SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

# MINUTES

# Ordinary Council Meeting

held on

**Tuesday, 23 April 2024**

in the

**Council Chambers**
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday, 23 April 2024

*Signed:* .....
Presiding Elected Member

*Date:* 28 MAY 2024

# 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**



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# MINUTES

of the

# ORDINARY COUNCIL MEETING

held

# Tuesday, 23 April 2024

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff and Members of the Gallery then declared the meeting open at 6.00pm.

## 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

**Members**

| | |
|---|---|
| Councillor M Leonard | 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 |
| Ms S Mearns | Acting Executive Assistant |

**Guests**

Nil

**Apologies**

Nil

**Approved Leave of Absence**

Nil

**Gallery**

Mr Bruce Baskerville
Mr Ian Maluish

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

**Question 1:** Ms Bev Ewen, Osborne Way, Port Denison
Has there been any further information pursuant to the council's decision made on December 11th 2023 that a 1.8 metre fence must be erected along the entirety of the boundary between the properties at 3b and 5 Osborne Way for the owners of 3b to gain permission to establish a short term accommodation business that mitigates privacy and safety risks to young children sleeping in the building at the back of the main house and playing in the yard of no 5 Osborne Way that warrants a change to that decision, and if so, what is the new information?

***Response:*** The matter has been the subject of a review and mediation by the State Administrative Tribunal who have invited Council to reconsider its decision. The additional information that has been provided by the applicant is contained in Attachment 1 of Council item ID03-03/24.

## 4. DECLARATIONS OF INTEREST

| Agenda Item No | Declared By | Type of Interest | Reason |
|---|---|---|---|
| ID02-04/24 | Cr A Gillam | Financial | Proposed facility is located on family farm land holdings. |
| CEO04-04/24 | Mr Shane Ivers | Financial | |

## 5. PUBLIC QUESTION TIME

**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: Question taken on notice

**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: Question taken on notice

**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: Question taken on notice

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 7. PETITIONS AND DEPUTATIONS

Nil

## 8. CONFIRMATION OF MINUTES

### 8.1 Minutes of the Ordinary Council Meeting held 26 March 2024

The Minutes of the Ordinary Council Meeting held 26 March 2024 have been provided to all Councillors under separate cover.

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **010424** |
|---|---|
| **MOVED: Cr Wyse** | **SECONDED: Cr Gillam** |
| **That Council confirms the Minutes of the Ordinary Council Meeting held 26 March 2024.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** | **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge** |
| **Against:** | **Nil** |

## 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

| | |
|---|---|
| 28 March 2024 | Cr Tunbridge attended Hydrogen & Renewables Information Session in Northampton |
| 7 April 2024 | Shire President presented trophies at the 2024 Season Opening of the Dongara Golf Club |
| 10 April 2024 | Shire President conducted a Citizenship Ceremony |
| 15 April 2024 | CEO attended CEO catch up Meeting at Jurien Bay |
| 16 April 2024 | Councillors and CEO attended Councillor Priorities Workshop |
| 17 April 2024 | Shire President attended monthly MEPAU Meeting |
| 17 April 2024 | Cr Scott, Cr Wyse, Cr Summers, CEO and Finance Manager attended 2023-24 Audit Entrance Meeting |
| 19 April 2024 | CEO attended LG Corporate Services Association Meeting in Geraldton |
| 22 April 2024 | Shire President and CEO attended Northern Country Zone Meeting |

# 11. REPORTS

## 10.1 Officer Reports

| CORPORATE AND COMMUNITY | CC01-04/24 |
|---|---|
| **Subject:** | **CC01-04/24 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 March 2024.

**Background:**
A list of accounts paid under delegated authority is attached showing all payments made during the month of March 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 – April 2024*
CC01-04/24 Attachment 1: Accounts for Payment – March 2024

**OFFICER RECOMMENDATION AND COUNCIL DECISION 020424**

**MOVED: Cr Gillam** **SECONDED: Cr Tunbridge**

**That Council by Simple Majority, receives the Accounts paid during March 2024 as contained in CC01-04/24 Attachment 1 of the Attachment Booklet – April 2024, represented by:**

| Payment Type/Numbers | Total Amount |
|---|---|
| EFT 31778 – 31896 | $528,631.06 |
| Muni Cheques – 32189 – 32189 | $200.00 |
| Direct Debit – Telstra | $4,715.86 |
| Direct Debit – WA Treasury Corporation | $34,472.51 |
| Direct Debit – Credit Card | $26,998.82 |
| Direct Debit – N-Able Pty Ltd | $1,079.86 |
| Direct Debit – Australian Phone Company | $225.23 |
| Direct Debit – Vestone Capital Pty Ltd | $10,554.20 |
| Direct Debit – Rental Allowance | $1,800.00 |
| Direct Debit – Superannuation | $52,713.61 |
| Grand Total | $661,391.15 |

