



MINUTES

For the

ORDINARY MEETING OF COUNCIL

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 these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
27 February 2018

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 27 FEBRUARY 2018
COMMENCING AT 5.00PM**

PRESENT:	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr S F Gumley Cr M Leonard (<i>via phone from Arrabiddy Station</i>) Cr I Scott Cr K L Wilson Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer (CEO) Mr S D Ivers – Acting Chief Operating Officer Mr B Jeans – Manager Regulatory Services Miss N M'Leane – Senior Customer Service Officer Ms E Greaves – Coordinator Organisational Performance
	Gallery	Mr J Arden, Mr J Rossiter and Mrs T Barker
	Media	Mr Geoff Vivian, Midwest Times

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed everyone and opened the meeting at 5:00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

As above.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Further to the response provided to Mr Fewster at the 12 December 2017 Ordinary Council Meeting, the Shire President advised that the Shire has added the inspection of building sites, to ensure building rubbish and materials are removed upon completion of works, as part of officer inspections of kerbing and footpaths.

4. PUBLIC QUESTION TIME

1. a) Mrs Barker outlined that she attended a meeting with her neighbour and the CEO last year to discuss a noise complaint in regards to a business operating in the marine industrial area. She indicated that at the meeting, the CEO offered to provide information

regarding the regulations around noise nuisance and operating times and the decision of Council for the industrial land use changes, but this has not occurred. Why not?

The CEO advised that the relevant information has been provided to the complainant. At this stage only one complaint has been received.

The Shire President advised that noise monitoring would need to occur before any action is taken against the business. It is important for the Shire to be mindful of both residential and industry needs.

b) Mrs Barker then asked what the restrictions are in regards to operating hours in the area, as it has been her experience that disruptive noise is occurring at least as early as 4am (recently reported to police on advice from the Shire's Call Centre but referred back to the Shire)?

The Shire President indicated that some noise complaints are referred through to the police.

The Manager Regulatory Services advised that the regulations are set and enforced by the State Government, of which the local government cannot change. The regulations stipulate that there are noise restrictions for particular activity (e.g. machinery operation, grinding, compressor etc) between 7am and 7pm on weekdays but the restrictions do not apply to business operations in general. The Shire has recently engaged an Environmental Health Officer (as a shared role with other local governments in the region) who may be able to source the required equipment and undertake appropriate monitoring.

Any notice or actions resulting from noise complaints need to be backed by sufficient evidence.

The CEO advised that the relevant business has been notified that a noise complaint has been received and there has been ongoing communication from the Shire with the complainant.

2. Mr Rossiter asked why all of the public water taps have been changed to keyed taps?

The Acting Chief Operating Officer asked Mr Rossiter which taps he was referring to. Mr Rossiter indicated that most taps at the foreshore, around the fisheries building and at the Monastery.

The Shire President indicated that there are some issues with excess water consumption at some of these locations, these taps minimise the liability.

3. Mr Rossiter also asked why root barriers were installed around the trees most recently planted along Point Leander Drive?

The Shire President indicated that the Shire has been in communication with Water Corporation representatives to discuss impacts to infrastructure in planting the trees and the root barriers were considered an appropriate mitigation action.

Mr Rossiter requested a copy of the authority and/or liaison with the relevant officer at the Water Corp. The CEO indicated this would not be considered appropriate.

4. Mr Arden outlined his recollection of the 12 December 2017 Ordinary Council meeting, at which the Shire's Auditor, Mr Greg Godwin made a comment along the lines of, "if the Shire keeps going this way in 12 months it will run out of money". Mr Arden asked if it was appropriate to include that comment in the Minutes, given the importance of the statement?

The CEO advised that he was happy to raise the matter with the Auditor, however, the comment made by Mr Godwin was more in relation to a trend of operating expenditure not being met by Council's own source revenue streams. The indication from the Auditor was that no strategic action in this regard over the next 3-5 years could result in a revenue crunch, at which point the Shire may not be in a position to meet operating expenditure needs.

