



AGENDA

and

Notice of Ordinary Council Meeting

to be held on

Monday 11 December, 2023

in the

Council Chambers

11-13 Waldeck Street, Dongara

5.00pm – Agenda Briefing Session

5.30pm – 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 2023 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, commencing at **6.00pm**.

DATES	
28 February 2023	27 July 2023
28 March 2023	22 August 2023
26 April 2023	26 September 2023
23 May 2023	24 October 2023
27 June 2023	28 November 2023
	11 December 2023

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

11 December 2023

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor H M Palmer	
Councillor A J Gillam	
Councillor E Tunbridge	
Councillor P Summers	

Staff

Mr S D Ivers	Chief Executive Officer
Mr M Connell	Manager Development
Mr P Bracegirdle	Manager Community Services
Mr M Jones	Acting Manager Operations
Ms C Bates	Acting Executive Assistant

Guests

Apologies

Miss P Machaka	Manager Finance
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Approved Leave of Absence

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Terry Domico, Clementina Road, Dongara

Requested to present to Council in the new year.

Response: The Shire administration will be in contact to organise a suitable time for Terry to present to Council in the new year.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 28 November 2023

A copy of the previous Minutes of the Ordinary Council Meeting have been provided to all Councillors under separate cover

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 28 November 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.
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8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-11/23
Subject:	CC01-12/23 Accounts for Payment – November 2023	
Author:	S Clarkson, Senior Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

Council Role:

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

Report Purpose:

For Council to receive the list of accounts paid under delegated authority during November 2023.

Background:

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

Officer’s Comment:

Nil

Consultation:

Nil

Statutory Environment:

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

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

- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

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

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – December 2023

CC01-12/23 Attachment 1: Accounts for Payment – November 2023

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority, receives the Accounts paid during November 2023 as contained in CC01-12/23 Attachment 1 of the Attachment Booklet – December 2023, represented by:

Payment Type/Numbers	Total Amount
EFT 31227 – 31388	\$1,172,486.57
Muni Cheques – 32172 – 32178	\$12,326.15
Direct Debit – Telstra	\$3,638.62
Direct Debit – WA Treasury Corporation	\$65,350.56
Direct Debit – Credit Card	\$18,338.70
Direct Debit – N-Able Pty Ltd	\$1,009.16
Direct Debit – Australian Phone Company	\$1,081.91
Direct Debit – Insurance Premium Repayments	\$54,988.22
Direct Debit – Rental Allowance	\$1,800.00
Direct Debit – Superannuation	\$54,136.79
Grand Total	\$1,385,156.68

CORPORATE AND COMMUNITY		CC02-12/23
Subject:	CC02-12/23 Monthly Financial Statements for the Period Ended 30 November 2023	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

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Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to 30 November 2023.

Background:

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

31/10/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,975,106	8,172,699	2%
Operating Expenditure	(4,320,097)	(4,558,258)	6%
Net Operating	3,655,009	3,614,441	
Non-Operating Revenue	100,819	94,297	-6%
Non-Operating Expenditure	(2,461,833)	(1,141,898)	-54%
Net Non-Operating	(2,361,014)	(1,047,601)	
Muni Cash at Bank		4,396,592	
Cash at Bank Restricted		704,727	
Reserve Bank		1,624,204	
Total Cash Funds		6,725,522	

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 -*

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- budget estimates to the end of the month to which the statement relates;*
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- 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 -*

- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
- 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 – December 2023

CC02-12/23 Attachment 1: Financial Statements for the Period Ended 30 November 2023.

Officer Recommendation:

RECOMMENDED:
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 30 November 2023 as contained in Attachment Booklet – December 2023.

CORPORATE AND COMMUNITY		CC03-12/23
Subject:	CC03-12/23 Community Assistance Scheme and Events Committee – Community Members	
Author:	F Boksmati, Community Development Officer	
Responsible Officer:	P Bracegirdle, Manager Community Services	
File Reference:	3.0016	
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.
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Report Purpose:

For Council to consider appointing two (2) community members to join the Community Assistance Scheme and Events (CASE) Committee.