**VOTING DETAILS:** **CARRIED: 6/0**

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

**Against:** **Nil**

| CORPORATE AND COMMUNITY | CC02-04/24 |
|---|---|
| **Subject:** | **CC02-04/24 Monthly Financial Statements for the Period Ended 31 March 2024** |
| **Author:** | **P Machaka, Manager Finance** |
| **Responsible Officer:** | **S Ivers, Chief Executive Officer** |
| **File Reference:** | **2.00057** |
| **Voting Requirements:** | **Simple Majority** |

**Council Role:**

| | | |
|---|---|---|
| ☐ | **Advocacy** | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
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| ☐ | **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 consider and receive the Monthly Financial Statements for the period 1 July 2023 to 31 March 2024.

**Background:**
The Monthly Financial Statements to 31 March 2024 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

**Officer's Comment:**
The financial position to the end of March 2024 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

| 31/03/2024 | YTD Budget | YTD Actual | Variance YTD to Budget |
|---|---|---|---|
| Operating Revenue | 9,179,387 | 9,090,980 | -1% |
| Operating Expenditure | (10,242,301) | (11,247,117) | 10% |
| Net Operating | (1,062,914) | (2,156,137) | |
| | | | |
| Non-Operating Revenue | 365,037 | 374,234 | 3% |
| Non-Operating Expenditure | (2,709,180) | (2,874,564) | 6% |
| Net Non-Operating | (2,344,143) | (2,500,330) | |
| | | | |
| | | | |
| Cash at Bank | | 1,554,606 | |
| Cash at Bank Restricted | | 704,415 | |
| Reserve Bank | | 1,655,180 | |
| Total Cash Funds | | 3,914,200 | |

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 – April 2024*
CC02-04/24 Attachment 1: Financial Statements for the Period Ended 31 March 2024.

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **030424** |
|---|---|
| **MOVED: Cr Tunbridge** | **SECONDED: Cr Scott** |
| **That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 31 March 2024 as contained in Attachment Booklet – April 2024.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** | |
| **Against:** **Nil** | |

| OFFICE OF CEO | CEO01-04/24 |
|---|---|
| **Subject:** | **CEO 01-04/24 Councillor Training and Professional Development** |
| **Author:** | **L Hos, Governance Officer** |
| **Responsible Officer:** | **S Ivers, Chief Executive Officer** |
| **File Reference:** | **3.00126** |
| **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 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 review and adopt updated policy CPP44 Councillor Training and Continuing Professional Development and updated Guideline 05 Councillor Training.

**Background:**
As a part of the WA State Government ongoing Local Government reform, in June 2019 new legislation was introduced with regards to Councillor training. The new legislation outlined that council members were required to complete Council Member Essentials training and for all Councils to adopt a Policy with regards to training and continuing professional development.

The Shire of Irwin adopted policy CP44 Councillor training and Continuing Professional Development in 2020. Section 5.128 (5) (a) of the Local Government Act 1995 states that the policy must be reviewed after each Ordinary Election. Local Government Elections took place in October 2023. The administration has reviewed and updated the policy and guideline.

**Officer's Comment:**
The administration is required to report on councillor training and the report is to be available on the Shire's website. All councillors are provided updates of training offered by WALGA. Whilst most WALGA training courses are available on online, administration recognises that in person training offers benefits to ask question directly from a trainer or subject matter expert. Online training has benefits such as removing the need to travel outside of the Shire and pay for additional costs such as accommodation and car mileage.

With ongoing legislation reform, to upskill and inform all councillors, the Chief Executive Officer may look to provide in person training for all councillors.

