



**AGENDA**

**FOR THE**

**ORDINARY MEETING**  
**OF COUNCIL**

**TO BE HELD ON**

**TUESDAY, 27 FEBRUARY 2018**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

# NOTICE OF MEETING

PLEASE BE ADVISED THAT THE  
  
ORDINARY MEETING OF COUNCIL  
  
COMMENCING AT 5.00PM

WILL BE HELD ON  
  
TUESDAY, 27 FEBRUARY 2018

IN THE COUNCIL CHAMBERS, AT  
11-13 WALDECK ST, DONGARA WA



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Darren Simmons  
Chief Executive Officer

23 February 2018

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## **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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## AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE FUNCTION ROOM, IRWIN REC, RIDLEY STREET, PORT DENISON ON TUESDAY, 12 DECEMBER 2017 AT 4.00PM

<b>PRESENT:</b>	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr S F Gumley Cr M Leonard Cr I Scott Cr K L Wilson Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer Mr S D Ivers – Acting Chief Operating Officer Mr B Jeans – Manager Regulatory Services Ms E Greaves – Coordinator Organisational Performance

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

- 4. PUBLIC QUESTION TIME**

Nil.

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**

- 6. PETITIONS**

Nil.

- 7. CONFIRMATION OF MINUTES**

### **7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 DECEMBER 2017**

A copy of the Minutes of the Ordinary Council Meeting held on 12 December 2017 has been provided to all Councillors under separate cover.

#### **COUNCIL MOTION:**

**MOVED:** Cr \_\_\_\_\_

**SECONDED:** Cr \_\_\_\_\_

**That the Minutes of the Ordinary Council Meeting, held on 12 December 2017, be confirmed as a true and accurate recording of that meeting.**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**9.1 OFFICER REPORTS**

**CUSTOMER SERVICES**

**CS01 – 02/18**

**Subject:** Accounts for Payment  
**Reporting Officer:** Manager Customer Services  
**Responsible Executive:** Acting Chief Operating 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 receive the list of accounts paid under delegated authority during December 2017 and January 2018.

**Officer's Recommendation:**

**That Council receives the Accounts paid during December 2017 and January 2018 as presented in Attachment Booklet – February 2017, represented by:**

<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 21965 - 22237</b>	<b>\$1,359,899.30</b>
<b>Muni Cheques 31628 - 31668</b>	<b>\$163,134.63</b>
<b>Trust Cheque 3148-3151</b>	<b>\$3,720.00</b>
<b>Direct Debit - Credit Card</b>	<b>\$9,499.47</b>
<b>Direct Debit - Click Super</b>	<b>\$71,770.96</b>
<b>Direct Debit - Transport – PL291117 – PL290118</b>	<b>\$128,193.15</b>
<b>Grand Total</b>	<b>\$1,736,217.51</b>

**Attachment:**

[Accounts for Payment – December 2017 and January 2018](#)

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of December 2017 and January 2018.

**Officer's Comment:**

Nil

**Stakeholder Engagement:**

Nil

**Financial / Resource Implications:**

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 C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Risk Implications:**

To ensure compliance with relevant legislation a listing of accounts for payments from the previous month has been prepared for Council to consider. Any risk associated with compliance and finance is considered to be rare and minor, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**CUSTOMER SERVICES**

**CS02 – 02/18**

**Subject:** Financial Statements for the Period ending 31 December 2017  
**Reporting Officer:** Coordinator Finance/Manager Customer Service  
**Responsible Executive:** Acting Chief Operating Officer  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2017 to 31 December 2017.

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2017 to 31 December 2017 be received, as provided in Attachment Booklet – February 2018.**

**Attachment:**

[Financial Statements for the Month Ending 31 December 2017.](#)

**Background:**

The Monthly Financial Report to the 31 December 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Cash Flows
- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables



- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions

**Officers Comment:**

The financial position to the end of December 2017 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,204,640	9.0% negative variance
Operating Expenditure	(\$4,282,451)	2.3% positive variance
Net Operating	\$2,922,189	
Capital Revenue	\$412,711	66.4% negative variance
Capital Expenditure	\$1,284,155	62.9% positive variance
Cash at Bank – Municipal	\$2,508,769	
Cash at Bank – Reserve	\$1,973,080	
Total Funds Invested	\$4,693,307	
Net Rates Collected	82.01%	
Non Rates Receivables Outstanding	\$180,094	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

**Stakeholder Engagement:**

Nil.

**Financial / Resource Implications:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

**Statutory Environment:**

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

*Section 34 Financial activity statement report*

- (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.

