SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA FORUM

to be held on

Tuesday 21 May, 2024

in the

Council Chambers
11-13 Waldeck Street, Dongara

Commencing
at
5.00pm

Agenda Forum Information

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

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AGENDA FORUM

to be held

21 May 2024

Commencing at 5.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

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

Staff

Mr S D Ivers	Chief Executive Officer
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Ms F Boksmati	Acting Manager Community Services
Mr M Jones	Acting Manager Operations
Mr S Stubbs	Community Emergency Services Manager
Ms S Mearns	Acting Executive Assistant

Guests

Apologies

Approved Leave of Absence

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1: Mr Bruce Baskerville, 'Indiaview', Port Denison

Neither the documents provided by the proponents, nor the Shire officer's report or recommendations, make any reference to the site and associated pipelines once its proposed uses come to an end. Can councillors please include a specific condition, similar in character to conditions d, e, f and g, requiring the restoration of native vegetation, and rehabilitation of agricultural land, on affected land by the facility owners at the end of the facility's life?

Response:
Rehabilitation requirements are usually only placed on a development application if there is a definitive end timeframe for the operations. The application (at this stage) does not have an end timeframe for operations. Notwithstanding, it is the Shire's understanding that the landowner has an agreement in place with the operator that will require the land to be returned to its former state.

Question 2: Mr Bruce Baskerville, 'Indiaview', Port Denison

Neither the documents provided by the proponents, nor the Shire officer's report or recommended conditions, make any reference to Scope 1, Scope 2 and Scope 3 emissions resulting from the project. Can the Shire either ask the proponents to provide estimates of that information now, **and/or** can include a condition to require the owners/operators to regularly update the Shire on these emissions, over the life of the project, so that the Shire can in turn regularly report that data to the Shire community?

- Scope 1 emissions – direct emissions released into the atmosphere as a direct result of activities on the site.
- Scope 2 emissions – indirect emissions released into the atmosphere beyond the site but a direct result of site activities, such as electricity generation for use on the site.
- Scope 3 emissions – broad emissions released into the atmosphere as a result of actions on the site, such as emissions generated by the use of the gas by the end consumer (upstream), or in transporting the condensate to the port (downstream).

Response:
The project was subject to an environmental impact assessment under the Environmental Protection Act 1986. The Environmental Protection Authority (EPA) considered that the likely environmental effects of the proposal were not so significant as to warrant formal assessment due to the proponent's detailed designs and strategies to minimise and mitigate impacts on environmental factors. The proposal is mostly located within a previously disturbed area and the native vegetation is in a degraded condition, and scope 1 and 2 greenhouse gas emissions are below the 100,000 CO2-e per annum threshold. The EPA is of the view that the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation and the proponent's management and mitigation measures.

Question 3: Mr Bruce Baskerville, 'Indiaview', Port Denison

Are any of the proponents or entities involved in the proposed development members of the IAAC, and if so, have they agreed, in writing, to reimbursing the Shire for its IAAC expenditures?

Response:
Yes

4. PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS AND PRESENTATIONS

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 Minutes of the Ordinary Council Meeting held 23 April 2024

The Minutes of the Ordinary Council Meeting held 23 April 2024 have been provided to all Councillors under separate cover.

OFFICER RECOMMENDATION:
That Council confirms the Minutes of the Ordinary Council Meeting held 23 April 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC01-05/24
Subject:	**CC 01-05/24 Accounts for Payment**
Author:	**S Clarkson, Senior Finance Officer**
Responsible Officer:	**P Machaka, Manager Finance**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to receive the list of accounts paid under delegated authority during April 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2024.

Officer's Comment:
Nil

Consultation:
Nil

Statutory Environment:
The *Local Government (Financial Management) Regulations 1996* provides as follows:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(3) A list prepared under sub-regulation (1) or (2) is to be —
(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Policy Implications:
Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:
Nil

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

Attachments:
Attachment Booklet – May 2024
CC01-05/24 Attachment 1 Accounts for Payment – April 2024

OFFICER RECOMMENDATION:

That Council by Simple Majority, receives the Accounts paid during April 2024 as contained in CC01-05/24 Attachment 1 of the Attachment Booklet – May 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 31778 – 31896	**$396,933.21**
Muni Cheques – 32189 – 32189	**$114,145.15**
Direct Debit – Telstra	**$7,522.30**
Direct Debit – WA Treasury Corporation	**$137,512.51**
Direct Debit – Credit Card	**$25,201.53**
Direct Debit – N-Able Pty Ltd	**$1,146.57**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Insurance Premium Repayments	**$54,988.20**
Direct Debit – Rental Allowance/Charges	**$4,100.00**
Direct Debit – Bonds Administrator	**$4,600.00**
Direct Debit – Superannuation	**$53,026.07**
Grand Total	**$799,400.77**

DEVELOPMENT SERVICES	ID01-05/24
Subject:	**ID 01-05/24 April 2024 Development Delegated Authority Report**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

Council Role:

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

Report Purpose:
For Council to receive the April 2024 Development Delegated Authority Report.

