



MINUTES

of

Ordinary Council Meeting

held on

Tuesday 28 March 2023

in the

Shire of Irwin Council Chambers

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 28 March 2023

Signed:
Presiding Elected Member

Date:

AGENDA & BUSINESS PAPERS

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

Please be advised that Ordinary Council Meetings during 2023 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	
28 February 2023	25 July 2023
28 March 2023	22 August 2023
26 April 2023	26 September 2023
23 May 2023	24 October 2023
27 June 2023	28 November 2023
	11 December 2023

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

held

28 March 2023

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests and members in the Gallery and opened the meeting at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Smith	Shire President
Councillor I Scott	Deputy Shire President
Councillor A Gillam	
Councillor M Leonard	
Councillor H Palmer	
Councillor E Tunbridge	
Councillor B Wyse	

Staff

Mr S Ivers	Chief Executive Officer
Ms P Machaka	Manager Finance
Mr M Jones	Supervisor, Parks and Gardens
Ms F Boksmati	Community Development
Ms J Morgan	Executive Assistant

Guests

Mr Richard Burt	Chief Executive Officer, Big 4 Parks
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Approved Leave of Absence

Apologies

Mr G Eva	Councillor
Mr P Bracegirdle	Manager Community Services
Mr T Roper	Chief Operating Officer

Gallery

J Arden, Premier Circle
R Murray, Ocean Drive
I West, Bygrave Drive

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: John Rossiter, Port Leander Drive, Port Denison:

Who is trying to change the history of the Irwin Shire? Francis Road is signposted as Francis Street. Pettit Lane is now signposted as Pettit Road and Delmage is signposted one end as Road and the other end as Street?

Response: The Shire President thanked John for providing this information. Staff to investigate and rectify as required.

4. PUBLIC QUESTION TIME

Question 1: Ian West, Bygrave Drive, Port Denison:

Can you please advise why the minutes from February 2023, Ordinary Council Meeting Item CCO1 (Council Decision 110223) does not have a mover or a seconder recorded on the minutes?

Response: The Shire President thanked Ian for bringing this to our attention. Given that Council Decision 110223 was Lost, staff assumed recording the mover and seconder were not required, but this will be investigated and amended accordingly if incorrect.

Question 2: Ian West, Port Leander Drive, Port Denison:

Will the voting of Voice to Parliament be made available through local government offices? Is this a local government issue and can you provide an update from WALGA?

Response: The Shire President thanked Ian for his question and advised staff will review this and provide an update if required.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 Minutes of the Ordinary Council Meeting held 28 February 2023

A copy of the Minutes of the Ordinary Council Meeting held 28 February 2023 have been provided to all Councillors under separate cover.

COUNCIL DECISION 010323:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That the Minutes of the Ordinary Council Meeting, held 28 February 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.

VOTING DETAILS:

Carried by Absolute Majority 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

3 March 2023	Meeting Perpetual Resources – Shire President and CEO.
8 March 2023	BTM Energy Meeting - Shire President and CEO.
13 March 2023	Arrowsmith Development Cluster Meeting - CEO.
17 March 2023	Western Power Meeting – Shire President, CEO and Councillors.
22 March 2023	LEMC Meeting - CEO.
23 March 2023	Dongara Tourist Park – CEO.

9. REPORTS

9.1 Officers Reports

CORPORATE AND COMMUNITY		CC01-03/23
Subject:	CC01-03/23 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	2.00057	
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 February 2023.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of February 2023.

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 – March 2023
 CC01-03/23 Attachment 1: Accounts for Payment – February 2023

Officer Recommendation:

COUNCIL DECISION 020323:																											
MOVED: Cr Palmer	SECONDED: Cr Scott																										
<p>That Council receives the Accounts paid during February 2023 as presented in Attachment Booklet – March 2023, represented by:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Payment Type/Numbers</th> <th style="text-align: center;">Total Amount</th> </tr> </thead> <tbody> <tr> <td>EFT 29919 – 30064</td> <td style="text-align: right;">\$1,458,765.69</td> </tr> <tr> <td>Muni Cheques – 32136 – 32141</td> <td style="text-align: right;">\$82,380.01</td> </tr> <tr> <td>Direct Debit – Telstra</td> <td style="text-align: right;">\$1,190.96</td> </tr> <tr> <td>Direct Debit – WA Treasury Corporation</td> <td style="text-align: right;">\$20,727.35</td> </tr> <tr> <td>Direct Debit – Solar Panel Repayments</td> <td style="text-align: right;">\$1,947.66</td> </tr> <tr> <td>Direct Debit – Credit Card</td> <td style="text-align: right;">\$7,308.74</td> </tr> <tr> <td>Direct Debit – Rental Charges</td> <td style="text-align: right;">\$1,300.00</td> </tr> <tr> <td>Direct Debit – Insurance Premium Repayments</td> <td style="text-align: right;">\$36,814.83</td> </tr> <tr> <td>Direct Debit – N-Able Pty Ltd</td> <td style="text-align: right;">\$720.00</td> </tr> <tr> <td>Direct Debit – Australian Phone Company</td> <td style="text-align: right;">\$1,504.86</td> </tr> <tr> <td>Direct Debit – Superannuation</td> <td style="text-align: right;">\$22,292.58</td> </tr> <tr> <td style="text-align: right;">Grand Total</td> <td style="text-align: right;">\$1,634,952.68</td> </tr> </tbody> </table>		Payment Type/Numbers	Total Amount	EFT 29919 – 30064	\$1,458,765.69	Muni Cheques – 32136 – 32141	\$82,380.01	Direct Debit – Telstra	\$1,190.96	Direct Debit – WA Treasury Corporation	\$20,727.35	Direct Debit – Solar Panel Repayments	\$1,947.66	Direct Debit – Credit Card	\$7,308.74	Direct Debit – Rental Charges	\$1,300.00	Direct Debit – Insurance Premium Repayments	\$36,814.83	Direct Debit – N-Able Pty Ltd	\$720.00	Direct Debit – Australian Phone Company	\$1,504.86	Direct Debit – Superannuation	\$22,292.58	Grand Total	\$1,634,952.68
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VOTING DETAILS:	Carried 7/0																										

CORPORATE AND COMMUNITY		CC02-03/23
Subject:	CC02-03/23 Monthly Financial Statements for the Period Ended 28 February 2023	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	2.00057	
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.
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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 receive the Monthly Financial Statements for the period 1 July 2022 to 28 February 2023.

Background:

The Monthly Financial Statements to 30 June 2023 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 February 2023 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

28/02/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	8,525,030	8,740,495	3%
Operating Expenditure	(8,382,273)	(6,031,375)	-28%
Net Operating	142,757	2,709,121	
Non-Operating Revenue	2,012,019	310,562	-85%
Non-Operating Expenditure	(5,241,553)	(1,728,970)	-67%
Net Non-Operating	(3,229,534)	(1,418,408)	
Cash at Bank		3,051,032	
Cash at Bank Restricted		373,935	
Reserve Bank		1,419,037	
Total Cash Funds		4,844,004	

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 – March 2023

CC02-03/23 Attachment 1: Financial Statements for the Period Ended 28 February 2023.

Officer Recommendation:

COUNCIL DECISION 030323:

MOVED: Cr Palmer

SECONDED: Cr Leonard

That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 28 February 2023 as provided in Attachment Booklet – March 2023.

VOTING DETAILS:

Carried 7/0

CORPORATE AND COMMUNITY		CC03-03/22
Subject:	CC03-03/23 Budget Review 2022/23	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00047	
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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- 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 adopt the annual budget review for the 2022/23 financial year as presented in Attachment Booklet – March 2023.

Background:

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

Officer's Comment:

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. Council adopted a 10% and \$10,000 variance level for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

- This report provides information by nature or type and is based on the eight-month period from 1 July 2022 to 28 February 2023.
- The budget review reflects a view of the position of the Shire of Irwin – projected full year income and expenditure against full year original budget.
- The projected actuals are based on the information provided for each program, with an estimated Net Operating Surplus of \$7,513

Attachment 1 is an explanation of identified major expenditure and revenue variations and a review of the capital program – showing all budgeted items and any variances required. Some of the major achievements in the review include:

- Refurbishment works of seven units at the Village are now completed.
- Roads to Recovery works all completed and Regional Road Group projects on track
- Fleet purchases – Chief Operating Officer vehicle, loader, grader, and spray rig

Some of the significant variances in revenue include:

- Higher interest earnings due to interest rate increases.
- Higher reimbursement operating revenue
- Recognition of the Surf Beach capital grant

Some of the major variances in expenditure include:

- Port Denison Foreshore Sprint expenditure is higher than budget
- Higher than anticipated employee costs due to:
 - recruitment costs
 - unbudgeted termination payments.
 - unbudgeted employee costs for the Leisure centre
 - IT equipment for new employees,
- Increase in plant operating costs (fuel, tyres plus repairs and maintenance)
- Increase in DFES Bushfire funded work expenditure
- Increase in expenditure for Wye Farm Road

Increase in costs were offset by savings in the following areas:

- Cleanaway domestic collection costs
- Recreation maintenance and utility costs
- Recreational Centre outsourcing costs; outsourcing has been deferred to 2023/24
- Infrastructure maintenance costs
- New Wheel Loader – adopted budget was overestimated by \$200k

The following additions to capital expenditure include:

- Rural Roads Supervisor's Vehicle
- Purchase of a Posi-Track
- Recreational centre floor cleaner
- Admin centre office chairs and a desk

The following transfers to and from reserves are proposed:

- \$60,000 - Transfer **from** Leave Entitlement Reserve for leave paid out on termination and payment of long service leave liability for previous employees
- \$25,000 – Transfer interest earned - \$4k to Entitlement Reserve, \$167 to Plant Replacement \$15k to Asset management, \$23 to Sanitation, \$562 to Coastal Management, \$443 Tourism area Promotion, \$48 Recreation Centre Equipment and \$4k to Port Denison Foreshore Development
- \$50,000 – Transfer **to** the Asset Management for Kailas Drive which was transferred twice from the reserve in the 2022/23 adopted budget

Consultation:

Responsible officers have predicted the balances on their activities.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

33A. *Review of budget*

(1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must -*

(a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

- (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Australian Accounting Standards

Policy Implications:

Nil.

Financial/Resource Implications:

The adoption of this budget review will forecast the budget with an estimated surplus of \$7,513

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

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

Strategy 4.3.3 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – March 2023

CC03-03/23 Attachment 1 – Annual Budget Review 2022/23 Rev0

Confidential Attachment Booklet – March 2023

CC01-03/23 Attachment 1 – 2022/23 Budget Review Summary of Variances

Officer Recommendation:

COUNCIL DECISION 040323:

MOVED: Cr Scott

SECONDED: Cr Gillam

That Council, by Absolute Majority:

- a) Adopts the 2022/23 Annual Budget Review based on February 2023 Financials presented Attachment Booklet – March 2023; and**
- b) Amends the 2022/23 Budget accordingly.**

VOTING DETAILS:

Carried 7/0

OFFICE OF CEO		CEO 01-03/23
Subject:	CEO01/0323 Amendments to Council to CEO Planning and Development Delegations CEO900; CEO901; CEO902; CEO903; CEO905	
Author:	K Sawle, Business Improvement and Governance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0271	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

For Council to adopt the amended Planning and Development Delegations, provided as Attachment 1, and allow them to be incorporated into the Delegations Register - Council to CEO (the 'Register').

Background:

To delegate is to appoint another person to exercise a power or discharge a duty. A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty.

At the Ordinary Council Meeting (OCM) on 22 September 2020, the Council adopted the following Delegations¹ (OCM minute 060920 refers):

- CEO900 – Illegal Development
- CEO901 – Waiving or Refunding Planning Application Fee
- CEO902 – Grant a Certificate
- CEO903 – Subdivision Clearances
- CEO905 – Strata Title Applications – Certificates of Approval.

In accordance with section 16.3(e) of the *Planning and Development Act 2005* (the Act), which permits delegation to staff other than just the Chief Executive Officer (CEO), under the above Delegations, delegates are currently listed as the:

- CEO;
- Manager Development; and
- A/Manager Infrastructure and Development.

¹ Noting Delegation CEO904 not affected (in context of this Report) as only CEO currently listed as Delegate and sub-delegation permitted.

Of note, section 16(6) the Act prohibits any further sub-delegation.

Officer's Comment:

Due to the Shire's ongoing organisational restructure, which includes the implementation of new roles and the realignment of responsibilities, the position of A/Manager Infrastructure and Development (and the substantive equivalent) no longer exists.

