SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

MINUTES

of the

Ordinary Council Meeting

held

Tuesday 27 June 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 27 June 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

to be held

27 June 2023

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	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
Mr M Jones	Manager Operations
Ms P Machaka	Manager Finance
Ms J Morgan	Executive Assistant

Guests

Nil

Approved Leave of Absence

Nil

Apologies

Nil

Gallery

J Watson, J El-Khouri, K George-Craggs, C Craggs, V Rossen, H Tunbridge, J Arden, S May, C Olsen, I Robertson, L Olsen, C Palmer, K Trewin, K Austin, M Austin, H Meares, E Meares, S Barnett, R Barnett, B Baskerville, T Buison, J Evans, M Kapor, P Heckingbottom.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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:
The Dog Act 1976 refers to a dog/s being effectively confined and states that the premises or area (where a dog is confined) is bounded by a fence or barrier of a standard sufficient to prevent the dog from escaping.

The Shire of Irwin Local Dog Law 2000 stipulates;

(1) An occupier of premises on which a dog is kept must:

(a) cause a portion of the premises on which the dog is kept, to be fenced in a manner capable of confining the dog;

(b) ensure that the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

(c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;

(d) maintain the fence and all gates and doors in the fence in good order and condition.

In referring to the relevant Act and Local Laws, only the area where the dog/s are routinely kept, in this case the fenced front area of the house, needs comply with existing standards which do not require that the front and rear sections of a premises need to be fenced if a dog is present.

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:
The amount of rates charged per property are determined by the Gross Rental Value (GRV) of the property set by Landgate and the rate in the dollar (which is set by the Council after calculating rate revenue required to deliver services). Although the GRV rate in dollar has increased from 0.103473 to 0.11614 over the period between 2019/20 to 2022/23, your Landgate GRV decreased from $18,460 to $15,860 over the same period, resulting in lower rates for your property. So yes, the Shire is aware that such instances can occur.

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:
Yes, the Shire currently imposes differential rates in the dollar for the purpose for which the land is zoned under a local planning scheme in force under the planning and Development Act 2005

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:
Yes, but in proportion to the increasing land values according to the Landgate GRV and UV Valuations.

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. The 14.7% average increase relates to all UV properties while the specific value of your property increased by approximately 20% and similarly your rates went up by 20%.

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:
The mining rate is calculated in the same way as GRV and UV, by first considering the needs of the budget, the UV roll (rental cost of the tenement type) and then determining the rate in dollar that is considered to be fair and equitable by the Council. The Council considers the following:

- the impact of higher road infrastructure maintenance costs to Council as a result of
- frequent vehicle use over extensive lengths of roads throughout the year;
- capacity of property owners to pass on the rates charge as a business cost;
- additional emergency service arrangements that have to be put in place
- the monitoring of environmental impacts of clearing, noise, dust and smell;
- planning, building and health assessment cost; and
- additional costs of amenities and services provided to cater for the employees of the
- mining operations, such as recreation, parking and law, order, and public safety.

The same rate in the dollar is applied to a mining tenement irrespective of them being in production or having a staked claim.

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:
Council is very much aware of this dilemma and is currently working in the background to ensure that the resources sector contributes towards maintaining and renewing the services it benefits from the Shire.

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:
The Shire endeavors to continuously improve its rating strategy to ensure fairness and equity is maintained, and will consider incorporating a policy a cap or total maximize rates raised from the UV farming community.

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:
Responsibility for the upkeep and maintenance relating to fencing generally falls to the owner of the property, in this instance with specific reference to the property's back yard fencing. In direct relation to the situation concerning the front fenced area where the dogs are digging under the fence, it is the tenant's responsibility to safely secure the fenced area where the dogs are housed.

4. PUBLIC QUESTION TIME

Question 1: Beverely Sharp, Francis Road, Port Denison (letter and email received 12 June 2023):

Why is the area on the foreshore between the Kailis Building and the old Fisherman's Hall site no longer called 'The Lion's Park'?

Response:

Thank you very much for your kindly reminder of the history of this section of our foreshore and look forward in addressing this question at our next meeting. This is only one of many programmes the Lions club has initiated and we are very fortunate for the good will the club has displayed to our community.

Question 2: Beverely Sharp, Francis Road, Port Denison (letter and email received 12 June 2023):

Would Council please consider allowing 'The Lion's Park' to be reinstated in time for the Lions up and coming 40 year anniversary in February 2024?

Response:

Yes, we will be sure to review the naming legislation procedures and provide you with a written update once all relevant information has been received and bring this item back to council for consideration.

Councillor Palmer and Councillor Tunbridge left the meeting at 6:12pm as per their declaration of interest pertaining to Officers Report 9.1 **-** ID03-06/23 Proposed Brewery and Restaurant – Lot 201 (No. 30648) Brand Highway, Dongara

Question 3: Hannah and Eddie Meares, Bonniefield Road East, Bonniefield. 6525 email received 25 June 2023.

Should this application be approved to proceed, does the Shire of Irwin accept responsibility for any potential detrimental impacts on our primary water supply and if not, who will be accepting that responsibility?

Response

The matter of groundwater contamination is the responsibility of the Department of Water and Environmental Regulation who administer and enforce the *Contaminated Sites Act 2003* and *Contaminated Sites Regulations 2006*.

Question 4: Hannah and Eddie Meares, Bonniefield Road East, Bonniefield. 6525 email received 25 June 2023.

What explanation does the Shire offer to explain why Main Roads WA would elect to decline any further involvement if not to avoid potential future litigation issues as the result of vehicle accidents?

Response

Main Roads themselves can only answer questions regarding their responses to the application. It would not be appropriate for the Shire to offer any speculative responses on their behalf.

Question 5: Katherine George-Craggs, Bonniefield Road East, Bonniefield 6525 email received 26 June 2023.

How will this proposed establishment deal with unruly guests and disperse patrons after events so that it does not impact neighbours?

Response

As with all licensed premises the control of the patrons is the responsibility of the managers of that premises. Any anti-social behaviour is a matter for the police to attend to.

Question 6: Katherine George-Craggs, Bonniefield Road East, Bonniefield 6525 email received 26 June 2023.

Being that the proposed is a brewery and distillery; what is the systematic hazard and risk assessment to ensure personnel, the public and neighbouring properties are not at risk from fire and an explosion in a rural amenity?

Response

The application has provided details of the brewing process. The Shire is not aware of any know fire/explosions that have occurred in other facilities as a direct result of the brewing process and consider the risk to be minimal.

Question 7: Chaz Craggs, Bonniefield Road East, Bonniefield 6525

If the proposed brewery and restaurant is to go ahead, has Council considered the 20,000 extra vehicles per year, 7 days per week with life music and the impact on residents with noise etc?

Response:

The Council report addresses these concerns raised .

Question 8: Chaz Craggs, Bonniefield Road East, Bonniefield 6525

Please explain small holdings, are they being applied?

Response:

This question was taken on notice.

Question 9: John Evans, Mount Horner Road West, Bookara 6525

The gazetted road runs by the side of my property, the land adjacent hasn't been maintained, why isn't it maintained and who do I send the bill to?

Response:

This question was taken on notice.

Question 10: Sam May, Brand Highway, Dongara 6525

3 or 4 weeks ago I emailed with 5 or 6 concerns I have and to date I haven't received a reply, when can I expect an acknowledgment?

Response

This question was taken on notice.

Question 11: Sam May, Brand Highway, Dongara 6525

If the recourse, of the items I raised, then come to fruition, where to from there?

Response:

This question was taken on notice.

Question 12: Hannah and Eddie Meares, Bonniefield Road East, Bonniefield. 6525

We have previously submitted concerns to the Shire of Irwin in relation to the significant potential impact the proposed establishment may have on the local bore water supply & quality. Bore water a resource that all residents surrounding Lot 201 are heavily reliant on given we too have no scheme water available. I note that the application made no reference as to the volume of bore water the operation expects to consume, nor does it provide any insight as to the effects discharging in excess of 2.5 million litres of waste water per annum into the aquifer. In response to the application, the Shire's engagement with the Water Corp is summarised in this agenda as [quote] 'The Water Corp raised no objection to the proposal and advised that the lot in question is not connected to the towns

water supply system" [unquote]. I believe that inviting the Water Corp to advise was a fruitless exercise that provided no value and certainly did not address the concerns raised. Should this application be approved to proceed, does the Shire of Irwin accept responsibility for any potential detrimental impacts on our primary water supply and if not, who will be accepting that responsibility?

