



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 22 November 2022

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 22 November, 2022

Signed:
Presiding Elected Member

Date: 12 / 12 / 22

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', is positioned above the printed name and title.

Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 22 November 2022

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 T Smith	Shire President
Councillor I M Scott	Deputy Shire President
Councillor G S Eva	
Councillor A J Gillam	
Councillor M Leonard - <i>(via Teams video link)</i>	
Councillor H M Palmer	
Councillor E Tunbridge	
Councillor B Wyse	

Staff

Mr S D Ivers	Chief Executive Officer
Mr T Roper	Chief Operating Officer
Mr B Jeans	Manager Development
Mr P Bracegirdle	Manager Community Services
Ms S J Clarkson	Acting Senior Finance Officer
Ms C C Finlay	Acting Executive Assistant
Mrs Keene	Procurement & Administration Officer
Mrs K Jackson	Planning Officer
Mr S Rueman	Ranger
Ms L Burong – Black	Community Development – Events Officer
Mr Mark Teale	Community Emergency Services Manager

Guests

Nil.

Approved Leave of Absence

Nil.

Apologies

Gallery

J Arden, Premier Circle
F Spencer Golf Rd
R Murray Ocean Drive Port Denison

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Question: J Arden, Premier Circle, Dongara:

Around Australia the bigger industries are nearly all assisting their local councils with major projects. If it was not for this support the individual rates would have to increase to cover their projects.

Do the bigger industries like Mitsui support the Shire of Irwin with our major community projects?

Response: Council are working on capturing the names and capacity of local industries and the intention is to make Council Policy on Environmental, Social and Governance (ESG) contributions to the region. There has not been a lot of success in this area in the past, and as a Shire we have struggled. However, in today's funding climate, Grant applications will always ask, "what is industries contribution?" It is now expected that industry commit to major projects. So, the Shire is working on this as a priority and will do better into the future.

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 27 September 2022

A copy of the minutes of the 27 September 2022 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 011122:	
MOVED: Cr Wyse	SECONDED: Cr Eva
That the Minutes of the Ordinary Council Meeting, held 27 September 2022, as previously circulated, be adopted as a true and accurate recording of that meeting.	
VOTING DETAILS:	Carried 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

9 November 2022	Shire President & CEO attended MWDC catch up Geraldton
14 November 2022	Shire President attended the Draft Local Planning Policy Roads Planning Workshop
21 November 2022	Shire Deputy President the CEO, and the Development Officer Attended the Shire of Irwin and YSRC meeting

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-11/22
Subject:	CC01-11/22 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ **Executive** The substantial direction setting and oversight role of the Council e.g. 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 October 2022.

Background:

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

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

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

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

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Policy Implications:

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

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – November 2022

CC01-11/22 Attachment 1: Accounts for Payment – October 2022

Officer Recommendation:

COUNCIL DECISION 021122:

MOVED: Cr Gillam

SECONDED: Cr Palmer

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

Payment Type/Numbers	Total Amount
EFT 29347 – 29485	\$992,890.13
Muni Cheques – 32122 – 32125	\$30,475.85
Direct Debit – Telstra	\$2,979.99
Direct Debit – WA Treasury Corporation	\$137,512.51
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$2,494.79
Direct Debit – Rental Charges	\$2,600.00
Direct Debit – Insurance Premium Repayments	\$36,814.83
Direct Debit – N-Able Pty Ltd	\$423.00
Direct Debit – Australian Phone Company	\$225.23
Direct Debit – Bonds Administrator	\$1,080.00
Direct Debit – Superannuation	\$19,902.10
Grand Total	\$1,229,346.09

VOTING DETAILS:

Carried 8/0

CORPORATE AND COMMUNITY		CC02-11/22
Subject:	CC02-10/22 Monthly Financial Statements for the Period Ended 31 October 2022	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
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 2022 to 31 October 2022.

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 October 2022 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

31/10/2022		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		7,064,379	7,510,419	6%
Operating Expenditure		(4,221,766)	(2,532,598)	-40%
Net Operating		2,842,613	4,977,821	
Non-Operating Revenue		4,297,329	4,979,501	16%
Non-Operating Expenditure		(1,813,523)	(476,835)	-74%
Net Non-Operating		2,483,806	4,502,666	
Cash at Bank			5,459,990	
Cash at Bank Restricted			373,935	
Reserve Bank			1,403,467	
Total Cash Funds			7,237,392	

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 – November 2022

CC02-11/22 Attachment 1: Financial Statements for the Period Ended 31 October 2022.

Officer Recommendation:

COUNCIL DECISION 031122:

MOVED: Cr Scott

SECONDED: Cr Eva

That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 31 October 2022 as provided in Attachment Booklet – November 2022.

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID01-11/22
Subject:	ID01-11/22 Delegated and Authorised Actions for October 2022 – Development	
Author:	B Jeans, Development & Executive Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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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 October 2022 – 31 October 2022.

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – November 2022

ID01-11/22 Attachment 1: Table of Delegated Actions for October 2022, Development

CONFIDENTIAL Attachment Booklet – November 2022

ID01-11/22 Attachment 2: Detailed Table of Delegated Actions for October 2022, Development

Officer Recommendation:

COUNCIL DECISION 041122:

MOVED: Cr Gillam

SECONDED: Cr Eva

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

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID02-11/22
Subject:	ID02-11/22 Adoption of Scheme Amendment No.20 – Rezone from Special Use to Residential at Lot 127 (#210) Point Leander Drive, Port Denison	
Author:	B Jeans, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1177, A8744, 3.0351	
Voting Requirements:	Simple Majority	

Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

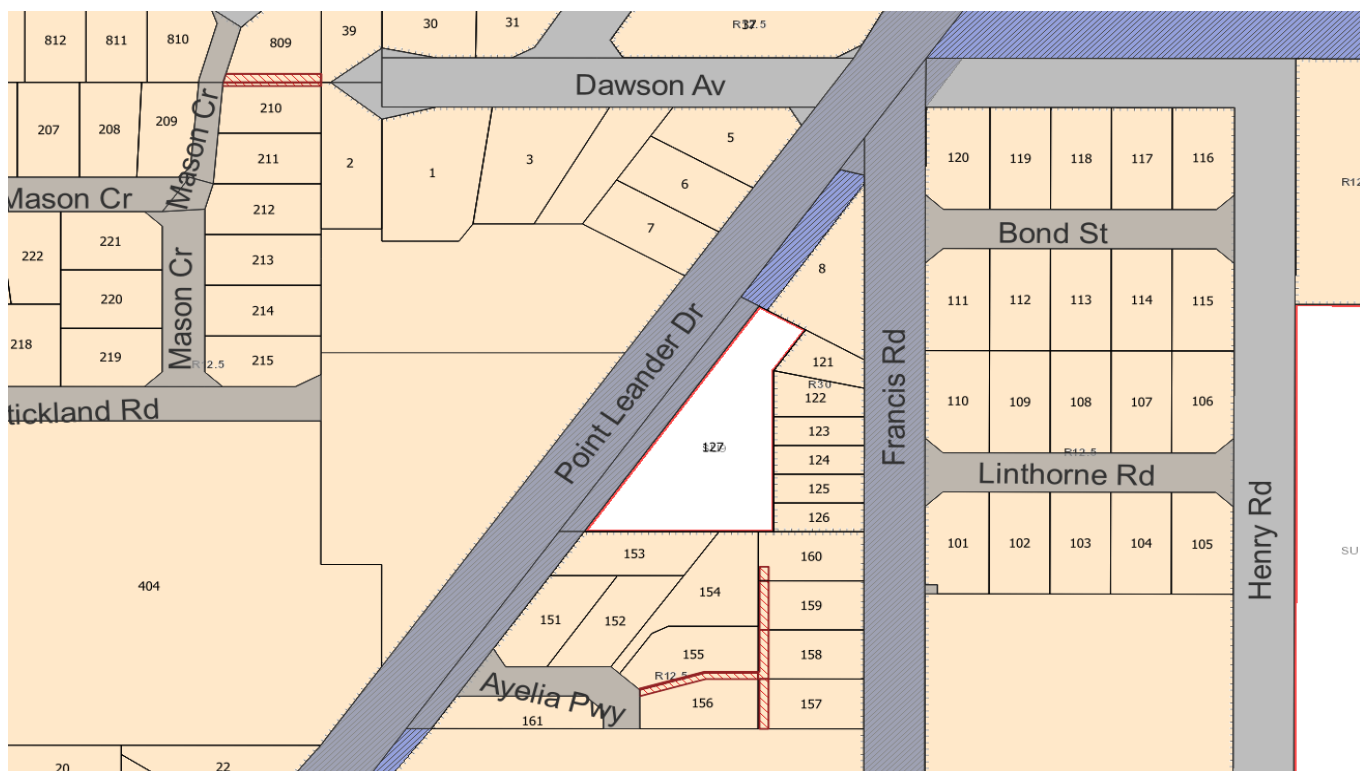
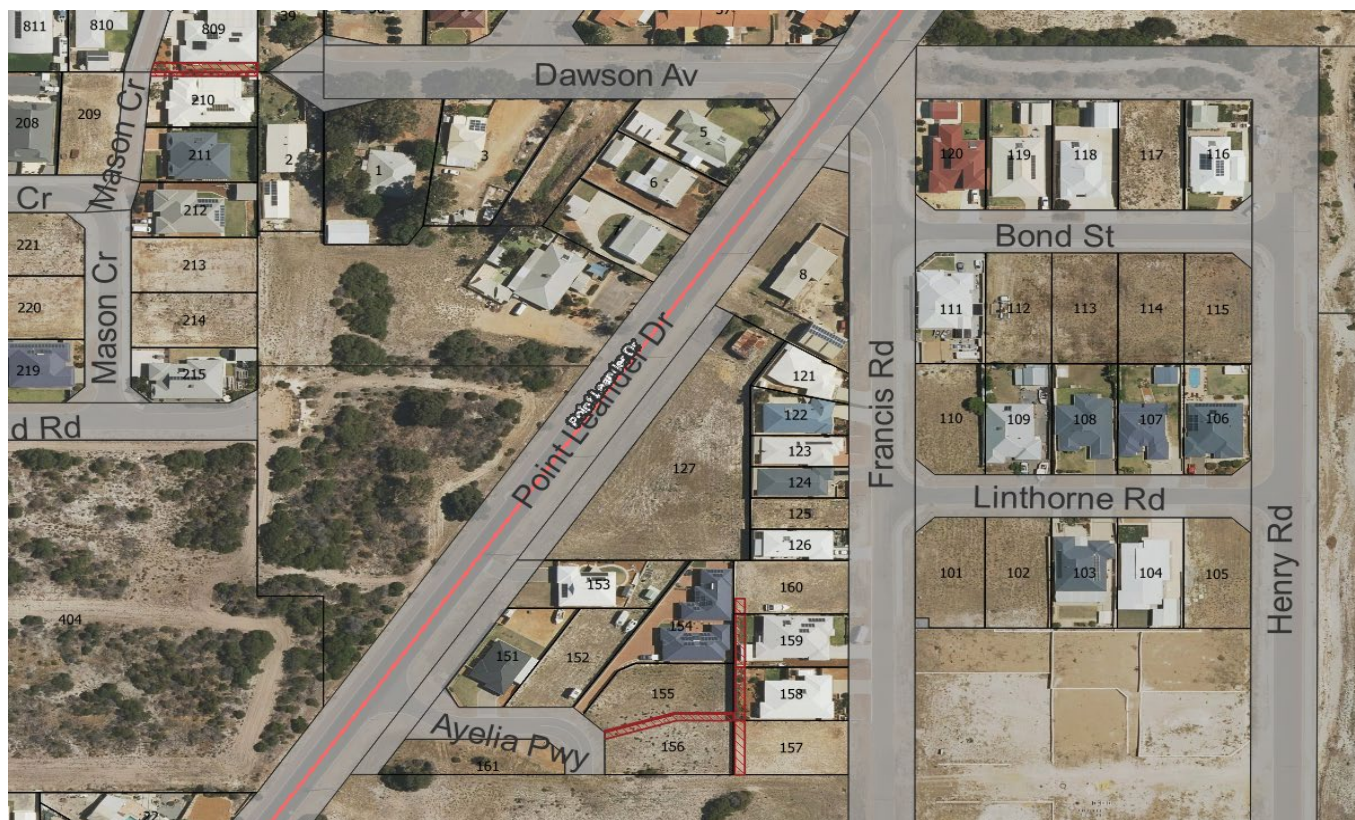
The purpose of this report is to seek Council approval of Scheme Amendment No.20 without modification. The Scheme Amendment proposes to rezone Lot 127 (#210) Point Leander Drive, Port Denison from Special Use (Holiday Accommodation) to Residential R30.

Background:

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

A copy of the Scheme Amendment No.20 document has been included as **ID02-11/22 Attachment 1** to this report.

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



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

local planning framework tells us that the site was intended for residential development at the R30 density and the holiday accommodation use was intended to be more of an additional use than the predominant use of the land.

The proposed Scheme Amendment will rectify the limitations of the Special Use Zone for the site by facilitating residential development. The holiday accommodation use of the site is not strategically identified and given its location and surroundings is less desirable for that purpose.

Officer's Comment:

Council at its 26 April 2022 meeting resolved to initiate the Scheme Amendment:

"That Council:

- *Pursuant to Section 75 of the Planning and Development Act 2005, prepares Amendment No. 20 to Shire of Irwin Local Planning Scheme No. 5, to amend the local planning scheme by:*
 - 1 *Rezoning Lot 127 (#210) Point Leander Drive, Port Denison from Special Use Zone to the Residential R30 zone;*
 - 2 *Deleting entry number 9 from Schedule 4 – Special Use Zones; and.*
 - 3 *Amend the Scheme maps accordingly.*
- *Pursuant to Regulation 34 and 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 20 to Local Planning Scheme No. 5 is a standard amendment for the following reasons:*
 - *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.*
 - *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.*
 - *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
- *Pursuant to Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the proposed amendment to the Western Australian Planning Commission for consent to advertise;*
- *Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment No. 20 to Local Planning Scheme No. 5 to the Environmental Protection Authority;*
- *Subject to consent from the Western Australian Planning Commission, prepares notice and advertises Amendment No. 20 to Local Planning Scheme No. 5 for a period of not less than 42 days pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Notes that a further Report will be presented to a future Council Meeting, following advertising of Amendment No. 20 to Local Planning Scheme No. 5, seeking resolution whether to not support or support Amendment No. 20 to Local Planning Scheme No. 5 (with or without modification).*

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

Following this resolution the Scheme Amendment has been advertised in accordance with the Regulations and is now presented to Council for final adoption. The outcome of advertising will be discussed within the ‘consultation’ section of this report.

Heritage

The site contains a heritage place (being the existing structure) and therefore relevant considerations to its appropriate level of recognition or protection through any development phase shall be taken into consideration. The Applicant has given an indication that the landowner will make a request to demolish the structure.

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

As per item 7 of Council’s 26 April 2022 resolution the applicant has been advised that a development application will be required to be received and assessed separate to the Scheme Amendment process. Any such application will be assessed and determined on its own merits at that time. The Scheme Amendment to rezone the site can progress as it has no material impact on the heritage place.

