

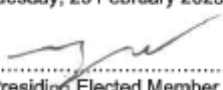


MINUTES

ORDINARY COUNCIL MEETING Tuesday 25 February 2025



I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday, 25 February 2025

Signed: 

Presiding Elected Member

25 March 2025

Date:

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 an Elected 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 Agenda Forums, Council or Committee Meetings.

Nature of Council's Role in Decision Making

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 the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

By allocating these roles, the Shire ensures that the Council's decision-making is structured and aligned with its legal responsibilities, allowing it to effectively govern, serve its community, and maintain compliance with applicable laws.

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MINUTES

of the

ORDINARY COUNCIL MEETING

held

25 February 2025

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President 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 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
Ms S Mearns

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

Guests

Nil

Apologies

Mr S Stubbs

Community Emergency Services Manager

Approved Leave of Absence

Nil

Gallery

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES**8.1 Minutes of the Ordinary Council Meeting held 9 December 2024**

The Minutes of the Ordinary Council Meeting held 9 December 2024 are included in the *Attachment Booklet – February 2025*.

COUNCIL DECISION		020225
MOVED: Cr Tunbridge		SECONDED: Cr Summers
That Council confirms the Minutes of the Ordinary Council Meeting held 9 December 2024.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against:	Nil	

8.2 Agenda Forum Notes – 18 February 2025

At the Agenda Forum held 18 February 2025, Shire Officers presented background information and answered questions on items to be considered at the February 2025 Ordinary Council Meeting.

Notes from the Agenda Forum are included in the *Attachment Booklet – February 2025*.

COUNCIL DECISION		030225
MOVED: Cr Scott		SECONDED: Cr Gillam
That Council confirms the Notes of the Agenda Forum held 18 February 2025.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against:	Nil	

8.3 Minutes of the Special Council Meeting held 18 February 2025

The Minutes of the Special Council Meeting held 18 February 2025 are included in the *Attachment Booklet – February 2025*.

COUNCIL DECISION		040225
MOVED: Cr Melsom		SECONDED: Cr Wyse
That Council confirms the Minutes of the Special Council Meeting held 18 February 2025.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against:	Nil	

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

11 December 2024	CEO attended Audit Exit Meeting with Pitcher Partners
13 January 2025	CEO and Shire President attended 'Dongara Bushfire Stakeholders Debrief'
16 January 2025	CEO and Shire President attended MWDC Catch up
22 January 2025	CEO and Shire President attended YSRC Rangers Site Visit
23 January 2025	CEO and Shire President met with Dongara Denison Lions Club
26 January 2025	CEO and Shire President attended Australia Day Celebrations
18 February 2025	CEO attended LEMC Meeting
19 February 2025	CEO and Shire President attended MEPAU Meeting
20 February 2025	CEO and Shire President attended MWDC Catch up

10. REPORTS OF OFFICERS AND COMMITTEES

10.1 Finance Reports

FIN 01-02/25 Accounts for Payment – December 2024 and January 2025	
Author:	S Clarkson, Senior Finance Officer
Responsible Officer:	P Machaka, Manager Finance
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to receive the list of accounts paid under delegated authority during December 2024 and January 2025.

COUNCIL DECISION050225

MOVED: Cr Summers

SECONDED: Cr Scott

That Council, by Simple Majority, receives the Accounts paid during December 2024 and January 2025 as contained in FIN01-02/25 Attachment 1 of the Attachment Booklet – February 2025 represented by:

Payment Type/Numbers	Total Amount
EFT 32910 – 33180	\$1,312,456.63
Muni Cheques – 32222 – 32226	\$106,855.10
Direct Debit – Telstra	\$10,173.89
Direct Debit – WA Treasury Corporation	\$295,991.96
Direct Debit – Credit Card	\$31,444.77
Direct Debit – N-Able Pty Ltd	\$2,032.12
Direct Debit – Australian Phone Company	\$450.46
Direct Debit – Telair Pty Ltd	\$6,327.25
Direct Debit – Rental Charges	\$9,200.00
Direct Debit – Insurance Premium Repayments	\$137,789.04
Direct Debit – Vestone Capital Pty Ltd	\$10,554.20
Direct Debit – Bonds Administrator	\$1,220.00
Direct Debit – Superannuation	\$117,095.78
Grand Total	\$2,041,591.20

VOTING DETAILS:

CARRIED: 7/0

For:Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom

Against:Nil

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of December 2024 and January 2025.

