



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 24 August, 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 24 August 2021

Signed:
Presiding Elected Member

Date: 28/9/21

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.

A handwritten signature in black ink, appearing to read 'Shane Ivers', is positioned above the printed name and title.

Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 24 August, 2021

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests and members in the Gallery and opened the meeting at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith
Councillor B Wyse
Councillor G S Eva
Councillor I Scott
Councillor A J Gillam
Councillor I F West
Councillor H M Palmer
Councillor M Leonard

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mrs D K Chandler
Mr P Traylen
Mr B Jeans
Mr P Godfrey
Mr M D Teale
Mrs J Keene
Mrs K Haug
Ms N A M'Leane

Chief Executive Officer
Acting Manager Corporate & Community
Acting Manager Infrastructure & Development
Manager Development
Manager Finance
Community Emergency Services Manager
Procurement & Administration Officer
IT Systems & Governance
Development & Executive Officer

Guests

Approved Leave of Absence

Apologies

Gallery

Mr R McTaggart – Point Leander Drive, Port Denison

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

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

Response: The Shire President took the question on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 27 July 2021

A copy of the minutes of the 27 July 2021 Ordinary Council Meeting have been provided to all Councillors under separate cover.

| |
|--|
| COUNCIL DECISION 010821: |
| MOVED: Cr Leonard |
| SECONDED: Cr Palmer |
| That the Minutes of the Ordinary Council Meeting, held 27 July 2021, as previously circulated, be adopted as a true and accurate recording of that meeting. |
| VOTING DETAILS: |
| Carried 8/0 |

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

| | |
|----------------|---|
| 06 August 2021 | The Shire President officiated a Citizenship Ceremony for 2 new Australian Citizens residing in the Shire of Irwin. |
| 09 August 2021 | The Shire President attended the Annual Bush Fire Advisory Committee Meeting. |
| 10 August 2021 | The Shire President and CEO attended a meeting with representatives of Mitsui E & P. |

9. REPORTS

9.1. Officer Reports

| CORPORATE AND COMMUNITY | | CC01-08/21 |
|-------------------------|--------------------------------------|------------|
| Subject: | CC01-08/21 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 July 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of July 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 all payments by Council.

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 – August 2021

CC01-08/21 Attachment 1: Accounts for Payment – July 2021

Officer Recommendation:

COUNCIL DECISION 020821:

MOVED: Cr Scott

SECONDED: Cr Eva

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

| Payment Type/Numbers | Total Amount |
|--|-----------------------|
| EFT 27609 – 27717 | \$1,055,518.13 |
| Muni Cheques – 32071 – 32075 | \$61,199.82 |
| Direct Debit – Telstra | \$3,353.52 |
| Direct Debit – WA Treasury Corporation | \$36,814.44 |
| Direct Debit – Solar Panel Repayments | \$1,947.66 |
| Direct Debit – Superannuation | \$32,074.64 |
| Grand Total | \$1,190,908.21 |

VOTING DETAILS:

Carried 8/0

| CORPORATE AND COMMUNITY | | CC02-08/21 |
|-------------------------|---|------------|
| Subject: | CC02-08/21 Record Keeping Plan 2021 | |
| Author: | K Haug, IT Systems & Governance Officer | |
| Responsible Officer: | D Chandler, A/Manager Corporate & Community | |
| File Reference: | 3.0331 | |
| Voting Requirements: | Absolute Majority | |

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Report Purpose:

For Council to consider reviewing and adopting the Shire of Irwin Record Keeping Plan (RKP) (the Plan). The Plan has been developed to provide record keeping principles ensuring better practice and compliance with all relevant legislation.

Background:

In accordance with the *State Records Act 2000 WA*, the Shire of Irwin (SOI) is required to update the Record Keeping Plan every five years.

In 2019, the Shire engaged the services of a consultant to conduct essential staff training and ensure record keeping processes are current, providing better practice, efficiency and compliance for the Shire. The review included the identification of risk and areas of ambiguity, resulting in the adoption of Council Policy CP24 Record Keeping, at the 25 February 2020 Ordinary Council Meeting.

At the 5 March 2020 Special Council Meeting, Council resolved to purchase the Dongara Medical Centre. In accordance with the Medical Practice Agreement, the Shire of Irwin has custodianship of medical centre records (with access to records managed by the Principal GP) and therefore must be included in the Shire of Irwin Record keeping Plan to ensure compliance with the *State Records Act 2000*.

Officer's Comment:

The review has allowed for a greater understanding of record keeping processes and legislation which has translated into the creation of a more effective and compliant RKP.

Once adopted, the Shire of Irwin RKP is required to be submitted to the State Records Office by 31 August 2021.

The Shire of Irwin RKP has been developed to reference the required legislation and processes required by the Shire of Irwin ensuring, compliance and better practice. To ensure successful implementation of the newly adopted RKP, associated policies, guidelines and procedures will be reviewed and developed

for Council's consideration in the coming months. This will include, but is not limited to, a new Council Policy relating to Dongara Medical Centre record keeping.

Consultation:

The Shire of Irwin RKP was reviewed in consultation with a Senior Consultant at Information Enterprises Australia Pty Ltd and under the guidance of the State Records Office.

Statutory Environment:

Local Government Act 1995

*5.41. Functions of CEO The CEO's functions are to —
(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law*

State Records Act 2000 WA

*Part 3 — Record keeping plans for government organizations
Division 2*

19. Government organizations to have plans

Every government organization must have a record keeping plan that has been approved by the Commission under section 23.

Policy Implications:

CP24 Record Keeping – this policy will be reviewed and updated accordingly after adoption of the RKP.

New Council Policies and associated procedures may be required after adoption of the RKP.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt and follow better practice processes

Attachments:

Attachment Booklet – August 2021

CC02-08/21 Attachment 1: Shire of Irwin Record Keeping Plan 2021

Officer Recommendation:

COUNCIL DECISION 030821:

MOVED: Cr West

SECONDED: Cr Eva

That Council, by Absolute Majority, adopts the Shire of Irwin Record Keeping Plan 2021, provided as Attachment 1 in Attachment Booklet – August 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

| OFFICE OF CEO | | CEO01-08/21 |
|----------------------|--|-------------|
| Subject: | CEO01-08/21 Shire of Irwin 2021/22 Annual Budget | |
| Author: | D Chandler, A/Manager Corporate & Community | |
| Responsible Officer: | S Ivers, Chief Executive Officer | |
| File Reference: | 3.0200 | |
| Voting Requirements: | Absolute Majority | |

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

Report Purpose:

To consider and adopt the Shire of Irwin Annual Budget ("Budget") for the 2021/22 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background:

The Shire of Irwin 2021/22 Budget has been compiled based on the principles contained in the Strategic Community Plan. The 2021/22 Budget has been prepared in accordance with the presentations made to Councillors at the two (2) budget workshops held 18 May 2021 and 17 August 2021.

The proposed differential general rates were approved by Council on 25 May 2021 and advertised for public comment. No submissions were received by 18 June 2021 when the public comment period closed.

At the 22 June 2021 Ordinary Council Meeting, Council resolved to make application to the Minister for Local Government to seek approval under s.6.33(3) of the *Local Government Act 1995* to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties. Ministerial approval was received on 27 July 2021.

Officer's Comment:

The Budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the 2021/22 Budget include:

- A 4.9% increase on rate revenue which applies to all differential general rate categories. Due to the annual UV valuation, the increase equates to a 3.96% increase on the rates in the dollar imposed in 2020/21.

