



MINUTES

Ordinary Council Meeting

held

Tuesday 26 September 2023

in the

Council Chambers

11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 26 September 2023

Signed:
Presiding Elected Member

Date: 24 OCT 2023

Disclaimer

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

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

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

Shane Ivers
CHIEF EXECUTIVE OFFICER

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MINUTES

of the

ORDINARY COUNCIL MEETING

held on

Tuesday 26 September 2023

at 6.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Councillors, Staff and members of the Gallery then declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	President
Councillor I Scott	Deputy President
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

Councillor G Eva

Approved Leave of Absence

Councillor A Gillam

Gallery

Jon Arden
J Colero
Bruce Baskerville
Katherine George-Craggs
Codie Palmer
Nic Grove

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1: Bruce Baskerville, 'Cyprus Holme' Bonniefield 6525

Is the water usage a daily, weekly, monthly or annual estimate, where will this water come from, and does this include water estimated to be consumed by these new industrial operations in the hub or will that be an additional amount?

Response: *The water usage estimate is annual and covers both existing and proposed developments. The source of the water will be determined via consultation with the respective State Government agencies.*

Question 2: John Evans, Mount Warner Road, Bookara 6525

Why is Butcher Road not maintained by the Shire, fencing is damaged due to overgrowth and animals escape, why has the Shire left the land to become derelict and no fire brake and there is a Telstra optic cable there also?

Response: *Dividing fences are governed by the Dividing Fences Act 1961 (WA) and local government by- laws. Where the adjoining land is owned by the Commonwealth, State or local government and is used for public purposes, the Crown is not required to contribute to the costs of erecting or maintaining the fence under this Act. The reserve is crown land vested as a road reserve but is undeveloped and therefore is not maintained.*

Question 3: Katherine George-Craggs, Bonniefield Rd East, Bonniefield 6525

Why has my kennel application taken two years to get through Council?

Response: *The following is a breakdown of the application time process:*

- *22 June 2022 – Application formally lodged with the Shire.*
- *6 October 2022 – Additional information requested from the applicant.*
- *28 February 2023 – Additional information provided by the applicant.*
- *10 May 2023 – Applicant given the opportunity to provide any further comments in relation to submissions received.*
- *24 July 2023 – Further additional information provided by the applicant in response to the submissions.*
- *22 August 2023 – Application presented at the Ordinary Council Meeting for consideration.*

4. PUBLIC QUESTION TIME

Question 1: Bruce Baskerville, 'Cyprus Holme' Bonniefield 6525

Has the Shire already spent money on the proposed IAAC, and if so, how much and for what purpose?

Response: *There are no actual expenses at this point in time.*

Question 2: Bruce Baskerville, 'Cyprus Holme' Bonniefield 6525

Does the Shire currently have a formal arrangement in place with the Industry collectively, or the corporations involved individually, to reimburse the Shire for its expenditure on the IAAC?

Response: *The formal arrangements with industry are in the process of being developed.*

Question 3: Bruce Baskerville, 'Cyprus Holme' Bonniefield 6525

Will the total industry reimbursements cover all of the Shire's costs, and if not, then what proportion of the costs will be reimbursed?

Response: *The industry reimbursements will cover all the relevant Shire costs*

Question 4: Bruce Baskerville, 'Cyprus Holme' Bonniefield 6525

Do you have an update on my query for the Historical Society on the renaming of Sikh Lane and Queen Elizabeth Park, first mentioned October 2022?

Response: Taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS AND DEPUTATIONS

Cr Palmer declared a Financial Interest in the following item and left Council Chambers at 6.08pm.

6.1 Deputation – approved by CEO.

Approved deputation pertaining to Proposed Animal Establishment - Lot 200 (No.22)
Bonniefield Road East, Bonniefield.

Cr Palmer returned to Council Chambers at 6.16pm.

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.

COUNCIL DECISION		010923
MOVED: Cr Leonard	SECONDED: Cr Palmer	
<p>That the Minutes of the Ordinary Council Meeting, held 22 August 2023, as previously circulated, be accept as a true and accurate recording of that meeting, subject to:</p> <ul style="list-style-type: none"> • To reflect the actual proceedings of the Council meeting, responses for Questions 4 and 5 during Public Question Time have been corrected to “Taken on notice”. 		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Palmer, Cr Tunbridge, Cr Wyse		
Against: Nil		

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

17 to 19 September - WALGA Convention – Cr Scott.

20 September – IAAC Official Launch, Perth – Shire President, CEO

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-09/23
Subject:	CC01-09/23 Accounts for Payment	
Author:	S Clarkson, Senior Finance Officer	
Responsible Officer:	P Machaka, Manager Finance	
File Reference:	2.00057	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- 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 list of accounts paid under delegated authority during August 2023.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 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 – September 2023

CC01-09/23 Attachment 1: Accounts for Payment – August 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION		020923
MOVED: Cr Scott		SECONDED: Cr Wyse
<p>That Council, by Simple Majority, receives the Accounts paid during August 2023 as contained in CC01-09/23 Attachment 1 of the Attachment Booklet – September 2023, represented by:</p>		
Payment Type/Numbers	Total Amount	
EFT 30820 – 30939	\$480,773.22	
Muni Cheques – 32163 – 32164	\$5,153.70	
Direct Debit – Telstra	\$3,536.72	
Direct Debit – WA Treasury Corporation	\$20,727.35	
Direct Debit – Credit Card	\$15,008.57	
Direct Debit – N-Able Pty Ltd	\$761.86	
Direct Debit – Australian Phone Company	\$1,081.91	
Direct Debit – Insurance Premium Repayments	\$65,912.81	
Direct Debit – Superannuation	\$54,623.68	
Grand Total	\$647,579.82	
VOTING DETAILS:		
		Carried: 6/0
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

CORPORATE AND COMMUNITY		CC02-09/23
Subject:	CC02-09/23 Monthly Financial Statements for the Period Ended 31 July 2023	
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.
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Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to 31 July 2023.