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 – February 2025

FIN01-02/25 Attachment 1: Accounts for Payment – December 2024 and January 2025

FIN 02-02/25 Monthly Financial Statements for the Period Ended 31 December 2024	
Author:	P Machaka, Manager Finance
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

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

COUNCIL DECISION	060225
MOVED: Cr Wyse SECONDED: Cr Summers	
That Council, by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2024 to 31 December 2024 as contained in FIN02-02/25 Attachment 1 of the Attachment Booklet – February 2025.	
VOTING DETAILS: CARRIED: 7/0	
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against: Nil	

Background:

The Monthly Financial Statements to 31 December 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 December 2024 is detailed in the attached report and summarised as per below:

31/12/2024		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		9,337,413	9,293,314	0%
Operating Expenditure		(6,868,942)	(7,195,412)	5%
Net Operating		2,468,471	2,097,902	
Non-Operating Revenue		52,970	52,970	0%
Non-Operating Expenditure		(1,356,819)	(1,196,623)	-12%
Net Non-Operating		(1,303,849)	(1,143,653)	
Cash at Bank			3,733,202	
Cash at Bank Restricted			373,935	
Reserve Bank			1,327,126	
Total Cash Funds			5,434,263	

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 –February 2025

FIN 02-02/25 Attachment 2: Financial Statements for the Period Ended 31 December 2024.

10.2 Community Services Reports

Nil

10.3 Development Reports

DEV 01-02/25 December 2024 and January 2025 Development Delegated and Authorised Authority Report	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00125
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to receive the December 2024 and January 2025 Development Delegated and Authorised Authority Report.

COUNCIL DECISION		070225
MOVED: Cr Tunbridge		SECONDED: Cr Gillam
That Council by Simple Majority, receives the December 2024 and January 2025 Development Delegated and Authorised Authority Report, as contained in DEV01-02/25 Attachment 1.		
VOTING DETAILS:		CARRIED: 7/0
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom		
Against: Nil		

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 months of December 2024 and January 2025, with 12 building permits, 2 single house applications and 10 applications for development approval 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 – February 2025

DEV 01-02/25 Attachment 1: December 2024 and January 2025 Development Delegated and Authorised Authority Report

DEV 02-02/25 Disposal of Land by Lease – Port Denison Volunteer Sea Rescue Group	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	P24-59 / A7125
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to consider the disposal by way of a new lease of Reserve 22266 Point Leander Drive, Port Denison to the Port Denison Volunteer Sea Rescue Group.

COUNCIL DECISION	080225
MOVED: Cr Scott	SECONDED: Cr Summers
That Council, by Simple Majority: Dispose by way of lease Reserve 22266 (Lots 55 and 166) Point Leander Drive, Port Denison for purposes necessarily associated with and ancillary to the activities of a Volunteer Sea Rescue Group to the Port Denison Volunteer Sea Rescue Group. Set the conditions of the lease as follows: An initial term of five (5) years commencing on the date the consent of the Minister for Lands is granted, with two further five (5) year options available; and A lease fee of \$1.00 per annum. Authorise the Chief Executive Officer to execute all documents necessary for the lease.	
VOTING DETAILS:	CARRIED: 7/0
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom Against: Nil	

Background:

Reserve 22266 comprises Lots 55 and 166 (No. 48) on Deposited Plan 226843 and is vested in the Shire for the purpose of *"Municipal Purposes and Recreation"*. The Shire has been granted care, control and management of the site under a Management Order with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

The site is occupied by the Port Denison Volunteer Sea Rescue Group and was initially leased in July 2003. That lease expired on 30 June 2024 and now requires a new lease to be entered into.

Location Plan



Aerial Enlargement



Officer's Comment:

The draft lease is contained in DEV 02-02/25 Confidential Attachment 1 and key aspects of the lease are:

- The lease is for the site only as if it were unoccupied. It does not include any improvements made or effected to the premises by the lessee.
- The lease is for an initial term of 5 years, with two further 5 year terms available. Thus, having a potential overall term of 15 years.
- The proposed lease rent is to be \$1.00, which is the equivalent to the old 'peppercorn' lease term.
- The permitted purpose of the lease is for *purposes necessarily associated with and ancillary to the activities of a Volunteer Sea Rescue Group*.
- The lessee is required to pay all outgoings and charges.