- Fees and charges were adopted by Council at the 27 July 2021 Ordinary Council Meeting and advertised for 7 days. With no submissions received, the 2021/22 Fees and Charges were imposed on 11 August 2021.
- In accordance with the *Local Government (COVID-19 Response) Amendment Order 2021*, penalty interest is set at 7% and instalment interest charges remain at 5.5% with the financial hardship policy remaining in place.
- Household and commercial waste charges and charges for depositing refuse at the Shire of Irwin Transfer Station are proposed to increase by 4.9% and are itemised separately in the 2021/22 Budget.
- The operating budget includes an overall decrease in estimated expenditure of 6.1% on last year's actuals (although individual line items may vary from this based on specific factors affecting each of these) and continues the focus on improved service delivery to the community.
- A capital works program totalling \$7.9M for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$2.7M) in line with Council's strategy to increase the investment in road and associated assets. An amount of \$1.65M is provided to complete the Aged Housing Project.
- The Net Current Assets opening position at 1 July 2021 is an estimated surplus of \$808,457. This surplus includes \$296,597 early payment of the 2021/22 Federal Assistance Grants and \$700,000 of unspent loan funds for additional units and the communal area at Two Henry Road Independent Living Units, leaving the Net Current Assets closing position an estimated surplus of \$13,730 plus \$190,000 for staff leave entitlements as per the recommended industry standard.
- Budgeted transfers to Reserves include:
 - \$190,000 to provide for staff leave entitlements which will leave a balance of just over the recommended 60%; and
 - \$100,000 to the Asset Management Reserve
- Budgeted transfers from Reserves include:
 - \$50,000 for the provision of new gym equipment; and
 - \$240,345 for the completion of the Moreton Terrace Revitalisation project.
- Principal additional grant funding for the year is estimated to be received from:
 - Regional Road Group - \$340,797
 - Roads to Recovery - \$214,799
 - Black Spot Funding - \$206,667
 - Aged Housing Project - \$484,481
 - Local Roads & Community Infrastructure Stimulus Funding - \$501,686

The economic impacts of COVID-19 have required the Shire of Irwin to review and reprioritise Strategic Community Plan objectives and reprioritise and rationalise budgets to ensure essential services are maintained whilst continuing to deliver on other strategies adopted by Council. This includes ensuring an increased focus on road and associated infrastructure as well as on renewing assets at sustainable levels.

Consultation:

Extensive internal consultation has occurred with all departments, followed by in-depth management team workshops and meetings at various times since May 2021.

Two budget workshops with elected members were held on 18 May 2021 and 17 August 2021.

Statutory Environment:

Local Government Act 1995

- Section 6.2(1) Local government to prepare annual budget
- Section 6.12(1) Power to defer, grant discounts, waive or write off debts
- Section 6.16 Imposition of fees and charges
- Section 6.32 Rates and service charges
- Section 6.45(3) Options for payments of rates or service charges
- Section 6.50 Rates or service charges due and payable
- Section 6.51 Accrual of interest on overdue rates or service charges

Local Government (Financial Management) Regulations 1996

- Regulation 68 Maximum interest component prescribed
- Regulation 70 Maximum rate of interest prescribed (Act s. 6.51)

Local Government (COVID-19 Response) Order 2020

- Section 6.13 modified Interest on money owing to local governments
- Section 6.33 modified Differential general rates
- Section 6.34 modified Limit on revenue or income from general rates
- Section 6.35 modified Minimum payment
- Section 6.36 modified Local government to give notice of certain rates
- Section 6.45 modified Options for payment of rates or service charges
- Section 6.51 modified Accrual of interest on overdue rates or service charges

Local Government (COVID-19 Response) Amendment Order 2021

Policy Implications:

While the plans and strategies that underpin Council's Integrated Planning Framework are normally the core documents used to inform the resourcing requirements and financial capacity in preparation of the Annual Budget, a review of Council's Strategic Community Plan and Corporate Business Plan are underway and it is anticipated that these informing documents will be presented to Council for adoption in October 2021. This will form the strategic framework for ongoing budget review and development.

Financial/Resource Implications:

Specific financial implications are outlined in the Officer's Comment section of this report and are itemised in the Shire of Irwin 2021/22 Budget presented to Council for adoption.

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 – 2021/22 Annual Budget – August 2021

CEO01-08/21 Attachment 1: Shire of Irwin 2021/22 Annual Budget

Officer Recommendation:

COUNCIL DECISION 040821:

MOVED: Cr Wyse

SECONDED: Cr Eva

PART A – MUNICIPAL FUND BUDGET FOR 2021/22

That Council, by Absolute Majority and pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Shire of Irwin 2021/22 Annual Budget, as presented in Attachment Booklet – 2021/22 Annual Budget – August 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 050821:

MOVED: Cr West

SECONDED: Cr Gillam

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

That Council, by Absolute Majority;

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above and pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Values:

1.1 General Rates

- | | |
|---------------------------------|-----------------------------|
| • Residential (GRV) | 11.6239 cents in the dollar |
| • Commercial / Industrial (GRV) | 11.6239 cents in the dollar |
| • Rural (UV) | 1.4756 cents in the dollar |
| • Mining (UV) | 19.7408 cents in the dollar |

1.2 Minimum Payments

- | | |
|---------------------------------|---------|
| • Residential (GRV) | \$1,050 |
| • Commercial / Industrial (GRV) | \$1,050 |
| • Rural (UV) | \$1,050 |
| • Mining (UV) | \$1,050 |

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for payment in full or by instalments:

- | | |
|---|-----------------|
| • Issue Date | 30 August 2021 |
| • <u>Option 1</u> – to pay in full by the date: | 4 October 2021 |
| • <u>Option 2</u> – to pay in two instalments | |
| 1 st half instalment due date: | 4 October 2021 |
| 2 nd half instalment due date: | 6 December 2021 |
| • <u>Option 3</u> – to pay in four instalments | |
| 1 st quarterly instalment due date: | 4 October 2021 |
| 2 nd quarterly instalment due date: | 6 December 2021 |
| 3 rd quarterly instalment due date: | 7 February 2022 |
| 4 th quarterly instalment due date: | 11 April 2022 |

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid (i.e. 3 x instalments = \$15.00).
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
6. In accordance with the *Local Government (COVID-19 Response) Amendment Order 2021*, interest on overdue and unpaid rates and instalment interest will not be charged during the 2021-2022 financial year to a person deemed to be suffering hardship as a result of the COVID-19 pandemic.

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 060821:

MOVED: Cr Leonard

SECONDED: Cr Eva

PART C – FEES AND CHARGES FOR 2021/22

That Council, by Absolute Majority and pursuant to Section 6.16 of the *Local Government Act 1995*, adopts the Schedule of Fees and Charges as provided in the Shire of Irwin 2021/22 Annual Budget, presented in Attachment Booklet – 2021/22 Annual Budget – August 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 070821:

MOVED: Cr Scott

SECONDED: Cr Eva

PART D – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2021/22

That Council, by Absolute Majority;

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - Shire President \$10,000
 - Councillors \$ 7,688
2. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - Shire President \$20,000
3. Pursuant to Section 5.98A of the *Local Government Act 1995* and Regulation 33A of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - Deputy Shire President \$5,000

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 080821:

MOVED: Cr Leonard

SECONDED: Cr Gillam

PART E – NEW LOANS FOR 2021/22

That Council, by Absolute Majority and in accordance with Section 6.20(4) of the *Local Government Act 1995*, adopts the proposed new loans included in the Shire of Irwin 2021/22 Annual Budget, as presented in Attachment Booklet – 2021/22 Annual Budget – August 2021 and approves the application to the Western Australian Treasury Corporation for funding of these loans:

- \$530,000 – for the purchase of a prime move and side tipping trailers
- \$60,000 – for the purchase of a grader mounted rubber-tyred roller
- \$84,000 – for the purchase of 3 x fleet vehicles

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 090821:

MOVED: Cr West

SECONDED: Cr Gillam

PART F – MATERIAL VARIANCE REPORTING FOR 2021/22

That Council, by Absolute Majority and in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and *AASB 1031 Materiality*, adopts the level to be used in statements of financial activity in 2021/22 for reporting material variances, to be 10% or \$10,000, whichever is the greater.

VOTING DETAILS:

Carried by Absolute Majority 8/0

Cr Gillam declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, with the extent of the interest being his position as a member of the Irwin South Bushfire Brigade.

Cr Gillam stayed in the Chambers to participate and vote.

| OFFICE OF CEO | | CEO02-08/21 |
|----------------------|---|-------------|
| Subject: | CEO02-08/2021 Irwin North and South Bushfire Brigade Amalgamation | |
| Author: | M Teale, Community Emergency Services Manager | |
| Responsible Officer: | S Ivers, Chief Executive Officer | |
| File Reference: | 3.0174 | |
| Voting Requirements: | Simple Majority | |

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Report Purpose:

For Council to consider the amalgamation of the Irwin North and Irwin South Bushfire Brigades.

Background:

The Shire of Irwin currently has three Bushfire Brigades being Dongara Town, Irwin North and Irwin South.

On Monday 8 March 2021, the Irwin North and Irwin South held an annual general meeting, and at the meeting the Brigade members and Captains present, voted to amalgamate the Irwin North and Irwin South Bushfire Brigades to form the Irwin Bushfire Brigade. Nominations were also made and accepted for the Officer positions within the Brigade and Committee. The Brigades believe they could benefit from working from a combined location which will assist all members by providing a single location for meeting and training requirements. In addition, by combining the two brigades, the administrative requirements of running a Brigade could be captured by one elected committee.

Irwin North and Irwin South have previously been separated by Midlands Road, with the Irwin South Bushfire Brigade Station located on the South side of Midlands Road at the townsite of Irwin. Though separated into two different Brigades, the members within the Brigades have responded as one group and community with the boundaries having no influence over operations.

