



AGENDA

and

Notice of Ordinary Council Meeting

to be held

Tuesday 22 August 2023

in the

Council Chambers

11-13 Waldeck Street, Dongara

6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

Please be advised that Ordinary Council Meetings during 2023 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, commencing at **6.00pm**.

DATES	
No meeting held in January 2023	27 July 2023
28 February 2023	22 August 2023
28 March 2023	26 September 2023
26 April 2023	24 October 2023
23 May 2023	28 November 2023
27 June 2023	11 December 2023

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

Disclaimer

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

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



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

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

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ORDINARY COUNCIL MEETING

to be held

Tuesday 22 August 2023

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	President
Councillor I Scott	Deputy President
Councillor A J Gillam	
Councillor G Eva	
Councillor M Leonard	
Councillor B Wyse	
Councillor H Palmer	
Councillor E Tunbridge	

Staff

Mr S D Ivers	Chief Executive Officer
Mr M Connell	Manager Development
Mr P Bracegirdle	Manager Community Services
Miss P Machaka	Manager Finance
Mr M Jones	Acting Manager Operations
Mrs J Morgan	Executive Assistant

Apologies

Approved Leave of Absence

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1: Nic Grove, Dongara Hotel, Dongara 6525 (email received 24 July 2023):

We have submitted an application, in the meantime for round 1 which closes 31st July 2023. Would the council consider providing support if required for our submission? The location we have chosen is the undercover section of the old service station (yellow shed) which we think is the most suitable site for an ev charging station.

Response:

The Shire does encourage the submission though not sure how capable the current town power transmission system is in supporting EV charging installations such as the one proposed by Dongara Hotel. The Shire will continue to investigate solutions for the supporting infrastructure to enable EV charging installations.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting

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

RECOMMENDED:

That the Minutes of the Ordinary Council Meeting, held 25 July 2023, as previously circulated, be adopted as a true and accurate record of that meeting.

7.2 Minutes of the Special Council Meeting

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

RECOMMENDED:

That the Minutes of the Special Council Meeting, held 8 August 2023, as previously circulated, be adopted as a true and accurate record of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-08/23
Subject:	CC01-08/23 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

Council Role:

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

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

Background:

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

Officer's Comment:

Nil

Consultation:

Nil

Statutory Environment:

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

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

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

Policy Implications:

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

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – August 2023

CC01-08/23 Attachment 1: Accounts for Payment – July 2023

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority, receives the Accounts paid during July 2023 as contained in CC01-08/23 Attachment 1 of the Attachment Booklet – August 2023, represented by:

Payment Type/Numbers	Total Amount
EFT 30716 – 30819	\$598,184.79
Muni Cheques – 32158 – 32162	\$73,071.36
Direct Debit – Telstra	\$3,143.57
Direct Debit – WA Treasury Corporation	\$20,727.35
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – N-Able Pty Ltd	\$741.14
Direct Debit – Australian Phone Company	\$1,081.91
Direct Debit – Bonds Administrator	\$1,860.00
Direct Debit – Superannuation	\$50,514.89
Grand Total	\$751,272.67

CORPORATE AND COMMUNITY		CC02-08/23
Subject:	CC02-08/23 Monthly Financial Statements for the Period Ended 30 June 2023	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2022 to 30 June 2023.

Background:

The Monthly Financial Statements to 30 June 2023 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

Officer's Comment:

The financial position to the end of June 2023 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/06/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	9,602,757	10,550,809	10%
Operating Expenditure	(12,744,163)	(13,856,902)	9%
Net Operating	(3,141,406)	(3,306,093)	
Non-Operating Revenue	5,611,617	1,197,091	-79%
Non-Operating Expenditure	(8,520,607)	(3,033,761)	-64%
Net Non-Operating	(2,908,990)	(1,836,670)	
Cash at Bank		1,708,761	
Cash at Bank Restricted		373,935	
Reserve Bank		1,600,342	
Total Cash Funds		3,683,038	

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

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

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

Policy Implications:

Nil

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – August 2023

CC02-08/23 Attachment 1: Financial Statements for the Period Ended 30 June 2023.

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 30 June 2023 as contained in CC02 -08/23 Attachment 1 of the Attachment Booklet – August 2023.

CORPORATE AND COMMUNITY		CC03-08/23
Subject:	CC03-08/23 Rates Debt Write Off	
Author:	P Jones, Rates & Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	3.00436	
Voting Requirements:	Absolute Majority	

Council Role:

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

For Council to consider writing off rates debts totalling \$4,614.96 under *Section 6.12, Subsection 1 of the Local Government Act 1995*.

Background:

Council staff have identified a system related error which has put our pensioner accounts out of balance by \$4,614.96. This error has affected 17 properties for the 2020/21 & 2021/22 financial years. The imbalance is the result of multiple system errors including incorrect receipt types being processed, and pensioner records applying twice. This means that the affected properties have been credited their rebate twice.

As per the Shire's Delegation of Authority Register, Delegation 120 (Defer, Grant Discounts, Waive or Write off Debts), debts greater than \$1,000 can only be written off by resolution of Council.

Officer's Comment:

It has been recommended by a Rates Consultant that Council resolve to write off the amount of \$4,614.96, due to the system error being from several years ago and only being identified recently. The alternative would be to correct the property balances and send out letters to all affected pensioners/seniors who may owe up to \$794 each.

Consultation:

Nil

Statutory Environment:

Section 6.12, Subsection 1 of the Local Government Act 1995

(1) Subject to subsection (2) and any other written law, a local government may —

- a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- b) *waive or grant concessions in relation to any amount of money; or*
- c) *write off any amount of money, which is owed to the local government.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

Policy Implications:

Nil

Financial/Resource Implications:

The total debt to be written off is \$4,614.96. This amount has been carried forward as part of Council's opening net current asset position balance for 2023-24 financial year. If the amount is written off, it will be treated as an expense in the current year's budget.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Nil

Officer Recommendation:

RECOMMENDED:
That Council, by Absolute Majority, authorises the Chief Executive Officer to write off Rates debts, totalling \$4,614.96.

CORPORATE AND COMMUNITY		CC04-08/23
Subject:	CCO4-08/23 Draft Disability Access and Inclusion Plan 2023-2028	
Author:	P Bracegirdle, Manager Community Services	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0078	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

For Council to adopt the draft copy of the proposed Disability Access and Inclusion Plan (DAIP) 2023-2028 and conduct the required 21 days of public notice.

Background:

In fulfilling relevant statutory obligations, the Shire of Irwin is required on a five yearly basis to review and update the organisations existing DAIP.

