



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 26 April, 2022

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 2022 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, (unless otherwise advised) commencing at **6.00pm**.

DATES	
22 February 2022	26 July 2022
22 March 2022	23 August 2022
26 April 2022	27 September 2022
24 May 2022	25 October 2022
28 June 2022	22 November 2022
	12 December 2022

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

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally, all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. **Public Question Time:** It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
 - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
 - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
 - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
 - Only questions can be addressed to Council, not statements.
 - A minimum of 15 minutes is allocated to Public Question Time. A member has 2 minutes to submit a question.
 - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
 - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
 - The Presiding member may decide that a question shall not be responded to where:
 - the same or similar question has been asked at a previous meeting and a response has already been provided;
 - a statement has been made and is not reformed into a question; or
 - a question is offensive or defamatory in nature and is not reformed into a question.
 - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next meeting of Council.
 - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request system.
 - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
 - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least 72 hours prior to the Council meeting at which you wish them to be presented.
5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.
6. **Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The Officer must declare that interest and generally the Presiding Member will advise the Officer if he/she is to leave the meeting.
7. Agendas are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting.
8. Agendas for Ordinary Meetings are available to the public from the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au seventy-two (72) hours prior to the meeting.
9. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council and ideally received written confirmation of the outcome. Please note the Disclaimer in the Agenda (page 3).
10. Public Inspection of Unconfirmed Minutes (Reg 13): A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection at the Shire of Irwin Administration Centre and on the website www.irwin.wa.gov.au within ten (10) working days after the Meeting.

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ORDINARY COUNCIL MEETING

to be held

26 April 2022

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith

Shire President

Councillor I M Scott

Deputy Shire President

Councillor G S Eva

Councillor A J Gillam

Councillor M Leonard

Councillor H M Palmer

Councillor E Tunbridge

Councillor B Wyse

Staff

Mr S D Ivers

Chief Executive Officer

Mrs D K Chandler

Acting Manager Corporate & Community

Mr B Jeans

Manager Development

Ms N A M'Leane

Development & Executive Officer

Guests

Approved Leave of Absence

Apologies

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 22 March 2022

A copy of the Minutes of the Ordinary Council Meeting held 22 March 2022 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 22 March 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-04/22
Subject:	CC01-04/22 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

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

Report Purpose:

To receive the list of accounts paid under delegated authority during March 2022.

Background:

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

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*

(b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – April 2022

CC01-04/22 Attachment 1: Accounts for Payment – March 2022

Officer Recommendation:

RECOMMENDED:

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

Payment Type/Numbers	Total Amount
EFT 28478 – 28656	\$786,547.19
Muni Cheques – 32099 – 32101	\$61,440.02
Direct Debit – Telstra	\$4,461.77
Direct Debit – WA Treasury Corporation	\$25,015.46
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$8,829.63
Direct Debit – Insurance Premium Repayments	\$33,567.95
Direct Debit – Land Use Agreement	\$1,041.66
Direct Debit – Bonds Administration	\$2,860.00
Direct Debit – Rental Charges	\$650.00
Direct Debit – Superannuation	\$31,559.48
Grand Total	\$957,920.82

CORPORATE AND COMMUNITY		CC02-04/22
Subject:	CC02-04/22 Monthly Financial Statements for the Period Ended 31 March 2022	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

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

Background:

The Monthly Financial Statements to 30 June 2022 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer's Comment:

The financial position to the end of March 2022 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/03/2022	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	6,927,606	8,358,715	21%
Operating Expenditure	(8,894,887)	(8,868,743)	0%
Net Operating	(1,967,281)	(510,028)	
Non-Operating Revenue	10,000	0	-100%
Non-Operating Expenditure	(1,750,935)	(2,305,472)	32%
Net Non-Operating	(1,740,935)	(2,305,472)	
Cash at Bank		1,129,758	
Cash at Bank Restricted		579,161	
Reserve Bank		1,484,995	
Total Cash Funds		3,193,914	

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown -*
 - (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*

- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – April 2022

CC02-04/22 Attachment 1: Financial Statements for the Period Ended 31 March 2022.

