



MINUTES

of the

Ordinary Council Meeting

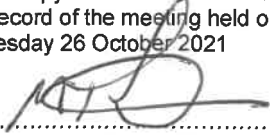
held

Tuesday 26 October, 2021

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 26 October 2021

Signed: .....
Presiding Elected Member

Date: 23-11-21.....

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

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Gallery

J Arden, Premier Circle
R Murray, Ocean Drive

3. ELECTION OF SHIRE PRESIDENT

The CEO advised he had received one (1) written nomination prior to the meeting for the office of Shire President as follows:

1. Cr Barry Wyse nominated Cr Michael Smith with Cr Smith indicating his consent to the nomination.

An invitation for any further nominations was announced and, as no other nominations were forthcoming, the nomination period was declared closed by the CEO.

With only one (1) nomination received, Cr Smith was declared elected unopposed to the office of Shire President for the Shire of Irwin for the ensuing two (2) years.

Cr Smith made his declaration as Shire President, before Mr Stuart Chandler JP, being an authorised person under the *Local Government Act 1995*. Cr Smith then assumed the chair on the podium to the right of the CEO.

4. ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President requested the CEO carry out the process for the election of Deputy Shire President.

The CEO advised he had received one (1) written nomination prior to the meeting for the office of Deputy Shire President as follows:

1. Cr Barry Wyse nominated Cr Isabelle Scott with Cr Scott indicating her consent to the nomination.

An invitation for any further nominations was announced and, as no other nominations were forthcoming, the nomination period was declared closed by the CEO.

With only one (1) nomination received, Cr Scott was declared elected unopposed to the office of Deputy Shire President for the Shire of Irwin for the ensuing two (2) years.

Cr Scott made her declaration as Deputy Shire President before Mr Stuart Chandler JP, being an authorised person under the *Local Government Act 1995*. Cr Scott then assumed the chair on the right of the Shire President.

Mr Stuart Chandler JP, left the meeting at 6.09pm.

The Shire President addressed all those in attendance as follows:

Thank you for your confidence in me to continue in the role of Shire President for the next 2 years, I have not taken on this role lightly. I accepted the nomination for Shire President because of the support shown by Council over the last two years in my decisions and I feel very pleased with the people I have around me including the quality staff in our administration.

Thank you, Cr Isabelle Scott, for stepping up to the role of Deputy Shire President this year and thank you to Cr Barry Wyse for your support over the last two years.

We need to keep this ship sailing in the right direction and I look forward to continuing with the work we have started.

5. COUNCILLOR SEATING ALLOCATION

The Councillor seating allocation (starting from the right of the Deputy Shire President's Chair) was allocated by random draw.

Seat 1: Cr Leonard

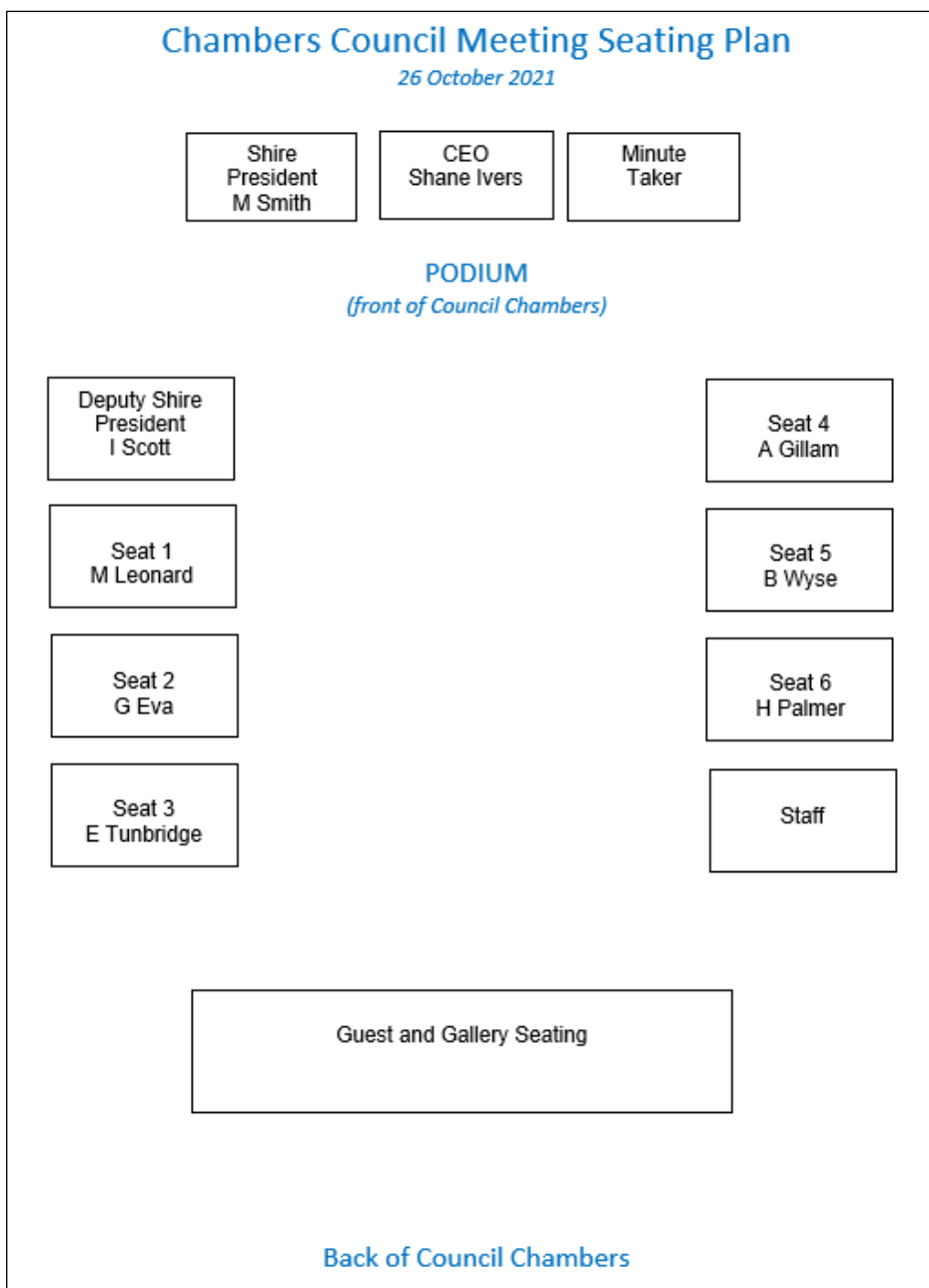
Seat 2: Cr Eva

Seat 3: Cr Tunbridge

Seat 4: Cr Gillam

Seat 5: Cr Wyse

Seat 6: Cr Palmer



6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. PUBLIC QUESTION TIME

Nil.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9. PETITIONS AND DEPUTATIONS

Nil.

10. CONFIRMATION OF MINUTES

10.1. Minutes of the Ordinary Council Meeting held 28 September 2021

A copy of the minutes of the 28 September 2021 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 011021:

MOVED: Cr Palmer

SECONDED: Cr Leonard

That the Minutes of the Ordinary Council Meeting, held 28 September 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.

