SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

MINUTES

of the

Ordinary Council Meeting

held

Tuesday 23 May 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 23 May 2023

Signed: .....
Presiding Elected Member

Date: 15-11-23

AGENDA & BUSINESS PAPERS

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

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

DATES	
28 February 2023	25 July 2023
28 March 2023	22 August 2023
26 April 2023	26 September 2023
23 May 2023	24 October 2023
27 June 2023	28 November 2023
	11 December 2023

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

Disclaimer

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

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



Shane Ivers
CHIEF EXECUTIVE OFFICER

Council Meeting Information

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

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ORDINARY COUNCIL MEETING

Held on

23 May 2023

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

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

Staff

Mr S D Ivers	Chief Executive Officer
Mr M Connell	Manager Development
Mr P Bracegirdle	Manager Community Services
Ms P Machaka	Manager Finance
Ms J Morgan	Executive Assistant

Guests

Approved Leave of Absence

Apologies

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1: Eric Anderson, Morrissey Place, Port Denison:

When can I expect an update to my query regarding the walkway next to my residence, to purchase the vacant land, as I have contacted the office several times and yet to receive a reply?

Response:
Shire staff contacted Mr. Anderson by phone and followed up with an email on 9 May 2023 and provided details of the process for closing and acquiring public access ways.

4. PUBLIC QUESTION TIME

Question 1: Steve Thomas, Whelan Street, Port Denison:

I provided a letter to your reception dated 18 May 2023 regarding two dogs that attacked my dog and my wife was injured in the incident. In relation to this incident, I would ask do both the front and backyards of a premises have to be securely fenced to contain a dog.

Response:
Taken on Notice.

Question 2: Sally Brindal, Healy Street, Port Denison:

Is the Shire aware that as an owner of a GRV residential property I am currently paying less rates than I was in the year ending 2019?

Response:
Taken on Notice.

Question 3: Sally Brindal, Healy Street, Port Denison:

Is the Shire willing to vary the rate in the dollar across various zones to take into account the difference (especially decreases) in valuations?

Response:
Taken on Notice

Question 4: Sally Brindal, Healy Street, Port Denison:

Does the Shire consider it equitable for a UV ratepayer to have higher rate increases than GRV residential ratepayers.

Response:
Taken on Notice.

Question 5: John Koric, Point Leander Drive, Port Denison:

How can the rate in the dollar be determined when the rate role is received in July 2023 from the Valuer General? Why was last year's rates up by 19% when the average UV was 14%?

Response:
We received the land values from the Valuer General in May 2023 and therefore able to calculate the rate in the dollar.

Remainder of the question taken on notice.

Question 6: Sally O'Brien, Milo Road, Dongara:

How is the UV mining rate calculated? Does a mining tenement pay a different rate if they are in production verses staked claim?

Response:
Taken on notice.

Question 7: Gary Jose Norrish, Whelan Street, Port Denison:

Can you tell me why the Drought Relief grant funding was not provided to farmers?

Response:
The Shire President stated that the title of this grant funding was misleading and actually came through the federal local roads funding scheme and therefore the Shire was obligated to expend the funds according to these guidelines.

Question 8: Sally O'Brien, Milo Road, Dongara:

Given the additional significant resource pressure the energy and mining sector is placing upon the Shire and community impacts (e.g., accommodation availability, higher rental charges, lost tourism revenue due to no accommodation) does the Shire have a strategy with policies and action plans to leverage a greater financial contribution from those companies in production and exporting greater wealth from the Shire?

Response:
Taken on notice.

Question 9: Sally O'Brien, Milo Road, Dongara:

Given the small and decreasing number of UV rate payers as a percentage of total rate payers within the Shire of Irwin, with this trend expected to increase, does the Shire have or given consideration to a policy to cap or maximize the total rates raised from the UV farming community?

Response:
Taken on notice.

Question 10: Brad Kupsch Allanooka Springs Road, Allanooka:

Why are the City of Geraldton charges $7.14 per hectare for rates and the Shire of Irwin charges $13.80 per hectare?

Response:
It is not possible to compare the rate in the dollar from one Shire to another. For example, The City of Greater Geraldton obtains 95% of its rate revenue from residential housing while small outlying Shires derive almost all of its rates from farming though at the same time are heavily subsidised by the Federal Assistance Grant. The Shire of Irwin has half of its rate revenue from residential and the other half from farming whilst having one of the lowest Federal Assistance Grant amounts in the State with no option to make up the shortfall by a higher rate in the dollar.

Question 11: Steve Thomas, Whelan Street, Port Denison:

Is it the owner or the tenants responsibility to maintain the fences?

Response:
Taken on Notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS AND DEPUTATIONS

7. CONFIRMATION OF MINUTES

7.1 Minutes of the Ordinary Council Meeting held 26 April 2023

A copy of the Minutes of the Ordinary Council Meeting held 26 April 2023 has been provided to all Councillors under separate cover.

COUNCIL DECISION 010523:	
MOVED: Cr Scott	**SECONDED: Cr Wyse**
That the Minutes of the Ordinary Council Meeting, held 26 April 2023, as previously circulated, be adopted as a true and accurate recording of that meeting.	
VOTING DETAILS:	**Carried by Absolute Majority 8/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

6 May 2023	**Dongara Volunteer Fire Brigade Awards Dinner** CEO.
10 May 2023	**Triangle Energy Meeting** CEO.
	Community Group Leaders Workshop Shire President, Councillor's and CEO.
11 May 2023	**Community Check In Sessions** Shire President, Councillor's and CEO.
12 May 2023	**Mid-West Budget Breakfast** Shire President and CEO.
17 May 2023	**CASE Committee Meeting** Cr Palmer and Cr Tunbridge.
	CASE Committee Review Meeting Shire President and CEO.
	CASE Committee Review Workshop Shire President, Councillors and CEO.
18 May 2023	**Draft Budget Workshop** Shire President, Councillors and CEO.

9. REPORTS

9.1 Officers Reports

CORPORATE AND COMMUNITY	CC01-05/23
Subject:	**CC01-05/23 Accounts for Payment**
Author:	**S Clarkson, A/Senior Finance Officer**
Responsible Officer:	**P Machaka, Manager Finance**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

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

☒ **Executive** The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ **Legislative** Includes adopting local laws and local planning schemes.

