



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 28 June, 2022

in the

Shire of Irwin Council Chambers

AGENDA & BUSINESS PAPERS

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

Please be advised that Ordinary Council Meetings during 2022 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	
22 February 2022	26 July 2022
22 March 2022	23 August 2022
26 April 2022	27 September 2022
24 May 2022	25 October 2022
28 June 2022	22 November 2022
	12 December 2022

Members of the public are most welcome to attend the Agenda Briefing, the Councillor Information Session and the Ordinary Council Meeting.

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

28 June 2022

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 G S Eva	
Councillor A J Gillam	
Councillor M Leonard	
Councillor H M Palmer	
Councillor E Tunbridge	
Councillor B Wyse	

Staff

Mr S D Ivers	Chief Executive Officer
Mrs D K Chandler	Acting Manager Corporate & Community
Mrs K Dowson	Human Resources Supervisor
Ms N A M'Leane	Development & Executive Officer
Mrs F Boksmati	Community Development Officer

Guests

Approved Leave of Absence

Apologies

Councillor I M Scott	Deputy Shire President
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Gallery

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

- 4. PUBLIC QUESTION TIME**

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

- 6. PETITIONS AND DEPUTATIONS**

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Annual Electors' Meeting held 24 May 2022

A copy of the Minutes of the Annual Electors' Meeting held 24 May 2022 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Annual Electors' Meeting, held 24 May 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.

7.2. Minutes of the Ordinary Council Meeting held 24 May 2022

A copy of the Minutes of the Ordinary Council Meeting held 24 May 2022 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 24 May 2022, 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		CC01-06/22
Subject:	CC01-06/22 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 2022.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of May 2022.

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 – June 2022

CC01-06/22 Attachment 1: Accounts for Payment – May 2022

Officer Recommendation:

RECOMMENDED:

That Council receives the Accounts paid during May 2022 as presented in Attachment Booklet – June 2022, represented by:

Payment Type/Numbers	Total Amount
EFT 28758 – 28851	\$321,701.34
Muni Cheques – 32106 – 32110	\$72,543.85
Direct Debit – Telstra	\$4,629.48
Direct Debit – WA Treasury Corporation	\$65,350.56
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$6,351.71
Direct Debit – Land Use Agreement	\$1,041.66
Direct Debit – Rental Charges	\$2,600.00
Direct Debit – Bonds Administrator	\$3,240.00
Direct Debit – Superannuation	\$16,589.50
Grand Total	\$495,995.76

CORPORATE AND COMMUNITY		CC02-06/22
Subject:	CC02-06/22 Monthly Financial Statements for the Period Ended 31 May 2022	
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.
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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:

To consider and receive the Monthly Financial Statements for the period 1 July 2021 to 31 May 2022.

Background:

The Monthly Financial Statements to 30 June 2022 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 May 2022 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/05/2022	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	6,927,606	9,499,541	37%
Operating Expenditure	(8,894,887)	(10,702,314)	20%
Net Operating	(1,967,281)	(1,202,773)	
Non-Operating Revenue	10,000	0	-100%
Non-Operating Expenditure	(1,750,935)	(2,003,589)	14%
Net Non-Operating	(1,740,935)	(2,003,589)	
Cash at Bank		1,926,058	
Cash at Bank Restricted		575,285	
Reserve Bank		1,486,263	
Total Cash Funds		3,987,606	

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
- such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

- according to nature and type classification;
- by program; or
- 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 – June 2022

CC02-06/22 Attachment 1: Financial Statements for the Period Ended 31 May 2022

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 31 May 2022 as provided in Attachment Booklet – June 2022.

CORPORATE AND COMMUNITY		CC03-06/22
Subject:	CC03-06/22 Differential Rates 2022/23 - 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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- 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 2022/23 differential rates.

Background:

At the Ordinary Council Meeting on 24 May 2022, Council resolved to advertise intention to adopt differential rates for the 2022/23 financial year:

COUNCIL DECISION 070522:		
MOVED: Cr Leonard		SECONDED: Cr Wyse
That Council:		
1) Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2022/23 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	11.6140	\$1050
<i>Unimproved Valuations</i>		
General Differential Rate	1.4743	\$1050
Mining Differential Rate	19.7240	\$1050
2) Approves the advertising of its intention in accordance with Section 6.36 of the <i>Local Government Act 1995</i> ;		
3) Endorses the Statement of Objects and Reasons, as presented in Attachment Booklet – May 2022 under separate cover; and		
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 		
VOTING DETAILS:		Carried 6/0

The proposed 2022/23 differential rates were advertised in the Dongara Denison Local Rag on Wednesday 1 June 2022, on the Shire of Irwin website and on the public notice board located at the Dongara Public Library. Advertising was undertaken in accordance with Section 6.36 of the *Local Government Act 1995* with the submission period for public comment on the proposed differential rates closing Thursday, 23 June 2022.

