



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 28 February 2023

in the

Shire of Irwin Council Chambers

I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 February 2023

Signed:
Presiding Elected Member

Date: 15-11-23

Disclaimer

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

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



Shane Ivers
CHIEF EXECUTIVE OFFICER

Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	4
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
4. PUBLIC QUESTION TIME.....	5
5. APPLICATIONS FOR LEAVE OF ABSENCE	5
6. PETITIONS AND DEPUTATIONS	6
7. CONFIRMATION OF MINUTES	6
7.1 Minutes of the Ordinary Council Meeting held 12 December 2022.....	6
7.2 Minutes of the Special Council Meeting held 13 February 2023.....	6
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	7
9. REPORTS	8
9.1 Officers Reports.....	8
CC01-02/23 Accounts for Payment February 2023.....	8
CC02-02/23 Monthly Financial Statements for the Period Ended 31 December 2022.....	10
CC03-02/23 Monthly Financial Statements for the Period Ended 31 January 2023	13
CEO 01-02/23 Compliance Audit Return (CAR) 2022.....	16
CEO02-23 Amendments to Council Policy CP20-Purchasing	20
CEO 03-02/23 CP41 Policy archival and CP14 Amendment due to Financial Hardship Ending	23
CEO4-02/23 Amendments to Council to CEO Delegation – CEO100 – Tenders for Goods and Services.....	26
CC 01-02/23 Change in Shire Administration Centre Operating Hours	29
ID01-02/23 Surf Beach Stabilisation -Stage 3	32
9.2 Committee Reports	35
9.2.1 Minutes of the CASE Committee Meeting held on 13 February 2023	35
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	35
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	35
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	35
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC.....	35

MINUTES
of the
ORDINARY COUNCIL MEETING
held
28 February 2023
at 6.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests, and members in the Gallery then declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

COUNCIL DECISION	010223
MOVED: Cr Scott	SECONDED: Cr Leonard
That Council, by Absolute Majority approve Councillor Tunbridge to attend the 28 February 2023 Ordinary Council Meeting by teleconference.	
VOTING DETAILS:	Carried by Absolute Majority: 6/0
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer	
Against: Nil	

Members

Councillor M T Smith
Councillor I M Scott
Councillor G S Eva
Councillor A J Gillam
Councillor M Leonard
Councillor H M Palmer
Councillor E Tunbridge (vis TEAMS)

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mr T Roper
Mr P Bracegirdle
Ms P Machaka
Ms D Molgard
Ms J Morgan

Chief Executive Officer
Chief Operating Officer
Manager Community Services
Acting Senior Finance Officer
Coordinator Infrastructure
Acting Executive Assistant

Guests

Nil

Approved Leave of Absence

Nil

Apologies

Councillor B Wyse
Mrs K Jackson

Acting Manager Development

Gallery

Jon Arden
Rosie Murray
John Rossiter
Katherine George-Craggs
Hanna Meares
John Laurine

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Greg Symons, Blenheim Road, Springfield

Can Council support an application to build within the Water Corporation wastewater buffer zone, as the original correspondence suggested that this could be a possibility?

Response: The buffer zone around wastewater treatment facilities is established for the purpose of protecting public health and the environment. The release of odours and noise from the treatment process could have detrimental outcomes for health and amenity and therefore, it is important that any proposed development be thoroughly evaluated before it can be permitted. Applications to build within a buffer zone can be lodged with the Shire for consideration.

4. PUBLIC QUESTION TIME

Question 1: John Rossiter, Port Leander Drive, Port Denison

Why are there only four people listed on the website as Shire employees?

Response: It is a common practice for both metropolitan and regional Shires to only list the Executive Team Members on their websites.

Question 2: John Rossiter, Port Leander Drive, Port Denison

Is the community bus going to be replaced?

Response: No. The Shire is investigating subsidised rental options for community groups as the most cost-effective solution for the community given the cost for a suitable new bus would be in the vicinity of \$340,000.

Question 3: John Rossiter, Port Leander Drive, Port Denison

Who is trying to change the history of the Irwin Shire? Francis Road is signposted as Francis Street. Pettit Lane is now signposted as Pettit Road and Delmage is signposted one end as Road and the other end as Street?

Response: The Shire President thanked John for providing this information. Staff to investigate and rectify as required.

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 12 December 2022**

A copy of the Minutes of the Ordinary Council Meeting held 12 December 2022 has been provided to all Councillors under separate cover.

OFFICER RECOMMENDATION AND COUNCIL DECISION		020223
MOVED: Cr Eva	SECONDED: Cr Gillam	
That the Minutes of the Ordinary Council Meeting, held 12 December 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

7.2 Minutes of the Special Council Meeting held 13 February 2023

A copy of the Minutes of the Special Council Meeting held 13 February 2023 have been provided to all Councillors under separate cover.