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

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

Officer's Comment:
This report presents the details of development functions made under delegated authority for the month of April 2024, with 7 building permits, 6 applications for development approval and 1 subdivision clearance 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 – May 2024
ID01-05/24 Attachment 1: April 2024 Development Delegated Authority Report

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the April 2024 Development Delegated Authority Report, as contained in ID01-05/24 Attachment 1 of the Attachment Booklet – May 2024.

REGULATORY SERVICES	ID02-05/24
Subject:	**ID 02-05/24 Proposed Road Name – Sikh Lane, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P24/27**
Voting Requirements:	**Simple Majority**

Council Role:

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

Report Purpose:
For Council to approve, subject to advertising the proposed road name 'Sikh Lane' to be applied to the unnamed road that runs east off Hepburn Street, Dongara in between Smith Street and Moreton Terrace.

Background:
A request has been received from the Irwin Districts Historical Society (IDHS) for Council to consider formally naming the un-named public road behind the old newsagents that runs into the Chemist/Batavia Boulevard carpark as 'Sikh Lane'. Should Sikh Lane not be approved then the alternate names of Punjab and Sojan have been suggested by the IDHS.

A copy of the IDHS request is contained in ID02-05/24 Attachment 1 which includes the survey diagrams that depict the road extents. In summary the reasons/origins of the proposed names are as follows:

Sikh Lane

The Sikh community is an integral component of Dongara's cultural history and heritage, forming a large community in the town in the early twentieth century, with notable Sikh leaders Sojan Singh and Rur Singh also engaged in Dongara's business and civic life. The lane runs from Hepburn Street into the former commercial and residential properties of Sojan Singh (c1906-1920) and Rur Singh (1920-1947) that formed Dongara's early twentieth century 'Sikh Quarter'. The buildings were all demolished in 1989, and naming the lane is requested is a means of interpreting and marking this historical presence.