☐ **Review** When Council reviews decisions made by Officers.

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

Report Purpose:
To receive the list of accounts paid under delegated authority during April 2023.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of April 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 – May 2023
CC01-05/23 Attachment 1: Accounts for Payment – April 2023

Officer Recommendation:

COUNCIL DECISION 020523:

MOVED: Cr Gillam **SECONDED: Cr Leonard**

That Council receives the Accounts paid during April 2023 as presented in Attachment Booklet – May 2023, represented by:

EFT 30234 – 30336	**$299,220.95**
Muni Cheques – 32146 – 32151	**$67,527.15**
Direct Debit – Telstra	**$417.08**
Direct Debit – WA Treasury Corporation	**$137,512.51**
Direct Debit – Solar Panel Repayments	**$1,947.66**
Direct Debit – Credit Card	**$8,816.60**
Direct Debit – N-Able Pty Ltd	**$751.14**
Direct Debit – Australian Phone Company	**$974.62**
Direct Debit – Superannuation	**$44,485.04**
Grand Total	**$561,652.75**

VOTING DETAILS: **Carried 8/0**

CORPORATE AND COMMUNITY	**CC02-05/23**
Subject:	**CC02-05/23 Monthly Financial Statements for the Period Ended 31 March 2023**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

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Report Purpose:
To consider and receive the Monthly Financial Statements for the period 1 July 2022 to 30 April 2023.

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

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

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

Officer's Comment:
The financial position to the end of April 2023 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

30/04/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	8,963,607	9,037,717	1%
Operating Expenditure	(10,526,564)	(11,039,552)	5%
Net Operating	(1,562,957)	(2,001,835)	
Non-Operating Revenue	736,542	476,763	-35%
Non-Operating Expenditure	(3,038,866)	(1,982,288)	-35%
Net Non-Operating	(2,302,324)	(1,505,525)	
Cash at Bank		2,458,317	
Cash at Bank Restricted		373,935	
Reserve Bank		1,417,919	
Total Cash Funds		4,250,171	

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.

(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 – May 2023
CC02-05/23 Attachment 1: Financial Statements for the Period Ended 30 April 2023.

Officer Recommendation:

COUNCIL DECISION 020523:	
MOVED: Cr Tunbridge	**SECONDED: Cr Eva**
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 30 April 2023 as provided in Attachment Booklet – May 2023.	
VOTING DETAILS:	**Carried 8/0**

CORPORATE AND COMMUNITY	CC03-05/23
Subject:	**CC03-05/23 Differential Rates 2023/24**
Author:	**Patience Machaka Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**Differential Rates**
Voting Requirements:	**Simple Majority**

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Report Purpose:
To consider the proposed rates in the dollar for differential rating to be advertised prior to the adoption of the 2023/24 Budget.

Background:
There is provision under the *Local Government Act 1995* to impose differential rates within the local government's boundaries and in considering this imposition, there are certain statutory obligations that the local government must comply with:

- Before any consideration to the Budget, the local government is required to give local public notice of its intention to impose differential rates;
- The local government must provide information of each new rate or minimum payment;
- Electors or ratepayers are invited to make submissions in respect of the proposed rate or minimum payment. This submission period must be for a minimum of 21 days; and
- Application must be made to the Minister for Local Government, Heritage, Culture and the Arts seeking approval to impose a differential rate that is more than twice the lowest rate.

The Shire of Irwin historically has used differential rates to levy a higher rate in the dollar for Mining Tenements than other Unimproved Valuation (UV) properties. This practice is common within local governments.

A draft budget workshop was held on Thursday 18 May 2023 where Councillors reviewed the projected changes in operating revenue and expenditure, along with efficiency measures, proposed capital works and projects. The differential rates will directly influence Council's ability to fund expenditure requirements in the 2023/24 Budget.

Officer's Comment:
For Council to meet the requirements of the Act it is required to advertise the proposed differential rates within timeframes to meet the 21 day minimum advertising period before the budget is adopted.

An overall increase of 5.9% on the actual revenue raised in the 2022/23 financial year will just meet

requirements of the 2023/24 Budget and allow the Shire to undertake projects that are a key priority to the community. Over the last six years the Shire has increased rates by an average of 2%, which is well below CPI, with 0% rise in 2020/21, due to COVID-19. The Shire is dealing with hikes in materials and contracts, fuels costs, electricity, insurance, and can longer absorb all these costs.

Differential rating allows Council to maintain a degree of equity between rates levied on all unimproved value assessments within the Shire of Irwin rate base whilst providing income annually to allow for the service requirements of all property owners. The reasoning for levying the higher rate in the dollar can be found in the attachment - Statement of Objects and Reasons.

It is worth noting that while both UV Rural and UV Mining are based on "Unimproved Values" provided by the Valuer General, the *Valuation of Land Act 1978* prescribes different methods of calculating each one.

The unimproved valuation of land utilised for rural purposes is the capital amount that the property (not including improvements) might reasonably be expected to realise upon sale.

The unimproved valuation of land used for mining tenements is calculated on the annual rent per hectare multiplied by a factor, the amount of which depends on the number of hectares and type of lease held. They therefore have no relativity and cannot be compared.

A 3.7% increase has been applied on the GRV rate in the dollar (RID), 8.6% for UV Mining RID and 8.8% for UV. It is worth noting for the last three financial years (2020/21 to 2022/23) a 0% increase has been applied on GRV.

Unimproved Valuations
The total unimproved valuation for the Shire of Irwin, as advised by Landgate, has increased by an overall average of approximately 22.96% to $172,035,300

The Valuer's comments also suggest that there is a possibility of a slight change to this figure due to the effect of interim valuations.

In the letter, the Valuer also makes the following comments:

> *"OVERALL VARIATION TO UNIMPROVED VALUATIONS*
> *The market for broadacre rural properties has continued to improve on the back of excellent seasonal conditions, and strong commodity prices. This has led to a good demand for agriculture properties in this area like last year, resulting in a general increase in value across the shire. The market for smaller size properties generally supports more limited increases in unimproved values compared to broadacre farming properties*
>
> *Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information such as soil types."*

It should be noted that individual property values will change by more or less than the average increases reported above and therefore when rate notices are issued, they will not necessarily reflect a 5.9% increase in rates on their property.