Background:

The role of the CASE committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary guidelines approved annually by Council. The CASE committee also discuss and provide recommendations to event organisers to stimulate and encourage projects, events or activities to meet the needs of the community and offer the best opportunity to provide economic benefits and potential to market Dongara and Port Denison outside the Shire.

The CASE Committee Terms of Reference for Community Members states that the CASE committee will consist of up to five members and that membership will be:

- Manager, Community Services
- 2 x Elected Members; and
- 2 x Community Members.

The CASE Committee Terms of Reference for Community members also states that the tenure of the committee will be in accordance with Section 5.11 of the Local Government Act (1995) and that membership of the committee continues until;

- The person no longer holds office by virtue of which the person became a member;
- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary elections day, whichever happens first.

At the October 2023 Ordinary Council Meeting, Cr Palmer and Cr Tunbridge were reappointed as the CASE committee delegates.

The Community Development Officer (CDO) then commenced advertising for Expressions of Interest (EOI) to fill the two (2) vacant committee positions held by community members. Three (3) EOIs were received with one (1) EOI being formally rescinded on 31 October 2023. The two (2) EOIs from the remaining candidates are now being presented to Council for review.

The candidates are:

- Mrs Ann Heitman (current committee member re-nominated)
- Mrs Steph Bligh-Lee (new)

Officer’s Comment:

To ensure transparency, the candidates have been presented to Council to consider and appoint. Given the suitability of the expressions of interest received and given that only two expressions of interest have been submitted, it is recommended that these community member vacancies be filled unopposed.

Consultation:

Public Notice for Expressions of Interest to fill the two vacant committee positions held by community members.

Statutory Environment:

Local Government Act 1995

- Section 5.8 Establishment of committees

Policy Implications:

C7 Financial Assistance Funding Policy

Community Assistance Scheme and Events Committee – Terms of Reference for Committee Members

Financial/Resource Implications:

At the August Ordinary Council Meeting, Council adopted the 2023/24 budget including a \$30,000 allocation to the Community Assistance Scheme. The CASE committee will make recommendations to Council for the expenditure of this allocation and for future budget allocations.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 - 2031

- 1.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors)
- 1.2 Arts, culture, heritage and recreation are valued
- 1.2.2 Support *the strong sporting culture that shapes the Shire of Irwin’s identity and lifestyle*
- 1.2.3 Support *community-initiated projects and activities*
- 4.1.1 Enhance the Shire’s profile through marketing initiatives and community engagement

Attachments:

Attachment Booklet – December 2023

CC03-12/23 Attachment 1: 2023 CASE Committee EOI Candidate Profiles

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority, appoint Ann Heitman and Steph Bligh-Lee as the CASE Committee Community Members for a term of two (2) years or in line with the Local Government Ordinary Election, expiring October 2025.

DEVELOPMENT SERVICES		ID01-12/23
Subject:	ID 01-12/23 Delegated Authority Report – Development, November 2023	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

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Report Purpose:

For Council to receive the Delegated Authority Report – Development, November 2023

Background:

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire.

The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Officer’s Comment:

This report presents the details of development functions made under delegated authority for the month of November 2023, with 13 building permits and 3 applications for development approval having been issued.

Consultation:

Nil.

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

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 – December 2023

ID01-12/23 Attachment 1: Delegated Authority Report – Development, November 2023

Officer Recommendation:

RECOMMENDED:

That Council by Simple Majority, receives the Delegated Authority Report – Development, November 2023 as contained in ID01-12/23 Attachment 1 of the Attachment Booklet – December 2023.

