



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 25 May, 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

25 May 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
Councillor B Wyse
Councillor G S Eva
Councillor A J Gillam
Councillor M Leonard
Councillor I Scott
Councillor I F West

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mrs D K Chandler
Mr P Traylen
Mr B Jeans
Mr P Godfrey
Mr M Jones
Ms S Clarkson
Ms N A M'Leane

Chief Executive Officer
Acting Manager Corporate & Community
Acting Manager Infrastructure & Development
Manager Development
Manager Finance
Supervisor Parks & Gardens
Acting Senior Finance Officer
Development & Executive Officer

Guests

Approved Leave of Absence

Councillor H M Wells

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 Ordinary Council Meeting held 27 April 2021

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

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 27 April 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		CC01-05/21
Subject:	CC01-05/21 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 April 2021.

Background:

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

CC01-05/21 Attachment 1 – Accounts for Payment – April 2021

Officer Recommendation:

RECOMMENDED:

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

Payment Type/Numbers	Total Amount
EFT 27158 – 27267	\$623,984.30
Muni Cheques – 32050 – 32054	\$76,182.95
Direct Debit – Telstra	\$2,544.07
Direct Debit – WA Treasury Corporation	\$91,170.76
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$4,007.39
Direct Debit – Superannuation	\$46,303.65
Grand Total	\$846,140.78

CORPORATE AND COMMUNITY		CC02-05/21
Subject:	CC02-05/21 Monthly Financial Statements for the Period Ended 30 April 2021	
Author:	P Godfrey, Finance Manager 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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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2020 to 30 April 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 April 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/04/2021	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,611,562	7,704,355	101%
Operating Expenditure	(9,028,844)	(9,515,831)	105%
Net Operating	(1,417,282)	(1,811,476)	
Non-Operating Revenue	4,483,067	1,385,598	31%
Non-Operating Expenditure	(5,622,433)	(1,946,324)	35%
Net Non-Operating	(1,139,366)	(560,726)	
Cash at Bank		3,893,878	
Cash at Bank Restricted		362,875	
Reserve Bank		1,297,753	
Total Cash Funds		5,554,506	

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 – May 2021

CC02-05/21 Attachment 1 – Financial Statements for the Period Ended 30 April 2021

Officer Recommendation:

RECOMMENDED:

That Council receives the Monthly Financial Statements for the period 1 July 2020 to 30 April 2021 as provided in Attachment Booklet – May 2021.

CORPORATE AND COMMUNITY		CC03-05/21
Subject:	CC03-05/21 Differential Rates 2021/22	
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:

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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 the proposed rates in the dollar for differential rating to be advertised prior to the adoption of the 2021/22 Budget.

Background:

There is provision under the *Local Government Act 1995* to impose differential rates within the local government's boundaries and in considering this imposition, there are certain statutory obligations that the local government must comply with:

- Before any consideration to the Budget, the local government is required to give local public notice of its intention to impose differential rates;
- The local government must provide information of each new rate or minimum payment;
- Electors or ratepayers are invited to make submissions in respect of the proposed rate or minimum payment. This submission period must be for a minimum of 21 days; and
- Application to the Minister for Local Government, Heritage, Culture and the Arts seeking approval to impose a differential rate that is more than twice the lowest rate.

For many years, the Shire of Irwin have used differential rates to levy a higher rate in the dollar for Mining Tenements than other Unimproved Valuation (UV) properties. This practice has been common within local governments.

A draft budget workshop was held on Tuesday 18 May 2021 where Councillors reviewed the projected changes in operating revenue and expenditure, along with efficiency measures, proposed capital works and projects. The differential rates will directly influence Council's ability to fund expenditure requirements in the 2021/22 Budget.

Due to the acquisition of the Dongara Medical Centre, Council resolved to increase rates in 2020/21 by 1.9% to enable the absorption of the additional costs, however due to the State of Emergency as a result of the COVID-19 pandemic, Council resolved to not increase rates at all in the 2020/21 financial year.

Officer's Comment:

For Council to meet the requirements of the Act it is required to advertise the proposed differential rates within timeframes to meet the 21 day minimum advertising period before the budget is adopted.

A thorough review of the draft budget revenue and expenditure requirements has indicated that an increase of 4.9% on the actual revenue raised in the 2020/21 financial year will meet requirements of the 2021/22 budget. The 4.9% increase includes the 1.9% increase that was not applied in 2020/21 due to COVID-19, plus an additional 3%.

Differential rating allows Council to maintain a degree of equity between rates levied on all unimproved value assessments within the Shire of Irwin rate base whilst providing income annually to allow for the service requirements of all property owners. The reasoning for levying the higher rate in the dollar can be found in the attachment - Statement of Objects and Reasons.

It is worth noting that while both UV Rural and UV Mining are based on "Unimproved Values" provided by the Valuer General, the *Valuation of Land Act 1978* prescribes different methods of calculating each one.

The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.

The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.

Unimproved Valuations

Landgate has advised that the total unimproved valuation for the Shire of Irwin has increased by an overall average of approximately 3.46% to \$122,032,225.

The Valuer's comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations.