The Irwin North Bushfire Brigade is described as a Farmer Response Brigade with no actual assets or physical resources at its disposal. The Irwin South Brigade has two firefighting vehicles and the previously mentioned station.

On Monday 9 August 2021, the Irwin North and South Brigades tabled the request for amalgamation at the Shire of Irwin Bushfire Advisory Committee. The Committee voted to accept the recommendation and requested that it be recommended for Council's consideration.

Officer's Comment:

The Irwin North and South Bushfire Brigades' request to amalgamate will assist the community by providing a streamlined structure for the area which will reduce any confusion about areas of responsibility and location of membership. This single structure will assist the Brigade with its administrative requirements, which will in turn improve communication, and then ultimately improve operational response.

In recognition of this very important volunteer group in the community, it is recommended that Council supports the amalgamation request to form the Irwin Bushfire Brigade. A review will be conducted in 12 months' time by the Community Emergency Services Manager and Chief Executive Officer to ensure that the objectives and response requirements of the Brigade continue to be met.

Consultation:

Shire of Irwin Bushfire Advisory Committee
Irwin North and Irwin South Bushfire Brigades

Statutory Environment:

Bushfire Act 1954 (Section 41)
Shire of Irwin Bushfire Brigade Local Law

Policy Implications:

Nil.

Financial/Resource Implications:

The 2021/22 Annual Budget contains sufficient funding for this purpose with no material effect on the Budget.

Department of Fire and Emergency Services Funding, Emergency Services Levy (ESL) through the Local Government Grant Scheme will not be impacted.

Strategic Implications:

Strategic Community Plan 2017 - 2027
Strategy 3.3.1 Partner with relevant agencies in relation to emergency services management

Attachments:

Nil.

Officer Recommendation:

COUNCIL DECISION 100821:

MOVED: Cr Wyse

SECONDED: Cr Eva

That Council supports the amalgamation request of the Irwin North and Irwin South Bushfire Brigades, to form the Irwin Bushfire Brigade.

VOTING DETAILS:

Carried 8/0

Cr Gillam declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021, with the extent of the interest being his position as a member of the Irwin South Bushfire Brigade.

Cr Gillam stayed in the Chambers to participate and vote.

| OFFICE OF CEO | | CEO03-08/21 |
|----------------------|---|-------------|
| Subject: | CEO03-08/2021 Bushfire Brigade Donation | |
| Author: | M Teale, Community Emergency Services Manager | |
| Responsible Officer: | S Ivers, Chief Executive Officer | |
| File Reference: | 3.0211 | |
| 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. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ **Legislative** Includes adopting local laws, local planning schemes and policies.
- ☐ **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 an ongoing donation to the local Bushfire Brigades in recognition of the exceptional voluntary service provided for the green waste burns at the Shire of Irwin Transfer Station.

Background:

Green waste is accepted free of charge at the Shire of Irwin Transfer Station and the Shire's original intent was to mulch the green waste and provide it back to the community free of charge.

The amount of green waste that has accumulated at the Transfer Station has far exceeded expectation which may be partially due to the current state of emergency with travel restrictions and as result, people staying at home.

Mulching of the green waste typically costs \$60,000 and during past inspections, it was identified that it may contained excessive weed species as well as foreign materials. Due to these ongoing significant costs, along with the potential weed issues, mulching is a less desirable undertaking.

On Saturday 26 June, the Shire engaged the services of Irwin and Dongara Bushfire Brigades to assist with burning the green waste at the Transfer Station. This was carefully planned according to favourable weather conditions and communicated extensively with the community with regards to potential smoke and closure of the Transfer Station for safety purposes.

The green waste was also successfully burnt by the Bushfire Brigades in September 2020. At the current rate of green waste accumulation, we expect the green waste will need burning 3-4 times per year, weather permitting. If regularly burnt the piles will remain manageable in size and risk. The Bushfire Brigades' ongoing commitment will be an essential part of managing the green waste into the future.

Officer's Comment:

The green waste burn at the Transfer Station resulted in a very positive outcome due to the exceptional service provided by the Volunteer Bushfire Brigades' as well as continued significant cost saving to Council.

In recognition of this appreciation to a very important volunteer group in our community, it is recommended that the Shire of Irwin donate \$1,000 to each Bushfire Brigade for a total of \$2,000 after completing each and every successful green waste burn. This ongoing arrangement will be reviewed annually by the Community Emergency Services Manager and Chief Executive Officer.

Consultation:

Nil.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial/Resource Implications:

The 2021/22 Budget contains an allocation for this purpose.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 3.3.1 Partner with relevant agencies in relation to emergency services management

Attachments:

Nil.

Officer Recommendation:

COUNCIL DECISION 110821:

MOVED: Cr West

SECONDED: Cr Leonard

That Council, by Absolute Majority, authorises the Chief Executive Officer to donate \$1,000 to the Irwin Bushfire Brigade and \$1,000 to the Dongara Town Bushfire Brigade in recognition of the exceptional voluntary service provided for the green waste burn at the Dongara Transfer Station on 26 June 2021.

VOTING DETAILS:

Carried by Absolute Majority 8/0

COUNCIL DECISION 120821:

MOVED: Cr Wyse

SECONDED: Cr Palmer

That Council, by Absolute Majority, continues to support the green waste burns at the Shire of Irwin Transfer Station with a donation of \$1,000 to each of the Bushfire Brigades after each and every successful burn.

VOTING DETAILS:

Carried by Absolute Majority 8/0

| INFRASTRUCTURE & DEVELOPMENT | | ID01-08/21 |
|------------------------------|---|------------|
| Subject: | ID01-08/21 Delegated and Authorised Actions for July 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.
- ☐ **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 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 July 2021 to 31 July 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 – August 2021

ID01-08/21 Attachment 1: Table of Delegated Actions for July 2021, Development

CONFIDENTIAL Attachment Booklet – August 2021

ID01-08/21 Attachment 2: Detailed Table of Delegated Actions for July 2021, Development

Officer Recommendation:

COUNCIL DECISION 130821:

MOVED: Cr Eva

SECONDED: Cr Gillam

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

VOTING DETAILS:

Carried 8/0

| INFRASTRUCTURE & DEVELOPMENT | | ID02-08/21 |
|------------------------------|--|------------|
| Subject: | ID02-08/21 Proposed Outbuildings at Lot 504 (#8) Mitchell Heights, Dongara | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | P1120, A648 | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

Report Purpose:

For Council to consider the proposed outbuildings at Lot 504 (#8) Mitchell Heights, Dongara.

Background:

The Shire received a Development Application proposing the construction of two outbuildings at Lot 504 (#8) Mitchell Heights, Dongara on 11 May 2021.

The subject property is 774sqm in area within the Residential R12.5 zone, which is similar to surrounding properties.



The owner is seeking approval for two outbuildings at their property with the below summarised characteristics:

Workshop Outbuilding

- 32sqm floor area
- 3m wall height
- 3.536m ridge height
- 0.5m rear setback
- Nil setback to side boundary
- Finished floor level of 11.40m

Garage Outbuilding

- 75sqm floor area
- 3.3m wall height
- 3.97m ridge height
- 9.5m front setback (adjusted from initial proposal)
- 0.5m side setback
- Finished floor level of 9.90m

The aggregate outbuilding floor area proposed is 107sqm.

The proposal required a Development Application due to exceedance to the maximum aggregate floor area, exceedance to the maximum wall height and variation to the minimum setbacks. The justification provided by the owner for the increased floor area is to garage a boat and trailer combination and have a separate personal workshop space.

Officer's Comment:

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

| Development Criteria | Prescribed | Proposed | Complies with Deemed to Comply – Yes/No |
|-------------------------|--------------|-------------------------------------|---|
| Maximum Floor Area | 60sqm | 107sqm | No |
| Maximum Wall Height | 2.4m | 3m (workshop) 3.3m (garage) | No No |
| Maximum Ridge Height | 4.2m | 3.536m (workshop) 3.97m (garage) | Yes Yes |
| Setback minimum – front | 7.5m | 9.5m (garage) | Yes |
| Setback minimum – rear | 1m | 0.5m (workshop) | No |
| Setback minimum – side | 1 1.5m | Nil (workshop) 0.5m (garage) | No No |
| Minimum Open Space Area | 55% (425sqm) | Approx. 428sqm | Yes |

Aggregate Floor Area

The most significant variation sought with the application relates to the aggregate floor area. The applicant has demonstrated the owner seeks additional area to provide for the garaging of a boat and trailer combination, hence the proposed 75sqm garage outbuilding with the elongated configuration. The second outbuilding of 32sqm is more typical of a domestic residential shed. The combination of outbuilding floor area equates to 107sqm, which is 47sqm additional outbuilding area sought above the prescribed amount.