Officer Recommendation:

The draft budget is currently being prepared and will be presented to Council at the 26 July 2022 Ordinary Council Meeting.

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

The proposed rates of \$5,926,058 includes a 4.5% increase on 2021/22 rates revenue, with the minimum rate for all properties remaining the same at \$1,050. To enable this 4.5% increase and taking into account the change in UV valuations as provided by Landgate for 2022/23, both the UV Rural and UV Mining rates in the dollar have decreased slightly 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 2022/23 differential rates in the dollar were advertised from 1 June 2022 to 23 June 2022, allowing the minimum statutory submission period of 21 days.

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 publicly 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:

- o the terms of this policy (through the provision of a copy of this document to the ratepayer*
- o the local government's objects of and reasons for proposing to impose the differential general rates*
- o the differential general rate that will apply to the ratepayer's property; and*
- o 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:

- o prepared and made publicly available a document clearly describing the object of and reason for each differential general rate;*
- o 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)*
- o published the notices after 1 May in the relevant year.*

The public notice published by the local government contained:

- o details of each differential general rate that the local government intends to impose*
- o an invitation for submissions to be made by an elector or ratepayer*
- o a closing date for submissions which is at least twenty one days after the day on which the notice is published*
- o 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:

- o considered each ratepayer submission (if any)*
- o 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 2022/23 financial year.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

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 Rating Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rate</u>
General Differential Rate	1.4743	\$1050
Mining Differential Rate	19.7240	\$1050

CORPORATE AND COMMUNITY		CC04-06/22
Subject:	CC04-06/22 Community Assistance Scheme and Events Committee – Community Members	
Author:	F Boksmati, Community Development Officer	
Responsible Officer:	D Chandler, A/Manager Corporate Community	
File Reference:	3.0016	
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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- 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 information provided in Attachment 1: 2022 CASE Committee Candidate Profiles and appoint one (1) Community Member to join the Community Assistance Scheme and Events (CASE) Committee.

Background:

The role of the CASE Committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary guidelines approved annually by Council. The CASE Committee also discuss and provide recommendations to event organisers to stimulate and encourage projects, events or activities to meet the needs of the community and offer the best opportunity to provide economic benefits and potential to market Dongara and Port Denison outside the Shire of Irwin.

The CASE Committee Terms of Reference for Community Members, last amended 20 October 2021, states that the CASE committee will consist of up to five members and that membership will be:

- A/Manager Corporate Community;
- 2 x Elected Members; and
- 2 x Community Members.

On the 11 April 2022, the Community Development Officer (CDO) received an official email of resignation from Community Committee Member, Judy Smith. The CDO then advertised for Expressions of Interest (EOI) to fill the vacant community member position. Three (3) EOIs were received, the candidates are now being presented to Council for consideration.

The candidates are:

- Mr Jon Arden
- Mrs Celeste McGuigan
- Mrs Gillian Johnson

Officer’s Comment:

To ensure transparency and fairness, the candidate profiles have been provided to Council under separate confidential cover (Attachment 1), for consideration.

Consultation:

It is recommended that Councillors by secret ballot vote for their preferred community member to join the CASE Committee.

Statutory Environment:

Local Government Act 1995

- Section 5.8 Establishment of committees

Policy Implications:

Funding Policy

Community Assistance Scheme and Events Committee – Terms of Reference

Financial/Resource Implications:

At the 24 August 2021 Ordinary Council Meeting, Council adopted the 2021/22 Annual Budget including a \$30,000 allocation to the Community Assistance Scheme. The CASE Committee will make recommendations to Council for the expenditure of this allocation and future budget allocations.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 1.2.3 Support community-initiated projects and activities

Attachments:

CONFIDENTIAL Attachment Booklet – June 2022

CC04-06/22 Attachment 1: 2022 CASE Committee EOI Candidate Profiles

Officer Recommendation:

RECOMMENDED:
That Council, by Absolute Majority, appoint (_____) as a Community Member to the Community Assistance Scheme and Events Committee up until the next local government election.

OFFICE OF CEO	CEO01-06/22
Subject:	CEO01-06/22 Register of Delegations - Council to CEO Delegations – Annual Review
Author:	N M’Leane, Development & Executive Officer
Responsible Officer:	D Chandler, A/Manager Corporate & Community
File Reference:	3.00271
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 review the Register of Delegations – Council to CEO (the ‘Register’), provided as Attachment 1.

Background:

To delegate is to appoint another person to exercise a power or discharge a duty. A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty. Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per the *Local Government Act 1995* s5.18 and s5.46.

Section 5.46 (2) of the *Local Government Act 1995* states that “*at least once every financial year, delegations made under this Division are to be reviewed by the delegator*”. Therefore, Council is required to review the Council to CEO delegations, and it is the responsibility of the CEO to review delegations to other employees.