Development Controls

Whilst the Scheme Amendment stage is an appropriate time to consider the suitability of the zoning and land use of the site, the specifics of the subdivision and development of the site would be addressed later at the subdivision stage. The subdivision stage can delve further into assessment of engineering requirements, site works/fill required, road and access arrangements and building design given the irregular shaped lot with frontage to Point Leander Drive. The application does however provide a concept subdivision of the site to illustrate Residential R30 development.

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

Consultation:

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

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

Advertising for the Scheme Amendment commenced on 31 August 2022 and concluded on 14 October 2022 being a total of 45 days.

During the advertising period 3 submissions were received from government agencies with no objection to the Scheme Amendment. A Schedule of Submissions has been included as **ID02-11/22 Attachment 2** for Council’s consideration.

Statutory Environment:

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Irwin Local Planning Scheme No 5

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

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

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

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

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

(b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Policy Implications:

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

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

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.3.2 Adopt and follow better practice processes

Shire of Irwin Local Planning Strategy 2017

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

Attachments:

Attachment Booklet – November 2022

ID02-11/22 Attachment 1 - Scheme Amendment documentation

ID02-11/22 Attachment 2 – Schedule of Submissions

Officer Recommendation:

COUNCIL DECISION 051122:

MOVED: Cr Scott

SECONDED: Cr Tunbridge

That Council by Simple Majority pursuant to Part 5, Section 75 of the Planning and Development Act 2005 RESOLVES to:

- 1. DETERMINE the submissions as outlined in the ‘Schedule of Submissions’;**
- 2. SUPPORT Local Planning Scheme Amendment No. 20 to Local Planning Scheme No.5, without modification; and**
- 3. SEEK approval of the amendment from the Minister for Planning.**

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID03-11/22
Subject:	ID03-11/22 Proposed Outbuilding – Lot 7001 (#31) Golf Course Road, Port Denison	
Author:	K Jackson, Planning Officer	
Responsible Officer:	B Jeans, Manager Development Services	
File Reference:	A8971 & P1220	
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:

Council is in receipt of an application for a proposed outbuilding upon Lot 7001 (#31) Golf Course Road, Port Denison. The application does not meet the deemed to comply provisions of the Residential Design Codes of Western Australia ('R-Codes'). Whilst Shire Staff have delegated authority to vary the provisions of the R-Codes, given the level of variation being proposed it is felt that a decision of Council is required to ensure that the merits of the application meet with Council's expectations for the strategic direction and future development of the area.

Figure 1 – Aerial location plan for Lot 7001



Background:

On the 25th of August 2022 the Shire received a Development Application for an outbuilding to be constructed upon Lot 7001 (#31) Golf Course Road, Port Denison. The application did not comply with the wall, apex, aggregate area or setback requirements of the Residential Design Codes of Western Australia (R-Codes). Since lodgement Shire staff have liaised with the landowner to reduce the size of the outbuilding to represent an outbuilding size reflective of the size of the lot and the future intention of the area for higher density lots. The applicant has since submitted amended plans for a reduced size

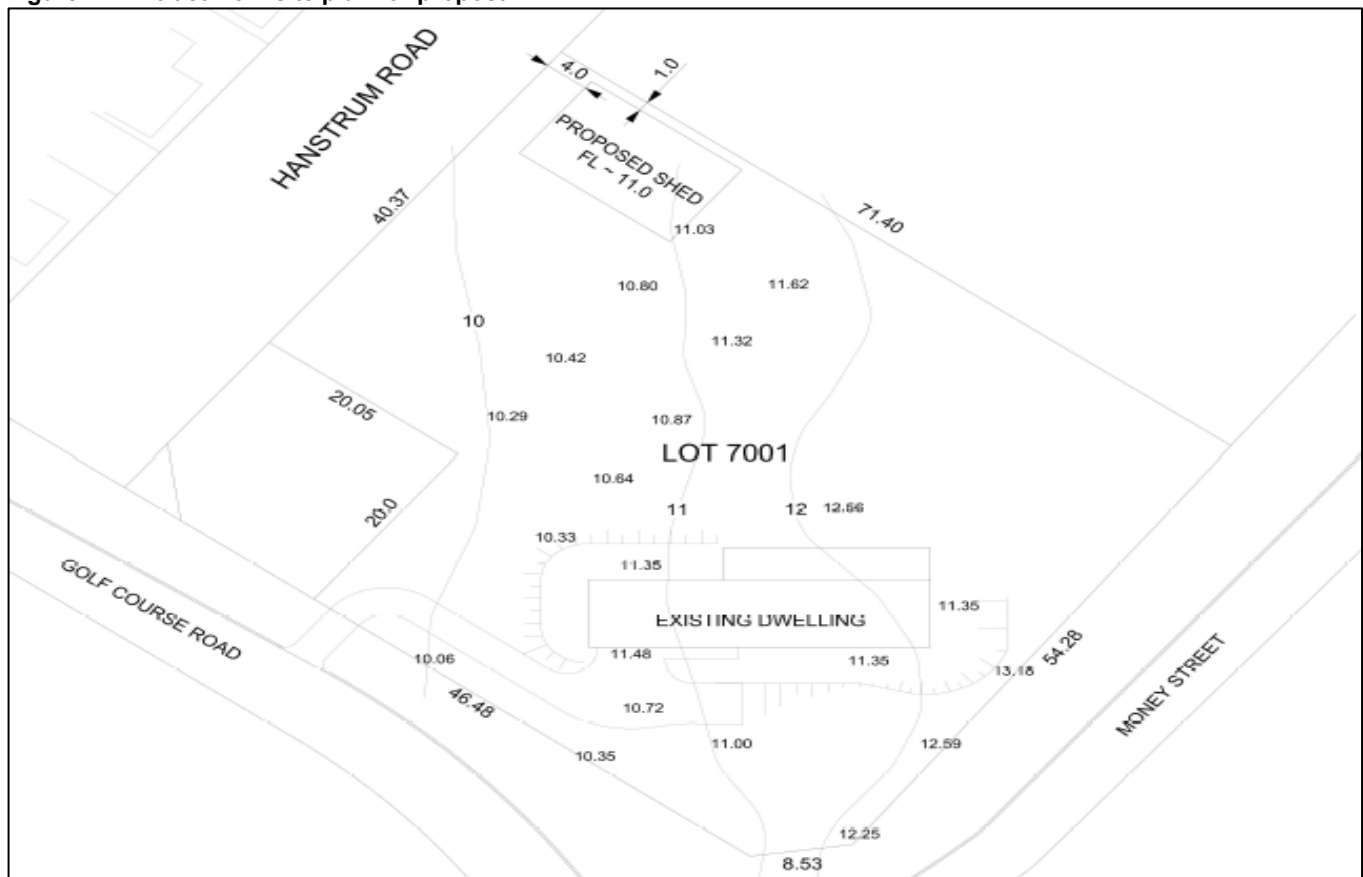
outbuilding however it still exceeds the typical size generally accepted under delegation for a residential outbuilding and therefore requires the discretion of Council for its approval.

As part of the assessment of this application, the overall design and coherence is considered important to ensuring that the proposed development is in keeping with the existing streetscape, topography of the land and scale/density of the area. Each element of the application will be elaborated upon below.

A copy of the applicant's site, floor and elevation plans for the outbuilding has been included as **ID03-11/22 Attachment 1**. A copy of correspondence received from the applicant in support of their application has been included as **ID03-11/22 Attachment 2**.

It is recommended by Shire staff that this application can be afforded conditional support by Council.

Figure 2 – Extract from site plan for proposal



Officer's Comment:

The original application submitted by the applicant sought the construction of a 192m² outbuilding with 4.5m wall and 5.17m ridge heights (from pad height). Through consultation with Shire staff an amended application was lodged. The amended application reduces the outbuilding to 160m² of enclosed floor area and also reduces both the wall height (3.8m from pad height) and overall ridge height (4.68m from pad height).

