



AGENDA FORUM

to be held on

Tuesday 3 December 2024

at

5.00pm

in the

Council Chambers

11-13 Waldeck Street, Dongara

Agenda Forum Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may, for a Committee, Working Party or Steering group examine specific subjects and then report to Council.
3. The purpose of the Agenda Forum is for council members and community members to be informed on agenda items before the next Ordinary Council Meeting.
4. Generally, all meetings are open to the public. Occasionally Council will be required to deal with person, legal and other sensitive matters and on these 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.
5. **Public Questions Time:** It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time. At the Agenda Forum all questions asked must be related to the items listed on the Agenda Paper. Please note the following.
 - a) Meetings are scheduled for a 5.00pm start (unless otherwise advised)
 - b) Record your full name and suburb of resident on the Attendance Form available in the public seating area.
 - c) When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the note taker and those present,
 - d) A minimum of 15 minutes is allocated to Public Question Time, which may be extended at the discretion of the Presiding Member.
 - e) 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.
 - f) The Presiding Member may elect for written questions to be responded to as normal business correspondence.
 - g) The Presiding Member may decide that a question shall not be responded to where the same or similar questions has been asked at a previous meeting and a respond 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.
 - h) A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and summary will be included in the agenda of the next Ordinary Council Meeting of Council.
 - i) Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request System.
 - j) Should you wish to provide written questions prior to the meeting please submit them by 4.00pm the day before the meeting. By submitting written questions, this assists the administration with preparing a response.
 - k) Should you wish to provide a presentation at the Agenda Forum, a request will need to be submitted in writing directly to the Chief Executive Officer by 4pm the day before the meeting. The presentation must be related to an item listed on the agenda paper.
 - l) Presentations have a time limit of 10 minutes and a limit of 2 representatives will be allowed to speak.
 - m) Agendas for the Agenda Forum and Ordinary Council Meetings are available to the public from the Shire of Irwin Administration Centre or via the Shire's Website www.irwin.gov.au seventy-two (72) hours prior to the meeting.
 - n) Recording of Minutes for Agenda Forums is not required by legislation however a summary of notes from the Agenda Forum will be presented to Council at the next Ordinary Council Meeting.

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AGENDA (Draft)

of the

ORDINARY COUNCIL MEETING

to be held

9 December 2024

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard
Councillor B Wyse
Councillor I Scott
Councillor E Tunbridge
Councillor P Summers
Councillor J Melsom
Councillor A J Gillam

President
Deputy President

Staff

Mr S D Ivers
Miss P Machaka
Mr M Connell
Ms F Boksmati
Mr M Jones
Mr S Stubbs
Ms S Mearns

Chief Executive Officer
Manager Finance
Manager Development
Acting Manager Community Services
Manager Operations
Community Emergency Services Manager
Executive Assistant

Guests

Apologies

Approved Leave of Absence

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST**6. APPLICATIONS FOR LEAVE OF ABSENCE****7. PETITIONS AND DEPUTATIONS****8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES****8.1 Minutes of the Ordinary Council Meeting held 26 November 2024**

The Minutes of the Ordinary Council Meeting held 26 November 2024 are included in the *Attachment Booklet – December 2024*.

OFFICER RECOMMENDATION:

That Council confirms the Minutes of the Ordinary Council Meeting held 26 November 2024.

8.2 Agenda Forum Notes 3 December 2024

At the Agenda Forum held 3 December 2024, Shire Officers presented background information and answered questions on items to be considered at the December Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – December 2024*.

OFFICER RECOMMENDATION:

That Council confirms that confirms the Notes of the Agenda Forum held on 3 December 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY		CC01-12/24
Subject:	CC 01-12/24 Monthly Financial Statements for the Period Ended 31 October 2024	
Author:	P Machaka, Manager Finance	
Responsible Officer:	S Ivers, Chief Executive Officer	
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.
- Legislative** Includes adopting local laws and local planning schemes.
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- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2024 to 31 October 2024.