Officer Recommendation:

RECOMMENDED:

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

OFFICE OF CEO	CEO01-04/22
Subject:	CEO01-04/22 Annual Report and Auditor's Report 2020/21
Author:	D Chandler, A/Manager Corporate & Community
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0199 & 3.0075
Voting Requirements:	Absolute Majority

Council Role:

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

Report Purpose:

To consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2021.

Background:

The *Local Government Act 1995* requires local governments to prepare and accept, by absolute majority, an Annual Report for each financial year by no later than 31 December after that financial year. The presentation of the Annual Report to Council has been delayed due to the timing of the annual performance audit and receipt of the audited financial statements.

The *Local Government Act 1995* also requires local governments to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from the previous financial year. It is therefore proposed to hold the Annual Electors' Meeting on Tuesday 24 May 2022 directly before the Ordinary Council Meeting.

Officer's Comment:

The 2020/21 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is presented as an attachment for Councillors' perusal, consideration and acceptance. The report contains the audited annual financial statements and highlights the Shire of Irwin's achievements throughout 2020/21.

The Shire of Irwin's auditors, Pitcher Partners, on behalf of the Office of the Auditor General, have completed an audit of the annual financial statements for the year ended 30 June 2021. The audit report and management letter have been provided to the Shire President, CEO and have been presented to the Shire of Irwin Audit Committee on 17 March 2022.

Consultation:

Once the 2020/21 Annual Report has been accepted by Council, the Shire is required to give local public notice of the availability of the report as soon as practicable.

Statutory Environment:

Local Government Act 1995

- Section 5.53
- Section 5.27
- Section 5.29
- Section 7.2
- Section 7.12A

Local Government (Administration) Regulations 1996

- Regulation 19B

Local Government (Audit) Regulations 1996

- Regulation 10

Policy Implications:

Nil.

Financial/Resource Implications:

There are no financial or budget implications.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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

Strategy 4.3.2 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – April 2022 – Annual Report

CEO01-04/22 Attachment 1: Annual Report & Auditor's Report 2020/21

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority;

- a) Receives the Audit Report from the Office of the Auditor General for the year ending 30 June 2021;**
- b) Accepts the 2020/21 Annual Report as presented in Attachment Booklet – April 2022;**
- c) Holds the Annual Electors' Meeting at 5.00pm on Tuesday, 24 May 2022 in the Shire of Irwin Council Chambers; and**
- d) Holds the 24 May 2022 Ordinary Council Meeting in the Shire of Irwin Council Chambers at 7.00pm.**

OFFICE OF CEO	CEO02-04/22
Subject:	CEO02-04/22 2021/22 Plant Financing
Author:	D Chandler, A/Manager Corporate & Community
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00227
Voting Requirements:	Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

The purpose of this report is to seek Council approval to make application to the Western Australian Treasury Corporation for a loan for the purpose of purchasing plant.

Background:

Pitcher Partners on behalf of the Office of the Auditor General (OAG) completed an audit of the Shire of Irwin’s financials for the year ended 30 June 2021. The Office of the Auditor General (OAG) reported on legal and regulatory requirements in accordance with the *Local Government (Audit) Regulations 1996* and identified the following significant adverse trend in the financial position of the Shire in that the Asset Sustainability Ratio as reported in Note 32 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard of 0.90 for the last three financial years.

The possible implication of the significant adverse trend in the financial position of the Shire in terms of the Asset Sustainability Ratio being below the DLGSCIs standard for the past three years is further deterioration of Shire infrastructure and assets. The Asset Sustainability Ratio significantly improved from 0.26 in 2019-20 to 0.71 for 2020-21, but unfortunately is still below the DLGSCIs 0.90 target. The Shire is focused on using asset management principles to ensure the preservation and integrity for the majority of its infrastructure at a minimum cost when compared to non-current asset depreciation value. The Shire reported to DLGSCI that the action intended to be taken include to further develop internal capacity for maintenance renewal works including financing to upgrade the current equipment together with the necessary staff.

Council has been aware for some time the need to further develop internal capacity for maintenance renewal works including financing to upgrade the current equipment together with the necessary staff. In the 2020-21 Budget, Council approved the Shire to make a loan application to purchase a prime mover with two side tippers, the Self Supporting Loan (SSL) for the Denison Bowling & Recreation Club (DB&RC) artificial bowling green surface project and the funding shortfall to complete the Henry Road Independent Living Units (ILU), Stage 2 & Communal Area.