An assessment summary in respect to Clause 5.4.3 of the R-Codes has been tabled below. For further context the below table demonstrates the size of the (1) original application, (2) reduced application and the (3) Officer Recommendation outbuilding being recommended by Shire staff through the adoption of the officer's recommendation of this report.

Table 1: Assessment of Outbuilding against R-Codes

Development Criteria	Prescribed by R-Codes	(1) Original Application	(2) Reduced Application	(3) Officer Recommendation	Complies Yes/No
Maximum Floor Area	60m ²	192m ²	160m ²	160m ²	No
Maximum Wall Height	2.4m	4m FFL 4.5 NGL	3.8m FFL 4.3m NGL	3.8m FFL 4m NGL	No

Maximum Ridge Height	4.2m	5.17m 5.67m	4.68m FFL 5.18m NGL	4.68m FFL 4.88 NGL	No
Setback from Hanstrum Road (west)	1.5m	1.5m	4m	4m	Yes
Setback from rear boundary (north)	1.8m	1.5m	1m	1m	No
Proposed site works	Variable	1m maximum fill height	500mm maximum fill height	200mm maximum fill height	Yes
*FFL stands for Finished Floor Level being the top of pad height *NGL stands for Natural Ground Level					

The outbuilding has been assessed in consideration of the design, scale, siting requirements of the R-Codes.

- Maximum Floor Area

The R-Codes supports 60m² sheds in residential areas. The applicant seeks to exceed the maximum prescribed floor area with an outbuilding with an area of 160m². Council has previously supported sheds between 80-120m² on lots zoned R12.5 (800-1000m² in area). Given the subject property is 3928m² in area, it is considered that the outbuilding can be afforded support on its individual merits without setting an undesirable precedent for the area as it will not affect the use and enjoyment of surrounding land and will not detract from the streetscape given the setbacks proposed and the overall coherence of design for built development upon the lot.

It is recommended as Conditions (2) and (3) of the officer recommendation to impose a requirement for screening vegetation. Screening vegetation is recommended along the Hanstrum Road frontage to protect the future streetscape of this road should subdivision into R30 lots be realised along this road. Further screening is recommended along the eastern elevation to screen the view of the outbuilding as viewed from the higher elevation of Money Street given the level of traffic generated by visits to the hospital along this alignment.

Further more condition (4) of the officers recommendation prohibits any future outbuildings, outbuilding addition or unenclosed structures (i.e. leanto, patio, carport or similar) unattached from the dwelling being permitted upon the property into the future. This will ensure that the structure is limited to the 160m² aggregate area that shire staff are recommending support for will not be compromised into the future by subsequent additions. If the applicant/landowner wishes to have an area of outbuilding that is unenclosed they will be required to modify a portion of the 160m² outbuilding.

Figure 3 – View of existing development as viewed from Golf Course Road



- Wall and Apex Heights

The applicant seeks to raise the wall height up to 3.8m from the finished floor level of the outbuilding which would result in an approximate height of 4.3m from the natural ground level (500mm of fill). It is a recommendation that the FFL of the outbuilding be capped with a maximum fill level of 200mm to control the built form. This would provide for a wall height of 4m from natural ground level at the highest point at the most western portion of the outbuilding and a wall height from natural ground level of approximately 3.5m on the eastern end of the structure.

Similarly the applicant seeks an apex height of 4.68m and with a capped fill height of 200mm this will provide for a maximum wall height of 4.88m on the western side of the outbuilding and a 4.38m height on the eastern side.

Outbuildings with a wall height of over 3m is common within the Shire's residential areas accommodating for boats, caravans and other tall vehicles which reflects the coastal location of Port Denison. Due to the larger lot size, positioning of the outbuilding and slope of land, the increase in wall height is considered to meet the Design Principle for outbuildings, whereby it is not considered it will have a visual amenity impact on the streetscape or neighbouring properties (refer to Consultation section for response to received submission). It is considered that the wall height can be supported on this basis.

-Setback from Hanstrum Road boundary (west)

This is considered a secondary street boundary under the R-Codes with a required setback of 1.5m under the R30 zoning. Given the details of the proposed outbuilding, Shire staff have liaised with the applicant to move the outbuilding to a greater distance from this street to better reflect the scale of the outbuilding and the need to protect the streetscape of the Hanstrum Road frontage as it may be required for access to residential development in that immediate location in the future. It is considered the increased 4m setback is consistent with the R30 zoning and the setback of potential future development along Hanstrum Road. This report recommends conditioning the landowner to install and maintain screening landscaping within this setback area to further assist with the softening of the visual impact of the outbuilding on this secondary street.

Figure 4 – View along Hanstrum Road looking north



-Setback from Rear Boundary (north)

The applicant proposes a rear setback of 1m from the northern rear boundary of the lot which is a departure from the 1.8m deemed to comply setback required under the R-Codes. Given the existing mature trees along this boundary (see image below) on the adjoining lot and large lot sizes, it is considered that there would be no noticeable difference or impact with the reduced setback as compared with the prescribed setback of 1.8m. The positioning of the outbuilding along the northern boundary means there is minimal impact on sunlight and ventilation opportunities regardless of how the adjoining lot is developed into the future. A larger rear setback (i.e. 1.8m) can be problematic where the structure has a blank wall as it often becomes a place of storing items that are untidy or left to become areas of weeds and pests. A smaller space discourages active use of this space or 'filling' the space with items.

Figure 5 – View from Hanstrum Road looking east



- Proposed site works (cut and fill)

The original application from the landowner proposed a fill height of approximately 1m and the amended application proposes a fill height of roughly 500mm with the outbuilding relocated further from the Hanstrum Road boundary. It is recommended by Shire staff that there is no adequate reason for additional fill to be implemented for the site and that a balanced “cut and fill” would be better suited to the application. This would ensure that the wall and apex heights of the outbuilding are not exacerbated by additional fill, particularly on the western side of the outbuilding which is most visible from the road. Limiting the fill to 200mm at the highest point from natural ground level would provide for a normal sand pad height and concrete pad on the western end but require cut for the remainder of the outbuilding (approximately 500mm) in order to create a level building site.

- Materials

The applicant has indicated that the outbuilding will be constructed with colorbond sheeting in the colour ironstone (dark grey) and a surfmist (white) roof. This is to match with the existing dwelling which is considered to enhance the overall cohesion of design and materials across the site.

Consultation:

Part 4 of the R-Codes provides for the requirements for undertaking consultation where a proposal does not strictly comply with the requirements of the deemed to comply provisions of the R-Codes. It provides a framework which outlines the application of discretion as to the adjoining properties that are written to during the consultation period based on an officer’s judgement of which landowners and occupiers are considered to be affected by the variation being sought by the application.

The application has been referred to the adjoining landowner to the north as the applicant is seeking a reduced rear setback to their property. The landowner objected to the application and has raised the following points:

1. Wall Height – Find very high, obstructive size
2. Ridge Height – find very high
3. Rear setback – request to be at least 1.8m from adjoining fence line

The applicant was given the opportunity to respond to the objection received and has provided the following:

“The proposed location of the shed is significantly lower than the existing property on 71 Money Street, such that the apex height of the shed will be lower than the floor level of 71 Money Street.

The only “obstruction” that the shed will create is blocking the view into the Damia circle estate. I wouldn’t say this is an issue. The obstruction is also dubious considering there is a row of trees (10m + tall) on the boundary between the two properties.

The objections are very vague and lack any real reasoning. Stating “find very high” without any other information makes it very hard for me to see how this is really an issue.”

Shire staff have attended the site and it can be demonstrated that the existing dwelling upon Lot 2 has a finished floor level at a contour of approximately 15m with the outbuilding being constructed at a contour of approximately 10.5m. This 4.5m difference in height would mean that the outbuilding will not produce an obstruction from the point of view of occupants at the existing dwelling.