VOTING DETAILS:

Carried 8/0

11. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

11.1. Functions, Meetings & Events

- 30 September 2021 Councillors, Executive Staff and Partners attended the Biennial Councillor Dinner at Southerlys Tavern to acknowledge the contributions of all Councillors, particularly those who completed their 4-year terms and have retired or renominated.
- 14 October 2021 The Shire President and CEO as guests of Infinite Blue Energy attended the Energy Club conference in Perth to celebrate Perth Basin 50 years.
- 15 October 2021 The Shire President and the CEO attended the Mitsui E&P Ground Breaking Ceremony and Lunch.
- 16 October 2021 The 2021 Local Government Ordinary Elections were held, the results were as follows:

Candidate	Number of Votes
SCOTT, Isabelle	747
WYSE, Barry	756
TUNBRIDGE, Elyce	944
LEONARD, Mark	693
WILSON, Kellie	568

11.2. 2021/22 Annual Early Ratepayers Prize Draw

Winners were drawn at random and announced by the Shire President for the Ratepayer's Prize Draw as follows:

Prize	Assessment Number	Owner Name
Norwest Energy – \$500 Cash	A2030	GC Bass
Easy Auto Care – \$350 Service Voucher	A5081	Cumbertronics
Dongara Midwest Cranes & Concrete Services – \$250 Cash	A8882	D & TC Holtmeulen
Dongara Bobcat & Contracting Services – \$250 Product Voucher	A1428	ME Inwards & TD Vaughan
Pagoda Resort and Spa – Overnight Stay with Breakfast	A9586	Perpetual Resources Ltd
Dongara Freight – \$200 Cash	A9130	D Ashburn
Harcourts Dongara – \$200 Cash	A5432	SI Brougham & AH Walker
Mitchell & Brown – \$100 Voucher	A1243	DJ Bass
Dongara Tyre Power – Wheel Rotation and Balance	A9061	Horsman & Sons Pty Ltd
Guardian Pharmacy Dongara – \$50 Voucher	A2084	CN Cooksey
Guardian Pharmacy Dongara – \$50 Voucher	A336	MI & KL Butcher
IGA - \$20 Voucher	A2258	DV & I Kapor
IGA – \$20 Voucher	A8861	B Giles
IGA – \$20 Voucher	A128	Department of Communities Housing Authority
IGA – \$20 Voucher	A1322	AJ Bassford
IGA – \$20 Voucher	A2294	PA & KM Knife
Pannarai – \$25 Voucher	A4749	TJ & HT Winterbottom
Pannarai – \$25 Voucher	A9577	Perpetual Resources Ltd

****An assessment number can only be drawn out once****

F Boksmati left the meeting at 6.25pm.

12. REPORTS

12.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-10/21
Subject:	CC01-10/21 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 September 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 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 – October 2021

CC01-10/21 Attachment 1: Accounts for Payment – September 2021

Officer Recommendation:

COUNCIL DECISION 021021:

MOVED: Cr Leonard

SECONDED: Cr Eva

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

Payment Type/Numbers	Total Amount
EFT 27821 – 27911	\$889,903.73
Muni Cheques – 32077	\$5,186.00
Direct Debit – Telstra	\$2,256.41
Direct Debit – WA Treasury Corporation	\$25,015.46
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$3,229.98
Direct Debit – Insurance Premiums Repayment	\$134,521.81
Direct Debit – Superannuation	\$33,935.40
Grand Total	\$1,095,996.45

VOTING DETAILS:

Carried 8/0

CORPORATE AND COMMUNITY		CC02-10/21
Subject:	CC02-10/21 Monthly Financial Statements for the Period Ended 30 September 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.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2021 to 30 September 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 September 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

	30/09/2021	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		7,103,110	6,891,472	-3%
Operating Expenditure		(2,735,584)	(2,449,568)	-10%
Net Operating		4,367,526	4,441,904	
Non-Operating Revenue		7,500	0	-100%
Non-Operating Expenditure		(1,101,530)	(1,261,792)	15%
Net Non-Operating		(1,094,030)	(1,261,792)	
Cash at Bank			2,393,552	
Cash at Bank Restricted			578,991	
Reserve Bank			1,482,037	
Total Cash Funds			4,454,580	

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 – October 2021

CC02-10/21 Attachment 1: Financial Statements for the Period Ended 30 September 2021

Officer Recommendation:

COUNCIL DECISION 031021:

MOVED: Cr Eva

SECONDED: Cr Scott

That Council receives the Monthly Financial Statements for the period 1 July 2021 to 30 September 2021 as provided in Attachment Booklet – October 2021.

VOTING DETAILS:

Carried 8/0

OFFICE OF CEO		CEO01-10/21
Subject:	CEO01-10/21 Our Brilliant Future - Shire of Irwin Strategic Community Plan 2021-2031	
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00260 Strategic Community Plan 2021	
Voting Requirements:	Absolute Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

The purpose of this report is to seek Council approval for *Our Brilliant Future - Shire of Irwin Strategic Community Plan 2021-2031* (Attachment 1).

Background:

Regulation 19C of the *Local Government (Administration) Regulations 1996* requires Council to produce and maintain a Strategic Community Plan (SCP) covering a period of not less than ten (10) years. The purpose of the Strategic Community Plan is to set out the visions, aspirations and objectives of the community.

At the 27 June 2017 Ordinary Council Meeting, Council adopted the Shire of Irwin Strategic Community Plan 2017-2027 and in accordance with Regulation 19C (4) of the *Local Government (Administration) Regulations 1996*, the Shire has undertaken an in-depth review of the Strategic Community Plan.

Officer’s Comment:

Our Brilliant Future - Shire of Irwin Strategic Community Plan 2021-2031 (the “Plan”) includes a focus on business expansion, increased tourism, enhanced facilities, activities and services, coastal protection and accessibility of natural areas. The priorities in the Plan will remain Council’s guide in determining budgets and strengthening partnerships with the community and funding bodies.

The high level of community engagement undertaken to achieve the outcome of the Plan showed the strong community spirit in the Shire of Irwin with a pleasing 8.5% of the population participating. The community drop-in sessions attracted a total 127 attendees and the community survey was completed by 151 participants.

The drop-in sessions identified what the Shire of Irwin residents appreciate most about living in this community, with beaches, community, safety and lifestyle being the most popular topics.

The drop-in sessions and survey highlighted top priorities identified by the community with the top 3 relating to:

- Economic development and tourism;
- Coastal protection / environment / conservation; and
- Medical Centre / health / aged care.

Implementing the Plan will take the Council and the community to work together to achieve a shared vision. Good governance and leadership play a central role in signalling community confidence in its future, building and supporting leadership within the community, attracting people to the Shire and the town, and positioning the community to leverage external funding and investment. This is a time to look forward and be united in achieving *Our Brilliant Future*.

The draft *Our Brilliant Future - Strategic Community Plan 2021-2031* was made available at the Shire Administration Office, on the Shire website and social media, inviting comments by the community. As no comments were received, the final *Our Brilliant Future - Strategic Community Plan 2021-2031* is now presented to Council for adoption.