**Consultation:**
No consultation was undertaken for this report.

**Statutory Environment:**
The policy presented to be reviewed is to meet the legalisation requirements.
As with *section outlined in section 5.128 of the Local Government Act 1995 Policy for continuing professional development*

*(2) a Local Government may amend* the policy – Absolute Majority*

*(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(4) The CEO must publish an up-to-date version of the policy on the local government's official website.*

*(5) A local government —*

*(a) must review the policy after each ordinary election; and*

*(b) may review the policy at any other time.*

**Policy Implications:**
CO E14 Elected Members Allowances and Expenses.

**Financial/Resource Implications:**
Budget allocation for elected member training for 2023 – 2024 is $9000.

**Strategic Implications:**
Our Brilliant Future - Strategic Community Plan 2021 – 2031
4.3 A local government that is professional, transparent, and accountable.
4.3.1 Ensure that elected members and employees are trained to meet the community's needs.

**Attachments:**
*Attachment Booklet – April 2024*
CEO01-04/24 Attachment 1: Updated Policy CP44
CEO01-04/24 Attachment 2: Updated Guideline 05 Councillor Training

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **040424** |
|---|---|
| **MOVED: Cr Summers** | **SECONDED: Cr Tunbridge** |
| **That Council by Absolute Majority adopt the updated Policy CP44 Councillor Training and Professional Development and updated Guideline 05 Councillor Training.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** | |
| **Against:** **Nil** | |

| OFFICE OF CEO | CEO02-04/24 |
|---|---|
| **Subject:** | **CEO 02-04/24 Proposed Policy CP46 – Agenda Forums** |
| **Author:** | **L Hos, Governance Officer** |
| **Responsible Officer:** | **S Ivers, Chief Executive Officer** |
| **File Reference:** | **3.00068** |
| **Voting Requirements:** | **Simple Majority** |

**Council Role:**

| | | |
|---|---|---|
| ☐ | **Advocacy** | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
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**Report Purpose:**
For Council to update its current meeting format and introduce the concept of Agenda Forums and adopt a new policy CP46 - Agenda Forums.

**Background:**
The Shire of Irwin Ordinary Council Meetings (OCM) are scheduled once a month starting at 6pm.

The current meeting schedule includes an Agenda Briefing and Councillor Information Session which commence at 5pm prior to the OCM. Members of the public were invited to attend these sessions.

At the Council Information Session held on the 5 February 2024, it was discussed with the council to move the Agenda Forum meeting one week prior to the Ordinary Council Meeting.

**Officer's Comment:**
The aim for the Agenda Forum Meetings is to allow the community members and council members to ask questions related to listed agenda items before the Ordinary Council Meeting (OCM). The Agenda Forum meetings will be scheduled one week before the OCM. To establish the new meeting, administration have developed a new policy CP46 - Agenda Forums. The new format aims to inform the community agenda items plus provide the opportunity to ask questions.

The introduction of the Agenda Forum Meeting format provides additional time for community members and council members to become familiar with listed agenda items, ensuring that council members are better informed prior to the OCM. If questions asked at the Agenda Forum Meeting cannot be answered when asked, the administration have the time to provide the additional information before the OCM. Community members also have the opportunity to ask questions related to agenda items at the meeting.

The Agenda Forum is not a decision-making meeting.

The aim of the new policy is to promote community members to be aware and involved with agenda items before the OCM. Community members can still ask questions during Public question time at the OCM with matters related to the agenda items or in relation to the Shire of Irwin.

The Department of Local Government, Sport and Culture (DLGSC) Local Government Guideline Council Forums, recommend that council adopt procedures for meetings that held before the Ordinary Council Meetings.

The adoption of the policy provides guidance for both council, staff and members of the public. The policy is guided by the Operational Guide and the recent consultation paper on Standarised Meeting

Procedures both provided by the Department of Local Government, Sport and Culture Industries.

The draft policy aims to provide guidance and clarity with regards to how the meeting will be chaired, which includes question time, presentation on items and what information will be captured.