Figure 6 – View from adjoining property looking south-west



The existing mature trees along the neighbour’s boundary also provide a dense vertical screen to any development upon the applicant’s property. These trees could be removed by the adjoining landowner in the future however any lots developed along this boundary would have a similar or greater height construction height to the proposed outbuilding. A typical single residential dwelling has a height of 5.5-6m, so an argument based on height is not considered restrictive to the conditional support of the proposed outbuilding in this context.

As well as being constructed at a much lower level than the existing dwelling upon the adjoining lot, the outbuilding will also be a distance of 40m from the dwelling providing significant separation from any potential for impact of noise with the use of the outbuilding. The increased wall height is a fairly common request with outbuildings in the Shire for the garaging of boats and caravans. In the context of recent approvals and the site, it is not considered to be an excessive height for an outbuilding.

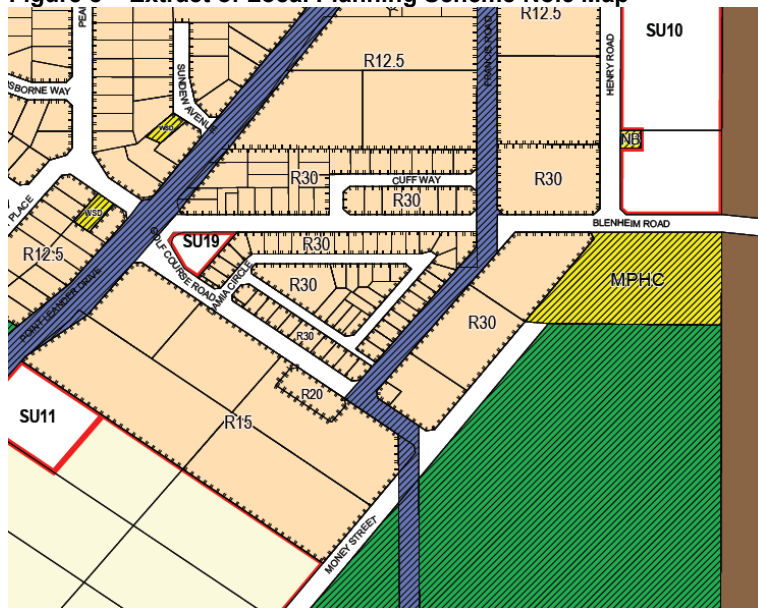
Figure 7 – View from subject lot looking towards existing dwelling on adjoining property



Statutory Environment:

The property is zoned Residential R30 under Shire of Irwin Local Planning Scheme No 5 (the 'Scheme').

Figure 8 – Extract of Local Planning Scheme No.5 Map



The following information is provided as it is considered the most relevant statutory information relevant to the variations being placed before the Council for consideration.

Outbuildings in the Shire are subject to Clause 5.18 of the Scheme as well as section 5.4.3 of State Planning Policy 7.3 Residential Design Codes Volume 1. Section 5.4.3 of the R-Codes prescribes the deemed-to-comply provisions for outbuildings in residential areas that are subject to an R-Codes.

Figure 9 – Extract from Section 5.18 Outbuildings from Scheme

5.18 OUTBUILDINGS <i>AMD 16 GG 30/10/15</i>	
<p>The local government may approve Outbuildings consistent with the following development requirements. Outbuildings that are deemed to conflict or exceed the development requirements require planning approval and may be required to be advertised in accordance with Clause 9.4.</p>	
Zone	Development Requirements for Outbuildings
All relevant zones	The location, design, external colour and appearance, scale and bulk of the Outbuilding shall not have adverse amenity impacts on adjoining properties or the area when viewed from public roads.
Residential	As per the Residential Design Codes.
Special Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 80m ² .
Rural Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 100m ² .
Rural Smallholdings	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .
General Farming	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .

Figure 10 – Extract from R-Codes of Section 5.4.3 Outbuildings (Deemed-to-comply)

C3 Outbuildings associated with a **dwelling site** address either:

- i. the standards for small outbuildings (A. Small outbuilding); or
- ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).

A. Small outbuilding	<ol style="list-style-type: none">(i) no more than one outbuilding per dwelling site;(ii) has no more than two boundary walls;(iii) does not exceed 10m² in area;(iv) does not exceed a wall and ridge height of 2.7m;(v) not located within the primary or secondary street setback area; and(vi) does not reduce open space and outdoor living area requirements in Table 1.
OR	
B. Large and multiple outbuildings	<ol style="list-style-type: none">(i) Individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;(ii) set back in accordance with Table 2a;(iii) does not exceed a wall height of 2.4m;(iv) does not exceed a ridge height of 4.2m;(v) not located within the primary or secondary street setback area; and(vi) does not reduce the open space and outdoor living area requirements in Table 1.

The objectives of Section 5.4 of the R-Codes are stated as:

- “(a) To design buildings and landscape to minimise adverse impact on the privacy of adjoining dwellings and private open space.*
- (b) To optimise comfortable living, access to sunlight and solar energy to facilitate sustainable housing development with particular regard for place and local conditions.*
- (c) To maintain the amenity of streetscapes and views along the street by ensuring that associated outbuildings and other fixtures attached to buildings do not detract from the streetscape and are not visually intrusive to neighbouring properties or adjoining public spaces.”*

The design principle for outbuildings is stated as:

“P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”

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 – October 2022

ID03-11/22 Attachment 1: Development Application Plans

ID03-11/22 Attachment 2: Covering letter from applicant

COUNCIL DECISION 061122:

MOVED: Cr Palmer

SECONDED: Cr Tunbridge

That Council grants Development Approval for the proposed outbuilding upon 31 (Lot 7001) Golf Course Road, Port Denison in accordance with the following:

Conditions

- 1. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Irwin, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by a condition of this approval.**
- 2. Vegetation to a minimum height of 2m is to be installed along the western elevation of the proposed outbuilding and maintained in perpetuity to the satisfaction of the local government.**
- 3. Vegetation to a minimum height of 2m is to be installed along the eastern boundary of the property and maintained in perpetuity to the satisfaction of the local government.**
- 4. No further outbuildings or unenclosed structures (i.e., lean to, patio, carport or similar) unattached from the dwelling shall be permitted for the site.**
- 5. The roof of all structures shall be constructed with coated metal sheeting (or similar product) or be painted and maintained to a finish to reduce reflectivity and to match with or be complementary to the existing dwelling.**
- 6. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the local government.**
- 7. A maximum fill height of 200mm shall be permitted.**
- 8. All soil disturbed shall be retained within the property.**
- 9. Any lighting device is to be positioned and shielded as not to cause any direct, reflected, or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.**
- 10. The outbuilding shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only and shall not be used for commercial or industrial uses.**
- 11. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, wastewater, waste products or other pollutants.**

Advice Notes

- a. No further enclosed (outbuilding) or unenclosed area (carport, lean-to or similar) unattached from the primary dwelling will be supported for the property.**
- b. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- c. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- d. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- e. It is the landowner's responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.**

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID04-11/22
Subject:	ID04-11/22 Proposed Road Name – subdivision of Lot 23 Francis Road, Port Denison	
Author:	K Jackson, Planning Officer	
Responsible Officer:	B Jeans, Manager Development Services	
File Reference:	A2408 / WAPC157249	
Voting Requirements:	Simple Majority	

Council Role:

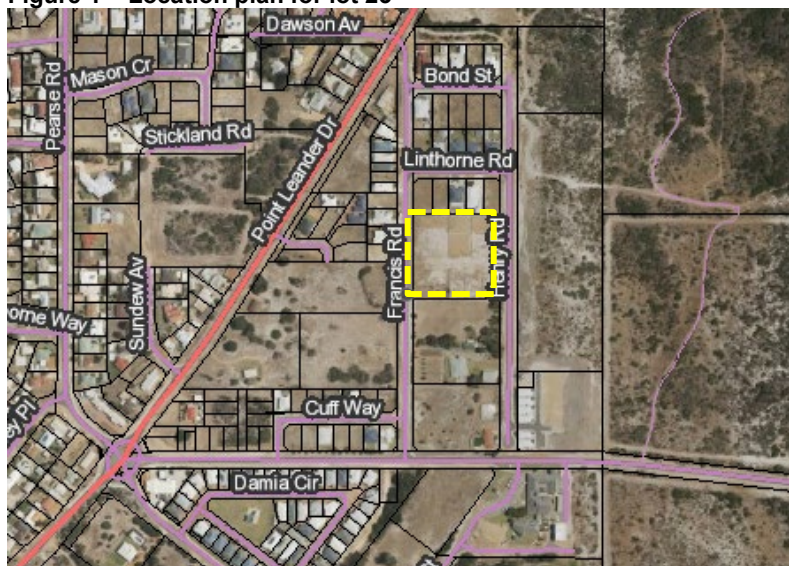
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Report Purpose:

Council is in receipt of an application for a proposed road name to be applied to a newly constructed road as part of the subdivision of Lot 23 Francis Road, Port Denison (WAPC Approval 157249).