OFFICER RECOMMENDATION AND COUNCIL DECISION		030223
MOVED: Cr Eva	SECONDED: Cr Leonard	
That the Minutes of the Special Council Meeting, held 13 February 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**Functions, Meetings & Events**

- 26 January 2023 **Australia Day Event** - Shire President and Shire CEO,
- 30 January 2023 **Western Power Meeting** - Shire President and Shire CEO,
- 1 - 2 February 2023 **Industry Leaders Forum** - Shire President, Deputy Shire President, Cr Palmer, Cr Tunbridge, Cr Eva, CEO
- 13 February 2023 **Audit Meeting** – DSP Cr Scott, Cr Eva and Cr Leonard
- Special Meeting of Council** - Shire President, Deputy Shire President, Cr Tunbridge, Cr Eva, Cr Leonard, Cr Wyse, Cr Palmer and CEO.
- Playground Workshop** -Shire President Smith, Deputy Shire President Scott, Cr Eva and Cr Leonard, Cr Wyse, Cr Palmer, Cr Gillam and CEO.
- 14 February 2023 **Shire Optimisation Workshop** – Shire President Smith, Deputy Shire President, Scott, Cr Eva (via Teams), Cr Leonard, Cr Wyse, Cr Palmer, Cr Gilliam, Cr Tunbridge and CEO.
- 21 February 2023 **Energy Club WA Industry Dinner** – Shire President Smith and CEO.
- 27 February 2023 **Meeting with Shane Love MLC** – Shire President Smith and CEO.

9. REPORTS

9.1 Officers Reports

CORPORATE AND COMMUNITY		CC01-02/23
Subject:	CC01-02/23 Accounts for Payment February 2023	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	2.00057	
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 receive the list of accounts paid under delegated authority during December 2022 and January 2023.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of December 2022 and January 2023.

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 CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

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 Booklet – February 2023

CC01-02/23 Attachment 1: Accounts for Payment – December 2022 and January 2023

OFFICER RECOMMENDATION AND COUNCIL DECISION		040223
MOVED: Cr Leonard		SECONDED: Cr Gillam
That Council receives the Accounts paid during December 2022 and January 2023 as presented in Attachment Booklet – February 2023, represented by:		
Payment Type/Numbers	Total Amount	
EFT 29605 – 29918	\$1,304,667.85	
Muni Cheques – 32130 – 32135	\$53,285.71	
Direct Debit – Telstra	\$7,080.15	
Direct Debit – WA Treasury Corporation	\$168,995.53	
Direct Debit – Solar Panel Repayments	\$3,895.32	
Direct Debit – Credit Card	\$23,253.35	
Direct Debit – Rental Charges	\$6,500.00	
Direct Debit – Insurance Premium Repayments	\$73,629.66	
Direct Debit – N-Able Pty Ltd	\$1,359.00	
Direct Debit – Australian Phone Company	\$450.46	
Direct Debit – Superannuation	\$103,641.97	
Grand Total	\$1,746,759.00	
VOTING DETAILS:		
		Carried: 7/0
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

CORPORATE AND COMMUNITY		CC02-02/23
Subject:	CC02-02/23 Monthly Financial Statements for the Period Ended 31 December 2022	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

Council Role:

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- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2022 to 31 December 2022.

Background:

The Monthly Financial Statements to 30 June 2023 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 Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer's Comment:

The financial position to the end of December 2022 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

31/12/2022	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,924,245	8,322,411	5%
Operating Expenditure	(6,330,869)	(4,388,305)	-31%
Net Operating	1,593,376	3,934,106	
Non-Operating Revenue	1,976,853	201,243	-90%
Non-Operating Expenditure	(4,085,971)	(667,939)	-84%
Net Non-Operating	(2,109,118)	(466,696)	
Cash at Bank		4,754,188	
Cash at Bank Restricted		373,935	
Reserve Bank		1,410,946	
Total Cash Funds		6,539,069	

The attached statements 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 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (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:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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 Booklet – February 2023

CC02-02/23 Attachment 1: Financial Statements for the Period Ended 31 December 2022.

OFFICER RECOMMENDATION AND COUNCIL DECISION		050223
MOVED: Cr Eva	SECONDED: Cr Leonard	
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 31 December 2022 as provided in Attachment Booklet – February 2023.		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

CORPORATE AND COMMUNITY		CC03-02/23
Subject:	CC03-02/23 Monthly Financial Statements for the Period Ended 31 January 2023	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	2.00057	
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 consider and receive the Monthly Financial Statements for the period 1 July 2022 to 31 January 2023.