DEVELOPMENT SERVICES		ID02-12/23
Subject:	ID 02-12/23 Draft 'Advertising Applications for Development Approval' local planning policy	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00081	
Voting Requirements:	Simple Majority	

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Report Purpose:

For Council to advertise a draft 'Advertising Applications for Development Approval' local planning policy.

Background:

The deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*, stipulates the minimum requirements when advertising is required for an application for development approval. The intent of the policy is to further detail the standards for advertising.

The need to advertise is based firstly on any legislative requirement and then the degree to which the application impacts the adjoining land or on other land in the locality.

Officer's Comment:

The objectives of this policy are to provide a consistent and transparent approach to advertising applications which meets the statutory requirements and to assist in the management of stakeholder expectations in relation to the advertising process and the handling of submissions.

The policy details when no advertising is required; advertising to owners / occupiers; advertising to the locality and advertising Shire wide. It also details the requirements of submissions and costs associated with advertising.

The draft policy is contained in ID02-12/23 Attachment 1.

Consultation:

Local planning policies are required to be publicly advertised for a period of not less than 21 days in accordance with the requirements of Part 2, Division 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Statutory Environment:

Part 2, Division 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for the making, amending and revoking of local planning policies.

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.

Attachments:

Attachment Booklet – December 2023

ID02-12/23 Attachment 1: Draft 'Advertising Applications for Development Approval' local planning policy

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority:

- 1. Advertise the draft 'Advertising Applications for Development Approval' local planning policy as contained in ID02-12/23 Attachment 1 of the Attachment Booklet – December 2023.**
- 2. Proceed with the draft 'Advertising Applications for Development Approval' local planning policy as contained in ID02-12/23 Attachment 1 of the Attachment Booklet – December 2023 should no objections be received following the advertising period.**
- 3. Should any objections be received following the advertising period then require a further report to be presented to Council.**

REGULATORY SERVICES		ID03-12/23
Subject:	ID 03-12/23 Proposed Holiday Accommodation – Lot 502 (No. 3b) Osborne Way, Port Denison	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1316 – A2191	
Voting Requirements:	Simple Majority	

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Report Purpose:

For Council to determine an application for development approval for a ‘Holiday Accommodation’ on Lot 502 (No. 3b) Osborne Way, Port Denison.

This report recommends conditional approval of the application.

Background:

The Shire has received an application for development approval for a ‘Holiday Accommodation’ on Lot 502 (No. 3b) Osborne Way, Port Denison.

The site is approximately 1.4km south of the Dongara town centre, 1.2km north of the Port Denison Marina and 600m west of the Indian Ocean.

The site contains 2 dwelling units. Unit No. 3a is located at the front of the site with unit 3b (the subject of the application) located to the rear. An outbuilding is also located at the rear of the site however will not be available for use by holiday patrons.

The front unit 3a has been tenanted for some 13 years and the resident has verbally advised that they are fully supportive of the application.

Proposal

The application seeks approval to utilise the existing 2 bed, 1 bath rear residential unit for holiday accommodation purposes which can accommodate up to a maximum 6 guests. Although it will be advertised predominantly for 4 guests with the additional 2 guests able to be accommodated with a sofa bed.

The local company ‘Dongara Holiday Homes’ will be managing the property on behalf of the owners. 2 uncovered car parking bays are available via the sealed driveway and there is room for boat/trailer parking in a tandem arrangement. No parking is proposed on the verge.

The application for development approval is contained in ID03-12/23 Attachment 1 and the following is an outline of the application.

Applicant / Owner	Donna and Lawrie Cooper
Local Planning Scheme No. 5	'Residential R12.5' zoning
Use Class and Permissibility	Holiday Accommodation – 'A' use
Structure Plan/Precinct Plan	Dongara – Port Denison District Structure Plan
Lot Size	1,061m ²
Existing Land Use	Grouped Dwelling (2 units)
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



Officer's Comment:

In considering an application for development approval, cl. 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a local government to have due regard to the following matters that are relevant to the application as detailed below.