Gross Rental Valuations
Landgate provided a new Gross Rental Valuation (GRV) which took effect as of 1 July 2019. The next revaluation will occur approximately in 2023.

Mining Valuations
The Mining Valuation Roll provided by Landgate reflected nil changes to mining tenements, therefore the rates in the dollar are based on current valuations. Interim valuations will be undertaken when the new UV Mining Valuation Roll is received.

The proposed rate in the dollar has been calculated by using the actual rates raised as at 1 July 2022 and then adjusted to reflect the increase in UV valuations of the land and not the tenements.
Overall Rate Revenue

The proposed rates of $6,307,397 includes a 5.9% increase on 2022/23 rates and interim levied. Due to the increase in UV valuations, the rates in the dollar decreased slightly with the minimum rate remaining unchanged from 2022/23. The draft budget is still being finalised and is subject to change due to the end of financial year process.

2022/23 Proposed Rates Revenue		
Gross Rental Value (GRV)	3,475,472	55%
Unimproved Value (UV)	2,255,321	36%
Unimproved Value (UV) Mining	576,604	9%
	$6,307,397	**100%**

Consultation:
Once adopted, the proposed differential rates together with the objects of imposing differential rates and reasons for each rate category must be advertised for a minimum period of 21 days. This period of advertising allows ratepayers to consider the proposed rates and make any submissions to Council. The advertising process does not prevent Council from amending the rate in the dollar at budget adoption.

Statutory Environment:
Local Government Act 1995
- Section 6.33 Differential general rates
- Section 6.36 Local government to give notice of certain rates

Policy Implications:
In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity
The land on which differential general rates has been rated according to one or more of the following land characteristics:
- zoning
- land use
- vacant land

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:
- whether or not it is situated in a town-site
- whether or not it is situated in a particular part of the district.

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity
The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publicly available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- the terms of this policy (through the provision of a copy of this document to the ratepayer
- the local government's objects of and reasons for proposing to impose the differential general rates
- the differential general rate that will apply to the ratepayer's property; and
- the differential general rate that applied in the previous year for comparison

and was given at least 21 days to make submissions to the local government on the proposal.

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the Corporate Business Plan and Long Term Financial Plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- prepared and made publicly available a document clearly describing the object of and reason for each differential general rate;
- given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)
- published the notices after 1 May in the relevant year.

The public notice published by the local government contained:

- details of each differential general rate that the local government intends to impose
- an invitation for submissions to be made by an elector or ratepayer
- a closing date for submissions which is at least twenty one days after the day on which the notice is published
- advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.

The council of the local government has:

- considered each ratepayer submission (if any)
- resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.

Financial/Resource Implications:

The Shire's principle source of income is through rates. It is an essential part of the budget process that the Council consider the level of rates that need to be raised in the context of funding the annual budget. It must also be noted that as other income, such as fees and charges are fixed by external legislation, there is very little scope for the Shire to increase this revenue source to keep up with the rising costs of service provision and reduction of grant funding, therefore, these increasing costs must be borne by increases in rates.

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 – May 2023
CC03-05/22 Attachment 1: Statement of Objects and Reasons 2023/24

Officer Recommendation:

COUNCIL DECISION 030523:

MOVED: Cr Leonard **SECONDED: Cr Scott**

That Council:

1) **Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2022/23 financial year:**

Rate Category	Rate in Cents in the Dollar	Minimum Rates
Gross Rental Valuations		
General Rate	**12.137**	**$1050**
Unimproved Valuations		
General Differential Rate	**1.3019**	**$1050**
Mining Differential Rate	**21.361**	**$1050**

2) **Approves the advertising of its intention in accordance with Section 6.36 of the *Local Government Act 1995*;**

3) **Endorses the Statement of Objects and Reasons, as presented in Attachment Booklet – May 2023 under separate cover; and**

4) **Confirms that expenditure has been reviewed and the following efficiency measures have been considered as part of budget deliberations:**

Efficiency Measures:
- **Service levels and core business**
- **Process improvement strategy to increase efficiencies**
- **Rural roads infrastructure improvement strategy**
- **Asset management strategy**
- **Improve utility efficiencies for future savings**

VOTING DETAILS: **Carried 8/0**

INFRASTRUCTURE & DEVELOPMENT	**ID01-05/23**
Subject:	**ID01-05/23 Delegated and Authorised Actions for September 2022 – Development**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

Council Role:

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

☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ **Legislative** Includes adopting local laws and local planning schemes.

☐ **Review** When Council reviews decisions made by Officers.

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

Report Purpose:
To inform Council of officer actions made under delegated authority and authorisation in the Development department.

Background:
To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer's Comment:
The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period from 1 January 2023 until 30 April 2023.

Consultation:
Nil.

Statutory Environment:
Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

Public Health Act 2016

Building Act 2011

Policy Implications:
Nil.

Financial/Resource Implications:
Nil.

Strategic Implications:
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 – May 2023
ID01-05/23 Attachment 1: Table of Delegated Actions for the period 1 January 2023 to 30 April 2023, Development

Officer Recommendation:

COUNCIL DECISION 030523:
MOVED: Cr Eva **SECONDED: Cr Palmer** **That Council receives the Delegated and Authorised Actions for the period 1 January 2023 to 30 April 2023 as set out in Attachment 1 in Attachment Booklet – May 2023.** **VOTING DETAILS:** **Carried 8/0**

INFRASTRUCTURE & DEVELOPMENT	ID02-05/23
Subject:	**ID02-05/23 Proposed Temporary Workforce Accommodation at Lot 12453 Mount Adams Road, Arrowsmith**
Author:	**K Jackson, Planning Officer**
Responsible Officer:	**M Connell, Manager Development**
File Reference:	**P1254**
Voting Requirements:	**Simple Majority**

Council Role:

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

☐ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ **Legislative** Includes adopting local laws and local planning schemes.

