



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 27 April, 2021

in the

Shire of Irwin Council Chambers

5.30pm – Agenda Briefing

5.45pm – Councillor Information Session

6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

Welcome to the Ordinary Council Meeting of the Shire of Irwin.

Please be advised that Ordinary Council Meetings during 2021 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, (unless otherwise advised) commencing at **6.00pm**.

DATES	
23 February 2021	27 July 2021
23 March 2021	24 August 2021
27 April 2021	28 September 2021
25 May 2021	26 October 2021
22 June 2021	23 November 2021
	14 December 2021

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

Disclaimer

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

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



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

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

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ORDINARY COUNCIL MEETING

to be held

27 April 2021

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith

Councillor B Wyse

Councillor G S Eva

Councillor A J Gillam

Councillor M Leonard

Councillor I Scott

Councillor H M Wells (*via teleconference*)

Councillor I F West

Shire President

Deputy Shire President

Staff

Mr S D Ivers

Mrs D K Chandler

Mr M Jones

Mr B Jeans

Ms N A M'Leane

Mrs F Boksmati

Mr P Godfrey

Chief Executive Officer

Acting Manager Corporate & Community

Acting Manager Infrastructure & Development

Manager Development

Development & Executive Officer

Community Development Officer

Manager Finance

Guests

Approved Leave of Absence

Apologies

Mr P Traylen

Ms S Clarkson

Acting Manager Infrastructure & Development

Acting Senior Finance Officer

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 23 March 2021

A copy of the Minutes of the Ordinary Council Meeting held 23 March 2021 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 23 March 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

7.2. Minutes of the Special Council Meeting held 8 April 2021

A copy of the Minutes of the Special Council Meeting held 8 April 2021 have been provided to all Councillors under separate cover.

RECOMMENDED:

That the Minutes of the Special Council Meeting, held 8 April 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-04/21
Subject:	CC01-04/21 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

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

Report Purpose:

To receive the list of accounts paid under delegated authority during March 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of March 2021.

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

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

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

(b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – April 2021

CC01-04/21 Attachment 1 – Accounts for Payment – March 2021

Officer Recommendation:

RECOMMENDED:

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

Payment Type/Numbers	Total Amount
EFT 27043 – 27157	\$918,208.32
Muni Cheques – 32035 – 32049	\$14,406.14
Direct Debit – Telstra	\$5,001.83
Direct Debit – WA Treasury Corporation	\$25,015.46
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Insurance Premiums Repayment	\$56,688.53
Direct Debit – Credit Card	\$832.93
Direct Debit – Superannuation	\$33,482.32
Grand Total	\$1,055,583.19

CORPORATE AND COMMUNITY		CC02-04/21
Subject:	CC02-04/21 – Monthly Financial Statements for the Period Ended 31 March 2021	
Author:	P Godfrey, Finance Manager Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2020 to 31 March 2021.

Background:

The Monthly Financial Statements to 30 June 2021 are prepared in accordance with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and includes the following statutory reports:

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

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

Officer's Comment:

The financial position to the end of March 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/03/2021		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		7,611,562	7,529,212	99%
Operating Expenditure		(9,028,844)	(8,492,828)	94%
Net Operating		(1,417,282)	(963,616)	
Non-Operating Revenue		4,483,067	1,385,599	31%
Non-Operating Expenditure		(5,622,433)	(1,533,569)	27%
Net Non-Operating		(1,139,366)	(147,970)	
Cash at Bank			4,005,330	
Cash at Bank Restricted			362,875	
Reserve Bank			1,297,327	
Total Cash Funds			5,665,532	

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- Section 6.4 Financial report

Local Government (Financial Management) Regulations

- Section 34 Financial activity statement report provides as follows:

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

- (3) *The information in a statement of financial activity may be shown -*
 - (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*

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

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – March 2021

CC02-04/21 Attachment 1 – Financial Statements for the Period Ended 31 March 2021

Officer Recommendation:

RECOMMENDED:
That Council receives the Monthly Financial Statements for the period 1 July 2020 to 31 March 2021 as provided in Attachment Booklet – April 2021.

CORPORATE AND COMMUNITY		CC03-04/21
Subject:	CC03-04/21 Request to waive hire fees – Tennis Club	
Author:	F Boksmati, Community Development Officer	
Responsible Officer:	D Chandler, A/Manager Corporate Community	
File Reference:	3.0706	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

For Council to consider waiving a portion of the season package fee for the Dongara Tennis Club.

