



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 28 September, 2021

in the

Shire of Irwin Council Chambers

- 5.00pm – Agenda Briefing
- 5.15pm – Councillor Information Session
- 6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

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

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

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

Disclaimer

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

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



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

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

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ORDINARY COUNCIL MEETING

to be held

28 September 2021

at 6.00pm

AGENDA

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

Members

Councillor M T Smith

Shire President

Councillor B Wyse

Deputy Shire President

Councillor G S Eva

Councillor M Leonard

Councillor I Scott

Councillor H M Palmer

Councillor I F West

Staff

Mr S D Ivers

Chief Executive Officer

Mr P Traylen

Acting Manager Infrastructure & Development

Mr B Jeans

Manager Development

Mr P Godfrey

Manager Finance

Ms N A M'Leane

Development & Executive Officer

Guests

Mr Shane Love MLA

Approved Leave of Absence

Apologies

Councillor A J Gillam

Mrs D K Chandler

Acting Manager Corporate & Community

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Robert McTaggart, Point Leander Drive Port Denison: When will the Shire remove the asbestos fence surrounding the Denison Bowling Club?

Response: The Shire has commenced the work to create an Asbestos Register and Asbestos Management Plan for Shire managed buildings and infrastructure that may contain asbestos. The corrective works, if any, for the Denison Bowling Club asbestos fence will be documented in the Asbestos Management Plan. It is anticipated to have the plan in place by 30 June 2022. Corrective works will be subject to priorities established by the plan and an approved budget by Council.

4. PUBLIC QUESTION TIME

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 24 August 2021

A copy of the Minutes of the Ordinary Council Meeting held 24 August 2021 have been provided to all Councillors under separate cover.

| |
|--|
| RECOMMENDED: |
| That the Minutes of the Ordinary Council Meeting, held 24 August 2021, as previously circulated, be adopted as a true and accurate recording of that meeting. |

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

| | | |
|--------------------------------|---|-------------------|
| CORPORATE AND COMMUNITY | | CC01-09/21 |
| Subject: | CC01-09/21 Accounts for Payment | |
| Author: | S Clarkson, A/Senior Finance Officer | |
| Responsible Officer: | P Godfrey, Manager Finance | |
| 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 August 2021.

Background:

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

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

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

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

(b) recorded in the minutes of that meeting.

Policy Implications:

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

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

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

4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2021

CC01-09/21 Attachment 1: Accounts for Payment – August 2021

Officer Recommendation:

RECOMMENDED:

That Council receives the Accounts paid during August 2021 as presented in Attachment Booklet – September 2021, represented by:

| Payment Type/Numbers | Total Amount |
|--|-----------------------|
| EFT 27718 – 27820 | \$1,074,129.24 |
| Muni Cheques – 32076 – 32076 | \$5,048.40 |
| Direct Debit – Telstra | \$2,590.35 |
| Direct Debit – WA Treasury Corporation | \$20,727.35 |
| Direct Debit – Solar Panel Repayments | \$1,947.66 |
| Direct Debit – Credit Card | \$1,884.30 |
| Direct Debit – Superannuation | \$47,076.04 |
| Grand Total | \$1,153,403.34 |

| CORPORATE AND COMMUNITY | | CC02-09/21 |
|--------------------------------|--|-------------------|
| Subject: | CC02-09/21 Monthly Financial Statements for the Period Ended 31 July 2021 | |
| Author: | P Godfrey, Finance Manager | |
| Responsible Officer: | D Chandler, A/Manager Corporate & Community | |
| File Reference: | Minute Book | |
| Voting Requirements: | Simple Majority | |

Council Role:

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- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

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

Background:

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

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

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

Officer's Comment:

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

| 31/07/2021 | YTD Budget | YTD Actual | Variance YTD to Budget |
|---------------------------|------------|------------|------------------------------|
| Operating Revenue | 105,472 | 94,323 | -11% |
| Operating Expenditure | (914,518) | (629,637) | -31% |
| Net Operating | (809,046) | (535,314) | |
| Non-Operating Revenue | 2,500 | 0 | -100% |
| Non-Operating Expenditure | (337,785) | (15,366) | -95% |
| Net Non-Operating | (335,285) | (15,366) | |
| Cash at Bank | | 1,903,661 | |
| Cash at Bank Restricted | | 362,875 | |
| Reserve Bank | | 1,481,030 | |
| Total Cash Funds | | 3,747,566 | |

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

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

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

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2021

CC02-09/21 Attachment 1: Financial Statements for the Period Ended 31 July 2021

Officer Recommendation:

RECOMMENDED:

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

| CORPORATE AND COMMUNITY | | CC03-09/21 |
|--------------------------------|--|-------------------|
| Subject: | CC03-09/21 Monthly Financial Statements for the Period Ended 31 August 2021 | |
| Author: | P Godfrey, Finance Manager | |
| Responsible Officer: | D Chandler, A/Manager Corporate & Community | |
| File Reference: | Minute Book | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

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

Background:

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

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

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

Officer's Comment:

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

| 31/08/2021 | YTD Budget | YTD Actual | Variance YTD to Budget |
|---------------------------|-------------|-------------|------------------------------|
| Operating Revenue | 6,719,556 | 6,735,261 | 0% |
| Operating Expenditure | (1,800,351) | (1,679,252) | -7% |
| Net Operating | 4,919,205 | 5,056,009 | |
| Non-Operating Revenue | 5,000 | 0 | -100% |
| Non-Operating Expenditure | (763,745) | (1,006,279) | 32% |
| Net Non-Operating | (758,745) | (1,006,279) | |
| Cash at Bank | | 1,064,684 | |
| Cash at Bank Restricted | | 362,875 | |
| Reserve Bank | | 1,481,550 | |
| Total Cash Funds | | 2,909,109 | |

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- Section 6.4 Financial report

Local Government (Financial Management) Regulations

- Section 34 Financial activity statement report provides as follows:

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

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

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2021

CC03-09/21 Attachment 1: Financial Statements for the Period Ended 31 August 2021

Officer Recommendation:

RECOMMENDED:

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

| | | |
|-----------------------------|---|--------------------|
| OFFICE OF CEO | | CEO01-09/21 |
| Subject: | CEO01-09/21 Chief Executive Officer Performance Review Panel | |
| Author: | N M’Leane, Development & Executive Officer | |
| Responsible Officer: | M Smith, Shire President | |
| File Reference: | 4.00141 | |
| Voting Requirements: | Simple Majority | |

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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To appoint a panel of Elected Members to conduct the CEO Performance Review on behalf of Council.

Background:

In accordance with the *Local Government Act 1995*, the Shire of Irwin (the Shire) is required to conduct a review of the performance of the Chief Executive Officer (CEO) if the CEO is employed for a term of more than one year.

The Shire of Irwin’s CEO Shane Ivers was appointed by Council in May 2019. In October 2019, Council conducted an Interim Performance Review with the guidance of external consultants, LG People & Culture.

A review was planned for October 2020, however, was postponed due to the COVID-19 Pandemic.

To support Council with this year’s Performance Review, the Shire has engaged John Philipps Consulting to facilitate the process.

Officer’s Comment:

It is recommended Council appoint a panel of Elected Members to perform the CEO Performance Review on behalf of all Councillors.

It is recommended the CEO Performance Review Panel consists of the panel members that were appointed to the Chief Executive Officer Recruitment Advisory Group at the 2 February 2021 Special Council Meeting, Minute Reference S020219. These members being M Smith (Shire President), B Wyse (Deputy Shire President) and I Scott (Councillor).

Councillors not appointed to the CEO Performance Review Panel will be invited to attend the sessions associated with the CEO Performance Review as observers and will be provided the opportunity to provide feedback to the Panel. All Councillors have been invited to complete a survey as part of the review process.