**Risk Implications:**

To ensure compliance with relevant legislation the monthly financial statements has been prepared for Council to consider. Any risk associated with compliance and finance is considered to be unlikely and minor due to reporting past events, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**CUSTOMER SERVICES**

**CS03 – 02/18**

**Subject:** Financial Statements for the Period ending 31 January 2018  
**Reporting Officer:** Coordinator Finance/Manager Customer Service  
**Responsible Executive:** Acting Chief Operating Officer  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Council Role:**

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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2017 to 31 January 2018

**Officers Recommendation:**

**That the Monthly Financial Statement for the period 1 July 2017 to 31 January 2018 be received, as provided in Attachment Booklet – February 2018**

**Attachment:**

[Financial Statements for the Month Ending 31 January 2018](#)

**Background:**

The Monthly Financial Report to the 31 January 2018 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
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- Statement of Capital Acquisitions and Capital Funding
- Significant Accounting Policies
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- Budget Amendments
- Receivables

- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions

**Officers Comment:**

The financial position to the end of January 2018 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$7,844,772	2.6% negative variance
Operating Expenditure	(\$5,351,287)	3.6% negative variance
Net Operating	\$2,493,443	
Capital Revenue	\$912,711	25.8% negative variance
Capital Expenditure	\$1,307,747	67.8% positive variance
Cash at Bank – Municipal	\$2,154,850	
Cash at Bank – Reserve	\$1,973,080	
Total Funds Invested	\$4,693,307	
Net Rates Collected	82.80%	
Non Rates Receivables Outstanding	\$730,727	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

**Stakeholder Engagement:**

Nil.

**Financial / Resource Implications:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

**Statutory Environment:**

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

*Section 34 Financial activity statement report*

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  - (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;*
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**Policy Implications:**

Nil.

**Risk Implications:**

To ensure compliance with relevant legislation the monthly financial statements has been prepared for Council to consider. Any risk associated with compliance and finance is considered to be unlikely and minor due to reporting past events, therefore the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**REGULATORY SERVICES**

**RS01 – 02/18**

**Subject:** WALGA - Third Party Appeal Rights  
**Reporting Officer:** Manager Regulatory Services  
**Responsible Executive:** Acting Chief Operating Officer  
**File Reference:** GR.LO.4  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To seek Council's position in response to Western Australia Local Government Association's (WALGA) preferred model for the introduction of Third Party Appeal Rights in Planning.

**Officer's Recommendation:**

**That Council advises WALGA of its position to not support the introduction of Third Party Appeals Right for decisions made by Development Assessment Panels.**

**Attachment:**

- Attachment 1 – [Discussion Paper: Submission Outcomes, WALGA](#)
- Attachment 2 – [Discussion Paper: TPARs in Planning, WALGA](#)

**Background:**

Currently the Western Australian Town Planning framework does not allow for any Third Party Appeal Rights (TPARs).

WALGA has investigated and undertaken workshops with local governments to determine the values and views towards the introduction of Third Party Appeal Rights in Planning. The Discussion Papers (Attachment 1 and 2) provide information and detail the process WALGA took to reach this point to establish a preferred model for TPARs and is now seeking a formal Council direction on this model.

**Officer's Comment:**

It is evident from the views of local governments provided in the WALGA Discussion Paper that there are strong and fair arguments both for and against the introduction of TPARs in Western Australia. There are clear objectives and direction from all levels of government to be more accountable, inclusive of community expectations and to provide for a more transparent decision

making process, to which TPARs would achieve. There are also objectives from governments, in particular the planning and development industry, to simplify and streamline processes, to which TPARs would hinder.

WALGA's preferred model for TPARs to be introduced for decisions made by the Development Assessment Panel does however raise a number of issues that remain unclear and not well supported, such as:

- Introduction of TPARs would not be consistent with the State Government policies, strategies and legislation to streamline the planning approval process.
- Introduction of TPARs only for DAPs raises concerns of the benefits and reasons why TPARs are proposed to be introduced into planning in WA. The Discussion Paper suggests that this would be a 'staged process' to the introduction of TPARs in planning, which again raises concerns of what the clear objective and outcome is.
- The existing planning framework establishes the requirements for public consultation and holds all decision makers accountable for proper and orderly planning decisions.
- The introduction of TPARs would diminish decision making powers and erode confidence in the ability of local governments to make fair and sound planning decisions.
- The State Administrative Tribunal (SAT) would add a further layer to an already complex and thorough decision making process of DAPs.
- The matter of TPARs in the planning process is a matter for the Department of Planning to research, consult, recommend and implement which was reviewed as recently as December 2016. The views of local government to TPARs would provide a misrepresentation to the views of other third parties which covers a wide range of the community, developers, agencies etc.