Background:

The Dongara Tennis Club (the Club) is charged by the Shire an annual season package fee of \$5,495 including GST for use of the facilities at the Irwin Recreation Centre, including the hire of the Ocean Room and tennis courts.

The Shire received a letter from the Dongara Tennis Club on 1 February 2021 requesting that the season package fees be reduced due to the Club's membership being in decline with only 24 members paid up for this season with an average of 12 players turning up to play each week. In addition, the Club has had limited opportunities to fundraise with significant events being cancelled last year, such as the Midwest Show and Shine and Larry Lobster Festival as well as several Drive-In screenings cancelled due to COVID-19. Further information is outlined in the letter provided as Attachment 1.

The Club's income is unable to cover costs associated with equipment, Tennis West affiliation, and the Shire's season package fee. The Club is therefore requesting that the season package fee be reduced by \$2,500 including GST to ensure long term sustainability of the Club.

Officer's Comment:

Council has delegated authority to the Chief Executive Officer to waive fees up to a value of \$1,000 including GST, however given this request exceeds this limit, it is presented to Council for consideration.

It is recommended that Council grant this request to the Dongara Tennis Club for the 2020/21 financial year to ensure sustainability of the Club and continued use of the tennis courts at the Irwin Recreation Centre, with ongoing season package fees reviewed each year as part of the budget process.

Consultation:

The Club has previously consulted the Shire's Coordinator Recreation Services.

Statutory Environment:

Local Government Act 1995

- s.6.12 Power to defer, grant discounts, waive or write off debts

Register of Delegations - Council to CEO

- CEO120 Defer, Grant Discounts, Waive or Write off Debts

Policy Implications:

Nil.

Financial/Resource Implications:

Subject to Council approving this request, the Dongara Tennis Club will be invoiced \$2,795 including GST for the season package.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 3.2.2 Support the strong sporting culture that shapes the Shire of Irwin's identity and lifestyle.

Attachments:

Attachment Booklet – April 2021

CC03-04/21 Attachment 1 – Letter from the Dongara Tennis Club

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, grant the Dongara Tennis Club's request by reducing the 2020/21 season package fee for hire of the Ocean Room and tennis courts by \$2,500 including GST.

CORPORATE AND COMMUNITY		CC04-04/21
Subject:	CC04-04/21 Change of source of funds for SIHI Aged Appropriate Housing Project and Denison Bowling & Recreation Club Inc. artificial bowling green project	
Author:	P Godfrey, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00073	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

For Council to consider reverting back to the original source of funds for both the SIHI Aged Appropriate Housing Project and Denison Bowling & Recreation Club Inc. artificial bowling green surface project.

Background:

On 8 April 2021, two agenda items were presented to Council to change the source of funds for the SIHI Aged Appropriate Housing project (CC01-04/21S) and Denison Bowling & Recreation Club Inc. artificial bowling green surface project (CC02-04/21S). In these items was a request to withdraw the funds from the Asset Management Reserve instead of from a loan.

These items were approved by Council at the 8 April 2021 Special Council Meeting and on the following day the Western Australian Treasury Corporation (WATC) notified the Shire that the loan applications for these projects had been approved.

Officer's Comment:

As the loans have now been approved, there is no longer a requirement to remove the funds from the Asset Management Reserve, therefore a resolution is required to retain the funds in the Reserve and to utilise the funds from the recently approved loans to fund the projects.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

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

Policy Implications:

Nil.

Financial/Resource Implications:

The funds will remain within the Asset Management Reserve.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 3.2.2 Support the Strong Sporting Culture that shapes the Shire of Irwin's identity and lifestyle.

Strategy 3.2.3 Support community-initiated projects and activities.

Attachments:

Nil.

Officer Recommendation:

RECOMMENDED:

That Council by Absolute Majority;

- a) Authorises the amount of \$550,000 for the SIHI Aged Appropriate Housing Project to remain in the Asset Management Reserve.**
- b) Authorises the amount of \$355,010 for the Denison Bowling & Recreation Club Inc. artificial bowling green surface project to remain in the Asset Management Reserve.**

OFFICE OF CEO		CEO01-04/21
Subject:	CEO01-04/21 Report to Office of the Auditor General (OAG) – Performance Audit 2019/20	
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00027	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

For Council to consider endorsing the report to be provided to the Minister for Local Government, addressing significant matters raised in the 2019/20 Audit, in accordance with Section 7.12A (4) of the *Local Government Act 1995*.