Background:

The Monthly Financial Statements to 30 June 2023 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 Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer's Comment:

The financial position to the end of January 2023 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/01/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	8,207,739	8,590,962	5%
Operating Expenditure	(7,364,423)	(5,214,620)	-29%
Net Operating	843,316	3,376,342	
Non-Operating Revenue	1,994,436	297,420	-85%
Non-Operating Expenditure	(4,668,195)	(812,147)	-83%
Net Non-Operating	(2,673,759)	(514,727)	
Cash at Bank		4,429,858	
Cash at Bank Restricted		373,935	
Reserve Bank		1,415,152	
Total Cash Funds		6,218,945	

The attached statements 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 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (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:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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 Booklet – February 2023

CC03-02/23 Attachment 1: Financial Statements for the Period Ended 31 January 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION		060223
MOVED: Cr Scott	SECONDED: Cr Leonard	
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 31 January 2023 as provided in Attachment Booklet – February 2023.		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO		CEO01-02/23
Subject:	CEO 01-02/23 Compliance Audit Return (CAR) 2022	
Author:	K Sawle, Business Improvement and Governance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00270	
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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- 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 and adopt the 2022 Compliance Audit Return as per the *Local Government Act 1995*, Section 7.13 and the *Local Government (Audit) Regulations*, Regulation 14.

Background:

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk".

The Audit Committee is to review the annual CAR and report to Council the results of that review, prior to adoption of the return by Council. After adoption the return is to be signed by the Shire President and the CEO prior to it being forwarded to the Department of Local Government, Sport and Cultural Industries (DLGSCI) by no later than 31 March.

Officer's Comment:

The Shire of Irwin Audit Committee reviewed the 2022 CAR at a meeting on 13 February 2023 and resolved to support the responses in the CAR, provided as **Attachment 1**.

The following list provides an outline of each section addressed in the 2022 Compliance Audit Return;

Commercial Enterprises by Local Governments

As the Shire has not undertaken any commercial enterprises during 2022, N/A responses were provided.

Delegation of Power/Duty

As no delegations to committees were made during 2022, N/A responses were provided.

Following the review of delegations in 2022 and the continued implementation and training of the Integrity compliance software, all processes relating to delegations are sound.

The Shire will be reviewing all delegations in the coming months, to ensure delegations are assigned to the most appropriate senior staff member. Staff will receive refresher training on the compliance software as part of this process, strengthening compliance and reducing the chance of non-compliance.

Disclosure of Interest

Recordkeeping practices for disclosures of interest are sound and staff have a number of practices/procedures in place to ensure compliance. With the implementation of the Integrity compliance software, all processes relating to primary and annual returns are sound, therefore ensuring compliance.

Disposal of Property

The Shire did not dispose of any property, other than by public auction or tender, during 2022, therefore N/A responses provided.

Elections

As no elections were held in 2022, N/A responses were provided.

This section of the 2023 CAR will require specific attention given the Local Government ordinary elections to be held on 21 October 2023.

Finance

The Shire complies with all areas relating to the Audit Committee. As the Shire's 2021/22 performance audit was still in progress at the time of completing the CAR, N/A responses were provided to questions relating to the annual financial statement and auditor's report.

Integrated Planning and Reporting

The Shire is considered compliant with the Admin Reg 19DA(3)(c).

The integration of the Long Term Financial Plan, which was adopted by Council in April 2022 (as the Strategic Resource Plan 2022-2037), and the Asset Management and Workforce Plans which are currently in development, into the Corporate Business Plan, will enable an integrated planning suite and strengthen compliance.

Local Government Employees

This section relates to the recruitment of the CEO or designated senior employees. All responses are N/A as there were no appointments of the CEO or senior employees during the reporting period.

Official Conduct

The Shire is considered to be compliant with all sections of the Act relating to complaints.

The 2022 CAR process identified the need to improve the existing online register of complaints. The Shire is currently drafting a new template for this online register, which will increase transparency and public confidence, and enable reporting/auditing efficiencies.

Official Conduct

The Shire is considered to be compliant with all sections of the Act relating to complaints.

The 2022 CAR process identified the need to improve the existing online register of complaints. The Shire is currently drafting a new template for this online register, which will increase transparency and public confidence, and enable reporting/auditing efficiencies.

Optional Questions

The Shire is considered compliant with all legislation referred to in the optional questions, noting the following:

Question 1 and 2: During the reporting period, the Shire engaged Avant Edge Consulting Audit & Assurance Services Certified Practising Accountant (Avant) to conduct reviews pursuant to regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* and regulation 17 of *Local Government (Audit) Regulations*. Avant's final reports for both reviews were provided to the Shire on 25 July 2022, there being no high-risk matters that required reporting as part of either review.

To ensure compliance with regulations 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* and regulation 17 of *Local Government (Audit) Regulations*, both reports were presented to, and accepted at, the Shire's Audit Committee on 13 February 2023.

A report for Council in this regard has been prepared and is presented at this Ordinary Council Meeting, under agenda item 9.1 for its consideration.