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area

The following aims and provisions of the Shire of Irwin Local Planning Scheme No. 5 (LPS5) are relevant to this application:

1.6 The Aims of the Scheme

- b) to ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- c) to provide housing choice and variety with a community identity and high levels of amenity.
- d) to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial entertainment and tourist developments as well as providing opportunities for home based employment.
- h) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

4.2 Objectives of the Zones

4.2.1 Residential Zone

- 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 objectives of the 'Residential' zone do acknowledge that non-residential uses may be permitted in the zone provided they do not compromise the amenity of the area.

It is considered that the application will not compromise the objectives of the zone given the small size and scale of the development (a 2 bedroom unit) and the fact that the application does not involve any change to the existing built form or external appearance of the existing residential building.

4.3 Zoning Table

The application seeks approval for a 'Holiday Accommodation' use class which is defined as:

Holiday accommodation means premises used for short stay accommodation and recreation for holiday purposes but does not include a hotel, motel, bed and breakfast or caravan park.

The Zoning Table of LPS5 lists 'Holiday Accommodation' as an 'A' use under the 'Residential' zone which means that the use is not permitted unless the local government exercises its discretion after advertising the application.

(fa) any local planning strategy for this Scheme endorsed by the Commission

The Shire of Irwin Local Planning Strategy sets out the long-term planning directions for the Shire and guides land use planning over the next 20 years. Tourism is seen as a significant opportunity for the Shire given its coastal location and the Strategy has specific actions to allow for discretionary approval of holiday homes in residential area.

(m) the compatibility of the development with its setting, including –

- (i) the compatibility of the development with the desired future character of its setting; and

(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

The compatibility of the development with its setting will not change as the application does not involve any change to the existing built form or external appearance of the existing residential building.

(n) the amenity of the locality including the following –

(i) environmental impacts of the development;

(ii) the character of the locality

(iii) social impacts of the development

Amenity is defined as *all of those factors which combine to form the character of an area and include the present and likely future amenity.*

It is acknowledged that loss of amenity was raised by submissions and those views are something that Council must balance on the evidence and the application before it. However, in the assessment of the amenity impacts of the application, a distinction must be drawn between what people perceive the impacts of the development will be and the reality of those impacts. It is perfectly reasonable for people to hold particular views, however the mere perception of a loss of amenity is insufficient reason to refuse an application and there must be a real and genuine prospect that the apprehensions expressed in the submissions are more likely than not to eventuate.

The loss of amenity (by social impacts) are considered very minimal for the following reasons:

- The development will be managed by a reputable local company with extensive experience in managing holiday rentals. They have advised that in their 20 years experience they have never had any anti-social issues with their other properties.
- The applicant has provided a management plan that satisfactorily addresses the management commitments in addressing any issues.
- The front unit is tenanted permanently which will also aid in management of the premises and alerting in a timely manner of any issues that arise.

In terms of added security it is recommended that a condition be placed on the approval requiring a diving fence be installed between the site and the adjacent Lot 501 (No. 5) Osborne Way to the west.

It is also recommended that a sign be installed at the front of the site that provides contact details of the manager so that any issues can be reported.

Given the management plan that has been provided with the application and the compatibility of the development with its setting, the likelihood of the application resulting in a loss of amenity is considered negligible and can be managed through the imposition of conditions on the approval.

(s) the adequacy of –

(i) the proposed means of access to and egress from the site

(ii) arrangement for the loading, unloading, manoeuvring and parking of vehicles

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety

Access and egress to the site is proposed from the existing sealed driveway. The development includes the provision of 2 uncovered car parking bays and there is room for boat/trailer parking in a tandem arrangement. No parking is proposed on the verge and a condition is recommended on the approval to enforce this.

Concerns were raised regarding the impact of increased traffic on nearby residents and the safety of reversing a boat/trailer, however it is considered that the scale of the development is such that it would pose no additional traffic issues than what would normally be associated with a residential dwelling.