Background:

The Shire of Irwin's 2019/20 Annual Financial Statement was audited by Moore Australia on behalf of the Office of the Auditor General (OAG). Auditing laws require local governments to examine an audit report it receives and implement appropriate action in respect to the significant matters raised. Local governments must prepare a report addressing the significant matters identified in the audit report.

Section 7.12A(4) of the *Local Government Act 1995* states that a local government must:

- prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
- give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

Officer's Comment:

The Shire of Irwin received the Audit Opinion from the Office of the Auditor General on 4 February 2021. The result of the audit was satisfactory and the following material matters indicate significant adverse trends in the financial position of the Shire:

- The Current Ratio as reported in Note 34 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' standard for the past three financial years.

- The Asset Sustainability Ratio as reported in Note 34 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' standard for the past three financial years.
- The Operating Surplus Ratio as reported in Note 34 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' standard for the past three financial years.

The Report – Office of the Auditor General 2019/20 Performance Audit was prepared to address these significant adverse trends and was endorsed by the Shire of Irwin Audit Committee on Thursday 22 April 2021. The report is now presented as Attachment 1 for Council's endorsement before being provided to the Minister.

Consultation:

The Shire of Irwin Audit Committee reviewed and endorsed the report at their meeting held 22 April 2021.

Statutory Environment:

Local Government Act 1995

- Section 7.12A(4)

Policy Implications:

Nil.

Financial/Resource Implications:

The report identifies actions taken and intended to be taken to address the significant matters raised in the 2019/20 Audit. These actions will affect future budget considerations.

Strategic Implications:

Strategic Community Plan 2017 - 2027

4.2.1 Ensure compliance whilst embracing innovation and better practice principles

4.2.3 Adopt a risk and asset management approach

Attachments:

Attachment Booklet – April 2021

Attachment 1 – CEO01-04/21 Report – Office of the Auditor General 2019/20 Performance Audit

Officer Recommendation:

RECOMMENDED:

That Council, in accordance with Section 7.12A(4) of the Local Government Act 1995, endorses the *Office of the Auditor General (OAG) Performance Audit 2019/20 Report* provided in Attachment Booklet – April 2021.

INFRASTRUCTURE & DEVELOPMENT		ID01-04/21
Subject:	ID01-04/21 Delegated and Authorised Actions for March 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

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- ☐ **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 2021 to 31 March 2021.

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – April 2021

ID01-04/21 Attachment 1 – Table of Delegated Actions for March 2021, Development

CONFIDENTIAL Attachment Booklet – April 2021

ID01-04/21 Attachment 2 – Detailed table of delegated actions for March 2021, Development

Officer Recommendation:

RECOMMENDED:

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

INFRASTRUCTURE & DEVELOPMENT		ID02-04/21
Subject:	ID02-04/21 Subdivision of Lots 5-16, 150 & 210 Blenheim Road and Lot 61-62 Point Leander Drive, Port Denison	
Author:	B Jeans, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	WAPC160550	
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:

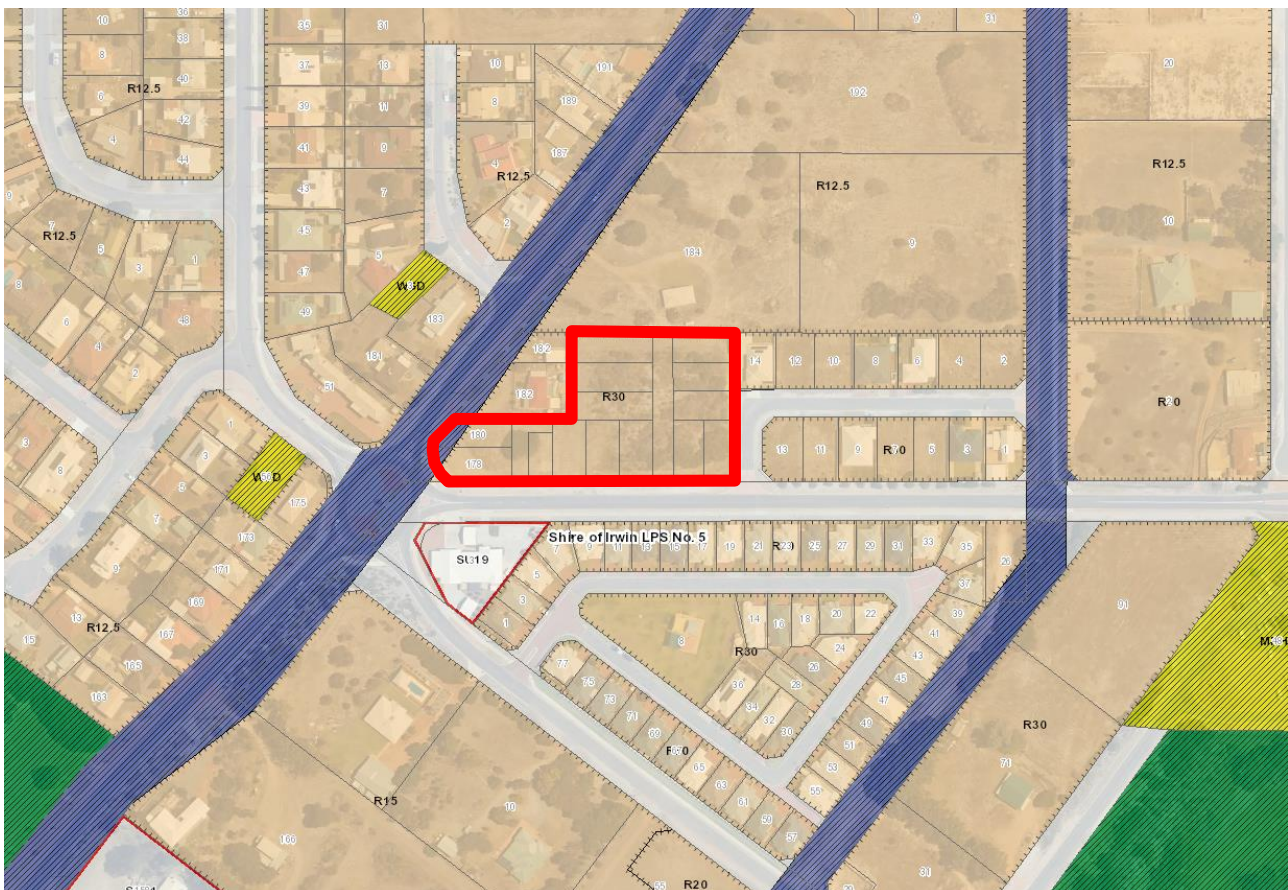
For Council to consider the subdivision proposal and advise the Western Australian Planning Commission of any comments, information or recommended conditions pertinent to the subdivision of Lots 5-16, 150 & 210 Blenheim Road and Lot 61-62 Point Leander Drive, Port Denison.

Background:

The subject land, being Lots 5-16, 150 & 210 Blenheim Road and Lot 61-62 Point Leander Drive, Port Denison, covers an area of 8000sqm and consists of sixteen (16) existing lots of varying sizes of which some in size and configuration would not facilitate residential development. The land is situated to the north-east of the Blenheim Road and Point Leander Drive roundabout in Port Denison.



The subject land is within the Residential Zone with a density coding of R30 (30 dwelling units per hectare). Surrounding land is zoned Residential with a mix of R12.5 and R30 densities.



The subdivision proposes the creation of eleven (11) residential lots ranging in size from 583sqm to 679sqm and creation of a 15m wide road reserve. All lots are to be fully serviced with reticulated water and sewer.

The Western Australian Planning Commission (WAPC) is the decision-making authority for the subdivision of land. The process prior to a decision requires the WAPC to consult with relevant agencies, in which the relevant local government (Shire) is one of several referral bodies. The Shire's involvement at the referral stage is to provide comments and recommend local government applicable conditions for the WAPC to consider when making the final decision.

Officer's Comment:

The proposed subdivision is consistent with the Shire's planning framework and is generally supported for providing infill residential development in a suitable location. However, there are some concerns in respect to the road layout, lot sizes associated with the existing density coding and provision of public open space which are covered below.

Proposed road

The subdivision proposes a new road connection with Blenheim Road to service lots 4-11 and provide future connection north. This new road intersection is approximately 100m east from the Blenheim Road/Point Leander Drive roundabout and approximately 40m from Cuff Way to the west. Francis Road also accesses Blenheim Road approximately 180m east from the proposed new road.

Blenheim Road is an important local road providing the function of an 'Integrator Arterial' route type as characterised by Liveable Neighbourhoods 2009/2015. Point Leander Drive and the nearby roundabout is part of a significant arterial route for the towns of Dongara and Port Denison. The intent is to limit new local roads and access to Blenheim Road and Point Leander Drive due to their significance as arterial routes for the locality. Whilst the Shire's current Local Planning Strategy and Dongara-Port Denison District Structure Plan are silent on access considerations to Blenheim Road, it is evident this section of Blenheim Road should have limited access points. This can be seen in the residential development immediately to the south, where road and private access of residential lots on to Blenheim Road was avoided. The proposed addition of a new local subdivision road at this location is not considered to be a good outcome and is not considered necessary to achieve the intended subdivision of the site.