The Draft DAIP 2023-2028 was developed in accordance with the *Western Australian Disability Services Act (1993)* (Act) which requires all State and Local Government Authorities to implement a Disability Access and Inclusion Plan to ensure that people with disability have equal access to facilities and services. The Shires previous DAIP 2012-2017 was reviewed and updated to reflect current community needs and aspirations.

The DAIP does not address any clinical treatment of disability and health issues, instead focussing on infrastructure, facilities and services that the Shire can deliver to improve amenities for people with disability.

Officer's Comment:

Officers undertook a review of the Shires previous 2012-2017 DAIP and the subsequent development of the new 2023-2028 DAIP. Outcomes within the plan were undertaken in accordance with the requirements of the Act. The Act is supported by relevant legislation underpinning access and inclusion including the *Western Australian Equal Opportunity Act 1984* and the *Commonwealth Disability Discrimination Act 1992* (DDA) both of which make discrimination based on a person's disability unlawful.

In developing the new DAIP Officers attended relevant Department of Communities training to further understand the Plans requirements and completed appropriate research to better inform decision making in relation to the Plans content.

Consultation:

In updating the DAIP, Officers undertook a range of community consultations with a broad spectrum of stakeholders inviting contributions from residents, disability service providers, people with disability, families of those living with disability and Council staff. Responses received through consultations, walkability and rideability audits with residents and findings based on recent research relating to barriers, formed the basis on which actions have been identified within the seven outcome areas of the DAIP2023-2028.

Statutory Environment:

Local Government Act 1995
Western Australian Disability Services Act 1993
Western Australian Equal Opportunity Act 1884
Commonwealth Disability Discrimination Act 1992

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 1.1.1 Identify and support services, events and programs for building capacity, social inclusion, and wellbeing.

Strategy 1.2.3 Support community-initiated projects and activities.

Strategy 1.2.4 Acknowledge and celebrate volunteers and community advocates.

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

Attachments:

Attachment Booklet – August 2023
CC02-08/23 Attachment 1: Draft Disability Access and Inclusion Plan 2023-2028

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority:

- a) Adopt the Draft Disability Access and Inclusion Plan 2023-2028 as contained in CC02-08/23 Attachment 1 of the Attachment Booklet-August 2023;
- b) Advertise the Plan for a period of 21 days;
- c) Endorse the Disability Access and Inclusion Plan 2023-2028 as contained in CC02-08/23 Attachment 1 of the Attachment Booklet-August 2023 for final approval should no objections be received; and
- d) Should any objections received following the advertising period, then require a further report to be presented to Council.

OFFICE OF CEO	CEO01-08/23
Subject:	CEO 01-08/23 Irwin Arrowsmith Advisory Council
Author:	S Ivers, Chief Executive Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	2.00077
Voting Requirements:	Absolute Majority

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Report Purpose:

For Council to endorse the Irwin Arrowsmith Advisory Council (IAAC) strategic framework and operating model and support for the establishment of the IAAC.

Background:

The Mid-West region is experiencing significant economic expansion. Between 2021 and 2022 the region’s Gross Regional Product increased from \$7.0B to \$8.2B. This strong economic performance is primarily driven by growth in the mining and resources sector, underpinned by sustained growth in the regions traditional agriculture, aquaculture, and manufacturing industries.

With continued demand for commodities domestically and internationally, the region now has a significant pipeline of resource, infrastructure, and other projects planned or underway. This investment will further stimulate the local economy and drive direct and indirect business and jobs growth across the region.

Importantly, the WA State Government has made clear its intent to capitalise on the region’s wind and solar energy potential by fast tracking the development of the Mid West Hydrogen Hub, part of its \$90m WA Renewable Hydrogen Strategy to drive the development of a renewable hydrogen industry in WA.

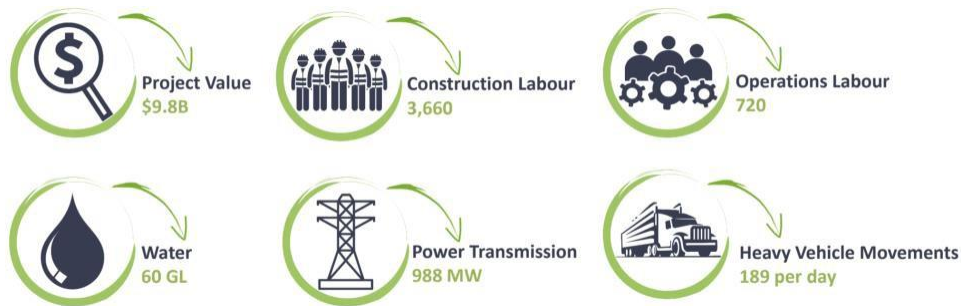
Development of the Mid West would capitalise on the emerging hydrogen energy market, leveraging the State Government’s \$47.5 million investment in the Oakajee Strategic Industrial Area, and expanding economic and job creation opportunities.

The above investment represents an unprecedented opportunity for social and economic participation by the local community. However, the flow on impacts from increased economic activity, including a shortage of housing and labour, are already being felt in local communities. These shortages are having serious detrimental effects on local residents, business operators and the thriving tourism sector.

There is a pressing need for a coordinated approach to future development to ensure that access to infrastructure does not limit or constrain growth, and that local communities are not negatively impacted by industry expansion.

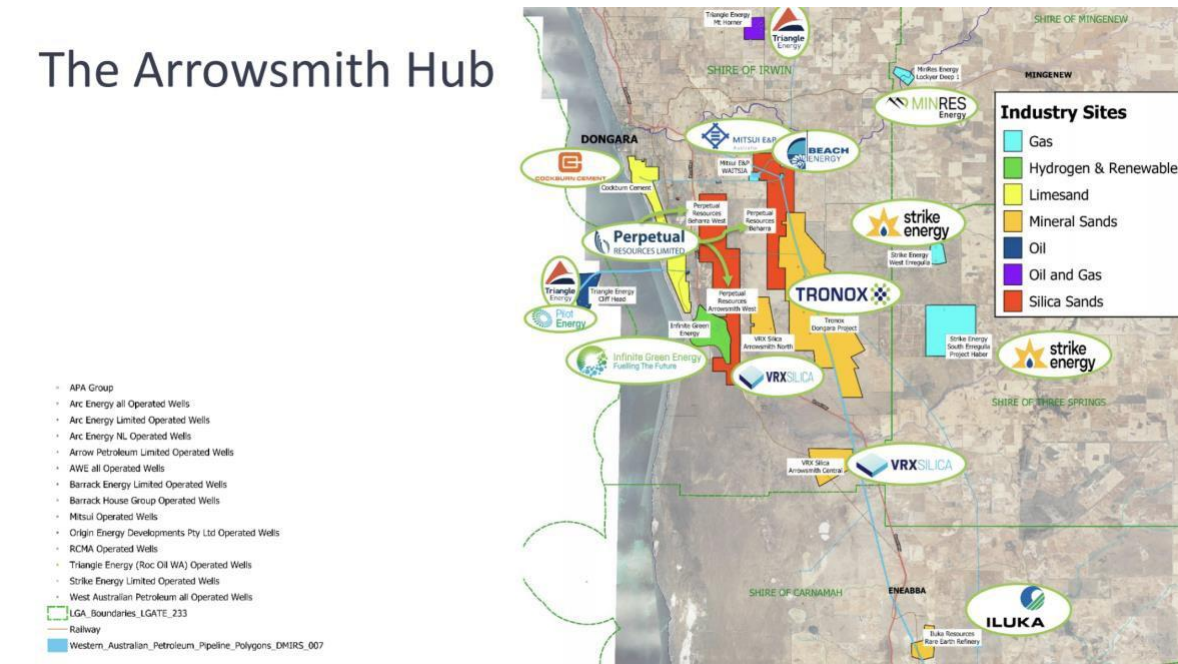
Furthermore, there is a need for careful consideration and management of any potential environmental or cultural heritage impacts from industry expansion. This includes protection of natural assets and resources, including groundwater, biodiversity and natural attractions which are central to the region’s tourism industry, and underpin the lifestyle appeal enjoyed by locals.