(x) the impact on the development on the community as a whole notwithstanding the impact of the development on particular individuals

Concerns were raised that the use of the property should be for long-term rentals as there is a lack of this type of accommodation in the area.

Whilst the issue of a lack of long-term rental accommodation is acknowledged, it must be noted that this matter is not a relevant planning consideration in itself. It can only be considered in the context of whether this particular application will have a detrimental effect on the community as a whole. Any impact a 2 bedroom holiday accommodation unit in itself would have on the community as a whole is negligible.

(y) any submissions received on the application

The submissions received are discussed in the 'Consultation' section of this report.

Conclusion

Overall, it is assessed that the application has appropriately responded to those relevant matters as prescribed in cl. 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Council has no control over who will actually utilise the accommodation and indeed there is a reality that noise and social impacts may be present whether the property is tenanted short or long-term. It should also be acknowledged that there is more control over short-term tenants as they can be removed immediately whereas in the case of long-term tenants they are covered by the *Residential Tenancies Act 1987*.

Similar to a home business it is recommended that a condition be placed on the approval requiring the annual renewal of the application. Should it be substantiated that the holiday accommodation is not being appropriately managed, and issues not quickly dealt with, then the Shire can choose not to renew the application.

It is considered that the application complies with the planning framework applicable to the site and the requirements of orderly and proper planning. Conditional approval is therefore recommended.

Consultation:

The application was advertised in accordance with the cl. 64(1)(a) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The advertising involved the following:

- A copy of the application was made available for public inspection at the Shire office;
- The application was published on the Shire's website; and
- A written notice was sent to adjoining landowners within approximately 100m of the site.

In response to the advertising a total of 2 public submissions were received objecting to the application. A copy of the public submissions is contained in ID03-12/23 Confidential Attachment 2 along with the responses by the applicant to the issues raised.

The key relevant planning issues raised in the submissions are summarised below. All submissions have been given due regard and are discussed in further detail in the 'Officer's Comment' section of this report.

- Traffic
- Amenity
- Anti-Social Behaviour
- Loss of Property Value

With regard to the property values, it must be noted that property value is not a relevant planning consideration in itself. In essence the issue for consideration by Council is not whether a proposed development will adversely impact on the value of adjoining property but whether the development will have an adverse impact on the amenity of the locality overall.

Statutory Environment:

In accordance with cl. 68 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government may grant development approval with or without conditions or refuse the application.

Policy Implications:

Nil.

Financial/Resource Implications:

Nil, however costs may be imposed on the Shire should the applicant/owner review Council's decision through the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.1 Continuously improve approval processes.

Attachments:

Attachment Booklet – December 2023

ID03-12/23 Attachment 1: Application for Development Approval

Confidential Attachment Booklet – December 2023

ID03-12/23 Confidential Attachment 2: Public Submissions and Responses

Officer Recommendation:

RECOMMENDED:

That Council, approves the application for development approval for a 'Holiday Accommodation' on Lot 502 (No. 3b) Osborne Way, Port Denison subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.**
 - **Site Plan**
 - **Car Parking Plan**
 - **Floor Plan**
- 2. The development approval is valid for a period of 12 months from the date of determination, after which the further renewal of the development approval by the Shire is required annually. It is the responsibility of the landowner/proponent to apply in good time before expiration, and the Shire will not automatically renew the development approval.**
- 3. Prior to commencement of the use a sign shall be erected on-site being clearly visible from the street that has the managers name and contact details. Signposting is limited to one sign not exceeding 0.2m² (i.e. 1.0m x 0.2m) on the property frontage with the height of the sign from ground level not exceeding 1.5m.**
- 4. The landowner/proponent is responsible to ensure that all parking of vehicles (including boats and trailers) associated with the guests are to be provided for within the property boundary and the street verge area is to be kept free of such vehicles.**
- 5. The holiday accommodation is restricted to a maximum of 6 guests only at any one time.**