Background:

The Monthly Financial Statements to 31 October 2024 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
- Statement of Financial Position
- Explanation of Material Variances
- Net Current Funding Position

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

Officer's Comment:

The financial position to the end of October 2024 is detailed in the attached report and summarised as per below:

31/10/2024	YTD Budget	YTD Actual
Operating Revenue	8,695,875	8,602,523
Operating Expenditure	(4,526,653)	(4,482,695)
Net Operating	4,169,222	4,119,828
Non-Operating Revenue	52,970	52,970
Non-Operating Expenditure	(763,396)	(555,835)
Net Non-Operating	(710,426)	(502,865)
Cash at Bank		4,434,838
Cash at Bank Restricted		620,212
Reserve Bank		1,316,873
Total Cash Funds		6,371,923

Consultation:

Nil

Statutory Environment:*Local Government Act 1995*

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

(1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*

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

(2) *Each statement of financial activity is to be accompanied by documents containing -*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity must be shown according to the nature classification.*

- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
- (a) presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet –December 2024

CC01-12//24 Attachment 1: Financial Statements for the Period Ended 31 October 2024.

OFFICER RECOMMENDATION:

That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2024 to 31 October 2024 as contained in Attachment Booklet – December 2024.

CORPORATE	CC02-12/24
Subject:	CC02-12/24 Fees and Charges
Author:	G Nadarajah, ICT Supervisor
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	1.0017
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 the addition of the Television (TV) Tower Third Party Usage Fees and Shire Owned Server Rack Third Party Usage Fees, to the adopted 2024/25 Fees and Charges.

Background:

In accordance with *section 6.16 of the Local Government Act 1995*:

- (1) *A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed and*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
 - (a) *imposed during a financial year; and*
 - (b) *amended from time to time during a financial year.*

The schedule of fees and charges was adopted as part of the 2024/25 Annual Budget on 20 August 2024. Logic IT approached the Shire requesting the installation of their Access Points (AP) on to the TV Tower and the use of space on the Server Rack, after the adoption of the 2024/25 Annual Budget. As such, the proposed fees were not included as part of the 2024/25 adopted Fees and Charges.

Officer's Comment:

The primary function of the tower is provide television and other communications services to the community including supporting Closed Circuit Television (CCTV). However, the Communications Act allows third party can access the tower as well. The Shire has seen an increase in TV tower maintenance and utility costs over the years plus significant amount of equipment installed on this

tower for commercial benefit. Inclusion of these fees and charges is an opportunity to earn revenue which will offset a portion of these costs.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

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 4.1.1 Enhance the Shire's profile through marketing initiatives and community engagement

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:

That Council, by Absolute Majority;

- a) **In accordance with Section 6.16(3) of the *Local Government Act 1995* amends the current Schedule of Fees and Charges with the following amendments:**
- **TV Tower - Third Party Usage -**
 - **1-6 Access Points - \$2,400per annum**
 - **6-12 Access Points - \$4,800 per annum**
 - **12-18 Access Points - \$7,200 per annum**
 - **Shire Owned Server Rack – Third Party Usage –**
 - **Every 2 Rack Unit (RU) space (8.9 cm) - \$1,200 per annum**
- b) **Approves the Chief Executive Officer to advertise the Amendment to the Schedule of Fees and Charges for the 2024/25 financial year in accordance with Section 6.19 of the *Local Government Act 1995*.**

DEVELOPMENT SERVICES		ID01-12/24
Subject:	ID 01-12/24 November 2024 Development Delegated and Authorised Authority Report	
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.
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-

Report Purpose:

For Council to receive the November 2024 Development Delegated and Authorised Authority Report.

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.

In addition, as of 1 July 2024, the determination of development applications for single houses or any development associated with a single house (excluding development associated with a heritage place), can now only be done by the CEO or authorised employees of the local government.

Officer's Comment:

This report presents the details of development functions made under delegated or authorised authority for the month of November 2024, with 16 building permits and 4 single house applications having been issued.

Consultation:

Nil

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Implications:

Nil

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – December 2024

ID01-12/24 Attachment 1: November 2024 Development Delegated and Authorised Authority Report

OFFICER RECOMMENDATION:

That Council by Simple Majority, receives the November 2024 Development Delegated and Authorised Authority Report, as contained in ID01-12/24 Attachment 1.

DEVELOPMENT SERVICES		ID02-12/24
Subject:	ID 02-12/24 Proposed Holiday Accommodation and Additions to the Priory Hotel – Lot 6 (No. 11) St Dominics Road, Port Denison	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P24-40 / A1867	
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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 - 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 the 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 (which has already been carried out) for 'Holiday Accommodation' and 'Incidental Uses to the Licensed Historic Inn' on Lot 6 (No. 11) St Dominics Road, Port Denison.