Consultation:

Nil

Statutory Environment:

Section 3.58 the *Local Government Act 1995* details the process governing 'disposing of property' which includes disposal by way of lease.

Disposal would normally involve getting a valuation for the land and publicly advertising the disposal. However, there is an exemption under section 3.58(5)(d) of the Act which refers to "any other disposition that is excluded by regulations from the application of this section".

As the Port Denison Volunteer Sea Search Group is an incorporated body with charitable objects then the exemption from section 3.58 applies and advertising and valuation is not required.

Policy Implications:

Nil

Financial/Resource Implications:

The draft lease proposes the lease rent to be \$1.00 with no rent reviews. The preparation, execution and registration of the lease is estimated at \$2,200 with this cost to be borne by the Shire.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 1.2.4 Acknowledge and celebrate volunteers and community advocates

Strategy 1.3.1 Partner with relevant agencies in relation to emergency services management

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Attachments:

Confidential Attachment Booklet – February 2025

DEV 02-02/25 Confidential Attachment 1: Draft Lease

DEV 03-02/25 Extending Pool Safety Barrier Requirements – Areas outside of the Dongara, Port Denison and Irwin townsites	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00514
Council Role:	Advocacy
Voting Requirements:	Simple Majority

Report Purpose:

For Council to consider removing exclusions in the *Building Regulations 2012* so that safety barrier requirements for existing swimming pools apply throughout the entire Shire of Irwin district.

COUNCIL DECISION		090225
MOVED: Cr Tunbridge		SECONDED: Cr Wyse
That Council, by Simple Majority request the Department of Energy, Mines, Industry Regulation and Safety to remove the Shire of Irwin excluded areas in Schedule 5 of the <i>Building Regulations 2012</i>, thereby requiring those areas to comply with Part 8, Division 2 of the Regulations.		
VOTING DETAILS:		CARRIED: 7/0
For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom		
Against: Nil		

Background:

All new swimming pools that contain a depth of water of more than 30cm on completion and regardless of location, are required to have safety barriers that comply with the applicable building standard, restricting access of young children to the swimming pool area.

Existing swimming pools are, in addition to the requirements for new swimming pools, required to maintain these safety barriers and ensure they remain compliant with the specified building standard. Local governments monitor the compliance of these safety barriers at maximum four-year intervals. However, existing swimming pools located in certain prescribed excluded areas of the State (typically regional or remote areas outside of townsites) are not subject to these same requirements.

The Ombudsman WA tabled its report, *Investigation into ways to prevent or reduce deaths of children by drowning*, in Parliament in November 2017. This instigated a review by the Department of Energy, Mines, Industry Regulation and Safety (Building and Energy Division), of the safety barrier requirements for swimming pools within Western Australia. The Report highlighted the increased risk of drowning of young children in swimming pools that are not required to comply with the safety barrier requirements in Part 8 Division 2 of the *Building Regulations 2012* due to being located in an excluded area, and further recommended the consideration of extending the safety barrier requirements across all areas of the State.

As part of a review, Building and Energy recognised that with regard to excluded areas it is more appropriate for local governments to lead regulatory decisions for their local community. As such, Building and Energy decided not to amend the Regulations to extend the safety barrier requirements across currently excluded areas without local government direction.

Local governments with excluded areas have two options to consider:

Option 1: Extend the safety barrier requirements to currently excluded areas

Swimming pools will be required to have a safety barrier that complies with building standards. Swimming pools that do not currently have a safety barrier will need to have one installed.

Option 2: No change

No changes will be implemented and existing swimming pools located in those excluded areas will continue to be excluded from the regulatory requirements.

Building and Energy is now actively encouraging affected local governments to consider removing exclusions so that safety barrier requirements for existing swimming pools apply throughout their entire district (as per Option 1 above).

Officer's Comment:

The requirements for existing swimming pools to have safety barriers, and for those safety barriers to be inspected by local governments, only apply to areas of the State that are listed in Schedule 5. Areas not listed in the Schedule are excluded from these requirements.