Even though an independent opinion from Moore Australia verified the Shire had more than adequate borrowing capacity for these loans, Western Australian Treasury Corporation significantly delayed approving the above loans for no apparent reason. The approval of the DB&RC SSL and Henry Road ILU loans were time sensitive and so the prime mover with two side tippers was dropped from the application in an effort to speed up the loan approval process. The DB&RC SSL and Henry Road ILU loans were approved April 2021 and the prime mover with two side tippers pushed into the 2021-22 Budget.

Furthermore, the prime movers with two side tippers was removed from the 2021-22 Budget via the 2021-22 Budget Review process. The reason for the removal was to allow the 2022-23 Plant Replacement Program to be finalised and the Long Term Financial Plan to be updated accordingly and then submit a separate report to Council for the loan applications.

Officer’s Comment:

The Shire has completed a review of its Strategic Community Plan (SCP), updated its 2022-23 Plant Replacement Program and developed its Long Term Financial Plan (LTFP). The LTFP forecasts the Asset Sustainability Ratio between 0.60 and 0.90 before reaching DLGSCIs 0.90 target in 2031-32 on the basis of further developing internal capacity for maintenance renewal works including financing to upgrade the current equipment together with the necessary staff.

The 2022-23 Plant Replacement Program includes a new additional grader, renewal of the wheel loader and still has the prime mover with two side tippers. This would allow two grading teams, one for resheeting roads and the other for maintenance. This would improve the annual gravel resheeting capacity from 15km to 30km and maintenance grading from 2 to 4 grades for each Shire road plus capacity for reforming sealed road shoulders such as Allanooka Springs Road. The acquisition of the above equipment plays a critical role in increasing the Asset Sustainability Ratio performance and in real terms supporting the Shire to meet its obligations in terms of road safety.

It is recommended that application to the Western Australian Treasury Corporation be made for a total of \$1,290,000 in the current financial year instead, to enable the purchase of the following key plant items:

- | | |
|------------------------------------|-----------|
| 1. Prime Mover & Two Tippers – New | \$540,000 |
| 2. Grader - New | \$420,000 |
| 3. Wheel Loader – Renew | \$330,000 |

Western Australian Treasury Corporation indicative debt capacity calculator shows that the proposed loan amount of \$1,290,000 is comfortably within scope of being approved on the basis of a 7 year repayment period. The anticipated monthly repayment amount would be around \$16,000. Should Western Australian Treasury Corporation request the loan amount be reduced, then the loan application will be reduced according to the list above in the order shown (that is, the wheel loader renewal would be the first item to be removed). The loan repayment period may be varied should it be necessary to assist the loan being approved.

The use of contractors has been considered, but just contracting out the grader and one tipper could cost between \$450,000 to \$650,000 per year. This option would be feasible if funds could be obtained through the Main Roads WA Regional Road Group program, but this program is again competitive and no further funding is anticipated for gravel roads.

In terms of funding alternatives to Western Australian Treasury Corporation, saving up revenue for a cash purchase or using existing Reserves are options. Saving up revenue for a cash purchase could take at least 5 years and would keep the Shire’s maintenance program at current thresholds, which is already recognised as not meeting our safety obligations. Using existing Reserves is not recommended as this would effectively eliminate all the cash in the Shire’s Reserves.

The Long Term Financial Plan being presented to Council at this meeting factors in a \$2,200,000 loan for 2022-23. The proposed application to the Western Australian Treasury Corporation to enable the purchase of key plant items is \$1,290,000, which is significantly less than the amount specified in the Long Term Financial Plan.

In terms of staff to operate the new equipment, it would be a combination of recruitment and providing current staff with development opportunities, but as with any role in the Shire and in the current economic climate, this will be a challenge.

Referring to the Long Term Financial Plan, should a recession occur impacting on rate revenue, it is proposed to defer Regional Road Group expenditure for sealed roads to the amount of the Western Australian Treasury Corporation loan resulting in an estimated 0.1 decrease in the Asset Sustainability Ratio. Beneficially, there is opportunity to recover this work in the following financial years should such a crisis occur. This report contains a confidential attachment of a presentation by Westpac's Chief Economist Bill Evans to the Western Australian Treasury Corporation on 31 March 2022 regarding the impact of Federal Budget together with an economic outlook for the local and global economies.