This report recommends conditional approval of the application.

Background:

The Shire has received an application for development approval (which has already been carried out) for 'Holiday Accommodation' and 'Incidental Uses to the Licensed Historic Inn' on Lot 6 (No. 11) St Dominics Road, Port Denison, which is commonly referred to as the 'Priory Hotel' or 'Priory Lodge'.

The Site

The site is located approximately 450m south-west of the Dongara town centre and has access via the sealed St Dominics Road. Situated in an elevated position on the southern side of the Irwin River, the Priory Hotel consists of two main buildings: to the east, the hotel (former priory) and to the west, accommodation (former school).

The buildings are set in extensive grounds with mature river gums and palms which occupy the northern half of the site. The remaining southern portion of the site is vacant with scattered vegetation. There is a small pocket of developed residential land to the west and vacant land to the east and south.

The Proposal

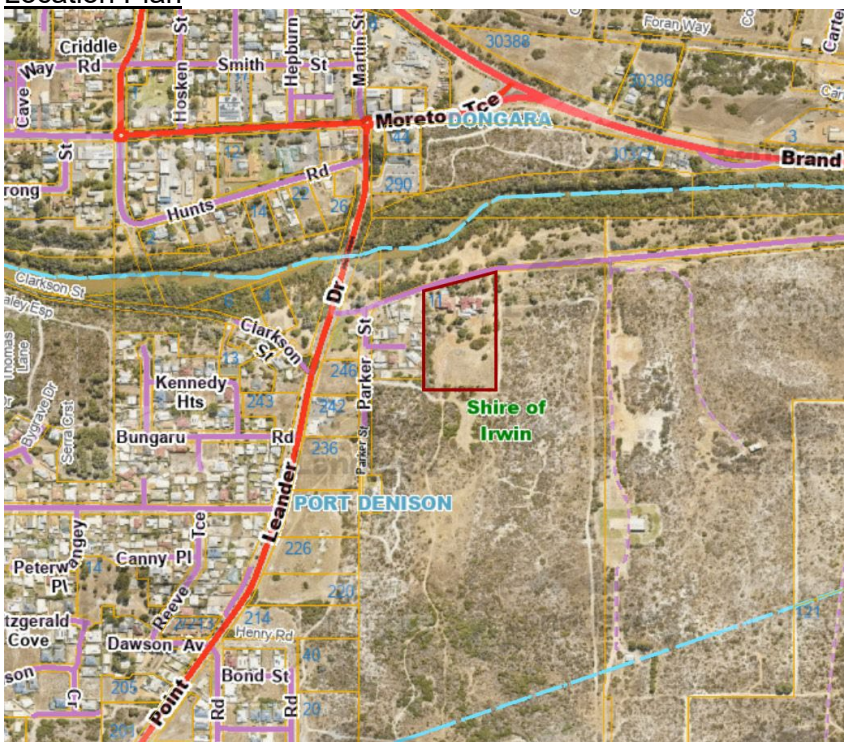
The application seeks approval for the construction of 2 transportable accommodation units and upgrades to the existing event area at the front of the site that will consist of the following:

- 2 x 4 man transportable bunkhouse (each with 4 individual bedrooms and ensuites).
- New stage area.
- 2 x transportable toilet buildings and 1 x transportable bar/storage facility.
- Installation of a generator shed.
- Remediation of swimming pool retaining walls.
- Associated car parking and vehicular accessway upgrades.

The application contains specialist reports addressing bushfire and noise. The application for development approval is contained in ID02-12/24 Attachment 1 and the following is an outline of the application.

Applicant / Owner	Todd Parker / Midwest Hotels Pty Ltd
Local Planning Scheme No. 5	'Special Use' (SU25) zoning
Use Class and Permissibility	Permitted Uses: - Licensed Historic Inn - Holiday Accommodation - Lodging House - Restaurant - Incidental uses to the permitted uses
Structure Plan/Precinct Plan	Dongara Port Denison District Structure Plan
Lot Size	2.4299 hectares
Existing Land Use	Hotel
State Heritage Register	No – however currently being assessed for inclusion
Local Heritage	Yes – Category 1
Bushfire Prone Area	Yes

Location Plan



Aerial Enlargement



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.
- h) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

4.2 Objectives of the Zones

4.2.10 Special Use Zone

- a) To provide specifically for a designated use or combination of uses which would not otherwise sit comfortably within any other zone in the Scheme.
- b) To provide for concentrated and integrated development within each Special Use zone.