Background:

The Monthly Financial Statements to 31 July 2023 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

Officer's Comment:

The financial position to the end of July 2023 is detailed in the attached report and summarised as follows: Year to budget is nil as date of budget adoption is 8 August 2023.

31/07/2023		YTD Budget	YTD Actual
Operating Revenue			122,664
Operating Expenditure			(369,528)
Net Operating		0	(246,864)
Non-Operating Revenue		0	0
Non-Operating Expenditure		0	(165,295)
Net Non-Operating		0	(165,295)
Cash at Bank			1,204,403
Cash at Bank Restricted			373,935
Reserve Bank			1,606,323
Total Cash Funds			3,184,661

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

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

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

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

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

- (3) *The information in a statement of financial activity may be shown -*
- (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub- regulation (2), are to be -*
- (a) *presented to the council -*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil

Financial/Resource Implications:

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

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – September 2023

CC02-09/23 Attachment 1: Financial Statements for the Period Ended 31 July 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION		030923
MOVED: Cr Palmer	SECONDED: Cr Leonard	
<p>That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024 as provided in Attachment Booklet – September 2023.</p>		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

CORPORATE AND COMMUNITY		CC03-09/23
Subject:	CC03-09/23 Monthly Financial Statements for the Period Ended 31 August 2023	
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.
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- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to **30 June 2024**.

Background:

The Monthly Financial Statements to 31 August 2023 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

Officer's Comment:

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

31/08/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	7,528,656	7,535,792	0%
Operating Expenditure	(2,120,216)	(1,176,790)	-44%
Net Operating	5,408,440	6,359,002	
Non-Operating Revenue	58,218	0	-100%
Non-Operating Expenditure	(617,857)	(282,757)	-54%
Net Non-Operating	(559,639)	(282,757)	
Cash at Bank		2,054,431	
Cash at Bank Restricted		712,671	
Reserve Bank		1,612,326	
Total Cash Funds		4,379,428	

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

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

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

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

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

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

- (3) *The information in a statement of financial activity may be shown -*
 - (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*

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 - (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 – September 2023

CC03-09/23 Attachment 1: Financial Statements for the Period Ended 31 August 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION	040923
MOVED: Cr Wyse	SECONDED: Cr Tunbridge
<p>That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024 as contained in Attachment Booklet – September 2023.</p>	
VOTING DETAILS:	Carried: 6/0
<p>For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge</p> <p>Against: Nil</p>	

CORPORATE AND COMMUNITY		CC04-09/23
Subject:	CC04-09/23 Golf Club Greens Mower Financial Support	
Author:	P Bracegirdle, Manager Community Services	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0699	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

For Council to consider the payment of \$15,000 to provide financial support to the Dongara Golf Club (Inc) for the purchase of a John Deere Greens Mower for ongoing course maintenance.

Background:

The Dongara Golf Club (Inc) initially approached Council Officers in February 2023 for consideration of Council providing financial support of \$15,000 to be used towards the purchase of a new John Deere Greens Mower valued at \$74,910. The purchase of the Green's Mower is critical to the operations of the club in providing a well presented and maintained course for both the local community and visitors to the region. Officers presented a Councillor Briefing Paper in April for Council to include the \$15,000 requested financial support in the 2023/24 Annual Budget Process.

Officer's Comment:

The Dongara Golf Club (Inc) submitted a verbal application to Council for \$15,000 to assist with the purchase a new or second-hand Greens Mower to undertake ongoing greens mowing. Depending on the availability of equipment the club investigated the best options both financially and operationally to meet the needs of the course both now and into the future.

The Club have provided the full cost of the mowers purchase price and as such are seeking Councils financial support of \$15,000 towards the purchase price. Historically the club have been largely financially self-sufficient and have not requested ongoing financial assistance from Council to support the clubs course infrastructure and facilities. To further improve their business model the club have recently received assistance from the Shire in developing a new Business Plan to guide their operations forward in both a sustainable and planned approach.

Consultation:

Nil

Statutory Environment:*Local Government Act 1995*, Section 6.20. Power to borrow:

- (1) Subject to this Act, a Local Government may –
 - a) Borrow or reborrow money; or
 - b) Obtain credit; or
 - c) Arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money to obtain credit, to enable the local government to perform its functions and exercise the powers confirmed on it under this Act or any other written law.

- (2) Where, in any financial year, a local government proposes to exercise power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year-
 - a) Unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - b) The resolution to exercise that power is by absolute majority.

Policy Implications:

Nil

Financial/Resource Implications:

The financial impacts have been included in the 2023/24 Shire of Irwin Budget.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031. Strategy 1.2.3 Support community-initiated projects and activities.

