SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA

and

Notice of Ordinary Council Meeting

to be held on

Tuesday – 24 September 2024

in the

Council Chambers
11-13 Waldeck Street, Dongara

6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

Please be advised that with the adoption of Policy CP46 Agenda Forum Meetings on 23 April 2024, the Agenda Briefing will no longer be taking place.

Agenda Forums and Ordinary Council Meetings will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara.

DATES	
Agenda Forum - 5.00pm	**Ordinary Council Meeting – 6.00pm**
17 September	24 September
15 October	22 October
19 November	26 November
3 December	9 December (Monday)

Members of the public are most welcome to attend the Agenda Forums and Ordinary Council Meetings.

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by an Elected 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 Agenda Forums, Council or Committee Meetings.

An audio record will be made of these proceedings to assist in the taking of minutes.

Shane Ivers
CHIEF EXECUTIVE OFFICER
20 September 2024



Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally, all meetings are open to the public. Occasionally Council will be required to deal with personal, legal and other sensitive matters and on these occasions, Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. **Public Question Time**: It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions, the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
    - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
    - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
    - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
    - Only questions can be addressed to Council, not statements.
    - A minimum of 15 minutes is allocated to Public Question Time. A member of the public has 2 minutes to submit a question.
    - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
    - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
    - The Presiding Member may decide that a question shall not be responded to where:
        - the same or similar question has been asked at a previous meeting and a response has already been provided;
        - a statement has been made and is not reformed into a question; or
        - a question is offensive or defamatory in nature and is not reformed into a question.
    - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next Ordinary Meeting of Council.
    - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request System.
    - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
    - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least seventy-two (72) hours prior to the Council meeting at which you wish them to be presented.
5. Agendas for Ordinary Meetings of Council are available to the public from the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au seventy-two (72) hours prior to the meeting.
6. Public Inspection of Unconfirmed Minutes will be available for public inspection at the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au within ten (10) working days after the Meeting.

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AGENDA

of the

ORDINARY COUNCIL MEETING

to be held

24 September 2024

Commencing at 6.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor E Tunbridge	
Councillor P Summers	
Councillor J Melsom	

Staff

Mr S D Ivers	Chief Executive Officer
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Ms F Boksmati	Acting Manager Community Services
Mr M Jones	Manager Operations
Ms S Mearns	Executive Assistant

Guests

Apologies

Mr S Stubbs	Community Emergency Services Manager

Approved Leave of Absence

Councillor A J Gillam

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 Minutes of the Ordinary Council Meeting held 27 August 2024

The Minutes of the Ordinary Council Meeting held 27 August 2024 are included in the *Attachment Booklet – September 2024*.

OFFICER RECOMMENDATION:
That Council confirms the Minutes of the Ordinary Council Meeting held 27 August 2024.

8.2 Agenda Forum Notes 17 September 2024

At the Agenda Forum held 17 September 2024, Shire Officers presented background information and answered questions on Items to be considered at the September Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – September 2024*.

OFFICER RECOMMENDATION:
That Council confirms that the Agenda Forum was held on 17 September 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC01-09/24
Subject:	**CC 01-09/24 Accounts for Payment**
Author:	**S Clarkson, 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 the 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 receive the list of accounts paid under delegated authority during August 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of August 2024.

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 – September 2024
CC01-09/24 Attachment 1: Accounts for Payment – August 2024

OFFICER RECOMMENDATION:

That Council, by Simple Majority, receives the Accounts paid during August 2024 as contained in CC01-09/24 Attachment 1 of the Attachment Booklet – September 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 32390 – 32454	**$315,037.87**
Muni Cheques – 32208 – 32210	**$6,255.30**
Direct Debit – Telstra	**$3,686.21**
Direct Debit – WA Treasury Corporation	**$20,727.35**
Direct Debit – Credit Card	**$14,996.33**
Direct Debit – N-Able Pty Ltd	**$1,016.06**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Rental Charges	**$4,600.00**
Direct Debit – Insurance Premium Repayments	**$45,929.68**
Direct Debit – Superannuation	**$53,324.85**
Grand Total	**$467,798.88**

CORPORATE AND COMMUNITY	CC02-09/24
Subject:	**CC 02-09/24 Monthly Financial Statements for the Period Ended 31 July 2024**
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 the 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 receive the Monthly Financial Statements for the period 1 July 2024 to 31 July 2024.