Response:

The matter of groundwater contamination is the responsibility of the Department of Water and Environmental Regulation who administer and enforce the *Contaminated Sites Act 2003* and *Contaminated Sites Regulations 2006*.

Question 13: Hannah and Eddie Meares, Bonniefield Road East, Bonniefield. 6525

We have previously submitted concerns to the Shire of Irwin regarding the access to the proposed establishment being via the Brand Highway/Francisco Road/Bonniefield East Road intersection. Although a Traffic Impact Statement was submitted in support of the application, I note that the very significant and inevitable variable of vehicles towing caravans & campers pulling out into the 90km zone in front of fully loaded semi-trailers travelling South was not a consideration. The Shire's engagement with Main Roads is summarised within this agenda as [quote] “MRWA in essence has no objection to the application provided it is developed and operates in a safe manner. A Traffic Impact Statement (TIS) was provided with the application, however MRWA questioned certain assumptions made regarding traffic routes and traffic generation.” [unquote]

The following sentence also within this agenda states [quote] “Further information and clarifications were provided by the applicant to MRWA and further responses received to a point where MRWA declined to provide any final recommendations on the application.”

What explanation does the Shire offer to explain why Main Roads WA would elect to decline any further involvement if not to avoid potential future litigation issues as the result of vehicle accidents?

Response

Main Roads themselves can only answer questions regarding their responses to the application. It would not be appropriate for the Shire to offer any speculative responses on their behalf.

Question 14: Bruce Baskerville, Brand Highway, Bonniefield 6525,

To consider amending the recommendation, Part 2(c) to require the landscaping plan: to revegetate the landscape back to the original York Gum/Jam tree/Melaleuca/Acacia woodlands and native grasslands that covered the site before the 1860’s and otherwise use plant species with a historical provenance to the Dongara Flat and Bonniefield Bottoms?

Response

This question was taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

6.1 Petition

Proposed development at Number 20648 (Lot 201) Brand Highway, Dongara.

Accepted by the CEO on behalf of Shire President and Councillors and publicly notified all attendees at the start of tonight's meeting.

6.2 Deputation

Deputation to PS8488, Illegal Tender Rum Distillery - CEO approved deputation for PS 8488, Illegal Tender Rum Distillery.

Josh Watson, St Georges Terrace, Perth
Proposed development at Number 20648 (Lot 201) Brand Highway, Dongara.

Accepted by the CEO on behalf of Shire President and Councillors and notified to all attendees.

Councillor Palmer and Councillor Tunbridge returned to the meeting.

7. CONFIRMATION OF MINUTES

7.1 Minutes of the Ordinary Council Meeting held 23 May 2023

A copy of the Minutes of the Ordinary Council Meeting held 23 May 2023 has been provided to all Councillors under separate cover.

COUNCIL DECISION 010623:	
MOVED: Cr Wyse	**SECONDED: Cr Palmer**
That the Minutes of the Ordinary Council Meeting, held 23 May 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

24 May	MEPAU Monthly meeting – CEO.
29 May	Arrowsmith Development Hub Workshop – CEO.
7 June	LEMC Meeting – Cr Palmer, CEO.
13 June	Vesta Meeting – CEO.
	Advisory Council Workshop – CEO and all Councillors.
26 June	Northern Country Zone WALGA Meeting - CEO.

9. REPORTS

9.1 Officers Reports

CORPORATE AND COMMUNITY	CC01-06/23
Subject:	**CC01-06/23 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 May 2023.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of May 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 – June 2023
CC01-06/23 Attachment 1: Accounts for Payment – May 2023

Officer Recommendation:

COUNCIL DECISION 020623:

MOVED: Cr Leonard **SECONDED: Cr Eva**

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

Payment Type/Numbers	Total Amount
EFT 30337 – 30500	**$948,335.25**
Muni Cheques – 32152 – 32152	**$76,002.66**
Direct Debit – Telstra	**$6,544.58**
Direct Debit – WA Treasury Corporation	**$65,350.56**
Direct Debit – Solar Panel Repayments	**$1,947.66**
Direct Debit – Credit Card	**$16,061.46**
Direct Debit – N-Able Pty Ltd	**$782.40**
Direct Debit – Australian Phone Company	**$1,081.91**
Direct Debit – Superannuation	**$48,880.32**
Grand Total	**$1,164,986.80**

VOTING DETAILS: **Carried 8/0**

CORPORATE AND COMMUNITY	CC02-06/23
Subject:	**CC02-06/23 Monthly Financial Statements for the Period Ended 31 May 2023**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

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

☒ **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 consider and receive the Monthly Financial Statements for the period 1 July 2022 to 31 May2023.

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 May 2023 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/05/2023	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	9,119,685	9,543,039	5%
Operating Expenditure	(11,652,761)	(12,394,573)	6%
Net Operating	(2,533,076)	(2,851,534)	
Non-Operating Revenue	1,065,209	746,352	-30%
Non-Operating Expenditure	(3,305,694)	(2,204,267)	-33%
Net Non-Operating	(2,240,485)	(1,457,915)	
Cash at Bank		1,958,665	
Cash at Bank Restricted		373,935	
Reserve Bank		1,423,209	
Total Cash Funds		3,755,809	

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 – June 2023
CC02-05/23 Attachment 1: Financial Statements for the Period Ended 31 May 2023.

Officer Recommendation:

COUNCIL DECISION 030623:	
MOVED: Cr Tunbridge	**SECONDED: Cr Scott**
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2022 to 31 May 2023 as provided in Attachment Booklet – June 2023.	
VOTING DETAILS:	**Carried 8/0**

CORPORATE AND COMMUNITY	CC03-06/23
Subject:	**CC 03-06/23 Sundry Debtor Write Off**
Author:	**S Clarkson, Acting Senior Finance Officer**
Responsible Officer:	**P Machaka, Manager Finance**
File Reference:	**3.00341**
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 consider writing off outstanding Sundry Debtor account that is deemed non recoverable

Background:
Council staff have identified one outstanding sundry debtor account DSRM01 that has been outstanding for some time and which is deemed to be non-recoverable

Officer's Comment:
Sundry Debtor DSRM01

The debt for DSRM01 was raised in 2016 and 2017 for Transfer Station Waste Disposal charges totalling $3,192.00.

A 14-day demand letter for the outstanding debt was sent in December 2016 and an email requesting payment was sent in March 2017 with no payments or responses received.

In August 2017, the Shire received correspondence from FTI Consulting advising they had been appointed as Joint and Several Liquidators of the Sundry Debtor company and the Shire was listed as a creditor.

Since December 2018 no further correspondence has been received. FTI Consulting has been contacted for an update, but no response has been received.

As the Sundry Debtor is no longer operating, it is doubtful that Council will recover the outstanding debt and council staff recommend for the debt to be written off.

If the sundry debtor re-opens their company, a transfer station account will not be approved and disposal of waste will be require to be paid via cash or Eftpos at the time of disposing of the waste.

Consultation:
FTI Consulting

Statutory Environment:
Local Government Act 1995

Policy Implications:
CP14 Debt Recovery

Financial/Resource Implications:
The total debt to be written off is $3,192.00. This amount has been carried forward as part of Council's opening net current asset position balance. If the amount is written off, it will be treated as an expense in the current year's budget.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Nil

Officer Recommendation:

COUNCIL DECISION 040623:	
MOVED: Cr Leonard	**SECONDED: Cr Gillam**
That Council by Simple Majority, authorise for outstanding Sundry Debtor DSRM01 debts of $3,192.00 to be written off.	
VOTING DETAILS:	**Carried 8/0**

CORPORATE AND COMMUNITY	CC04-06/23
Subject:	**CC04-06/23 Differential Rates 2023/24 - Submissions**
Author:	**P Mackaha, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0683 Differential Rates**
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 consider submissions and initiate the process for seeking Ministerial approval regarding the proposed 2023/24 differential rates.

Background:
At the Ordinary Council Meeting on 23 May 2023, Council resolved to advertise intention to adopt differential rates for the 2023/24 financial year:

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**

The proposed 2023/24 differential rates were advertised in the Dongara Denison Local Rag from Wednesday 31 May 2023, on the Shire of Irwin website and on the public notice board located at the Dongara Public Library. Advertising was undertaken in accordance with Section 6.36 of the *Local Government Act 1995* with the submission period for public comment of the proposed differential rates closing Thursday 22 June 2023.

