



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 22 September, 2020

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 2020 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	
25 February 2020	28 July 2020
24 March 2020	25 August 2020
28 April 2020	22 September 2020
26 May 2020	27 October 2020
23 June 2020	24 November 2020
	8 December 2020

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 September 2020

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
Mr B Jeans
Mrs J Goodbourn
Mrs Y Robb
Mrs D K Chandler

Chief Executive Officer
Manager Regulatory Services
Supervisor Finance
Process Improvement Coordinator
Governance & Executive Coordinator

Approved Leave of Absence

Councillor H M Wells

Apologies

Nil.

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 25 August 2020

A copy of the Minutes of the Ordinary Council Meeting held 25 August 2020 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 25 August 2020, as previously circulated, be adopted as a true and accurate recording of that meeting.
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8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

29 August 2020	Dongara Denison Volunteer Fire Brigade Award Ceremony
2 September 2020	Official opening of the <i>Two Henry Road</i> independent living units
3 September 2020	Conducted a Citizenship Ceremony for Mr Anthony Davies
12 September 2020	Irwin Pump Track Grand Opening

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01- 09/20
Subject:	CC01-09/20 Accounts for Payment	
Author:	S Clarkson, Finance Officer	
Responsible Officer:	J Goodbourn, Supervisor Finance	
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. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- 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 August 2020.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 2020.

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 – September 2020

CC01-09/20 Attachment 1: Accounts for Payment – August 2020

Officer Recommendation:

RECOMMENDED:

That Council, receives the Accounts paid during August 2020 as presented in Attachment Booklet – September 2020, represented by:

Payment Type/Numbers	Total Amount
EFT 26292 – 26408	\$642,996.04
Muni Cheques – 31997 – 31999	\$2,900.00
Direct Debit – Telstra	\$2,071.15
Direct Debit – WA Treasury Corporation	\$20,727.35
Direct Debit – Solar Panel Repayments 07/20	\$1,947.66
Direct Debit – Insurance Premiums Repayment	\$85,127.96
Direct Debit – Credit Card	\$3,588.80
Direct Debit – Henry Road – Bonds Administration	\$5,660.00
Direct Debit – Superannuation	\$29,833.62
Grand Total	\$794,852.58

CORPORATE AND COMMUNITY		CC02-09/20
Subject:	CC02-09/20 Monthly Financial Statements for the Period Ended 31 August 2020	
Author:	J Goodbourn, Supervisor Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
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 31 August 2020.

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 August 2020 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/08/2020		YTD Actual	Variance to YTD Budget
	Operating Revenue	6,434,741	2200%
	Operating Expenditure	(1,587,843)	89%
	Net Operating	4,846,898	
	Non-Operating Revenue	0	100%
	Non-Operating Expenditure	(267,723)	-72%
	Net Non-Operating	(267,723)	
	Cash at Bank	1,930,450	
	Cash at Bank Restricted	562,172	
	Reserve Bank	1,293,971	
	Total Cash Funds	3,786,593	

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.

The actual 2019/20 opening amounts contained in the report are subject to final 2019/20 year end adjustment and audit and could possibly change following the annual audit which will take place during August/September. The final accounts will be confirmed by the auditor and presented to Council as part of the annual financial report for 2019/20.

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 – September 2020

CC02-09/20 Attachment 1: Financial Statements for the Period Ended 31 August 2020

Officer Recommendation:

OFFICER RECOMMENDATION:

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

OFFICE OF CEO	CEO01-09/20
Subject:	CEO01-09/20 Local Law Delegations – Council to CEO
Author:	Y Robb, Process Improvement Coordinator
Responsible Officer:	S Ivers, Chief Executive Officer
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.
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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 adopt the new Local Law Delegations, provided as Attachment 1, and allow them to be incorporated into the Delegations Register - Council to CEO (the 'Register').

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.

At the 28 July 2020 Ordinary Council Meeting, Council reviewed and adopted the new Delegations Register – Council to CEO, the Local Law Delegations were not included in the initial adopted Delegations Register as they are still under review.

Officer's Comment:

It was identified that there is a larger process in regards to reviewing the Local Law delegations, the Local Laws themselves require review in accordance with Council Decision 200316 to commence the process for replacing most of the Local Laws in accordance with section 3.12 of the *Local Government Act 1995*.