In the absence of a local planning policy providing guidance on acceptable maximum floor areas considered beyond the 60sqm prescribed in the R-Codes, the proposal is to be assessed for compliance against the Design Principle. The floor area alone is substantially above the prescribed maximum, however when taking into account other factors of the proposal, the impact of the additional floor area isn't considered to result in undesirable amenity intruding onto neighbouring properties or the streetscape.

Setbacks – Garage

The applicant initially proposed the garage outbuilding to be setback from the front setback at 6.5m. The prescribed minimum front setback for R12.5 is 7.5m. The dwelling was approved forward of this 7.5m setback line due to the R-Codes permitting a reduced setback (up to 50%) only when a compensating area of open space reflecting the area of the dwelling forward of this setback line can be provided for. The compensating area supporting the dwelling approved forward of the 7.5m setback is the area where the garage is proposed. At the Shire's request, the applicant subsequently adjusted the garage setback to 9.5m to meet the front setback requirement and so that the compensating area for the dwelling remains compliant.

The location of the garage outbuilding proposes a side setback variation. At the length and height of the outbuilding, a 1.5m side setback is required to meet the Deemed to Comply criteria. The applicant proposes a side setback of 0.5m. With no objection received and no overshadowing into neighbouring properties as a result of the reduced setback, it is considered the reduced setback meets the Design Principle.

Setbacks – Workshop

The workshop outbuilding is proposed in the far rear corner of the property with a reduced rear setback (0.5m in lieu of 1m) and reduced side setback (0m in lieu of 1m). The location of the outbuilding does not result in any overshadowing to neighbouring properties or result in intruding bulk or scale as a result of the reduced setback due to varying property levels.

Outbuilding Heights

The applicant seeks to construct both outbuildings with wall heights above the Deemed to Comply 2.4m maximum but with ridge heights much lower than the Deemed to Comply 4.2m maximum. The design for increased wall heights isn't compounded by increased ridge heights as well which is often the case. Further to this, the impact of the increased wall heights to the streetscape is minimised due to the rear location of the proposed workshop and orientation of the proposed garage. The property is sloped across the site (as can be seen on the site plan) with the more visible proposed garage located on the low side of the retained dwelling. The proposed heights are considered to meet the Design Principle when taking into account these factors.

Concluding Statement

When assessing the proposal against the Design Principle and objective of Part 5.4, the common theme relates to minimising visual amenity impacts to neighbouring properties and the streetscape. No objections were received during the neighbour consultation period, which indicates that the neighbours perceive that the proposal would not impact their amenity. The design of the outbuildings and their location and orientation to surrounding properties and the street assists with minimises any visual amenity concerns of unreasonable bulk or scale.

It is considered the proposal complies with the Design Principle for Outbuildings for the following reasons:

- The placement and orientation of the two outbuildings reduces the exposure of the structures to the street. This is particularly the case for the larger and longer garage outbuilding where the 5m width of the outbuilding faces the street but also applies to the workshop outbuilding which would be fully or mostly shielded from view from the street. It is considered that the outbuildings would not detract from the residential streetscape.
- The overall heights of the outbuilding have been kept lower than the prescribed ridge height of 4.2m. Increased wall heights for outbuildings is quite common as it provides clearance for boats and caravans. The potential for visual impact of an outbuilding increases as the heights increase. In this case, the ridge height has been kept below 4.2m which aids in reducing bulk and scale impacts introduced by increased wall heights as well as additional floor area.
- The neighbour consultation resulted in two submissions of support and no objections. This provides some assurance that the proposal would not have a visual impact on the amenity of the adjoining residents.
- The additional floor area doesn't compromise the minimum open space required for the property. Any proposals for future additions however would be subject to a Development Application due to no additional open space being available.

It is also worth noting with the consideration of outbuilding applications, that some of the R-Codes development controls, such as the 2.4m wall and 4.2m ridge heights, do not apply for open roofed structures.

It is recommended that Council approve the outbuildings as proposed subject to standard conditions.

Consultation:

Adjoining/nearby landowners

The proposal was referred to adjoining/nearby landowners in accordance with the requirements of the R-Codes.

Two submissions were received in support of the proposal. No objections or objecting comments were received.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5

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

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

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

Part 5

5.4 Building design

Objectives

(c) To maintain the amenity of streetscapes and views along the street by ensuring that associated outbuildings and other fixtures attached to buildings do not detract from the streetscape and are not visually intrusive to neighbouring properties or adjoining public spaces.

| Design principles Development demonstrates compliance with the following design principles (P) | Deemed-to-comply Development satisfies the following deemed-to-comply requirements (C) | | |
|---|--|----------------------|---|
| 5.4.3 Outbuildings | | | |
| P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | <p>C3 Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> i. the standards for small outbuildings (A. Small outbuilding); or ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings). <table border="1"> <tr> <td>A. Small outbuilding</td><td> <ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street </td></tr> </table> | A. Small outbuilding | <ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street |
| A. Small outbuilding | <ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street | | |

| | | |
|--|------------------------------------|--|
| | | setback area; and (vi) does not reduce open space and outdoor living area requirements in Table 1. |
| | OR | |
| | B. Large and multiple outbuildings | (i) individually or collectively does not exceed 60m ² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Table 2a; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce the open space and outdoor living area requirements in Table 1. |
| <p>Notes:</p> <p>i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.</p> <p>ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.</p> <p>iii. There are separate building code requirements that may also apply.</p> | | |

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

CONFIDENTIAL Attachment Booklet – August 2021

ID02-08/21 Attachment 1: Development Application Plans

Officer Recommendation:

COUNCIL DECISION 140821:

MOVED: Cr Scott

SECONDED: Cr Leonard

That Council grants Development Approval for the “garage” and “workshop” outbuildings at Lot 504 (#8) Mitchell Heights, 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 run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Irwin.**
- 3. The outbuildings shall be constructed or pre-painted with Colorbond (or similar product). The use of zincalume is not permitted.**
- 4. 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.**
- 5. 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 1 and 2, the applicant shall submit revised plans for approval.**
- 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.**

It is the landowner’s responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.

VOTING DETAILS:

Carried 8/0

| INFRASTRUCTURE & DEVELOPMENT | | ID03-08/21 |
|------------------------------|--|------------|
| Subject: | ID03-08/21 Proposed Outbuilding at Lot 229 (#6) Tyford Road, Dongara | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | P1132, A9118 | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

Report Purpose:

For Council to consider the proposed outbuilding at Lot 229 (#6) Tyford Road, Dongara.

Background:

The Shire received a Development Application for an outbuilding at Lot 229 (#6) Tyford Road, Dongara on 05 July 2021. The subject property is 2004sqm located within the Special Residential zone.



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

- 96sqm floor area
- 4.1m wall height
- 4.8m ridge height
- 2m side boundary setback
- 6m rear setback

The proposal required a Development Application due to exceedance to the maximum floor area and variation to the minimum side and rear setbacks. The justification provided by the owner for the floor area is to allow additional space to store their boat.

Officer's Comment:

An assessment summary in respect to the requirements of the Shire's Local Planning Scheme No 5 (Scheme) has been tabled below, with additional comments to the relevant criteria further below:

| Development Criteria | Prescribed | Proposed | Complies – Yes or No |
|-------------------------|----------------|----------|----------------------|
| Maximum Floor Area | 80sqm | 96sqm | No |
| Maximum Wall Height | Not prescribed | 4.1m | N/A |
| Maximum Ridge Height | Not prescribed | 4.8m | N/A |
| Minimum Setback – front | 20m | 38.8m | Yes |
| Minimum Setback – rear | 10m | 6m | No |
| Minimum Setback – side | 5m | 2m | No |

Maximum Floor Area

The Scheme prescribes a maximum outbuilding floor area for the Special Residential zone at 80sqm. Within this clause, it clearly states that a development application is required for an outbuilding proposal that does not meet these requirements. This means that outbuilding proposals that exceed the maximum floor area requirement can be considered and approved, but only where they meet the overarching 'objective' provision.

Many existing outbuildings within the Special Residential zone, more specifically the Moreton Bay Estate, are 150sqm in area due to the previous Local Planning Scheme permitting up to 150sqm outbuildings and 200sqm in aggregate area. Whilst the current Scheme applies and no weight or precedence is given to a previous Scheme, consideration can be given to the established development of the area and what is to be determined as being appropriate and compatible with the locality.