Question 5:

The Shire identified that numerous Council and Committee meeting minutes had not been uploaded to the Shire's website, as required under sections 5.96A(1), (2), (3), and (4) of the *Local Government Act 1995* (question 5). This has been rectified.

Tenders for Providing Goods and Services

The Shire is considered to be fully compliant in all areas relating to tenders.

The Compliance Audit Return is due for submission to the DLGSCI by 31 March 2023.

Adoption of the CAR is a statutory requirement of Council which could have major compliance implications for the Shire and is therefore considered to have a high risk rating, however the completion of this return annually helps to ensure that the local government is following sound governance practices and is complying with the relevant Acts and Regulations.

Consultation:

The 2022 CAR was presented to the Shire of Irwin Audit Committee on Monday 13 February 2023. The committee reviewed the return and resolved to support the responses provided.

Statutory Environment:

Local Government Act 1995

- Section 7.13 – Regulations as to audits

Local Government (Audit) Regulations

- Regulation 14 - Compliance audits by local governments

Policy Implications:

Nil

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 4.3.3 Adopt and follow better practice processes.

Attachments:

Attachment 1 – Compliance Audit Return (CAR) 2022

Attachment 2 Confidential – WALGA advice regarding Council Decision

OFFICER RECOMMENDATION AND COUNCIL DECISION		070223
MOVED: Cr Scott	SECONDED: Cr Eva	
That Council, by Simple Majority, adopts the Shire of Irwin’s Compliance Audit Return for the 2022 calendar year.		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO		CEO02-02/23
Subject:	CEO02-23 Amendments to Council Policy CP20-Purchasing	
Author:	K Sawle, Business Improvement and Governance Advisor	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00270	
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 revised Council Policy CP20 Purchasing (the Policy). The Policy has been amended given the revocation of the declared State of Emergency.

Background:

Due to the declared state of emergency under the *Emergency Management Act 2005*, His Excellency the Governor, in Executive Council approved regulation amendments to the *Local Government (Function and General) Regulations 1996*. Amended regulations included 11(1), (2)(aa), (h) (ja) and (3). These amendments applied to vary the application of the Policy.

At the Ordinary Council Meeting on 26 May 2020, the Council:

- adopted the revised Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency, with the provision that the amended version ceases to be applicable once the declaration has been revoked. OCM minutes 060520 refer.

At this meeting, the Council also adopted the corresponding Council to CEO Delegation – CEO01 – Tenders for Goods and Services (the Delegation).

Both Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency and the Delegation included new purchasing and tender requirement thresholds of \$250,000¹ - regulations 11A(1) and 11(1) respectively.

At the time Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency and the Delegation were amended, it was expected to only be applicable while the State of Emergency was in force, with both reverting back to the original purchasing policy and Delegation for standard operations once the declaration ceased to be in effect.

¹ Previously \$150,000

Officer's Comment:

The revocation of the State of Emergency declaration (the revocation) came to effect from 12:01am hours on 4 November 2022.

Consequently, effective at this time, Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency ceased to be applicable.

Due to the revocation, the Local Government (Function and General) Regulations 1996 have been amended. Of note, the amended applicable regulation – r11(A) – Purchasing Policy for local government **retains** the \$250,000 threshold (that is, it has not reverted to \$150,000 and remains at \$250,000 (irrespective of a declared State of Emergency)):

11A. Purchasing policies for local governments

(1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, **\$250 000 or less or worth \$250 000 or less.**

(2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub regulation (1).

In accordance with 11A above, the Shire has reviewed and revised the Policy, including revision to incorporate the new threshold of \$250,000 and other regulation amendments and clarity for corresponding purchasing processes.

The Shire will be drafting, in due course, a procedure to operationalise the Policy. As part of this process, it is anticipated a volume of operational information will be removed from the Policy and transposed into the procedure. Should it be required, the revised Policy will be presented to Council, at that time, for its adopting.

The corresponding Delegation, also amended because of the revocation, is included as a separate item on the agenda for adoption at this meeting.

Consultation:

The Policy was reviewed in consultation with:

- the CEO;
- relevant legislation;
- an external procurement advisor; and
- WALGA Governance Specialist (at **Attachment 2 Confidential**).

Statutory Environment:**Local Government Act 1995**

- s3.57 Tenders for providing goods or services
- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO.

Local Government (Functions and General) Regulations 1996

- 11A(1)(2)(3)
- 11(1) and all sub regulations thereunder.

Policy Implications:

These Council Policies link to the Delegations relating to purchasing and the *Local Government (Functions and General) Regulations 1996*. Reference to the relevant Delegation for each Council Policy will be made within the Policy control box.