The Shire of Irwin led a forum in February 2023 for the mining, energy and renewable sectors within the “Arrowsmith Hub” to present to State Government their active or proposed investments in the region. The presentations included the estimated overall economic benefits, and infrastructure/logistics requirements:



The below map and diagram depicts industry sites across the area:

The Arrowsmith Hub



Arrowsmith is broadly represented as a locality in the Shire of Irwin, Shire of Carnamah, Shire of Mingenew and Shire of Three Springs. The Southern Yamatji are the Traditional Owners of the land across the Shire of Irwin and Arrowsmith locality.

Officer’s Comment:

The purpose and desired outcomes of the IAAC aligns closely with the 10-Year Priorities outlined in the Shire of Irwin’s Strategic Community Plan 2021-2031:

- a friendly, safe and inclusive community enjoying a high-quality lifestyle;
- a prosperous and diverse economy;
- custodianship of our natural and built environment; and
- leading the community with engaged and progressive governance.

In guiding the establishment of the IAAC, the Shire of Irwin is seeking to provide a collaborative forum for community and industry to engage and address emerging opportunities and issues that are linked to the significant mining, energy and renewable sector growth in the Shire of Irwin and the broader Arrowsmith area.

A significant amount of the investment from mining, energy and the emergent hydrogen and renewables sectors are concentrated in Arrowsmith. This includes projects which fall predominately within the Shire of Irwin boundary, and over into the bordering Shires of Three Springs, Mingenew and Carnamah.

There are a wide range of direct and indirect benefits anticipated to be generated through the activities of the IAAC. This includes (but is not limited to):

- maximisation of opportunities arising from industry expansion for social and economic participation by the local community;
- effective planning so that industry expansion is supported, and not constrained by infrastructure requirements;
- creating resilient communities that are enhanced by investment in projects, infrastructure and social capital, delivering long term community benefits;
- conserving the natural environment through a focus on sustainable development;
- fostering collaborative solutions that achieve efficiencies;
- building on the competitive and collaborative advantages of the region;
- building community confidence in development processes and practices, by fostering co-design and genuine participation by the community; and
- identifying local indigenous and small business engagement and participation opportunities (e.g. Buy Local and Local Content).

Mining, energy and renewable sector companies either formally or informally operate under an Environmental, Social and Governance (ESG) impact investment framework. Environmental and Governance impacts are largely managed via State and Federal Government Legislation and process, however, these sectors can grapple to navigate the Social impacts around investment.

Whilst pre-operational projects are driven by tight margins, there is intrinsic value for industry in the participation and subsequent investment in a Local Government established community-based advisory group, where the outcomes align with the management of Social impacts.

From a regional perspective, the Mid West Development Commission is one of nine independent Regional Development Commissions and is part of the Regional Development Portfolio that aims to measurably improve regional development in WA.

The Regional Development Portfolio focusses efforts across five Strategic Themes:

1. Growing non-renewable resources and related industries.
2. Growing new, alternative industries.
3. Regional living standards.
4. Aboriginal economic development.
5. Organisational excellence.

There is opportunity for close alignment across all five, interconnected Strategic Themes, with the proposed inclusion of the Mid West Development Commission interfacing with the IAAC, providing a critical link with the Regional Development Portfolio, its associated programs, initiatives and advocacy; particularly the State's focus on the Mid West region as a leader in renewable energy. The *Regional Development Commissions Act 1993* explicitly encourages Development Commissions to cooperate with Local Governments to achieve its strategic objectives.

Whilst the Shire of Irwin is taking the initiative to establish the IAAC, it is intended that the IAAC to operate independently of the Shire, but at the same time represent a strong collaborative framework between community, industry, peak bodies and traditional owner representatives.

It is recommended that the Shire initially funds the establishment of the IAAC with the view that the Shire is reimbursed before 30 June 2024 once the IAAC is operational.

Consultation:

Consultation has included the Mid West Development Commission, Mid West Chamber of Commerce & Industry, Mid West Hydrogen Technology Cluster, neighbouring Local Governments, and a number of companies in the Arrowsmith region. The Yamatji Southern Regional Corporation were consulted late last year in broad terms regarding Arrowsmith.

Statutory Environment:

Local Government Act 1995

Regional Development Commissions Act 1993

Policy Implications:

Nil.

Financial/Resource Implications:

The Shire to initially fund the establishment of the IAAC with the view that the Shire is reimbursed before 30 June 2024 once the IAAC is operational.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Attachments:

Confidential Attachment Booklet – August 2023

CEO01-08/23 Attachment 1: IAAC Strategic Framework & Operating Model

Officer Recommendation:

RECOMMENDED:

That Council, by Absolute Majority:

1. **Endorses the CEO01-08/23 Attachment 1: IAAC Strategic Framework & Operating Model together with its recommendations as contained in the Confidential Attachment Booklet – August 2023.**
2. **Approves the expenditure from the 2023/24 Budget necessary to successfully establish the Irwin Arrowsmith Advisory Council (IAAC) and seek reimbursement before 30 June 2024 and after the IAAC is operational.**

DEVELOPMENT SERVICES		ID01-08/23
Subject:	ID01-08/23 Delegated Authority Report – Development, July 2023	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- 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 receive the Delegated Authority Report – Development, July 2023.