Officer Recommendation:
The draft budget is currently being prepared and will be presented to Council on the 25th of July 2023 at the Ordinary Council Meeting.

At the closing of the advertising period, one submission was received.

The submission received objects to:

- the ratepayer's decrease in rates levied for their GRV property since 2019/20 while rates levied on their UV property has increased over the same period.
- the higher proportion of rates being contributed by UV ratepayers compared to GRV ratepayers.

The proposed rates of $6,307,397 includes a 5.9% increase on 2022/23 rates revenue, with the minimum rate for all properties remaining the same at $1,050. To enable this 5.9% increase and taking into account the change in UV valuations as provided by Landgate for 2023/24, the UV Rural has decreased slightly, while the UV Mining rate in the dollar has increased slightly from last year's rates in the dollar.

In accordance with Section 6.33 of the *Local Government Act 1995*, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it. The proposed UV Mining rate in the dollar is more than twice the UV Rural rate in the dollar. This is intended to ensure that the mining sector contributes an equitable contribution to the costs of providing for the Shire's assets and services. Mining tenements on average have a relatively low valuation in comparison to rural land unimproved valuations, and as such, a higher rate in the dollar is required to raise an appropriate level of rates income.

Consultation:
The proposed 2023/24 differential rates in the dollar were advertised from 31 May 2023 to 22 June 2023, allowing the minimum statutory submission period of 21 days.

Statutory Environment:
Local Government Act 1995

6.33. Differential general rates

1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.36. Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

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 proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2023/24 financial year.

Strategic Implications:
Strategic Community Plan 2022 - 2032
Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Nil.

Officer Recommendation:

COUNCIL DECISION 050623:

MOVED: Cr Scott **SECONDED: Cr Wyse**

That Council by Simple Majority, make application to the Minister for Local Government seeking approval under Section 6.33(3) of the *Local Government Act 1995* to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties, as detailed below:

Unimproved Valuations Rating Category	Rate in Cents in the Dollar	Minimum Rate
General Differential Rate	1.3019	$1050
Mining Differential Rate	21.361	$1050

VOTING DETAILS: **Carried 8/0**

OFFICE OF CEO	CEO01-06/23
Subject:	**CEO01-06/23 2021/22 Annual Report and Auditor's Report**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0075**
Voting Requirements:	**Absolute Majority**

Council Role:

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

☒ **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 consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2022.

Background:
The *Local Government Act 1995* requires local governments to prepare and accept, by absolute majority, an Annual Report for each financial year by no later than 31 December after that financial year. The presentation of the Annual Report to Council has been delayed due to the timing of the annual performance audit and receival of the audited financial statements.

The *Local Government Act 1995* also requires local governments to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from the previous financial year. It is therefore proposed to hold the Annual Electors' Meeting on Tuesday 27 June 2023 directly before the Ordinary Council Meeting.

Officer's Comment:
The 2021/22 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is presented as an attachment for Councillors' perusal, consideration and acceptance. The report contains the audited annual financial statements and highlights the Shire of Irwin's achievements throughout 2021/22.

The Shire of Irwin's auditors, Pitcher Partners, on behalf of the Office of the Auditor General, have completed an audit of the annual financial statements for the year ended 30 June 2022. The audit report and management letter have been provided to the Shire President, CEO and have been presented to the Shire of Irwin Audit Committee on 3 May 2023.

Consultation:
Once the 2021/22 Annual Report has been accepted by Council, the Shire is required to give local public notice of the availability of the report as soon as practicable.

Statutory Environment:
Local Government Act 1995
- Section 5.53
- Section 5.27
- Section 5.29
- Section 7.2
- Section 7.12A

Local Government (Administration) Regulations 1996
- Regulation 19B

Local Government (Audit) Regulations 1996
- Regulation 10

Policy Implications:
Nil.

Financial/Resource Implications:
There are no financial or budget implications.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2022 – 2032
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
CEO01-06/23 Attachment 1: 2021/22 Annual Report

Officer Recommendation:

COUNCIL DECISION 060623:

MOVED: Cr Leonard **SECONDED: Cr Eva**

That Council, by Absolute Majority;

a. **Receives the Audit Report from the Office of the Auditor General for the year ending 30 June 2022;**

b. **Accepts the 2021/22 Annual Report as presented in Attachment Booklet – May 2023;**

Holds the Annual Electors' Meeting at 5.00pm on Tuesday 25 July 2023 in the Shire of Irwin Council Chambers..

VOTING DETAILS: **Carried 8/0**

OFFICE OF CEO	CEO02-06/23
Subject:	**CEO02-06/23 Amendments to Council Policy CP20-Purchasing**
Author:	**J Keene, Procurement & Administration Officer**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00270**
Voting Requirements:	**Absolute Majority**

Council Role:

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

☒ **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 the adoption of revised Council Policy CP20 Purchasing (the Policy). The Policy has been amended given that there was an error in the purchasing thresholds when adopted earlier this year.

Background:
At the Ordinary Council Meeting on 26 May 2020, Council adopted the revised Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency, with the provision that the amended version ceases to be applicable once the declaration has been revoked. OCM minutes decision 060520 refer.

At this meeting, the Council also adopted the corresponding Council to CEO Delegation – CEO01 – Tenders for Goods and Services (the Delegation). Both Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency and the Delegation included new purchasing and tender requirement thresholds of $250,000[1] - regulations 11A(1) and 11(1) respectively.

The revocation of the State of Emergency declaration (the revocation) came to effect from 12:01am hours on 4 November 2022. Consequently, effective at this time, Council Policy - CP20 Purchasing - Amended for a Declared State of Emergency ceased to be applicable.

At the Ordinary Council Meeting on 28 February 2023, a revised Council Policy- CP20 Purchasing was presented to Council with the corresponding Council to CEO Delegation- CEO01- Tenders for Goods and Services.

Officer's Comment: When presented to Council at the Ordinary Council Meeting in February 2023, the purchasing thresholds defining the purchasing value and the required purchasing practises

presented were incorrect and conflicted each other. An amendment has been made to section (2) Purchasing Practice Purchasing Value Thresholds for the values less than $250,000. This change was recommended by Procurement Advisor John Filippone and further reviewed by Executive Staff before a decision was finalised. Other changes have been made with some inclusions and deletions to ensure the Purchasing Policy represents better practise in Local Government purchasing and is designed to ensure full compliance and the highest standards of ethics and integrity in all purchasing activities. The State Government recently made amendments to the Local Government (Functions & General) Regulations 1996 in relation to procurement areas, this was considered but no changes were required to be included in the amended CP20-Purchasing policy.

The Shire will be drafting, in due course, a procedure to operationalise the Policy. As part of this process, it is anticipated a volume of operational information will be removed from the Policy and transposed into the procedure. Should it be required, the revised Policy will be presented to Council, at that time, for its adopting.

Consultation:
The Policy was reviewed in consultation with the CEO, relevant legislation and procurement advisor, Mr John Filippone from Procurement PLUS, plus all Shire of Irwin Manager's and relevant Officer's.

Statutory Environment:
Local Government Act 1995

- s3.57 Tenders for providing goods or services
- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO.

Part 4 of the Local Government (Functions and General) Regulations 1996

- 11A(1)(2)(3)
- 11(1) and all sub regulations thereunder.

Policy Implications:
These Council Policies link to the Delegations relating to purchasing and the Local Government (Functions and General) Regulations 1996. Reference to the relevant Delegation for each Council Policy will be made within the Policy control box.

Delegations CEO01 Tenders for Goods and Services
Delegation CEO03 Payments from Municipal or Trust Funds
CP01 Localised Purchasing (Regional Price Preference)

Financial/Resource Implications:
No financial impact, the policy will ensure better practice and procedures.
Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategic Community Plan 2017 - 2027
Strategy 4.2 Effective governance, management and prudent financial responsibility.
Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.
Strategy 4.3.2 Adopt and follow better practice processes.