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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 – Council Policy CP20-Purchasing (November 2022)

Attachment 2 Confidential – Advice from WALGA RE Purchasing threshold (February 2023)

OFFICER RECOMMENDATION AND COUNCIL DECISION		080223
MOVED: Cr Leonard	SECONDED: Cr Palmer	
That Council, by Simple Majority, adopt the revised Council Policy - CP20 Purchasing		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO		CEO03-02/23
Subject:	CEO 03-02/23 CP41 Policy archival and CP14 Amendment due to Financial Hardship Ending	
Author:	K Sawle, Business Improvement and Governance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00270	
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 endorse the archiving of Council Policy CP41 Financial Hardship for a Declared State of Emergency and the adopt amended Council Policy CP14 – Debt Recovery.

Background:

In June 2020, local governments were requested by the WA Premier and Minister for Local Government to consider developing a policy to support communities in meeting the unprecedented challenges arising from the COVID-19 pandemic. The *Local Government (COVID-19 Response) Order 2020* (the 2020 Order) was implemented and, as a result, Council adopted Policy CP41 Financial Hardship for a Declared State of Emergency at the July 2020 Ordinary Council Meeting (CP41) (minute ref.: 110720). To complement CP41, the Shire developed a Guideline (the guideline) document which, along with CP41, was published on the Shire's website.

On 1 July 2021, the Local Government (COVID-19 Response) Amendment Order 2021 (the 2021 Order) was issued to extend the Order to 2021-22 for local governments to continue to provide support to the community through the financial hardship policy.

As a result of performance audits of all local governments conducted by the Officer of Auditor General (OAG), in October 2021 the Shire reviewed CP41 and made amendments relating to the timing of its enforcement. This was to ensure the Shire had a relevant policy in place to continue to support the whole community in a fair, equitable, consistent and dignified manner while treating all members of the community with respect and understanding. On 4 November 2021, the Council adopted the amended CP41 (minute ref.: 041121). A copy of amended CP41 is **at Attachment 1**.

Following the 2020 and 2021 Orders, the Local Government (COVID-19 Response) Amendment Order 2022 (the 2022 Order) came into effect from 25 June 2022. The 2022 Order aimed to assist people experiencing financial difficulty due to the ongoing effects of the pandemic through the continuation of provisions for the 2022/23 financial year that dealt with:

- interest on money owing to local governments.
- options for payment of rates or service charges.
- accrual of interest on overdue rates or service charges.

On 23 August 2022 the Council, by absolute majority, adopted the Shire's 2022/23 Annual Budget including, in accordance with the 2022 Order, setting penalty interest at 7% and maintaining instalment interest charges at 5.5% with CP41 remaining in place (minute ref.: 040822).

Officer's Comment:

The revocation of the State of Emergency declaration (the revocation) came to effect from 12:01am hours on 4 November 2022.

On 30 January 2023, the Department of Local Government, Sport and Cultural Industries advised local governments this revocation meant, from 3 February 2023, all the provisions in the Orders made under a State of Emergency ended, including those for financial hardship, unless a further COVID-19 declaration or State of Emergency is declared and a subsequent new Order under part 10 of the *Local Government Act 1995* is made. A copy of this notice is **at Attachment 2**.

Accordingly, the 2022 Order automatically revoked three months after 4 November 2022 and CP41 and the associated guideline became null and void effective 3 February 2023.

Council Policy – CP14 Debt Recovery (CP14) refers to CP41 insofar as informing readers of it being an option for residents to make applications for financial hardship under the declared State of Emergency.

Given the proposed archiving of CP41, Council approval is also sought to amend CP14, removing all reference to CP41. The proposed, amended CP14 is presented **at Attachment 3** for the Council's consideration of adoption.

Consultation:

Internal consultation between Shire departments – finance and executive.
WA Local Government Association (WALGA).

Statutory Environment:

Local Government (COVID-19 Response) Order 2022

Policy Implications:

The Shire does not currently have a dedicated Financial Hardship Policy in place.

The Shire encourages ratepayers to make contact to negotiate a payment arrangement if they are unable to meet their obligations set out in the rates notice. In these cases, payment arrangement applications are required to be made in writing and will be assessed on an individual basis.

The Shire is currently reviewing all Shire policy and procedures and will consider the development of a dedicated Financial Hardship Policy as part of this process. Any documentation in this regard will be presented to Council at the required time.