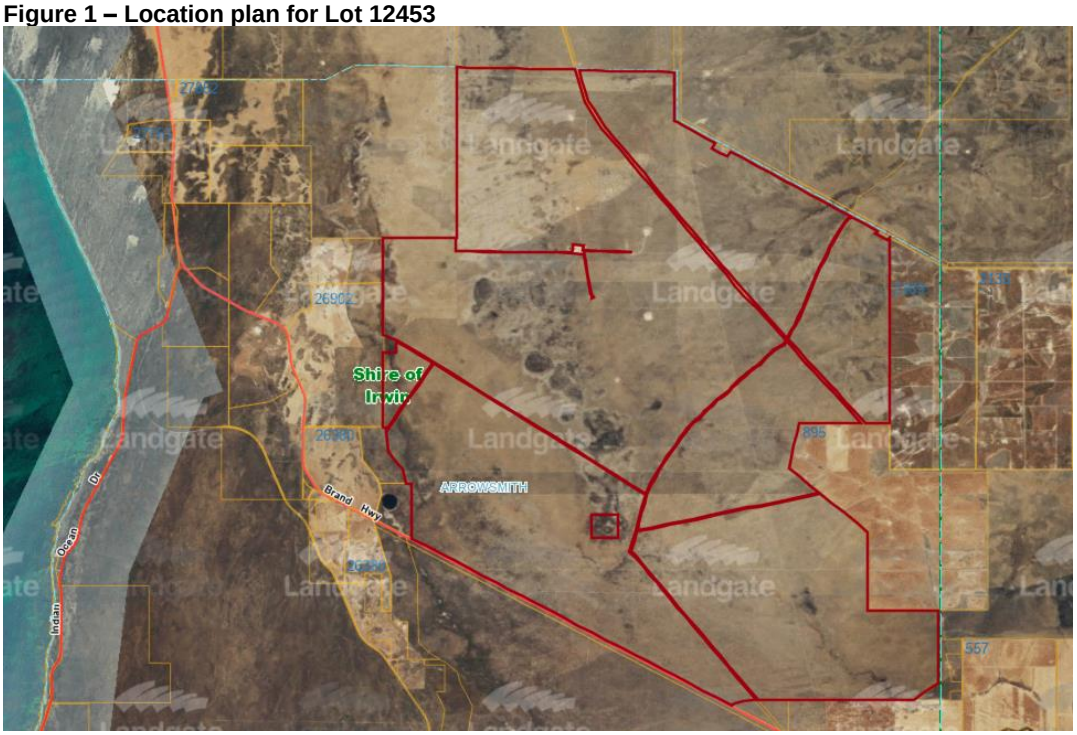
☐ **Review** When Council reviews decisions made by Officers.

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

Report Purpose:

For Council to consider installation of proposed temporary workforce accommodation at Lot 12453 on Deposited Plan 221090 Mount Adams Road, Arrowsmith. This report recommends conditional approval of the application.

Figure 1 – Location plan for Lot 12453



Background:

Beach Energy are planning to construct three gas wells (Tarantula Deep 1, Beharra Springs Deep 2 and Redback Deep 1) within L11, situated on the eastern side of the Brand Highway, in the Shire of Irwin, approximately 20km south of Dongara and 270km north of Perth. Land tenure, associated with these well site locations, is currently unallocated crown land. All the well sites are within Lot 12453 on Deposited Plan 221090.

As part of the construction of the wells the project will require temporary camp accommodation at 4 sites across the development. Three (3) rig-site camps to accommodate up to seven (7) key drilling personnel will be established at each well site. These people will be expected to be at each site for the duration of the drilling at each well site for approximately 80-95 days.

A main camp is planned to accommodate up to sixty (60) personnel and expected onsite for the duration of the drilling program for approximately 270 days. The main camp will be positioned at an existing cleared field location.

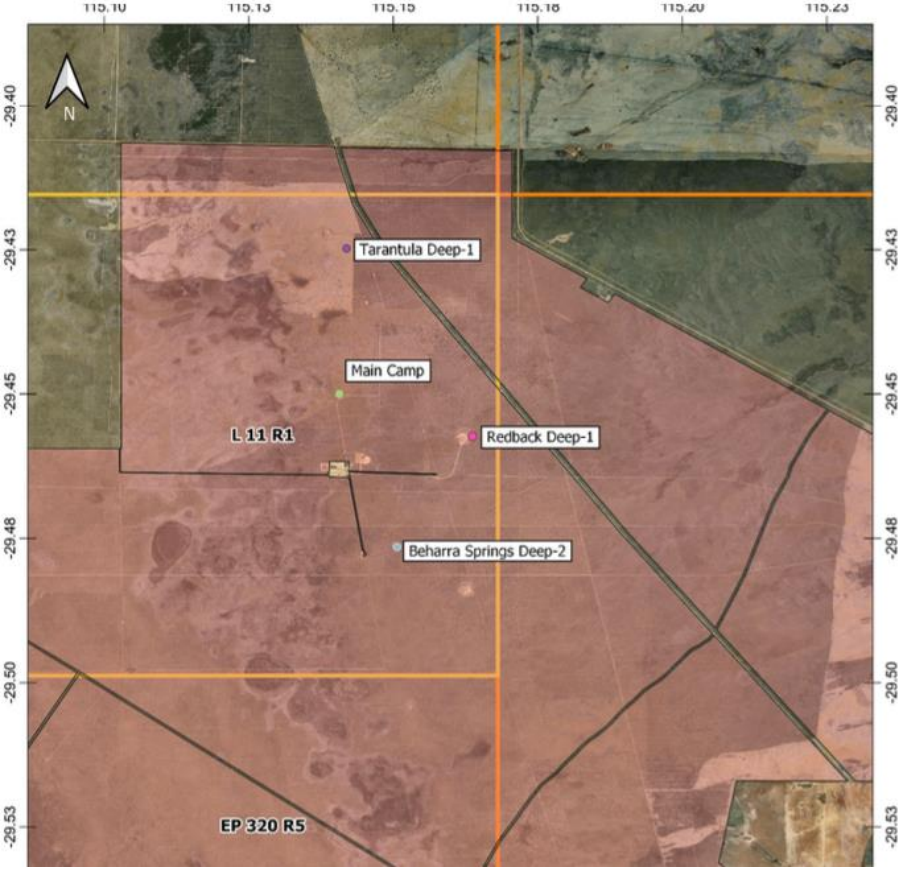
A copy of the received application details and plans have been included as **Attachment 1** of this report.