The Officer's Recommendation to Council is to advise WALGA that Council do not support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels. It is clear from the WAPC Strategic Plan 2018-2021 that there is a balanced focus for transparent, equitable and efficient planning processes and the Shire believes this can be achieved through the existing planning framework without the need to introduce TPARs. Furthermore in the Shire's particular circumstance, given no DAP applications have been received since its inception and the likelihood of very few DAP applications in the near future, the Shire is not in a strong position to convey support to WALGA for the introduction of TPARs.

**Stakeholder Engagement:**

Nil

**Financial/Resource Implications:**

The introduction of TPARs in the DAP process would require additional financial and staff resources to be allocated however the extent of this in the Shire of Irwin is likely to be minimal due to the low number of DAP applications.

**Statutory Environment:**

Planning and Development Act 2005  
Planning and Development (Development Assessment Panels) Regulations 2015  
State Administrative Tribunal 2004  
Shire of Irwin Local Planning Scheme No 5

**Policy Implications:**

Nil

**Risk Implications:**

The reputational consequence of Council resolving a public position on this matter regardless of the outcome is considered to be minor (2) with a likelihood of this consequence being rare (1). The Residual Risk to the Shire is considered Low (2) and therefore acceptable.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Objective: Leading the community with engaged and progressive governance

Outcome: A local government that is professional, transparent and accountable



**REGULATORY SERVICES**

**RS02 – 02/18**

**Subject:** Council Delegation to CEO – Extractive Industries  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Acting Chief Operating Officer  
**File Reference:** LE.RE.7; GV.AU.2  
**Voting Requirements:** Absolute Majority

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**Report Purpose:**

For Council to consider providing delegated authority to the Shire of Irwin Chief Executive Officer (CEO) to approve applications for and issue extractive industry licences, in accordance with the *Shire of Irwin's Extractive Industries Local Law 2000* and the *Local Government Act 1995*.

**Officer's Recommendation:**

**That Council delegates to the Chief Executive Officer authority under Clause 5.42 of the Local Government Act 1995 to approve applications for and issue extractive industry licences in accordance with the Shire of Irwin's Extractive Industries Local Law 2000 to provide consistency with the delegated authority of Development Applications for extractive industries.**

**Background:**

Currently, the Shire of Irwin Chief Executive Officer (CEO) does not have delegated authority to approve proposals and issue Extractive Industry Licences, as can be delegated by under the *Local Government Act 1995*.

**Officer's Comment:**

For a more efficient, streamline approval and renewal process for extractive industries within the Shire of Irwin, it is recommended that Council delegate authority for the CEO to approve extractive industry proposals and issue extractive industry licences, that are in accordance with the *Shire of Irwin Extractive Industries Local Law 2000*, have been appropriately advertised and assessed by Shire Officers and are not contentious. Non-contentious Development Applications for extractive industries can be approved by the Shire's Manager Regulatory Services and Planning Officer under the current delegations register.

**Stakeholder Engagement:**

Nil.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**

Local Government Act 1995

Shire of Irwin Extractive Industries Local Law 2000

**Policy Implications:**

On 22 March 2016, Council recommended to commence the process for repealing the Extractive Industries Local Law which is then replaced by the Local Planning Policy for Extractive Industries. This will then only require Extractive Industries to hold a valid Development Approval.

**Risk Implications:**

The likelihood of risk occurring should Council recommend to delegate authority to the CEO to issue Extractive Licences is rare, and any consequence would be insignificant. As such, the overall risk is low (1).

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 1.1.1 Continuously improve approval processes

**REGULATORY SERVICES**

**RS03 – 02/18**

**Subject:** Memorandum of Understanding for Uncle Ann’s Writers Group for One Room at Denison House  
**Reporting Officer:** Planning Officer  
**Responsible Executive:** Acting Chief Operating Officer  
**File Reference:** CP.RE.2 / A9272  
**Voting Requirements:** Simple Majority

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**Report Purpose:**

To seek Council approval to enter into a Memorandum of Understanding (MOU) with the Uncle Ann’s Writers Group for the exclusive use of one room at the Denison House and the shared use of the kitchen and indoor toilet.