The next steps to complete the Shire's integrated planning suite is the development of the Long Term Financial Plan, Asset Management Plan and Workforce Plan. These are currently being developed in line with the existing Corporate Business Plan 2020-2024 and Strategic Community Plan 2021-2031.

In accordance with Regulation 19D of the *Local Government (Administration) Regulations 1996*, the CEO will give local public notice of the adoption of *Our Brilliant Future - Strategic Community Plan 2021-2031* and will publish it on the Shire of Irwin website.

Consultation:

Localise conducted a Strategic Community Plan Workshop with Councillors and staff on Monday 15 February 2021 providing an overview of the planned community engagement and to obtain Councillor's input on what the community can help with, how to make the prioritisation real, consultation methods and roles.

Community drop-in sessions were held at the Irwin Recreation Centre Function Room on Thursday 4 March 2021, 10am to 2pm and 4pm to 8.30pm with a total of 127 attendees and a community survey was conducted from 26 February 2021 to 7 March 2021 with a total of 151 participants.

On Wednesday 21 April 2021, a community group leaders session was held in the Council Chambers at 11am with eight (8) organisations participating and a business leaders session was held at 5.30pm with 11 businesses represented.

A Strategic Community Plan and Corporate Business Plan Revisions Workshop for Councillors and Staff was facilitated by Localise on 20 July 2021 where a recap of the engagement results was undertaken, key issues for the plans were identified and the community vision, 10 year and 4 year priorities were discussed in light of the engagement results.

The final Strategic Community Plan Revisions Workshop was held with Councillors on 1 September 2021, after which the draft plan was advertised for public comment.

As of 15 September, 2021, the draft Strategic Community Plan 2021-2031 was made available online and hard copy for public comment for three (3) weeks, with submissions closed 7 October, 2021.

Statutory Environment:

Local Government Act 1995

- Section 5.56. Planning for the future

Local Government (Administration) Regulations 1996

- 19C. Strategic community plans, requirements for (Act s. 5.56)
- 19DA. Corporate business plans, requirements for (Act s. 5.56)
- 19D. Public notice of adoption of strategic community plan

Policy Implications:

Nil.

Financial/Resource Implications:

The remaining cost of the development of the Strategic Community Plan 2021-2031 is included in the 2021/22 Annual Budget as per Council's resolution by absolute majority at the 24 August 2021 Ordinary Council Meeting.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.2.2 Embrace the Integrated Planning and Reporting framework

Attachments:

Attachment Booklet – Our Brilliant Future

CEO01-10/21 Attachment 1: *Our Brilliant Future* - Shire of Irwin Strategic Community Plan 2021-2031

Officer Recommendation:

COUNCIL DECISION 041021:

MOVED: Cr Wyse

SECONDED: Cr Eva

That Council, by Absolute Majority, adopts Our Brilliant Future - Shire of Irwin Strategic Community Plan 2021-2031 as presented in Attachment Booklet – Our Brilliant Future.

VOTING DETAILS:

Carried 8/0

OFFICE OF CEO		CEO02-10/21
Subject:	CEO02-10/21 Code of Conduct Review	
Author:	K Dowson, Human Resources Supervisor	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00121	
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:

The purpose of this report is to seek Council approval for the adoption of the amended Code of Conduct for Council Members, Committee Members and Candidates.

Background:

At the 23 August 2020 Ordinary Council Meeting, three (3) new Codes of Conduct were prepared and adopted by Council:

- *Council Member Code of Conduct*
- *Committee Member Code of Conduct*
- *Employee Code of Conduct*

The *Local Government (Model Code of Conduct) Regulations 2021* (MCCR) repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007*, and there are associated amendments to s.5.103 of the *Local Government Act 1995*. The effect is that the former Codes of Conduct for Council Members, Committee Members and Employees are now replaced with statutory requirements for separate Codes of Conduct for Council Members, Committee Members and Candidates; and for Employees.

At the 23 February 2021 Ordinary Council Meeting, Council:

- approved the Complaint Form for the purposes of cl 11(2) of the Code of Conduct for Council Members, Committee Members and Candidates;
- authorised the CEO to be the Complaints Officer for the purposes of cl 11(3) of the Code of Conduct for Council Members, Committee Members and Candidates; and
- by Absolute Majority, delegated authority to the CEO to appoint persons as additional Complaints Officers for the purposes of cl 11(3) of the Code of Conduct for Council Members, Committee Members and Candidates. As a result, Delegation CEO131 Complaints Officer, was implemented.

Officer's Comment:

The Code of Conduct for Council Members, Committee Members and Candidates (*Attachment 1*) has been prepared and includes the Model Code (MCCR). This new Code will replace the *Council Member Code of Conduct* and *Committee Member Code of Conduct*.

Once adopted, the Code of Conduct for Council Members, Committee Members and Candidates will be published on the Shire of Irwin website in accordance with s.5.104(7) of the *Local Government Act 1995*. To support community understanding of the Code and the right to make a complaint, the adopted behaviour complaint form will be published alongside the adopted Code of Conduct.

A Council Member briefing on the Code is suggested to ensure Council Members fully understand the implications and proposed complaints management approach. This may provide an opportunity for consultation with Council Members to consider additional provisions that may be incorporated in the Code of Conduct in future, provided the proposed provisions are not inconsistent with the Model Code.

The draft Employee Code of Conduct has also been prepared and given that the responsibility for approving a new Employee Code of Conduct is now a function of the CEO, as per Section 5.51A of the *Local Government Act 1995*, there is no requirement for Council adoption. The current Employee Code of Conduct is currently under review to ensure consistency with recent legislation. It is also subject to employee consultation and feedback where the CEO will implement the Employee Code of Conduct and will publish it on the Shire of Irwin website.

Consultation:

The new Codes of Conduct were prepared using the WALGA templates and in consultation with legislation and other local government leaders in governance.

Employees will be provided with the draft Employee Code of Conduct and associated guidelines for a two (2) weeks comment and feedback period prior to implementation by the CEO.

Statutory Environment:

Local Government Act 1995

- Section 5.103 Model code of conduct for council members, committee members and candidates
- Section 5.104 Adoption of model code of conduct
- Section 5.51A Code of conduct for employees

Local Government (Model Code of Conduct) Regulations 2021

Policy Implications:

The Code of Conduct for Council Members, Committee Members and Candidates will replace the existing Council Member Code of Conduct and Committee Member Code of Conduct. Once adopted by the CEO, the new Employee Code of Conduct will replace the existing Employee Code of Conduct (August 2020).

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 4.3.5 Promote workplace health, safety and wellbeing

Attachments:

Attachment Booklet – October 2021

CEO02-10/21 Attachment 1: Code of Conduct for Council Members, Committee Members & Candidates

Officer Recommendations:

COUNCIL DECISION 051021:

MOVED: Cr Palmer

SECONDED: Cr Gillam

That Council, by Absolute Majority, adopts the Code of Conduct for Council Members, Committee Members and Candidates, provided as Attachment 1, in Attachment Booklet – October 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 061021:

MOVED: Cr Wyse

SECONDED: Cr Leonard

That Council, by Simple Majority approves the Chief Executive Officer to provide training for Council Members on the new Code of Conduct for Council Members, Committee Members and Candidates, with particular reference to the different processes and thresholds under Divisions 3 and 4.