Background:

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

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

Officer’s Comment:

This report presents the details of development functions made under delegated authority for the month of July 2023, with 8 building permits, 4 applications for development approval and 2 subdivision clearances having been issued.

Consultation:

Nil.

Statutory Environment:

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

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

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

Strategy 4.3.2 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – August 2023

ID01-08/23 Attachment 1: Delegated Authority Report – Development, July 2023

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority receives the Delegated Authority Report – Development, July 2023 as contained in ID01-08/23 Attachment 1 of the Attachment Booklet – August 2023.

DEVELOPMENT SERVICES		ID02-08/23
Subject:	ID02-08/23 Draft Outbuildings Local Planning Policy	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0354	
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 not to proceed with the draft policies:

- *LPP02 – Outbuildings and other non-habitable buildings associated with residential development in the Residential and Town Centre zones;*
- *LPP03 – Outbuildings and other non-habitable buildings in zones listed in Clause 5.18 of the Scheme; and*
- *LPP04 – Outbuildings and other non-habitable buildings for commercial, industrial and other areas.*

For Council to advertise a new draft Outbuildings local planning policy.

Background:

Previously officers identified the need to develop a local planning policy to deal with development proposals for outbuildings. The Shire's current local planning framework is not reflective or adequate for appropriately dealing with outbuilding proposals. This resulted in the preparation of 3 separate draft policies dealing with outbuildings as follows:

- *LPP02 – Outbuildings and other non-habitable buildings associated with residential development in the Residential and Town Centre zones;*
- *LPP03 – Outbuildings and other non-habitable buildings in zones listed in Clause 5.18 of the Scheme; and*
- *LPP04 – Outbuildings and other non-habitable buildings for commercial, industrial and other areas.*

The above policies are contained in ID02-08/23 Attachment 1 and were presented to Council at the meeting held on 12 December 2022, where it was resolved:

That Council, pursuant to Part 2, Clause 5 of the Deemed Provisions of the Planning and

Development (Local Planning Schemes) Regulations 2015, resolve to publicly advertise the draft local planning policies relating to outbuildings and other non-habitable outbuildings as set out in ID02-12/22 Attachments 1, 2 and 3 in Attachment Booklet – December 2022 for a period of not less than 21 days.

Officer’s Comment:

An outbuilding (or shed) is defined by the R-Codes as “an enclosed non-habitable structure that is detached from any dwelling.” Based on this definition, an outbuilding can only be built on a lot where a dwelling exists or where a dwelling is capable of being approved under the local planning scheme.

It is important to note that outbuildings (or ‘sheds’) are not land uses in themselves and therefore a land use needs to be established to determine whether it is permissible under the local planning scheme. For example, a shed may be considered works associated with a ‘light industry’ land use for incidental storage or used as a workshop for repairs. Similarly, a shed may be considered works associated with an ‘agriculture extensive’ land use for storage of equipment and materials directly associated with farming operations or used as a brewery.

An outbuildings policy can therefore only apply to sheds that are ancillary to the residential use of the property. Commercial or industrial sheds are not outbuildings and cannot be included in an outbuildings policy. As a result, a new draft policy has been prepared that more simplistically deals only with outbuildings proper. The new draft policy is contained in ID02-08/23 Attachment 2. Key aspects of the policy are summarised as follows:

- Stipulating that outbuildings will not be permitted on vacant residential land except where built concurrently with a dwelling.
- Clearly outlining that outbuildings shall not be used for any commercial or industrial use or the storage of any items in connection with a commercial or industrial operation. In addition, that an outbuilding cannot be used for living in (even on a temporary basis).
- Detailing location and appearance requirements (in general non-reflective buildings materials, however zincalume roofing is permitted).
- Introducing maximum floor area and height standards for various zones and R-Codes as per the table below:

Zone	Conditions
Residential R10 and higher (generally less than 2,000m ²)	a. Individually or collectively does not exceed 90m ² in area (plus an additional 30m ² unenclosed lean-to area) or 15% in aggregate of the site area, whichever is the lesser. b. Maximum 3.6m wall height and maximum 4.5m total height.
Special Residential, Residential R5 and lower (Generally greater than 2,000m ²)	a. Individually or collectively does not exceed 180m ² in area (plus an additional 60m ² unenclosed lean-to area). b. Maximum 4.2m wall height and maximum 5m total height.
Rural Residential (generally, 1 – 4ha)	a. Individually or collectively does not exceed 240m ² in area (plus an additional 90m ² unenclosed lean-to area). b. Maximum 4.8m wall height and maximum 6.5m total height.
Rural Smallholdings, Rural (less than 20ha)	a. Individually or collectively does not exceed 480m ² in area (plus an additional 120m ² unenclosed lean-to area). b. Maximum 4.8m wall height and maximum 6.5m total height.
Rural (greater than 20ha)	a. All outbuildings are ancillary to the rural use of the land. b. Clustered with other buildings if other buildings are located on the lot.

Consultation:

The draft policies were advertised, and 2 submissions were received. The issues raised are summarised as follows:

- Wall heights and floor areas for rural residential areas are not consistent with existing sheds approved in the area.
- General farming and rural small holdings shed floor areas are not practical for hobby farm and agricultural activities.
- Policy would be restrictive in allowing for commercial expansion.

In addition to the above submissions, other local government planning staff anecdotally found the policies to be overly cumbersome and indeed *ultra vires*.

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

Statutory Environment:

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

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

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

Attachments:

Attachment Booklet – August 2023

ID02-08/23 Attachment 1: Previous draft policies LPP02, LPP03 and LPP04

ID02-08/23 Attachment 2: New draft Outbuildings local planning policy

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority:

1. **Not proceed with policies LPP02, LPP03 and LPP04 as contained in ID02-08/23 Attachment 1 of the Attachment Booklet – August 2023.**
2. **Advertise the draft ‘Outbuildings’ local planning policy as contained in ID02-08/23 Attachment 2 of the Attachment Booklet – August 2023.**
3. **Proceed with the draft ‘Outbuildings’ local planning policy as contained in ID02-08/23 Attachment 2 of the Attachment Booklet – August 2023 should no objections be received following the advertising period.**
4. **Should any objections be received following the advertising period then require a further report to be presented to Council.**

DEVELOPMENT SERVICES		ID03-08/23
Subject:	ID03-08/23 Proposed Animal Establishment – Lot 200 (No. 22) Bonniefield Road East, Bonniefield	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1226 – A8237	
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 determine an application for development approval for an ‘Animal Establishment’ on Lot 200 (No. 22) Bonniefield Road East, Bonniefield.

This report recommends conditional approval of the application.

Background:

The Shire has received an application for development approval for an ‘Animal Establishment’ on Lot 200 (No. 22) Bonniefield Road East, Bonniefield.