In the letter, the Valuer also makes the following comments:

“OVERALL VARIATION TO UNIMPROVED VALUATIONS

Generally, broadacre unimproved values have increased across the shire. However, the rural small holding market has softened, and small block values have been reduced across the shire. The overall average increase is relatively modest due to the reduction in small holding values.

Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information such as soil types.”

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued they will not necessarily reflect a 4.9% increase in rates on their property.

Gross Rental Valuations

Landgate provided a new Gross Rental Valuation (GRV) which took effect as of 1 July 2019. The next revaluation will occur approximately 2023.

Mining Valuations

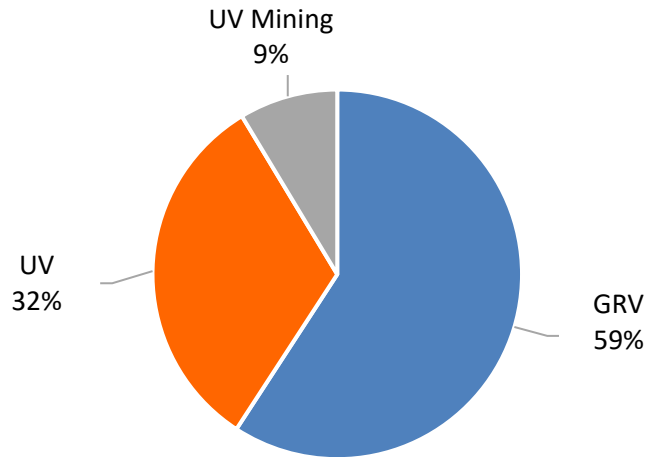
Landgate will not provide the Mining Valuation Roll until July / August 2021, therefore the rates in the dollar are based on current valuations. Interim valuations will be undertaken when the new UV Mining Valuation Roll is received.

The proposed rates in the dollar have been calculated by using the actual rates raised as at 1 July 2020 and then adjusted by any full year equivalent increase or decrease for interims received for the year.

The proposed rates of \$5,639,603 includes the 4.9% increase on 2020/21 rates and interim revenue of \$3,065, with a 2.8% increase on the 2020/21 minimum rate. The draft budget is still being finalised and

is subject to change due to the end of financial year processes.

2021/22 Proposed Rates Revenue	
GRV	3,338,270
UV	1,814,258
UV Mining	487,075
	\$5,639,603



2021/22 Proposed Rates Revenue

Consultation:

Once adopted, the proposed differential rates together with the objects of imposing differential rates and reasons for each rate category must be advertised for a minimum period of 21 days. This period of advertising allows ratepayers to consider the proposed rates and make any submissions to Council. The advertising process does not prevent Council from amending the rate in the dollar at budget adoption.

Statutory Environment:

Local Government Act 1995

- Section 6.33 Differential general rates
- Section 6.36 Local government to give notice of certain rates

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:

- 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 publicly 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 Shire's principle source of income is through rates. It is an essential part of the budget process that the Council consider the level of rates that need to be raised in the context of funding the annual budget. It must also be noted that as other income, such as fees and charges are fixed by external legislation, there is very little scope for the Shire to increase this revenue source to keep up with the rising costs of service provision and reduction of grant funding, therefore, these increasing costs must be borne by increases in rates.

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 – May 2021

CC03-05/21 Attachment 1 – Statement of Objects and Reasons 2021/22

Officer Recommendation:

RECOMMENDED:

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:

Efficiency Measures:

- 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.

OFFICE OF CEO		CEO01-05/21
Subject:	CEO01-05/21 Register of Delegations - Council to CEO Delegations – Annual Review	
Author:	K Haug, IT Systems & Governance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	3.0219	
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.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to 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.

The new Register of Delegations was adopted at the 28 July 2020 Ordinary Council Meeting with Local Law Delegations and Planning Delegations adopted at the 22 September 2020 Ordinary Council Meeting. As of September 2020, all delegations are now managed and administered through an online software package called Integrity Attain / Innova.

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.

Officer’s Comment:

Since the completion of the in-depth review and adoption of the new Register, Council resolved to delegate authority to the CEO to authorise, as Complaints Officers, one or more persons to receive complaints and withdrawals of complaints for the purposes of Division 3 of the Code of Conduct at the 23 February 2021 Ordinary Council Meeting, in accordance with legislation amendments in February 2021. Therefore, Delegation CEO131 Complaints Officer is the only new delegation added 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:

Strategic Community Plan 2017 – 2027

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

Attachments:

Attachment Booklet – May 2021

CEO01-05/21 Attachment 1 – Register of Delegations – Council to CEO – May 2021

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, adopt the ‘Register of Delegations – Council to CEO’ dated May 2021, as presented in Attachment Booklet – May 2021.

INFRASTRUCTURE & DEVELOPMENT		ID01-05/21
Subject:	ID01-05/21 Delegated and Authorised Actions for April 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 April 2021 to 30 April 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 – May 2021

ID01-05/21 Attachment 1 – Table of Delegated Actions for April 2021, Development

CONFIDENTIAL Attachment Booklet – May 2021

ID01-05/21 Attachment 2 – Detailed table of delegated actions for April 2021, Development

Officer Recommendation:

RECOMMENDED:

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

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