Attachments:

Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION		050923
MOVED: Cr Wyse	SECONDED: Cr Palmer	
That Council by Absolute Majority, provides the Dongara Golf Club (Inc) financial support to the value of \$15,000 (excluding GST) to be used towards the purchase of a new Greens Mower.		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO	CEO01–09/23
Subject:	CEO01-09/23 IT Disaster Recovery Plan
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 adopt the Disaster Recovery Plan (DRP).

Background:

Every business needs to be able to recover quickly from any event that stops day-to-day operations, no matter what industry or size. Without a disaster recovery plan, the Shire can suffer data loss, reduced productivity, out-of-budget expenses, and reputational damage that can lead to lost records and revenue.

Typically, disaster recovery (DR) involves securely replicating and backing up critical data and workloads to a secondary location or multiple locations - disaster recovery sites. A disaster recovery site can be used to recover data from the most recent backup or a previous point in time. Organisations can also switch to using a DR site if the primary location and its systems fail due to an unforeseen event until the primary one is restored.

Benefits of disaster recovery:

- **Stronger business continuity** - Every second counts when business goes offline, impacting productivity, customer experience, and the organisation's reputation. DR helps safeguard critical business operations by ensuring they can recover with minimal or no interruption.
- **Enhanced security** - DR plans use data backup and other procedures that strengthen security posture and limit the impact of attacks and other security risks. For example, our disaster recovery solutions offer built-in security capabilities, such as advanced encryption, identity and access management, and organisational policy.

- **Faster recovery** - DR solutions make restoring Shire data and workloads easier so we can get business operations back online quickly after a catastrophic event. DR plans leverage data replication and often rely on automated recovery to minimise downtime and data loss.

Officer's Comment:

A DRP is crucial for the Shire of Irwin's information technology security.

Consultation:

Nil

Statutory Environment:

Recovery is defined in the *Emergency Management Act 2005* as 'the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community psychosocial and economic wellbeing'.

Policy Implications:

Nil

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Attachments:

Attachment Booklet – September 2023

CEO01 - 09/23 Attachment 1: IT Disaster Recovery Plan 2023.

OFFICER RECOMMENDATION AND COUNCIL DECISION		060923
MOVED: Cr Scott	SECONDED: Cr Leonard	
That Council, by Absolute Majority, adopt the Disaster Recovery Plan – as contained in CEO01-09/23 Attachment 1 of the Attachment Booklet – September 2023.		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF CEO		CEO02-09/23
Subject:	CEO02-09/23 RFQ 01-2023/24 – Waste Collection and Processing Services	
Author:	J Keene, Procurement & Administration Officer	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00389	
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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- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
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Report Purpose:

For Council to award the Shire of Irwin – Waste Collection & Processing Services Contract that was issued under RFQ 01-2023/24 - Waste Collection & Processing Services.

Background:

The Shire's contract for Waste Collection & Disposal Services expired on 30 November 2022. The Shire of Irwin combined with other local governments as part of the Midwest Regional Group and engaged the services of WALGA procurement to assist with the preparation of a Request for Quote (RFQ) and contract documentation. The group anticipated that by appointing a single contractor for all contracts on offer it will enable a lower overall cost, however, the specifications in the request and the decision was up to each local government.

The RFQ 2122 10, was released to suitably experienced Contractors listed as members of the WALGA Preferred Supplier Program via the City of Greater Geraldton's eQuotes (VendorPanel) portal on 19 May 2022. The Shire received one submission and on 25 October 2022 Council accepted the tender submission from Respondent 1, as the most advantageous and delegated authority to the Chief Executive Officer to negotiate in relation to the contract or in the event that a contract should not be formed, the tender to be re-advertised. A contract was not formed and the CEO decided to re-advertise the tender.

RFQ 01-2023/24 Waste Collection & Processing Services was issued on 28 August 2023 to twenty (20) Supplier's on the WALGA Preferred Supplier Program under Panel Contract Waste & Energy (PSP007) to the category of Waste Collection Services (PSP007-006). The RFQ's specifications included the collection of 240L kerbside waste for residential and commercial including special collection services and the collection of 240L public place bins.

The request also allowed for options to increase waste diversion and explore opportunities for comingled recycling and FOGO waste services.

The request was very specific on the standard of collections, communications and reporting requirements to guarantee ratepayers receive a high quality service. The contract term was for five (5) years with an initial three (3) years and an option of a further two (2) years.

During the RFQ open period five (5) suppliers viewed the request and two (2) declined to respond. Three (3) clarifications were received, with one being a request to extend the open period by 2 weeks, the second being the contract conditions version to be used and the third being for a drive-by price to be used rather than a per lift price, in the pricing schedule. A response was issued to all supplier's stating that the closing date and time would remain the same, the contract conditions were uploaded to the request and a revised price schedule was uploaded that included a per lift and drive by price to be provided.

After the RFQ closed, two (2) responses were received. The submissions were assessed for compliance and then assessed against the qualitative criteria before pricing was applied to determine if the response was value for money and advantageous to the Shire of Irwin.

Officer's Comment:

The submission by Respondent 1 met the qualitative criteria as set out in the Request for Quotation (RFQ) document, provided as Attachment 1. For full details of the scores and further details regarding the compliance and qualitative criteria, refer to the attached RFT Evaluation Panel Report provided as Confidential Attachment 1.

It is recommended that Council accepts the submission for RFQ 01-2023/24 for Waste Collection and Processing Services, received from 'Respondent 1' for a 3 year term with the option of extending for a further 2 year term.