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

Figure 1 – Location plan for lot 23



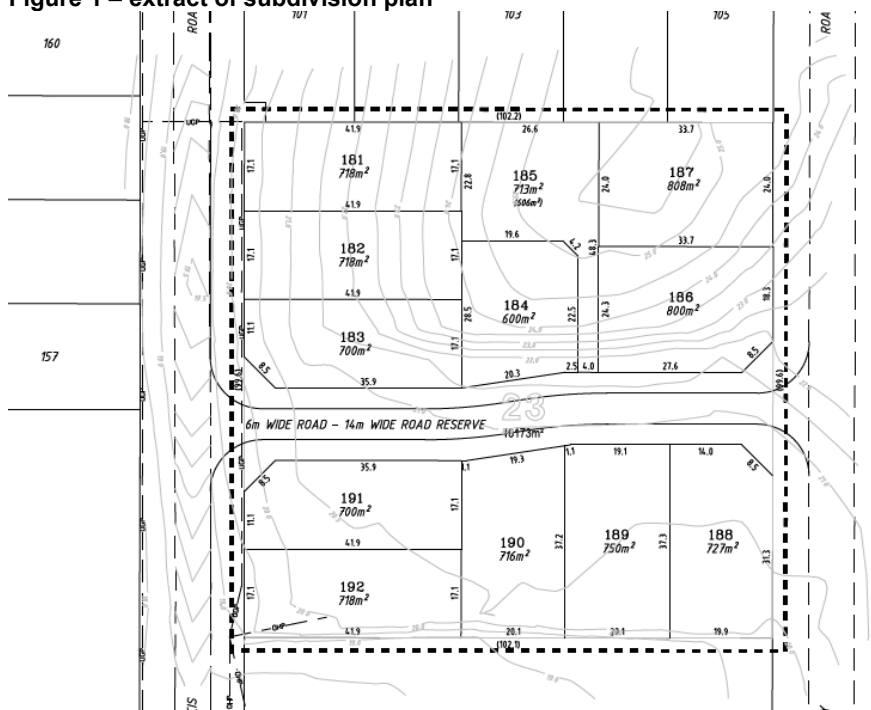
Background:

On 3 October 2018 Lot 23 Francis Street received approval from the Western Australian Planning Commission (WAPC) for the subdivision of the lot into 12 residential lots.

The construction works for this subdivision are almost complete with the developer recently applying for the clearance of Lots 181 & 182. The remaining lots will be cleared as part of a further clearance which

will include the remaining lots and the creation of a road reserve centrally through the lot which requires a road name to be applied.

Figure 1 – extract of subdivision plan



The developer originally sought the application of the name 'Maley Rise' however the name 'Maley' has already been allocated to another future road within Port Denison.

The applicant now seeks Council to provide some road name options for their consideration.

Officer's Comment:

Local governments may no longer request that eligible road names be reserved for future use within their boundaries. Prior existing reserved road names will automatically lapse five years from original approval, with the Reserve Register to contain no local government requested names from 1 January 2022.

Local governments are encouraged to maintain their own reserve register, using the Landgate on-line form to check for suitability.

The Shire of Irwin does not currently have a reserved list of road names and therefore it is recommended that:

3. Council consider 3 names at this juncture to assist with the naming of the road the subject of the subdivision of Lot 23 Francis Road;
4. Instruct shire staff to undertake community consultation in order to bring back a list of road names to be shortlisted onto a reserve road name list for future use within the local government area.

Some road names that Council may consider, acknowledging that this is not an exhaustive list and provided to be of assistance to Council discussion, for the naming of the short road created as part of the subdivision of Lot 23 Francis Road:

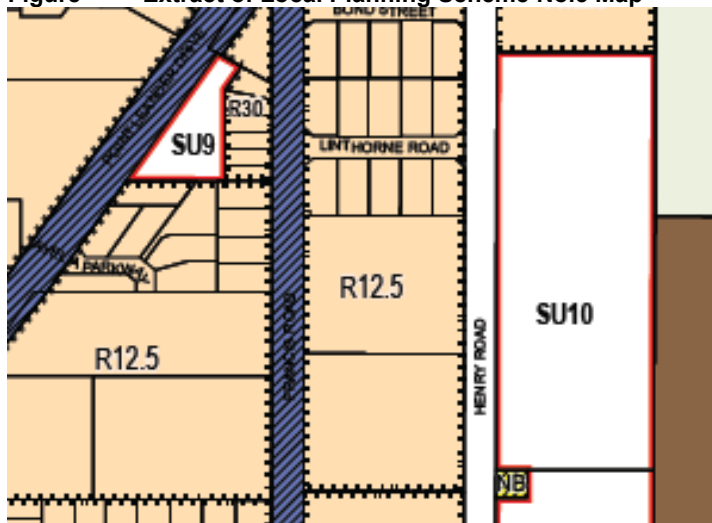
Road Name	Road Types	Justification
Osprey Rise	Road, Street, Rise, Lane	Local bird

Jack Lane	Road, Street, Rise, Lane	John Smith did not have a good reputation for the quality of his flour and is reputed to have been known as 'Weevily John' or 'Weevily Jack' by those 'who were not so friendly inclined' towards him.
Bruning Road	Road, Street, lane, Rise	Bruning was born as Robert Bell in Dongara, Western Australia in 1928. He worked as an amateur actor at the New Theatre in the Sydney suburb of Newtown in the 1940s and 1950s. Bruning also was a regular guest performer in Homicide, Division 4, The Sullivans and A Country Practice.

Statutory Environment:

The property is zoned Residential R12.5 under Shire of Irwin Local Planning Scheme No 5 (the 'Scheme').

Figure *** – Extract of Local Planning Scheme No.5 Map



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 townships; 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 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 un-naming 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.

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

Provision	Comment
Language and Spelling	Uses single language form Easy to pronounce, spell and write Not discriminatory, derogatory or inappropriate
Commemorative Names A commemorative name applied to a road should use the surname of a person posthumously	Name can be a historical figure of the area. It is an appropriate name to be applied for the Port Denison/Dongara local authority.
Ensuring names are not duplicated	The same name road name (regardless of suffix used) cannot be used within 50km.
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 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.
Road Types	As this is a short road the following types would be most appropriate: Alley – Narrow roadway in towns Lane - narrow country or city roadway Rise - Roadway going to a higher place or position Road - Open way or public passage primarily for vehicles Street - Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides

Policy Implications:

Nil. However, it is recommended that the Council initiate and adopt a road reserve list for use for future road developments.

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:

Nil.