It is recommended that the equipment purchase proceeds as soon as possible as currently there is effectively no interest on borrowings plus Western Australian Treasury Corporation borrowing conditions will change 1 July 2022 where there may be extended approval delays. In addition, machinery prices have gone up 30% recently with no sign of going down and the lead time for delivery is anticipated to be 12 months or longer.

Noting that the prime mover and two side tippers were previously approved by Council in the 2021-22 Annual Budget and that \$200,000 trade-in is expected on the renewal of the Wheel Loader. Acquisition of these key plant items will improve the Shire's rural road construction and maintenance fleet to achieve the minimum requirement for servicing the Shire's gravel roads. If approved, the Shire is required to give one month's local public notice of the proposal to borrow as per Section 6.20(2) of the *Local Government Act 1995*. Once the loan application is approved, Council will avoid any interest rate rises expected in 2022-23 and these plant items can be ordered this financial year effectively reducing lead times that would significantly affect operations in the new financial year.

Consultation:

Once approved by Council and in accordance with Section 6.20(2) of the *Local Government Act 1995*, one month's local public notice of the proposal to borrow will be given.

Statutory Environment:

Local Government Act 1995

- Section 6.2 Power to borrow
- Section 6.21 Restrictions on borrowing

Policy Implications:

Nil.

Financial/Resource Implications:

If the loan application is approved, there will be no financial implications on the 2021/22 financial year as repayments will not fall due. Council will need to consider budgeted loan repayments from 2022/23 onwards.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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

Strategy 4.3.2 Adopt and follow better practice processes.

Attachments:

CONFIDENTIAL Attachment Booklet – April 2022

CEO02/02-22 – Attachment 1: Western Australian Treasury Corporation – Lending to the Local Government Sector

CEO02-04/22 – Attachment 2: WATC Federal Budget 2022-23 Westpac Presentation by Bill Evans

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority;

- a) Approves the Chief Executive Officer to provide one month's local public notice of the proposal to borrow \$1,290,000 for the purpose of purchasing plant;**
- b) Approves the Chief Executive Officer to make application to the Western Australian Treasury Corporation for a loan to the value of \$1,290,000 for the purpose of purchasing plant; and**
- c) Once the loan funds are received, approve the Chief Executive Officer to generate the associated purchase orders to acquire specified capital plant:**
 - a. Prime Mover & Two Tippers**
 - b. Grader**
 - c. Wheel Loader**

OFFICE OF CEO	CEO03-04/22
Subject:	CEO03-04/22 Long Term Financial Plan Plan 2022-2037
Author:	S Ivers, Chief Executive Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00311
Voting Requirements:	Absolute Majority

Council Role:

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

Report Purpose:

The purpose of this report is to seek Council’s endorsement by adopting the Strategic Resource Plan 2022-2037, which is the Long Term Financial Plan, as an informing strategy under the Integrated Planning and Reporting Framework.

Background:

It is a mandatory requirement that the local government is to have regard to the capacity of its current resources and the anticipated capacity of its future resources to govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources. With reference to Planning for the Future in Division 3 of the *Local Government (Administration) Regulations 1996*, the Shire is required to develop and maintain a Corporate Business Plan which integrates matters relating to resources including asset management, workforce planning and long-term financial planning. The Strategic Resource Plan 2022-2037 is the long-Term Financial Plan (LTFP) with the consideration of asset management planning and workforce planning from a financial perspective. The Corporate Business Plan for a district is to set out, consistently with any relevant priorities within the Strategic Community Plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district.

The LTFP is a high-level informing strategy that outlines the Shire’s approach to delivering infrastructure and services to the community in a financially sustainable and affordable manner. It also demonstrates the Shire’s commitment to managing its operations in a way that avoids unsustainable rate increases for ratepayers. As a summary on the future planning of the Council’s financial operations, the LTFP strategic focus is in relation to key components such as rate increases as mentioned, but includes service levels, asset renewal, reserve account movements and loan borrowings. The plan is also designed to indicate long term financial viability and identify issues that may have a long term impact on the Council’s finances.