At the main camp, cooking facilities and utility facilities (with water storage) will be available. At the rig-site camps, cooking facilities will not be available. Water is planned to be supplied to the sites by mobile water tankers as required and stored in tanks at the rig site and sourced locally from Dongara or from the nearby Beharra Springs Gas Facility.

The main camp will consist of seven (7) accommodation buildings and several ancillary buildings including a laundry unit, kitchen facilities, dining and gymnasium, sewage processing and utility units and water storage.

Equipment and activities associated the drilling of conventional exploration and appraisal gas wells are regulated and approved under a Petroleum License administered under the *Petroleum and Geothermal Energy Resources Act 1967*. Shire approval for this is not required.

Figure 2 – Map Showing Camp Locations (extract from Beach Energy plans)



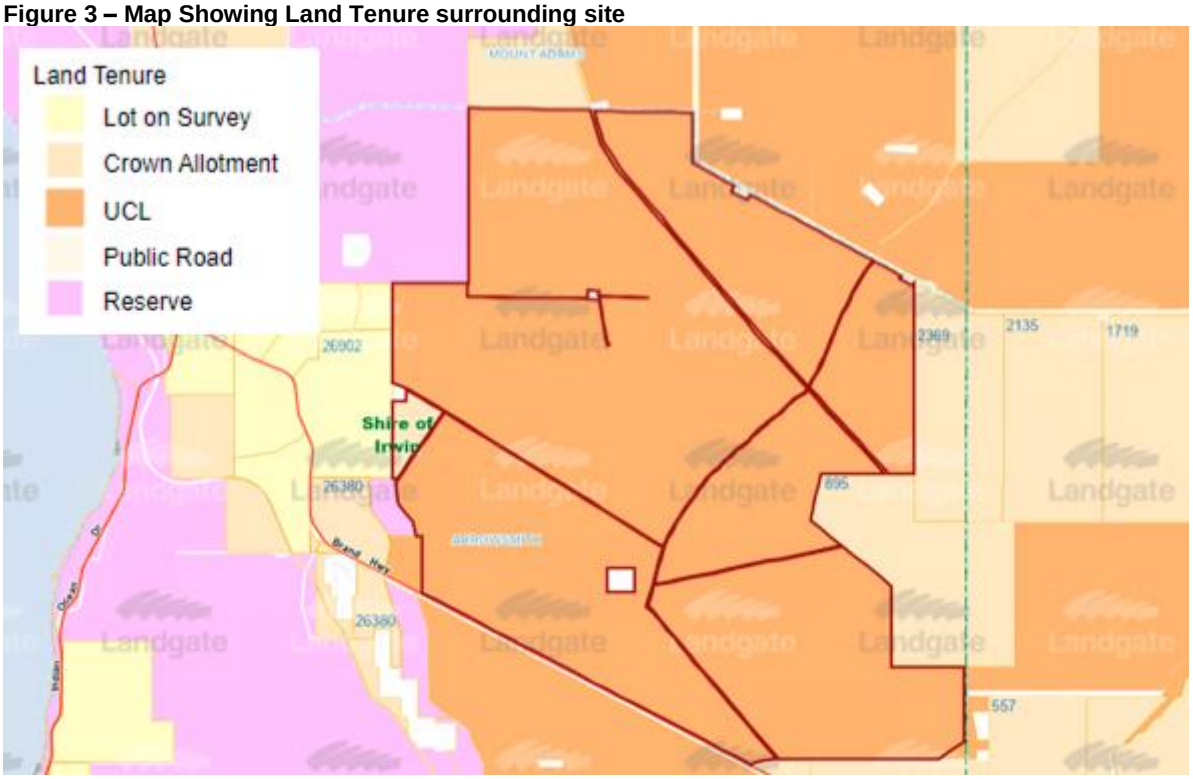
Officer's Comment:

Scheme – land use

The land use of 'temporary workforce accommodation' is a 'use not listed' within the Shire's Local Planning Scheme No.5, although the definition is provided for within Schedule 1. Under clause 4.4.2 of the Scheme Shire staff have determined that the development falls within the criteria of Clause 4.4.2(b) in that the development may be consistent with the objectives of the zone and may be considered permitted following advertising of the application.

This has been determined based on the existing licence for the drilling activities and the ancillary nature of the provision of accommodation to support these activities. The relative isolation of the camps and drilling activities also ensures that there is no impact on adjoining landowners and the imposition of planning conditions will ensure that an appropriate level of management of the site is maintained throughout the life of the development. At the conclusion of the drilling program the temporary workforce accommodation operators will be required to produce a decommissioning plan to ensure that the site is rehabilitated and left in an orderly and tidy state.

Figure 3 – Map Showing Land Tenure surrounding site



The objectives for the 'General Farming' zone note support for 'other rural activities' that are not detrimental to the agricultural use of land. It could be viewed that mining and exploration activities are a form of rural/industrial activity; an activity that is certainly a common form in the Shire. It is common for these activities to include on site temporary workforce accommodation and offices to support operations. As unallocated crown land there is no conflict for the use of the land for agricultural purposes, or loss of agricultural opportunities, and the existence of the drilling licence supports the accommodation activity upon the land in conjunction with the approved industrial activities.

The proposed temporary workforce accommodation is intended to be onsite for up to 270 days for the duration of the activities at the three (3) gas well sites. The applicant will decommission the temporary camps following completion of the drilling activities.

Scheme – relevant matters

Clause 10.2 of the Local Planning Scheme is replaced by Clause 67 of the Deemed Provisions of the Local Planning Scheme Regulations 2015 and sets out all the relevant planning matters that can be considered by local government with development applications. In summary it is considered all of the aspects have either been addressed in the application or will be addressed with the recommended conditions of approval.

Further to this, the considerations of the State's Position Statement for Workforce Accommodation has been reviewed. In respect to amenity aspects, due to its location and temporary occupation, requirements of landscaping and enhanced building design are not considered to be a relevant requirement.

Concluding statement
In summary the development is considered to be a compatible temporary use to support the construction of the conventional gas wells drilling requirements. The site is in a locality that is the subject of gas exploration activities over a long period of time. The accommodation is supported given the location of the wells to be constructed and the supporting information provided by the applicant. It is recommended that Council approve the development application subject to conditions.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5.