The Shire proposes amending the existing delegations to remove A/Manager Infrastructure and Development from the aforementioned delegations – at **Attachment 1**. Markups within Attachment 1 have been kept to clearly illustrate the proposed changes made.

Section 5.45(b) of the *Local Government Act 1995* requires that any amendment or revocation to Delegations made by the Council to the CEO are done by absolute majority and, accordingly, the Shire seeks Council's adoption of the amended Delegations in Attachment 1.

Consultation:

The affected Planning and Development Delegations in consultation with relevant staff, the CEO and in line with WALGA's delegations register template.

Statutory Environment:

Local Government Act 1995

- s5.42 Delegations of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.46 Register of, and records relevant to, delegations to CEO and employees

Planning and Development Act 2005

- s16(3) Delegation by Commission.

Policy Implications:

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

Financial/Resource Implications:

Nil. Delegations allow for a more streamlined and timely service which is an effective use of Council's human resources.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

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

Attachment:

Attachment Booklet – March 2023

CEO01-03/23 Attachment 1 – Amendments to Council to CEO Delegations CEO900; CEO901; CEO902; CEO903 & CEO905

Officer Recommendation:

COUNCIL DECISION 050323:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council, by Absolute Majority, adopt the amended Delegations as presented in Attachment Booklet – March 2023, CEO01-03/23 – Amendments to Council to CEO Delegations CEO900; CEO901; CEO902; CEO903 & CEO905.

VOTING DETAILS:

Carried 7/0

INFRASTRUCTURE & DEVELOPMENT		ID01-03/23
Subject:	ID01-03/23 Proposed Road Names – subdivision of Lots 118 & 9001 Loxton Drive, Bookara	
Author:	K Jackson, A/Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	A9627 / WAPC158668	
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).

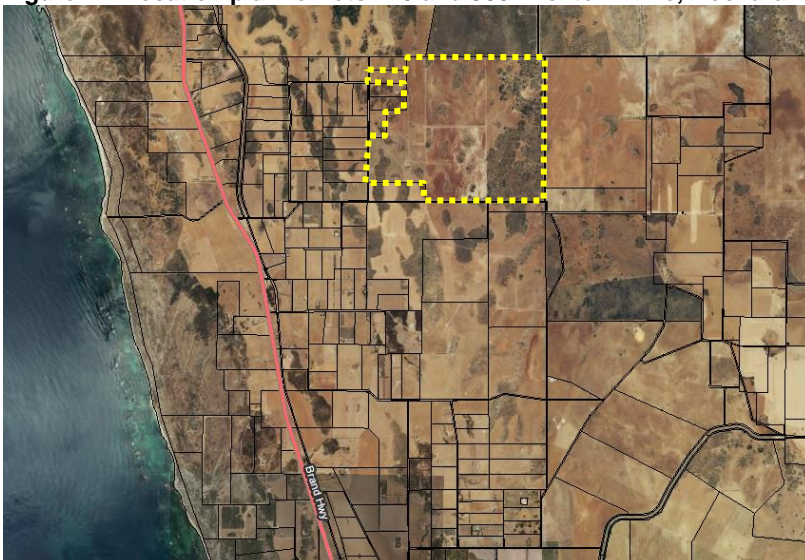
Report Purpose:

A decision of Council is required as part of the legislative process for the application of road names with the decision being provided to the Geographic Names Committee prior to final determination.

Background:

On the 21 August 2020, application number 158668 was received from the Western Australian Planning Commission (WAPC) for the subdivision of Lots 118 & 9001 Loxton Drive into 25 rural small holdings lots.