1. Attendance will be recorded.
2. The meeting will be open to the public unless an agenda item is considered confidential as per the Act.
3. Questions can be asked by members of the public; however they must be related to items listed on the agenda paper.
4. All questions from members of the public will be directed through the Chair, who can answer the question or direct the question to the CEO to respond. The CEO may direct the question to the most appropriate staff member if required.
5. Any questions that cannot be answered at the meeting will be taken on notice.
6. All questions taken on notice; answers will be recorded in the Agenda Forum Notes paper which will be presented to council at that months Ordinary Council Meeting.
7. Presentations requests can be submitted. They are to be submitted directly to the Chief Executive Officer. The presentation must be related to an item listed on the agenda paper. The presentation has a time limit of 10 minutes and a limit of 2 representatives will be allowed to speak. Any presentation material provided at the meeting; copies are to be made available for all council members
8. All requests for presentation are to be submitted to the Chief Executive Officer 24 hours before the meeting.
9. Any approved presentations will be provided before the agenda item is discussed.
10. If additional time is required, this can be approved at the discretion of the presiding member.
11. If the Shire President is not available for the meeting the Deputy Shire President will chair the meeting.
12. Any declaration of interest must be provided in writing to the Chief Executive Officer 24 hours before the meeting.

Question Time provides the opportunity for members of the public to contribute to their local government. The current consultation paper from the Department with regards to ‘Standarised Meeting Procedures’ is available to the public for feedback. It includes a ‘question time’ as one of the key factors of the current State Government’s to encourage consistency across the sector. The new policy aims to be consistent with the proposed new reforms particularly in the areas of Public Question time and Presentations.

When the reforms have been formally introduced through legislation. The policy may need to be reviewed and updated.

Given the Agenda Forum Meeting is not a formal meeting, official minutes are not required. The administration has suggested that notes be published and presented at the Ordinary Council Meeting, in a similar format as the Delegated Authority Report.

Currently the OCM Agenda includes the details of the Agenda Briefing sessions. The OCM Agenda will be updated to include the new Agenda Forum Meeting format, if the policy is adopted.

**Consultation:**
The decision to change the format was discussed at the Council Briefing Session on 5th February 2024.The administration reviewed other councils who also provide a meeting similar format as proposed.

If the policy is adopted, the administration will update the community on the new meeting schedule, on its website, community notice boards and social media pages.

**Statutory Environment:**
*Department of Local Government Operational Guidelines – Number 5 – Council Forums (January 2004)*

**Policy Implications:**
This is a new policy, it is recommended that the policy is reviewed every 2 years. The policy may need to be reviewed sooner if new legislation is introduced that triggers changes.

**Financial/Resource Implications:**
Nil.

**Strategic Implications:**
Our Brilliant Future - Strategic Community Plan 2021 – 2031
4.3 A local government that is professional, transparent and accountable
4.3.2 Adopt and follow better practices processes

**Attachments:**
*Attachment Booklet – April 2024*
CEO02-04/24 Attachment 1: Draft New Policy Agenda Forum Meetings
CEO02-04/24 Attachment 2: Sample of Draft Agenda Forum Meeting Notes

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **050424** |
|---|---|
| **MOVED: Cr Scott** | **SECONDED: Cr Wyse** |

**That Council, by Simple Majority;**

1. **Adopt New Policy CP46 - Agenda Forums;**
2. **Commence the new Council Meeting structure from May 2024; and**
3. **Authorise the Chief Executive Officer to advertise the new Council Meeting structure.**

**VOTING DETAILS:** **CARRIED: 6/0**

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

**Against:** **Nil**

| OFFICE OF CEO | CEO03-04/24 |
|---|---|
| **Subject:** | **CEO03-04/24 Arrangements for an Extraordinary Election** |
| **Author:** | **S Mearns, Acting Executive Assistant** |
| **Responsible Officer:** | **S Ivers, Chief Executive Officer** |
| **File Reference:** | **GV.EL.1** |
| **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 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 consider appointing the WA Electoral Commissioner to conduct a (second) postal extraordinary election resulting from:

- the resignation of Cr Hayley Palmer on 25 January 2024;
- the subsequent Councillor vacancy; and
- there being no nominations for the extraordinary election which was to be held on 17 May 2024.

**Background:**
On 25 January 2024, Hayley Palmer resigned as a Shire of Irwin Councillor. Section 2.32 of *The Local Government Act 1995* states:

> ***S2.32 How extraordinary vacancies occur in offices elected by electors***
> *The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*
>
> *(b) resigns from the office;*

It was therefore necessary for the Shire to make arrangements to hold an extraordinary election.

Following liaison and advice from the WA Electoral Commission, Council at its Ordinary Council Meeting held 27 February 2024 were asked to consider appointing the WA Electoral Commissioner to conduct a postal extraordinary election resulting from the resignation of Cr Hayley Palmer and the subsequent vacancy.

Council subsequently decided by an Absolute Majority to hold an extraordinary election on or after 17 May 2024 and for it to be conducted by the WA Electoral Commission.

