



AGENDA

FOR THE

SPECIAL MEETING
OF COUNCIL

TO BE HELD ON
TUESDAY, 12 NOVEMBER 2013

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

SPECIAL MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 12 NOVEMBER 2013

IN THE OCEAN ROOM AT THE IRWIN REC
RIDLEY STREET, PORT DENISON WA

The Council Forum will immediately follow the Special Meeting.



Darren Simmons
Chief Executive Officer

8 November 2013

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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AGENDA FOR SPECIAL COUNCIL MEETING TO BE HELD IN THE OCEAN ROOM AT THE IRWIN RECREATION CENTRE ON TUESDAY, 12 NOVEMBER 2013 AT 4PM.

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth Cr D R Kennedy Cr M Leonard Cr R J Porteus
	Staff	Mr D J Simmons - Chief Executive Officer (CEO) Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Ms N Nelson – Manager Tourism and Library Services Mr F A Neuweiler – Manager Community Safety Mrs C M Palmer – Manager Community Services Mr L G Smith – Manager Recreation Services Mrs H M Sternick – Manager Corporate Services Mr A S Wootton – Manager Works Ms E Greaves – Executive Assistant Miss L E Tunbridge – Research and Projects Officer
APOLOGIES:		Cr I F West (Deputy President)
LEAVE OF ABSENCE:		Cr Smith, Cr Scott

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS**
- 7. CONFIRMATION OF MINUTES**
- 8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 11/13S

Subject: 2012/13 Annual Report and Auditor's Report
Reporting Officer: Director Corporate and Community
Date of Report: 5 November 2013
File Reference: CM.RE.1/FM.AD.12.13
Voting Requirements: Absolute Majority

Report Purpose:

To consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2013.

Officer's Recommendation:

1. That Council receives the Audit Report from Council's Auditors, UHY Haines Norton, for the year ending 30 June 2013.
2. That Council accept the 2012/13 Annual Report, as circulated, for the year ended 30 June 2013.

Background:

The Local Government Act 1995 requires Councils to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

Officer's Comment:

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, UHY Haines Norton, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

Council has given local public notice of the availability of the Annual Report.

Financial Implications:

Nil

Statutory Environment:

➤ *The Local Government Act 1995 Section 5.53 provides that the Annual Report is to contain the following:*

- A report from the Shire President;
- A report from the Chief Executive Officer;
- An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
- The auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and

- (iii) any other details that the regulations may require;
and
 - Such other information as may be prescribed;
- *The Local Government Act 1995 Section 7.2 provides:*
- The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.
- *The Local Government (Audit) Regulations Section 10 provides:*
1. An auditor's report is to be forwarded to the persons specified (Mayor or President, CEO and Minister) within 30 days of completing the audit.
 2. The report is to give the auditor's opinion on —
 - a. the financial position of the local government; and
 - b. the results of the operations of the local government
 3. The report is to include —
 - a. any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;
 - b. any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law;
 - c. details of whether information and explanations were obtained by the auditor; and
 - d. a report on the conduct of the audit;
 - e. the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —
 - (i) the asset consumption ratio; and
 - (ii) the asset renewal funding ratio.
 4. Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified (Mayor or President, CEO and Minister) with the auditor's report.

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 4.2.1 *Ensure compliance whilst embracing innovation and best practice principles*

PLANNING AND INFRASTRUCTURE

PI01 – 11/13S

Subject: Sale of Surplus Equipment
Reporting Officer: Manager Community Safety
File Reference: PL.DI
Date Prepared: 31 October 2013
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider and accept offers of purchase for various surplus equipment.