The proposed outbuilding floor area is considered acceptable in the context of the estate. This is more so with the proposed outbuilding being located adjacent to an existing 150sqm outbuilding on the neighbouring lot.

Reduced Setbacks

Table 5.24 of the Scheme sets out the minimum setbacks for dwellings and other buildings. When a proposal does not meet the minimum prescribed setbacks or development provisions, this triggers the need for a development application. The applicant seeks to reduce the side setback from 5m to 2m and the rear setback from 10m to 6m. The reason for this is to minimise wasted space between the shed and boundary and to maximise the useable space within the property.

The reduced setbacks in this case do not present any undesirable impacts to neighbouring properties, by way of bulk or scale or overshadowing, or visual amenity impacts from the road.

Outbuilding Heights

The Scheme does not stipulate maximum wall and ridge heights for outbuildings. The requirement applicable to outbuildings in all zones in Clause 5.18 does provide consideration for building height in respect to the bulk and scale of the structure. The proposed wall and ridge heights of the outbuilding are generally consistent with existing outbuildings approved within the zone and with the proposed location and orientation, it is considered the outbuilding would not have any adverse impacts when viewed from neighbouring properties or from public roads.

Consultation:

With regard to the extent of the floor area and setback variations proposed, neighbour consultation was not considered necessary in this case due to:

- A 150sqm outbuilding (4m wall and 4.875m ridge height) with a reduced side setback to the eastern adjoining side boundary exists on the neighbouring lot, which is situated directly adjacent to the proposed 96sqm outbuilding. The separation afforded from the proposed 2m to the prescribed 5m in this situation would have no material impact.
- The additional floor area of 16sqm above the prescribed would not be noticeable or result in bulk or scale amenity concerns due to the existing outbuildings in the estate and the proposed rear location on the property. To note, if the 12x8m outbuilding was reduced in length to be 10x8m, a Development Approval would not be required.
- The reduced rear setback of the outbuilding to 6m at its proposed size and orientation would not introduce additional impacts to southern neighbouring lots in comparison to it being setback at the prescribed 10m.

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.”

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 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 “other buildings” in the Special Residential Zone.

5.24 Zone/Use Development Table

| Zone | Use | Min Lot Area (m ²) | | Min Boundary Setbacks (m) | | | Other Requirements |
|---------------------|-------------------|--------------------------------|-----------------|---------------------------|------|------|---|
| | | | | 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:

CONFIDENTIAL Attachment Booklet – August 2021

ID03-08/21 Attachment 1: Development Application Plans

Officer Recommendation:

COUNCIL DECISION 150821:

MOVED: Cr Scott

SECONDED: Cr Eva

That Council grants Development Approval for the proposed outbuilding at Lot 229 (#6) Tyford Road, 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 run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Irwin.**
- 3. The outbuildings shall be constructed or pre-painted with Colorbond (or similar product). The use of zincalume is not permitted.**
- 4. The finished floor level shall not exceed 500mm above natural ground level.**
- 5. The outbuilding shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.**
- 6. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, wastewater, waste products or other pollutants.**

Advice Notes

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- 4. The Western Australian Building Act 2011 requires a Building Permit to be obtained from the Shire before any work commences on the site.**
- 5. It is the landowner's responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.**

VOTING DETAILS:

Carried 8/0

Cr Smith, Shire President, declared a proximity interest pursuant to Section 5.60B of the Local Government Act 1995, with the extent of the interest being an adjoining landowner to the proposed development.

Cr Smith, Shire President, invited Cr B Wyse, Deputy Shire President to commence as the Presiding Member.

Cr Smith left the Chambers at 6.13pm.

Cr Wyse, Deputy President commenced as Presiding Member at 6.13pm.

| INFRASTRUCTURE & DEVELOPMENT | | ID04-08/21 |
|------------------------------|--|------------|
| Subject: | ID04-08/21 Proposed Outbuilding additions at Lot 30 (#87) Tulloch Drive, Dongara | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | P1125, A195 | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

Report Purpose:

For Council to consider the proposed outbuilding additions at Lot 30 (#87) Tulloch Drive, Dongara.

Background:

The Shire received a Development Application for an outbuilding additions at Lot 30 (#87) Tulloch Drive, Dongara on 02 June 2021.

The subject property is 4,014sqm in area within the Residential R2.5 zone. Similar sized and zone lots exist to the east and west of the site, whilst larger Rural Residential zoned properties exist north of the site.



The owner is seeking approval for additions to an existing outbuilding at property with the summarised characteristics:

- 111sqm additions to the existing 66.8sqm outbuilding (178sqm aggregate outbuilding floor area)
- 3m and 3.8m wall heights
- Up to 4.472m ridge height
- 2.478m rear boundary setback
- 1.5m side boundary setback

The proposal required a Development Application due to exceedance to the maximum floor area, maximum wall height, maximum ridge height and minimum setbacks. The justification provided by the owner for the exceedance/variation is to provide storage for a boat and caravan.

Officer's Comment:

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

| Development Criteria | Prescribed | Proposed | Complies with Deemed to Comply – Yes/No |
|---|----------------|--|---|
| Maximum Floor Area | 60sqm | 178sqm | No |
| Maximum Wall Height | 2.4m | 3m (north addition) 3.8m (south addition) | No No |
| Maximum Ridge Height | 4.2m | 3.7m (north addition) 4.472m (south addition) | Yes No |
| Setback minimum – front | 15m | 80m | Yes |
| Setback minimum – rear | 7.5m | 2.478m | No |
| Setback minimum – side | 7.5m | 1.5m (south addition) | No |
| Setback minimum – secondary street (Philbey Road) | 7.5m | 19.4m | Yes |
| Minimum Open Space Area | 80% (3,211sqm) | Approx. 3,600sqm | Yes |

Maximum Floor Area

The north addition replaces an existing carport. The current structure on the property is 66.8sqm of outbuilding (enclosed) and an additional 45sqm carport (open). The overall footprint of the structure increases from 111sqm to 178sqm however the outbuilding floor area increases from 66.8sqm to 178sqm, which greatly exceeds the maximum prescribed by the R-Codes.

The property lot size is reflective of the minimum R2.5 density which is considered very low residential density in the context of the R-Codes. It would be reasonable to expect that outbuildings would be larger in the low density areas than those within town/urban areas where 60sqm outbuildings are permitted without approval on, for instance, 800sqm lots. This is evident with the existing outbuildings within the Residential R2.5 area near and surrounding the subject site.

The applicant intends to redevelop the existing outbuilding at the rear of the property with the proposed outbuilding additions. It is considered the location and intention to extend the existing outbuilding at the rear of the property is more appropriate than the construction of separate outbuildings on the property that may present greater visual impact to the public roads that surround the site to the north and east (the western rear gravel road is more alike to a laneway access). With no objections received to the larger floor area and the location of the additions to the rear of the property, it is considered the larger floor area component meets the Design Principle whereby it is not perceived to detract from the visual amenity of the locality.

Maximum Heights

The applicant proposes to exceed the prescribed 2.4m wall height of the R-Codes for both additions, with the southern addition having a higher wall and ridge height. As noted above, higher wall heights of outbuildings out of the urban area of Dongara-Port Denison is more common and generally accepted due to the larger property sizes.

The applicant has expressed the need to store their boat and caravan, hence the additional space and higher clearances required for the southern addition. This is reflected in the outbuilding design, where only part of the outbuilding has been raised to accommodate this. This reduces the visual amenity impacts of undesirable bulk and scale as a result of the combination of additional height and floor area above the prescribed requirements. Similar to the observations made with regard to floor area, the rear location of the additions minimises exposure to public view. Additionally, no objections during neighbour consultation were received, therefore it is considered the proposed variations to the wall and ridge heights of the R-Codes meet the Design Principle.

Minimum Setbacks

The reduced rear setback of 2.47m has, in effect, been established from the existing outbuilding structure. The additional frontage proposed to the rear boundary by the additions does present potential visual amenity impacts to neighbours to the west. The rear access 'lane' functions only as rear additional access to several lots where the visual amenities associated with a typical residential streetscape aren't as relevant, which is heightened further in a lower density residential area more reflective of a rural townsite character. No objections were received to provide indication to the Shire that the reduced setback presents a concern. It is recommended however to impose a condition to restrict vehicle movement and temporary parking that accesses the outbuilding from the rear lane access shall not result in traffic safety or manoeuvrability issues. This is to ensure that the lane outside of the landowner's property boundary is not used as if it were part of the property due to lack of setback space behind the outbuilding. This is a common requirement for any garage approvals and crossover applications.