- 6. Prior to commencement of the use a dividing fence is to be installed between Lots 501 and 502 Osborne Way, Port Denison.**
- 7. The landowner/proponent from time to time is responsible to ensure that all activities and processes associated with the development are carried out at all times and in all respects in accordance with the Management Plan prepared by Dongara Holiday Homes as lodged with the Shire.**

OFFICE OF CEO	CEO01-12/23
Subject:	CEO 01-12/23 Irwin Arrowsmith Advisory Council Funding
Author:	S Ivers, Chief Executive Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0271
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:

For Council to approve expenditure from the 2023/24 Budget to successfully establish the Irwin Arrowsmith Advisory Council (IAAC) and seek reimbursement after it is operational.

Background:

Council approved expenditure of up to \$100,000 at the August 2023 Ordinary Council meeting from the 2023/24 Budget to establish and operate the Irwin Arrowsmith Advisory Council (IAAC).

Officer’s Comment:

One of the key objectives of the Irwin Arrowsmith Advisory Council (IAAC) is through good governance to engage and build enduring relationships with the local community that is based on mutual respect and long-term commitment. The IAAC will also focus on critical infrastructure, environmental leadership, support building a skilled workforce and working with First Nations.

Whilst not the primary objective, the IAAC objectives align well with potential funding opportunities that can benefit both the Arrowsmith precinct and the local regional community. An example is the Australian Government’s \$400 million regional Precincts and Partnerships Program (rPPP). This program seeks to support investment into regional Australia based on a number of principles including growing economies and serving communities. A key differentiator of the rPPP is that it focuses on a partnership approach between governments and communities. There are two grant streams where the first stream is grants of between \$500,000 to \$5 million for precinct development and planning. The second stream is grants between \$5 million and \$50 million to enable precinct delivery. It could be enabling infrastructure (roads, pathways, underground infrastructure), public infrastructure, or open spaces between elements or a particular building that activates other investment.

At the August 2023 Ordinary Council meeting, it was recommended that the Shire initially funds the establishment of the IAAC with the view that the Shire is reimbursed once the IAAC is operational. To complete the formation of the IAAC, expenditure is likely to exceed the Council approved \$100,000 and approval is sought for a further \$50,000 with a reimbursement date for the total amount before 31 December 2024 once it is operational.

The IAAC expenditure to date has primarily focused on workshops facilitated by Ernst & Young regarding critical infrastructure including power transmission, water, roads, workers accommodation and a temporary port. Some of the key points from the workshops:

- Power transmission – whilst at the same time acknowledging the hard work of others, the IAAC was able to recently lodge a Registration of Interest to Western Power and believe that this submission did play a role in securing the recently announced \$80 million by the State Government for the initial assessment work for a potential 1.8 GW upgrade from Perth to Geraldton.
- Water – with a possible water shortage looming in the Midwest region, the IAAC has been working on a water supply solution for Arrowsmith and the potential for a desalination plant with the longer-term view that this could assist domestic needs into the future.
- Roads – there is an opportunity to introduce an improved road network in the Arrowsmith region that would allow communities in other Shire's to participate in possible Arrowsmith employment opportunities. Improved roads would also support proposed construction activities and grain/freight transportation.
- Workers accommodation – an immediate need to allow tourists back into town by industry providing the right balance of accommodation for its workers through a variety of strategies including the option for dedicated workers accommodation.

The workshops done to date are critical to enable a rPPP funding submission. It is anticipated that the formation of the IAAC will be completed early 2024 followed by a submission for rPPP funding of up to \$5 million to progress further development and planning. If successful with the first stream of rPPP funding, the IAAC will then progress an application for the second stream of funding of up to \$50 million to progress precinct delivery. The appropriate consultation will take place to enable the funding submissions.

Consultation:

IAAC thematic workshops facilitated by Ernst & Young.