Attachments:
Attachment 1 – Council Policy CP20-Purchasing (June 2023)
Attachment 2 – Local Government (Functions and General) Regulations 1996 as at 20 May 2023 Version 03-m0-00

COUNCIL DECISION 070623:	
MOVED: Cr Gillam	**SECONDED: Cr Wyse**
That Council, by Absolute Majority, adopt the revised Council Policy-CP20 Purchasing.	
VOTING DETAILS:	**Carried 8/0**

OFFICE OF CEO	CEO03-06/23
Subject:	**CEO03-06/23 RFT 02-2022/23 Triaxle Side Tipping Trailers with Bogie Dolly**
Author:	**J Keene, Procurement & Administration Officer**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00070**
Voting Requirements:	**Absolute Majority**

Council Role:

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

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

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Report Purpose:
To seek Council approval to purchase two (2) Pocket Road Train Combination Triaxle Side Tipping Trailers and a Bogie Dolly as endorsed by the Plant Replacement Program as per the 2022/23 Budget.

Background:
In April 2022, Council approved the request to make an application to the Western Australian Treasury Corporation for a loan for the purpose of purchasing Plant. In June 2022, the loan request was approved.

The Shire updated its 2022-23 Plant Replacement Program, in accordance with its review of its Strategic Community Plan (SCP) and developed its Long Term Financial Plan(LTFP). This identified the need to develop internal capacity for road maintenance renewal work, which also requires a need to upgrade the current equipment and purchase additional equipment. The 2022-23 Plant Replacement Program includes a new additional grader, renewal of the wheel loader and the prime mover with two side tippers. This would allow two grading teams, one for resheeting roads and the other for maintenance. This each year would improve gravel resheeting capacity from 15km to 30km and maintenance grading from 2 to 4 grades for each Shire road plus capacity for reforming sealed road shoulders such as Allanooka Springs Road. The acquisition of the above equipment plays a critical role in increasing the Asset Sustainability Ratio performance and in real terms supporting the Shire to meet its obligations in terms of road safety.

In accordance with s.11(1), s.14(1) and s.14(3) of the *Local Government (Functions and General) Regulations 1996* State-wide public notice was given in The West Australian on 29 April 2023, with a tender closing date of 30 May 2023. Additional information was issued to tenderers via 2 Addendums.
Two submissions were received at the close of tender. An assessment of the submissions was completed against the compliance criteria, before an Evaluation Panel comprising of three (3) voting

members and one (1) non-voting member individually assessed the tender submissions. Each Panel member completed a Declaration Conflict of Interest, Confidentiality & Integrity before receiving any tender documentation. The Evaluation Panel members formally met on 8 June 2023, to review the submissions from the Respondents and develop a consensus evaluation against the qualitative criteria, before pricing was applied to determine the best value for money and most advantageous response. The Evaluation Panel's recommendations are finalised in the Evaluation Panel Report, provided as Confidential Attachment 2.

Officer's Comment:
The submission by Respondent 1 met the qualitative criteria as set out in the RFT document provided as Attachment 1. For full details of the scores and ranking refer to the RFT Evaluation Panel Report for final scores and ranking as provided in Confidential Attachment 3. For further details regarding the compliance and qualitative criteria, refer to the attached RFT Evaluation Report provided as Confidential Attachment 3. The submission from Respondent 1 also met the requirements for a Local Price Preference detailed in section 1.23 of the RFT document provided as Attachment 1.

It is recommended that Council accepts the tender submission for RFT 02-2022/23 Triaxle Side Tipping Trailers with Bogie dolly, received from Respondent 1, subject to the availability of Council approved funds.

Consultation:
Nil

Statutory Environment:
Local Government Act 1995 s. 3.57 Tenders for providing goods or services
Local Government (Function and General) Regulations 1996

Policy Implications:
CP01 Localised Purchasing (Regional Price Preference Policy)
CP20 Purchasing

Financial/Resource Implications:
As per approved item in the 2022/23 Budget allocation for the value of $540,000 (ex GST) which included a Prime Mover and 2 side tipping trailers, with $221,875 available and the remaining funds included in the 2023/24 Draft Budget.

Strategic Implications:
Strategic Community Plan 2021 – 2031
Strategy 3.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:
Attachment Booklet- June 2023
CEO02-06/23 Attachment 1: RFT 02-2022/23 Triaxle Side Tipping Trailers with Bogie Dolly
CEO02-06/23 Attachment 2: RFT 02-2022/23 Consensus Evaluation Matrix

CONFIDENTIAL Attachment Booklet- June 2023
CEO02-06/23 Attachment 2: Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii)

Officer Recommendation:

COUNCIL DECISION 080623:
MOVED: Cr Gillam **SECONDED: Cr Palmer** **That Council, by Absolute Majority;** **1. Accepts the submission for RFT 02-2022/23 Triaxle Side Tipping Trailers with Bogie dolly, received from named as Respondent 1 in the Evaluation Report recommendation detailed in Confidential Attachment and identified as the most advantageous, to the value of $329,978.00 (inc GST) subject to the availability of Council approved funds.** **2. Delegates authority to the Chief Executive Officer to negotiate in relation to the contract additional options.** **3. Accepts that if a contract should not be formed for RFT 02-2022/23 Triaxle Side Tipping Trailers with Bogie dolly with Respondent 1 identified in the Evaluation Panel Report recommendation shown in Confidential Attachment as the most advantageous, delegates authority to the Chief Executive Officer to negotiate with "Respondent 2" who was compliant with the request and ranked second as the most advantageous.** **VOTING DETAILS:** **Carried 8/0**

OFFICE OF CEO	CEO 04-06/23
Subject:	**CEO 04-06/23 Register of Delegations - Council to CEO Delegations – Annual Review**
Author:	**M McAuley, Governance Officer**
Responsible Officer:	**S Ivers, CEO**
File Reference:	**3.00342**
Voting Requirements:	**Absolute Majority**

Council Role:

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

☒ **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 review the Register of Delegations – Council to CEO (the 'Register'), provided as Attachment 1.

Background:
To delegate is to appoint another person to exercise a power or discharge a duty. A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty. Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per the *Local Government Act 1995* s5.18 and s5.46.

Section 5.46 (2) of the *Local Government Act 1995* states that *"at least once every financial year, delegations made under this Division are to be reviewed by the delegator"*. Therefore, Council is required to review the Council to CEO delegations, and it is the responsibility of the CEO to review delegations to other employees.

All delegations for the Shire of Irwin are managed and administered through an online software package called Integrity Attain

Officer's Comment:
Since last review of Council to CEO Delegations, June 2022, several Sub-Delegation changes have been required due to implementation of revised Roles and personnel changes.

Additionally, a full Review of CEO to Employee Delegations is underway to facilitate alignment with revised Organisation Structure, commencement of new Managers and Acting positions. Council approval is not required for this process.

Consultation:
Staff continually review all delegations where required across the organisation and all staff are consulted regularly with the Register of Delegations – Council to CEO.

Statutory Environment:
Local Government Act 1995

- s5.42 Delegations of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.46 Register of, and records relevant to, delegations to CEO and employees.

Policy Implications:
The Register of Delegations – Council to CEO will link with and guide some Council Policies. Reference to the relevant Council Policy for each delegation is made within the Register.

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

Attachments:
Attachment Booklet June 2023

Officer Recommendation:

COUNCIL DECISION 090623:	
MOVED: Cr Leonard	**SECONDED: Cr Eva**
That Council, by Absolute Majority, adopt the 'Register of Delegations – Council to CEO' dated June 2023, as presented in Attachment Booklet – June 2023.	
VOTING DETAILS:	**Carried 8/0**

REGULATORY SERVICES	ID01-06/23
Subject:	**ID 01-06/23 Delegated Authority Report – Development, May 2023**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

Council Role:

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

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

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

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

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

Report Purpose:
For Council to receive the Delegated Authority Report – Development, May 2023

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

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

Officer's Comment:
This report presents the details of development functions made under delegated authority for the month of May 2023, with 9 building permits, 6 applications for development approval and 1 subdivision clearance and having been issued.

Consultation:
Nil.

Statutory Environment:
- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Policy Implications:
Nil.

Financial/Resource Implications:
Nil.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – June 2023
ID01-06/23 Attachment 1: Delegated Authority Report – Development, May 2023

Officer Recommendation:

COUNCIL DECISION 100623:	
MOVED: Cr Scott	**SECONDED: Cr Leonard**
That Council by Simple Majority, receives the Delegated Authority Report – Development, May 2023 as contained in ID01-06/23 Attachment 1 of the Attachment Booklet – June 2023.	
VOTING DETAILS:	**Carried 8/0**

REGULATORY SERVICES	ID02-06/23
Subject:	**ID 02-06/23 Proposed 'Single House' and associated outbuilding – Lot 240 (No. 20) Bayliss Road, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P1282 – A9129**
Voting Requirements:	**Simple Majority**

Council Role:

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

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

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

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

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

Report Purpose:
For Council to determine an application for development approval for a 'Single House' and associated outbuilding on Lot 240 (No. 20) Bayliss Road, Dongara.