The site is approximately 2km north of the Dongara town centre and has access to Bonniefield Road East to the north, with the Midlands railway line abutting the site to the west. The site is triangular in shape and is generally flat with mature vegetation sporadically along the boundaries and lining the driveway. Surrounding the site the land is generally characterised by smaller rural residential lots to the west and larger rural living lots to the north and east, with rural/agricultural pursuits being undertaken.

The site contains an existing dwelling and outbuilding located in the northern portion of the site and the development is proposed to be located approximately 30m west from the dwelling. Development approvals have previously been granted for a home business (dog grooming) and horse stables/shelters.

Proposal

The application seeks approval to utilise a new shed (previously granted development approval but not yet built) for an animal establishment (dog kennel) with associated exercise yards. Key aspects of the application are as follows:

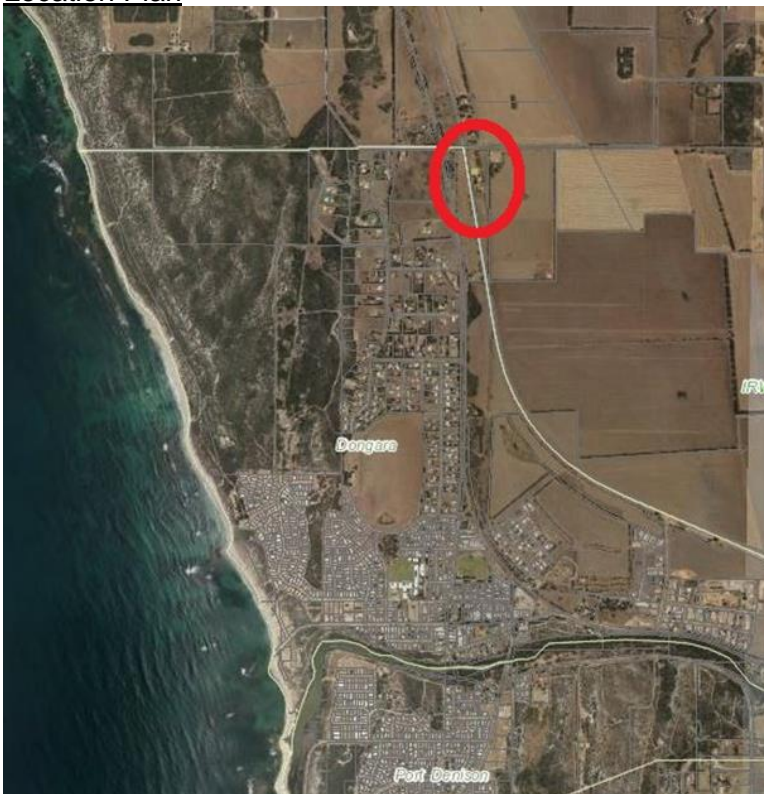
- The shed will be setback 10m from the western boundary and is 50m² in area and 3.25m high, constructed of monoclاد cladding, ‘paperbark’ (cream) in colour with red trim to match the dwelling.

- Within the shed there will be 5 separate kennels each 4m² in area (2m x 2m).
- Abutting the kennels will be an exercise yard for each kennel. The 3 ‘central’ kennels will have an area of 10m² (2m x 5m) with the 2 ‘end’ kennels having a larger 25m² yard (5m x 5m).
- The exercise yard will be enclosed with a 2.1m high acoustic barrier on all sides.
- Each dog will have its own kennel unless there are dogs from the same household in which case there will be a maximum of 2 dogs in each kennel.
- Large dogs will be kept in the 2 ‘end’ kennels.
- Dogs will be housed indoors at night between 7pm to 7am Monday to Saturday and 7pm to 9am on Sunday’s and public holidays.
- Dogs will be let out into the exercise yards after 7am Monday to Saturday and after 9am on Sunday’s and public holidays.
- Maximum of 10 dogs.

Accompanying the application is an ‘Acoustic Assessment’ and the application for development approval is contained in ID03-08/23 Attachment 1. The following is an outline of the application.

Applicant / Owner	C. Craggs and K. George
Local Planning Scheme No. 5	‘Rural Small Holdings’ zoning
Use Class and Permissibility	Animal Establishment – ‘A’ use
Structure Plan/Precinct Plan	No
Lot Size	5.9046ha
Existing Land Use	Rural living
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



Officer's Comment:

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

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

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

1.6 *The Aims of the Scheme*

- d) *to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial entertainment and tourist developments as well as providing opportunities for home based employment;*
- f) *to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area;*

4.2 *Objectives of the Zones*

4.2.9 *Rural Smallholdings Zone*

- a) *To provide for the use of land for minor rural pursuits, hobby farms, conservation lots and alternative residential lifestyle purposes where part-time income from cottage industries, home occupation and the use of the land for agriculture may be derived.*
- b) *To preserve and enhance landscape quality, environmental values and conservation attributes.*

The clear intent of the 'Rural Smallholdings' zone is to allow for minor rural pursuits and home businesses. Dog kennels are entirely suitable and indeed commonplace in other rural areas throughout the State. The size and scale of the development is in keeping with the rural character of the area and is consistent with the objectives of the zone.

4.3 *Zoning Table*

The application seeks approval for an 'Animal Establishment' use class which is defined as:

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

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

(f) any policy of the State

The *EPA Guidance Statement – Separation Distances between Industrial and Sensitive Land Uses* provides advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. The distances are intended to be used as guidance only and it is not a mandatory requirement to meet these distances.

The guidance statement recommends that dog kennels in rural areas should be located a minimum of 500m from sensitive land uses due to potential noise and odour impacts.

Sensitive land uses comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres and generally exclude commercial or industrial premises.

Within 500m there are a total of six residences. The closest two being 140m to the north-west and 160m to the north-east. The remaining four residences are in excess of 400m from the kennels.

A series of management actions are detailed in the application and include:

- Each dog will have its own kennel unless there are dogs from the same household in which case there will be a maximum of 2 small dogs in the 'middle' kennels and a maximum of 2 large dogs in the two 'end' kennels.
- Dogs will be housed indoors at night between 7pm to 7am Monday to Saturday and 7pm to 9am on Sunday's and public holidays.
- Dogs will be let out into the exercise yards after 7am Monday to Saturday and after 9am on Sunday's and public holidays.
- A maximum of 10 dogs is proposed, however this maximum will only be achieved in limited instances where there are dogs from the same household.
- Only 5 dogs will be permitted in the external exercise yard at any one time.
- The exercise yard will be enclosed with a 2.1m high acoustic barrier on all sides.

The plan demonstrates that reasonable and practicable measures will be taken to prevent and minimise emissions from the premises.