5. Mr Arden indicated, further to his previous enquiry at a Council meeting, regarding sea wrack removal at Granny's Beach that he conducted further research and asked if the sea wrack could be relocated to in front of the sea wall?

The Shire President outlined that there are issues with accessibility but further investigation could be considered as part of the budget deliberations.

6. Mr Rossiter enquired if the Shire has recouped any funds for the professional development of \$9,500 paid for the Planning Officer?

The CEO advised that no recoup has been sought as the professional development was provided within the employment contract.

7. Mr Rossiter asked; if the Shire has a grader and grader driver, why is the Shire continuing to contract grading work out?

The Shire President outlined that Shire assets are being utilised for maintenance grading, however, for efficiency and in consideration of the style of work required, and the rate at which it is required, some needs have been met by contractors.

8. Mr Rossiter asked; why a street sweeper has been contracted, when the Shire has a street sweeper?

The Shire President outlined that due to the small size of the Shire's street sweeper it has limited capacity. For more significant sweeping, such as removing heavier road aggregate contractors with much larger sweepers are required.

9. Mr Rossiter asked; why \$700 in telephone reimbursement was paid to Mr Geoff Peddie? And asked if he could be provided a detailed summary.

The CEO advised that reimbursement was paid as part of an employment contract arrangement and whilst a detailed summary is provided to the Shire it would not be appropriate to be made publicly available.

10. Mr Rossiter asked why a Geraldton-based electrical contractor was employed when there are many local businesses that could provide the same service.

The Acting Chief Operating Officer advised that local electrical contractors were invited to quote for the work however a regionally-based company provided the best value quote and was hence engaged in accordance with the Shire's Local Purchasing Policy.

11. Mrs Barker outlined that at this time 12 months ago she raised issue with an illegal wall being erected on her property and stated that it took the Shire around 6 months to provide notice to the neighbour and another 6 months for removal of the wall. She asked:

- a) If fines can be imposed through the Shire's Local Laws?

The CEO advised that only the courts can impose fines.

- b) Why has this not been pursued through the courts?

The CEO indicated that it was not in the public interest. Through the President, the CEO asked Mrs Barker if the problem wall had been rectified. Mrs Barker confirmed that it had whilst expressing concern about the year it took.

12. Mr Arden indicated that he made a customer enquiry at the beginning of January 2018 with regards to the materials chosen for balustrading along the wall near the obelisk. There were recent maintenance costs which are likely to be required on a regular basis and the balustrading does look stained.

a) Who selected the materials and why?

The Shire President did indicate that there has been internal discussions regarding the materials. The Acting Chief Operating Officer outlined that the type of material was selected as it provides minimal impact to the view for visitors, is appropriate for coastal locations and was offered at no installation cost. A cost benefit analysis would indicate there is an economic benefit for selecting this product.

b) A response was only provided earlier today. Why did it take so long for a response?

The CEO outlined that coming out of the Christmas period there have been a number of staff absences which has resulted in this particular delay. There have been some recent, internal staffing changes which should result in more efficiencies for customer response, with Customer Service staff support being transferred to the Depot.

Prior to closing Public Question Time, the Shire President advised that there he has prepared a news item for this week's 'Dongara Denison Local Rag' outlining some of the 'good news' stories occurring locally.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

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 DECISION 010218:

MOVED: Cr Gumley

SECONDED: Cr Scott

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

VOTING DETAILS:

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 12 Jan Shire President Deputy Shire President, CEO and Acting Chief Operating Officer - Kailis Drive Entry Statement meeting with Main Roads representatives
- CEO - Local Incident Control Group meeting regarding potential flood risk from ex Tropical Cyclone Joyce
- CEO - Midwest Gascoyne Incident Support Group meeting – ex Tropical Cyclone Joyce risk management
- 13 Jan CEO and CESM - Midwest Gascoyne Incident Support Group meeting – ex Tropical Cyclone Joyce risk management
- 15 - 16 Jan CEO and CESM - Debrief with DFES and BOM regarding ex Tropical Cyclone Joyce
- 15 Feb Meeting with Jane Aberdeen and Martin Heller, AWE and Kris Barnes, Praxus/Meet2Create regarding stakeholder engagement

Executive Changes

Further to the confidential update provided by the CEO at the November 2017 Ordinary Council meeting, it is acknowledged that a change to the organisational structure has been implemented. The change sees the removal of the two Director roles (Corporate and Community, and Planning and Infrastructure) and replaced with a Chief Operating Officer role.