Officers Recommendation:

That Council;

1. **Accepts the following offers for the listed surplus equipment;**
 - **\$1,650 from Kellie Wilson for the Husqvarna Zero Turn Mower**
 - **\$250 from Ted Holtmeulen for the Wacker Plate Compactor**
 - **\$200 from Ted Holtmeulen for the Wacker Packer**
 - **\$110 from Mick Muhs for the Single Axle Tipping Box Trailer (IR2103)**
 - **\$88 from Mick Muhs for the Single Axle Box Trailer (IR5166)**
 - **\$198 from Kellie Wilson for the Tandem Axle Flat Top Trailer (IR5286)**
2. **Requires the equipment to be paid for and picked up within 14 days of being notified;**
3. **The equipment be awarded to the next lowest bidder should the equipment not be paid for within the prescribed period**

Background:

The equipment that is being disposed of has been replaced as it is ageing and becoming unreliable.

The following offers were received:

Item Description	Details of Submissions					
HUSQVARNA ZERO TURN MOWER	Dwayne Calver \$1,010	Adrian Cachard \$1,000	Kellie Wilson \$1,650	Aaron Wootton \$880	Leander Reef Holiday Park \$800	Snakeskin Upholstery \$450
WACKER PLATE COMPACTOR	Ted Holtmeulen \$250	Brian (Jock) Patten \$242				
WACKER PACKER	Ted Holtmeulen \$200					
SINGLE AXLE TIPPING BOX TRAILER IR 2103	Mick Muhs \$110					
SINGLE AXLE BOX TRAILER IR 5166	Mal Cooper \$37.50	Mick Muhs \$88	Wendy Horn \$75			
TANDEM AXLE FLAT TOP TRAILER IR 5286	Tony Blake \$165	Ray Higgs \$150	Sharon Schulze \$99	Kellie Wilson \$198		
WOOL BAILER – BRIGGS & STRATTON MOTOR	No offers received					

Officers Comment:

It is recommended that Council accepts the highest bids from the following offers:

Husqvarna Zero Turn Mower - **Kellie Wilson \$1,650**
Wacker Plate Compactor - **Ted Holtmeulen \$250**
Wacker Packer - **Ted Holtmeulen \$200**
Single axle tipping box trailer IR 2103- **Mick Muhs \$110**
Single axle box trailer IR 5166- **Mick Muhs \$88**
Tandem Axle flat top trailer IR 5286- **Kellie Wilson \$198**

Financial Implications:

The sale of this equipment will generate an income of \$2,496 including GST.

Statutory Environment:

Section 3.58 of the *Local Government Act 1995* – Disposing of Property.

- (1) In this section —
 - dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 3.1.2 – Develop and implement the asset management plan.

OFFICE OF THE CEO

CEO01 – 11/13S

Subject: Council Delegates to Committees
Reporting Officer: Executive Assistant
Date of Report: 5 November 2013
File Reference: GV.CO.2
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider appointing Councillor and staff delegates to Committees of Council and on various external committees.

Officer's Recommendation:

That Council appoint the following Committee delegates;

SHIRE OF IRWIN ADMINISTRATION CENTRE REFURBISHMENT COMMITTEE

Cr _____, Cr _____, Cr _____ and the
Chief Executive Officer

Cr Chandler, Cr McClurg, Cr Fitzhardinge and Cr Smith were the previously appointed delegates.

SHIRE OF IRWIN AUDIT COMMITTEE

Cr _____, Cr _____ and Cr _____

Cr Hepworth, Cr West and Cr Fitzhardinge were the previously appointed delegates.

SHIRE OF IRWIN BUSH FIRE ADVISORY COMMITTEE

Cr _____, Cr _____, **Chief Executive Officer, Manager
Community Safety, Community Emergency Services Manager (CESM), Shire Ranger and
Chief Bush Fire Control Officer.**

Cr Porteus, Cr Smith, the Director Corporate Service and the Shire Ranger were the previously appointed delegates.

SHIRE OF IRWIN HERITAGE ADVISORY COMMITTEE

Cr _____, Cr _____, Cr _____ **Director
Planning and Infrastructure and the Manager Community Services.**

Cr Scott, Cr McClurg, Cr Porteus and the Community Development Officer were the previously appointed delegates.