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

- (i) the compatibility of the development with the desired future character of its setting; and
- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

The development footprint (inclusive of the exercise yards) covers 98m² (well less than 1% of the total site area). The buildings are representative of a typical rural shed that is an expected form of rural development in the Shire.

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

- (i) environmental impacts of the development.
- (ii) the character of the locality
- (iii) social impacts of the development

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

An (updated) acoustic assessment has been provided with the application which demonstrates that the development will be in compliance with the *Environmental Protection (Noise) Regulations 1997*. A submission responded to the initial acoustic assessment suggesting that certain aspects of the report should be reviewed. This has now been undertaken and has resulted in some additional management measures.

The modifications to the exercise yards and the implementation of the management actions will ensure that any impact on the existing amenity of the neighbours would be acceptable. In addition, the immediate surrounds of the kennel location are scattered with mature trees that are dense enough to provide additional visual and noise buffering.

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

(y) any submissions received on the application

(za) the comments or submissions received from any authority consulted under clause 66

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

Conclusion

Overall, it is assessed that the proposed development achieves a rural appearance that suits the rural aesthetic of the locality that is consistent with the objectives of the Rural Small Holdings zone. The application has appropriately responded to those relevant matters as prescribed in cl. 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

Consultation:

Public Consultation

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

The advertising involved the following:

- A copy of the application was made available for public inspection at the Shire office.
- The application was published on the Shire's website; and
- A written notice was sent to adjoining landowners within approximately 750m of the site.

In response to the advertising a total of four public submissions were received of which three objected and one supported the application. No submissions were received from those properties with a residence located within 500m of the kennel site. A copy of the public submissions is contained in ID03-08/23 Confidential Attachment 2 (along with any response provided by the applicant).

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

Amenity

- Location is inappropriate.
- Development not consistent with the objectives of the rural smallholdings zone.
- Development does not propose any additional landscaping.
- Dog kennel not compatible with brewery proposed to be located to the west.

Noise

- Noise modelling is not accurate.
- Inability of owners to stop dogs barking.
- Dogs barking may disturb other animals (sheep, horses).

Management

- Questioned the ability of the owners to implement and comply with on-going operational matters.

Some of the grounds for objection (loss of property value) have no validity in terms of planning considerations or as a basis for refusal of the application.

Consultation with Government/Service Agencies

The application was referred to the following agencies in accordance with the cl. 66 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- Department of Health
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Department of Jobs, Tourism, Science and Innovation

- Environmental Protection Authority

In response comments were received from two of the agencies and a copy of the agency submissions is contained in ID03-08/23 Attachment 3. The key issues raised from the agencies are summarised below.

Department of Primary Industries and Regional Development (DPIRD)

DPIRD does not object. The proponent should develop a management plan that details how escapee dogs trespassing will be addressed, in particular how to deal with dogs killing livestock. There needs to be engineering solutions put in place to ensure noise impacts are minimised. The proponent should prepare a management plan addressing odour.

Given the exercise yards are to be completed enclosed with an acoustic barrier 2.1m high the risk of dogs escaping (and then to kill livestock) is considered unlikely.

The (updated) acoustic assessment has detailed the required engineering solutions which demonstrates that the application will be in compliance with the *Environmental Protection (Noise) Regulations 1997*.

It is recommended that a condition be placed on the approval requiring the preparation of a detailed operational management plan to address (inter alia) odour.

Department of Health (DoH)

Waste should be adequately disposed of and the kennels should operate so they do not impact on the amenity of the surrounding sensitive receptors.

These issues have either been addressed in this report or appropriate conditions have been recommended.

Statutory Environment:

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

Dogs Local Law

Part 4 of the Shire's *Dogs Local Law* details the requirements for the licencing of approved kennel establishments. This application for development approval contains all the relevant information needed for a dog kennel licence application.

The local law states that the licence is to be in the form determined by the local government, and as such a development approval can constitute a licence approval under the local law.

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

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

Attachments:

Attachment Booklet – August 2023

ID03-08/23 Attachment 1: Application for Development Approval
ID03-08/23 Confidential Attachment 2: Public Submissions
ID03-08/23 Attachment 3: Government/Service Agency Submissions

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority:

1. Approves the application for development approval for an ‘Animal Establishment’ on Lot 200 (No. 22) Bonniefield Road East, Bonniefield, subject to the following conditions:
 3. All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.
 - Site Plan (Drawing No. A302)
 - Floor Plan and Elevations (Drawing No. A307)
 - Kennel Layout Plan
 4. The applicant / owner from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Acoustic Assessment dated 24 July 2023 prepared by ND Engineering as lodged with the Shire.
 5. Prior to an application for a building permit detailed construction drawings, and a certification from a suitably qualified acoustic consultant, are to be submitted to and approved by the Shire demonstrating that the kennel will be constructed in accordance with the Acoustic Assessment dated 24 July 2023 prepared by ND Engineering as lodged with the Shire.
 6. Prior to commencement of the use a management plan dealing with waste, wastewater and odour is to be submitted to and approved by the Shire. Once approved the development / use is to be carried out at all times and in all respects in accordance with the management plan.
 7. Prior to an application for a building permit a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the Shire. The approved detailed design is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire, with all stormwater to be disposed of on-site to the approval of the Shire.
 8. The maximum number of kenneled dogs shall not exceed 10 at any one time.
2. Advise the applicant that the above development approval constitutes a licence approval under the Shire of Irwin *Dogs Local Law*.

DEVELOPMENT SERVICES		ID04-08/23
Subject:	ID 04-08/23 Proposed Telecommunications Infrastructure – Lot 65 (No. 3) Armstrong Street, Dongara	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1264 – A9064	
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 determine an application for development approval for 'Telecommunications Infrastructure' on Lot 65 (No. 3) Armstrong Street, Dongara.

This report recommends conditional approval of the application.

Background:

The Shire has received an application for development approval for 'Telecommunications Infrastructure' on Lot 65 (No. 3) Armstrong Street, Dongara.

The site is located on the western edge of the Dongara town centre and has access from Armstrong Street. To the west there are predominantly single storey residential dwellings and further east are the commercial uses of the town centre proper.

The site is located in a 'civic' precinct bounded by Armstrong Street to the west, Waldeck Street to the east, Church Street to the north and the Irwin River foreshore to the south. Within the precinct are the police station, museum, library and Shire administration buildings with associated car parking. A number of the buildings have heritage significance. The police station site to the south contains a 30m high mast tower.

The site contains an existing telecommunications exchange building of brick and iron construction with boundary chain mesh and wire fencing. The proposed infrastructure will be located in the south-east corner of the site.