In respect to other road access matters, it is noted the Point Leander Drive road widening proposed on lot 1 is required as indicated by the Local Planning Scheme reservation and no private access for lot 1 to Point Leander Drive would be permitted due to proximity to the roundabout.

Regarding the access for lots fronting Blenheim Road with no other road frontage (including lot 1), an access option needs to be investigated with the objective of placing their lot access as far from the roundabout as possible. It is noted prohibiting lot access for lots 1-3 on to Blenheim Road is not a practical outcome. Ideally this access option would combine the crossover of lots 1 and 2 to Blenheim Road to a crossover point at the eastern boundary of lot 2 or 3 which is similar to that detailed by the Applicant in the subdivision report (Attachment 2).

Public Open Space (POS)

The Applicant mentions the absence of POS with the subdivision proposal as a result of POS being dealt with in previous subdivision of the subject land. There is no evidence of this provided with the application however the State's Development Control Policy 2.3 - Public open space in residential areas (DC 2.3) requires the provision of 10% POS for all residential subdivisions.

Due to the small scale of the subdivision and location close to a major roundabout, the Shire could accept cash in lieu. A contribution would be relatively minor considering only 11 lots are proposed but in viewing the residential precinct, there would be an expectation for the provision of POS in that locality. For this reason, it is recommended the model subdivision condition for provision of POS be imposed. In the event there is historic evidence regarding the POS provision, the WAPC can elect not to impose this condition.

Local Planning Scheme

Clause 5.25 of the Local Planning Scheme stipulates that the Shire may require the preparation of a structure plan for residential subdivision. Due to the small lot yield and minimal impact to the future development of the locality, it is considered that a local structure plan or local development plan is

unnecessary.

The proposed lot sizes however do reflect a lower density (closer to R17.5), which according to the Applicant, is in response to market demand and local supply. The 600sqm lots could result in further subdivision under the existing R30 density coding which supports an average lot size of 300sqm. This could effectively result in 11 occurrences of 2-lot subdivisions, of which all could be battle-axe configurations due to the narrow lot width that would result otherwise. This would not be an ideal outcome for the particular site and conflicts with the State's Development Control Policy 2.2 - Residential Subdivision (DC 2.2) which aims to avoid the creation of battle-axe lots where possible.

One solution to this could be requiring the preparation of a Local Development Plan (LDP) to analyse and address further infill subdivision; however, the creation of LDP's across small subdivisions is generally avoided. Another solution, which is the preferred, could be for the Shire to reassess the density coding of the subject site and "down code" from R30 to R17.5 or R20 as part of the Local Planning Scheme review. This would preclude further subdivision of the lots but more importantly prevent the potential for battle-axe lots being created.

Consultation:

Internal Staff
Department of Planning, Lands and Heritage

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5

Clause 5.25 of the Scheme sets provisions relating to the "Residential" Zone. In respect to residential subdivisions, Clause 5.25.2 stipulates that the Shire may prepare or require preparation of a structure plan for subdivision within the Residential Zone.

Policy Implications:

Development Control Policy 2.2 - Residential Subdivision (DC 2.2)
Development Control Policy 2.3 - Public open space in residential areas (DC 2.3)
Liveable Neighbourhoods 2009 & 2015 (draft)

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027
Strategy 1.1.1 Continuously improve approval processes

Shire of Irwin Local Planning Strategy 2017

The Strategy identifies the subject site to be contained within Policy Area B (the area for the Dongara and Port Denison townsites) and is identified to be supported for "Urban/Residential (higher density)".

Dongara-Port Denison District Structure Plan 2014

The Dongara-Port Denison District Structure Plan sets a framework for development and growth for the townsite locality at a broad level. The subject land is located within the larger St Dominics precinct supported for higher density urban/residential development. This higher density is stated to be R30.