This report recommends conditional approval of the application.

Background:
The Shire has received an application for development approval for a 'Single House' and associated outbuilding on Lot 240 (No. 20) Bayliss Road, Dongara.

The site is rectangular in shape and is accessed via Bayliss Road with the rear boundary abutting the Brand Highway. The site is vacant and generally flat with mature vegetation both to the front and rear of the site. The site forms part of an estate which is characterised by larger lot residential development and outbuildings.

Proposal
The application seeks approval for the construction of a dwelling and outbuilding that will be built as one structure. It is intended that a more substantial dwelling will be built to the front of the site at which time the currently proposed dwelling will become an 'ancillary dwelling'.

Key aspects of the application are as follows:

- 90m^2 dwelling consisting of 2 bedrooms and an additional 27m^2 alfresco area.
- The dwelling has a skillion roof with a maximum height of approximately 3.3m.
- Reduced north-west side setback from 5m to 3.1m.
- 156m^2 outbuilding with a 65m^2 attached lean-to (221m^2 in total).
- The outbuilding has a wall height of 4.5m and overall height of 5.56m.

- Reduced rear setback from 10m to 6m.

The application for development approval is contained in ID02-06/23 Attachment 1 and the following is an outline of the application.

Applicant / Owner	D & T Spurr
Local Planning Scheme No. 5	'Special Residential' zoning
Use Class and Permissibility	Single House – 'P' use
Structure Plan/Precinct Plan	No
Lot Size	2,001m^2
Existing Land Use	Vacant
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



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

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

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

1.6 The Aims of the Scheme

c) to provide for housing choice and variety with a community identity and high levels of amenity;

The application is intending to build a more substantial dwelling to the front of the site at which time the currently proposed dwelling will become an 'ancillary dwelling' which will provide greater housing variety and choice.

3.4 Use and Development of Local Reserves

The rear 10m strip of the site is classified as a 'Local Reserve' and cl. 3.4.1 b) of LPS5 provides for development within the reserve subject to planning approval having first been obtained. The reserve classification is presumably there to augment the landscape buffer to the Brand Highway.

This strip also extends north and south along the Highway encompassing all the land zoned 'Special Residential'. The intent of the landscape buffer can be maintained through the requirement for structure planning which can identify in more detail the retention of specific vegetation. This is now a more contemporary approach with residential subdivisions as opposed arbitrarily reserving land (that is still freehold) which attracts issues with compensation. The local planning strategy review process will identify areas requiring structure planning and recommend they be zoned accordingly.

4.2 Objectives of the Zones

4.2.2 Special Residential Zone

To provide a low density residential living and working environment in which development and land use is of a type and location compatible with the overall amenity of the area.

The proposed development is consistent with the surrounding low density residential amenity of the area.

4.3 Zoning Table

The application seeks approval for a 'Single House' use class which also encompasses the associated outbuilding. The Zoning Table of LPS5 lists 'Single House' as an 'P' use under the 'Special Residential' zone which means that the use is permitted providing the use complies with the relevant development standards and the requirements of the Scheme.

5.5 Variations to Site and Development Standards and Requirements

The application is seeking a variation to the site and development requirements and cl. 5.5.1 of LPS5 allows the local government, despite the non-compliance, the ability to approve the application.

5.24 Zone/Use Development Table

Under the 'Special Residential' zone the minimum boundary setbacks are 10m for a rear boundary and 5m for a side boundary. The application is seeking a variation to the rear setback to 6m and a variation to one side boundary to 3.1m.

5.26 Special Residential Zone
5.26.2 Development Requirements
iii) All buildings within the zone shall use materials approved by the local government. All roof and, where approved wall cladding shall be finished in a non-reflective material.

The structure is proposed to be constructed of weatherboard, custom orb and trimdeck with non-reflective materials.

(c) any approved State planning policy

The Residential Design Codes (R-Codes) provide planning and design provisions for residential development across WA. Although the site is zoned 'Special Residential' the minimum lot size of 2,000m^2 as prescribed in LPS5 would be equivalent to the R5 R-Code.

Under the R5 R-Code the minimum boundary setbacks are 6m for a rear boundary and generally 1.5m for a single storey dwelling side boundary. The application would be in accordance with these R5 setbacks.

The WA Planning Commission released a Position Statement in May 2021 in which it advised that the 'Special Residential' zone will be phased out and replaced with an alternative zone, such as residential, with an appropriate R-Code reflecting the minimum lot size.

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

The site is located in an established low density residential area that is characterised by single dwellings and somewhat larger outbuildings. A number of outbuildings have been established to the rear of properties that back onto the Brand Highway with reduced setbacks.

The variations sought to the setbacks are minor and are not considered to have any detrimental impact on adjoining properties. The development is considered to be compatible with the surrounding character of the area.

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved

The site has a Restrictive Covenant advising that there is a 20m wide restriction for the retention of a landscape buffer zone abutting the Brand Highway. The covenant essentially prevents the clearing of vegetation and the building of any structures within the 20m area. A copy of the Restrictive Covenant is included in ID02-06/23 Attachment 2.

The covenant does allow the Shire to give its consent to vary the requirements and it is evident from surrounding development that the covenant has not been consistently administered.

The application is proposing to clear 2 trees along the side boundaries however there are a number of other trees proposed to be retained. Photos are included in ID02-06/23 Attachment 1 that show the extent of the vegetation.

The retention of this vegetation on-site along with the existing vegetation along the Brand Highway will continue provide a substantial landscape buffer.

(y) any submissions received on the application

The submission received is discussed in the 'Consultation' section of this report.

Conclusion
The variations sought to the setbacks are minor and are not considered to have any detrimental impact on adjoining properties. The retention of vegetation on-site along with the existing vegetation along the Brand Highway will continue provide a substantial landscape buffer.

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

The *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to be taken to have refused to grant development approval if it has not made a determination within 60 days of receipt of the application (in this instance being 22nd July 2023). Deferring the matter is therefore not recommended.

Given that the Restrictive Covenant has not been consistently administered by the Shire, it is further recommended that setback variations down to the R5 R-Code standards be delegated to the Chief Executive Officer.

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

The adjoining owner to the north was invited to make comment as the side setback is proposed to be reduced from 5m to 3.1m and they supported the application.

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

Policy Implications:
Nil.

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

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

Attachments:
Attachment Booklet – June 2023
ID02-06/23 Attachment 1: Application for Development Approval
ID02-06/23 Attachment 2: Restrictive Covenant

Officer Recommendation:

COUNCIL DECISION 110623:

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

That Council by Simple Majority,

1. **Approves the application for development approval for a for a 'Single House' and associated outbuilding on Lot 240 (No. 20) Bayliss Road, Dongara subject to the following conditions:**

a. All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.

- **Drawing No A301 Proposal (dated 23/5/2023, Rev 3)**
- **Drawing No A302 Site Plan (dated 23/5/2023, Rev 3)**
- **Drawing No A303 Floor Plan (dated 23/5/2023, Rev 3)**
- **Drawing No A304 Section (dated 23/5/2023, Rev 3)**
- **Drawing No A305 Elevations (dated 23/5/2023, Rev 3)**
- **Drawing No A306 Elevations (dated 23/5/2023, Rev 3)**

b. The wall height is to be a maximum of 4.2m and the overall height is to be a maximum of 5.2m.

c. No clearing of existing vegetation is permitted, except as identified on the approved plans.

d. All stormwater is to be disposed of on-site to the approval of the Shire.

e. Prior to the commencement of use, the crossover is to be constructed to the approval of the Shire.

2. Delegate to the Chief Executive Officer approval of variations to setbacks for lots zoned 'Special Residential' in accordance with the setbacks for the R5 R-Code.

VOTING DETAILS: Carried 8/0

Councillor Palmer and Councillor Tunbridge left the meeting at 6:45pm as per Item 6.1, conflict of interest.

REGULATORY SERVICES	ID03-06/23
Subject:	**ID 03-06/23 Proposed Brewery and Restaurant – Lot 201 (No. 30648) Brand Highway, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P1245 – A8238**
Voting Requirements:	**Simple Majority**

Council Role:

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

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

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

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

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

Report Purpose:
For Council to determine an application for development approval for a 'Brewery' and 'Restaurant' on Lot 201 (No. 30648) Brand Highway, Dongara.