The intent of the 'Special Use' zone is to allow for specifically designated uses.

4.7 Special Use Zones

Under clause 4.7 of LPS5, Schedule 4 sets out the special use zones. A person must not use or develop land except for the purpose set out against that land in Schedule 4. The site is zoned Special Use (SU25) and Schedule 4 specifies the following land uses as permitted uses:

- Licensed Historic Inn
- Holiday Accommodation
- Lodging House
- Restaurant
- Incidental uses to the permitted uses

The application seeks approval for the construction of 2 transportable accommodation units for short-term accommodation purposes and upgrades to the existing event area associated with the hotel. These uses are in accordance with the permitted special uses in the zone.

(k) the built heritage conservation of any place that is of cultural significance

The site is listed (place No. 055) on the Shire's Local Heritage Survey as follows:

Management Category: 1

Level of Significance: Exceptional Significance – Essential to the heritage of the locality. Rare or outstanding example.

Management Recommendation: Conservation of the place is considered essential with protection afforded to the place under the Local Planning Scheme. Any proposed changes should not unduly impact on the significance of the place and be in accordance with either a Conservation Plan or Heritage Impact Statement.

The listing also contains the following statement of significance:

The Priory Lodge, former Dongara Hotel, St. Dominic's Priory and Dominican Ladies College, has considerable significance for its prominent role in the historic and social development of the town since 1881. In particular the connection of the property to firstly William Criddle and later the Dominican Order gives these buildings a high level of historic significance. The decorative detailing and substantial scale of the buildings together with their elevated setting overlooking the Irwin River within established gardens affords the place high aesthetic value. The Priory Lodge makes an important contribution to the historic built fabric of the town and is held in high esteem by the local community.

A copy of the Local Heritage Survey Place Record is contained in ID02-12/24 Attachment 2.

The application was forwarded to the Irwin Districts Historical Society (IDHS) who provided a very comprehensive submission. In essence the IDHS, after considering the proposal, viewing the site and consulting with historical documentation and images in their collections, advised that the works appear to be relatively minor in nature and will not impact the significant physical fabric or significant heritage values. The IDHS also provided specific comments on the physical impacts of the proposal, the use impacts of the proposal and the impacts on cultural significance of the proposal.

It is considered that the proposed works are consistent with the built heritage conservation of the place.

(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 transportable bunkhouses, stage area, generator shed, toilet buildings and bar/storage facility) covers a small area of approximately 130m². The siting of the development has little impact on the existing character of the site and the buildings are of a scale and height that has no effect on adjoining or nearby land. The development is considered to be compatible with its setting and the surrounding character of the area.

- (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 acoustic assessment has been provided with the application which predicted noise emissions from the band/stage area for live performances. The report concluded that these live events would not comply with the *Environmental Protection (Noise) Regulations 1997*.

Where the noise emissions from a sporting, cultural or entertainment event is likely to exceed assigned levels, Regulation 18 allows for an application for a noise exemption. These types of exemptions are common throughout the state and are applied when an event would lose its character or usefulness if it was required to comply with the noise levels.

In this particular application the acoustic assessment has recommended conditions that should be imposed on any exemptions such as maximum noise levels and orientation / location of speakers. In addition, the Regulation 18 process also requires the applicant to provide information regarding noise control measures, noise monitoring procedures, complaint response procedures and method of providing notification to surrounding properties.

It is important to note that the above noise exemption process is separate to the development application process.

The application has anticipated that the number of noise exceeding events would be ‘about’ 12 times per annum. Subsequently the applicant has requested that consideration be given to 18-24 events per annum.

In assessing what might be a reasonable number of noise exceeding events, the present and likely future amenity of the locality must be given due regard. Given the site is located in an area that is strategically identified for future urban expansion, it is considered appropriate to limit the noise exceeding events to a maximum of 12 per annum and no more than 2 events per month.

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

Given the site has been historically used for various entertainment/public purposes over a sustained period of time 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 regarding the number of noise exceeding events.

- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, land slip, bush fire, soil erosion, land degradation or any other risk

Whilst it is acknowledged that the site is located within an area that is affected by flooding during major river flows, the development only consists of transportable buildings that are to be used for entertainment and non-permanent habitable purposes.