Therefore, it is considered better practice to adopt the following delegations to ensure compliance for Council and staff until a full review of the Local Laws is conducted. This review will provide an in depth understanding of the Local Laws and how it reflects through delegations. These new Council to CEO delegations will ensure compliance and provide a streamlined project to review the Local Laws in their entirety.

The new Local Law Delegations contain a total of twelve Council to CEO delegations classified under the *Local Government Act 1995*:

- CEO1000 – Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000
- CEO1001 – Bush Fire Brigades Local Law
- CEO1002 – Cemeteries Local Law 2000
- CEO1003 – Dogs Local Law

- CEO1004 – Extractive Industries Local Law 2000
- CEO1005 – Health Local Laws 2002
- CEO1006 – Local Government Property Local Law
- CEO1007 – Local Law Relating to Signs, Hoarding and Bill Posting
- CEO1008 – Local Laws Relating to Fencing
- CEO1009 – Meeting Procedures Local Law 2016
- CEO1010 – Parking and Parking Facilities Local Law 2000
- CEO1011 – Prevention and Abatement of Sand Drift Local Law 2004

The Local Law Delegations - Council to CEO will be uploaded into *Integrity Attain* compliance software which will be accessible by Councillors and Staff in due course. This will ensure they are included in the Shire's Delegations Register which is reviewed before 30 June each year in accordance with section 5.46 of the *Local Government Act 1995*. The Attain software will be used to maintain the Register throughout the year, after which a summary will be presented to Council for review and adoption.

Consultation:

Staff have developed the new Local Law Delegations in line with WALGA's delegations register template.

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:

Reference to the relevant Council Policies is made for each delegation.

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 – September 2020

CEO01-09/20 Attachment 1: Local Law Delegations – Council to CEO

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, adopt the Local Law Delegations – Council to CEO, as presented in Attachment Booklet – September 2020 and approve the Chief Executive Officer to update the Delegations Register accordingly.

OFFICE OF CEO	CEO02-09/20
Subject:	CEO02-09/20 Planning Delegations – Council to CEO
Author:	Y Robb, Process Improvement Coordinator
Responsible Officer:	S Ivers, Chief Executive Officer
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. 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 adopt the new Planning and Development Delegations, provided as Attachment 1, and allow them to be incorporated into the Delegations Register - Council to CEO (the 'Register').

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.

At the 28 July 2020 Ordinary Council Meeting, Council reviewed and adopted the new Delegations Register – Council to CEO, the Planning and Development Delegations were not included in the initial adopted Delegations Register as they were still under review.

Officer's Comment:

The in-depth review of the Planning and Development Delegations – Council to CEO is now complete. The Shire's previous delegations for planning were blanket delegations with reduced detail, therefore making interpretation difficult.

The new Planning and Development Delegations contain a total of six Council to CEO delegations classified under the following legislation:

- *Local Government Act 1995*
 - Local Planning Scheme 5
- *Planning and Development Act 2005*
 - Planning and Development Regulations 2009
 - Liquor Control Act 1988
 - Strata Titles Act 1985 Delegations

These new delegations will allow clarity for both Council and the delegate in relation to the specific powers or duties being delegated, limitations on delegation and Council conditions, therefore ensuring compliance. It also provides guidance on associated subsidiary legislation, related policies and sub-delegation.

The Planning and Development Delegations - Council to CEO will be uploaded into *Integrity Attain* compliance software which will be accessible by Councillors and Staff in due course. This will ensure they are included in the Shire's Delegations Register which is reviewed before 30 June each year in accordance with section 5.46 of the *Local Government Act 1995*. The Attain software will be used to maintain the Register throughout the year, after which a summary will be presented to Council for review and adoption.

Consultation:

Staff have reviewed and developed the new Planning and Development Delegations in consultation with relevant staff, the CEO and in line with WALGA's delegations register template.

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

Planning and Development Act 2005

- s16(3) Delegation by Commission

Policy Implications:

Planning and Development Delegations – Council to CEO are associated with the Local Planning Scheme 5 which guides Local Planning Policies. Reference to the relevant Local Planning Policy is made for each delegation.

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 – September 2020

CEO02-09/20 Attachment 1: Planning and Development Delegations – Council to CEO

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, adopt the Planning and Development Delegations – Council to CEO, as presented in Attachment Booklet – September 2020 and approve the Chief Executive Officer to update the Delegations Register accordingly.