In line with the WAEC election timeline, the nomination period closed on Wednesday 3 April 2024 at 4.00pm. At this time, the Returning Officer declared the nomination period closed and confirmed that no nominations had been received.

The WA Electoral Commission were subsequently informed of the election outcome and the results were advertised to the Community via the following prescribed methods:

1. the Shire of Irwin noticeboard (outside the Library);
2. Shire of Irwin Facebook Page;
3. Shire of Irwin Website; and
4. publication on the official website of the WAEC.

On Wednesday 10 April 2024, the WAEC contacted Shire Officers and confirmed:

*We have received advice from the Department of Local Government Sport and Cultural Industries, that Council will need to re-meet to declare that the WAEC is to be responsible for the conduct of the election. It is the position of the department that the agreement was made for the Shire to use the WAEC for the 17 May election, and because another election is to be conducted, the Shire of Irwin need to declare to use the WAEC again, because it is counted as a separate election.*

*As a result, the Council will need to meet again to resolve to use the WAEC to conduct the new extraordinary election. Noting that the Shire of Irwin's next Ordinary Council Meeting is 23 April, the next day that we could run an election (outside the 80 day minimum) as required by section 4.20 of The Local Government Act 1995 is Friday 12 July 2024.*

In light of this information, the Shire of Irwin is required to treat the second extraordinary election as it did the first and follow the same endorsement and approval procedure.

It is therefore important to again note that the current procedure required by the *Local Government Act 1995* is that written agreement must be obtained before the vote by Council is taken to appoint the Electoral Commissioner to conduct the election. To facilitate the process the Electoral Commissioner has provided correspondence serving as agreement to be responsible for the conduct of this extraordinary election for the Shire of Irwin in accordance with section 4.20(4) of the *Local Government Act 1995*. The Commissioner's agreement is subject to the proviso that the Shire of Irwin also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

**Officer's Comment:**
Information provided in Agenda item CEO01-02/24 from the Ordinary Council Meeting held on 27 February 2024 confirms that the Shire of Irwin has a long, and relatively successful, history of conducting postal elections, with the 2021 ordinary local government election seeing a 41.45% participation rate.

Council does have a number of options to consider, which have been summarised below:

Vacancy remains unfilled
Subject to Council resolution, the *Local Government Act 1995*, section 4.17(3)(4A) provides for a position to remain unfilled. However, the reduction in Councillor seats may risk the ability to make absolute majority decisions, particularly should there be any absences. Given that the term expiry is October 2027, it is felt appropriate that the vacancy be filled.

In-person election
Council may elect to run the election in-person. This may have a lesser financial impact on ratepayers. However, it is anticipated that participation would be significantly lower and could place the burden on

individual ratepayers to attend an in-person election. The administrative resources required of staff may also increase any cost estimates already provided for.

Postal election to be run by Electoral Commission

It is recommended that Council agree to the Electoral Commission running the (second) 2024 extraordinary election via postal vote due to the experience of the WAEC, their independence and impartially in the process, and convenience and participation rates for voters. Advantages are outlined below:

*Advantages for electors*

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

*Advantages for candidates*

- Availability of an experienced Returning Officer "at arm's length" from Local Government business.
- Detailed candidates' guides prepared by the WA Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State's independent Electoral Commission.
- Elected candidates have an increased support base.

*Advantages for the Local Government*

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial WA Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner.
- Elected Councillors have a high level of support from the local community.

The WA Electoral Commission have provided a cost estimate of $24000 to conduct this (second) 2024 extraordinary election, at attachment CEO03-04/24, noting that this is the same estimate provided for the initial extraordinary election which resulted in no candidates.

The letter notes that this is an estimate only and the actual cost of the election will be charged.

It is to be noted that as at 11 April 2024, the WA Electoral Commission were unable to provide information to the Shire as to the costs incurred during the initial extraordinary election process.

**Consultation:**
Consultation has been held with the WA Electoral Commission on the timeline and requirements to run the extraordinary election.

**Statutory Environment:**
The *Local Government Act 1995* s4.9(1), s4.20(4) and s4.61(2)

**Policy Implications:**
Nil

**Financial/Resource Implications:**
The WA Electoral Commission have provided a cost estimate of $24,000 to run the election, which has not been budgeted for in the 2023/24 financial year. It is requested that Council approve this as unbudgeted expenditure, pursuant to section 6.8(1)(b) of the *Local Government Act 1995* (the Act).