**Officer’s Recommendation:**

**That Council approves the Memorandum of Understanding with the Uncle Ann’s Writers Group for part of the property located on Lot 787, Retreat Boulevard, Port Denison, as presented in the Attachment Booklet – February 2018, provided under separate cover.**

**Attachment:**

Attachment 1 – [Memorandum of Understanding](#)

**Background:**

At its April 2016 Ordinary Council Meeting, Council recommended to enter into a MOU with the Uncle Ann’s Writers Group for the exclusive use of one room at the Denison House and the shared use of the kitchen and indoor toilet. This MOU was for a period of 12 months.

The Uncle Ann’s Writers Group are requiring to enter into a new MOU to continue using the room at Denison House.

**Officer’s Comment:**

The conditions of the MOU are the same as previously, with the exception of:

1. The MOU is for a period of 5 years; and
2. The annual rent is \$304.50, and shall increase annually in accordance with CPI.

It is recommended that Council approve to enter into the MOU with the Uncle Ann's Writers Group.

**Stakeholder Engagement:**

Discussions were held with representatives from the Uncle Ann's Writers Group Committee and the Planning Officer.

**Financial/Resource Implications:**

Uncle Ann's Writers Group will pay rent annually.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Nil

**Risk Implications:**

The likelihood of risk occurring should Council approve to enter into an MOU with the Uncle Ann's Writers Group, based on previous use, is expected to be rare and the consequences insignificant. Therefore, the risk is low (1).

The likelihood of Council refusing to enter into an MOU with the Uncle Ann's Writers Group, the reputational risk is expected to be possible and the consequences insignificant. Therefore, the risk is low (3).

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 2.2.3. Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

**OFFICE OF THE CEO**

**CEO01 – 02/18**

**Subject:** Annual Meeting of Electors 2017  
**Reporting Officer:** Coordinator Executive Services  
**Responsible Executive:** Chief Executive Officer  
**File Reference:** GV.CM.1  
**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 consider the Minutes of the 2017 Annual Meeting of Electors and endorse any recommendations resolved from this meeting.

**Officer's Recommendation:**

**That Council notes the Minutes of the 2017 Annual Meeting of Electors provided in the Attachments Booklet – February 2018 and the only decision of the meeting as below;**

**MEETING OF ELECTORS RESOLUTION:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

***That the Shire of Irwin's Annual Report for the financial year ending 30 June 2017 be accepted.***

**CARRIED**

**Attachment:**

[Minutes of Annual Meeting of Electors held 12 December 2017](#)

**Background:**

Council have historically been issued the minutes and advised of any recommendations from the Annual Meeting of Electors by presenting the minutes through an agenda report at the next Ordinary Council meeting following the Electors Meeting.

**Officer's Comment:**

The practice of including the Minutes and relevant recommendations from the Annual General Meeting of Electors within an agenda report ensures Council are meeting their statutory obligation

to consider decisions made at the Electors meeting and preserves those Minutes within the Minute Book.

The only recommendation to come out of the 2017 Annual Meeting of Electors was to accept the 2016/17 Annual Report. Any comments or enquiries raised during General Business at the meeting were recorded and included into the Shire's Customer Requests system for follow up (ICS1837721 and ICS1837722).

**Stakeholder Engagement:**

A public notice was issued to advise the community of the Electors Meeting and availability of the 2016/17 Annual Report, which was published in various local newspapers and other mediums.

**Statutory Environment:**

Local Government Act 1995

**5.32. Minutes of electors' meetings**

*The CEO is to —*

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

**5.33. Decisions made at electors' meetings**

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,**whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**Policy Implications:**

Nil

**Risk Implications:**

It has been identified that non-compliance as a result of Council not considering the Annual Meeting of Electors Minutes and recommendation would have a moderate consequence however the likelihood is low and is therefore provided an overall risk category of low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

**OFFICE OF THE CEO**

**CEO02 – 02/18**

**Subject:** Local Government Vacancy - Mid West Development Commission Board  
**Reporting Executive:** Chief Executive Officer  
**File Reference:** GR.LO.2  
**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 licences, 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 advise Council of a local government vacancy on the Board of the Mid West Development Commission and to consider endorsing a Shire of Irwin elected member nomination.