The application is a direct result of previous community concerns over reliable telecommunications to be provided in the northern Dongara area. Telstra have undertaken an analysis of the mobile network in Dongara and have identified areas where 4G and 5G coverage and network quality needs to be improved. If these improvements are not made then users may have difficulty connecting to the mobile network and may experience reduce data speeds.

The applicant did examine the possibility of upgrading the current tower located approximately 2km to the south in Port Denison however this was not able to provide the coverage needed for the northern part of Dongara and the town centre.

Proposal

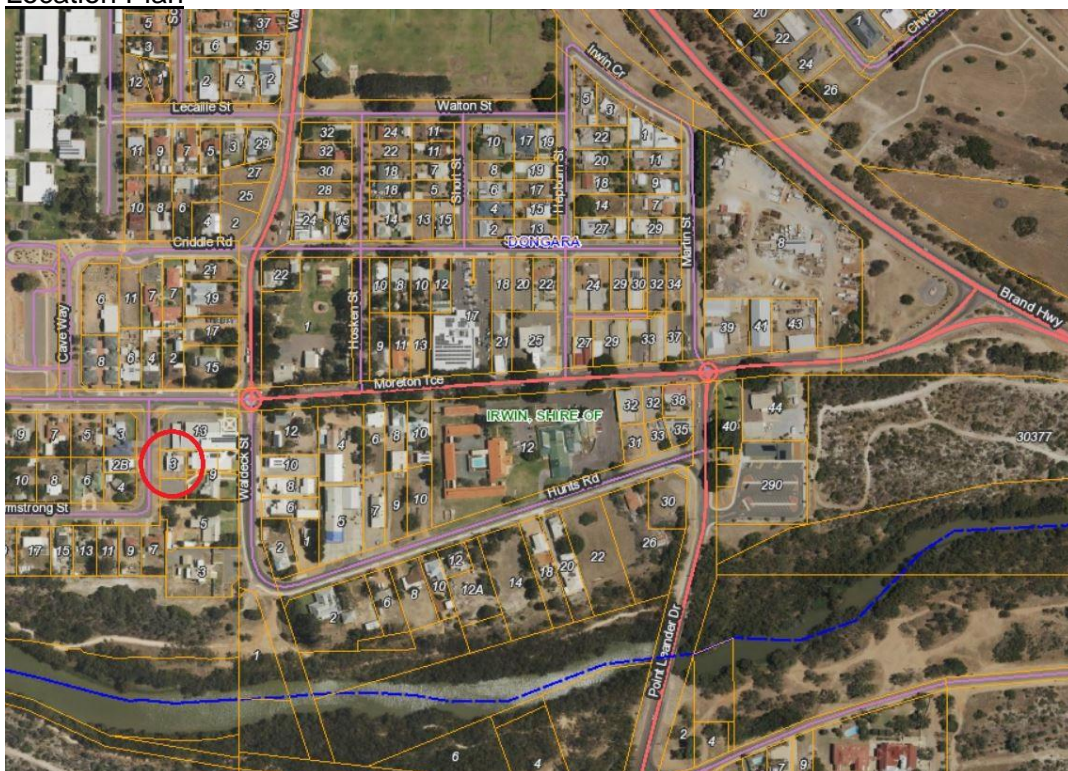
The application seeks approval for the construction of telecommunications infrastructure that will consist of the following:

- One 30m high monopole (unpainted, galvanized grey in colour).
- The monopole will be 1.6m in diameter at the base tapering to 0.6m at the top.
- A circular headframe at the top of the monopole with six panel antennas protruding 1m higher than the top of the monopole.
- A 7.5m² (3m high) equipment shelter, ‘surfmist’ (beige) in colour.
- Ancillary equipment such as antenna, cabling, mounts etc.

The application for development approval is contained in ID04-08/23 Attachment 1 and the following is an outline of the application.

Applicant / Owner	Ventia Pty Ltd / Telstra Corporation
Local Planning Scheme No. 5	‘Town Centre’ zoning
Use Class and Permissibility	Telecommunications Infrastructure – ‘D’ use
Structure Plan/Precinct Plan	Dongara Town Centre Precinct Plan
Lot Size	567m ²
Existing Land Use	Telecommunications facility
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



Officer's Comment:

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

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

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

1.6 *The Aims of the Scheme*

- d) *to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial entertainment and tourist developments as well as providing opportunities for home based employment;*
- f) *to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area;*

4.2 *Objectives of the Zones*

4.2.3 *Town Centre Zone*

- a) *To encourage development of a high visual, functional and environmental standard, serving both town and rural residents and the development of new buildings and or the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape, the local government's Townscape Plan and or any adjoining land use of heritage value, in terms of scale height, design, building materials, location and visual façade appearance.*
- c) *To encourage the wide range of compatible uses within an accessible town centre which are necessary to promote this as a vibrant functional central node for the community it services.*

The aims and objectives promote development that will facilitate and indeed enhance the vibrant functionality of the town centre, whilst safeguarding the character and amenity of the area. The development will provide essential communications infrastructure that will assist with achieving the objectives of the zone.

Dongara Town Centre Precinct Plan

LPS5 reverts to the 'Dongara Town Centre Precinct Plan' for a list of permissible land uses and other development requirements are at the discretion of the local government. The Precinct Plan covers the area zoned 'Town Centre' under LPS5 and further divides this area into sub-precincts. The site is located in 'Sub-Precinct 6: Civic'.

The application seeks approval for 'Telecommunications Infrastructure' use class which is defined as:

Telecommunications infrastructure means any part of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used or for use, or in connection with a telecommunications network.

'Telecommunications Infrastructure' is listed as a 'D' use in sub-precinct 6 which means that the use is not permitted unless the local government exercises its discretion.

The monopole is proposed to be setback 20m from Armstrong Street, 3.5m from the eastern boundary, 9.5m from the southern boundary and 15m from the northern boundary. The equipment shelter is proposed to be setback 22m from Armstrong Street, 1.5m from the eastern boundary, 6m from the southern boundary and 18m from the northern boundary.

(c) any approved State planning policy

State Planning Policy 5.2 Telecommunications Infrastructure aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas and provides clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

The policy acknowledges that for telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public. Clause 5.1.1 ii) of the policy details four measures which should be assessed with respect to the assessment of visual impact as follows:

- a) *be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.*
- b) *be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*
- c) *not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised.*
- d) *display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The critical consideration is not that the telecommunications infrastructure is visible, as it is generally accepted that the technological requirements of providing an effective telecommunications network means that in all likelihood the infrastructure required to service the community will be visible, but whether the telecommunications infrastructure has been sited and designed to minimise its visual impact on the character and amenity of the locality.

