



MINUTES

of the

Ordinary Council Meeting

held on

Tuesday 28 November, 2023

in the

Council Chambers
11-13 Waldeck Street, Dongara

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

Signed:
Presiding Elected Member

Date: 13/12/23

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.

A handwritten signature in black ink, appearing to read 'Shane Ivers', is positioned above the printed name and title.

Shane Ivers
CHIEF EXECUTIVE OFFICER

Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
4. PUBLIC QUESTION TIME.....	4
5. APPLICATIONS FOR LEAVE OF ABSENCE	4
6. PETITIONS AND DEPUTATIONS	4
7. CONFIRMATION OF MINUTES	4
7.1. Minutes of the Ordinary Council Meeting held 24 October 2023.....	4
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
9. REPORTS	6
9.1. Officer Reports	6
CC01-11/23 Accounts for Payment – October 2023.....	6
CC02-11/23 Monthly Financial Statements for the Period Ended 31 October 2023	8
ID01-11/23 Delegated Authority Report – Development, October 2023	11
9.2. Committee Reports	12
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	12
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	12
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	12
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC.....	12
14. CLOSURE	12

MINUTES

of the

ORDINARY COUNCIL MEETING

held on

Tuesday 28 November 2023

at 6.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Councillors, Staff and members of the Gallery then declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard

President

Councillor B Wyse

Deputy President

Councillor I Scott

Councillor H M Palmer

Councillor A J Gillam

Councillor E Tunbridge

Councillor P Summers

Staff

Mr S D Ivers

Chief Executive Officer

Mr M Connell

Manager Development

Miss P Machaka

Manager Finance

Mr P Bracegirdle

Manager Community Services

Mr M Jones

Acting Manager Operations

Ms C Bates

Acting Executive Assistant

Guests

Nil

Apologies

Nil

Gallery

Terry Domico

Approved Leave of Absence

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Question: Terry Domico, Clementina Road, Dongara

Requested to present to Council in the new year.

Response: Taken on notice

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS AND DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES**7.1. Minutes of the Ordinary Council Meeting held 24 October 2023**

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

OFFICER RECOMMENDATION:

MOVED: Cr Palmer

SECONDED: Cr Wyse

That the Minutes of the Ordinary Council Meeting, held 24 October 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.

AMENDMENT

011123

MOVED: Cr Scott

SECONDED: Cr Tunbridge

That the Minutes of the Ordinary Council Meeting, held 24 October 2023, as previously circulated are corrected and adopted to reflect the seating arrangement as allocated at the 24 October 2023 Ordinary Council meeting.

VOTING DETAILS:

Carried: 7/0

For: Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer, Cr Summers

Against: Nil

SUBSTANTIVE MOTION AND COUNCIL DECISION

021123

MOVED: Cr Palmer

SECONDED: Cr Wyse

That the Minutes of the Ordinary Council Meeting, held 24 October 2023, as previously circulated are corrected and adopted to reflect the seating arrangement as allocated at the 24 October 2023 Ordinary Council meeting.

VOTING DETAILS:

Carried: 7/0

For: Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer, Cr Summers

Against: Nil

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

25 October 2023	The CEO attended the Dongara Geraldton Northampton Planning Study update.
6 November 2023	The CEO attended the Main Road Group meeting.
6 November 2023	Special Council Meeting held.
8 November 2023	The CEO met with the Kwinana Industrial Council Director.
13 November 2023	The CEO and Cr Leonard attended a Western Power meeting.
14 November 2023	The CEO attended the IAAC Thematic workshop.
15 November 2023	The CEO met with Mitsui CEO
27 November 2023	The CEO and Cr Scott attended the Northern Country Zone of WALGA meeting.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-11/23
Subject:	CC01-11/23 Accounts for Payment – October 2023	
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 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 October 2023.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of October 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 – November 2023

CC01-11/23 Attachment 1: Accounts for Payment – October 2023

OFFICER RECOMMENDATION AND COUNCIL DECISION		031123
MOVED: Cr Palmer	SECONDED: Cr Tunbridge	
<p>That Council, by Simple Majority, receives the Accounts paid during October 2023 as contained in CC01-11/23 Attachment 1 of the Attachment Booklet – November 2023, represented by:</p>		
Payment Type/Numbers	Total Amount	
EFT 31095 – 31226	\$934,517.38	
Muni Cheques – 32169 – 32171	\$7,068.82	
Direct Debit – Telstra	\$6,911.16	
Direct Debit – WA Treasury Corporation	\$137,512.51	
Direct Debit – Credit Card	\$13,965.60	
Direct Debit – N-Able Pty Ltd	\$959.11	
Direct Debit – Australian Phone Company	\$1,081.91	
Direct Debit – Insurance Premium Repayments	\$109,976.44	
Direct Debit – Superannuation	\$54,803.98	
Grand Total	\$1,266,796.91	
VOTING DETAILS:	Carried: 7/0	
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer, Cr Summers		
Against: Nil		

CORPORATE AND COMMUNITY		CC02-11/23
Subject:	CC02-11/23 Monthly Financial Statements for the Period Ended 31 October 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:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to 31 October 2023.

Background:

The Monthly Financial Statements to 31 October 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
- 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 October 2023 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/10/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,975,106	8,172,699	2%
Operating Expenditure	(4,320,097)	(4,558,258)	6%
Net Operating	3,655,009	3,614,441	
Non-Operating Revenue	100,819	94,297	-6%
Non-Operating Expenditure	(2,461,833)	(1,141,898)	-54%
Net Non-Operating	(2,361,014)	(1,047,601)	
Muni Cash at Bank		4,396,592	
Cash at Bank Restricted		704,727	
Reserve Bank		1,624,204	
Total Cash Funds		6,725,522	

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 -*

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- budget estimates to the end of the month to which the statement relates;*
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- 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 -*
- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - 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 – November 2023

CC03-11//23 Attachment 1: Financial Statements for the Period Ended 31 October 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION		041123
MOVED: Cr Wyse	SECONDED: Cr Summers	
<p>That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 31 October 2023 as contained in Attachment Booklet – November 2023.</p>		
VOTING DETAILS:	Carried: 7/0	
<p>For: Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer, Cr Summers</p>		
<p>Against: Nil</p>		

DEVELOPMENT SERVICES		ID01-11/23
Subject:	ID01-11/23 Delegated Authority Report – Development, October 2023	
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 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 Delegated Authority Report – Development, October 2023

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.

Officer's Comment:

This report presents the details of development functions made under delegated authority for the month of October 2023, with 5 building permits and 7 applications for development approval having been issued.

Consultation:

Nil

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

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 – November 2023*

ID01-11/23 Attachment 1: Delegated Authority Report – Development, October 2023

OFFICE RECOMMENDATION AND COUNCIL DECISION	051123
MOVED: Cr Palmer	SECONDED: Cr Scott
That Council by Simple Majority receive the Delegated Authority Report – Development, October 2023 as contained in ID01-11/23 Attachment 1 of the Attachment Booklet – November 2023.	
VOTING DETAILS:	Carried: 7/0
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer, Cr Summers	
Against: Nil	

9.2. Committee Reports

Nil

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 Shire President declared the meeting closed at 6.11pm.