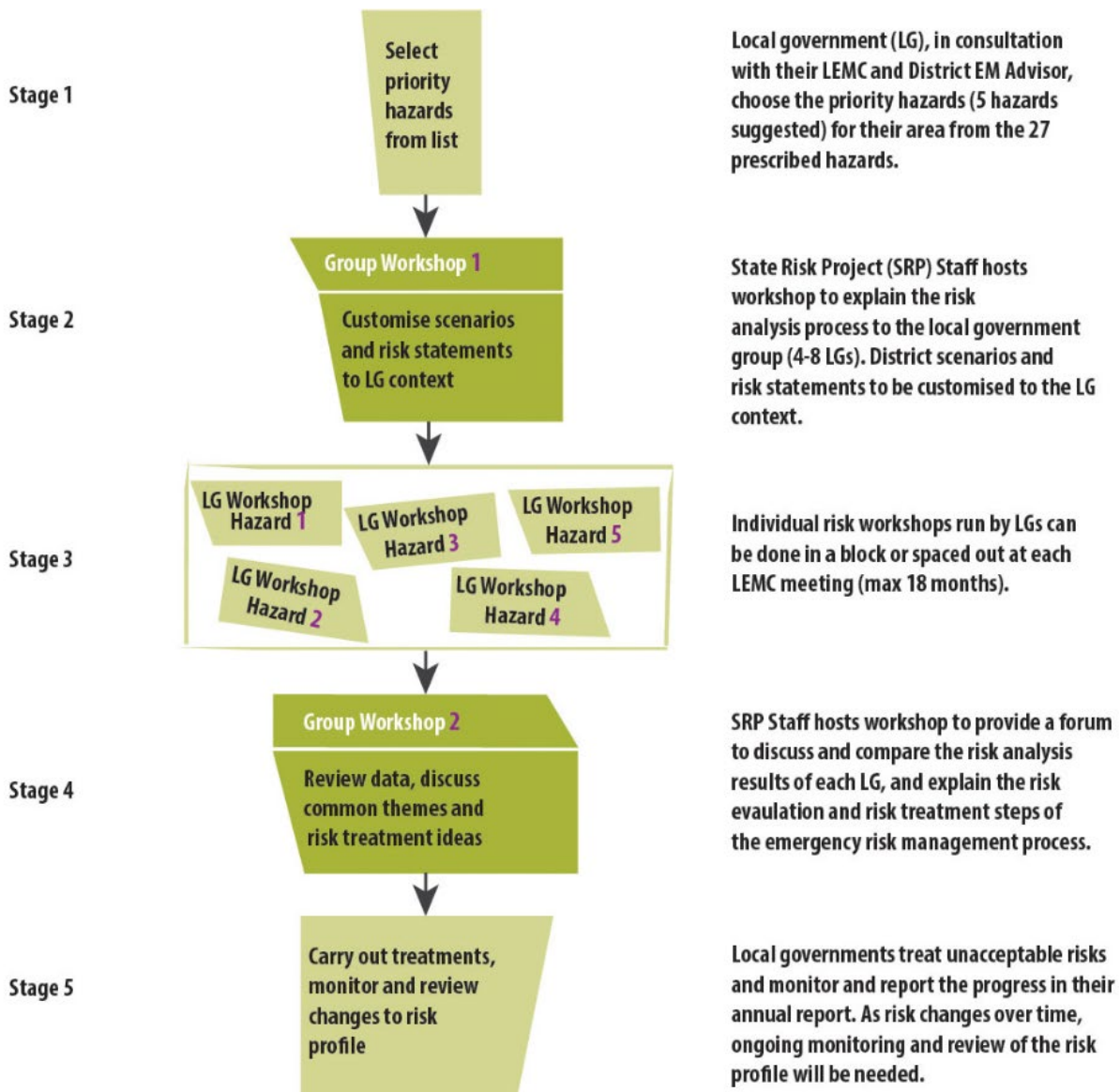
At the March 2018 Local Emergency Management Committee ("LEMC") meeting, it was resolved to submit a grant application for *All West Australians Reducing Emergencies* ("AWARE") funding to undertake the Emergency Risk Management process as part of the Shires Local Emergency Management Arrangements ("LEMA").

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:

OFFICER RECOMMENDATION AND COUNCIL DECISION 131119:

MOVED: Cr West

SECONDED: Cr Scott

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.

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO07-11/19
Subject:	CEO07-11/19 Consideration of Electors' Decision 11 November 2019	
Author:	S Ivers, Chief Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	GV.CM.1	
Voting Requirements:	Simple Majority	

Council Role:

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

OFFICER RECOMMENDATION AND COUNCIL DECISION 141119:

MOVED: Cr Leonard

SECONDED: Cr Gillam

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.

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO08-11/19
Subject:	CEO08-11/19 Proposed Notice of Motion for the Northern Country Zone (NCZ) of the WA Local Government Association (WALGA)	
Author:	S Ivers, Chief Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	GR.LO.6	
Voting Requirements:	Simple Majority	

Council Role:

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

OFFICER RECOMMENDATION:

MOVED: Cr Gillam

SECONDED: Cr Leonard

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.

The Shire President asked if any Councillors were against the motion.

Cr Scott spoke against the motion indicating that although she does support the motion, she feels that it is premature considering that other agencies have spent time and resources putting a similar case forward and that Council should consider waiting to hear the outcome.

The Shire President apologised for not inviting the Mover and Seconder to speak to the motion first and invited Cr Gillam, as the Mover, to speak.

Cr Gillam declined.

The Shire President invited Cr Leonard, as the Seconder, to speak.

Cr Leonard declined.

The Shire President invited any other Councillors to speak to the motion.

Cr West spoke for the motion.

Cr Wyse moved a procedural motion to proceed to the next item of business, in accordance with Clause 11.5 of the Shire of Irwin Meeting Procedures Local Law 2016, and postpone the item to a later date after the Shire receives notification of the outcome of the motion carried at the WALGA AGM.

Therefore the debate on the substantive motion ceased and no decision was made.

COUNCIL DECISION 151119:

MOVED: Cr Wyse

SECONDED: Cr Leonard

That Council proceeds to the next item of business in accordance with Clause 11.5 of the Shire of Irwin Meeting Procedures Local Law 2016, and postpones Item CEO08/11-19 to a later date after notification has been received of the outcome of the motion carried at the WALGA AGM.

VOTING DETAILS:

Carried 7/0

9.2. Committee Reports

9.2.1. Shire of Irwin Audit Committee

COUNCIL DECISION 161119:

MOVED: Cr Leonard

SECONDED: Cr Eva

That Council receives the Minutes of the Shire of Irwin Audit Committee meeting held 17 October 2019.

VOTING DETAILS:

Carried 7/0

AUDIT COMMITTEE RECOMMENDATION AND COUNCIL DECISION 171119:

MOVED: Cr Eva

SECONDED: Cr Gillam

That Council;

- 1. Accepts the 2018/19 Annual Financial Statement presented as Attachment 1;**
- 2. Receives the Office of the Auditor General's Audit Opinion (Attachment 2) and Transmittal Letters (Attachments 3 and 4); and**
- 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.**

VOTING DETAILS:

Carried 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.57pm.

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