**Officer's Recommendation:**

**That Council endorses the nomination of \_\_\_\_\_ for the local government vacancy on the Board of the Mid West Development Commission.**

**Attachment:**

Councillor nomination information (Provided to Councillors as a confidential separate attachment)

**Background:**

The Shire is in receipt of correspondence from the Chief Executive Officer of the Mid West Development Commission (MWDC) as follows:

*"I am writing to advise that a vacancy exists for a Local Government (x1) appointment on the Board of the Mid West Development Commission (MWDC).*

*The MWDC is a statutory authority of the WA Government. The objects of the Commission, as outlined in Section 23 of the Regional Development Commissions Act 1993 are to:*

- maximise job creation and improve career opportunities in the region;*
- develop and broaden the economic base of the region;*
- identify infrastructure services needed to promote economic and social development within the region;*
- provide information and advice to promote business development within the region;*

- *seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and*
- *generally take steps to encourage, promote, facilitate and monitor the economic development in the region.*

*The MWDC creates strategic partnerships to deliver jobs, and maximise leverage and impact from private and government investment. This is achieved by partnering with local communities, government, business and industry to identify and support key strategic projects that benefit the region.*

*The nominee must be a member of the council of a Local Government in the Mid West region and is to be endorsed by their relevant Local Government Authority. The nominee should possess knowledge and experience relevant to the region, which could include involvement in business and industry; education, employment and training; tourism; sport and recreation; and marketing.*

*Nominees will be assessed on decision-making abilities at an executive level; a demonstrated involvement in either the economic and/or social development of the region; and the ability to work cooperatively to achieve agreed goals across a wide range of economic and social development issues.*

*The Hon Alannah MacTiernan, Minister for Regional Development will make the appointment to the Board, which will be for a term of up to three years.*

*Nomination forms and further information can be obtained from our website [www.mwdc.wa.gov.au](http://www.mwdc.wa.gov.au), by contacting our office via telephone (08) 9921 0702 or Email: [ea@mwdc.wa.gov.au](mailto:ea@mwdc.wa.gov.au) or in person at Level 2 Foreshore Business Centre, 209 Foreshore Drive, Geraldton.*

*All nominations should be made by submitting relevant details to the Minister for Regional Development, through our office at Level 2 Foreshore Business Centre, 209 Foreshore Drive, Geraldton.*

*Nominations are open until close of business on Friday 9 March 2018”.*

In January 2018, a copy of the correspondence from the MWDC was circulated by email to all Councillors with an invitation for elected members to express an interest in submitting a nomination to Council for consideration of endorsement by advising the CEO in writing no later than 15 February 2018.

At the close of the expression of interest period, nominations had been received from Cr Isabelle Scott and Cr Ian West and have been provided to Councillors under confidential separate attachment.

**Officer’s Comment:**

It is open to Council to consider the nominations received and determine whether to endorse a nomination (or nominations) as it sees fit.

**Stakeholder Engagement:**

Nil.

**Financial/Resource Implications:**

Nil.

**Statutory Environment:**



Local Government Act 1995

**Policy Implications:**

Nil.

**Risk Implications:**

As the impact of an adverse consequence arising from Council's decision is considered insignificant with a likelihood of rare, the overall risk rating is low.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Outcome 1.1 Opportunities are maximised to promote economic growth and local development

Outcome 4.1 An engaged and inclusive community

## 9.2 COUNCIL COMMITTEE REPORTS

### 9.2.1 SHIRE OF IRWIN COMMUNITY ASSISTANCE SCHEME AND EVENTS COMMITTEE MEETING HELD 29 JANUARY 2018

[Minutes\CASE Committee Minutes \(29 January 2018\)](#)

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council receives the Minutes of the Community Assistance Scheme and Events Committee meeting held 29 January 2018.

### 9.2.2 SHIRE OF IRWIN SUSTAINABLE ENVIRONMENT COMMITTEE MEETING HELD 6 FEBRUARY 2018

[Minutes\Sustainable Environment Committee Minutes \(6 February 2018\)](#)

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council receives the Minutes of the Sustainable Environment Committee meeting held 6 February 2018.

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council appoints, by Absolute Majority, Yvette Robb as a member of the Shire of Irwin Sustainable Environment Committee.

### 9.2.3 SHIRE OF IRWIN AUDIT COMMITTEE MEETING HELD 13 FEBRUARY 2018

[Minutes\Audit Committee Minutes \(13 February 2018\)](#)

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council receives the Minutes of the Audit Committee meeting held 13 February 2018.

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council adopt the Shire of Irwin's Compliance Audit Return for the 2017 calendar year, as attached.

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council supports the proposed changes to the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*, as presented, and submits feedback in this regard to the Department of Local Government, Sport and Cultural Industries.

#### COMMITTEE RECOMMENDATION TO COUNCIL:

That Council adopts the Shire of Irwin Audit Committee Terms of Reference, as attached.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

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

Nil.

**14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at \_\_\_\_\_.