Officer Recommendation:

COUNCIL DECISION 071122:

MOVED: Cr Eva

SECONDED: Cr Tunbridge

That Council by Simple Majority:

- 1. Approve Jack Lane for the creation of the road reserve in relation to Lot 23 Francis Road (WAPC 157249).**
- 2. Direct staff to initiate the development of a reserved road name list for consideration at a future meeting of Council.**

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID05-11/22
Subject:	ID05-11/22 Review of RV Overnight Stay Town Oval	
Author:	B Jeans, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0428	
Voting Requirements:	Simple Majority	

Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

For Council to consider endorsing the Dongara Town Oval location for the provision of RV overnight camping at with respect to the recent extended 6-month review period.

Background:

At its 27 September Ordinary Council Meeting, Council resolved to extend the RV Overnight Stay trial period at the Dongara Town Oval for a further 6 months to allow for a review of the location.

That Council endorse the continuation of the RV Overnight Stay at the Dongara Town Oval with the following being implemented:

- a) Restricted to self-contained caravans/campervans/RVs only;*
- b) Maximum one night stay permitted;*
- c) Maintain a fee applied per night per vehicle in the annual Fees and Charges;*
- d) Maintain the designated bays along the northern boundary for this purpose; and*
- e) Reviews the above, including location, no later than 31 May 2023.*

Prior to reaching this resolution, discussion was held amongst Councillors with respect to the location and the intent of the review with specific reference to resolution (e) "Reviews the above, including location, no later than 31 May 2023. It was clarified in these discussions that the location to be reviewed was to consider other locations within the Shire and not the specific location at the Dongara Town Oval. The decision for a 6 month period was to allow sufficient time to assess other sites in detail and allow for feedback from the RV visitors to understand their views on the location and service.



Officer's Comment:

Trial Period Feedback

Further to the comments in the September 2022 Council Report, this report had not considered survey feedback taken from the 12-month trial period that was established following Council's 2021 decision.

This survey information has been summarised in Attachment 2. A total of 39 responses were received voluntarily. It is considered the survey questions and quality of responses adequately address the aspect of location that was reason for extending the review period by a further 6 months. In summary some responses worth noting:

- Almost 60% responded that the \$10 fee did not impact their decision to stay in Dongara with 9 out of 13 supporting comments being positive.
- 97% (38 out of 39) responded the location was suitable for overnight stay.
- Close to 70% responded they weren't planning to stay longer than one night.
- 75% had not previously stayed at the RV Overnight Stay in Dongara and almost 60% had not previously stayed in Dongara.
- Close to 70% responded they spent over \$100 in town and only 5% (being 2 out of 39) responded they spent nil.

The survey responses are consistent with the informal feedback received and reported on in the previous Council report.

Concluding Statement

Based on the feedback with respect to the location, it is the Officer's Recommendation that Council endorse the provision of paid RV Overnight Stay to remain at the Dongara Town Oval but support the periodic review for possible alternative locations.

Consultation:

Internal Staff

Visitors (survey)

Statutory Environment:

Caravan Park and Camping Grounds Act 1995

Caravan Park and Camping Grounds Regulations 1997

Policy Implications:

Nil.

Financial/Resource Implications:

The purpose of this report relates to review of the location of RV Overnight Stay. Should Council support retaining the RV Overnight Stay at the Dongara Town Oval, there will be no upfront costs to continue.

Strategic Implications:

Strategic Community Plan 2021 – 2031

Strategy 3.1.3 Identify, provide and manage Shire assets (including community infrastructure, shire-controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:

Attachment Booklet – November 2022

ID05-011/22 Attachment 1: Item ID05-11/22 Review of RV Overnight Stay, September 2022

ID05-11/22 Attachment 2: Survey Response Summary

COUNCIL DECISION 081122:

MOVED: Cr Palmer

SECONDED: Cr Tunbridge

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.20pm, in order for Councillors to discuss item ID02-09/22.

VOTING DETAILS:

Carried 8/0

Discussion held on the officer recommendation.

COUNCIL DECISION 091122:

MOVED: Cr Scott

SECONDED: Cr Gillam

That Council reconvenes under the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.33pm.

VOTING DETAILS:

Carried 8/0

Officer Recommendation:

OFFICER RECOMMENDATION:	
MOVED: Cr Scott	SECONDED: Cr Gillam
That Council by Simple Majority:	
<ol style="list-style-type: none">1. Endorse the continuation of the RV Overnight Stay at the Dongara Town with the following being implemented:<ol style="list-style-type: none">a) Restricted to self-contained caravans/campervans/RVs only;b) Maximum one night stay permitted;c) Maintain a fee applied per night per vehicle in the annual Fees and Charges; andd) Maintain the designated bays along the northern boundary for this purpose.2. Periodically reviews the location for possible alternative solutions.	

The Shire President put the amendment to vote.

AMENDMENT AND COUNCIL DECISION 101122:	
MOVED: Cr Palmer	SECONDED: Cr Wyse
That Council by Simple Majority:	
<ol style="list-style-type: none">1. Endorse the continuation of the RV Overnight Stay at the Dongara Town with the following being implemented:<ol style="list-style-type: none">a) Restricted to self-contained caravans/campervans/RVs only;b) Maximum one night stay permitted;c) Maintain a fee applied per night per vehicle in the annual Fees and Charges; andd) Maintain the designated bays along the northern boundary for this purpose.e) For a provision to provide screening along Brand Highway in the 2023/24 Budgetf) Provision for a free lay down area from 7am – 5pm for recreational vehicles2. Periodically reviews the location for possible alternative solutions.	
VOTING DETAILS:	Carried 8/0

The amendment was CARRIED. The Shire President invited Councillors to speak to close the debate.

SUBSTANTIVE MOTION AND COUNCIL DECISION 111122:	
MOVED: Cr Scott	SECONDED: Cr Gillam
That Council by Simple Majority:	
<ol style="list-style-type: none">1. Endorse the continuation of the RV Overnight Stay at the Dongara Town with the following being implemented:<ol style="list-style-type: none">a) Restricted to self-contained caravans/campervans/RVs only;b) Maximum one night stay permitted;c) Maintain a fee applied per night per vehicle in the annual Fees and Charges; andd) Maintain the designated bays along the northern boundary for this purpose.e) For a provision to provide screening along Brand Highway in the 2023/24 Budgetf) Provision for a free lay down area from 7am – 5pm for recreational vehicles2. Periodically reviews the location for possible alternative solutions.	
VOTING DETAILS:	Carried 8/0

INFRASTRUCTURE AND OPERATIONS		ID06-11/22
Subject:	ID06-11/22 RFQ 02-2022/23 Supply and Delivery of 1 Motor Grader	
Author:	J Keene – Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	<u>3.00327</u>	
Voting Requirements:	Absolute Majority	

Council Role:

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

Report Purpose:

To seek Council approval to purchase a Wheel Loader and Motor Grader as endorsed by the Plant Replacement Program as per the 2022/23 Budget.

Background:

In April 2022, Council approved the request to make an application to the Western Australian Treasury Corporation for a loan for the purpose of purchasing Plant. In June 2022, the loan request was approved.

The Shire updated its 2022-23 Plant Replacement Program, in accordance with its review of its Strategic Community Plan (SCP) and developed its Long Term Financial Plan(LTFP). This identified the need to develop internal capacity for road maintenance renewal work, which also requires a need to upgrade the current equipment and purchase additional equipment. The 2022-23 Plant Replacement Program includes a new additional grader, renewal of the wheel loader and the prime mover with two side tippers. This would allow two grading teams, one for resheeting roads and the other for maintenance. This each year would improve gravel resheeting capacity from 15km to 30km and maintenance grading from 2 to 4 grades for each Shire road plus capacity for reforming sealed road shoulders such as Allanooka Springs Road. The acquisition of the above equipment plays a critical role in increasing the Asset Sustainability Ratio performance and in real terms supporting the Shire to meet its obligations in terms of road safety.