All delegations for the Shire of Irwin are managed and administered through an online software package called Integrity Attain.

Officer’s Comment:

Since Council’s adoption of the Register of Delegations – Council to CEO at the 25 May 2021 Ordinary Council Meeting there have been no amendments made to the Register.

Consultation:

Staff continually review all delegations where required across the organisation and all staff are consulted regularly with the Register of Delegations – Council to CEO.

Statutory Environment:

Local Government Act 1995

- s5.42 Delegations 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

Policy Implications:

The Register of Delegations – Council to CEO will link with and guide some Council Policies. Reference to the relevant Council Policy for each delegation is made within the Register.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

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

Attachments:

Attachment Booklet – June 2022

CEO01-06/22 Attachment 1: Register of Delegations – Council to CEO – June 2022

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, adopt the ‘Register of Delegations – Council to CEO’ dated June 2022, as presented in Attachment Booklet – June 2022.

OFFICE OF CEO	CEO02-06/22
Subject:	CEO02-06/22 Chief Executive Officer Performance Review Panel
Author:	K Dowson, Human Resources Supervisor
Responsible Officer:	M Smith, Shire President
File Reference:	4.0011
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 undertake and complete an annual review of the Chief Executive Officer’s performance in accordance with relevant legislation.

Background:

The *Local Government Act 1995* Section 5.38 prescribes that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

The Shire of Irwin’s CEO, Mr Shane Ivers commenced his position on 24 May 2019 for a term of 5 years.

Officer’s Comment:

In following the Department of Local Government, Sport and Cultural Industries Guidelines where it states: *It is recommended that the council delegates the CEO performance review to a panel (e.g., comprising certain council members and an independent observer).* Therefore, as the panel has a duty to gather as much evidence as possible upon which to base their assessments, it is recommended the review panel consist of all those Elected Members who are available on Tuesday, 12 July 2022 to attend via video and/or telephone conferencing.

All Elected Members have been invited to complete a survey as part of the review process with the survey response due by Friday, 1 July 2022.

The Performance review process has been agreed to between the Shire President and CEO.

Consultation:

JCP Consulting have been engaged as the independent consultant to undertake the CEO performance review and did so in 2021/2022 for the same service.

Statutory Environment:

Local Government Act 1995

5.38. *Annual review of employees' performance*

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (3) *A review under subsection (1) must be conducted at least once in relation to each year of the person's employment.*

5.39. *Contracts for CEO and senior employees*

- (3) *A contract under this section is of no effect unless —*
 - (b) *there are specified in the contract performance criteria*

5.39A. *Model standards for CEO recruitment, performance and termination*

- (1) *Regulations must prescribe model standards for local governments in relation to the following —*
 - (b) *the review of the performance of CEOs;*

Local Government (Administration) Regulations 1996

Regulation 18 FA Schedule 2 Model standards for CEO recruitment, performance and termination

Division 3 – Standards for review of performance of CEOs

Clause 16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
 - (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

Clause 17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

Clause 18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

Clause 19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*

(b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues

Local Government (Model Code of Conduct) Regulations 2021

Policy Implications:

Council Policy CP38 Risk Management
CEO Standards for Recruitment, Performance and Termination

Financial/Resource Implications:

Cost associated with the CEO Performance Review has been considered in the proposed 2022/23 Annual Budget.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles.
Strategy 4.3.3 Adopt and follow better practice processes.

Attachments:

Nil.

Officer Recommendation:

RECOMMENDED:

- 1) That Council appoint Cr M Smith (Shire President), Cr I Scott (Deputy Shire President), Cr B Wyse, Cr G Eva, Cr A Gillam, Cr M Leonard, Cr H Palmer and Cr E Tunbridge to the review panel to conduct and participate in the CEO Performance Review 2022/23.
- 2) That Council support the appointment of JCP Consulting as the Independent Consultant for the CEO Performance Review 2022/23.
- 3) That Council invite Mr Maurice Battilana as the Independent Person on the panel for the CEO's Performance Review 2022/2023.

INFRASTRUCTURE & DEVELOPMENT		ID01-06/22
Subject:	ID01-06/22 Delegated and Authorised Actions for May 2022 – Development	
Author:	N M’Leane, Development & Executive Officer	
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.
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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:

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 2022 – 31 May 2022.

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:

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 – June 2022

ID01-06/22 Attachment 1: Table of Delegated Actions for May 2022, Development

CONFIDENTIAL Attachment Booklet – June 2022

ID01-06/22 Attachment 2: Detailed Table of Delegated Actions for May 2022, Development

Officer Recommendation:

RECOMMENDED:

That Council receives the Delegated and Authorised Actions for May 2022 as set out in Attachment 1 in Attachment Booklet – June 2022.

9.2. Committee Reports

Nil.

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