Financial/Resource Implications:

Nil. The Shire received no applications for financial hardship under CP41 and the related Orders.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021-2031

Strategy 4.3.2 Adopt and follow better practices and processes

Attachments:

Attachment 1: Amended CP41 Financial Hardship for a Declared State of Emergency

Attachment 2 – Department of Local Government, Sports and Cultural Industries – Notice of Financial Hardship Provisions to end

Attachment 3 – DRAFT Amended Council Policy CP14 – Debt Recovery - 3 February 2023

OFFICER RECOMMENDATION AND COUNCIL DECISION		090223
MOVED: Cr Eva	SECONDED: Cr Scott	
That Council, by Simple Majority:		
<ol style="list-style-type: none"> 1. Approve the archiving of Council Policy CP41 Financial Hardship for a Declared State of Emergency; and 2. Adopt the amended Council Policy CP14 Debt Recovery. 		
VOTING DETAILS:	Carried: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO	CEO04-02/23
Subject:	CEO4-02/23 Amendments to Council to CEO Delegation – CEO100 – Tenders for Goods and Services
Author:	K Sawle, Business Improvement and Governance Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0373
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 the adoption of amended Council to CEO Delegation – CEO100 – Tenders for Goods and Services. This delegation has been amended given the revocation of the declared State of Emergency.

Background:

Due to the declared state of emergency under the *Emergency Management Act 2005*, His Excellency the Governor, in Executive Council has approved regulation amendments to the Local Government (Function and General) Regulations 1996. The regulations amended include 11(1), (2)(aa), (h) (ja) and (3). These amendments apply to vary the Council to CEO delegation in regard to procurement.

At the Ordinary Council Meeting (OCM) on 26 May 2020, the Council:

- adopted the new Delegation – CEO100 – Tenders for Goods and Services - Amended for a Declared State of Emergency, with the provision that the amended version ceases to be applicable once the declaration has been revoked. OCM minutes 070520 refer.

The corresponding Council Policy - CP20 Purchasing - was also amended for the State of Emergency and adopted by the Council at this meeting.

Both CP20 and the Delegation included new purchasing and tender requirement thresholds of \$250,000² - regulations 11A(1) and 11(1) respectively.

The Delegation also included the addition of the following condition (Condition C):

c. Tender exempt procurement is required to have the expense included in the adopted annual budget, unless exercising the requirement for emergency purchasing under the definition of Emergency or a declared State of Emergency.

² Previously \$150,000

At the time the Delegation was amended, it was expected to only be applicable while the State of Emergency was in force, reverting back to the original delegation for standard operations once the declaration ceased to be in effect.

Officer’s Comment:

The revocation of the State of Emergency declaration (the revocation) came to effect from 12:01am hours on 4 November 2022.

Consequently, effective at this time, Delegation CEO100 – Tenders for Goods and Services - Amended for a Declared State of Emergency ceased to be applicable.

Due to the revocation, the Local Government (Function and General) Regulations 1996 (the Regulations) have been amended. Of note, the amended applicable regulation – r11(1) - When tenders have to be publicly invited **retains** the \$250,000 threshold (that is, it has not reverted back to \$150,00 and remains at \$250,000 (irrespective of a declared State of Emergency)):

11. When tenders have to be publicly invited

*(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, **more, or worth more, than \$250 000** unless sub regulation (2) states otherwise.*

The amended Sub regulation 2 also retains, under sections 11(2)(a), 11(2)(aa), 11(2)(h)(i)(l), 11(2)(ja) and 11(3), provisions related to circumstances in which tenders do not have to be publicly invited.

In accordance with the above, the Shire has reviewed and amended Delegation CEO100 – at **Attachment 1**. Markups within Attachment 1 have been kept to clearly illustrate the changes made.

In practical application, the functions under this amended Delegation remains as it was (i.e. as per Delegation CEO100 – Tenders for Goods and Services - Amended for a Declared State of Emergency), given the fact that the \$250,000 threshold is retained and the circumstances where tenders do not have to be invited remains the same.

Unless the Council determines otherwise, the Shire recommends the Conditions remain as drafted³, including Condition C. The retention of Condition C will ensure that emergency purchasing can be done proficiently without excessive administrative burden during an emergency or a declared State of Emergency.

The corresponding Council Policy - CP20 Purchasing has also been amended and is included as a separate item for adoption at this meeting.

Consultation:

The Report was reviewed in consultation with:

- the CEO;
- relevant legislation; and
- WALGA Governance Specialist (at **Attachment 2 Confidential**).

Statutory Environment:

Local Government Act 1995

- s5.18 - Register of delegations to committees
- s5.42 - Delegation of some powers and duties to CEO
- s5.43 - Limits on delegations to CEO
- s5.46 - Register of, and records relevant to, delegations to CEO and employees

³ Specific reference to the provisions under Condition 3 being removed as, effectively, these are covered with reference to 11(2) (and, in any case, are stipulated in full within Council Policy CP20).

- s5.103 - Codes of conduct

Local Government (Functions and General) Regulations 1996

- r.11 When tenders have to be publicly invited

Policy Implications:

This delegation links with Council Policy - CP20 Purchasing. Reference to the council policy will be on the delegation and within the final Register of Delegations – Council to CEO.

Financial/Resource Implications:

Delegations allow for a more streamlined and timely service which is an effective use of Council's human resources.

