



**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 28 March 2023

Signed:   
Presiding Elected Member

Date: 15-11-23

## 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.

A handwritten signature in black ink, appearing to read 'Shane Ivers', written in a cursive style.

Shane Ivers  
**CHIEF EXECUTIVE OFFICER**

# Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	4
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
4. PUBLIC QUESTION TIME.....	5
5. APPLICATIONS FOR LEAVE OF ABSENCE .....	5
6. PETITIONS AND DEPUTATIONS .....	5
7. CONFIRMATION OF MINUTES .....	5
7.1 Minutes of the Ordinary Council Meeting held 28 February 2023.....	5
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	6
9. REPORTS .....	7
9.1 Officers Reports.....	7
CC01-03/23 Accounts for Payment.....	7
CC02-03/23 Monthly Financial Statements for the Period Ended 28 February 2023....	9
CC03-03/23 Budget Review 2022/23.....	12
CEO01/0323 Amendments to Council to CEO Planning and Development Delegations 900; 901; 902; 903; 905 .....	15
ID01-03/23 Proposed Road Names – subdivision of Lots 118 & 9001 Loxton Drive, Bookara.....	18
ID02-03/23 Proposed Road Widening, Indian Ocean Drive, Arrowsmith.....	23
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	26
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	26
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION ....	26
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC.....	26

---

# **MINUTES**

## ORDINARY COUNCIL MEETING

held

**28 March 2023**

at 6.00pm

### **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  
Councillor I Scott  
Councillor A Gillam  
Councillor M Leonard  
Councillor H Palmer  
Councillor E Tunbridge  
Councillor B Wyse

Shire President  
Deputy Shire President

#### **Staff**

Mr S Ivers  
Ms P Machaka  
Mr M Jones  
Ms F Boksmati  
Ms J Morgan

Chief Executive Officer  
Manager Finance  
Supervisor, Parks and Gardens  
Community Development Officer  
Executive Assistant

#### **Guests**

Mr Richard Burt

Chief Executive Officer, Big 4 Parks

#### **Approved Leave of Absence**

Nil

#### **Apologies**

Councillor G Eva  
Mr P Bracegirdle  
Mr T Roper

Manager Community Services  
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.

<b>COUNCIL DECISION</b>	<b>010323</b>
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr Gillam</b>
<b>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.</b>	
<b>VOTING DETAILS:</b>	<b>Carried by Absolute Majority: 7/0</b>
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>	
<b>Against: Nil</b>	

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

## Functions, Meetings &amp; Events

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

## 9. REPORTS

### 9.1 Officers Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01-03/23</b>
<b>Subject:</b>	<b>CC01-03/23 Accounts for Payment</b>	
<b>Author:</b>	<b>S Clarkson, A/Senior Finance Officer</b>	
<b>Responsible Officer:</b>	<b>P Machaka, Manager Finance</b>	
<b>File Reference:</b>	<b>2.00057</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

#### 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>		<b>020323</b>
<b>MOVED: Cr Palmer</b>	<b>SECONDED: Cr Scott</b>	
<b>That Council receives the Accounts paid during February 2023 as presented in Attachment Booklet – March 2023, represented by:</b>		
Payment Type/Numbers	Total Amount	
<b>EFT 29919 – 30064</b>	<b>\$1,458,765.69</b>	
<b>Muni Cheques – 32136 – 32141</b>	<b>\$82,380.01</b>	
<b>Direct Debit – Telstra</b>	<b>\$1,190.96</b>	
<b>Direct Debit – WA Treasury Corporation</b>	<b>\$20,727.35</b>	
<b>Direct Debit – Solar Panel Repayments</b>	<b>\$1,947.66</b>	
<b>Direct Debit – Credit Card</b>	<b>\$7,308.74</b>	
<b>Direct Debit – Rental Charges</b>	<b>\$1,300.00</b>	
<b>Direct Debit – Insurance Premium Repayments</b>	<b>\$36,814.83</b>	
<b>Direct Debit – N-Able Pty Ltd</b>	<b>\$720.00</b>	
<b>Direct Debit – Australian Phone Company</b>	<b>\$1,504.86</b>	
<b>Direct Debit – Superannuation</b>	<b>\$22,292.58</b>	
<b>Grand Total</b>	<b>\$1,634,952.68</b>	
<b>VOTING DETAILS:</b>		
		<b>Carried: 7/0</b>
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>		
<b>Against: Nil</b>		



<b>CORPORATE AND COMMUNITY</b>		<b>CC02-03/23</b>
<b>Subject:</b>	<b>CC02-03/23 Monthly Financial Statements for the Period Ended 28 February 2023</b>	
<b>Author:</b>	<b>P Machaka, Manager Finance</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>2.00057</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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 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 AND COUNCIL DECISION		030323
<b>MOVED: Cr Palmer</b>	<b>SECONDED: Cr Leonard</b>	
<b>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.</b>		
<b>VOTING DETAILS:</b>	<b>Carried: 7/0</b>	
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>		
<b>Against: Nil</b>		