The applicant also proposes a reduced side setback of 1.5m to the southern boundary. Whilst this is a significant reduction to the minimum 7.5m side setback required, the reduction is more appropriate to the inner side boundary as opposed to the Philbey Road side which is more visible to public view. No objection was received from the neighbouring property for the southern addition (with the higher wall and ridge heights) at the reduced distance to the side dividing boundary.

Concluding Statement

The proposal seeks support for several variations to the R-Codes. This commonly presents a compounding impact from each variation which leads to undesirable and incompatible development caused by imbalance of discretion to the 'default' requirements. However, determining the proposal on its merits, it is evident that the variations proposed in this case can be accommodated. The observations in support of the application are noted:

- The footprint of the structure doesn't present a bulk and scale impact to neighbouring properties.
- The proposal does not detriment the visual amenity of the streetscape of the locality due to its sighting on the property.
- No submissions were received from the neighbour consultation process which indicates no perceived impacts on residents.

It is recommended that the outbuilding be approved subject to standard conditions.

Consultation:

Adjoining/nearby landowners

The proposal was advertised to adjoining/nearby landowners in accordance with the R-Codes due to the variations sought being greater than what would be considered as 'minor'.

No submissions were received.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5

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

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

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

Part 5

5.4 Building design

Objectives

(c) To maintain the amenity of streetscapes and views along the street by ensuring that associated outbuildings and other fixtures attached to buildings do not detract from the streetscape and are not visually intrusive to neighbouring properties or adjoining public spaces.

| Design principles Development demonstrates compliance with the following design principles (P) | Deemed-to-comply Development satisfies the following deemed-to-comply requirements (C) | |
|---|--|--|
| 5.4.3 Outbuildings | | |
| P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | C3 Outbuildings associated with a dwelling site address either: i. the standards for small outbuildings (A. Small outbuilding); or ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings). | |
| | A. Small outbuilding | (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m ² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce open space and outdoor living area requirements in Table 1. |

| | | | |
|------------------------------------|---|------------------------------------|--|
| | <p>OR</p> <table border="1" data-bbox="810 219 1449 792"> <tr> <td data-bbox="810 219 1034 792">B. Large and multiple outbuildings</td><td data-bbox="1034 219 1449 792"> <p>(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;</p> <p>(ii) set back in accordance with Table 2a;</p> <p>(iii) does not exceed a wall height of 2.4m;</p> <p>(iv) does not exceed a ridge height of 4.2m;</p> <p>(v) not located within the primary or secondary street setback area; and</p> <p>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</p> </td></tr> </table> <p>Notes:</p> <p>i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.</p> <p>ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.</p> <p>iii. There are separate building code requirements that may also apply.</p> | B. Large and multiple outbuildings | <p>(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;</p> <p>(ii) set back in accordance with Table 2a;</p> <p>(iii) does not exceed a wall height of 2.4m;</p> <p>(iv) does not exceed a ridge height of 4.2m;</p> <p>(v) not located within the primary or secondary street setback area; and</p> <p>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</p> |
| B. Large and multiple outbuildings | <p>(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;</p> <p>(ii) set back in accordance with Table 2a;</p> <p>(iii) does not exceed a wall height of 2.4m;</p> <p>(iv) does not exceed a ridge height of 4.2m;</p> <p>(v) not located within the primary or secondary street setback area; and</p> <p>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</p> | | |

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

CONFIDENTIAL Attachment Booklet – August 2021

ID04-08/21 Attachment 1: Development Application Plans

Officer Recommendation:

COUNCIL DECISION 160821:

MOVED: Cr West

SECONDED: Cr Leonard

That Council grants Development Approval for the proposed outbuilding additions at Lot 30 (#87) Tulloch Drive, Dongara subject to the following conditions and advice notes:

Conditions

1. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Irwin, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by other condition of this approval.
2. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Irwin.
3. The outbuildings shall be constructed or pre-painted with Colorbond (or similar product). The use of zincalume is not permitted.
4. 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.
5. 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.
6. Rear access to the outbuilding shall not result in traffic safety or manoeuvrability implications such as temporary parking or excessive manoeuvring outside of the property boundary.

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. The Western Australian Building Act 2011 requires a Building Permit to be obtained from the Shire before any work commences on the site.

It is the landowner's responsibility to ensure property boundaries and measurements are accurate and consistent with the surveyed property boundary.

VOTING DETAILS:

Carried 7/0

The Shire President returned to the Chambers and recommenced as Presiding Member at 6.14pm.

| INFRASTRUCTURE AND DEVELOPMENT | | ID05-08/21 |
|--------------------------------|--|------------|
| Subject: | ID05-08/21 Contract Variations – Moreton Terrace Upgrade Civil Construction Contract | |
| Author: | J Keene, Procurement & Administration Officer | |
| Responsible Officer: | S Ivers, Chief Executive Officer | |
| File Reference: | 3.0216 | |
| 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 increasing the maximum variation limit of the contract value from 15% to 25% for the Moreton Terrace Upgrade Civil Construction Contract due to variations received.

Background:

The Shire of Irwin is currently underway with the Moreton Terrace Revitalisation Project which includes renewing asphalt, kerbing, drainage, lighting, paving and crossovers, which is predominantly funded by the Regional Road Group (RRG) program and the Drought Communities Program Extension (DCPE).

Public tenders were invited from suitably experienced contractors for the civil construction works associated with the proposed renewal works where statewide public notice was given in The West Australian newspaper dated 6 March 2021.

At the 27 April 2021 Special Council Meeting, BOS Civil Pty Ltd was nominated as the successful submission by Absolute Majority for Tender 3-2020/21 Moreton Terrace Upgrade Civil Construction. The contract value was \$526,912 (including GST) with the option to proceed with the some or all optional packages to the value of \$296,356 (including GST) subject to the availability of Council approved funds.

The scope of works for the Moreton Terrace civil construction package awarded to BOS Civil Pty Ltd included the demolition of existing infrastructure, upgrade of lighting, drainage, raising service pits and paving for Moreton Terrace including the roundabouts and the Medical Centre public carpark connection.

Included in Council's decision, the Chief Executive Officer was delegated authority in accordance with s.5.42(1) of the *Local Government Act 1995*, authority to negotiate minor variations to the contract for Tender 3-2020/21 Moreton Terrace Upgrade Civil Construction as advertised and recorded in the Tenders Register before and / or after its execution in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996*.

Officer's Comment:

There have been unexpected difficulties replacing the below ground infrastructure, particularly the drainage system. Sections of Moreton Terrace have historically been impacted by flood events during heavy rainfall and upon excavation, significant tree root damage to the drainage system plus severely deteriorated drainage infrastructure including inadequate drainage points required renewal, upgrading and in some cases new infrastructure. Another issue was an unspecified major Western Power cable running down the centre of the street where the light poles footings had to be modified to accommodate this cable. Together with inclement weather, the total cost of these variations have approached \$90,000 (17% of contract value) excluding damage to the light footings.

Council approved \$296,356 for optional packages where \$142,219 has been committed with \$154,133 unspent. The committed optional packages include Moreton Terrace Stage 3 and the roundabouts. It is proposed that up to \$131,728 (25% of contract value) of the unspent funds of the optional packages be redirected to cover the cost of the contract variations.

There are no statutory implications with this recommendation.

Consultation:

Nil.

Statutory Environment:

Local Government (Function and General) Regulations 1996

21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or*
- b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).*

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- 1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - a. this Act other than those referred to in section 5.43; or*
 - b. (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

Policy Implications:

MP04 Purchasing

Delegation CEO100 - Tenders for Goods and Service

Financial/Resource Implications:

Included in the 2021/22 Budget

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 2.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:

Nil.

Officer Recommendation:

COUNCIL DECISION 170821:

MOVED: Cr Leonard

SECONDED: Cr Wyse

That Council, by Absolute Majority;

- a) Approves the variation of contract maximum limit from 15% to 25% for Tender 3-2020/21 Moreton Terrace Upgrade Civil Construction;
- b) Approves the extension of the completion date from 30 June 2021 to when all work is completed under the Scope of Works and a Completion Certificate is issued to the Contractor by the Principal; and
- c) Delegates the Chief Executive Officer in accordance with s.5.42(1) of the *Local Government Act 1995*, authority to negotiate minor variations to the contract 3-2020/21 Moreton Terrace Upgrade Civil Construction in accordance with Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.

VOTING DETAILS:

Carried by Absolute Majority 8/0

| INFRASTRUCTURE & DEVELOPMENT | | ID06-08/21 |
|------------------------------|---|------------|
| Subject: | ID06-08/21 Proposed Temporary Workforce Accommodation at Lot 4 (#343) Pye Road, Mount Adams | |
| Author: | B Jeans, Manager Development | |
| Responsible Officer: | P Traylen, A/Manager Infrastructure & Development | |
| File Reference: | P1124, A4646 | |
| Voting Requirements: | Simple Majority | |

Council Role:

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

Report Purpose:

For Council to consider the proposed temporary workforce accommodation development at Lot 4 (#343) Pye Road, Mount Adams.