This report recommends conditional approval of the application.

Background:
The Shire has received an application for development approval for a 'Brewery' and 'Restaurant' on Lot 201 (No. 30648) Brand Highway, Dongara.

The site is approximately 2km north of the Dongara town centre and has access to both Brand Highway to the west and Bonniefield Road East to the north, with the Midlands railway line abutting the site to the east. The site is generally flat with mature vegetation sporadically along the eastern boundary. The land surrounding the site is generally characterised by smaller rural residential lots to the west and larger rural living lots to the north and east, with rural/agricultural pursuits being undertaken.

The site contains an existing dwelling and outbuilding located in the southern portion of the site and the development is proposed to be located central to the site.

Proposal
The application seeks approval for the construction of a brewery/distillery and restaurant with associated parking and landscaping. Key aspects of the application are as follows:

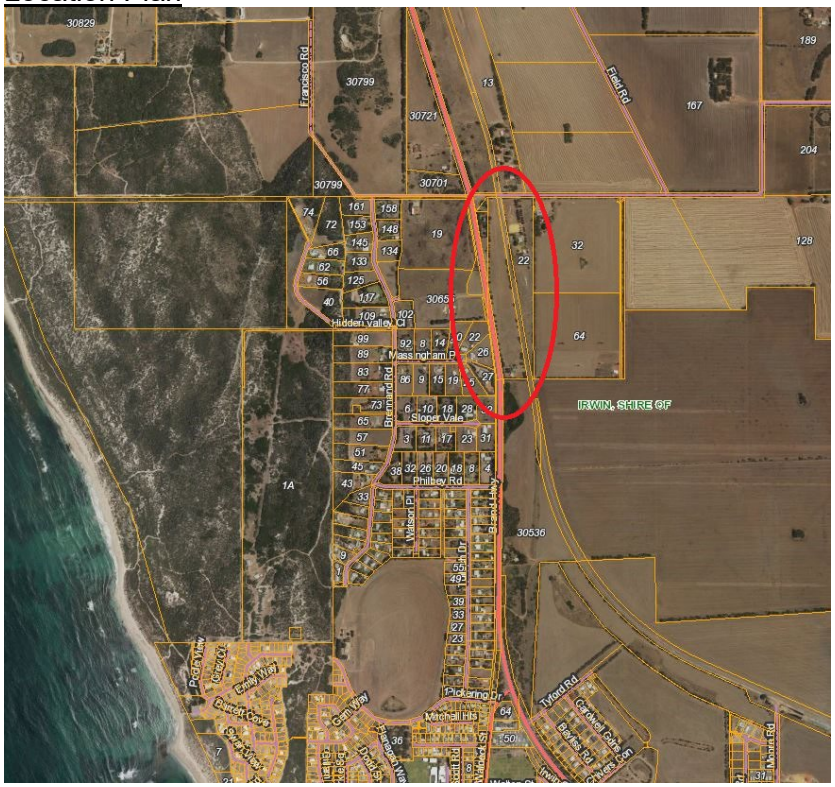
- 2 separate shed type structures each approximately 490m^2 in area and 8.2m high, predominantly constructed of metal, trimdeck wall cladding in 'surfmist' (white) colour.
- The western shed is to be utilised for the brewery/distillery operations and the eastern shed for the restaurant and retail components.

- Central to the 2 sheds is a 550m^2 garden/alfresco area (partially uncovered) containing toilets, kitchen and a small stage.
- An 800m^2 grassed area including playground equipment.
- Sealed access from a new crossover onto Bonniefield Road East approximately 30m from the railway line with a single, entry signage wall (6m long and 1.8m high).
- 74 vehicle parking bays consisting of 9 staff bays, 60 visitor bays and 5 caravan/bus parking bays.
- Associated hard stand service area for deliveries, water tanks and waste management.
- The brewery is proposed to operate potentially 24 hours a day with the restaurant operating generally from 11am – 5pm seven days a week with additional hours of 10am – 10pm for Sunday live music and at times of events.
- The maximum production capacity will be 201kL (equivalent to 192,000 bottles of spirits and 30,000L of beer).
- The facility is intending to accommodate up to 200 patrons with 15 staff.

The application also contains specialist reports addressing traffic, noise, wastewater and emissions. The application for development approval is contained in ID03-06/23 Attachment 1 and the following is an outline of the application.

Applicant / Owner	Planning Solutions / Artisanal Alchemy WA Pty Ltd
Local Planning Scheme No. 5	'Rural Small Holdings' zoning
Use Class and Permissibility	Use not listed (Brewery) Restaurant – 'A' use
Structure Plan/Precinct Plan	No
Lot Size	7.1716ha
Existing Land Use	Rural living
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



Officer's Comment:
The following matters have been identified as key considerations for the determination of the application:

- Land use
- Noise
- Traffic
- Wastewater and effluent disposal
- Amenity of the locality and compatibility of the development with its setting

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

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

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

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

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

The clear intent of the 'Rural Smallholdings' zone is to allow for rural pursuits that are consistent with the amenity of the locality and the landscape attributes of the land. A brewery (similar to a winery) is intrinsically linked to rural and agricultural practices and as such are entirely suitable and indeed commonplace in other rural areas throughout the State. The size and scale of the development does not sterilise continued use of the remainder of the site for minor rural pursuits.

The application is in keeping with elements of the rural character of the area and is consistent with the objectives of the zone.

4.3 Zoning Table

The application seeks approval for a 'Brewery' and 'Restaurant' use classes. A 'Restaurant' is defined as:

> ***restaurant*** *means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Control Act 1988.*

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

The 'Brewery' use class is not specifically mentioned in the Zoning Table of LPS5. Under cl. 4.4.2 of LPS5 where a land use is not specifically mentioned in the Zoning Table 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 therefore not permitted.

It is important to note that the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* does define a brewery as follows:

> ***brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.*

On the basis of the analysis as outlined in this report, there is a clear foundation for Council to reason that the brewery component of the proposed development is consistent with, and does not otherwise undermine, the objectives of the 'Rural Smallholdings' zone and as such is capable of approval.

5.1 Compliance with Development Standards and Requirements

The maximum permissible height of any building is 10m and the development is proposing a height of 8.2m.

The minimum setbacks are 15m front, 7.5m rear and 5m side. The setbacks proposed are 440m front, 330m rear and 38m / 15m sides.

LPS5 does not stipulate a minimum parking requirement, however a contemporary approach is to apply a rate of 1 bay per 4 patrons. The application is proposing a maximum of 200 patrons which would equate to 50 parking bays. The provision of a total of 74 bays (9 staff, 60 visitor and 5 caravan/bus bays) is considered adequate. The site also has ample area to accommodate any overflow parking.

(c) any approved State planning policy

State Planning Policy 2.5 Rural Planning applies to rural living land and the purpose of the policy is to protect and preserve rural land assets ensuring broad compatibility between land uses. The policy specifically provides for economic opportunities for rural communities and supports small scale tourism opportunities, such as bed and breakfast, holiday house, chalet, art gallery, micro-brewery and land uses associated with primary production.

(f) any policy of the State

Government Sewerage Policy

This policy establishes the Government's position on the provision of sewerage services in the State through the planning and development of land. Where on-site sewage disposal is proposed, the policy requires the applicant to demonstrate that the site is suitable for long-term on-site sewage disposal.

A 'Wastewater Management Plan' has been provided with the application which provides an overview of the on-site treatment and disposal regime. The plan has demonstrated that the proposed land use and lot sizes are capable of accommodating on-site sewage disposal.

As the plan is an overview only, it is recommended that a condition be placed on the approval requiring the preparation of a site and soil evaluation in accordance with *AS/NZS 1547:2012 – On-site domestic wastewater management*.

EPA Guidance Statement – Separation Distances between Industrial and Sensitive Land Uses

This Guidance Statement is intended to provide advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. The distances are intended to be used as a tool to assist in the assessment of applications.

The guidance recommends a generic buffer of between 200-500m depending on the scale of the development. The scale of the development is such that it will be producing less that 350kL per year and therefore does not require an environmental works approval under the *Environmental Protection Act 1986*. The nearest noise sensitive land use (dwelling) to the west is in excess of 195m from the development.