OFFICE OF CEO		CEO03-09/20
Subject:	CEO03-09/20 Review of Council Policies	
Author:	D Chandler, Governance & Executive Coordinator	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00068	
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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- Legislative** Includes adopting local laws, local planning schemes and policies.
- 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 deletion of some Council policies from the Policy Manual as part of the ongoing review.

Background:

Review of existing Council policies continues in line with the recent adoption of the new Register of Delegations – Council to CEO at the 25 August 2020 Ordinary Council Meeting.

Staff are reviewing existing policies and identify whether they are required as Council policies and check that they align with legislation. If a policy is required, staff redevelop them using a new format to provide clarity and ensure compliance, before presenting to Council for adoption.

Officer's Comment:

Several existing Council policies have been identified as being superfluous and are therefore recommended for deletion from the Council Policy Manual.

The following policies are considered operational and therefore not required as Council policies. The topics in the policies will be reviewed and covered in Management Policies:

- Policy E20 Staff emergency volunteer service
- Policy E10 Gym membership
- Policy E2 Christmas Closure
- Policy P13 Light Vehicle Fleet
- Policy P5 Disposal of Chemical drums – Dongara refuse site

The following policies are considered operational and therefore not required as Council policies. The topics in the policies will be reviewed and covered with internal guidelines and procedures:

- P1 Shark Sightings Policy – Guideline and Procedure
- P3 Supply of keys to Council Owned buildings – Guideline

Consultation:

Policies will be reviewed on an ongoing basis in consultation with relevant staff and the CEO.

Statutory Environment:

Local Government Act 1995

- S2.7 Role of council

Policy Implications:

The Council Policy Manual will be updated accordingly and new Management Policies will be developed where required in due course.

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 – September 2020

CEO03 Attachment 1: Council policies for deletion

Officer Recommendation:

RECOMMENDED:

That Council:

1. Delete the following Council Policies:

- a) E20 Staff emergency volunteer service**
- b) E10 Gym membership**
- c) E2 Christmas closure**
- d) P13 Light vehicle fleet**
- e) P5 Disposal of chemical drums – Dongara Refuse Site**
- f) P3 Supply of keys to Council-owned buildings**
- g) P1 Shark sightings policy**

2. Authorise the Chief Executive Officer to update the Council Policy Manual accordingly.

REGULATORY SERVICES		RS01-09/20
Subject:	RS01-09/20 Delegated and Authorised Actions for August 2020 – Regulatory Services	
Author:	B Jeans, Manager Regulatory Services	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To inform Council of officer actions made under delegated authority and authorisation in the Regulatory Services 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 Regulatory Services department under delegated authority or authorisation for the period 1 August to 31 August 2020.

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 – September 2020

RS01-09/20 Attachment 1: Table of Delegated Actions for August 2020, Regulatory Services

CONFIDENTIAL Attachment Booklet – September 2020

RS01-09/20 Attachment 2: Detailed table of delegated actions for August 2020, Regulatory Services

Officer Recommendation:

RECOMMENDED:

That Council receives the Delegated and Authorised Actions for August 2020 as set out in Attachment 1 in Attachment Booklet – September 2020.

9.2. Committee Reports

9.2.1. Shire of Irwin Local Emergency Management Committee (LEMC)

The Minutes of the Shire of Irwin Local Emergency Management Committee (LEMC) meeting held 1 September 2020 are provided as Attachment 9.2.1 in Attachment Booklet – September 2020.

RECOMMENDED:

That Council receives the Minutes of the Shire of Irwin Local Emergency Management Committee (LEMC) Meeting held 1 September 2020.

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

13.1 CEO04-09/20

The matter at CEO04-09/20 is to be considered behind closed doors in accordance with Section 5.23(2)(b) and (d) of the *Local Government Act 1995* as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.

Further detail has been provided to Councillors under separate confidential cover.

RECOMMENDED:

That Council close the meeting to the public at ___pm in accordance with Section 5.23(2)(b) and (d) of the Local Government Act 1995 as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.
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The matter is to be considered and voted on behind closed doors.

RECOMMENDED:

That Council reopen the meeting to the public at ___pm.
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RECOMMENDED:

That Council adopts the Confidential Schedule.

14. CLOSURE