



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 22 June, 2021

in the

Shire of Irwin Council Chambers

- 5.00pm – Agenda Briefing
- 5.15pm – Councillor Information Session
- 6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

Please be advised that Ordinary Council Meetings during 2021 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, (unless otherwise advised) commencing at **6.00pm**.

DATES	
23 February 2021	27 July 2021
23 March 2021	24 August 2021
27 April 2021	28 September 2021
25 May 2021	26 October 2021
22 June 2021	23 November 2021
	14 December 2021

Members of the public are most welcome to attend the Agenda Briefing, the Councillor Information session and the 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 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

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; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those 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 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 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 72 hours prior to the Council meeting at which you wish them to be presented.
5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.
6. **Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The Officer must declare that interest and generally the Presiding Member will advise the Officer if he/she is to leave the meeting.
7. Agendas are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting.
8. Agendas for Ordinary Meetings are available to the public from the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au seventy-two (72) hours prior to the meeting.
9. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council and ideally received written confirmation of the outcome. Please note the Disclaimer in the Agenda (page 3).
10. Public Inspection of Unconfirmed Minutes (Reg 13): A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection at the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au within ten (10) working days after the Meeting.

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ORDINARY COUNCIL MEETING

to be held

22 June 2021

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith

Shire President

Councillor B Wyse

Deputy Shire President

Councillor G S Eva

Councillor A J Gillam

Councillor M Leonard

Councillor I Scott

Councillor H M Wells (*via teleconference*)

Councillor I F West

Staff

Mr S D Ivers

Chief Executive Officer

Mrs D K Chandler

Acting Manager Corporate & Community

Mr P Traylen

Acting Manager Infrastructure & Development

Mr B Jeans

Manager Development

Mr P Godfrey

Manager Finance

Mr M Jones

Supervisor Parks & Gardens

Ms J Keene

Procurement & Administration Officer

Ms S Clarkson

Acting Senior Finance Officer

Ms N A M'Leane

Development & Executive Officer

Guests

Approved Leave of Absence

Apologies

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Annual Electors' Meeting held 27 April 2021

A copy of the Minutes of the Annual Electors' Meeting held 27 April 2021 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Annual Electors' Meeting, held 27 April 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

7.2. Minutes of the Ordinary Council Meeting held 25 May 2021

A copy of the Minutes of the Ordinary Council Meeting held 25 May 2021 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 25 May 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-06/21
Subject:	CC01-06/21 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
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 May 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of May 2021

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 all payments by Council.

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

4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – June 2021

CC01-06/21 Attachment 1 – Accounts for Payment – May 2021

Officer Recommendation:

RECOMMENDED:

That Council receives the Accounts paid during May 2021 as present in Attachment Booklet – June 2021, represented by:

Payment Type/Numbers	Total Amount
EFT 27268 – 27448	\$738,458.21
Muni Cheques – 32055 – 32059	\$9,621.30
Direct Debit – Telstra	\$2,494.07
Direct Debit – WA Treasury Corporation	\$65,350.56
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$3,777.22
Direct Debit – Superannuation	\$35,708.28
Grand Total	\$857,357.30

CORPORATE AND COMMUNITY		CC02-06/21
Subject:	CC02-06/21 Monthly Financial Statements for the Period Ended 31 May 2021	
Author:	P Godfrey, Manager Finance	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
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 2020 to 31 May 2021.

Background:

The Monthly Financial Statements to 30 June 2021 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 Program
- 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 May 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/05/2021	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,546,917	7,996,208	6%
Operating Expenditure	(11,001,696)	(10,499,424)	-5%
Net Operating	(3,454,779)	(2,503,216)	
Non-Operating Revenue	5,629,524	1,049,637	19%
Non-Operating Expenditure	(6,726,509)	(2,081,199)	31%
Net Non-Operating	(1,096,985)	(1,031,562)	
Cash at Bank		3,148,151	
Cash at Bank Restricted		362,875	
Reserve Bank		1,480,059	
Total Cash Funds		4,991,085	

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:

Strategic Community Plan 2017 – 2027

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 – June 2021

CC02-06/21 Attachment 1 – Financial Statements for the Period Ended 31 May 2021

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statements for the period 1 July 2020 to 31 May 2021 as provided in Attachment Booklet – June 2021.

CORPORATE AND COMMUNITY		CC03-06/21
Subject:	CC03-06/21 Differential Rates 2021/22 - Submissions	
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0683 Differential Rates	
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:

To consider submissions and initiate the process for seeking Ministerial approval regarding the proposed 2021/22 differential rates.