Background:
The Monthly Financial Statements to 31 July 2024 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
- Statement of Financial Position
- 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 July 2024 is detailed in the attached report and summarised as per below: Year to budget is nil as date of budget adoption is 20 August 2024.

31/07/2024	YTD Budget	YTD Actual
Operating Revenue	0	391,442
Operating Expenditure	0	(590,182)
Net Operating	0	(198,740)
Non-Operating Revenue	0	52,970
Non-Operating Expenditure	0	(132,724)
Net Non-Operating	0	(79,754)
Cash at Bank		(149,633)
Cash at Bank Restricted		621,412
Reserve Bank		1,301,551
Total Cash Funds		1,773,330

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 must be shown according to the nature classification.

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -

(a) presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; 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 – September 2024
CC02-09/24 Attachment 1: Financial Statements for the Period Ended 31 July 2024.

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2024 to 31 July 2024 as contained in Attachment Booklet – September 2024.

DEVELOPMENT SERVICES	ID01-09/24
Subject:	**ID 01-09/24 August 2024 Development Delegated and Authorised Authority Report**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
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 the 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 receive the August 2024 Development Delegated and Authorised Authority Report.

Background:
Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire.

The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

In addition, as of 1 July 2024, the determination of development applications for single houses or any development associated with a single house (excluding development associated with a heritage place), can now only be done by the CEO or authorised employees of the local government.

Officer's Comment:
This report presents the details of development functions made under delegated or authorised authority for the month of August 2024, with 10 building permits, 6 single house applications and 1 application for development approval having been issued.

Consultation:
Nil.

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Implications:
Nil.

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 – September 2024
ID01-09/24 Attachment 1: August 2024 Development Delegated and Authorised Authority Report

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the August 2024 Development Delegated and Authorised Authority Report, as contained in ID01-09/24 Attachment 1.

INFRASTRUCTURE AND OPERATIONS	IO01-09/24
Subject:	**IO 01-09/24 Granny's Beach Playground**
Author:	**M Jones, Manager Operations**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**1.0021**
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 the 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 in the 2024-25 Budget to move $35,800 excluding GST from operating expenditure to capital expenditure for the urgent replacement of Granny's Beach playground and make the necessary adjustments in the 2024-25 Budget Review to ensure the budget is balanced.

Background:
The current playground was installed at the foreshore over 15 years ago. The playground is currently in need of replacement due to public safety concerns as the internal structure has deteriorated to such a point that the repair cost would exceed the cost of installing a new playground. A new playground was not captured in the 2024-25 Budget however due to unforeseen circumstances the playground is now in urgent need of replacement.

Officer's Comment:
Two quotes have been sourced based on dimensions of the current area. Due to the age of the playground, repairs are costly and not recommended as the playground is now non-compliant with current safety standards. This new playground could potentially be moved North creating a safer distance away from the current car park which currently has the potential for children and vehicle interaction, The playground has a high level of use by tourists and the local community due to popularity of the location. The cost associated with the removal of the existing playground will come from the current playground maintenance budget.

Consultation:
The conditions and safety concerns of our playgrounds were identified as a high priority for the community during our community consultation sessions.

Statutory Environment:
Local Government Act 1995
Section 6.8 – Expenditure from municipal fund not included in annual budget.

Policy Implications:
CP01 Localised Purchasing
C20 Purchasing

Financial/Resource Implications:
Move $35,800 excluding GST from operating expenditure to capital expenditure within the 2024-25 Budget and make the necessary adjustments in the 2024-25 Budget Review to ensure the budget is balanced.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.3 - Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:
Attachment Booklet – September 2024
IO01-09/24 Attachment 1: Current Playground Image

OFFICER RECOMMENDATION:
That Council, by Absolute Majority, in accordance with Section 6.8 of the *Local Government Act 1995* approves the transfer of $35,800 excluding GST from operating expenditure to capital expenditure within the 2024-25 Budget and make the necessary adjustments in the 2024-25 Budget Review for the replacement of the playground located at Granny's Beach, Port Denison.

10.2 Committee Reports

10.2.1 Work Health and Safety Committee Meeting

The Minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 4 September 2024 have been provided as Attachment 10.2.1 in Attachment Booklet – September 2024.

OFFICER RECOMMENDATION:
That Council receives the minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 4 September 2024.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

15. CLOSURE