<b>CORPORATE AND COMMUNITY</b>		<b>CC03-03/22</b>
<b>Subject:</b>	<b>CC03-03/23 Budget Review 2022/23</b>	
<b>Author:</b>	<b>P Machaka, Manager Finance</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>3.00047</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**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 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 AND COUNCIL DECISION		040323
<b>MOVED: Cr Scott</b>	<b>SECONDED: Cr Gillam</b>	
<b>That Council, by Absolute Majority:</b>		
<ol style="list-style-type: none"> <li>a) <b>Adopts the 2022/23 Annual Budget Review based on February 2023 Financials presented Attachment Booklet – March 2023; and</b></li> <li>b) <b>Amends the 2022/23 Budget accordingly.</b></li> </ol>		
<b>VOTING DETAILS:</b>		<b>Carried: 7/0</b>
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>		
<b>Against: Nil</b>		

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

**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 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 Delegations<sup>1</sup> (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;

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

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

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



<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	<b>050323</b>
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr Gillam</b>
<b>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 &amp; CEO905.</b>	
<b>VOTING DETAILS:</b>	<b>Carried: 7/0</b>
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>	
<b>Against: Nil</b>	

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

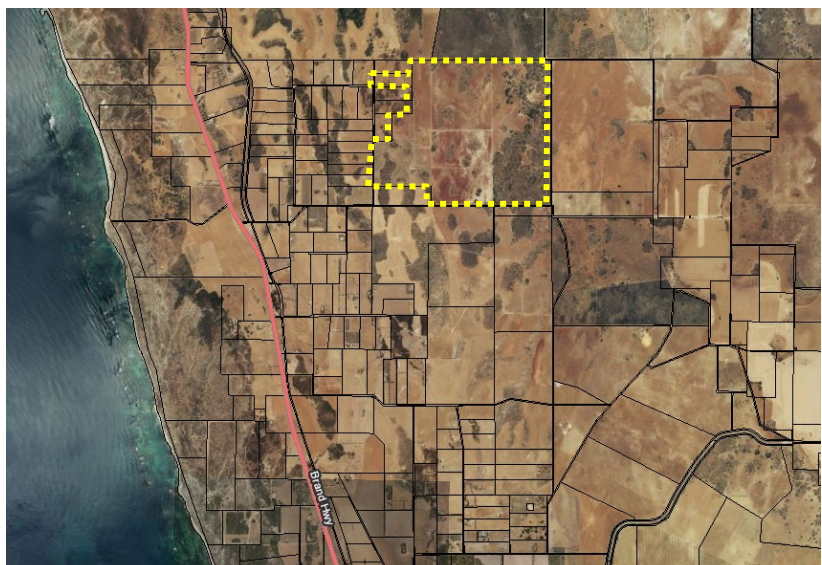
### Report Purpose:

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.

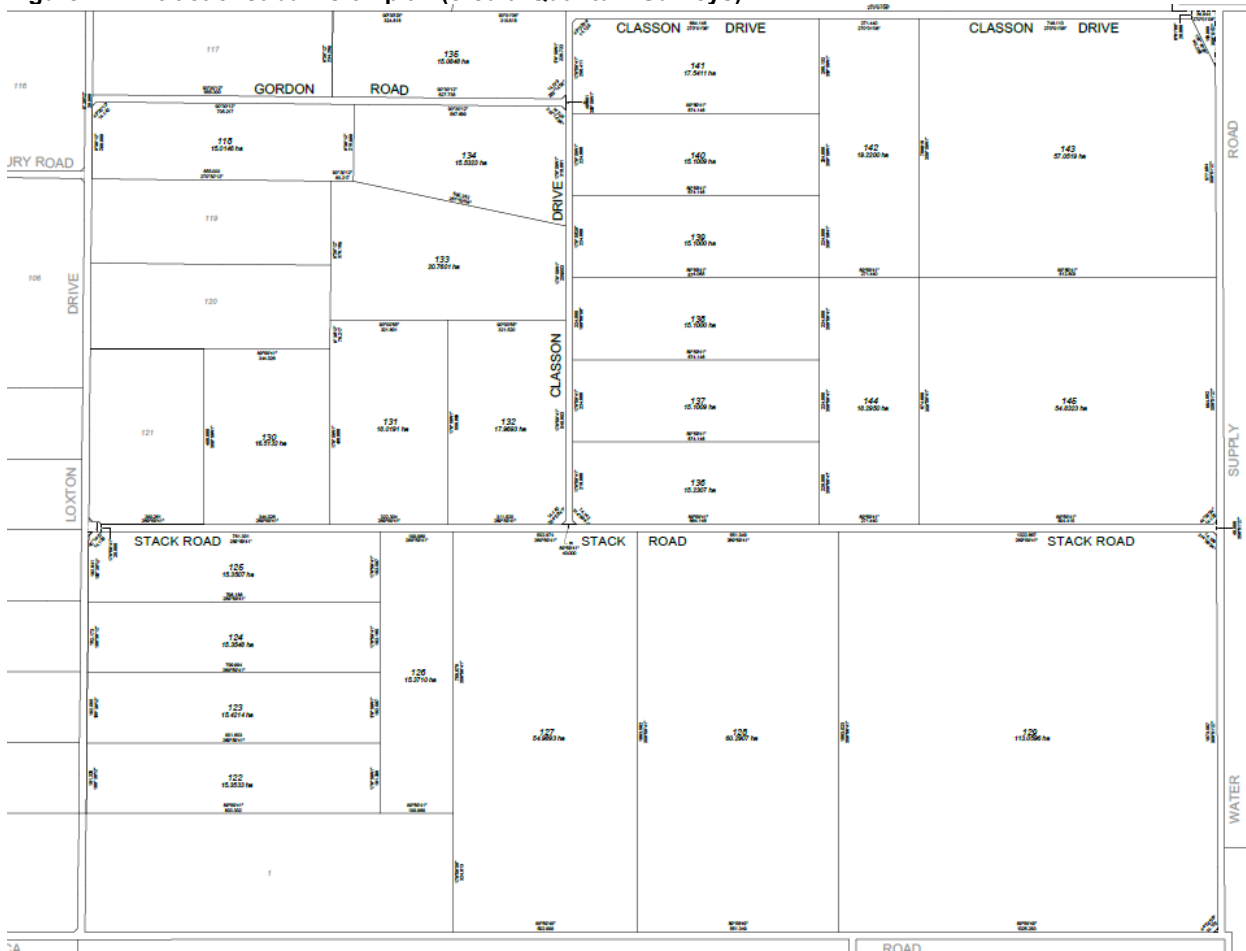
**Figure 1 – Location plan for lots 118 and 9001 Loxton Drive, Bookara**