SHIRE OF IRWIN LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Cr _____, Cr _____, **Chief Executive Officer and
Manager Community Safety.**

Cr Chandler, Cr Hepworth and the Manager Community Development were the previously appointed delegates.

SHIRE OF IRWIN ROADWISE COMMITTEE

Cr _____, Cr _____, **Manager Works and Customer
Service Officer (Stephanie Clarkson).**

Cr Scott, Cr Smith and the Works Manager were the previously appointed delegates.

SHIRE OF IRWIN TIDY TOWNS SUSTAINABLE COMMITTEE

Cr _____, Cr _____, Cr _____,
Manager Community Safety and Manager Community Services.

Cr Scott, Cr McClurg, Cr Porteus, Manager Community Development and Executive Assistant were the previously appointed delegates.

SHIRE OF IRWIN YOUTH ADVISORY COMMITTEE

Manager Community Services, Manager Recreation Services and Research and Projects Officer.

Manager Community Services, Manager Recreation Services and Research and Projects Officer were the previously appointed delegates.

MIDWEST JOINT DEVELOPMENT ASSESSMENT PANELS

Cr Chandler and Cr West as appointed delegates, and Cr Hepworth and Cr _____ as Proxy Delegates.

The appointed delegates are set for a 2 year term. Former Cr McClurg previously held the remaining position.

MIDWEST REGIONAL ROAD GROUP COMMITTEE

Cr _____, Cr _____, and Cr _____ (Proxy).

Cr Chandler and Cr West were the previously appointed delegates.

NORTHERN COUNTRY ZONE OF WA LOCAL GOVERNMENT ASSOCIATION (NCZWALGA) COMMITTEE

Cr _____, Cr _____ (Deputy) and the Chief Executive Officer (Proxy)

Cr Chandler, Cr McClurg and the Chief Executive Officer were the previously appointed delegates.

NATIONAL SEA CHANGE TASKFORCE COMMITTEE

Cr _____ and the Chief Executive Officer

Cr Hepworth and the Chief Executive Officer were the previously appointed delegates.

PORT DENISON MARITIME ADVISORY COMMITTEE

Cr _____ and the Chief Executive Officer

Cr Fitzhardinge was the previously appointed delegate.

DONGARA DENISON COMMUNITY FESTIVAL COMMITTEE

Manager Community Services

The Executive Assistant was the previously appointed delegate.

DONGARA COMMUNITY RESOURCE CENTRE

Manager Community Services

The Executive Assistant was the previously appointed delegate.

MID WEST INDUSTRY ROAD SAFE ALLIANCE

Chief Executive Officer and Manager Works

Previously not provided for consideration by Council.

RURAL HEALTH WEST

Chief Executive Officer

Previously not provided for consideration by Council.

Background:

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

In regards to the Local Emergency Management Committee and Bush Fire Advisory Committee it is recommended that the Committees themselves make a recommendation to Council on appropriate members for Council to appoint to the Committee.

Each Committee has a responsible executive officer who will facilitate community representatives are formerly appointed under Local Government Act 1995 s5.10 in due course.

Officer’s Comment:

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

The staff appointments have been included however Councillor appointments have been left blank for Council to consider at this meeting.

Financial Implications:

Nil

Statutory Environment:

Local Government Act 1995;

5.9. Types of committees

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Appointment of committee members

- (1) A committee is to have as its members —
 - (a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons appointed to be members of the committee under subsection (4) or (5).
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.

Policy Implications:

Nil

Strategic Implications:

SCP Outcome 2.1.3 Continue to support the Shire of Irwin Heritage Advisory Committee and its annual Heritage Awards Program.

SCP Outcome 2.5.3 Support the Tidy Towns Sustainable Committee.

SCP Outcome 3.8.7 Partner with the Mid West Road Safety Alliance and other road safety organisations.

SCP Outcome: 4.4.1 Participate in regional forums, including the Northern Country Zone of WALGA, Regional Road Group, Batavia Region of the MWDC.

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 BEHIND CLOSED DOORS

Nil

14. CLOSURE

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

_____.