Background:

At the Ordinary Council Meeting on 25 May 2021, Council resolved to advertise its intention to adopt differential rates for the 2021/22 financial year:

COUNCIL DECISION 040521:		
MOVED: Cr Scott	SECONDED: Cr Leonard	
That Council:		
1) Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2021/22 financial year:		
<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	11.6239	\$1050
<i>Unimproved Valuations</i>		
General Differential Rate	1.4756	\$1050
Mining Differential Rate	19.7408	\$1050
2) Approves the advertising of its intention in accordance with Section 6.36 of the Local Government Act 1995.		
3) Endorses the Statement of Objects and Reasons, as presented in Attachment Booklet – May 2021 under separate cover.		
4) Confirms that expenditure has been reviewed and the following efficiency measures have been considered as part of budget deliberations:		
<u>Efficiency Measures:</u>		
<ul style="list-style-type: none"> • Service levels and core business; • Process improvement strategy to increase efficiencies; • Rural roads infrastructure improvement strategy; • Asset management strategy; • Improve utility efficiencies for future savings; and • Review each position as vacancies arise. 		
VOTING DETAILS:	Carried 7/0	

Attachments:

The proposed 2021/22 differential rates were advertised in the Geraldton Guardian on Friday 28 May 2021, Dongara Denison Local Rag on Wednesday 2 June 2021 and on the Shire of Irwin website. Advertising was undertaken in accordance with Section 6.36 of the *Local Government Act 1995* with the submission period for public comment of the proposed differential rates closing Friday 18 June 2021. In addition to the statutory advertising process, letters were sent to mining tenement holders.

Officer Recommendation:

The draft budget is currently being prepared and will be presented to Council at the 27 July 2021 Ordinary Council Meeting.

At the closing of the advertising period, no submissions were received.

The proposed rates of \$5,639,603 includes a 4.9% increase on 2020/21 rates and interim revenue of \$3,065, with a 2.8% increase on the minimum rate. To enable this 4.9% increase and taking into account the change in UV valuations as provided by Landgate for 2021/22, both the UV Rural and UV Mining rates in the dollar have increased by approximately 3.96% from last year's rates in the dollar.

In accordance with Section 6.33 of the *Local Government Act 1995*, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it. The proposed UV Mining rate in the dollar is more than twice the UV Rural rate in the dollar. This is intended to ensure that the mining sector contributes an equitable contribution to the costs of providing for the Shire's assets and services. Mining tenements on average have a relatively low valuation in comparison to rural land unimproved valuations, and as such, a higher rate in the dollar is required to raise an appropriate level of rates income.

Consultation:

The proposed 2021/22 differential rates in the dollar were advertised for 21 days as well as correspondence with all mining tenement holders.

Statutory Environment:

Local Government Act 1995

6.33. Differential general rates

- 1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
 - (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

Policy Implications:

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- zoning
- land use
- vacant land.

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- whether or not it is situated in a town-site
- whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- prepared and made publically available a document clearly describing the object of and reason for each differential general rate;

- given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
- published the notices after 1 May in the relevant year.

The public notice published by the local government contained:

- details of each differential general rate that the local government intends to impose
- an invitation for submissions to be made by an elector or ratepayer
- a closing date for submissions which is at least twenty one days after the day on which the notice is published
- advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.

The council of the local government has:

- considered each ratepayer submission (if any)
- resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2021/22 financial year.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Nil.

Officer Recommendation:

RECOMMENDED:

That Council make application to the Minister for Local Government seeking approval under Section 6.33(3) of the *Local Government Act 1995* to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties, as detailed below:

<u>Unimproved Valuations</u> <u>Rating Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rate</u>
General Differential Rate	1.4756	\$1050
Mining Differential Rate	19.7408	\$1050

OFFICE OF CEO		CEO01-06/21
Subject:	CEO01-06/21 Request for Tender 2-2020/21 Practice Management Support Services	
Author:	J Keene, Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0215	
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.
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- 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 awarding Tender 2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register.

Background:

At the 5 March 2020 Special Council Meeting, Council resolved by Absolute Majority to purchase the Dongara Medical Centre and enter into a formal practice management agreement.

At the 27 October 2020 Ordinary Council Meeting and under separate confidential attachment, Council resolved by Absolute Majority to engage a medical practice management organisation to manage the Dongara Medical Centre alongside the Principal GP, for a period of 6 months.

At the end of the six month period, the Shire of Irwin is now seeking to appoint a suitably qualified and experienced organisation to provide Practice Management Support Services for the Dongara Medical Centre to ensure the continuation of high quality, cost effective medical services. The services provided will include recruitment of staff, human resources management, accounting, book-keeping, clinical leadership, service coordination, corporate services and practice management to support the current Medical Service Provider.

Public tenders were invited from suitably experienced organisations for the service of providing Practice Management Support for the Dongara Medical Centre where statewide public notice was given in The West Australian newspaper on 22 May 2021, with the tender closing date of 15 June 2021.