Consultation:

John Phillips Consulting

Statutory Environment:

Local Government Act 1995

Section 5.38. Annual review of employees' performance

- 1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- 2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- 3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

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

Strategy 4.3.3 Adopt and follow better practice processes.

Attachments:

Nil.

Officer Recommendation:

RECOMMENDED:

That Council appoint M Smith (President), B Wyse (Deputy President) and I Scott (Councillor) to the CEO Performance Review Panel and conduct the review on behalf of Council.

| | | |
|---|--|-------------------|
| INFRASTRUCTURE & DEVELOPMENT | | ID01-09/21 |
| Subject: | ID01-09/21 Delegated and Authorised Actions for August 2021 – Development | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | 3.00125 | |
| Voting Requirements: | Simple Majority | |

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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To 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 August 2021 to 31 August 2021.

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

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2021

ID01-09/21 Attachment 1: Table of Delegated Actions for August 2021, Development

CONFIDENTIAL Attachment Booklet – September 2021

ID01-09/21 Attachment 2: Detailed Table of Delegated Actions for August 2021, Development

Officer Recommendation:

RECOMMENDED:

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

| | | |
|---|--|-------------------|
| INFRASTRUCTURE & DEVELOPMENT | | ID02-09/21 |
| Subject: | ID02-09/21 Proposed Outbuilding at Lot 567 (#109) Northshore Drive, Dongara | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | P1131, A8678 | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

Report Purpose:

For Council to consider the proposed outbuilding at Lot 567 (#109) Northshore Drive, Dongara.

Background:

The Shire received a Development Application for an outbuilding at Lot 567 (#109) Northshore Drive, Dongara on 30 June 2021.

The subject property is 954sqm within the Residential R12.5 Zone, located in the far northern end of the Northshore Estate. A dwelling exists on the property.



The owner is seeking approval for an outbuilding at their property with the summarised characteristics:

- 70sqm floor area
- 3.2m wall height
- 4.2m ridge height
- 0.5m side setback
- 1m rear setback

The proposal required a Development Application due to exceedance to the maximum floor area, maximum wall height and reduction to the minimum side and rear setbacks. The justification provided by the owner for the increased height is to provide clearance to garage an off-road caravan.

The owner originally proposed an outbuilding with a wall height at 3.7m and ridge height at 4.64m.

Officer’s Comment:

An assessment summary in respect to Clause 5.4.3 of the R-Codes has been tabled below, with additional comments to the relevant criteria further below:

| Development Criteria | Prescribed | Proposed | Complies with Deemed to Comply – Yes/No |
|-------------------------|--------------|----------------|---|
| Maximum Floor Area | 60sqm | 70sqm | No |
| Maximum Wall Height | 2.4m | 3.2m | No |
| Maximum Ridge Height | 4.2m | 4.2m | Yes |
| Setback minimum – front | 7.5m | 32m | Yes |
| Setback minimum – rear | 1.1m | 1m | No |
| Setback minimum – side | 1.5m | 0.5m | No |
| Minimum Open Space Area | 55% (524sqm) | Approx. 624sqm | Yes |

Maximum Floor Area

The applicant seeks a minor exceedance to the maximum prescribed floor area. In respect to the Design Principle for outbuildings, the 10sqm increase in floor area is minor and it is considered this variation would not detract from the streetscape amenity or result in visual amenity impacts on neighbouring properties. The size configuration is not too dissimilar to a standard 6x10m domestic outbuilding that is within the prescribed floor area requirement.

Building Height

The most significant variation sought with the proposal is in relation to the wall height. The applicant seeks to raise the wall height up to 3.2m to provide a 3m clearance for an off-road caravan or similar. The application initially submitted proposed an outbuilding with a 3.7m wall height and 4.64m ridge height, which was referred to surrounding landowners with no objections received.

Following the referral period, the Shire liaised with the applicant raising concerns of the additional heights sought and the lack of justification to what was proposed. The applicant investigated the heights needed (in particular clearance height) and was able to reduce the wall and ridge height. The ridge height proposed now fits within the prescribed maximum of 4.2m (with no increase in existing ground levels) and the wall height being reduced.