The price is based upon the current total number of collection services, however the annual charges and contract value will vary due to changes in the number of collection services each week, plus these charges will also be subject to an increase on the anniversary of the Contract Execution date based on the Rise and Fall Mechanism that shall be subject to annual adjustments by the percentage movement on the Review Date, in accordance with the Consumer Price Index for the quarter ending immediately prior as published by the Australian Bureau of Statistics for Perth (all groups).

Consultation:

Nil

Statutory Environment:

Local Government (Function and General) Regulations 1996

11A. Purchasing policies for local governments

11.(2) Tenders do not have to be publicly invited according to the requirements of this Division

Local Government Act 1995, Section 5.42 – Delegation to CEO

5.42. Delegation of some powers and duties to CEO

5.43. Limits on delegations to CEO

Policy Implications:

CP20- Purchasing

Financial/Resource Implications:

Budget allocation for the waste collection and processing services as per RFQ 01-2023/24 is provided for in the 2023/24 Annual Budget.

Strategy Implications:

Shire of Irwin HEALTH LOCAL LAWS 2002- Part 4 Waste Food and Refuse
Strategic Community Plan 2012 - 2022

Strategy 2.3 Conserve and protect our natural and built environment through land-use management, planning and development strategies.

Attachments:

Attachment Booklet- September 2023

Attachment 1: RFQ 01-2023/24- Waste Collection & Processing Services

Attachment 2: RFQ 01-2023/24 Consensus Evaluation Matrix

CONFIDENTIAL Attachment Booklet – September 2023

Attachment 1: Evaluation Panel Report

OFFICER RECOMMENDATION AND COUNCIL DECISION		070923
MOVED: Cr Leonard	SECONDED: Cr Palmer	
That Council, by Absolute Majority;		
<ol style="list-style-type: none"> 1. Accepts the tender submission for RFQ 01-2023/24-Waste Collection & Processing Services, received from ‘Respondent 1’ in the Evaluation Panel Report recommendation detailed in Confidential Attachment 1 and identified as the most advantageous, with a calculated on current services first year annual cost of \$345,343.44, with each additional year subject to increase by the Rise and Fall Mechanism submitted in the response and future consideration for additional waste diversion services. 2. Delegates authority to the Chief Executive Officer to negotiate in relation to the contract for RFQ 01-2023/24- Waste Collection & Processing Services: <ol style="list-style-type: none"> a) Minor variations before entry into contract, in accordance with Regulation 20 of the <i>Local Government (Functions and General) Regulations 1996</i>. b) Variations after the contract has been entered into, limited to variations which do not change the scope of the contract and which do not increase the contract value beyond 10%, in accordance with Regulation 21A of the <i>Local Government (Functions and General) Regulations 1996</i>. c) Exercise the contract extension options as approved in Part 1 above, in accordance with Regulations 11(2)(j) and 21A of the <i>Local Government (Functions and General) Regulations 1996</i>; and 3. Accepts that if a contract should not be formed for RFQ 01-2023/24-Waste Collection & Processing Services with Respondent 1 identified in Evaluation Panel Report recommendation shown in Confidential Attachment delegates authority to the Chief Executive Officer to negotiate with ‘Respondent 2’ who was compliant with the request and ranked second as the most advantageous. 4. Authorises the Chief Executive Officer in accordance with section 9.49A(4) of the <i>Local Government Act 1995</i>, to execute the contract for RFQ 01-2023/24-Waste Collection & Processing Services. 		
VOTING DETAILS:		Carried: 6/0
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

OFFICE OF THE CEO		CEO03-09/23
Subject:	CEO03-09/23 Workplace Health and Safety Program	
Author:	R. Vermeer, Workplace Health & Safety Coordinator	
Responsible Officer:	S. Ivers, Chief Executive Officer	
File Reference:	3.0628	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

To provide an oversight of the delivery of Work Health and Safety (WHS) within the Shire of Irwin including training, policy development, procedure development and managerial support.

Background:

With the introduction of the new WHS Act 2020 (which was introduced in March 2022), a number of areas within the legislation for Work Health and Safety have become stricter, including the potential liability for workers, officers, PCBUs and key decision makers. Failure to comply with WHS legislation can result in hefty fines or imprisonment and is unable to be covered by any insurance.

This role was introduced in March 2022 and part of the role has been to bring the Shire of Irwin up to full compliance. This involves education of staff, consultation with workers, ongoing auditing and monitoring and ensuring that adequate systems of accountability are in place to not only create a safer working environment but to limit the liability of all individuals involved.

Whilst a lot of areas have already been put in place, there are a number of actions still required to both achieve and maintain the highest level of compliance where the liability of the organisation and its individuals is limited.

Officer's Comment:

Over the past 18 months, the Shire has focused on improving safety awareness, fostering a better safety culture, and enhancing training within the organization.

Recently, the Shire implemented new safety management software in partnership with SiteDocs.

This project encompassed integrating existing employee data, training records, refining and testing various reporting forms such as hazard and incident reports, and updating all safety procedures and documentation. Furthermore, new template forms were developed that feature preset dropdown lists to streamline hazard control, work tasks, and competency reporting, thereby optimizing analytical capabilities. This software has undergone thorough in-house testing. The software is looking to reduce overall costs in this area in addition to being more user friendly.