An 'Emissions Management Plan' has been provided with the application which outlines measures to minimise emissions related to noise, dust, odour and gas. The plan demonstrates the reasonable and practicable measures that will be taken to prevent and minimise emissions from the premises.

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

The development footprint (inclusive of buildings, parking and formal landscaping covers approximately 6,200m^2 (less than 10% of the total site area). The buildings are representative of a typical rural shed that is an expected form of rural development in the Shire.

The materials, colours and scale of the development, in addition to the proposed landscaping achieves an overall rural appearance that suits the rural aesthetic of the locality. The development is considered to be compatible with its setting and the surrounding character of the area.

(n) the amenity of the locality including the following –
- *(i) environmental impacts of the development;*
- *(ii) the character of the locality*
- *(iii) social impacts of the development*

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

An acoustic report has been provided with the application which purports compliance with the *Environmental Protection (Noise) Regulations 1997*. A submission responded to the acoustic report contending that there are a number of inaccuracies and assumptions in the report which do not meet the requirements of the noise regulations.

Although there are technical aspects of the report that are (at the time of finalising this report) in dispute, ultimately the development will be required to comply with the noise regulations. It is therefore recommended that a condition be placed on the approval requiring an updated acoustic report that addresses the technical items raised in the submission.

Notwithstanding the above, an assessment of amenity cannot be limited to mere compliance with recognised environmental protection criteria (such as noise) but must also consider the combination of factors which underpin the character of an area.

The application as presented is vague in terms of its entertainment operations and states that standard public opening times will be Monday to Sunday 11am – 5pm, which are considered reasonable. In addition Sunday live music is proposed every fortnight from 10am – 10pm and further events (on an 'ad hoc' basis) are proposed Monday to Sunday 10am – 10pm. This could potentially result in any, unlimited number of events throughout the year occurring on any day of the week up until 10pm.

It is not considered appropriate nor reasonable to allow such ambiguous and unfettered operating times that could have an impact on the amenity of the rural locality if not controlled in some form.

In assessing what might be reasonable operating times officers consulted with the Department of Local Government, Sport and Cultural Industries who (anecdotally) advised that where an event cannot be covered under another type of licence, an occasional licence allows the ability to sell and supply liquor to people attending an event. These licences are restricted to no more than 24 per year at a particular site and it is considered practical that a similar restriction be placed on this application.

It is acknowledged that loss of amenity was raised by many submissions and those views are something that Council must balance on the evidence and the application before it. The mere perception of a loss of amenity is insufficient reason to refuse an application and there must be a real and genuine prospect that the apprehensions expressed in the submissions are more likely than not to eventuate.

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

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved

The application proposes to retain all the natural vegetation on-site and further enhance the landscape quality through the planting of additional trees and other formal landscaping elements such as grass and native shrubs. It is recommended that a condition be placed on the approval requiring the preparation of a detailed landscaping plan addressing species type and size, reticulation etc.

(s) the adequacy of –
(i) the proposed means of access to and egress from the site
(ii) arrangement for the loading, unloading, manoeuvring and parking of vehicles
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety

Access and egress to the site is proposed from Bonniefield Road East with a new crossover to be constructed. The development includes the provision of a parking / loading area at the back of the building for standard semi-trailer vehicles. The proposed design allows for safe forward movement of all service vehicles with no manoeuvrability constraints.

Some concerns were raised regarding the impact on the existing school bus drop off / pick up point. Although parent use the area around the intersection, this is during school times in the morning and afternoon where there is minimal conflict with the traffic generated by the operation.

The Traffic Impact Statement provided with the application addresses the key concerns raised in the public submissions which highlighted the potential increase in traffic congestion and the potential impacts this may have on the local road network. More detail on traffic is discussed further in the 'Consultation with Government/Service Agencies' section of this report.

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

The development is likely to have a negligible impact on the community as a whole other than to provide a hospitality venue for both visitors and locals alike.

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

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

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

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

Consultation:
The application was initially advertised in late January / early February 2023. Following this advertising a number of issues were raised and the applicant was invited to address those matters. Additional information was received by the Shire on 26 May 2023. This information was then provided to the Government/Service Agencies and also provided to those members of the public who initially raised concerns with the application.

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

The advertising involved the following:

- A copy of the application was made available for public inspection at the Shire office;
- The application was published on the Shire's website;
- A notice was published in a newspaper circulating the area; and
- A written notice was sent to adjoining landowners within approximately 1km of the site.

In response to the advertising a total of 20 public submissions were received of which 9 objected, 2 were indifferent and 9 supported the application. A copy of the public submissions is contained in ID03-06/23 Confidential Attachment 2.

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

Traffic
- The Brand Highway / Bonniefield Road East intersection is dangerous.
- Concerns over local roads becoming a thoroughfare for non-local traffic.
- The access is unsafe given the proximity to the rail crossing which has no lights.
- The intersection is a school bus drop off / pick up point.
- Concerns over the data and accuracies of the traffic impact statement.
- No assessment has been made regarding pedestrian and bicycle access.

Zoning
- How can the application be considered under the rural small holdings guidelines.

- Proposal is not consistent with the Rural Small Holdings zone objectives.

Water
- Issues regarding the adequate supply of water and treatment of wastewater.

Amenity
- Location is inappropriate in a rural area.
- The proposal will disrupt the visual amenity and peaceful lifestyle if the area.
- Potential impacts on the quality of the farming products grown on surrounding land.
- Development should be directed into a more suitable area or the industrial estate.
- Increase in dust and odour pollution.
- Operating hours should be restricted to 9pm.

Noise
- Concerns regarding the noise impact especially in relation to live music and late night entertainment.
- The noise report does not meet the requirements of the noise regulations.

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

- Department of Health
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Department of Jobs, Tourism, Science and Innovation
- Main Roads WA
- Public Transport Authority
- Water Corporation
- Western Power

In response comments were received from 6 of the agencies and a copy of the agency submissions is contained in ID03-06/23 Attachment 3 (along with any response provided by the applicant). The key issues raised from the agencies are summarised below.

Water Corporation

The Water Corp raised no objection to the proposal and advised that the lot is not connected to the towns water supply system.

Public Transport Authority (PTA)

The PTA raised no objection to the proposal and recommended a condition requiring the applicant/owner to construct a boundary fence along the eastern portion of the site abutting the rail corridor. PTA offered no clarification on the type of fencing required. There is an existing rural post and wire fence along the eastern boundary of the site which is considered satisfactory. Officers also raised the issue of the level crossing on Bonniefield Road East, however the PTA provided no response on this matter.

Department of Primary Industries and Regional Development (DPIRD)

Whilst DPIRD did not object to the concept of a liquor production facility and restaurant, they did raise issues regarding:

- water source and availability
- wastewater treatment and salinity
- zoning

- toilets

All of the issues raised by DPIRD have either been addressed in this report or appropriate conditions have been recommended.

Department of Health (DoH)

DoH had no objection to the proposal subject to further details regarding:

- wastewater management
- drinking water management

All of the issues raised by DoH have either been addressed in this report or appropriate conditions have been recommended.

Department of Water and Environmental Regulation (DWER)

DWER raised issues regarding:

- production and design capacity of the facility
- management and disposal of waste/wastewater from the brewery

Additional information was provided to DWER which addressed the issues raised, however at the time of finalising this report DWER had not provided a response. In any event all of the issues raised by DWER have either been addressed by the additional information provided by the applicant and/or appropriate conditions have been recommended.

Main Roads WA (MRWA)

MRWA in essence has no objection to the application provided it is developed and operates in a safe manner. A Traffic Impact Statement (TIS) was provided with the application, however MRWA questioned certain assumptions made regarding traffic routes and traffic generation.

Further information and clarifications were provided by the applicant to MRWA and further responses received to a point where MRWA declined to provide any final recommendations on the application. These communications are contained in ID03-06/23 Attachment 3.

The TIS was prepared in accordance with the WA Planning Commission's *Transport Impact Assessment Guidelines*. These guidelines state that only a TIS is required for developments that have less than 100 vehicle trips in the peak hour. The TIS is a brief statement outlining the transport aspects of the proposed development. The intent of the statement is to provide the approving authority (in this instance the Shire) with sufficient transport information regarding the transport aspects of the development and that it would not have an adverse transport impact on the surrounding area.