Background:

The proposed development is to construct a Temporary Construction Village to accommodate up to 250 construction workers involved in the construction phase of the Waitsia Gas Project Stage 2 planned to occur over a 2 year period. The subject development area is 2.68ha located approximately 7km east of the Pye Road/Brand Highway intersection and proposes the following to be constructed:

- Up to 64 transportable accommodation units;
- Up to 11 modular transportable units for incidental facilities such as toilets, wet mess, gym and recreation room;
- Portable water treatment plant and wastewater treatment system; and
- Other incidental works associated with the 'camp' development.

A descriptive list of what is proposed is contained in Section 3.1 (Development Overview) of report in Attachment 1.

Equipment and development associated with the petroleum production (gas processing plant) is regulated by the Petroleum and Geothermal Energy Resources Act 1997. Shire approval for this is not required.

Officer's Comment:

Scheme – land use

The development involves the process of a 'use not listed' in which the Shire has determined that the development falls within the criteria of Clause 4.4.2(b) in which the development may be consistent with the objectives but a consultation process is to be carried out prior to determination. This assessment was on the basis of the scale of the workforce accommodation proposed. The consultation process

offered reasonable opportunity for any likely affected persons to make comment and for agencies to provide their assessment and requirements.

The objectives of the General Farming zone don't provide much clarity or direction on the use of rural land for the intended purpose of the proposal. The objectives do note support for 'other rural activities' that are not detrimental to the agricultural use of the land. It could be viewed that mining and exploration activities are a form of rural/industrial activity; an activity that is certainly a common form in the Shire. It is common for these activities to include on site temporary workforce accommodation and offices to support operations.

The proposed workforce accommodation is intended only for the workforce for the 2 year construction phase of the gas plant project and not the ongoing operations. The applicant's intention is to decommission the temporary camp following completion of construction.

Scheme – relevant matters

Clause 10.2 of the Local Planning Scheme is replaced by Clause 67 of the Deemed Provisions of the Local Planning Scheme Regulations 2015 and sets out all the relevant planning matters that can be considered by local government with development applications. In summary it is considered all of the aspects have either been addressed in the application or will be addressed with the recommended conditions of approval. Further to this, the considerations of the State's Position Statement for Workforce Accommodation has been reviewed. In respect to amenity aspects, due to its location and temporary occupation, requirements of landscaping and enhanced building design are not considered to be a relevant requirement.

Traffic and road use

Pye Road is managed by the Shire. The constructed road reserve of Pye Road from the Brand Highway intersection is approximately 2.8kms in length before the Pye Road reserve deviates southeast. A private road continues west from this deviation point and is the road that provides access to the site (via an easement arrangement). The Applicant has submitted information to support the use and security of this section of private road.

The applicant submitted a Traffic Impact Statement which has been assessed by the Shire. In terms of the proposed use and traffic anticipated, the Shire considers it necessary to implement conditions that reflect the temporary increased use of Pye Road under management of the Shire.

Main Roads WA made a submission in support of the development subject to the requirement of the highway intersection being upgraded to allow for turning movements. Any approval requirement from a third party are to be included as an advice note for the applicant to address separate to the local government's approval process.

Environmental related requirements

In response to agency responses and experiences from previous workforce accommodation developments, several conditions are proposed to be imposed to address environmental and health matters. The requirements relate to:

- Provision of a Water Quality Management Plan to ensure potable water on site meets Australian Drinking Standards and a Stormwater Management Plan to address runoff in the context of the groundwater recharge. This is particularly relevant with the proposed use of bore water and is to include monitoring of groundwater quality due to the use of onsite bore water with an onsite effluent disposal system.
- Shire and Department of Health approval for the onsite effluent disposal system.
- Waste management of the camp to be detailed and satisfied to ensure waste is sufficiently contained and disposed appropriately.
- Approvals for the food preparation areas which is to include inspections

Due to the site's location, concerns of light spill and noise from the site were not considered to present any offsite impacts. Regardless the applicant has indicated an operational camp management plan is prepared to address these matters.

Concluding statement

In summary the development is considered to be a compatible temporary use to support the construction of the gas processing facility. The site is in a locality that is the subject of extensive gas exploration activities over a long period of time. No objections were received or any issues noted in the agency responses that could not be addressed and therefore it is recommended that Council approve the development subject to conditions.

Consultation:

The Shire carried out the following consultation between 07 July 2021 – 2 August 2021:

- Dongara Denison Local Rag Public Notice 07 July, 14 July, 21 July 2021;
- Letters to surrounding/nearby property owners;
- Shire of Irwin Website; and
- Shire Administration Office copy displayed in reception.

Consultation was carried out for a period of 21 days, exceeding the minimum requirements required by the Shire's Local Planning Scheme No 5.

During the consultation period no neighbour or public submissions were received. Submissions were received from several agencies, which have been tabled in the Schedule of Submissions (Attachment 2). No objections were received.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5

The subject property is within the General Farming zone, with the following objectives:

- a) *To provide for rights of vehicular access, unfettered as to time, location and circumstance, to any land subject of a planning approval.*
- b) *To ensure the preservation of the rural character and rural appearance of land within the zone.*
- c) *To protect the economic viability of agricultural production via support only for subdivision or boundary relocation which retains or results in lot or location sizes which facilitate ongoing agricultural activity.*
- d) *To preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning approval issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion,*
- e) *reduce salinity and provide habitats for native fauna.*
- f) *To ensure that natural drainage patterns/catchments throughout the Shire are paid regard to, via the appropriate location of man-made drainage networks.*
- g) *To limit the number of dwellings to one per lot, unless for specific farm operation purposes, to discourage fragmentation or rural living use of agricultural land.*

The proposed development fits the definition of 'workforce accommodation':

means premises, which may include modular or relocatable buildings, used –

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting or recreation facilities for the occupants and authorised visitors.*

The workforce accommodation is defined in the Scheme but not listed in the Zoning Table of the Scheme. Where a development/land use is not listed, Clause 4.4.2 applies:

4.4.2 If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- a) determine that the use is consistent with the objectives of the particular zone and is*

- therefore permitted;*
- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Policy Implications:

Department of Planning Lands and Heritage Position Statement – Workforce Accommodation 2018

The document provides a good summary as to what local governments can consider and control in relation to workforce accommodation:

Under the Planning and Development Act 2005 planning decision-makers can:

| Control | Not Control |
|---|--|
| <ol style="list-style-type: none"> 1. Where a planning application is required, the terms of an approval related to: <ol style="list-style-type: none"> (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location and appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2. Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements. | <ol style="list-style-type: none"> 1. Any matters specified by a State Agreement Act. 2. The issuing of a mining tenement made under the Mining Act 1978 – which can include a general purpose lease for ‘any other purpose directly connected with mining operations’ (may be located in a townsite). 3. That workforce accommodation needs to be met by permanent accommodation rather than ‘camps’. 4. That workforce accommodation be located in a town rather than a minesite. 5. Whether the land for workforce accommodation is owned by the Crown or held in fee simple. 6. Requirements for ‘community contributions’ by workforce accommodation proponents. 7. Requirements for workforce accommodation to achieve ‘legacy benefits’. |

Financial/Resource Implications:

Should Council support the recommendation, there are no perceived financial implications as a result of the development on Council.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 1.1.1 Continuously improve approval processes.

Shire of Irwin Local Planning Strategy 2017

The Shire’s Strategy is relatively absent in respect to the proposed development use and associated industry. The site is located within Policy Area C in a location of moderate to high agricultural versatility. The objectives for the policy area stipulate protecting agricultural productivity. The temporary nature of the development and its association with the nearby gas processing facilities and infrastructure is noted in the assessment.