Simultaneously, the Shire has successfully reviewed 101 evacuation diagrams across all Shire buildings. This comprehensive task involved visiting each site to note discrepancies or alterations on the current diagrams, collaborating with the drafting contractor, and confirming the accuracy of the changes repeatedly. This review has been completed, ensuring that the Shire evacuation diagrams remain compliant until August 2028.

The Shire has successfully recommenced its monthly safety committee meetings but now compliant with the WHS Act 2020 including elections to appoint new Health and Safety Representatives.

The Shire is in the process of reviewing and updating our organization's safety policies and procedures. The draft versions of the Strategic Safety Policy and the Children in the Workplace Policy are now ready to be reviewed by the Executive Management Team.

Key Statistics from the past 6 months:

Reports Received	This Qtr	Last Qtr	Statistics
LTI's	1	0	Increase of 1 from last Qtr.
Take 5 + Hazard Reports	1119	959	Increase of 17% from last Qtr.
Incident Reports	4	9	Decrease of 45% from last Qtr
Site Inspections Conducted	6	5	Increase of 20% from last Qtr
Corrective Actions created	48	86	Decrease of 56% from last Qtr.

Moving forwards, to achieve the highest level of compliance the Shire has outstanding WHS policies and procedures to finalise, provide additional task specific training for workers (including Verification of Competencies for machine operators), arrange WHS workshops through an external provider and maintain audits and inspections.

Consultation:

Tribal Safety Solutions
Health and Safety Committee (HSC)

Statutory Environment:

Work Health and Safety Act 2020
Work Health and Safety (General) Regulations
2022 Codes of Practice

Policy Implications:

WHS Safety Committee - Terms of Reference v1
WHS PR-02 Take 5 Procedure v3
WHS PR-03 Hazard Reporting and Investigation Procedure v3
WHS PR-04 Incident Reporting and Investigation Procedure v4
WHS MP-01 Work Health and Safety (WHS) Policy v0

Financial/Resource Implications:

Time needs to be provided to staff where required to undertake WHS training and compliance tasks. Most current recommendations are within the existing budget.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031.

4.2.1 Ensure compliance whilst embracing innovation and better practice principles.

4.3.2 Adopt and follow better practice processes.

4.3.3 Promote workplace health, safety and well-being.

Attachments:

Attachment Booklet – September 2023

CEO02-09/23 Attachment 1: WHS Safety Committee Minutes 2023

OFFICE RECOMMENDATION AND COUNCIL DECISION		080923
MOVED: Cr Wyse	SECONDED: Cr Tunbridge	
<p>That Council by Simple Majority, receives this update regarding the progress of Work Health and Safety compliance with the Shire operations.</p>		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

DEVELOPMENT SERVICES		ID01-09/23
Subject:	ID 01-09/23 Delegated Authority Report – Development, August 2023	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

For Council to receive the Delegated Authority Report – Development, August 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 focusing 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 August 2023, with 9 building permits and 9 applications for development approval having been issued.

Consultation:

Nil

Statutory Environment:

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

Policy Implications:

Nil

Financial/Resource Implications:

Nil

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:*Attachment Booklet – September 2023*

ID01-09/23 Attachment 1: Delegated Authority Report – Development, August 2023

OFFICER RECOMMENDATION AND COUNCIL DECISION		090923
MOVED: Cr Scott	SECONDED: Cr Tunbridge	
<p>That Council by Simple Majority, receives the Delegated Authority Report – Development, August 2023 as contained in ID01-09/23 Attachment 1 of the Attachment Booklet – September 2023.</p>		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Leonard, Cr Wyse, Cr Palmer, Cr Tunbridge		
Against: Nil		

Cr Palmer declared a Financial Interest in the following item and left Council Chambers at 6.20pm.

DEVELOPMENT SERVICES		ID02-09/23
Subject:	ID 02-09/23 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:

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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 application was presented to Ordinary Council Meeting held on 22 August 2023 where Council in essence deferred the matter and formally resolved:

"That Council moves the motion that the meeting proceeds to the next business as per Clause 11.5 of the Shire of Irwin Meeting Procedures Local Law 2016."

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, maximum of 2 dogs) and horse stables/shelters.

Proposal

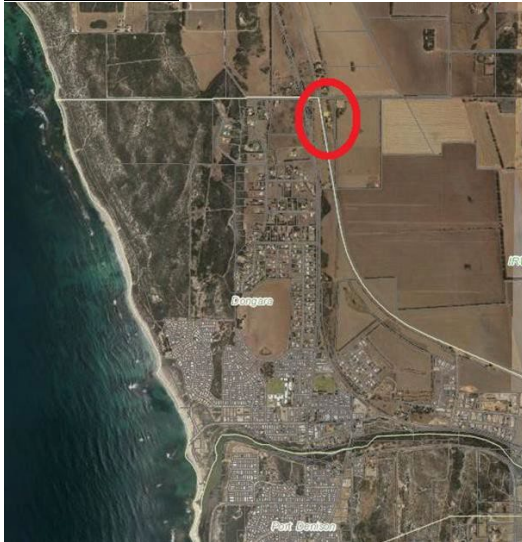
The application seeks approval to utilise a new shed (previously granted development approval but not yet built) for an animal establishment (dog kennel) with associated exercise yards. Key aspects of the application are as follows:

- 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, with only 5 to be in the exercise yards at any one time.