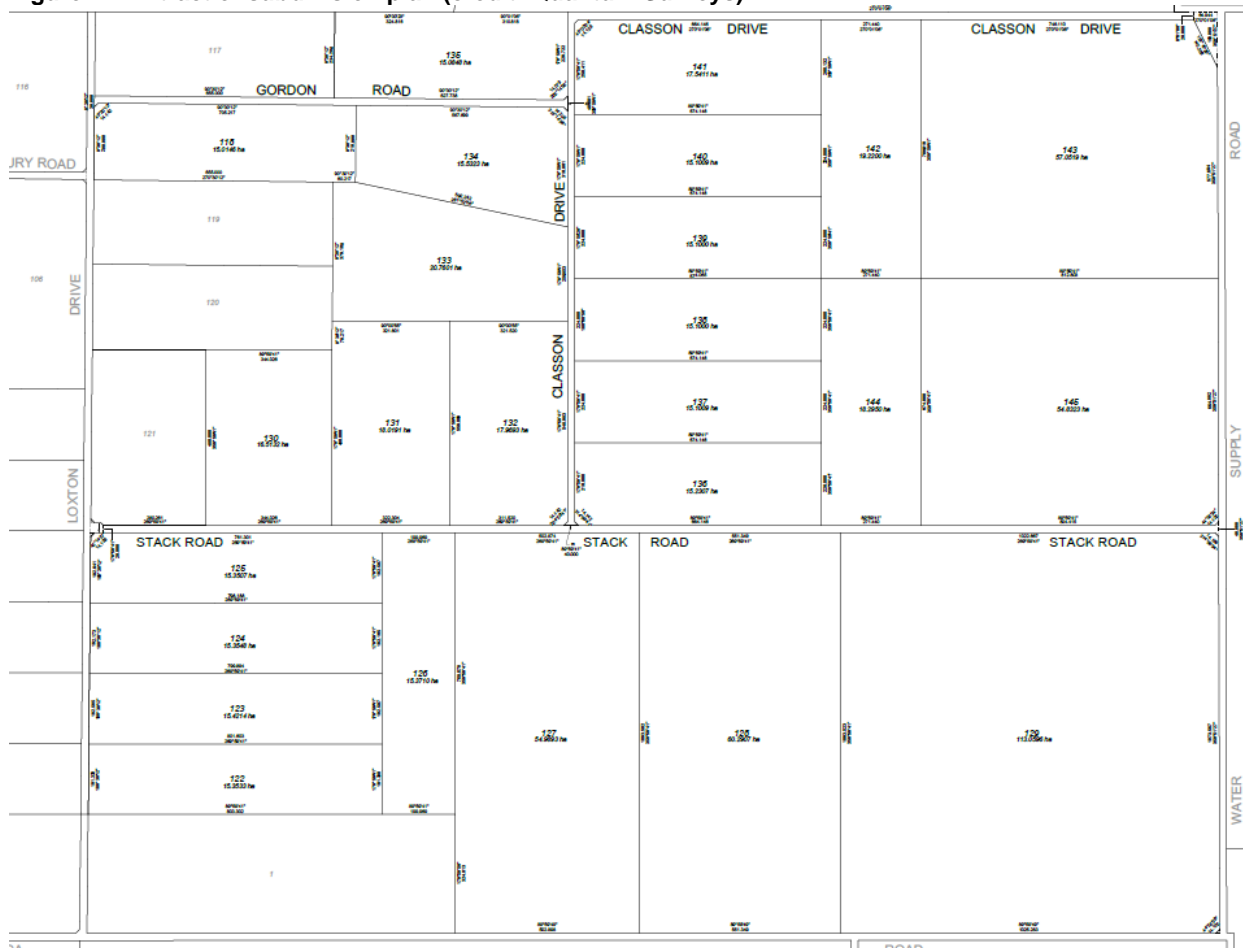
Figure 1 – Location plan for lots 118 and 9001 Loxton Drive, Bookara



The construction works for part of this subdivision are almost complete with the developer close to lodging an application for the clearance of 6 lots as part of Stage 1. The remaining lots will be cleared as part of further stages which will include the creation of an extension of Stack Road centrally through the lot through to Water Supply Road.

A copy of the subdivision plan prepared by Quantum Surveys has been included with this report as CD01-03/23: Attachment 1 with an extract of the plan provided below.

Figure 2 – Extract of subdivision plan (credit: Quantum Surveys)



The applicant/developer now seeks Council’s endorsement of the preferred road names for the proposed roads that are to be constructed as part of the subdivisional works.

Officer’s Comment:

The Geographic Names Committee is a branch of Landgate that provides guidance and approval to the naming of all roads, parks, land features and the like across WA. Historically Local governments had the ability to provide a list of pre-approved road names to the Geographic Names Committee (Landgate) that would be set aside for use within their local government area. This would be the list of road names that a land developer could choose from in order to name new roads being constructed within the local government area through a subdivision process.

The Geographic Names Committee no longer keeps a road reserve list on behalf of local governments, but instead encourages local governments to maintain their own road name register from which land developers can choose from.