Attachments:

Attachment Booklet – April 2021
ID02-04/21 Attachment 1 – Subdivision Plan
ID02-04/21 Attachment 2 – Supporting Subdivision Information

Officer Recommendation:

RECOMMENDED:

That Council:

1. Advise the Western Australian Planning Commission (WAPC) that the subdivision of Lots 5-16, 150 & 210 Blenheim Road and Lot 61-62 Point Leander Drive, Port Denison is supported, subject to the following modifications:

- a) The proposed road intersecting with Blenheim Road be removed and amended to connect with Cuff Way. Should this be supported by WAPC, the model condition (as per 2f below) restricting access would then be applicable for lots backing on to Blenheim Road with alternative access from the new subdivision road.**
- b) Access restrictions be imposed and clearly identified for proposed Lots 1-3 with the intent to minimise the number of crossovers and extend crossover access as far from the roundabout as practicable. Model conditions (in addition to 2f below) associated with this arrangement would then be applicable.**

2. Advise the WAPC of the following local government responsible conditions recommended for the subdivision of Lots 5-16, 150 & 210 Blenheim Road and Lots 61-62 Point Leander Drive, Port Denison:

- a) The land being filled, stabilised, drained and/or graded as required to ensure that:
 - i) Lots can accommodate their intended development;**
 - ii) Finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and**
 - iii) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.****
- b) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - i) Street lighting is installed on the new subdivisional road to the standards of the relevant licensed service provider;**
 - ii) Roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and**
 - iii) Temporary turning areas are provided to those subdivisional roads that are subject to future extension.****

to the satisfaction of the WAPC.

- c) Point Leander Drive being widened in accordance with the Shire's Local Planning Scheme No.5 maps reflecting the road reservation by the landowner transferring the land required to the Crown free of cost for the purpose of widening Point Leander Drive.**
- d) Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.**
- e) Pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009* a covenant preventing vehicular access onto Point Leander Drive being lodged on the certificate of title of proposed lot 1 at the full expense of the landowner/applicant. The covenant is to prevent access for safety reasons, in accordance with the subdivision plan and the covenant is to specify:
"No vehicular access is permitted to and from Point Leander Drive".**
- f) Pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009* a covenant preventing vehicular access onto Blenheim Road being lodged on the certificate of titles of proposed lots 4 & 11 at the**

full expense of the landowner/applicant. The covenant is to prevent access for safety reasons, in accordance with the subdivision plan and the covenant is to specify:
“No vehicular access is permitted to and from Blenheim Road”.

3. Recommend the WAPC advise the Applicant that without the preparation of a Local Development Plan to coordinate further infill subdivision of the site, the Shire will investigate the rezoning of the site from R30 to R17.5 as part of the Local Planning Scheme No. 5 review.

9.2. Committee Reports

9.2.1 Local Emergency Management Committee (LEMC)

The minutes of the Local Emergency Management Committee (LEMC) Meeting held Wednesday 24 March 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – April 2021.

RECOMMENDED:

That Council receives the Minutes of the Local Emergency Management Committee (LEMC) Meeting held Wednesday 24 March 2021.

9.2.2 Local Emergency Management Committee (LEMC)

The minutes of the Local Emergency Management Committee (LEMC) Meeting held Friday 9 April 2021 have been provided as Attachment 9.2.2 in Attachment Booklet – April 2021.

RECOMMENDED:

That Council receives the Minutes of the Local Emergency Management Committee (LEMC) Meeting held Friday 9 April 2021.

9.2.3 Community Assistance Scheme & Events (CASE) Committee

The minutes of the Community Assistance Scheme & Events Committee Meeting held Tuesday 20 April 2021 have been provided as Attachment 9.2.3 in Attachment Booklet – April 2021.

RECOMMENDED:

That Council receives the Minutes of the Community Assistance Scheme & Events (CASE) Committee Meeting held Tuesday 20 April 2021.

RECOMMENDED:

That Council approves the following funding allocations for the Community Assistance Scheme Round 2 of the 2020/2021 financial year as presented in attachment booklet – April 2021 under separate cover.

ORGANISATION	PROJECT DESCRIPTION	GRANT
<i>Irwin Districts Historical Society</i>	<i>Port Denison Walk Dongara Heritage Walk Brochures</i>	<i>\$4,970 (Pre-approved \$4,200)</i>
<i>Midwest Autumn Craft Roundup</i>		<i>\$5,000</i>
	TOTAL	\$9,970.00

RECOMMENDED:

That Council approves the funding allocation of \$5,000 for the Midwest Autumn Craft Roundup to be carried over into 2021/22 due the event being postponed as a result of Tropical Cyclone Seroja.

9.2.4 Audit Committee

The minutes of the Audit Committee Meeting held Thursday 22 April 2021 have been provided as Attachment 9.2.4 in Attachment Booklet – April 2021.

RECOMMENDED:
That Council receives the Minutes of the Audit Committee Meeting held Thursday 22 April 2021.

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