An evaluation panel comprising of three (3) voting members of staff individually assessed the tender submission. Evaluation Panel Members formally met on 18 June 2021, to develop the consensus evaluation of the respondent and make recommendation that resulted in the finalised Evaluation Panel Report, provided as Confidential Attachment 3.

This submission met the required compliance criteria and was assessed against the qualitative criteria before pricing was considered in the evaluation to determine value for money.

Officer's Comment:

The submission by Respondent A met the qualitative criteria as set out in the Request for Tender (RFT) document, provided as Attachment 1. For full details of the scores and ranking refer to the RFT Evaluation Report provided as Confidential Attachment 3.

For further details regarding the compliance and qualitative criteria, refer to the attached RFT Evaluation Report provided as Confidential Attachment 3.

It is recommended that Council award Tender 2-2020/21 Practice Management Support Services to Respondent A for the contract value of \$473,550 (including GST) with the option to proceed with an additional two (2) years to the value of \$334,950 (including GST), subject to the availability of Council approved funds.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996

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 subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of
 - (i) all quotations received; and
 - (ii) all purchases made.

Local Government (Function and General) Regulations 1996

11. When tenders have to be publicly invited

- (1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.
- (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 subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA preferred

- Supplier Program; or
- [(ba) deleted]
- (c) within the last 6 months —
- (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
- (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
- (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
- and
- (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

- (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
- (iii) the original contract contains an option to renew or extend its term; and
- (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(ja) the contract is a renewal or extension of the term of a contract (the original contract) where —

- (i) the original contract is to expire within 3 months;
and
- (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
- (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

- (3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

Policy Implications:

CP20 – Purchasing

CP01 – Localised Purchasing (Regional Price Preference)

Financial/Resource Implications:

Award of Tender 2-2020/21 Practice Management Support Services is within the 2021/22 DRAFT Annual Budget allocation for the service of providing practice management support to the Medical Service Provider at Dongara Medical Centre. The 2021/22 Draft Annual Budget was presented to Council at the Draft Budget Workshop held 18 May 2021, with the final 2021/22 Draft Budget to be presented to Council for adoption at the 27 July 2021 Ordinary Council Meeting.

Attachments:

Attachment Booklet – June 2021

CEO01-06/21 Attachment 1 – RFT 2-2020/21 Practice Management Support Services

CEO01-06/21 Attachment 2 – RFT 2-2020/21 Evaluation Matrix

CONFIDENTIAL Attachment Booklet – June 2021

CEO01-06/21 Confidential Attachment 3 – Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii) of the *Local Government Act 1995*.

Officer Recommendation:

RECOMMENDED:

That Council by Absolute Majority;

- 1. Accepts the tender submission for Tender No. 2-2020/21 Practice Management Support Services, received from {_____}, named as ‘Respondent A’ in the Evaluation Panel Report recommendation detailed in Confidential Attachment 3 and identified as the most advantageous, to the contract value of \$473,550 (including GST) over 3 years with the option to proceed with an additional 2 years to the value of \$334,950 (including GST), subject to the availability of Council approved funds;**
- 2. Authorises the Chief Executive Officer to execute the contract for awarding Tender No. 2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register in accordance with s.9.49A of the *Local Government Act 1995*; and**
- 3. Notes that the Chief Executive Officer has delegated authority in accordance with s.5.42(1) of the *Local Government Act 1995*, to negotiate minor variations to the contract for Tender No.2-2020/21 Practice Management Support Services as advertised and recorded in the Tender Register before and / or after its execution, in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996*, as per Council to CEO Delegation CEO100 Tenders for Goods and Services – (Amended for a declared State of Emergency).**

INFRASTRUCTURE & DEVELOPMENT		ID01-06/21
Subject:	ID01-06/21 Delegated and Authorised Actions for May 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
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:

To inform Council of officer actions made under delegated authority and authorisation in the Development department.

Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer’s Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 May 2021 to 31 May 2021.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

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 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – June 2021

ID01-06/21 Attachment 1 – Table of Delegated Actions for May 2021, Development

CONFIDENTIAL Attachment Booklet – June 2021

ID01-06/21 Attachment 2 – Detailed table of delegated actions for May 2021, Development

Officer Recommendation:

RECOMMENDED:

That Council receives the Delegated and Authorised Actions for May 2021 as set out in Attachment 1 in Attachment Booklet – June 2021.

9.2. Committee Reports

9.2.1 Audit Committee

The minutes of the Audit Committee Meeting held Thursday 22 April 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – June 2021.

RECOMMENDED:

That Council receives the Minutes of the Audit Committee Meeting held Thursday 22 April 2021.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14. CLOSURE