The subject property is within the 'General Farming' zone under Local Planning Scheme No.5 which states the following objectives:

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

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

"means premises, which may include modular or relocatable buildings, used –
(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
(b) for any associated catering, sporting or recreation facilities for the occupants and authorised visitors."

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

"4.4.2 If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –
a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

Consultation:

As per Clause 4.4.2 of the Scheme the application was advertised in accordance with Clause 9.4.3 of the Scheme which states:

> *9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –*
> *a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;*
> *b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;*
> *c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.*

Shire officers determined that given the relative isolation of the site, existing onsite activities, temporary nature of the development, small scale and current exploration licences that advertising would include letters to government agencies seeking their comment upon the proposal.

At the conclusion of the advertising period the following submissions have been received. Each submission has been detailed below with the officers response provided for Council's consideration.

Agency	Agency Comment	Officer Comment
Department of Fire and Emergency Services	Bushfire Management Plans have been assessed and require alteration	Bushfire is not considered a limiting factor for this development and adequate measures can be put into place to ensure the ongoing safety of the accommodation facilities. It is suggested that a condition of approval could be applied that a Bushfire Management Plan and Bushfire Emergency Evacuation Plan be required to be provided prior to commencement of development.
Department of Health	Department of Health have concerns with volume of wastewater to be treated and form of approval. Drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the "Australian Drinking Water Quality Guidelines". Any non-drinking water (i.e., water that is not intended or suitable for drinking) provided on site must be managed to ensure that any such non-drinking water cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable	Water supply, wastewater disposal and the management of drinking water is managed under separate legislation and regulated by either DWER or the Department of Health. It is suggested that as part of any approval that the requirements can be listed as Advice Notes for the proponent to work through with the relevant authorities.

	backflow prevention arrangements.	
Department of Primary Industries and Regional Development	DPIRD requests approval should be conditional on a decommissioning and rehabilitation plan to ensure the land is restored to either its current state or revegetated to prevent wind erosion.	It is suggested that a condition of approval could be applied requiring a decommissioning plan be supplied prior to removal of the accommodation camp from site.
Department of Planning, Lands and Heritage	The Department of Planning, Lands and Heritage (Department) can confirm they have no comments to make subject to: • All the proposed works being authorised and supported by the terms and conditions of Petroleum Production Licence L 11 and • No Crown land tenure under the *Land Administration Act* 1997 (LAA) being required to the mining tenement holder in support of the ongoing operation of the Workers Accommodation Camps.	Noted.
Department of Jobs, Tourism, Science and Innovation	Department of Jobs, Tourism, Science and Innovation (JTSI) has no comment on the Proposed Worker Accommodation on lot 12453 on DP221090 Arrowsmith.	Noted.

Policy Implications:

The Shire does not have a Local Planning Policy related to the development of temporary workforce accommodation.

The Department of Planning Lands and Heritage Position Statement – Workforce Accommodation 2018 provides a good summary as to what local governments can consider and control in relation to workforce accommodation. Under the Planning and Development Act 2005 planning decision-makers can:

Control	Not Control
1. Where a planning application is required, the terms of an approval related to: (a) timeframe (b) setbacks (c) landscaping (d) parking and access (e) location and appearance of buildings (f) integration with surrounding areas (g) any other land use planning matters relevant to the site. 2. Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.	1. Any matters specified by a State Agreement Act. 2. The issuing of a mining tenement made under the Mining Act 1978 – which can include a general purpose lease for 'any other purpose directly connected with mining operations' (may be located in a townsite). 3. That workforce accommodation needs to be met by permanent accommodation rather than 'camps'. 4. That workforce accommodation be located in a town rather than a minesite. 5. Whether the land for workforce accommodation is owned by the Crown or held in fee simple.

	6. Requirements for 'community contributions' by workforce accommodation proponents. 7. Requirements for workforce accommodation to achieve 'legacy benefits'.

Financial/Resource Implications:

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

Strategic Implications:

Strategic Community Plan 2017 – 2027 : Strategy 1.1.1 Continuously improve approval processes.
Shire of Irwin Local Planning Strategy 2017

Attachments:

Attachment 1 ID02-05/23 – Application Details

Officer Recommendation:

That Council approve the application for the construction of Temporary Workforce Accommodation at Lot 12453 (DP221090) Mount Adams Road, Arrowsmith subject to the following conditions and advice notes:

Conditions:

1. Development of the site shall be in accordance with the report and attachments prepared by Beach Energy Limited dated 23 February 2023 and shall form part of the development approval issued, except where amended by another condition of this approval.

2. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Irwin, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by another condition of this approval.

3. The Proponent shall ensure that development is decommissioned and removed within 12 months of the cessation of onsite activities to the satisfaction of the Local Government.

4. In conjunction with the decommissioning of the development, the Proponent shall rehabilitate the site to the satisfaction of the Local Government

5. The Proponent shall ensure the installation of any traffic warning/safety signage in relation to the approved development during the transportation, construction and decommissioning phases is to the satisfaction of the Local Government.

6. The Proponent shall prior to construction commencing on-site, prepare and submit a Bushfire Management Plan to the Local Government for approval. Once approved the Bushfire Management Plan shall be implemented at all times to the satisfaction of the Local Government upon advice from the Department of Fire and Emergency Services.

7. Prior to construction commencing on-site, a Traffic Management Plan including dilapidation reporting and repair mechanisms shall be submitted to the Local Government for approval. Once approved the Traffic Management Plan shall be implemented at all times to the satisfaction of the Local Government.

8. The Proponent is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with relevant legislation to the satisfaction of the Local Government.

9. The Proponent shall prior to commencement of use prepare and submit a Drinking Water Quality Management Plan to the satisfaction of the Local Government.

10. Solid waste for the development shall be stored appropriately and removed on a regular basis to an approved off-site waste management facility.

11. Usage of the kitchen / mess is not permitted until the facility has been registered as a food premises to the satisfaction of the Shire of Irwin.

12. The Proponent shall immediately advise the Local Government of completion of construction of the development, including any individual stages once completed.