Officer’s Comment:

The primary objective of the Strategic Resource Plan 2022-2037, which is the Long Term Financial Plan, is to not only correct the significant adverse trends in the financial position of the Shire, but also to create a strong sustainable future. A number of strategic corrective measures have been captured in the Long Term Financial Plan that will see the Shire move into a sustained healthy financial position.

The Long-Term Financial Plan attempts to predict the Council's future expenditure requirements combining both operational and capital together with increasing service levels, predominantly in rural road construction. Preparation of the plan also requires a number of key assumptions which ultimately provide guidance to subsequent reviews of the Corporate Business Plan and Annual Report. The following are the key assumptions of the proposed Long-Term Financial Plan.

The key assumptions include:

- Rate Setting Statement Net current assets at end of each Financial Year is \$0, which means that the revenue and expenditure is balanced.
- CPI between 2.25% and 2.75%.
- Rates increase 4.25% (bulk is CPI).
- Reserves growth is minimal in the initial years to allow the growth of own source revenue to compensate the Federal Assistance Grant shortfall.
- Employee costs remain stable.

The capital program consists predominantly of the Main Roads WA Regional Road Group program, own source funded road renewal program and Council priority projects. The Main Roads WA Regional Road Group program is \$1.35M per year with two thirds being externally funded by the program. The own source road renewal program starts at \$0.8M in 2022/23 and climbs to \$4.5M in 2036/37, which improves the Asset Sustainability Ratio to achieve the Department of Local Government, Sport and Cultural Industry's target. There is an allocation for seven Council priority projects where it is assumed the project will not proceed unless fully funded. There is an allocation for upgrade the Shire's entry statement in 2022-23 though only \$100,000 is own source funding has been allowed. The plan also allows further renewal works for Denison House in 2024-25 using \$110,000 own source funds.

It is anticipated that the plan is a live document that is updated annually to ensure it captures Council's requirements.

Consultation:

Senior staff together with Moore Australia have been engaged in the development of the draft Long-Term Financial Plan which was then presented to Council for review and comment at the Councillor Workshop held 9 March 2022.

Statutory Environment:

Local Government Act 1995 s5.56:

Planning for the future

- 1) *A local government is to plan for the future of the district.*
- 2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996:

Part 5 – Annual reports and planning

Division 3 — Planning for the future

19DA. Corporate business plans, requirements for (Act s. 5.56)

- 1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- 2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- 3) *A corporate business plan for a district is to —*
 - a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- 4) *A local government is to review the current corporate business plan for its district every year.*

- 5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- 6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- 7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan*

Policy Implications:

Nil.

Financial/Resource Implications:

The Department of Local Government, Sport and Cultural Industries (DLGSCI) advocates longer term approaches and moving away from the annual budget focus. DLGSCI support Councils budgeting for a minor surplus each year, or by transfers to reserves, to help fund one or more projects in future years.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.2.2 Embrace the Integrated Planning and Reporting framework

Strategy 4.2.3 Adopt a risk and asset management approach

Attachments:

Attachment Booklet – April 2022

CEO03-04/22 Attachment 1: Strategic Resource Plan 2022-2037

CEO03-02/22 Attachment 2: OAG Independent Audit 2020_21 Significant Matters Report Rev0

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, adopts the Strategic Resource Plan 2022-2037, which is the Long Term Financial Plan, as an informing strategy under the Integrated Planning and Reporting Framework.

INFRASTRUCTURE & DEVELOPMENT		ID01-04/22
Subject:	ID01-04/22 Delegated and Authorised Actions for March 2022 – Development	
Author:	B Jeans, Manager Development	
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 Development department.

Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer’s Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 March 2022 – 31 March 2022.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – April 2022

ID01-04/22 Attachment 1: Table of Delegated Actions for March 2022, Development

CONFIDENTIAL Attachment Booklet – April 2022

ID01-04/22 Attachment 2: Detailed Table of Delegated Actions for April 2022, Development

Officer Recommendation:

RECOMMENDED:

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

INFRASTRUCTURE & DEVELOPMENT		ID02-04/22
Subject:	ID02-04/22 Proposed Scheme Amendment – Rezone from Special Use to Residential at Lot 127 (#210) Point Leander Drive, Port Denison	
Author:	B Jeans, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1177, A8744, 3.0351	
Voting Requirements:	Simple Majority	

Council Role:

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

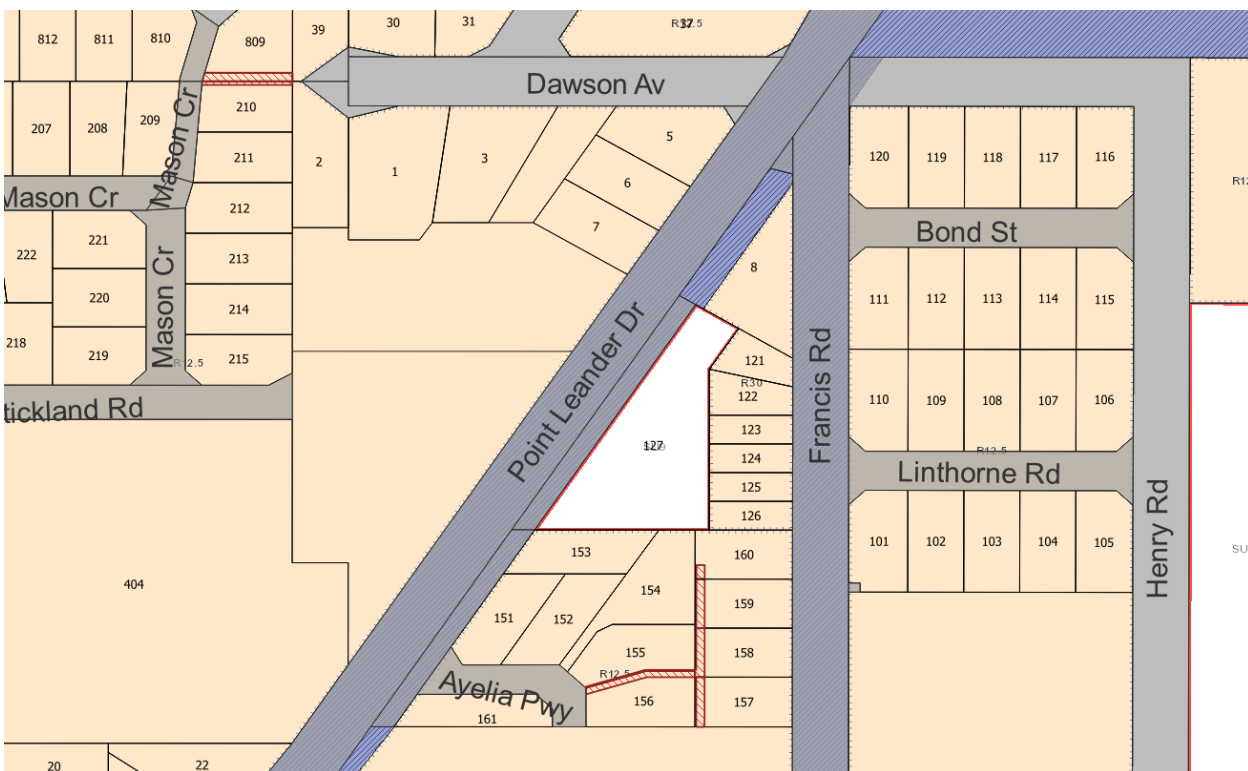
Report Purpose:

For Council to consider commencing the statutory process for the proposed scheme amendment to rezone Lot 127 (#210) Point Leander Drive, Port Denison from Special Use (Holiday Accommodation) to Residential R30.

Background:

The Shire received a Scheme Amendment application to rezone Lot 127 (#210) Point Leander Drive, Port Denison from Special Use (Holiday Accommodation) to Residential R30 on 12 March 2022.

The subject property is 3239sqm in area and is located just south of the Francis Road intersection with Point Leander Drive. The property is surrounded by residential land of R12.5 to R30 density. The property does contain a building listed on the Shire’s Municipal Inventory of Heritage Places (as well as on the Shire’s draft Local Heritage Survey) known as “Topys McIntyre’s House”.