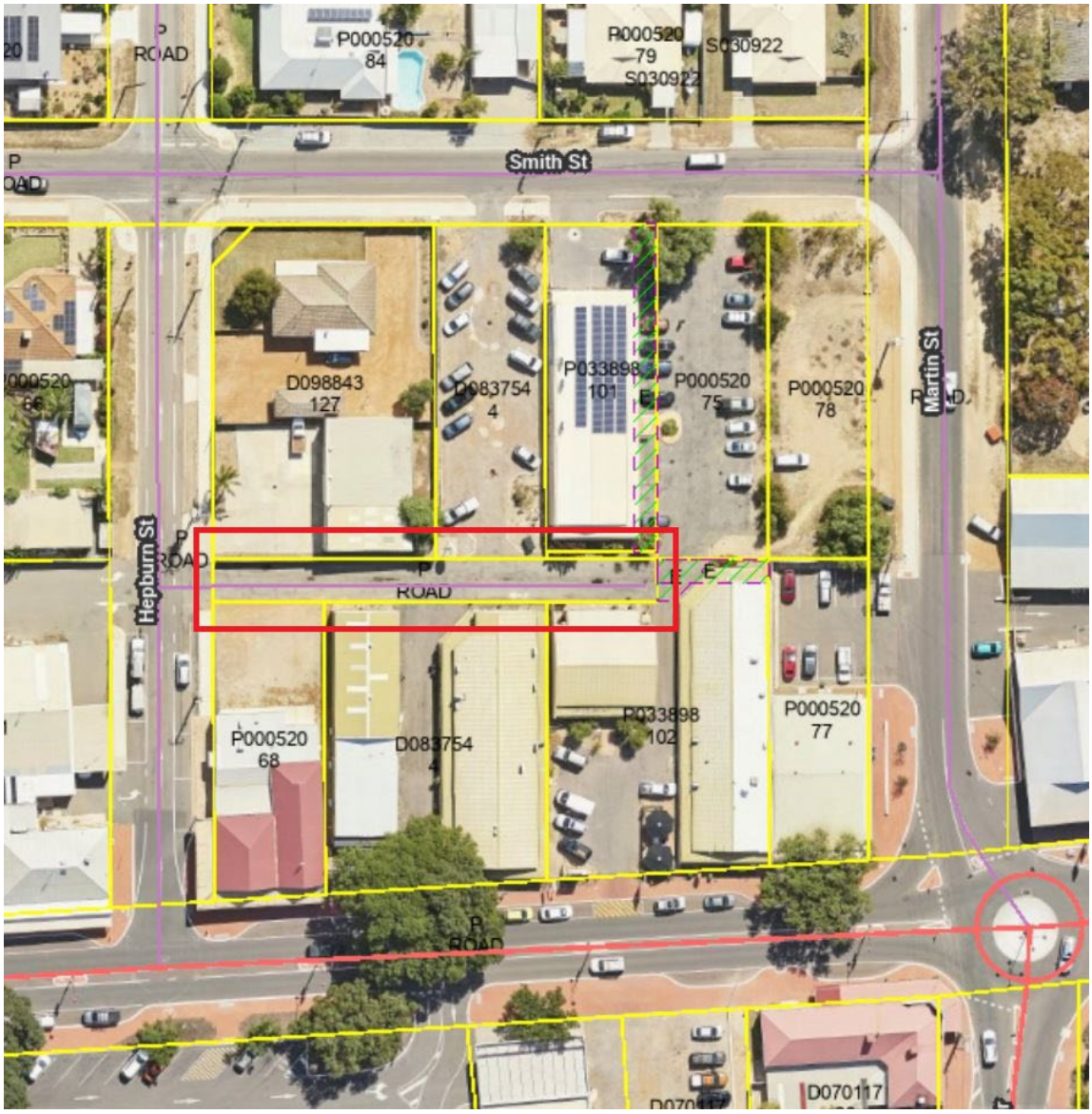
Punjab Lane

Punjab is the English-language name of the homeland of all Sikhs. All the Sikhs that lived in Dongara migrated to WA from Punjab, apart from the children of Sojan Singh and some children of Attra Singh who were born in Irwin or Dongara.

Sojan Lane

The first Sikh settlers in Dongara were Sojan Singh and his brother Pola Singh. Sojan was ex-Indian Army, operated a hawker's cart with his brother, then opened a rented general store in 1901 (now the old newsagency). In 1906 he built a new store and residence, and Pola built another store beside the 1906 store in 1930. These stores and residences were the 'Sikh Quarter'.

Location Plan



Officer's Comment:
The proposed names are considered appropriate given the Sikh community's strong historical linkages with the locality and all the names have passed preliminary validation for availability from Landgate.

Consultation:
The *Policies and Standards for Geographical Naming in Western Australia* requires that any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community.

IDHS has advised that in 2022 they informally consulted, face to face, with all proprietors whose premises adjoin the un-named lane which indicated support for the proposed name.

It is recommended that the Shire formally advertise the proposed road names for a period of 21 days in the following ways:

- A notice being published in the Dongara Denison Local Rag;
- A copy of the application being made available for public inspection at the Shire office;
- The application being published on the Shire's website; and
- A written notice being sent to abutting landowners and the Sikh Association of WA.

Statutory Environment:
The practice of officially naming roads is covered under section 26A of the *Land Administration Act 1997*. The local government must first approve proposed road names and then forward them to the Minister for Lands for final approval.

The legislation is supported by the *Policies and Standards for Geographical Naming in Western Australia* which provides the necessary information and details the principles and standards which apply to all naming. The proposed names are considered to be in accordance with the policy and standards.

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 1.2.1 Recognise places of cultural and heritage value.
Strategy 1.2.3 Support community-initiated projects and activities.

Attachments:
Attachment Booklet – May 2024
ID02-05/24 Attachment 1: IDHS Road Naming Request

OFFICER RECOMMENDATION:

That Council, by Simple Majority:

1. **Advertise the proposed road names of Sikh, Punjab and Sojan.**
2. **Should no objections be received following the advertising period, approve the use of the following road names in order of preference for the road as shown on Survey Diagrams 63877, 63878 and 63879:**
   a. **Sikh Lane;**
   b. **Punjab Lane; and**
   c. **Sojan Lane**
3. **Should any objections be received following the advertising period then require a further report to be presented to Council.**

OFFICE OF CEO	CEO01-05/24
Subject:	**CEO 01-05/24 Local Emergency Management Arrangements (LEMA)**
Author:	**S Stubbs, Community Emergency Services Manager**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0169**
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 the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to endorse the Shire's Local Emergency Management Arrangements (LEMA) 2024.

Background:
The Shire of Irwin Local Emergency Management Arrangements (LEMA) recently underwent its 5 yearly review and was endorsed by the Local Emergency Management Committee at its meeting held 7 May 2024.

Officer's Comment:
All stakeholders consulted and were provided the opportunity to participate in review. The LEMA was streamlined to assist as a more efficient guide during emergency situations when time is critical.

Consultation:
Local Emergency Management Committee

Statutory Environment:
Section 36(a) *Emergency Management Act 2005*
Section 38(1) *Emergency Management Act 2005*
Sections 41, 42 & 43 *Emergency Management Act 2005*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 1.3.1 Partner with relevant agencies in relation to emergency services management

Attachments:
Attachment Booklet – May 2024
CEO01-05/24 Attachment 1 – Local Emergency Management Arrangements (LEMA) 2024

OFFICER RECOMMENDATION:

That Council, by Simple Majority:

1. **Endorse the Shire of Irwin Local Emergency Management Arrangements (LEMA) 2024; and**
2. **Authorise the Chief Executive Officer to sign the document.**

10.2 Committee Reports

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Will be dealt with at the Ordinary Council Meeting.

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

Will be dealt with at the Ordinary Council Meeting.

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Will be dealt with at the Ordinary Council Meeting.

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

15. CLOSURE