The application for development approval was previously provided as an attachment in the *Attachment Booklet – August 2023*. The applicant has provided a revised Acoustic Assessment (Revision 2) which is contained in ID02-09/23 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. It should be noted that this 500m distance is based on an open style kennel. With acoustic engineering this generic 500m buffer distance can be reduced. The application is for enclosed kennels with acoustic measures.

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 6 residences. The closest two being 140m to the north-west and 160m to the north-east. The remaining 4 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.

Whilst it is acknowledged that uncontrolled barking dogs can have a significant impact on the amenity of nearby residents, it is usually the case that the cause is from dogs that are in an open, uncontrolled setting for periods when the owner is not present. This application proposes enclosed kennels with persons actively managing the facility on-site.

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 (along with any response provided by the applicant) was previously provided as a confidential attachment in the *Attachment Booklet – August 2023*.

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 was previously provided as an attachment in the *Attachment Booklet – August 2023*.

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 completely 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 – September 2023

ID02-09/23 Attachment 1: Acoustic Assessment, Revision 2

Attachments were also previously provided in the *Attachment Booklet – August 2023*.

OFFICER RECOMMENDATION AND COUNCIL DECISION		100923
MOVED: Cr Scott	SECONDED: Cr Leonard	
That Council, by Simple Majority:		
<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. 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. <ul style="list-style-type: none"> • Site Plan (Drawing No. A302) • Floor Plan and Elevations (Drawing No. A307) • Kennel Layout Plan b. 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 8 September 2023 prepared by ND Engineering as lodged with the Shire. c. 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 8 September 2023 prepared by ND Engineering as lodged with the Shire.

- d. 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.**
- e. 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.**
- f. The maximum number of kennelled dogs shall not exceed 10 at any one time, with no more than 5 dogs permitted in the exercise yards 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*.

VOTING DETAILS:

Lost: 2/3

For: Cr Smith, Cr Scott

Against: Cr Leonard, Cr Wyse, Cr Tunbridge

Cr Tunbridge acknowledged that the service of a dog kennel is not currently available in the Shire of Irwin, but based on the information provided within the application and the intent for longer and overnight stays, she was concerned with the location. Specifically, the proximity to the town centre and the long-term plan for future urban and residential zoning. The planned urban sprawl with an increasing population within the Shire is identified in the Dongara Port Denison District Structure Plan, 2014, and the Local Planning Strategy, 2017, both of which put the proposed site within 300m of future urban and residential zones. The current Western Australian Environmental Protection Authority recommendation is 500m for a facility of this type. There are currently 6 properties within the 500m recommendation. The EPA's draft 2015 policy proposes to change the recommended distance to 1000m.

Cr Palmer returned to Council Chambers at 6:26pm.

DEVELOPMENT SERVICES		ID03-09/23
Subject:	ID 03-09/23 Proposed Local Planning Scheme Amendment No. 21 R30 Rezoning Lot 18 (No. 9) Francis Road, Port Denison	
Author:	M Connell, Manager Development	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	P1299	
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 adopt a proposed amendment (Amendment No. 21) to the Shire of Irwin Local Planning Scheme No. 5 and to determine that Amendment No. 21 is a standard amendment.

Background:

Amendment 21 seeks to amend the Residential R-Coding of Lot 18 (No. 9) Francis Road, Port Denison from R12.5 to R30.

Lot 18 is located some 900m from the coast and approximately 1.5km from the Port Denison marina. The site has an area of 1.0114 ha with a depth of approximately 113m and a width of approximately 98m. Development approval was issued in June 2023 for two grouped dwellings located in the south-east corner of the site, which are currently under construction. The balance of the land is vacant.

The site is part of a broader triangular shaped residential area bounded by Francis Road to the east, Blenheim Road to the south and Point Leander Drive to the north-west. To the south of the site the land has an R-Code of R30 and the very norther section of the broader location also has a R30 density. The central portion encompassing Lots 16, 17 and 18 are coded R12.5.