Research of Shire records reveals the property was zoned as Special Use in the Shire’s previous Local Planning Scheme No. 4 with the permitted uses of Residential R30, Holiday Accommodation and ancillary uses. It appears with the creation of Local Planning Scheme No. 5, the Special Use Table was revised to remove the Residential R30 permitted use and moved to be listed as a condition instead. Whilst it is clear this was removed because ‘Residential R30’ is not an actual land use (it is a zone with an applied density), it should have been replaced with residential uses such as ‘Single House, Grouped Dwelling or Multiple Dwelling’. As it currently stands the Special Use listing (SU9) limits development of the site to Holiday Accommodation with the related condition implying it be done in a way to comply with the R30 code. The history of the local planning framework tells us that the site was intended for residential development at the R30 density and the holiday accommodation use was intended to be more of an

additional use than the predominant use.

The proposed Scheme Amendment aims to rectify the limitations of the Special Use Zone for the site by facilitating residential development of the site. The holiday accommodation use of the site is not strategically identified and given its location and surroundings; is less desirable for that purpose. The Scheme Amendment documentation provided covers the necessary aspects of the rezoning request to be progressed for Council's consideration.

Officer's Comment:

Scheme Amendment process

The Scheme Amendment proposes to rezone the site from the Special Use Zone to the Residential Zone. The Scheme Amendment is standard due to being identified for residential development in the Shire's local planning framework. The current Special Use Zone is limiting the site to be developed primarily for holiday accommodation, which limits occupation of dwellings/units to a maximum of 3-month periods.

Council's consideration is required for the 'initiation' and classification (basic, standard or complex) stage of the Scheme Amendment. The initiation triggers the referral to WAPC for confirmation that the scheme amendment is complex and may progress to advertising. Prior to public advertising the Shire is required to refer the Amendment to the EPA for consideration.

Following the WAPC's consent to advertise, the Shire will arrange for advertising to be undertaken. On completion of public advertising and consideration of submissions from the public and agencies, a report to Council will then be presented for consideration to adopt. The final adoption of a Scheme Amendment sits with the WAPC.

Heritage

The site contains a heritage place (being the existing structure) and therefore relevant considerations to its appropriate level of recognition or protection through any development phase (be it a scheme amendment or development application) shall be taken into consideration. The Applicant has given an indication that the landowner will make a request to demolish the structure. Whilst the Scheme Amendment itself won't permit development or works, it is an opportunity for Council to consider the heritage matter at this first stage.

The heritage place "Topys McIntyre's House" was listed as a Category 2 place on the Shire's Municipal Inventory and reviewed with the draft Local Heritage Survey to be downgraded to a Category 3 place with 'moderate significance'. The management recommendation in the Shire's draft Local Heritage Survey is for any changes to be in sympathy with the heritage values of place and conservation is desirable.

A separate Development Application will be required by the landowner before making any changes to the site. The Scheme Amendment application makes note that the landowner intends to demolish the heritage structure. It is recommended that Council's Resolution makes specific mention of the heritage place being the subject of a Development Application. The Scheme Amendment to rezone the site however can progress as it has no material impact on the heritage place.

Development Controls

Whilst the Scheme Amendment stage is an appropriate time to consider the suitability of the zoning and land use of the site, the specifics of the subdivision and development of the site would be addressed later at the subdivision stage. The subdivision stage can delve further into assessment of engineering requirements, site works/fill required, road and access arrangements and building design given the irregular shaped lot with frontage to Point Leander Drive.

The 2014 Dongara – Port Denison District Structure Plan highlights the locality to be suitable for higher density (R30/R40) urban/residential development. The Applicant has provided a concept subdivision plan indicating how the site layout could accommodate R30 development. Unfortunately, due to established residential development to the east and south, all access would need to be via Point Leander Drive and not coordinated through internal roads for the precinct.

Concluding Statement

The Scheme Amendment is assessed to be ‘standard’ because the site is identified for residential development in the Shire’s Dongara-Port Denison District Structure Plan and Local Planning Strategy. The rezoning of the site to the Residential Zone will facilitate this. It is recommended the Scheme Amendment be supported for commencement to advertise.

Consultation:

The *Planning and Development (Local Planning Schemes) Regulations 2015* prescribe the minimum requirements for advertising of scheme amendments.