The Shire of Irwin does not currently have a reserved list of road names and therefore the application of road names is considered on an as-needs basis for each subdivision proposal.

In relation to the subdivision of Lots 118 & 9001 Loxton Drive the developer/applicant has recommended

to Council their preferred road names:

Road Name	Road Types	Justification
Gordon	Road	James Gordon born 01/01/1874 moved to Dongara and Married a local lady name Maryanne (she is related to the Pell's and Nairn's). James served as a mounted policeman based out of Dongara looking after the wider region until being injured in the line of duty after which he retired. James and Maryanne remained in Dongara to raise their family and James worked as a local contractor.
Classon	Drive	Richard Charles Classon (everyone called him Charlie) was the Dongara Post Master for many years. Charlie and his wife Lilian also lived in what is now the Breeze Inn and raised their family.
Stack	Road	Continuation of existing road through to Water Supply Road

Policies and Standards for Geographical Naming in Western Australia

Landgate has produced a guide 'Policies and Standards for Geographical Naming in Western Australia'. The application has been assessed against the provisions of this document with some areas that may be of interest to Council listed below:

Provision	Comment	Compliance
Language and Spelling	Uses single language form Easy to pronounce, spell and write Not discriminatory, derogatory or inappropriate	Compliant
Commemorative Names A commemorative name applied to a road should use the surname of a person posthumously	The preferred names are historical figures of the area. It is an appropriate name to be applied for the Port Denison/Dongara local authority.	Compliant
Ensuring names are not duplicated	There are no duplications within 50km from the proposed roads and it is considered compliant with the Policy. It should be noted that there is a Gordon Garrett Drive in Moonyoonooka and this may be considered too similar by the Geographic Naming Committee. Should Gordon Road be rejected by the Geographic Names Committee, Part 2 of the officers recommendation is to delegate authority to the CEO to liaise with the developer to provide an alternative name for consideration without the need to come back to Council for a decision.	Compliant
Consultation	Any proposal requesting the renaming of an approved name or any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal. This policy does not apply to the naming of new roads	Compliant

	within subdivisions where there are currently no residents, businesses or ratepayers who will be directly affected. This application does not affect any other landowners directly so no consultation is required.	
Prefixes	The use of the prefix 'Road' and 'Drive' are considered appropriate given the rural and open nature of the proposed roads.	Compliant

Statutory Environment:

The properties are zoned Rural Small Holdings under Shire of Irwin Local Planning Scheme No 5 (the 'Scheme').

Within Western Australia road naming is standardised to facilitate the application of correct address information and to ensure that a consistent approach is undertaken to benefit emergency service responders, transport and service delivery. If established policies for road naming were not applied, the provisions of emergency service responders, utilities and postal deliveries would be compromised.

The legislation and standards that are applied to the naming of roads includes:

- **Land Administration Act 1997**
 These policies and standards are provided for under the Land Administration Act 1997, Part 2 – General administration, Division 3 – General; 26. Constitution, etc. of land districts and townsites; 26A Names of roads and areas in new subdivisions.
- **Land Information Authority Regulations 2007**
 These policies and standards are also provided for under the Land Information Authority Regulations 2007; 3 – Information prescribed as fundamental land information.
- **Australian/New Zealand Standard AS/NZS 4819:2011 Rural and urban addressing**
 All Western Australian rural and urban address allocations are recorded by Landgate is in accordance with AS/NZS 4819:2011.

Under the provisions in the Land Administration Act 1997, the Minister for Lands (the Minister) has the authority for officially naming and unaming roads in Western Australia. Through delegated authority, Landgate acts on the Minister's behalf to undertake the administrative responsibilities, including the development of policies and procedures, required for the formal approval of road names.

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031
 Strategy 2.1.1 Continuously improve approval processes.
 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 2023
 CD02-03/23 Proposed Road Names – Subdivision of Lots 118 & 9001 Loxton Drive, Bookara.