The site is located in a designated bushfire prone area. To assist in the mitigation of the bushfire risk a Bushfire Management Plan and Bushfire Emergency Evacuation Plan have been undertaken for the development for the effective ongoing management of the site.

The land is suitable for the development and risks of flooding and bush fire are considered acceptable.

(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 an unformed crossover onto St Dominics Road. As part of the application, it is proposed to formalise the crossover and the access at the front of the hotel buildings to a sealed standard. This will also entail the provision of 3 car parking bays.

Along the eastern boundary of the hotel building encompassing the vehicular access to the accommodation units the area is proposed to be sealed with crushed blue metal and this area will provide a further 17 car parking bays.

The formalised provision of 20 car parking bays is considered adequate and of note is that the site has ample area to the rear to accommodate staff and any overflow parking.

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

It is likely that, given the upgrades are proposed to facilitate an increase in entertainment events, that there will be some minor increases in traffic movements. St Dominics Road is considered a local distributor road under the Shire's draft local planning strategy. The function of such a road is primarily to facilitate the movement of traffic within local areas and connect to higher order roads (such as the connecting with Point Leander Drive).

Traffic movements are unlikely to affect traffic flow or safety.

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

The site, in its capacity as a public entertainment venue, has been used for over 140 years dating back to the original 'Criddle's Dongara Hotel' in 1881.

The site has long been established as an entertainment venue and although it has been closed for some period, it is a reasonable assumption that it would retain this use especially given the historic significance of the place.

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

The site (and in particular the Priory Hotel building itself) makes an important contribution to the historic built fabric of the town and is held in high esteem by the local community. It is one of the most substantial places in Dongara and the proposed development will assist with the owner's intent to maintain the site to a high standard not only for the benefit of the local community but also the wider tourism market.

When considering the impacts on individuals, it is noteworthy that only 2 submissions objecting to the proposal were received, with 1 of those objections from the owner of a vacant lot.

(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

The site has long been established as an entertainment venue and the application proposes uses that are consistent with the historical use of the site and the permitted special uses for the zone. The works are relatively minor in nature and will not impact the significant physical fabric or significant heritage values of the Priory Hotel.

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.

The *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to be taken to have refused to grant development approval if it has not made a determination within 90 days of acceptance of the application (in this instance being 2 December 2024). Deferring the matter is therefore not recommended.

Consultation:

Public Consultation

The application was advertised in accordance with cl. 64 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;
- A notice was published in the Dongara Denison Local Rag;
- The application was referred to the Irwin Districts Historical Society; 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 to the application. A copy of the submissions is contained in ID02-12/24 Confidential Attachment 3.

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

- Traffic
- Noise
- Anti-social behaviour
- Heritage
- Loss of property value

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

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 Fire and Emergency Services
- Department of Planning, Lands and Heritage
- Department of Water and Environmental Regulation

In response comments were received from the 3 agencies and a copy of the submissions are contained in ID02-12/24 Attachment 4. The key issues raised from the agencies are summarised below.

Department of Fire and Emergency Services (DFES)

DFES requested further clarification on the following matters:

- Validation of the BAL ratings.
- Redesign is recommended so that the accommodation use and other activities associated with the functions of the public amusement use are sited outside of BAL-40 and BAL-FZ areas.
- Vehicular access.
- Content of the Bushfire Emergency Evacuation Plan.

The applicant has specifically responded to, and adequately addressed each of the above matters raised and Officer's concur with those responses.

Both the Bushfire Management Plan and the Bushfire Emergency Evacuation Plan adequately address compliance with the bushfire planning framework.

Department of Planning, Lands and Heritage (DPLH) – Aboriginal Heritage

The subject area intersects with the public boundary of Registered Site Irwin River (ID 18907). For activities that occur within the actual boundaries of Aboriginal sites there may be the requirement to seek approvals, but this is dependent on the type of activity and how it may affect the values of the individual sites. From the information provided there may not be a requirement to seek authorisation if the works does not involve any significant ground disturbance.

DPLH raises no objection to the application but requests that for any activities undertaken at this location that advice is requested from DPLH so that the proponent is aware of their obligations under the *Aboriginal Heritage Act 1972*.

The above information will be provided to the applicant via an advice note on the development approval.