In accordance with s.11(2)(b) of the *Local Government (Functions and General) Regulations 1996* quotes were invited for the supply of 1 Motor Grader as a tender exempt purchase through the WALGA Preferred Supplier Program on Friday 14 October 2022. The request VP331245 was issued to the category of Heavy Plant Machinery Equipment -Earthmoving Equipment (PSP006-09) to 27 suppliers. The RFQ closed on Friday 28 October 2022. Nine suppliers viewed the request, Six suppliers declined the request without reading, nine suppliers read the request and 4 Suppliers submitted a response.

A review of the submissions for compliance was completed and 1 response was for a Motor Grader. An evaluation panel of four shire employees formally met on 3 November 2022 to review the remaining

three (3) submissions against the qualitative criteria, before pricing was applied to determine the best value for money and most advantageous response.

Officer's Comment:

The submission by Respondent 3 met the qualitative criteria as set out in the RFQ document. For full details of the scores and ranking refer to the RFQ Evaluation Report for final scores and ranking as provided in the attachments.

It is recommended that Council award RFQ 02-2022/23 to Respondent 3 to the value of \$429,500.00 (ex GST) with the additional options to the value of \$6,787.91 (ex GST) subject to the availability of Council approved funds.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

Policy Implications:

CP01 Localised Purchasing (Regional Price Preference Policy)

CP20 Purchasing – (Amended for a declared State of Emergency)

Financial/Resource Implications:

As per approved item in the 2022/23 Budget allocation for the value of \$420,000 (ex GST).

Strategic Implications:

Strategic Community Plan 2021 – 2031

Strategy 3.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels

Attachments:

Attachment Booklet- November 2022

ID06-11/22 Attachment 1: RFQ Supply and Delivery of 1 Motor Grader

CONFIDENTIAL Attachment Booklet- November 2022

ID06-11/22 Attachment 2: Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii)

Officer Recommendation:

COUNCIL DECISION: 121122:

MOVED: Cr Gillam

SECONDED: Cr Eva

That Council by Absolute Majority,

- **Accepts the submission for RFQ 02-2022/23 Supply and Delivery of 1 Motor Grader, received from Westrac Pty Ltd, named as 'Respondent 3' in the Evaluation Report recommendation detailed in Confidential Attachment and identified as the most advantageous, to the value of \$429,500.00 (ex GST) with the additional options to the value of \$6,787.91 (ex GST) subject to the availability of Council approved funds.**
- **Delegates authority to the Chief Executive Officer to negotiate in relation to the contract additional options.**
- **Accepts that if a contract should not be formed for RFQ 02-2022/23 Supply and Delivery of 1 Motor Grader with Respondent 3 identified in Evaluation Panel Report recommendation shown in Confidential Attachment as the most advantageous, delegates authority to the Chief Executive Officer to negotiate with "Respondent 2" who was compliant with the request and ranked second as the most advantageous.**

VOTING DETAILS:

Carried by Absolute Majority 8/0

9.2. Committee Reports

Nil.

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

COUNCIL DECISION 13112022:	
MOVED: Cr Smith	SECONDED: Cr Palmer
That Council by absolute majority will under Clause 5.2 (1) “New business of an urgent nature” of the Shire of Irwin Meeting Procedures Local Law 2016 raise a motion to include Report item number ID07 – 11/22 RFQ 03 – 2022/23 Supply and Delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover.	
VOTING DETAILS:	Carried by Absolute Majority 8/0

INFRASTRUCTURE AND OPERATIONS		ID07-11/22
Subject:	ID07-11/22 RFQ 03-2022/23 Supply and Delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover	
Author:	J Keene – Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	<u>3.00327</u>	
Voting Requirements:	Absolute Majority	

Council Role:

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

Report Purpose:

To seek Council approval to purchase a Wheel Loader and Motor Grader as endorsed by the Plant Replacement Program as per the 2022/23 Budget.

Background:

In April 2022, Council approved the request to make an application to the Western Australian Treasury Corporation for a loan for the purpose of purchasing Plant. In June 2022, the loan request was approved.

The Shire updated its 2022-23 Plant Replacement Program, in accordance with its review of its Strategic Community Plan (SCP) and developed its Long Term Financial Plan (LTFP). This identified the need to develop internal capacity for road maintenance renewal work, which also requires a need to upgrade the current equipment and purchase additional equipment. The 2022-23 Plant Replacement Program includes a new additional grader, renewal of the wheel loader and the prime mover with two side tippers. This would allow two grading teams, one for resheeting roads and the other for maintenance. This each year would improve gravel resheeting capacity from 15km to 30km and maintenance grading from 2 to 4 grades for each Shire road plus capacity for reforming sealed road shoulders such as Allanooka Springs Road. The acquisition of the above equipment plays a critical role in increasing the Asset Sustainability Ratio performance and in real terms supporting the Shire to meet its obligations in terms of road safety.

In accordance with s.11(2)(b) of the *Local Government (Functions and General) Regulations 1996* quotes were invited for the supply and delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover as a tender exempt purchase through the WALGA Preferred Supplier Program on Friday 14 October 2022. The request VP331246 was issued to the category of Trucks -Prime Mover (PSP006-20) to 13 suppliers. The RFQ closed on Friday 28 October 2022. Nine suppliers viewed the request, two suppliers declined the request without reading, seven suppliers read the request and one supplier submitted a response.

A review of the submission for compliance was completed before an evaluation panel of four shire employees formally met on 3 November 2022 to review the submission against the qualitative criteria, before pricing was applied to determine the best value for money and most advantageous response.

Officer's Comment:

The submission by Respondent 1 met the qualitative criteria as set out in the RFQ document. For full details of the scores and ranking refer to the RFQ Evaluation Report for final scores and ranking as provided in Confidential Attachment.

It is recommended that Council award RFQ 03-2022/23 to Respondent 1 to the value of \$315,520.00 (ex GST) with the additional options to the value of \$2,605.00 (ex GST) subject to the availability of Council approved funds.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

Policy Implications:

CP01 Localised Purchasing (Regional Price Preference Policy)

CP20 Purchasing – (Amended for a declared State of Emergency)

Financial/Resource Implications:

As per approved item in the 2022/23 Budget allocation for the value of \$540,000 (ex GST) which included \$340,000 for a Prime Mover and \$200,000 for 2 side tipping trailers.

Strategic Implications:

Strategic Community Plan 2021 – 2031

Strategy 3.1.3 Identify, provide, and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels

Attachments:

Attachment Booklet- November 2022

ID07-11/22 Attachment 1: RFQ Supply and Delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover

CONFIDENTIAL Attachment Booklet- November 2022

ID07-11/22 Attachment 2: Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii)

Officer Recommendation:

COUNCIL DECISION 141122:

MOVED: Cr Eva

SECONDED: Cr Palmer

That Council by Absolute Majority

- 1. Accepts the submission for RFQ 03-2022/23 Supply and Delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover, received from Purcher International, named as 'Respondent 1' in the Evaluation Report recommendation detailed in Confidential Attachment and identified as the most advantageous, to the value of \$315,520.00 (ex GST) with the additional options to the value of \$2,605.00 (ex GST) subject to the availability of Council approved funds.**
- 2. Delegates authority to the Chief Executive Officer to negotiate in relation to the contract additional options.**
- 3. Accepts that if a contract should not be formed for RFQ 03-2022/23 Supply and Delivery of 1 Heavy Duty Tandem Axle 6 Wheel Prime Mover with Respondent 1 identified in Evaluation Panel Report recommendation shown in Confidential Attachment as the most advantageous, that the Shire of Irwin will readvertise.**

VOTING DETAILS:

Carried by Absolute Majority 8/0

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 6.41pm.

An electronic copy of the Minutes are available for download from the Shire's website.

<https://www.irwin.wa.gov.au/council/council-meetings/2022-council-meetings>