Attachments:

CONFIDENTIAL Attachment Booklet – August 2021

ID07-08/21 Attachment 1: Development Application

ID07-08/21 Attachment 2: Schedule of Submissions

Officer Recommendation:

COUNCIL DECISION 180821:

MOVED: Cr Scott

SECONDED: Cr Gillam

That Council grants Development Approval for the temporary workforce accommodation at Lot 4 (#343) Pye Road, Mount Adams subject to the following conditions and advice notes:

Conditions

1. This approval is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect.
2. 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 another condition of this approval.
3. The temporary construction village and ancillary infrastructure must be decommissioned and removed within 12 months of the cessation of construction works associated with the Gas Plant, unless the local government agrees otherwise.
4. All stormwater and drainage runoff shall be appropriately detained within the subject land, which is to be detailed and complied with in a Stormwater Management Plan to the satisfaction of the Shire of Irwin.
5. The applicant shall be responsible for any damages to the Pye Road surface and/or shoulders caused by the approved development activities from the commencement of site works up to the period of completion of decommission.
6. Traffic associated with the development shall be in accordance with the Traffic Impact Statement dated 28 May 2021.
7. Prior to commencing works, the applicant shall submit a Dust Management Plan to address dust emissions from traffic on unsealed roads/tracks and construction works to the satisfaction of the Shire of Irwin, and thereafter implemented at all times.
8. The applicant shall comply with the Bushfire Emergency Plan dated 16 August 2021.
9. Prior to occupation, the approved development shall be connected to a wastewater treatment system to the satisfaction of the Shire of Irwin.
10. The approved development shall be connected to an adequate potable water supply. Potable water is required to comply with the National Health and Medical Research Council's *Australian Drinking Water Guidelines*.
11. Prior to occupation of the development, a Water Quality Management Plan in accordance with the Department of Health's guidance on a 'Model Drinking Water Quality Management Plan' is to be prepared to the requirements of the Shire's Environmental Health Officer, and thereafter implemented at all times. The Water Quality Management Plan is to include drinking water volumes required to meet the operational needs of the development at different stages.
12. Solid waste for the development shall be stored appropriately and removed on a regular basis to an approved off-site waste management facility.
13. Usage of the kitchen / mess is not permitted until the facility has been registered as a food premises to the satisfaction of the Shire's Environmental Health section.

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 3 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

4. This is a Development Approval of the Shire under its Local Planning Scheme No. 5. It is not a Building Permit or an approval to commence or carry out development under any other law. The *Western Australian Building Act 2011* requires a Building Permit to be obtained from the Shire before any work commences on the site.
5. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
6. With respect to Condition 3, the applicant is required to advise the local government of the date when construction works are completed.
7. With respect to Condition 5, the applicant shall liaise with the Shire's Infrastructure and Development department to confirm the process in meeting with this requirement.
8. With respect to Condition 6, it is the responsibility of the applicant to liaise with Main Roads WA on their requirements in respect to the highway intersection and access.
9. With respect to Condition 9, the wastewater treatment system must be approved by the Relevant Authority.
10. With respect to Condition 10, a licence under the *Rights in Water and Irrigation Act 1914* may be required to abstract groundwater and the Applicant is encouraged to contact the Department of Water and Environmental Regulation for further advice in this regard.
11. With respect to Condition 11, the Department of Health requires periodic monitoring of the water supply to be undertaken for chemical and microbiological analysis with results reported to the Department of Health in accordance with its publication, 'System Compliance and Routine Reporting Requirements for Small Community Water Providers'. Details of the monitoring and reporting regimes should be included in the Drinking Water Quality Management Plan.
12. With respect to Condition 13, the kitchen is to be registered as a food premises under the *Food Act 2008*.
13. With respect to Condition 13, should an off-site caterer be selected for high activity periods, the Applicant is to submit the caterer's details for inclusion on the *Food Act 2008* registration permit.

VOTING DETAILS:

Carried 8/0

9.2. Committee Reports

9.2.1 Audit Committee Meeting

The minutes of the Audit Committee Meeting held Wednesday 16 June 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – August 2021.

COUNCIL DECISION 190821:

MOVED: Cr West

SECONDED: Cr Wyse

That Council receives the Minutes of the Audit Committee Meeting held Wednesday 16 June 2021.

VOTING DETAILS:

Carried 8/0

9.2.2 Local Emergency Management Committee (LEMC) Meeting

The minutes of the Local Emergency Management Committee (LEMC) Meeting held Thursday 22 July 2021 have been provided as Attachment 9.2.2 in Attachment Booklet – August 2021.

COUNCIL DECISION 200821:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council receives the Minutes of the Local Emergency Management Committee Meeting held Thursday 22 July 2021.

VOTING DETAILS:

Carried 8/0

9.2.3 Bush Fire Advisory Committee (BFAC) Meeting

The minutes of the Bush Fire Advisory Committee (BFAC) Meeting held Monday 9 August 2021 have been provided as Attachment 9.2.3 in Attachment Booklet – August 2021.

COUNCIL DECISION 210821:

MOVED: Cr Gillam

SECONDED: Cr West

That Council receives the Minutes of the Bush Fire Advisory Committee Meeting held Monday 9 August 2021.

VOTING DETAILS:

Carried 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Ian West provided a notice of motion to the Chief Executive Officer on 12 August 2021 in relation to the development and implementation of an Asbestos Register and a plan to meet statutory requirements and reduce risk of litigation.

| COUNCILLOR RECOMMENDATION: | |
|--|-------------------------|
| MOVED: Cr West | SECONDED: Cr Eva |
| That Council request the Chief Executive Officer to develop and implement the following no later than 30 June 2022: | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |

The councillor recommendation was moved by Cr West and seconded by Cr Eva.

The Shire President invited Cr West, as the Mover, to speak to the Motion.

Cr West spoke for the Motion.

The Shire President invited Cr Eva, as the Seconder, to speak to the Motion.

Cr Eva spoke to the Motion.

Cr Wyse spoke against the Motion and moved an amendment to change the year from 2022 to 2023.

| AMENDMENT: | |
|--|----------------------------|
| MOVED: Cr Wyse | SECONDED: Cr Palmer |
| Change the motion to: “That Council request the Chief Executive Officer to develop and implement the following no later than 30 June 2023”: | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |

Cr Palmer seconded the amendment.

The Shire President invited Cr Wyse, as the Mover, to speak to the amendment.

Cr Wyse declined to speak further.

The Shire President invited Cr Palmer, as the Seconder, to speak to the amendment.

Cr Palmer spoke for the amendment.

The Shire President invited any other Councillors to speak for or against the amendment.

Cr Leonard spoke for the amendment.

Cr West spoke against the amendment.

Cr Scott spoke against the amendment.

The Shire President put the amendment to vote.

| AMENDMENT AND COUNCIL DECISION 220821: | |
|--|----------------------------|
| MOVED: Cr Wyse | SECONDED: Cr Palmer |
| Change the motion to: “That Council request the Chief Executive Officer to develop and implement the following no later than 30 June 2023”: | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |
| VOTING DETAILS: | Lost 1/7 |

The amendment was LOST.

The original motion remained as the substantive motion.

The Shire President invited any Councillors that hadn’t already spoken to the original motion to speak.

Cr Leonard moved an amendment to change the first sentence to read “That Council request the Chief Executive Officer to initiate the following in 2021/22 and complete implementation no later than 30 June 2023...”.

| SECOND AMENDMENT: | |
|--|---------------------------|
| MOVED: Cr Leonard | SECONDED: Cr Scott |
| To change the first sentence to read: “That Council request the Chief Executive Officer to initiate the following in 2021/22 and complete implementation no later than 30 June 2023”: | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |

Cr Scott seconded the amendment.

The Shire President invited Cr Leonard, as the Mover, to speak to the amendment.

Cr Leonard declined to speak.

The Shire President invited Cr Scott, as the Seconder, to speak to the amendment.

Cr Scott declined to speak.

The Shire President invited any other Councillors to speak for or against the amendment.

Cr West spoke against the amendment.

The Shire President put the amendment to vote.

| SECOND AMENDMENT COUNCIL DECISION 230821: | |
|--|---------------------------|
| MOVED: Cr Leonard | SECONDED: Cr Scott |
| To change the first sentence to read: “That Council request the Chief Executive Officer to initiate the following in 2021/22 and complete implementation no later than 30 June 2023:” | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |
| VOTING DETAILS: | Carried 5/3 |

The amendment was CARRIED.

The Shire President put the Amended Substantive Motion to vote.

| AMENDED SUBSTANTIVE MOTION AND COUNCIL DECISION 240821: | |
|--|---------------------------|
| MOVED: Cr Leonard | SECONDED: Cr Scott |
| That Council request the Chief Executive Officer to initiate the following in 2021/22 and complete implementation no later than 30 June 2023: | |
| <ol style="list-style-type: none">1. An Asbestos Register that meets legislative requirements for the purpose of identifying the presence of asbestos in all Shire-owned buildings, on Shire-owned land and land under Shire control; and2. A plan that meets legislative requirements outlining actions and timelines to address the management of asbestos identified in the Asbestos Register. | |
| VOTING DETAILS: | Carried 8/0 |

The Amended Substantive Motion was CARRIED.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.31pm.

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>