Officer Recommendation:

COUNCIL DECISION 060323:

MOVED: Cr Wyse

SECONDED: Cr Tunbridge

That Council, by Simple Majority,

- 1. Supports the responsible officer making application to the Landgate Geographic Names Committee for the road names ‘Gordon Road’ and ‘Classon Drive’ as indicated upon CD02-03/23 Proposed Road Names – Subdivision of Lots 118 & 9001 Loxton Drive, Bookara.**
- 2. Should ‘Gordon Road’ not be accepted by the Geographic Names Committee that Council delegate authority to the Chief Executive Officer to liaise with the developer for an alternative name to be forwarded to the Geographic Names Committee for consideration.**

VOTING DETAILS:

Carried 7/0

INFRASTRUCTURE & DEVELOPMENT		CD02-03/23
Subject:	ID02-03/23 Proposed Road Widening, Indian Ocean Drive, Arrowsmith	
Author:	K Jackson, A/Development Manager	
Responsible Officer:	Shane Ivers, Chief Executive Officer	
File Reference:	1.0028	
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).

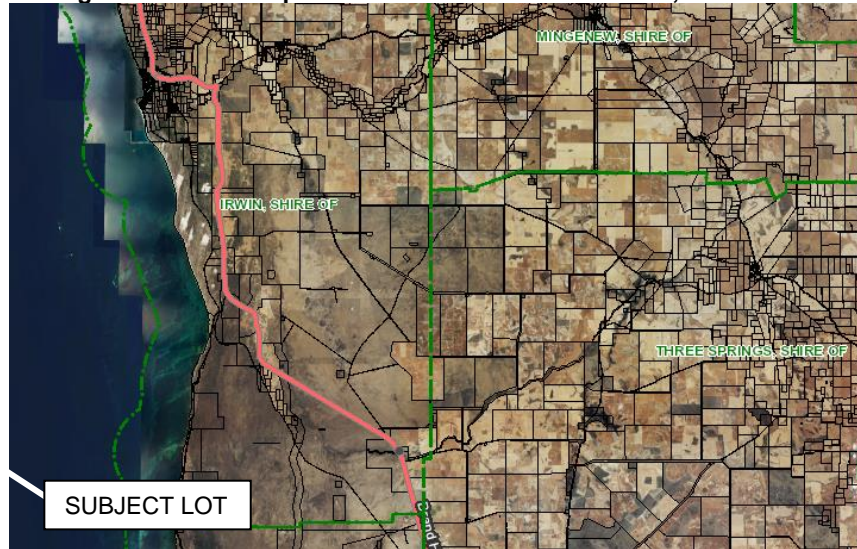
Report Purpose:

The purpose of this report is to seek Council approval to formally dedicate 8387m2 of Lot 54 Indian Ocean Drive under the Land Administration Act 1997 for inclusion into the road reserve.

Background:

Council is in receipt of correspondence from Main Roads WA for the dedication of 8387m2 of Lot 54 Indian Ocean Drive in order to accommodate the widening of a portion of Indian Ocean Drive in Arrowsmith. Main Roads WA wrote to the Shire of Irwin on 7 February 2023 seeking Council’s support for the road widening actions on Indian Ocean Drive schedule to commence in July 2023.

Figure 1 – Location plan for Lot 54 Indian Ocean Drive, Arrowsmith



A copy of the correspondence received from Main Roads WA has been included and a copy of the Land Dealing Plan 2260-098 as attachment CD03-03/23.

Figure 2 – Aerial of road widening plan



Main Roads WA is now seeking Council's endorsement of the road dedication to enable the land to be set aside and amalgamated into the Indian Ocean Drive Road reserve to support the road widening works.

Officer’s Comment:

As Main Roads WA has ultimate care and control of Indian Ocean Drive support is recommended for this request to enable to the road widening action to be undertaken.

Statutory Environment:

Section 56 of the Land Administration Act 1997 provides for the dedication of public roads.

Policy Implications:

Nil.

Financial/Resource Implications:

Main Roads WA have committed to bearing any costs and claims associated with this dedication action.

Strategic Implications:

Nil.

Attachments:

Attachment Booklet – March 2023

CD03-03/23 Proposed Road Widening, Indian Ocean Drive, Arrowsmith.

Officer Recommendation:

COUNCIL DECISION 070323:	
MOVED: Cr Leonard	SECONDED: Cr Palmer
1. That Council, by Simple Majority, dedicates the portions of Lot 54 Indian Ocean Drive, Arrowsmith the subject of Main Roads Land Dealing Plan 2260-098 as a road pursuant to Section 56 of the Land Administration Act 1997.	
VOTING DETAILS:	Carried 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.11pm.