Strategic Implications:

Strategic Community Plan 2017 - 2027 Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

Attachments:

Attachment 1 – Council to CEO Delegation CEO100

Attachment 2 Confidential – Advice from WALGA RE Purchasing threshold (February 2023)

OFFICER RECOMMENDATION AND COUNCIL DECISION		100223
MOVED: Cr Leonard	SECONDED: Cr Palmer	
That Council, by Absolute Majority:		
1. Adopt the new Delegation – CEO100 – Tenders for Goods and Services.		
Approve the CEO to update the Register of Delegations – Council to CEO accordingly.		
VOTING DETAILS:	Carried by Absolute Majority: 7/0	
For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge		
Against: Nil		

CORPORATE AND COMMUNITY		CC01- 02/23
Subject:	CC 01-02/23 Change in Shire Administration Centre Operating Hours	
Author:	P Bracegirdle-Manager Community Services	
Responsible Officer:	S Ivers-Chief Executive Officer	
File Reference:	3.00270	
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 seek Council approval to cease Saturday operating hours for the Administration Centre Customer Service area due to ongoing low customer attendances.

Background:

The Administration Centre currently provides face to face customer service on a Monday to Friday basis from 8.30am to 4.30pm and Saturdays 9.00am to 12.00pm. Customer numbers for Saturdays have been monitored for a three-month period with average of 2.2 customers attending for the Saturday three hour opening period. Given the operating expenditure involved (approx. \$7,800.pa) and the small number of attendances involved a change to opening hours would have minimal impact on the community as the existing service caters largely for tourists.

Officer's Comment:

The review of Saturday operating hours is a component of an overall review of the Customer Services area including workflows, staffing levels/categories, staff remuneration, response times, tourism opportunities and merchandise and overall service levels. The review of Saturday opening hours and the actual community benefit was one of the first areas to be scrutinised as to an actual return on the investment in relation to staffing expenditure and associated oncosts. Removing the Saturday opening hours will result in a reduction of wages and salaries in excess of \$7,800 with minimal impact on the local community. Contingencies can also be put in place in relation to Wildflower season to either provide a Saturday morning service for an identified period or install brochure holders on the exterior building wall stocking tourist information adjacent to the Administration entry area.

It is recommended the Council endorses the removal of regular Saturday opening hours for the Administration Customer Service area.

Consultation:

Nil

Statutory Environment:*Local Government Act 1995***Policy Implications:**

Nil

Financial/Resource Implications:

The Change to Saturday operating hours will result in an operating expenditure saving of \$7,000.00, when taking into consideration wages and oncosts for a potential four week opening period for the Wildflower season.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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

Attachments:

Nil

OFFICER RECOMMENDATION
That Council, by Simple Majority, endorses the Chief Executive Officer removing the regular opening of the Administration Centre on Saturdays effective from Saturday 4 March 2023.

COUNCIL DECISION	110223
Moved: Cr Smith	SECONDED: Cr Scott
That Council, by Simple Majority, endorses the Chief Executive Officer removing the regular opening of the Administration Centre on Saturdays effective from Saturday 4 March 2023.	
VOTING DETAILS:	Lost: 0/7
For: Nil	
Against: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge	

Councillors tabled response - Against:**Cr H Palmer comments:**

"Based on the recommendation of the officer to close on Saturdays due to poor attendance, it seems likely that the current hours listed on Google and Apple Maps for the Shire administration office and visitors centre being closed on Saturdays is a contributing factor. As more tourists rely on online platforms for information, it is a necessary to provide efficient customer service by updating our online presence. Additionally, there is an opportunity for the Shire to generate revenue through commission for tours and activities in the area, which could help cover the costs of staying open. While the Shire is certified as a Visitors Centre and has the potential to support operators in the region, there is room for improvement in our efficiency. This situation underscores the need for a tourism and marketing plan, particularly given the efforts being made to develop industry in the area. With more people likely to visit, it is important to have a comprehensive plan in place to maximize the benefits of tourism. It would also be worth having some of our current officers upskilled by the TWA and WALGA tourism course that is currently available for local governments, rather than slowly closing the doors on tourism in Dongara".

Cr E Tunbridge (via TEAMS)

Vote against as more information needs to be gathered, and assessment of visitors over a longer period of time to determine whether beneficial and have the hours on the internet showing relevant opening hours of the Shire.

Cr M Leonard

Review again the statistics, prior to the Wildflower Show and bring back to Council for consideration.

Cr Scott

Have the Shire staff over Easter and the School Holiday period, review visitor numbers and bring back to council for consideration.

INFRASTRUCTURE AND OPERATIONS		ID01-02/23
Subject:	ID01-02/23 Surf Beach Stabilisation -Stage 3	
Author:	J Keene – Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0200	
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:

To seek Council approval to sole source Stage 3 of the Surf Beach stabilisation works. The total value of the work \$172,683.50 which has already been approved by Council in the 2022/23 Budget where \$77,583 is from grant funding.