Statutory Environment:

Local Government Act 1995

Regional Development Commissions Act 1993

Policy Implications:

CP20 - Purchasing

Financial/Resource Implications:

The funds are to be sourced from municipal funds and the 2023/24 Budget amended accordingly during the Budget Review process to account for this expenditure in the first instance. The Shire is then to seek reimbursement of \$150,000 from the Irwin Arrowsmith Advisory Council industry members for this expenditure before 31 December 2024 and after the IAAC is operational.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Attachments:

Attachment Booklet – December 2023

CEO01-12/23 Attachment 1: OCM Minutes 22 August 2023 Confirmed

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority;

- 1. Approves expenditure from the 2023/24 Budget of \$50,000 for the reasons outlined in this report to continue to establish and operate the Irwin Arrowsmith Advisory Council.**
- 2. Given the unique nature of supply, approves sole sourcing the provisions of specialist services from Ernst & Young to the value of \$95,000 excluding GST.**
- 3. Authorises the Chief Executive Officer to seek reimbursement of up to \$150,000 from the Irwin Arrowsmith Advisory Council industry members to recover Shire expenditure before 31 December 2024.**

OFFICE OF CEO	CEO02-12/23
Subject:	CEO 02-12/23 2022/23 Annual Report and Auditor’s Report
Author:	Patience Machaka, Manager Finance
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00337
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:

For Council to consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2023.

Background:

The *Local Government Act 1995* requires local governments to prepare and accept, by absolute majority, an Annual Report for each financial year by no later than 31 December after that financial year. The presentation of the Annual Report to Council has been delayed due to the timing of the annual performance audit and receipt of the audited financial statements.

The *Local Government Act 1995* also requires local governments to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from Auditors. It is therefore proposed to hold the Annual Electors’ Meeting on Monday 5 February 2024 directly before the Ordinary Council Meeting.

Officer’s Comment:

The 2022/23 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is presented as an attachment for Councillors’ perusal, consideration and acceptance. The report contains the audited annual financial statements and highlights the Shire of Irwin’s achievements throughout 2022/23.

The Shire of Irwin’s auditors, Pitcher Partners, on behalf of the Office of the Auditor General, have completed an audit of the annual financial statements for the year ended 30 June 2023. The audit report and management letter have been provided to the Shire President and CEO. Pitcher Partners and OAG presented their 2022-23 Audit findings to the Shire of Irwin Audit Committee on 28 November 2023 and Financial Statements, Management Letter and Audit Opinion were provided to the Audit Committee on 11 December 2023, prior to the Ordinary Council Meeting.

Consultation:

Once the 2022/23 Annual Report has been accepted by Council, the Shire is required to give local public notice of the availability of the report as soon as practicable.

Statutory Environment:

Local Government Act 1995

- Section 5.53
- Section 5.27
- Section 5.29
- Section 7.2
- Section 7.12A

Local Government (Administration) Regulations 1996

- Regulation 19B

Local Government (Audit) Regulations 1996

- Regulation 10

Policy Implications:

Nil.

Financial/Resource Implications:

There are no financial or budget implications.

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 – December 2023

CEO02-12/23 Attachment 1: 2022/23 Annual Report

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority;

- 1. Receives the Audit Report from the Office of the Auditor General for the year ending 30 June 2023;**
- 2. Accepts the 2022/23 Annual Report as presented in Attachment Booklet – December 2023;**
- 3. Holds the Annual Electors' Meeting at 5.00pm on Monday 5 February 2024 in the Shire of Irwin Council Chambers; and**
- 4. Holds the 5 February 2024 Ordinary Council Meeting in the Shire of Irwin Council after the Annual Electors' meeting.**

9.2. Committee Reports

The minutes of the Audit Committee meeting to be held Monday 11 December 2023 are to be published and distributed to Council Members immediately before this meeting and then to be formally received at this meeting.

- 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**