Specifically for the Shire of Irwin all land outside of the gazetted townsites of Dongara, Port Denison and Irwin are excluded. Maps of the townsites are contained in DEV 03-02/25 Attachment 1. Currently the Shire has 172 private swimming pools in total, and of those 63 are located in excluded areas.

Anecdotally the Shire has been inspecting private swimming pools in the excluded areas for a period in excess of 15 years.

Essentially retaining the status quo would not pose any challenges to the current budget and resources of the Shire.

Consultation:

The Building and Energy Division have advised that as the Shire is already inspecting pools in excluded areas then no consultation is required. Residents in the excluded areas are already aware of their pool safety barrier requirements.

Statutory Environment:

Part 8, Division 2 of the *Building Regulations 2012*, details requirements for private swimming pools. Schedule 5 of the Regulations specifies those areas within a local government district that are required to comply with Part 8, Division 2.

For the Shire of Irwin Part 8, Division 2 applies to all townsites (being the townsites of Dongara, Port Denison and Irwin).

Policy Implications:

Nil.

Financial/Resource Implications:

For the current financial year an annual fee of \$62.50 is charged for pool inspections and all pool owners in excluded areas are currently charged this fee.

Strategic Implications:

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Strategy 1.3.2 Support community safety and crime prevention initiatives

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Attachments:

Attachment Booklet – February 2025

DEV 03-02/25 Attachment 1: Maps of Townsites

DEV 04-02/25 Proposed Local Planning Scheme Amendment No. 22 – Rural Residential Rezoning Lot 9000 Hidden Valley Close, Dongara	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	P24-69 / A5633
Council Role:	Legislative
Voting Requirements:	Simple Majority

Report Purpose:

For Council to adopt a proposed amendment (Amendment No. 22) to the Shire of Irwin Local Planning Scheme No. 5 and to determine that Amendment No. 22 is a standard amendment.

COUNCIL DECISION	100225
MOVED: Cr Wyse SECONDED: Cr Gillam That Council, by Simple Majority: 1. Adopts Amendment No. 22 to the Shire of Irwin Local Planning Scheme No. 5 which proposes to rezone Lot 9000 Hidden Valley Close, Dongara from “Residential R12.5” to “Rural Residential”; and 2. Determines that Amendment No. 22 is a standard amendment for the following reasons: a. The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone; b. The amendment is consistent with the local planning strategy for the scheme that has been endorsed by the Commission; c. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and d. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. VOTING DETAILS: CARRIED: 7/0 For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom Against: Nil	

Background:

Amendment 22 seeks to rezone Lot 9000 Hidden Valley Close, Dongara from ‘Residential R12.5’ to ‘Rural Residential’.

Lot 9000 is located some 700m from the coast and approximately 2km north from the Dongara town centre. The site is generally rectangular and has an area of around 40ha, being 400m wide (east to west) and 1.1km long (north to south).

The site lies within a coastal band of dunes that have previously been partially cleared for agricultural purposes. The site is vacant, characterised by significant variations in topography throughout, with an elevated ridge running through the southern portion of the eastern boundary as well as a small ridge situated towards the south-western boundary.

The site abuts large areas of coastal reserve and conservation land to the north and west, with larger rural residential lots to the east. The land to the south is zoned Residential R12.5 but has not yet

been subdivided and will ultimately provide a transition from the existing North Shore residential estate further south.

Proposal

The amendment seeks to rezone Lot 9000 from Residential R12.5 to Rural Residential, which will enable the land to be developed for 1 hectare rural living lots. Under the existing R12.5 R-Code the site has the potential for subdivision to lots of an average size of 800m².