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	Compliant

	significance of the naming proposal. This policy does not apply to the naming of new roads 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 unnamng 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 &amp; 9001 Loxton Drive, Bookara.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>		<b>060323</b>
<b>MOVED: Cr Wyse</b>	<b>SECONDED: Cr Tunbridge</b>	
<b>That Council, by Simple Majority:</b>		
<ol style="list-style-type: none"><li><b>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 &amp; 9001 Loxton Drive, Bookara.</b></li><li><b>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.</b></li></ol>		
<b>VOTING DETAILS:</b>	<b>Carried: 7/0</b>	
<b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b>		
<b>Against: Nil</b>		

<b>INFRASTRUCTURE &amp; DEVELOPMENT</b>		<b>CD02-03/23</b>
<b>Subject:</b>	<b>ID02-03/23 Proposed Road Widening, Indian Ocean Drive, Arrowsmith</b>	
<b>Author:</b>	<b>K Jackson, A/Development Manager</b>	
<b>Responsible Officer:</b>	<b>Shane Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>1.0028</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

### 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).

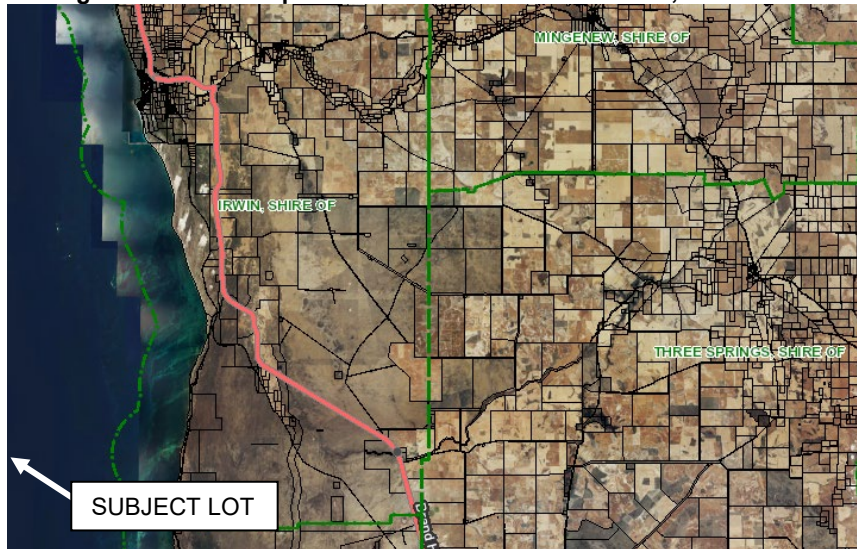
### Report Purpose:

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 AND COUNCIL DECISION		070323
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr Palmer</b>	
<p><b>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 <i>Land Administration Act 1997</i>.</b></p>		
<b>VOTING DETAILS:</b>	<b>Carried: 7/0</b>	
<p><b>For: Cr Smith, Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Palmer</b></p>		
<p><b>Against: Nil</b></p>		

**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.