Advice Notes:

a. If the development the subject of this approval is not substantially commenced within a period of 3 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

d. The proponent is advised of their responsibility to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

e. The wastewater and effluent treatment systems must be approved by the Relevant Authority.

f. A licence under the *Rights in Water and Irrigation Act 1914* may be required to abstract groundwater and the Applicant is encouraged to contact the Department of Water and Environmental Regulation for further advice in this regard.

g. Potable water is required to comply with the *Australian Drinking Water Quality Guidelines.* The Department of Health requires periodic monitoring of the water supply to be undertaken for chemical and microbiological analysis with results reported to the Department of Health in accordance with its publication, 'System Compliance and Routine Reporting Requirements for Small Community Water Providers'. Details of the monitoring and reporting regimes should be included in the Drinking Water Quality Management Plan.

h. The kitchen is to be registered as a food premises under the *Food Act 2008.* Should an off-site caterer be selected for high activity periods, the Applicant is to submit the caterer's details for inclusion on the *Food Act 2008* registration permit.

COUNCIL DECISION 040523:

MOVED: Cr Leonard **SECONDED: Cr Tunbridge**

That Council approve the application for the construction of Temporary Workforce Accommodation at Lot 12453 (DP221090) Mount Adams Road, Arrowsmith subject to the following conditions and advice notes:

Conditions:

1. Development of the site shall be in accordance with the report and attachments prepared by Beach Energy Limited dated 23 February 2023 and shall form part of the development approval issued, except where amended by another condition of this approval.

2. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Irwin, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by another condition of this approval.

3. The Proponent shall ensure that development is decommissioned and removed within 12 months of the cessation of onsite activities to the satisfaction of the Local Government.

4. In conjunction with the decommissioning of the development, the Proponent shall rehabilitate the site to the satisfaction of the Local Government

5. The Proponent shall ensure the installation of any traffic warning/safety signage in relation to the approved development during the transportation, construction and decommissioning phases is to the satisfaction of the Local Government.

6. The Proponent shall prior to construction commencing on-site, prepare and submit a Bushfire Management Plan to the Local Government for approval. Once approved the Bushfire Management Plan shall be implemented at all times to the satisfaction of the Local Government upon advice from the Department of Fire and Emergency Services.

7. Prior to construction commencing on-site, a Traffic Management Plan including dilapidation reporting and repair mechanisms shall be submitted to the Local Government for approval. Once approved the Traffic Management Plan shall be implemented at all times to the satisfaction of the Local Government.

8. The Proponent is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with relevant legislation to the satisfaction of the Local Government.

9. The Proponent shall prior to commencement of use prepare and submit a Drinking Water Quality Management Plan to the satisfaction of the Local Government.

10. Solid waste for the development shall be stored appropriately and removed on a regular basis to an approved off-site waste management facility.

11. Usage of the kitchen / mess is not permitted until the facility has been registered as a food premises to the satisfaction of the Shire of Irwin.

12. The Proponent shall immediately advise the Local Government of completion of construction of the development, including any individual stages once completed.

Advice Notes:

a. If the development the subject of this approval is not substantially commenced within a period of 3 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

d. The proponent is advised of their responsibility to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

e. The wastewater and effluent treatment systems must be approved by the Relevant Authority.

f. A licence under the *Rights in Water and Irrigation Act 1914* may be required to abstract groundwater and the Applicant is encouraged to contact the Department of Water and Environmental Regulation for further advice in this regard.

g. Potable water is required to comply with the *Australian Drinking Water Quality Guidelines.* The Department of Health requires periodic monitoring of the water supply to be undertaken for chemical and microbiological analysis with results reported to the Department of Health in accordance with its publication, 'System Compliance and Routine Reporting Requirements for Small Community Water Providers'. Details of the monitoring and reporting regimes should be included in the Drinking Water Quality Management Plan.

h. The kitchen is to be registered as a food premises under the *Food Act 2008.* Should an off-site caterer be selected for high activity periods, the Applicant is to submit the caterer's details for inclusion on the *Food Act 2008* registration permit.

VOTING DETAILS: **Carried 8/0**

INFRASTRUCTURE & DEVELOPMENT	ID03-05/23
Subject:	**ID03-05/23 Proposed Motor Vehicle Repair (Mechanical Workshop) – 41 (Lot 2) & 43 (Lot 3) Moreton Terrace, Dongara**
Author:	**K Jackson, Planning Officer**
Responsible Officer:	**M Connell, Manager Development**
File Reference:	**P1254**
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 an application for Motor Vehicle Repair (Mechanical Workshop) at 41 (Lot 2) & 43 (Lot 3) Moreton Terrace, Dongara. This report recommends conditional approval of the application.

Figure 1 – Location Plan



Background:

Lot 2 & 3 are located within the Dongara townsite along the main street and are under the same ownership. Lot 2 contains a large existing shed and Lot 3 contains an open storage yard to the rear and commercial shops and customer parking along the street frontage.

The shed on Lot 2 has previously been used as a mechanical workshop, storage, and other light industrial uses over the years. Lot 1 adjoining to the west contains a fuel station and is also under the same ownership.

Lot 7 (No.8) Martin Street to the north is currently the storage yard and operating centre for Dongara Concrete Services.

Figure 2 – Aerial of immediate area



Officer's Comment:

The Shire is in receipt of an application for a mechanical workshop to operate out of the existing shed for the main purpose of servicing vehicles and carrying out of minor repairs to light vehicles. The proposed plans indicate short term parking for customers at the front of the building and longer term parking or overnight storage of vehicles to the west of the existing shed within an enclosed yard.

The applicant has indicated that the business would operate from Monday to Friday from 8am to 4pm and will not operate on Saturday, Sunday or Public Holidays. It is anticipated that the 3-4 staff members would service approximately 6 customers per day.

Figure 3 – View of shed looking east along the Moreton Terrace Street frontage from Lot 1



Although it is anticipated that the land use would create a level of noise it is expected that this will not be detrimental to the area given the common ownership across lots 1, 2 and 3, the existing concrete business to the north, existing fuel station to the west and the existing tyre fitter and repair shop to the south.