VOTING DETAILS:

Carried 8/0

OFFICE OF CEO	CEO03-10/21
Subject:	CEO03-10/21 Council Delegates to Committees and Groups
Author:	D Chandler, A/Manager Corporate & Community
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0230
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:

The purpose of this report is to seek Council approval for appointing Councillor delegates to Committees of Council and external committees, and Councillor representatives to external groups for a two (2) year term.

Background:

There is a requirement for Council to appoint delegates to each Council Committee and external committee due to the recent 2021 Local Government Ordinary Elections.

Each committee has a responsible officer who will facilitate any appropriate administrative tasks, including additional community representatives to be formerly appointed under section 5.10 of the *Local Government Act 1995* until the full delegations list is considered again. Any matters relating to a committee without a designated responsible officer should be referred to the Development & Executive Officer if the Chief Executive Officer is the appointed delegate.

Officer’s Comment:

Councillors have been provided an opportunity to consider these appointments and have been asked to forward any expressions of interest prior to the meeting.

The designated responsible officers have been named to clarify the current representation, however, Councillor appointments have been left blank for Council to consider at this meeting.

In regard to the Local Emergency Management Committee, it is preferable that one of the delegates is the Shire President, but this is not essential.

Consultation:

All Councillors were invited to submit an expression of interest via email prior to the meeting.

Statutory Environment:

Local Government Act 1995

- Section 5.9
- Section 5.10
- Section 5.11

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.1.2 Utilise contemporary communication strategies and tools to enhance public participation

Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

Attachments:

Nil.

COUNCIL DECISION 071021:

MOVED: Cr Palmer

SECONDED: Cr Gillam

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.27pm, to allow Councillors to discuss and nominate Council Delegates to Committees and Groups.

VOTING DETAILS:

Carried 8/0

COUNCIL DECISION 081021:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council reconvenes under Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.40pm.

VOTING DETAILS:

Carried 8/0

Officer Recommendation:

COUNCIL DECISION 091021:

MOVED: Cr Scott

SECONDED: Cr Wyse

That Council, by Absolute Majority, appoints the following Councillors as Committee delegates / Shire of Irwin representatives for a two (2) year term:

Committees of Council

Audit Committee

Voting Members

Cr Eva
Cr Scott
Cr Leonard

Chair of the Audit Committee to be elected at the next Audit Committee meeting.

Non-voting Members

Chief Executive Officer
A/Manager Corporate & Community
Manager Finance

Bush Fire Advisory Committee

Voting Members

Cr Palmer
Cr Gillam

Chief Executive Officer
A/Manager Infrastructure & Development
Manager Development
Community Emergency Services Manager (CESM)
Chief Bush Fire Control Officer
Shire of Irwin Community Rangers

Community Assistance Scheme & Events Committee (CASE)

Voting Members

Cr Tunbridge
Cr Palmer

Community Member
Community Member

Non-voting Members

Community Development Officer
A/Manager Corporate & Community

Local Emergency Management Committee (LEMC)

Voting Members

Cr Palmer
Cr Smith as proxy.

Community Members *(as determined by CESM)*
Chief Executive Officer
Community Emergency Services Manager (CESM)

External Committees Requiring Shire of Irwin Councillor Members

Northern Country Zone of the WA Local Government Association (NCZWALGA)

Voting Members

Cr Scott
Cr Smith as proxy.

Non-voting Members
Chief Executive Officer

Development Assessment Panel

Voting Members

Cr Leonard
Cr Eva
Cr Scott
Cr Tunbridge

External Groups Requiring Shire of Irwin Councillor Representation

Midwest Regional Road Group

Cr Gillam
Chief Executive Officer

VOTING DETAILS:

Carried by Absolute Majority 8/0

OFFICE OF CEO		CEO04-10/21
Subject:	CEO04-10/21 Adoption of CEO Standards	
Author:	K Dowson, Human Resources Supervisor	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00132	
Voting Requirements:	Absolute Majority	

Council Role:

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

Report Purpose:

The purpose of this report is to seek Council approval for the adoption of Model CEO Standards.

Background:

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards) on 3 February 2021 introduced mandatory minimum standards for the recruitment, performance and termination of employment in relation to local government Chief Executive Officers (CEOs).

Officer’s Comment:

The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, selection, performance review, and termination across all local governments, in accordance with the principles of merit, equity, and transparency. Section 5.39B(2) of the Local Government Act 1995 (the Act) requires that a local government must prepare and adopt CEO standards within three months of the standards coming into operation. The adopted standards are to be published on the local government official website.

Consultation:

External governance advisor has been consulted throughout these recent legislative changes.

Statutory Environment:

Local Government (Administration) Amendment Regulations 2021 (CEO Standards).

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.

Attachments:

Attachment Booklet – October 2021

CEO04-10/21 Attachment 1: CEO Standards

Officer Recommendation:

COUNCIL DECISION 101021:

MOVED: Cr Eva

SECONDED: Cr Gillam

That Council, by Absolute Majority, adopts the Shire of Irwin CEO Standards, provided as Attachment 1 in Attachment Booklet – October 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

INFRASTRUCTURE & DEVELOPMENT		ID01-10/21
Subject:	ID01-10/21 Delegated and Authorised Actions for September 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

Council Role:

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

Report Purpose:

To 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 September 2021 to 30 September 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 – October 2021

ID01-10/21 Attachment 1: Table of Delegated Actions for September 2021, Development

CONFIDENTIAL Attachment Booklet – October 2021

ID01-10/21 Attachment 2: Detailed Table of Delegated Actions for September 2021, Development

Officer Recommendation:

COUNCIL DECISION 111021:

MOVED: Cr Palmer

SECONDED: Cr Gillam

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

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID02-10/21
Subject:	ID02-10/21 Proposed Outbuilding at Lot 206 (#3) Cardwell Gardens, Dongara	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	P1144, A9097	
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 consider the proposed outbuilding at Lot 206 (#3) Cardwell Gardens, Dongara.

Background:

The Shire received a Development Application on 17 August 2021 for a dwelling and outbuilding at Lot 206 (#3) Cardwell Gardens, Dongara. The subject property (outlined red below) is 2,007sqm in area and located within the Special Residential zone.



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

- 90sqm floor area
- Finished floor level raised 0.1m
- 4m wall height
- 5.21m ridge height
- 1.5m rear setback
- 1.5m side setback

Development Approval is required for all development in the Special Residential zone. The owner proposes an outbuilding that exceeds the maximum floor area and minimum boundary setbacks prescribed by the Shire’s Local Planning Scheme. There are no prescribed maximum wall and ridge heights for outbuildings outside of the Residential (R-Code) zone.

Officer’s Comment:

The Development Application seeks approval for a dwelling and outbuilding. The dwelling complies with the requirements of the Scheme and would typically be approved under delegated authority. However due to the application including the outbuilding seeking variations to the Scheme, the application is presented to Council with focus of the report on the outbuilding development.