The applicant has provided photomontage imagery to ascertain the degree of potential visual impact from various locations, especially on the heritage sites in the vicinity of the proposed development and to the east.

Perhaps the most significant viewing location would be from along Moreton Terrace where the fig trees create an impressive avenue and central focus for the town. The visual impact assessment demonstrates that the existing trees and the density of their foliage will significantly mask views of the proposed tower from pedestrians and vehicles.

The immediate viewing experience and impact is greatest to the east and views from the west are somewhat diminished and filtered by surrounding buildings and trees to varying amounts. The immediate, established streetscape has already been somewhat lessened by the presence of the existing 30m high mast tower some 100m to the south of the proposed development.

Design measures have been proposed to reduce the impact of the development. A galvanized grey colour is proposed that will better blend into a variety of sky backdrops, and weather overtime creating a low reflective material that matches with other tin styles in the locale. The headframe structure has been amended from the original triangular frame to a circular one which reduces its overall bulk. The monopole has been sited furthest as possible from the nearest residence and has been positioned as evenly balanced as practical between the two adjoining heritage sites.

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

- (i) the compatibility of the development with the desired future character of its setting; and
- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

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

- (i) environmental impacts of the development;
- (ii) the character of the locality
- (iii) social impacts of the development

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

While the visual impact of the development on the locality is the key consideration in this application, this has to be balanced with the need for improved telecommunications services and the effective roll-out of networks. The fact that part of the proposed development will be visible does not, of itself, mean that the proposed development will have a negative impact on the visual amenity or character of the locality.

Factors such as the prominence of the development within the landscape, the extent to which visual aspects of value to the community as a whole might be compromised, and the degree to which the development is sympathetic to the surrounding landscape are relevant. Additionally the expanded mobile telecommunication service to be provided by the proposed development is a beneficial amenity consideration.

The proposed development has taken design mitigation measures (including an assessment of other location options) in order to minimise its visual impact. When balanced against the need to provide appropriate network coverage, the impact of the proposed development on the amenity of the locality is considered acceptable.

Whilst it is acknowledged that the proposed development is (in places) highly visible it will not significantly interrupt or impact any view from locations of local significance. The telecommunications tower is not considered out of character with the surrounding built form and wider urban fabric of the locality, especially given the presence of an existing 30m high mast tower.

The existing compound is in a somewhat dilapidated state with damaged fencing and uncontrolled stormwater runoff. It is recommended that a condition be placed on the approval requiring the fencing be upgraded and stormwater to appropriately managed.

(s) the adequacy of –

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

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

Access to the site is from a 6m crossover onto Armstrong Street. The crossover seal is damaged with potholes. It is recommended that a condition be placed on the approval requiring the crossover to be upgraded.

(u) the availability and adequacy for the development of the following –

(ii) public utility services

(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses

In considering the availability and adequacy of public utility services and the potential loss or benefit arising from the development, there is no doubt that in this case there is a need for the upgraded telecommunications services the proposed development will facilitate.

(w) the history of the site where the development is proposed to be located

The site has been used as an existing telecommunications facility with a wide driveway access, compound fencing and a brick exchange building. The site in its present form can therefore already be visually associated with telecommunications infrastructure.

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

The broader telecommunication benefits to the community as a whole are evident. When considering the impacts on individuals, it is noteworthy that only 1 submission objecting to the proposal was received from an individual residential property located approximately 90m from the proposed development.

(y) any submissions received on the application

(za) the comments or submissions received from any authority consulted under clause 66

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

Conclusion

Overall, it is assessed that the proposed development has been located, sited and designed to minimise its visual amenity impact in the context of its locality. The benefit of improved telecommunications services has been balanced with the visual impact of the proposed development on the surrounding area. The application has appropriately responded to those relevant matters as prescribed in cl. 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

Consultation:

The applicant initially undertook their own public consultation in November 2022. A report on the outcomes of that consultation is included in the application.

Public Consultation

The application was advertised in accordance with the cl. 64(1)(a) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the application was also referred to the Department of Planning, Lands and Heritage in accordance with the cl. 66 of the deemed provisions.

The advertising involved the following:

- A copy of the application was made available for public inspection at the Shire office;
- The application was published on the Shire's website;
- A notice was published in the Dongara Denison Local Rag; and
- A written notice was sent to adjoining landowners within approximately 200m of the site.

In response to the advertising a total of 4 public submissions were received of which 2 objected and 2 supported the application. A submission was also received from the Department of Planning, Lands and Heritage. A copy of the submissions is contained in ID04-08/23 Attachment 2 (along with any response provided by the applicant).

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

- Not in keeping with the current aesthetic.
- Development will stand out over heritage buildings.
- Tower will have an overwhelming and domineering impact on the visual character and amenity of the civic and heritage precinct.
- Questions over the structural integrity of the tower.

Department of Planning, Lands and Heritage (DPLH)

DPLH noted that the original proposal has been modified to position the monopole away from the heritage buildings and reduce the size of the headframe. They acknowledged that the telecommunications infrastructure improvements will be of benefit to the community.

DPLH considered the proposal in the context of the identified cultural heritage significance of the Dongara Post Office & Quarters (fmr) heritage building and advised that although the monopole

will be intrusive to the setting of heritage building, the overall impact of the proposal on the places cultural heritage significance is minimal and can be supported.

Statutory Environment:

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

Policy Implications:

Nil.

Financial/Resource Implications:

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

Strategic Implications:

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

Attachments:

Attachment Booklet – August 2023

ID04-08/23 Attachment 1: Application for Development Approval

ID04-08/23 Attachment 2: Submissions

Officer Recommendation:

RECOMMENDED:

That Council, by Simple Majority approves the application for development approval for 'Telecommunications Infrastructure' on Lot 65 (No. 3) Armstrong Street, Dongara subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.**
 - **Site Access and Locality Plan, Drawing No. W110073 S1 (dated 07.02.23)**
 - **Site Layout, Drawing No. W110073 S1-1 (dated 07.02.23)**
 - **Antenna Layout, Drawing No. W110073 S1-2 (dated 07.02.23)**
 - **South Elevation, Drawing No. W110073 S3 (dated 07.02.23)**
- 2. The existing vehicle crossover is to be upgraded to a sealed standard to the approval of the Shire.**
- 3. Prior to the commencement of the use the perimeter fencing of the site is to be upgraded to a colorbond standard to the approval of the Shire and maintained thereafter to the approval of the Shire.**
- 4. Prior to an application for a building permit a detailed design of stormwater collection and system of disposal from all the buildings and developed areas is to be submitted to and approved by the Shire. The approved detailed design is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire, with all stormwater to be disposed of on-site to the approval of the Shire.**

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14. CLOSURE