Proposal

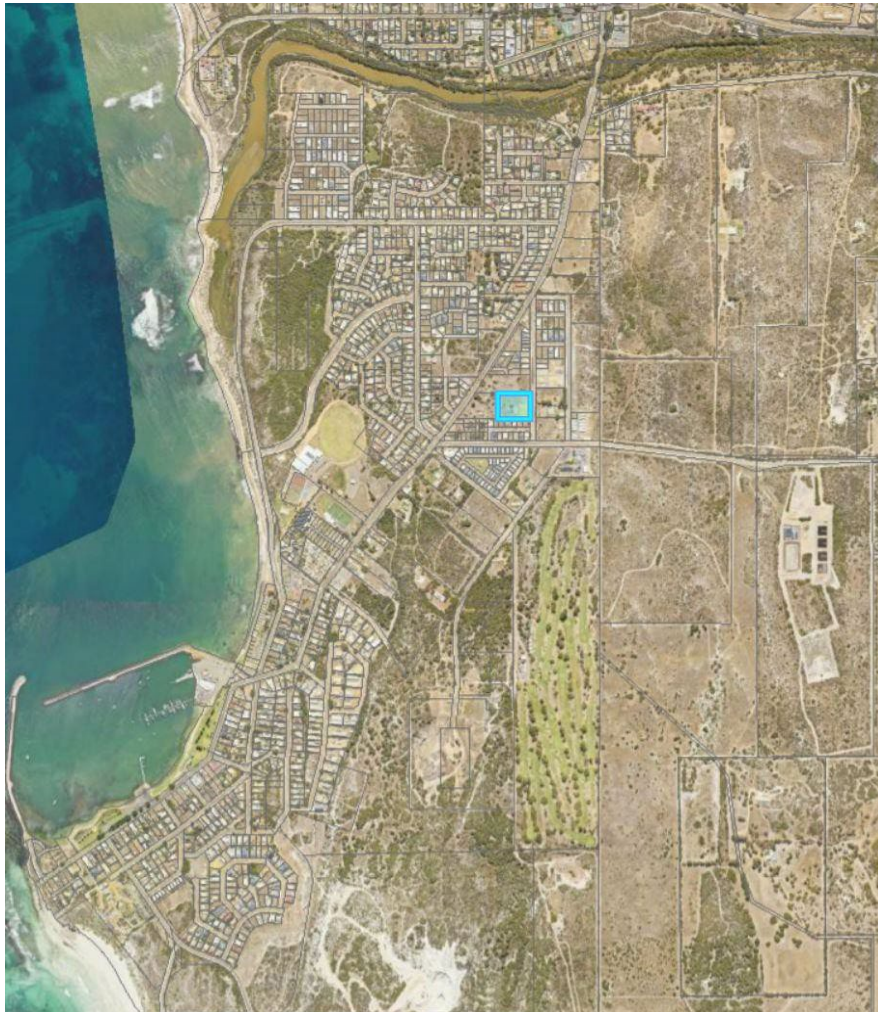
The amendment seeks to amend the R-Coding of Lot 18 from R12.5 to R30, which will enable the land to be developed for medium-density housing. Under the existing R12.5 R-Code the site has a maximum potential of 12 dwellings. The R30 code allows for development with a minimum lot size of 260m² and an average lot size of 300m². This would provide for an increase in the maximum development potential to 33 dwellings.

Whilst this amendment only proposes the change in R-Coding for Lot 18 it is appropriate at this stage in the planning process to plan for the coordination of future subdivision of the adjoining Lots 16 and 17. Accordingly it is proposed to adopt a local development plan concurrently with Amendment 21.

The local development plan will determine an appropriate road network and public open space regime to enable Lots 16, 17 and 18 to be developed in an orderly and proper manner.

The amendment report, which also contains the local development plan is contained in ID03-09/23 Attachment 1.

Location Plan



Officer's Comment:

Amendment 21 has been assessed against the following planning framework applicable to the amendment as detailed below.

Guilderton to Kalbarri Sub-regional Strategy

The primary purpose of this Strategy is to guide growth, future planning and development in the sub- region. The Strategy identifies Dongara – Port Denison as a sub-regional centre that aims to support population and economic activities within its hinterland through the provision of goods and services. Urban growth within the Dongara – Port Denison sub-regional centre is promoted and Amendment 21 is consistent with the strategic direction of the Strategy.

Local Planning Strategy

The Strategy sets out the long-term planning directions for the Shire and guides land use planning over the next 20 years. The Strategy promotes density infill of existing vacant residential zoned land as a priority. Lot 18 is located in 'Policy Area B' and is identified as 'Urban / Residential (Higher Density)'. Amendment 21 is consistent with the Strategy and will provide adequate land to accommodate urban expansion and further will improve housing diversity and choice within the Dongara – Port Denison area.

Dongara – Port Denison District Structure Plan

This Plan provides a strategic framework to sustainably grow the townsites of Dongara and Port Denison in a manner that serves the needs of the community now and in the future. Lot 18 is identified on the Plan as 'Existing Urban / Residential (Proposed Higher Density)' and within the future urban area identified as the 'St. Dominics Precinct'. This precinct is the initial growth corridor for development and Amendment 21 is consistent with the Plan.

Public Open Space Strategy

The Strategy provides a framework for the future distribution of public open space for the Dongara – Port Denison area. The Strategy identifies Ayelia Park (abutting Lot 18 to the north) as a 'local park'. Ayelia Park is currently 689m² in size. The Strategy recommends the upgrading of the park to Neighbourhood park status and adding additional land to the park.

The local development plan proposed as part of Amendment 21 further details that any future residential subdivision of Lot 16 will enable the park to be expanded through the standard 10% public open space contribution. At this stage, it is anticipated that the subdivision of Lot 16 will require some 985m² of land to be ceded for public open space. Locating this future open space adjacent to the existing open space will ensure that Ayelia Park will be of a sufficient size to be both functional and useable as a future neighbourhood park and achieve the anticipated outcomes of the open space strategy.

The subdivision of Lots 17 and 18 will require the payment of cash in lieu of public open space. These funds could then be used to further implement the recommendations of the open space strategy.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations require that the local government resolution must specify whether, in the opinion of the local government an amendment is a basic, standard or complex amendment.

In essence a basic amendment is one that corrects an administrative error in the scheme or rectifies a zoning anomaly. A standard amendment is one that is consistent with a local planning strategy, would have minimal impact on land in the area and does not result in any significant impacts on the land. A complex amendment is one that is not consistent with a local planning strategy and is of a scale that will have an impact that is significant relative to the development in the locality.

Amendment 21 is considered to be a standard amendment for the following reasons:

- The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Conclusion

The proposal to amend the R-Coding of Lot 18 to R30 will enable the lot to be developed for medium- density residential housing consistent with the objectives detailed in both the Shire of Irwin Local Planning Strategy and the Dongara – Port Denison District Structure Plan.