Below is a table summarising the planning requirements relevant to the proposed outbuilding.

	Prescribed	Proposed
Floor Area	80sqm	90sqm
Wall Height	-	4m
Ridge Height	-	5.21m
Setback – front	20m	48.45m
Setback – rear	10m	1.5m
Setback – side	5m	1.5m

There are 3 variations sought:

- Increase to the maximum floor area;
- Reduction to minimum side setback; and

- Reduction to minimum rear setback.

Floor area

The proposal seeks an additional 10sqm of outbuilding floor area to the prescribed maximum. For the 2,007sqm property and existence of larger outbuildings in the estate, the additional floor area is considered minor. The additional floor area reflects an additional 1m in depth for the proposed structure and is considered an acceptable variation that would have no undesirable amenity impacts on the streetscape or neighbouring properties.

Setback – side

The owner seeks approval to place the outbuilding 1.5m from the southern side boundary, which is to align with the proposed driveway. The minimum side setback for an outbuilding in the zone is 5m. On review of the existing outbuildings within the estate, several of the outbuildings placed at the rear corner of the lots are setback from side boundaries less than 5m.

The increase of overshadowing onto the neighbouring property will be minimal and not in an area used as active habitable space. Whilst the reduced side setback will result in more of the outbuilding being visible from the road when viewed up the proposed side driveway, the outbuilding is positioned well behind the dwelling.

Setback - rear

The owner also seeks approval to place the outbuilding at a reduced 1.5m setback from the rear boundary. The rear boundary adjoins the side boundary (rear half) of the eastern neighbour's property. No objection to the reduced rear setback was received.

Many of the outbuildings in the estate are constructed with reduced rear setbacks to maximum the private open space of the property from the rear of the dwelling, commonly the extended alfresco space. The prescribed rear setback of 10m for outbuildings in the zone exceeds the rear setback for structures in the Rural Residential zone, properties which are significantly larger.

The reduced setback presents no offsite undesirable impacts such as overshadowing into active habitable spaces or excessive bulk in conflict with the character of the locality. The positioning of the dwelling to the front and outbuilding to the rear of the property will assist in emphasising the low-density residential character of the property from the street.

Outbuilding – design/scale

Clause 5.18 contains an overarching objective for outbuildings in all zones which reflects protecting the amenity through appropriate design, location and bulk/scale to the locality. The additional floor area of the outbuilding to the prescribed maximum does not in itself present an amenity concern however the overall ridge height at 5.21m is considered substantial in a residential area. The estate is subject to several outbuildings approved from earlier planning provisions such as larger floor area and 5m ridge heights, however these provisions are no longer applicable to defining/prescribing appropriate outbuilding design in the current planning framework and have not guided new outbuilding applications in the last half of 2021.

The proposed outbuilding design includes a roller door with a 3.56m clearance to allow for the garaging of a caravan. The 4m wall height is justified with the additional clearance sought however the 5.21m ridge height can be lowered to reduce the scale of the outbuilding without compromising the clearances sought. It is considered that a maximum ridge height of 4.8m will provide a more appropriate scaled outbuilding structure (in respect to outbuilding heights) for the estate and zone that can be considered as a policy position for development control of outbuildings moving forward.

Consultation response

The Shire received one submission on the proposal. The submitter was in support of the proposal but noted concerns of stormwater overflow from the water tank from the outbuilding. All development approved with non-permeable surfaces are subject to a condition requiring the retention and management of stormwater runoff on site. It is acknowledged that overflow from the rainwater tank is a relevant matter and so it is recommended, should the outbuilding be approved, that an advice note to the standard stormwater management condition be included to note overflow being adequately managed within the property.

Conclusion

Based on the above assessment, it is considered that the proposed variation of floor area for the outbuilding does not conflict with the Scheme’s objectives for outbuilding development or development in the zone. It is recommended the ridge height of the outbuilding be reduced from 5.21m to 4.8m as per the Officer’s comments above. It is recommended that Council grant Development Approval for the dwelling and outbuilding subject to standard conditions.

Consultation:

Adjoining/nearby landowners

The proposal was advertised to adjoining and nearby landowners in accordance with Clause 9.4.3(a) of the Scheme. This resulted in referral letters to neighbouring properties being sent with a 14 day comment period provided.

One submission was received in support of the proposal but also noting concerns of overflow from the water tank from the shed.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5

The subject property is within the Special Residential zone. The objective of the zone is:

“To provide a low density residential living and working environment in which development and land use is of a type and location compatible with the overall amenity of the area.”

An outbuilding is defined in the Scheme as:

“means a detached enclosed non-habitable structure, including garages, storage sheds, studios, games rooms and patios, but nor carports, pergolas or structures that are connected to or form part of the main building (except with the Residential zone, where the Residential Design Codes’ definition for Outbuilding prevails).”

Outbuildings in the Shire are subject to Clause 5.18 of the Scheme. The Scheme sets a maximum outbuilding floor area for the Special Residential zone at 80sqm and provides an overarching general provision for outbuildings in all zones:

Clause 5.18 Outbuildings

The local government may approve Outbuildings consistent with the following development requirements. Outbuildings that are deemed to conflict or exceed the development requirements require planning approval and may be required to be advertised in accordance with Clause 9.4.

Zone	Development Requirements for Outbuildings
All relevant zones	The location, design, external colour and appearance, scale and bulk of the Outbuilding shall not have adverse amenity impacts on adjoining properties or the area when viewed from public roads.
Residential	As per the Residential Design Codes.
Special Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 80m ² .
Rural Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 100m ² .
Rural Smallholdings	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .
General Farming	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .

Table 5.24 of the Scheme prescribes setbacks for “other buildings” in the Special Residential Zone.

5.24 Zone/Use Development Table

Zone	Use			Min Boundary Setbacks (m)	Other Requirements
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		Min Lot Area (m ²)		Front	Rear	Side	
Special Residential	Any Permitted Use	2000m ²	Single House	10m	10m	5m	All development must be located within an approved building envelope. All lots require connection to reticulated sewer.
			Other Buildings	20m	10m	5m	

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 – October 2021
ID02-10/21 Attachment 1: Development Application Plans

Officer Recommendation:

COUNCIL DECISION 121021:

MOVED: Cr Palmer

SECONDED: Cr Leonard

That Council grant Development Approval for the proposed dwelling and outbuilding at Lot 206 (#3) Cardwell Gardens, 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. All stormwater and drainage runoff from all roofed and impervious area is to be retained on site to the satisfaction of the Shire of Irwin.
3. The approved development shall be connected to the reticulated scheme water system.
4. The approved development shall be connected to the reticulated sewer system to the approval of the Shire of Irwin.
5. All soil disturbed as a result of the development shall be stabilised and retained on site.
6. Prior to occupation of the development, all vehicle crossovers must be designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.
7. External clothes drying areas appurtenant to the dwelling shall be provided in a location such that they are screened from public view from the street and/or adjacent public areas.

8. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.
9. The outbuilding shall be constructed or pre-painted with Colorbond (or similar product). The use of zincalume is not permitted.
10. The outbuilding shall be constructed with a maximum ridge height of 4.8m (to be noted in red on the plans as per Condition 1 of this approval).
11. The finished floor level of the outbuilding shall not exceed 100mm above natural ground level.
12. 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.
13. 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. With regard to Condition No. 1, the outbuilding plan has been amended in red to reflect the supported 4.8m ridge height.
2. 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.
3. 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.
4. 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.
5. The Western Australian Building Act 2011 requires a Building Permit to be obtained from the Shire before any work commences on the site.
6. It is the landowner's responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.
7. With regard to Condition No 2, the stormwater overflow from the rainwater tank collecting runoff from the outbuilding shall also be retained and managed on site such as connection to on site soakwell/s.

VOTING DETAILS:

Carried 8/0

INFRASTRUCTURE & DEVELOPMENT		ID03-10/21
Subject:	ID03-10/21 Proposed Outbuilding at Lot 1496 (#31104) Brand Highway, Bonniefield	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	P1133, A3217	
Voting Requirements:	Simple Majority	

Council Role:

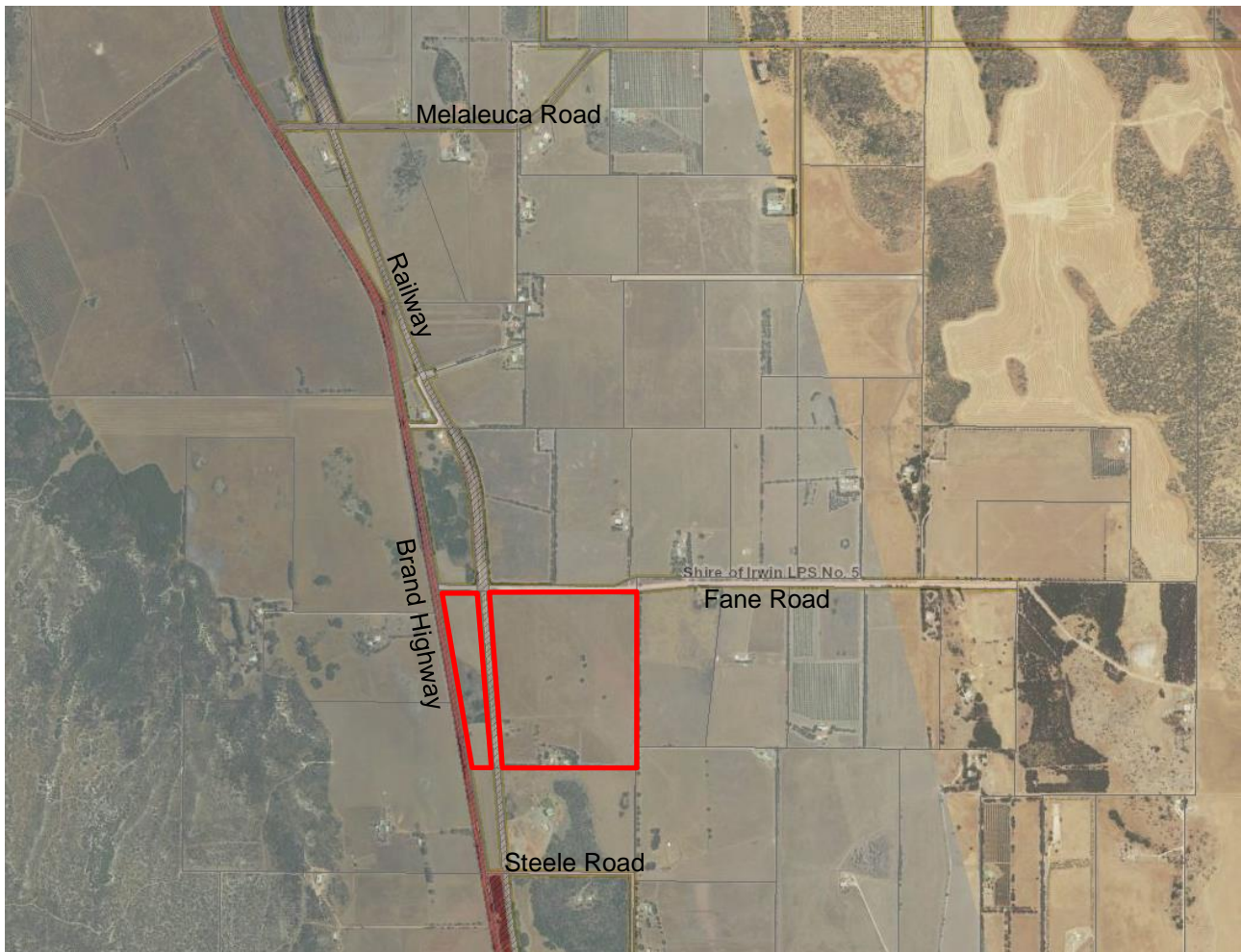
- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, 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.
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Report Purpose:

For Council to consider the proposed outbuilding at Lot 1496 (#31104) Brand Highway, Bonniefield.

Background:

The Shire received a Development Application for an outbuilding at Lot 1496 (#31104) Brand Highway, Bonniefield on 6 July 2021. The property is 39 hectares, located within the Rural Smallholdings zone and contains an existing dwelling and outbuilding.



The owner is seeking approval to construct an outbuilding at the property with the summarised characteristics:

- 600sqm floor area (750sqm aggregate on property)
- 6.6m wall height
- 8.366m ridge height
- Zinalume roof and Colorbond “Dune” walls
- Located to the west of the existing dwelling and outbuilding (southwest of main parcel)

The proposal required a Development Application due to exceedance to the maximum floor area prescribed by the Shire’s Local Planning Scheme. The justification provided by the applicant for the outbuilding is provided in Attachment 1, which states the proposed outbuilding will be used to garage and store equipment and vehicles associated with the maintenance of the land, as well as for similar offsite commercial activities in the area such as sowing/harvesting crops and firebreak maintenance.

Officer’s Comment:

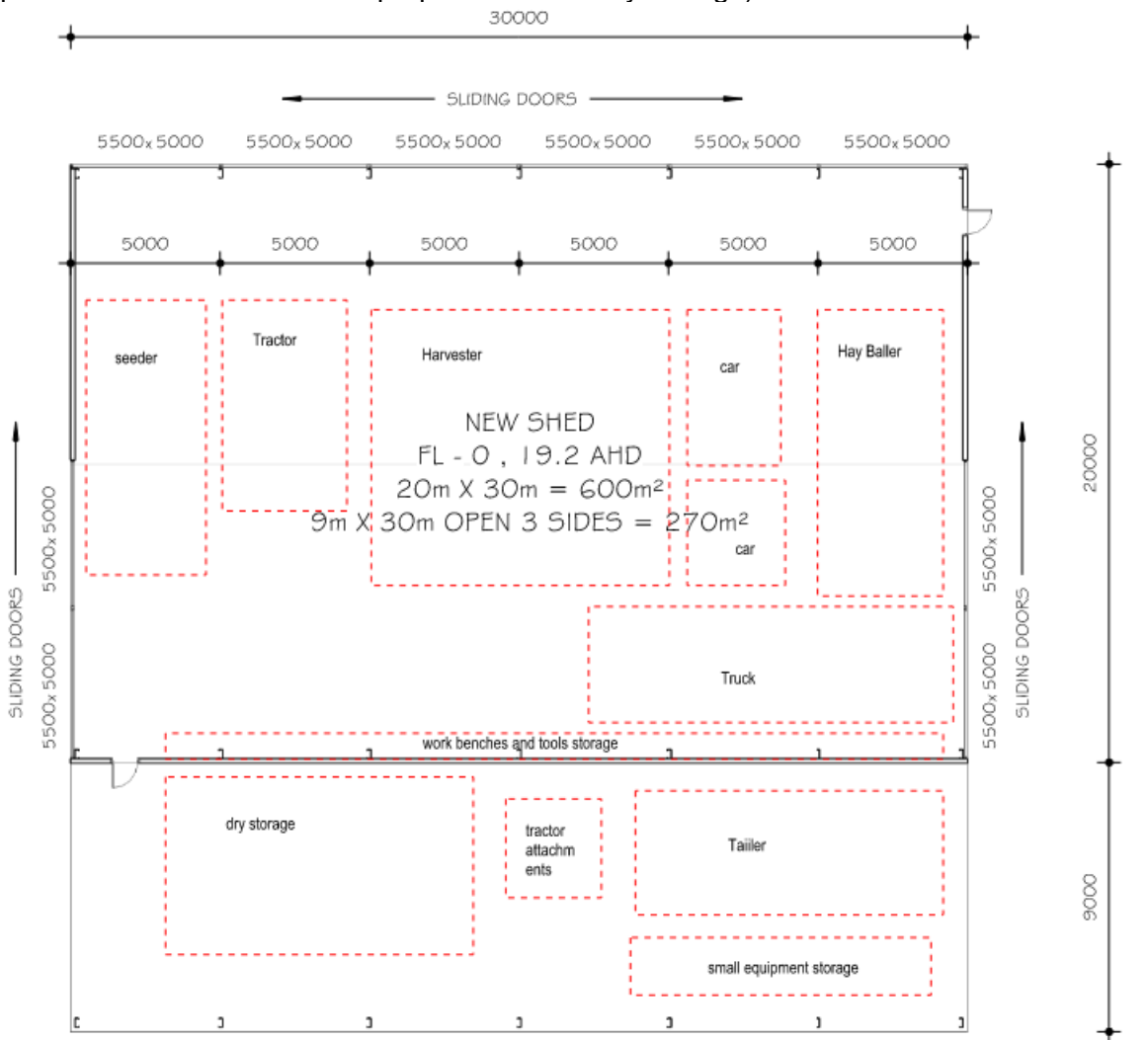
Below is a table summarising the planning requirements relevant to the proposed outbuilding.

	Prescribed	Proposed
Maximum Floor Area	200sqm	750sqm (600sqm proposed, 150sqm existing)
Wall Height	-	6.6m
Ridge Height	-	8.366m
Setback – front	15m	191m (from Brand Highway)
Setback – rear	7.5m	360m
Setback – side	5m	60m

The application seeks approval for a variation to the maximum floor area for outbuildings prescribed by Clause 5.18 of the Shire’s Local Planning Scheme. All other development requirements prescribed by the Scheme, such as setbacks, are compliant. Outbuilding heights outside of the Residential zone are not prescribed in the local planning framework however there is reference to this in Clause 5.18 through an objective statement.

Clause 5.18 - Floor area

The applicant proposes to construct an 870sqm structure of which 600sqm is proposed to be outbuilding (enclosed) and 270sqm lean-to. A 150sqm outbuilding exists on the property and the applicant states it is used for domestic storage. The applicant has provided information to justify their request for additional outbuilding floor area. The applicant has indicated that the large agricultural machinery owned by the landowner would require the 600sqm to allow for garaging and manoeuvrability (image provided by applicant below to demonstrate proposed machinery storage).



The applicant (as per Attachment 1) has also indicated that the machinery to be stored in the outbuilding is to be used “from time to time” for offsite commercial purposes i.e. supporting cropping activities and installing firebreaks for similar rural properties.

The Local Planning Scheme prescribes a maximum outbuilding floor area of 200sqm for the Rural Smallholdings zone and sets the trigger for a Development Application for outbuildings (standalone and in aggregate) that exceed this area. The assessment for applications that exceed this prescribed requirement take into consideration the overarching objective of Clause 5.18 for outbuildings as well as the relevant planning matters set out in Clause 10.2 of the Shire’s Local Planning Scheme (which is replaced by Clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015).

It is considered the floor area exceedance will not result in adverse amenity impacts. This is due to its location on the property with the favourable surroundings that reduce visibility and impact at street level.

Clause 67 (known as Clause 10.2) – Relevant matters

Clause 5.5.3 of the Shire's Local Planning Scheme clearly states that a local government must only exercise a variation to a Scheme when it is satisfied the "Clause 10.2" matters have been considered and that *"the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality"*.

The matters considered relevant to the proposal circulate around the strong consideration of development compatibility and avoiding adverse amenity impacts as a result of the design, bulk and scale. These planning matters are emphasised in Clause 5.18 of the Shire's Local Planning Scheme and are key to many planning decisions. A detailed assessment has been undertaken of the proposed outbuilding, which is substantially in excess of the prescribed floor area, to assess if and how the development is compatible and won't result in adverse amenity impacts.

The conclusion below summarises these findings.

Conclusion

It is worth noting in 2019, Council resolved to refuse an oversized 1,200sqm outbuilding at a nearby property within the locality and within the same zone as the subject proposal. This application was reviewed by the State Administrative Tribunal and Council's refusal decision was upheld. Whilst the outbuilding in that proposal was significantly larger and the consideration matters differed, the planning elements of amenity for outbuildings still broadly apply the same.

The proposal is considered to be compatible and considered to not adversely affect the amenity for the following collective reasons:

- The outbuilding location is not undesirably exposed to the Brand Highway/public view. The raised railway and existing vegetation on the property between the outbuilding and the highway reduces the visibility of the outbuilding to an extent that minimises the bulk and scale of the structure within the semi-rural character setting.
- The lower outbuilding finished level in respect to the natural topography of the property and its surrounds also aids in reducing the exposure of the outbuilding from the highway. The lower level of the outbuilding to Fane Road and surrounding properties also reduces the impact of the structure.
- The outbuilding is setback 540m from Fane Road. Whilst the property is open and exposed to surrounding land to the north and east, the substantial setback and use of the Brand Highway for access to the outbuilding aids in minimising associated impacts both with its scale and use.

One element of the outbuilding proposal that may contribute to adversely affecting the amenity is the Zinalume roofing material. Zinalume is considered to be a highly reflective material when installed. Due to the scale of the outbuilding and risk of undesirable glare, it is recommended the roof be constructed with a material or finish that present low reflectivity properties.

It is recommended that Council grant Development Approval for the outbuilding subject to conditions set out in the Officer's Recommendation. The recommended conditions reflect standard outbuilding conditions as well as additional conditions considered necessary in response to the proposal.