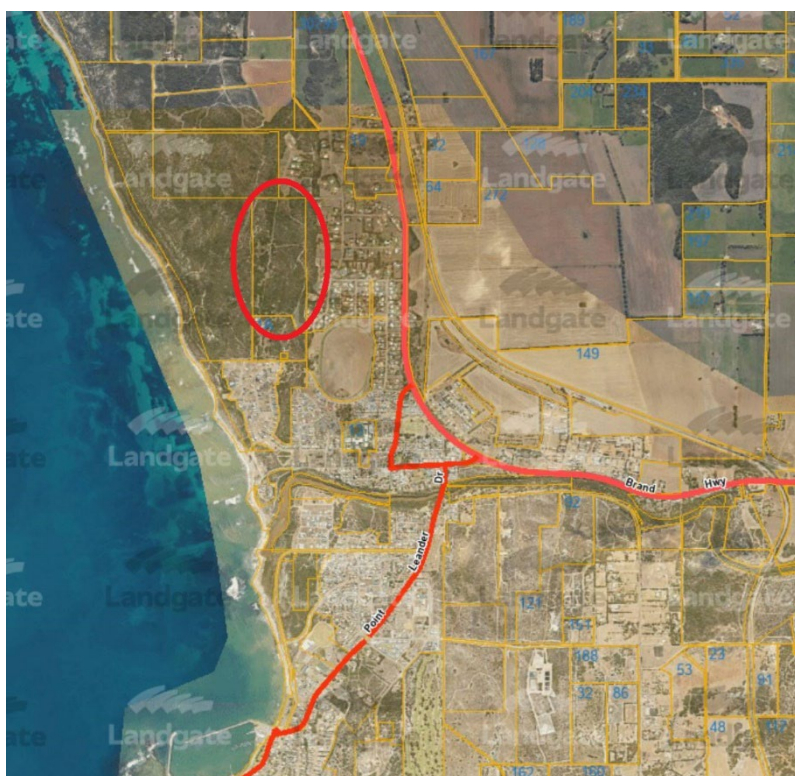
The site is located on the periphery of town in an area of transition between conservation and natural area reserves and existing / future low density residential and rural residential development.

The context of the site is such that the rezoning allows for the following opportunities:

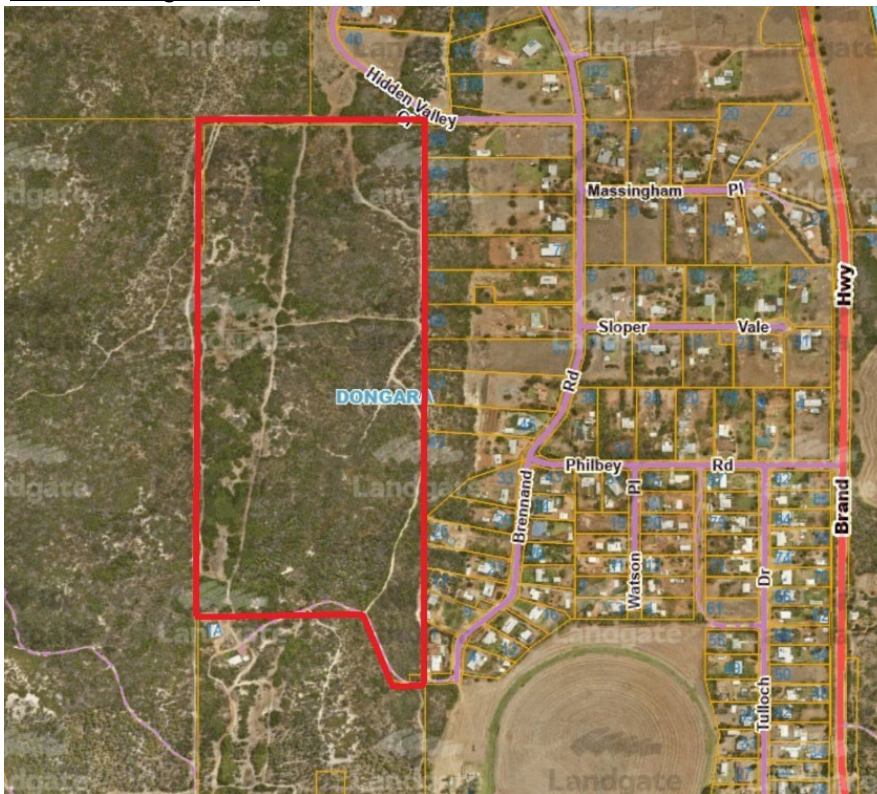
- The steep grades of the site (a vertical difference of over 32m between the highest and lowest portions of the site) would require extensive earthworks to level and retain traditional residential lots. Rural residential development of the site will reduce the extent of earthworks and retaining required and will deliver an appropriate and more sustainable site outcome that responds to the site topography which does not require wholesale clearing of the site.
- Sewer infrastructure is remote, and it is cost prohibitive to service the site for smaller residential lots. Development to the R12.5 density is therefore unviable.
- The Rural Residential zone will reduce the land use intensity of the site adjacent to the existing coastal and conservation reserves to improve separation distances and improve land use compatibility.
- The rezoning will not impact the ability for Dongara / Port Denison to accommodate future population growth and will facilitate timely subdivision to meet current and forecast future demand.
- The rezoning will facilitate an appropriate site responsive subdivision and development outcome in this location, further providing lifestyle and housing choice in the Dongara locality.