As per Regulation 47, a standard scheme amendment is to be advertised for a minimum 42 days and is to be published in several ways including notice in the local newspaper, hard copies available for viewing at the Shire’s administration, advertisement on the Shire’s website and written notice to public agencies.

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Irwin Local Planning Scheme No. 5

The subject property is currently a Special Use Zone (SU9), listed in Schedule 4 Special Use Zones of the Shire’s Scheme:

No.	Location	Land Particulars	Permitted Uses	Specific Conditions
9	Point Leander Drive and Francis Road	Lot 127	<ul style="list-style-type: none">Holiday AccommodationIncidental uses to the permitted uses	1. Development of the site shall comply with the requirements of the Residential Design Codes for the R30 code. This does not imply that any subdivision of the site will be supported.

The Scheme Amendment proposes to rezone the land to the Residential Zone with a density coding of R30. The objectives of the Residential Zone are covered in Clause 4.2.1 of the Scheme:

- a) *To ensure that the Zone be predominantly residential in use.*
- b) *To ensure that any non-residential uses permitted under the provisions of the Scheme, shall be of service to, compatible in character with and of a scale and operation which is not detrimental to the predominant residential use.*
- c) *To ensure that any non-residential use which the local government may at its discretion permit in the Residential Zone, shall not detract from the amenity of the area or adversely affect the lifestyle expected in the predominantly residential environment.*
- d) *To ensure that all residential development within the zone, shall be of a standard that does not adversely affect the overall amenity of other residential development in the zone.*

The Scheme Amendment is assessed as being ‘standard’ as it meets the term referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.*
- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Policy Implications:

State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5)

The objectives of SPP3.5 relate to the conservation and recognition of heritage places in the planning decision-making process.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031
Strategy 4.3.2 Adopt and follow better practice processes

Shire of Irwin Local Planning Strategy 2017

The subject site is captured in Policy Area B of the Strategy. The site falls within the Urban/Residential area for higher density (R30/R40).

Attachments:

Attachment Booklet – April 2022

ID02-04/22 Attachment 1: Scheme Amendment documentation

Officer Recommendation:

RECOMMENDED:

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, prepares Amendment No. 20 to Shire of Irwin Local Planning Scheme No. 5, to amend the local planning scheme by:
 - a) Rezoning Lot 127 (#210) Point Leander Drive, Port Denison from Special Use Zone to the Residential R30 zone;
 - b) Deleting entry number 9 from Schedule 4 – Special Use Zones; and
 - c) Amend the Scheme maps accordingly.
2. Pursuant to Regulation 34 and 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 20 to Local Planning Scheme No. 5 is a standard amendment for the following reasons:
 - a) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - b) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit the proposed amendment to the Western Australian Planning Commission for consent to advertise;
4. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment No. 20 to Local Planning Scheme No. 5 to the Environmental Protection Authority;
5. Subject to consent from the Western Australian Planning Commission, prepares notice and advertises Amendment No. 20 to Local Planning Scheme No. 5 for a period of not less than 42 days pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
6. Notes that a further Report will be presented to a future Council Meeting, following advertising of Amendment No. 20 to Local Planning Scheme No. 5, seeking resolution

whether to not support or support Amendment No. 20 to Local Planning Scheme No. 5 (with or without modification); and

- 7. Advises the Applicant that a Development Application will be required seeking approval for any changes to the heritage place “Topys McIntyre’s House”.**

9.2. Committee Reports

9.2.1. Shire of Irwin Audit Committee Meeting 5 April 2022

The minutes of the Shire of Irwin Audit Committee Meeting held Tuesday 5 April 2022 have been provided as Attachment 9.2.1 in Attachment Booklet – April 2022.

RECOMMENDED:

That Council receives the Minutes of the Shire of Irwin Audit Committee Meeting held Tuesday 5 April 2022.

COMMITTEE RECOMMENDATION TO COUNCIL:

That Council:

- | |
|---|
| <ul style="list-style-type: none">(a) endorses the Office of the Auditor General (OAG) Independent Audit 2020/21 – Significant Matters Report, provided as Attachment 4.2.1.(b) approves the Chief Executive Officer to provide a copy of the report to the Minister before 24 June 2022; and(c) approves the Chief Executive Officer to publish the report on the Shire of Irwin website. |
|---|

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14. CLOSURE