Consultation:

Adjoining/nearby landowners

The proposal was advertised to adjoining or nearby landowners in accordance with Clause 9.4.3 of the Shire's Local Planning Scheme. This resulted in 9 referral letters being sent to neighbouring and nearby properties providing a 14 day comment period.

Five submissions were received in support of the proposal.

Statutory Environment:

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 (which is to be read in place/conjunction of Clause 10.2 of the Scheme) provides for matters which are to be considered by the local government. Such matters which are considered relevant include:

- (a) *The aims and provisions of the Scheme*
- (m) *the compatibility of the development with its setting including 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;*
- (n) *the amenity of the locality including the following –*
 - (ii) *the character of the locality*

Shire of Irwin Local Planning Scheme No 5

The subject property is within the Rural Smallholdings zone. The objective of the zone is:

“a) To provide for the use of land for minor rural pursuits, hobby farms, conservation lots and alternative residential lifestyle purposes where part-time income from cottage industries, home occupation and the use of land for agriculture may be derived.

b) To preserve and enhance landscape quality, environmental values and conservation attributes.”

An outbuilding is defined in the Scheme as:

“means a detached enclosed non-habitable structure, including garages, storage sheds, studios, games rooms and patios, but not carports, pergolas or structures that are connected to or form part of the main building (except with the Residential zone, where the Residential Design Codes’ definition for Outbuilding prevails).”

Outbuildings in the Shire are subject to Clause 5.18 of the Scheme. The Scheme sets a maximum outbuilding floor area for the Rural Smallholdings zone at 200sqm and provides more general provisions for outbuildings in all zones:

Clause 5.18 Outbuildings

The local government may approve Outbuildings consistent with the following development requirements. Outbuildings that are deemed to conflict or exceed the development requirements require planning approval and may be required to be advertised in accordance with Clause 9.4.

Zone	Development Requirements for Outbuildings
All relevant zones	The location, design, external colour and appearance, scale and bulk of the Outbuilding shall not have adverse amenity impacts on adjoining properties or the area when viewed from public roads.
Residential	As per the Residential Design Codes.
Special Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 80m ² .
Rural Residential	The aggregate maximum Plot Ratio Area (floor area) shall be 100m ² .
Rural Smallholdings	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .
General Farming	The aggregate maximum Plot Ratio Area (floor area) shall be 200m ² .

Table 5.24 of the Scheme prescribes setbacks for development in the Rural Smallholdings zone.

5.24 Zone/Use Development Table

Zone	Use	Min Lot Area (m ²)	Min Boundary Setbacks (m)			Other Requirements
			Front	Rear	Side	
Rural Smallholdings	Any Permitted Use	Area D – 15ha	15m	7.5m	5m	Nil

Clause 5.5 of the Scheme sets requirements relating to the consideration of Scheme variations:

5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this Clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to

- a) consult the affected parties by the following one or more of the provisions for advertising uses under Clause 9.4, and*
- b) have regard to any expressed views prior to making its determination to grant the variation.*

5.5.3 The power conferred by this Clause may only be exercised if the local government is satisfied that –

- a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 10.2; and*
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027
Strategy 1.1.1 Continuously improve approval processes
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – October 2021
ID03-10/21 Attachment 1: Applicant’s Covering Letter
ID03-10/21 Attachment 2: Development Application Plans

Officer Recommendation:

COUNCIL DECISION 131021:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.44pm, to allow Councillors to gain clarification on item ID03-10/21.

VOTING DETAILS:

Carried 8/0

Staff provided clarification for Councillors on item ID03-10/21.

COUNCIL DECISION 141021:

MOVED: Cr Palmer

SECONDED: Cr Wyse

That Council reconvenes under Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.47pm.

VOTING DETAILS:

Carried 8/0

COUNCIL DECISION 151021:

MOVED: Cr Leonard

SECONDED: Cr Scott

That Council grant Development Approval for the proposed outbuilding at Lot 1496 (#31104) Brand Highway, Bonniefield 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. All stormwater and drainage runoff from all roofed and impervious areas is to be retained on site to the satisfaction of the Shire of Irwin.
3. All soil disturbed as a result of the development shall be stabilised and retained on site.
4. The outbuilding shall not be used for human habitation.
5. The outbuilding is permitted to be used for storage and garaging purposes only associated with the permitted rural use of the land.
6. The outbuilding shall be constructed with a Colorbond (or similar) material for the external walls as depicted in the approved plans.
7. The outbuilding shall be constructed with a non-reflective roof material or finish to the satisfaction of the Shire of Irwin. Unpainted or untreated Zincalume is considered to be reflective and not permitted.
8. Existing vegetation and trees (identified on the plans) shall be retained and shall only be removed if dead, diseased or required by written instruction by the Shire of Irwin for compliance with the Firebreak Notice. If the vegetation is removed as a result of death or

- 9. disease, vegetation with the same or similar visible characteristics shall be planted and maintained to the satisfaction of the Shire of Irwin.**

Advice Notes

- 1. The landowner be advised that no additional outbuildings will be supported on the land under the Shire's current local planning framework.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. The Western Australian Building Act 2011 requires a Building Permit to be obtained from the Shire before any work commences on the site.**
- 6. It is the landowner's responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.**

VOTING DETAILS:

Carried 8/0

12.2. Committee Reports

12.2.1. Community Assistance Scheme & Events Committee Meeting 30 August 2021

The minutes of the Community Assistance Scheme & Events Committee Meeting held Monday 30 August 2021 have been provided as Attachment 12.2.1 in Attachment Booklet – October 2021.

COUNCIL DECISION 161021:

MOVED: Cr Eva

SECONDED: Cr Palmer

That Council receives the Minutes of the Community Assistance Scheme & Events Committee (CASE) Meeting held Monday 30 August 2021.

VOTING DETAILS:

Carried 8/0

COUNCIL DECISION 171021:

MOVED: Cr Palmer

SECONDED: Cr Eva

That Council approves the opening of the Community Assistance Scheme from 1 September to 31 March each financial year, until available CASE funding is depleted.

VOTING DETAILS:

Carried 8/0

COUNCIL DECISION 181021:

MOVED: Cr Tunbridge

SECONDED: Cr Eva

That Council approves the updated Community Assistance Scheme & Events Committee's Terms of Reference for community members.

VOTING DETAILS:

Carried 8/0

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

15. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

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

Staff and members of the gallery left the meeting at 6.51pm.

COUNCIL DECISION 191021:

MOVED: Cr Scott

SECONDED: Cr Gillam

That Council close the meeting to the public at 6.51pm in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it relates to a matter affecting an employee.

VOTING DETAILS:

Carried 8/0

COUNCIL DECISION 201021:

MOVED: Cr Gillam

SECONDED: Cr Palmer

That Council reopen the meeting to the public at 6.54pm.

VOTING DETAILS:

Carried 8/0

After discussion behind closed doors, the Shire President advised that further time is required for the provision of additional information and deferred this item to the next ordinary meeting of Council.

17. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.55pm.

An electronic copy of the Minutes are available for download from the Shire's website.
<https://www.irwin.wa.gov.au/council/council-meetings/2021-council-meetings>