The amendment report is contained in DEV04-02/25 Attachment 1.

Location Plan



Aerial Enlargement



Officer's Comment:

Amendment 22 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 22 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 9000 is located in 'Policy Area B' and is identified for future development.

Section 3.1 'Population and Housing' of the Strategy indicates that there could be a shortfall of rural residential lots in the medium term, whereas there is sufficient land identified for Urban expansion and a significant supply of residential zoned land within the Shire. The strategic direction is to not proceed with the intensification of the low density Racecourse Estate residential lots but to leave the area for rural residential purposes based on the projected demand.

The Shire has recently prepared a new draft Local Planning Strategy (2024) which is waiting consent to be advertised. The draft Strategy reflects the existing residential zoning over the land. A key planning direction of the draft Strategy is to provide a range of residential densities, housing choice and compatible uses that are suitable for local conditions.

The rezoning proposal will facilitate a development outcome that is not explicitly stated within the current and new draft Local Planning Strategy but is considered to achieve the overall intent of the Strategy.

Local Planning Scheme

The amendment proposes to rezone the site to 'Rural Residential'. The objectives of this zone are:

- a) To provide for the use of land for residential purposes in a rural setting for alternative residential lifestyle.
- b) To preserve the amenity of such areas and control land use impacts.

The amendment and associated subdivision/development of the site is consistent with the above objectives.

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 9000 is identified on the Plan as 'Existing Urban / Residential' and within the future urban area identified as the 'Race Course Estate Precinct'. The Plan acknowledges that there is significant land fragmentation that limits the potential for residential intensification.

Amendment 22 will facilitate housing diversity and retain the landform to optimise the physical elements of the landscape which is consistent with the Plan's objectives.

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

- The amendment relates to a zone that is consistent with the objectives identified in the Scheme for that zone;
- The amendment is consistent with the local planning strategy for the scheme that has been endorsed by the Commission;
- The amendment would have 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 proposed rezoning will facilitate an appropriate site responsive subdivision and development outcome by significantly reducing the extent of earthworks and retaining that would otherwise be required for suburban residential development.

The Rural Residential zone will reduce the land use intensity of the site adjacent to the existing coastal and conservation reserves and provides for the retention of an increased amount of existing vegetation that will contribute to improved environmental and landscape protection.

It is considered that Amendment No. 22 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 – February 2025
DEV 04-02/25 Attachment 1: Amendment 22 Report.

10.4 Operations Reports

Nil

10.5 Office of the CEO Reports

Nil

10.6 Committee Reports**10.6.1 Work Health and Safety Committee Meeting**

The Minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 12 December 2024 have been provided as Attachment 10.6.1 in Attachment Booklet – February 2025.

COUNCIL DECISION		110225
MOVED: Cr Tunbridge		SECONDED: Cr Summers
That Council by Simple Majority receives the minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 12 December 2024.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against:	Nil	

10.6.2 Audit Committee Meeting

The Minutes of the Shire of Irwin Audit Committee Meeting held 11 February 2025 have been provided as Attachment 10.6.2 in Attachment Booklet – February 2025.

COUNCIL DECISION		120225
MOVED: Cr Scott		SECONDED: Cr Summers
That Council by Simple Majority receives the minutes of the Shire of Irwin Audit Committee Meeting held 11 February 2025.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers, Cr Melsom	
Against:	Nil	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

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

Nil

15. CLOSURE

There being no further business, the Presiding Member closed the meeting at 6.10pm.