



MINUTES

FOR THE

SPECIAL MEETING
OF COUNCIL

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 these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
12 November 2013

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE OCEAN ROOM, IRWIN REC ON
TUESDAY, 12 NOVEMBER 2013
COMMENCING AT 4.00PM**

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

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- 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

The Shire President announced that the Shire of Irwin was the recipient of a Bronze in the Local Government Tourism Awards at the 2013 WA Tourism Awards ceremony held on Saturday, 9 November 2013.

Manager Tourism and Library Services, Nicole Nelson, her team and contributing staff members were acknowledged for their efforts in preparing the nomination and recognised the work that has been undertaken at the Visitor Centre which contributed to this outstanding achievement.

The Shire President also welcomed Suzette van Aswegen, as the newly appointed Director Planning and Infrastructure to the team and wished her well in gaining all that she hopes to achieve at the Shire of Irwin.

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.

OFFICERS RECOMMENDATION AND COUNCIL DECISION 011113S:

MOVED: Cr Hepworth

SECONDED: Cr Porteus

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.
3. That Council recognise the outstanding work undertaken by the finance team to ensure a clean audit report.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 5/0

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 AND COUNCIL DECISION 021113S:

MOVED: Cr Porteus

SECONDED: Cr Leonard

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**

VOTING DETAILS:

CARRIED 5/0

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: Absolute Majority

Report Purpose:

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

COUNCIL DECISION 031113S:

MOVED: Cr Hepworth

SECONDED: Cr Leonard

That Council suspend Standing Orders at 4:05pm.

VOTING DETAILS:

CARRIED 5/0

COUNCIL DECISION 041113S:

MOVED: Cr Hepworth

SECONDED: Cr Leonard

That Council reconvene under Standing Orders at 4:42pm.

VOTING DETAILS:

CARRIED 5/0

OFFICERS RECOMMENDATION AND COUNCIL DECISION 021113S:

MOVED: Cr Kennedy

SECONDED: Cr Porteus

That Council appoint the following Committee delegates;

SHIRE OF IRWIN ADMINISTRATION CENTE REFURBISHMENT COMMITTEE

Cr Chandler, Cr West , Cr Smith and the Chief Executive Officer

SHIRE OF IRWIN AUDIT COMMITTEE

Cr Hepworth, Cr Kennedy, Cr West and Cr Leonard

SHIRE OF IRWIN BUSH FIRE ADVISORY COMMITTEE

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

SHIRE OF IRWIN HERITAGE ADVISORY COMMITTEE

Cr Scott, Cr Kennedy, Cr Porteus, Director Planning and Infrastructure and the Manager Community Services.

SHIRE OF IRWIN LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Cr Chandler, Cr West, Chief Executive Officer and Manager Community Safety.

SHIRE OF IRWIN ROADWISE COMMITTEE

Cr Scott, Cr Kennedy, Cr Smith, Cr Leonard, Manager Works and Customer Service Officer (Stephanie Clarkson).

SHIRE OF IRWIN TIDY TOWNS SUSTAINABLE COMMITTEE

Cr Scott, Cr Porteus, Cr Hepworth, Manager Community Safety and Manager Community Services.

SHIRE OF IRWIN YOUTH ADVISORY COMMITTEE

Cr Leonard, Cr Kennedy, Manager Community Services, Manager Recreation Services and Research and Projects Officer.

MIDWEST JOINT DEVELOPMENT ASSESSMENT PANELS

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

MIDWEST REGIONAL ROAD GROUP COMMITTEE

Cr Chandler, Cr West, and Cr Leonard (Proxy).

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

Cr Chandler, Cr West (Deputy) and the Chief Executive Officer (Proxy)

NATIONAL SEA CHANGE TASKFORCE COMMITTEE

Cr Hepworth, Cr Leonard and the Chief Executive Officer

PORT DENISON MARITIME ADVISORY COMMITTEE

Cr Leonard and the Chief Executive Officer

DONGARA DENISON COMMUNITY FESTIVAL COMMITTEE

Cr Porteus, Cr Kennedy and Manager Community Services

DONGARA COMMUNITY RESOURCE CENTRE

Cr Leonard and Manager Community Services

MID WEST INDUSTRY ROAD SAFE ALLIANCE

Chief Executive Officer, Director Planning and Infrastructure and Manager Works

RURAL HEALTH WEST

Chief Executive Officer

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 5/0

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 4:43pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
12 November 2013

Signed:
Presiding Elected Member

Date:.....