The TIS cannot cater for every possible traffic scenario and must make assumptions based on all known information in order to make reasonable predictions on the most likely traffic scenario. Based on this the TIS concluded:

- There is no significant impact expected by traffic generated by the development.
- An intersection warrant analysis on Brand Highway / Bonniefield Road East showed minimum traffic impact due to the development.
- The existing right turn movement from the Brand Highway into Bonniefield Road East suggests that the intersection may warrant an auxiliary right turn lane, however this is irrespective of the proposed development.
- Sight distances at the intersection are considered satisfactory and are greater than the minimum required.

- There is no impact to the surrounding transport network as the vehicles expected to use the site are within the approved size in the HVS network.
- Access into the site and the manoeuvrability of vehicles around the site is considered satisfactory.

It is considered that the TIS (and supplementary material) has provided sufficient transport information to confirm that the proponent has adequately considered the transport aspects of the development and that it would not have an adverse transport impact on the surrounding area.

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

Policy Implications:
Nil.

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

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

Attachments:
Attachment Booklet – June 2023
ID03-06/23 Attachment 1: Application for Development Approval
ID03-06/23 Confidential Attachment 2: Public Submissions
ID03-06/23 Attachment 3: Government/Service Agency Submissions

Officer Recommendation:

OFFICER RECOMMENDATION:

MOVED: Cr Leonard **SECONDED: Cr Wyse**

That Council, by Simple Majority;

1. **Determines that the use 'Brewery' may be consistent with the objectives of the Rural Smallholdings zone.**

2. **Approves the application for development approval for a 'Brewery' and 'Restaurant' on Lot 201 (No. 30648) Brand Highway, Dongara subject to the following conditions:**

   a. **All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.**

      - **Drawing No A.01 Location Plan / Site Plan (dated May 2023)**
      - **Drawing No A.02 Floor Plan (dated May 2023)**
      - **Drawing No A.03 Elevations (dated May 2023)**

   b. **The area set aside for the parking of vehicles together with the associated access and crossover as shown on the approved plans shall:**

i. **be installed to the approval of the Shire prior to the commencement of the use;**
ii. **be maintained thereafter to the approval of the Shire;**
iii. **be properly formed to such levels that it can be used in accordance with the approved plans and use;**
iv. **be drained and sealed with an all-weather seal coat to the approval of the Shire;**
v. **have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and**
vi. **be designed in accordance with AS2890.**

c. **Prior to the commencement of any site works a landscaping plan shall be submitted to and approved by the Shire. The approved landscaping plan is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire.**

d. **Prior to an application for a building permit a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the Shire. The approved detailed design is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire, with all stormwater to be disposed of on-site to the approval of the Shire.**

e. **The facility shall only be open to the public between the hours of 11:00am to 17:00pm Monday to Sunday with the exception of functions/events in which case the hours of operation shall be limited to 10:00am to 22:00pm.**

f. **The number of functions/events is limited to a maximum of 2 per calendar month.**

g. **The maximum number of patrons shall not exceed 200 at any one time.**

h. **Vehicular access shall be via Bonniefield Road East only. There is to be no direct vehicular access onto Brand Highway.**

i. **Prior to an application for a building permit a site and soil evaluation (in accordance with *AS/NZS 1547 On-site domestic wastewater management*) to determine the type of on-site sewage treatment system required and the appropriate location for on-site sewage disposal is to be submitted to and approved by the Shire in consultation with the Department of Water and Environmental Regulation. The approved system is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire.**

j. **Prior to commencement of the use an outdoor lighting plan is to be submitted to and approved by the Shire. Any outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.**

k. **Prior to an application for a building permit a revised acoustic report is to be submitted to and approved by the Shire. All construction requirements, installations, activities and processes associated with the development / use are to be carried out at all times and in all respects in accordance with the approved report.**

l. **All deliveries, loading and unloading associated with the development / use shall be restricted to 7:00am to 19:00pm Mondays to Saturdays.**

m. **The development / use is to be carried out at all times and in all respects in accordance with the Emissions Management Plan as lodged with the Shire.**

n. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways.

o. Prior to commencement of the use a drinking water quality management plan and system compliance and reporting processes is to be submitted to and approved by the Shire in consultation with the Department of Health. The approved plan and system is to be implemented in full and maintained thereafter to the approval of the Shire.

VOTING DETAILS: Carried 6/0

The officer recommendations was moved by Cr Leonard and seconded by Cr Wyse.

Cr Scott moved an amendment to remove Item f) the number of functions/events is limited to a maximum of 2 per calendar month.

Cr Gillam seconded the amendment.

The Shire President invited Cr Scott, as the mover, to speak to the amendment.

The Shire President invited Cr Gillam, as the seconder, to speak to the amendment.

The Shire President invited any other Councillor to speak for or against the amendment.

The Shire President put the amendment to vote.

AMENDMENT AND COUNCIL DECISION 120623:

MOVED: Cr Scott SECONDED: Cr Eva

That Council, by Simple Majority,

1. **Determines that the use 'Brewery' may be consistent with the objectives of the Rural Smallholdings zone.**

2. **Approves the application for development approval for a 'Brewery' and 'Restaurant' on Lot 201 (No. 30648) Brand Highway, Dongara subject to the following conditions:**

   a. All development must be carried out in accordance with the approved plans listed below and subject to any modifications required as a result of any condition of this approval.

   - **Drawing No A.01 Location Plan / Site Plan (dated May 2023)**
   - **Drawing No A.02 Floor Plan (dated May 2023)**
   - **Drawing No A.03 Elevations (dated May 2023)**

   b. The area set aside for the parking of vehicles together with the associated access and crossover as shown on the approved plans shall:

   vii. be installed to the approval of the Shire prior to the commencement of the use;
   viii. be maintained thereafter to the approval of the Shire;
   ix. be properly formed to such levels that it can be used in accordance with the approved plans and use;

x. **be drained and sealed with an all-weather seal coat to the approval of the Shire;**
xi. **have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and**
xii. **be designed in accordance with AS2890.**

c. **Prior to the commencement of any site works a landscaping plan shall be submitted to and approved by the Shire. The approved landscaping plan is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire.**

d. **Prior to an application for a building permit a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the Shire. The approved detailed design is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire, with all stormwater to be disposed of on-site to the approval of the Shire.**

e. **The facility shall only be open to the public between the hours of 11:00am to 17:00pm Monday to Sunday with the exception of functions/events in which case the hours of operation shall be limited to 10:00am to 22:00pm.**

f. **The maximum number of patrons shall not exceed 200 at any one time.**

g. **Vehicular access shall be via Bonniefield Road East only. There is to be no direct vehicular access onto Brand Highway.**

h. **Prior to an application for a building permit a site and soil evaluation (in accordance with *AS/NZS 1547 On-site domestic wastewater management*) to determine the type of on-site sewage treatment system required and the appropriate location for on-site sewage disposal is to be submitted to and approved by the Shire in consultation with the Department of Water and Environmental Regulation. The approved system is to be implemented in full prior to the commencement of the use and maintained thereafter to the approval of the Shire.**

i. **Prior to commencement of the use an outdoor lighting plan is to be submitted to and approved by the Shire. Any outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.**

j. **Prior to an application for a building permit a revised acoustic report is to be submitted to and approved by the Shire. All construction requirements, installations, activities and processes associated with the development / use are to be carried out at all times and in all respects in accordance with the approved report.**

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l. **The development / use is to be carried out at all times and in all respects in accordance with the Emissions Management Plan as lodged with the Shire.**

m. **No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways.**

n. **Prior to commencement of the use a drinking water quality management plan and system compliance and reporting processes is to be submitted to and approved by the Shire in consultation with the Department of Health. The**

approved plan and system is to be implemented in full and maintained thereafter to the approval of the Shire.

VOTING DETAILS: **Carried 6/0**

Councillor Palmer and Councillor Tunbridge returned to chambers.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVE

Nil.

11. QUESTIONS BY MEMBERS OF WHIICH 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

COUNCIL DECISION 130623:	
MOVED: Cr Scott	**SECONDED: Cr Leonard**
That Council close the meeting to the public at 6.50pm in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* as it relates to a contract entered into by the local government and which relates to a matter to be discussed at the meeting.	
VOTING DETAILS:	**Carried 8/0**

13.1 CC03-06/23

The matter at CC03-06/23 is to be considered behind closed doors in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* as it relates to a contract entered into by the local government and which relates to a matter to be discussed at the meeting.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.05pm.