I anticipate that the changes will result in sustainable service delivery, asset management and financial planning, and therefore provide positive outcomes for the community.

Mr Shane Ivers was appointed as Acting Chief Operating Officer, commencing 2 January 2018, to assist in undertaking resourcing and procedural reviews in order to report on any necessary requirements to deliver on these outcomes.

WALGA Quarterly Report

To improve engagement with WALGA members and their respective communities, WALGA have prepared and issued quarterly reports in regards to services accessed, professional development opportunities and events, and industry matters that WALGA may be advocating on. I wish to table the December 2017 Overview Report provided by WALGA.

[Quarterly Overview Reports Q4 2017 - Shire of Irwin.pdf](#)

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.
- 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 receive the list of accounts paid under delegated authority during December 2017 and January 2018.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020218:

MOVED: Cr West

SECONDED: Cr Gumley

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

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

VOTING DETAILS:

CARRIED 7/0

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

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

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030218:

MOVED: Cr Wilson

SECONDED: Cr Scott

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

VOTING DETAILS:

CARRIED 7/0

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

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

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040218:

MOVED: Cr West

SECONDED: Cr Gumley

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

VOTING DETAILS:

CARRIED 7/0

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
- 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 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

- (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

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

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 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 AND COUNCIL DECISION 050218:

MOVED: Cr Scott

SECONDED: Cr Leonard

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

VOTING DETAILS:

CARRIED 7/0

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

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:

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 AND COUNCIL DECISION 060218:

MOVED: Cr West

SECONDED: Cr Gumley

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.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 7/0

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

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 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 AND COUNCIL DECISION 070218:

MOVED: Cr Gumley

SECONDED: Cr Wilson

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.

VOTING DETAILS:

CARRIED 7/0

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 AND COUNCIL DECISION 080218:

MOVED: Cr Gumley

SECONDED: Cr Wilson

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

VOTING DETAILS:

CARRIED 7/0

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.

COUNCIL DECISION 090218:

MOVED: Cr West

SECONDED: Cr Leonard

That Council endorses the nomination of Cr Scott and Cr West for the local government vacancy on the Board of the Mid West Development Commission.

VOTING DETAILS:

CARRIED 7/0

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, by contacting our office via telephone (08) 9921 0702 or Email: 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 \(29 January 2018\)](#)

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

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

COUNCIL DECISION 100218:

MOVED: Cr Wilson

SECONDED: Cr Gumley

That Council, en bloc, receives:

- 1) the Minutes of the Community Assistance Scheme and Events Committee meeting held 29 January 2018; and
- 2) the Minutes of the Sustainable Environment Committee meeting held 6 February 2018; and
- 3) appoints, by Absolute Majority, Yvette Robb as a member of the Shire of Irwin Sustainable Environment Committee.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 7/0

9.2.3 SHIRE OF IRWIN AUDIT COMMITTEE MEETING HELD 13 FEBRUARY 2018

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

COUNCIL DECISION 110218:

MOVED: Cr West

SECONDED: Cr Wilson

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

VOTING DETAILS:

CARRIED 7/0

COMMITTEE RECOMMENDATION AND COUNCIL DECISION 120218:

MOVED: Cr West

SECONDED: Cr Leonard

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

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 7/0

COMMITTEE RECOMMENDATION AND COUNCIL DECISION 130218:

MOVED: Cr West

SECONDED: Cr Gumley

That Council, en bloc:

- 1) 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; and**
- 2) adopts the Shire of Irwin Audit Committee Terms of Reference, as attached.**

VOTING DETAILS:

CARRIED 7/0

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

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member closed the meeting at 5:48pm.

An electronic copy of the Minutes are available for download from the Shire's website
<http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
27 February 2018

Signed:
Presiding Elected Member

Date:.....