It is considered that Amendment No. 21 complies with the planning framework applicable to the site and the requirements of orderly and proper planning. The amendment is considered to be a standard amendment that is consistent with the future planning context for the area.

Consultation:

As part of the amendment process and prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the *Environmental Protection Act 1986*.

Should Council adopt the amendment it is required to be publicly advertised for a period of not less than 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At the conclusion of the public advertising period the matter must be presented back to Council which will include a schedule of submissions if any are received. A resolution must then be passed to either support the amendment (with or without modification) or not support the amendment.

Statutory Environment:

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme.

Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the process that must be followed for standard amendments to a local planning scheme.

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 – September 2023
ID03-09/23 Attachment 1: Amendment 21 Report.

OFFICER RECOMMENDATION AND COUNCIL DECISION		110923
MOVED: Cr Leonard	SECONDED: Cr Palmer	
That Council, by Simple Majority:		
<ol style="list-style-type: none"> 1. Adopts Amendment No. 21 to the Shire of Irwin Local Planning Scheme No. 5 which proposes to amend the Residential R-Coding of Lot 18 (No. 9) Francis Road Port Denison from “R12.5” to “R30”; and 2. Determines that Amendment No. 21 is a standard amendment for the following reasons: <ol style="list-style-type: none"> a. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; b. The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and 		

- c. **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

VOTING DETAILS:

Carried: 6/0

For: Cr Smith, Cr Scott, Cr Palmer, Cr Tunbridge, Cr Wyse, Cr Leonard

Against: Nil

9.2 Committee Reports

9.2.1 CASE Committee – 5th Biennial District Charity Ball and Dongara Denison Art Group.

COUNCIL DECISION		120923
MOVED: Cr Wyse		SECONDED: Cr Tunbridge
That Council approves the following funding allocation from the Community Assistance Scheme from the 2023/2024 financial year budget. An amount of \$2,432 is to be applied as a non-cash contribution for fees associated with the Recreation Centre Venue and Facilities and \$2,568 to be applied as a cash contribution.		
ORGANISATION	PROJECT DESCRIPTION	GRANT
Irwin District Charity Ball Inc	Support towards costs associated with 2023 5 th Biennial Irwin District Charity Ball.	\$5,000
VOTING DETAILS:		Carried: 6/0
For: Cr Smith, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Wyse, Cr Leonard		
Against: Nil		

COUNCIL DECISION		130923
MOVED: Cr Palmer		SECONDED: Cr Tunbridge
That Council approves the following funding allocation from the Community Assistance Scheme from the 2023/2024 financial year budget.		
ORGANISATION	PROJECT DESCRIPTION	GRANT
Dongara Denison Art Group (DDAG)	Towards costs relating to the 2023 Open Studios and Spring Arts Program	\$2,355
VOTING DETAILS:		Carried: 6/0
For: Cr Smith, Cr Scott, Cr Gillam, Cr Tunbridge, Cr Wyse, Cr Leonard		
Against: Nil		

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**13.1 CC04-09/23 - Rates and Charges Outstanding For More Than Three Years – Sale of Land**

The matter at CC04-09/23 is to be considered behind closed doors in accordance with Section 5.23(2)(b) and (d) of the Local Government Act 1995 as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.

Members of the gallery left the meeting at 6.28pm. The matter was considered by Council and voted on behind closed doors as per 26 September 2023 CONFIDENTIAL Item Minutes.

COUNCIL DECISION		140923
MOVED: Cr Scott	SECONDED: Cr Palmer	
<p>That Council close the meeting to the public at 6.28pm in accordance with Section 5.23(2)(b) and (d) of the Local Government Act 1995 as it relates to the personal affairs of a person and legal advice obtained by the Shire relating to the matter being discussed.</p>		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Palmer, Cr Tunbridge, Cr Wyse, Cr Leonard		
Against: Nil		

All Council staff including the Chief Executive Officer left Council Chambers at 6.42pm for the next confidential item.

13.2 CEO04-09/23 – CEO Annual Performance Review 2023/24

The matter at CEO04-09/23 is to be considered behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it relates to a matter affecting an employee to be discussed at the meeting. The Confidential Schedule, attachment “CEO04-0923 – CEO Annual Performance Review 202324” was forwarded by email from the Chief Executive Officer on behalf of John Phillips Consulting to all Councillors Saturday 23 September 2023. This was the final report from the CEO Performance Review workshop held in the Council Chambers 1pm Friday 22 September 2023.

COUNCIL DECISION		160923
MOVED: Cr Wyse	SECONDED: Cr Leonard	
<p>That Council adopts the Confidential Schedule.</p>		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Palmer, Cr Tunbridge, Cr Wyse, Cr Leonard		
Against: Nil		

All staff returned to the Council Chambers at 6.51pm.

COUNCIL DECISION		170923
MOVED: Cr Leonard	SECONDED: Cr Wyse	
That Council reconvenes the meeting as per Clause 17.1 of the <i>Shire of Irwin Meeting Procedures Local Law 2016</i> at 6.52pm.		
VOTING DETAILS:	Carried: 6/0	
For: Cr Smith, Cr Scott, Cr Palmer, Cr Tunbridge, Cr Wyse, Cr Leonard		
Against: Nil		

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.53pm.