It is considered that the application can be supported for the following reasons:

- This is a suitable location for this kind of activity and is well situated amongst other vehicle related services
- the site has previously been used for similar light industrial purposes with no issues being raised
- The use can be contained within the existing shed and fenced parking area ensuring that the high visual amenity of the Moreton Street Terrace is maintained and protected
- Unused buildings along Morton Terrace are unsightly and the reinvigoration of a building for a purpose will only service to provide visual upgrades to buildings and promote additional people to come into the Dongara townsite
- The location is ideally placed for customers to drop off their vehicle and then spend time in the main street enjoying the other shops within the town centre while they wait for their car to be completed

The officer recommendation suggests the imposition of conditions that requires upgrades to the external appearance of the building in line with existing streetscape and to meet with the requirements of the Local Planning Scheme.

Figure 4 & 5 – View of existing shed and location for proposed parking to the front of the building





Figure 3 – View towards proposed parking area, screening to be installed along fence and gate



Statutory Environment:

Shire of Irwin Local Planning Scheme No 5.
The subject property is within the 'townsite' zone under Local Planning Scheme No.5. The objectives of the zone are to:

a) *To encourage development of a high visual, functional and environmental standard, serving both Town and Rural residents and the development of new buildings and or the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape, the local government's Townscape Plan and or any adjoining land use of heritage value, in terms of scale, height, design, building materials, location and visual facade appearance.*
b) *To promote convenient and safe shopping facilities and relate these to the wide variety of civic, service, business, entertainment and social functions of the Town Centre.*
c) *To encourage the wide range of compatible uses within an accessible Town Centre which are necessary to promote this as a vibrant functional central node for the community it services.*
d) *To provide for safe pedestrian movement and the safe efficient flow of traffic and the adequate provision of car parking facilities.*

It is considered that the proposed land use meets the objectives of the Scheme in that it provides opportunity for the upgrade of an existing building and will be a land use that supports surrounding existing services such as the tyre repair shop and fuel station adjacent. It will also encourage customers to extend their stay in the townsite with the close proximity to the main commercial/shopping area of the townsite.

'Motor Vehicle repair' is defined within the Scheme as:

Motor vehicle repair: *means premises used for or in connection with:-*
a) *electrical and mechanical repairs or overhauls, to vehicles; or*
b) *repairs to tyres,*
c) *but does not include premises used for recapping or retreading of tyres, panel beating, spray-painting or chassis reshaping.*

While the land use of 'motor vehicle repair' is defined in the Scheme the use is not listed in the Zoning Table of the Scheme. Where a development/land use is not listed, Clause 4.4.2 applies:

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

b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or

c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Shire staff have considered the application under 4.4.2(b) of the Scheme and have advertised the development in accordance with Clause 9.4 of the Scheme.

Clause 10.2 of the Local Planning Scheme is replaced by Clause 67 of the Deemed Provisions of the Local Planning Scheme Regulations 2015 and sets out all the relevant planning matters that can be considered by local government with development applications. In summary it is considered all of the aspects have either been addressed in the application or will be addressed with the recommended conditions of approval.

Consultation:
As per Clause 4.4.2(b) of the Scheme the application was advertised in accordance with Clause 9.4.3 of the Scheme which states:

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;

b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;

c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

Letters sent to surrounding landowners for a period of 14 days with no comments received. This was expected as the landowner/applicant indicated that they had approached each of the surrounding landowners in relation to the proposal and had received no concerns.

As part of their application to the Shire the applicant provided a letter of support from surrounding landowners and the current tenants of the shops on Lot 3.

Policy Implications:
Nil.

Financial/Resource Implications:
Should Council support the recommendation, there are no perceived financial implications as a result of the development on Council.

Strategic Implications:
Nil.

Attachments:
Attachment 1 ID03-05/23 –Application Details

Officer Recommendation:

COUNCIL DECISION 050523:

MOVED: Cr Gillam **SECONDED: Cr Wyse**

That Council approve the development application for Motor Vehicle Repair (Mechanical Workshop) upon 41 (Lot 2) and 43 (Lot 3) Moreton Terrace, Dongara subject to the following:

Conditions

1. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Irwin, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by other condition of this approval.

2. The development shall only be used for the approved ''Motor Vehicle Repair" land use per the definition and requirements of Local Planning Scheme No.5.

3. The landscaping indicated upon the approved plans shall be established on the property within six months of the use commencing to the satisfaction of the Shire of Irwin and maintained by the landowner/occupier in perpetuity.

4. The front façade of the building facing Moreton Terrace is to be upgraded (i.e. painted, reclad, rendered) to improve its appearance in the streetscape to the satisfaction of the Shire of Irwin.

5. The fencing and gate as indicated on the approved plans is to be upgraded to ensure the workshop parking area is effectively screened from Moreton Terrace to the satisfaction of the Shire of Irwin.

6. All stormwater and drainage runoff from all roofed and impervious areas is to be retained on site to the satisfaction of the Shire of Irwin.

7. Car parking spaces and manoeuvring areas are to be designed and provided in accordance with AS2890.1 (as amended) and constructed to a sealed finish (i.e. concrete, asphalt, bitumen) in the locations indicated upon the approved site plan.

8. Car parking spaces and manoeuvring areas are to be drained and line-marked to the satisfaction of the Shire of Irwin in the locations indicated upon the approved site plan. The car parking spaces and manoeuvring areas are not to be used for the storages of any goods or materials.

9. The carparking bays at the front of Lot 2 are to be used for temporary customer parking only and shall not to be used for the overnight storage or parking of vehicles.

10. All loading and unloading to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.

11. No vehicles, equipment, machinery, tools of goods or materials connected with the use are to be stored (either temporarily or permanently) on any part of the lot other than within the shed and screened storage yard.

12. During construction, access to the site shall be at the location of the vehicle crossover only. No material or vehicles associated with construction shall be allowed on the verge without prior written approval from the local government.

13. External lighting shall be designed, baffled and located so as to prevent any adverse effect on adjoining land to the specification and satisfaction of the Shire of Irwin.

14. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, wastewater, waste products or other pollutants.

Advice Notes

a. With regard to Condition 3, the use of drought resistant species and a mix of shrubs (under 2m in height) and trees (over 4m in height) are recommended to provide a high quality and low maintenance outcome.

b. With regard to Condition 4, the applicant/owner is to liaise with the Shire of Irwin to ensure proposed works are to its satisfaction.

c. Development to comply with the Environmental Protection (Noise) Regulations 1997.

d. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

e. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

f. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

VOTING DETAILS: **Carried 8/0**

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

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.41pm.