Background:

The beaches to the north of Port Denison Boat Harbour in Arurine Bay have been experiencing erosion for a number of years, particularly in front of the BIG4 Dongara Denison Beach Holiday Park. The Holiday Park is on Crown Reserve vested in the Shire of Irwin and leased to a private operator. The erosion on the beaches to the north of Port Denison was first investigated in 2001 by MJ Paul & Associates on behalf of both the Department of Transport and the Shire of Irwin, after the Shire approached the Department in April 2000 to seek advice on the cause of erosion and options for managing its impact. The erosion was further investigated in 2012 by MP Rogers & Associates and provides further history of erosion issues in the area. The most recent work was done in 2017 by Cardno in an attempt to find affordable solutions ranging from sand replenishment through to groynes and hard protection items.

Due to ongoing erosion, in 2010 the Shire commissioned the staged construction of a rubble mound seawall in front of the caravan park. Stage 1 involved construction of a 30m section of seawall which was completed in 2010. Stage 2 involved an extension of the seawall by 170m and was completed in 2011. MP Rogers & Associates conducted a study in 2012 which reviewed the 2001 report and prepared concept options to help maintain beach width and reduce the amount of beach nourishment required along this section of coast. Nourishment has previously been undertaken on a number of occasions along this section of beach as detailed in the mentioned reports. The Shire has also prepared a Coastal Hazard Risk Management Adaptation Plan (CHRMAP) that includes this area.

In July 2019, local Dongara business In-Situ Construction and Maintenance (ICM) completed sand stabilisation work at Surf Beach, which successfully endured the May 2020 severe storm event. In March 2021, ICM completed the second stage, which extended the stabilisation works another 150 metres north of Surf Beach. Both stages of works have withstood severe storm events and Cyclone Seroja.

The Shire of Irwin was successful in receiving \$77,583.00 CAP grant funding, for another 80 metres of work. This will mitigate any further damage and inundation to road infrastructure and associated assets on an already severely damaged and fast-eroding coastline. These amounts have been captured in the 2022/23 Council adopted Budget. This sand stabilisation measure has proven to be a cost-effective method of addressing the coastal erosion issue at Surf Beach, delivering protection and aiding the preservation of the coastal dune by introducing an almost self-replenishing dune system. The project establishes an effective adaptive method, providing a protective buffer to the public infrastructure assets affected by the inundation on the coastline, as well as an increased and aesthetic beach for the community.

Officer's Comment:

It is recommended that the Shire continues with the innovative design of the stabilisation works belonging to ICM given the success of the previous stages. The value of this work is under the public tender threshold of \$250,000 and therefore Council policy CP20 Purchasing applies. However, the Shire officer is unable to fully meet the criteria of section 1.4.6 of the CP20 Purchasing policy, as market testing using the ICM design could potentially constitute a breach of ICM Intellectual Property should the Shire require the current successful design to be replicated in this scope of works.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

CP01 Localised Purchasing (Regional Price Preference Policy)
CP20 Purchasing – (Amended for a declared State of Emergency)

Financial/Resource Implications:

As per approved item in the 2022/23 Budget allocation.

Strategic Implications:

Strategic Community Plan 2021 – 2031

Strategy 3.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:

Attachment Booklet- February 2023

CEO02-02/23 Attachment 1: Surf Beach Stabilisation Stage 3 Quote

CEO02-02/23 Attachment 2: Cardno Report

OFFICER RECOMMENDATION AND COUNCIL DECISION**120223****MOVED: Cr Leonard****SECONDED: Cr Gillam**

That Council, by Absolute Majority, approves the Chief Executive Officer to sole source the contract services from In-Situ Construction & Maintenance for Stage 3 of Surf Beach Stabilisation Works as per quote provided in Confidential Attachment 1 to the value of \$172,638.50 ex GST.

VOTING DETAILS:**Carried by Absolute Majority: 7/0****For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge****Against: Nil**

9.2 Committee Reports

9.2.1 Minutes of the CASE Committee Meeting held on 13 February 2023

A copy of the Minutes of the CASE Committee Meeting held 13 February 2023 have been provided to all Councillors under separate cover for approval.

OFFICER RECOMMENDATION AND COUNCIL DECISION		130223
MOVED: Cr Palmer	SECONDED: Cr Scott	
<p>That the Minutes of the CASE Committee Meeting, held 13 February 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.</p>		
VOTING DETAILS:	Carried: 7/0	
<p>For: Cr Smith, Cr Scott, Cr Eva, Cr Gillam, Cr Leonard, Cr Palmer, Cr Tunbridge</p>		
<p>Against: Nil</p>		

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 6.17pm.