The rear location and north-south orientation of the outbuilding assists with partially shielding the outbuilding from public view. Currently the outbuilding would appear more exposed due to the vacant properties to the west of the site, however with development of these lots, the location and size proposed would not be out of character or intrusive.

Minimum Setbacks

The applicant seeks minor variations to the rear and side setbacks. There are no incidental associated impacts with the reduced setbacks such as overshadowing due to the lot orientation to the neighbouring lots to the west. There is potential for visual amenity impact with the associated bulk of the higher wall height compounded with a reduced side setback which faces the rear boundary of neighbouring lot 570 which is currently vacant. No submissions were received during neighbour consultation indicating there to be no perceived impacts for the proposed reduced side setback. The reduced setbacks are a minor variation with no perceived detrimental impacts to the prescribed requirements.

Concluding Statement

The assessment reveals the major aspect to be determined as meeting the Design Principle is the increased wall height proposed. The amended proposal reduces the amenity concerns of bulk and scale, lowering both wall and ridge heights by 0.5m, which is considered to now not impact the streetscape amenity. This position takes into account the factors of sighting on the property, surrounding property characteristics and the existing development on the property.

It is recommended the outbuilding be approved.

Consultation:

The initial proposal was advertised to adjoining or nearby landowners in accordance with the R-Codes. One submission was received in support of the proposal.

The revised proposal for a reduced height was not referred again to neighbouring properties due to any likely or perceived impact from the revision now being lessened/reduced.

Statutory Environment:

Shire of Irwin Local Planning Scheme No. 5

Outbuildings in the Shire are subject to Clause 5.18. The Development Requirements specific to outbuildings in the Residential Zone is “as per the Residential Design Codes”.

State Planning Policy 7.3 Residential Design Codes (R-Codes)

Clause 5.4.3 of the R-Codes prescribes the development criteria for outbuildings in residential areas that are subject to an R-Code (i.e. R2.5 or R12.5). A Development Application is required where a proposal does not meet the Deemed to Comply criteria. Where this is the case, the proposal is then assessed against the relevant Design Principle to determine its suitability. Part 2 of the R-Codes covers this application and assessment process.

Part 5

5.4 Building design

Objectives

(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.

| Design principles Development demonstrates compliance with the following design principles (P) | Deemed-to-comply Development satisfies the following deemed-to-comply requirements (C) | | | |
|---|--|--|----------------------|--|
| 5.4.3 Outbuildings | | | | |
| P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | 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). <table border="1" data-bbox="820 1798 1463 2134"> <tr> <td data-bbox="820 1798 1043 2134">A. Small outbuilding</td> <td data-bbox="1043 1798 1463 2134"> (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 </td> </tr> </table> | | A. Small outbuilding | (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m ² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street |
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| | <p>Notes:</p> <p>i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.</p> <p>ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.</p> <p>iii. There are separate building code requirements that may also apply.</p> | | |

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027
 Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2021
 ID02-09/21 Attachment 1: Development Application Plans

Officer Recommendation:

RECOMMENDED:

That Council grants Development Approval for the proposed outbuilding at Lot 567 (#109) Northshore Drive, Dongara subject to the following conditions and advice notes:

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 other condition of this approval.**
- 2. The finished floor level of the outbuilding shall be at the current ground level or lower.**
- 3. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Irwin.**
- 4. The outbuildings shall be constructed or pre-painted with Colorbond (or similar product). The use of zincalume is not permitted.**
- 5. 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 human habitation, commercial or industrial uses.**
- 6. 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

- 1. 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.**
- 2. 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.**
- 3. 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.**
- 4. The Western Australian Building Act 2011 requires a Building Permit to be obtained from the Shire before any work commences on the site.**
- 5. It is the landowners responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.**

9.2. Committee Reports

Nil.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14. CLOSURE