Department of Planning, Lands and Heritage (DPLH) – Heritage

The place is on the Heritage Council's Assessment Program, which means that the Heritage Council has an interest in the place and that it will be assessed and considered for inclusion on the State Register of Heritage Places. Under Section 10 of the *Heritage of Western Australia Act 1990*, local governments are required to co-operate with the Heritage Council in protecting the cultural heritage significance of places on the Assessment Program.

The proposal raises no concerns.

Department of Water and Environmental Regulation (DWER)

Whilst the general area is significantly affected by flooding during major river flows, the proposal will not detrimentally impact the existing flooding regime. However, the proposal will be subject to flooding and potential flood damages in 1 in 10 AEP flood events and larger.

The proposed four men bunkhouse (with a proposed floor level of 7.85m AHD) is a habitable structure and has less than 1 in 50 AEP flood protection. Should development be considered, minimum habitable floor levels of 10.25m AHD are recommended to ensure adequate flood protection against 1 in 100 AEP flooding into the future.

The proposed bunkhouse is only for tourism accommodation and not permanent habitation. It is set at the same level as the existing Priory Hotel building. The above information will be provided to the applicant via an advice note on the development approval.

Statutory Environment:

Clause 65 of the of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows approval for development already commenced or carried out, and 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 1.2.1 Recognise places of cultural and heritage value
 Strategy 2.1.1 Continuously improve approval processes

Attachments:

Attachment Booklet – December 2024

ID02-12/24 Attachment 1: Development Application

ID02-12/24 Attachment 2: Local Heritage Survey Place Record

ID02-12/24 Attachment 4: Government/Agency Submissions

Confidential Attachment Booklet – December 2024

ID02-12/24 Confidential Attachment 3: Public Submissions

OFFICER RECOMMENDATION:

That Council by Simple Majority, approves the application for ‘Holiday Accommodation’ and ‘Incidental Uses to the Licensed Historic Inn’ on Lot 6 (No. 11) St Dominics Road, Port Denison subject to the following conditions and advice notes:

Conditions:

1. **All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.**
 - **Site Plan (Rev A, dated 10.06.24)**
 - **Retaining Wall Set Out Plan (Rev A, dated 10.06.24)**
 - **Elevations (Rev A, dated 10.06.24)**
 - **Generator Shed (Rev A, dated 10.06.24)**
 - **Cool-Room & Bar (Rev 0, dated 29.05.24)**
 - **Unisex Amenities Building (Rev 0, dated 29.05.24)**
 - **Accessible Amenities Building (Rev 0, dated 29.05.24)**
 - **4 Man Bunkhouse (Rev A, dated 10.06.24)**
2. **The area set aside for the parking of vehicles together with the associated access and crossover as shown on the approved plans shall:**
 - a. **be installed to the approval of the Shire prior to the commencement of the use;**
 - b. **be maintained thereafter to the approval of the Shire;**
 - c. **be properly formed to such levels that it can be used in accordance with the approved plans and use;**
 - d. **be drained and sealed in accordance with the approved plans to the approval of the Shire;**
 - e. **have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and**
 - f. **be designed in accordance with AS2890.**
3. **The development / use is to be carried out at all times and in all respects in accordance with the Acoustic Assessment as lodged with the Shire (prepared by ND Engineering, Revision 1, dated 22 July 2024).**
4. **The number of events that are non-compliant with the *Environmental Protection (Noise) Regulations 1997* is limited to 12 events per annum with no more than 2 events per calendar month.**

Advice Notes:

- A. The location of the Priory Hotel and proposed works is within the public boundary of Registered Aboriginal Site, Irwin River ID 18907. For any activity in the identified location, the operator (proponent) should seek advice before embarking on their activities so that it can be assessed and responded to regarding any requirement for approval under the *Aboriginal Heritage Act 1972* and the *Aboriginal Heritage Regulations 1974*.**

- B. Access to the Lot will be affected during major flows of the Irwin River with floodwaters overtopping St Dominics Roads and surrounding the existing (and proposed) development on the Lot. Flood depths surrounding development and access roads are expected to exceed 1.5 meters in a 1 in 100 (1%) flood event. These depths are considered hazardous to vehicles and people. However, there is high ground outside of the floodplain along the western boundary of the Lot that will enable evacuation on foot to the south.**

10.2 Committee Reports

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

15. CLOSURE