**Strategic Implications:**
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.4 Promote programs to encourage participation in elections.

**Attachments:**
*Attachment Booklet – April 2024*
CEO03-04/24 Attachment 1: Cost Estimate for Extraordinary Election
CEO03-04/24 Attachment 2: Timetable for Election

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **060424** |
|---|---|

**MOVED: Cr Wyse** **SECONDED: Cr Summers**

**That Council, by Absolute Majority:**

1. **Fixes, in accordance with Section 4.20(4) of the *Local Government Act 1995* the date of the extraordinary election for the vacant councillor position be held on or after Friday 12 July 2024;**
2. **Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;**
3. **Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election; and**
4. **Agree to the costs estimate provided by the WA Electoral Commission of approximately $24,000 to conduct the extraordinary election.**

**VOTING DETAILS:** **CARRIED: 6/0**

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

**Against:** **Nil**

| DEVELOPMENT SERVICES | ID01-04/24 |
|---|---|
| **Subject:** | **ID 01-04/24 Delegated Authority Report – Development, March 2024** |
| **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 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 Delegated Authority Report – Development, March 2024.

**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 March 2024, with 10 building permits and 6 applications for development approval having been issued.

**Consultation:**
Nil

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

**Policy Implications:**
Nil

**Financial/Resource Implications:**
Nil

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

**Attachments:**
*Attachment Booklet – April 2024*
ID01-04/24 Attachment 1: Delegated Authority Report – Development, March 2024

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **070424** |
|---|---|
| **MOVED: Cr Tunbridge** | **SECONDED: Cr Wyse** |
| **That Council by Simple Majority, receives the Delegated Authority Report – Development, March 2024 as contained in ID01-04/24 Attachment 1 of the Attachment Booklet – April 2024.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** | |
| **Against:** **Nil** | |

*Cr A Gillam declared an interest in Item ID02-04/24 and left the Chambers at 6.12pm.*

| **REGULATORY SERVICES** | **ID02-04/24** |
|---|---|
| **Subject:** | **ID 02-04/24 Proposed Gas Extraction and Processing Facility – Lots 3558 and 3561 Midlands Road, Mount Horner** |
| **Author:** | **M Connell, Manager Development** |
| **Responsible Officer:** | **S Ivers, Chief Executive Officer** |
| **File Reference:** | **P24/14 – A4558** |
| **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 provide comment and recommend conditions to the Western Australian Planning Commission (WAPC) on the application for significant development for an 'Industry – General' and associated 'Workforce Accommodation' on Lots 3558 and 3561 Midlands Road, Mount Horner.

**Background:**
The Department of Planning, Lands and Heritage (DPLH) received an application for significant development in December 2023 for a proposed gas project (commonly referred to as the Lockyer Gas Project) on multiple lots near Midlands Road in the locality of Mount Horner.

The application has been lodged under Part 17 of the *Planning and Development Act 2005*, which has established the WAPC as the decision-making authority for significant development applications to support the State's economic recovery from the COVID-19 pandemic.

The proposed central gas processing facility with worker's accommodation village is located in the Shire if Irwin and the development also includes wellheads for gas extraction located in the Shire of Mingenew.

The proposed development is located approximately 25km east of Dongara, and 15km west of Mingenew. The locality contains gently undulating broadscale agriculture pasture lands interspersed with areas of scrubland.

The central processing facility is located 1.9km north from Midlands Road, being the main arterial road linking the rural communities of Dongara and Mingenew and providing road access to the broader region. The facility is accessed via Strawberry North-East Road, an unsealed local road servicing the local agricultural area. The Midland Railway runs adjacent to Midlands Road and is used by freight traffic primarily accessing Geraldton port.

The development site comprises a combination of cleared, agricultural and pastoral land with remnant native vegetation found throughout. In terms of topography, the development site undulates from approximately 100m AHD to 190m AHD. The central processing facility site slopes to the south east from approximately 165m AHD to 135m AHD. The surrounding land is agricultural, with the central processing facility's operations village located on a small ridge with views to small parcels of bush scrub, rocky outcrops and long views to the Irwin River.

Proposal

The development application proposes new gas extraction wells, well heads and a gas processing facility with adjacent worker's accommodation. Key aspects of the application are as follows:

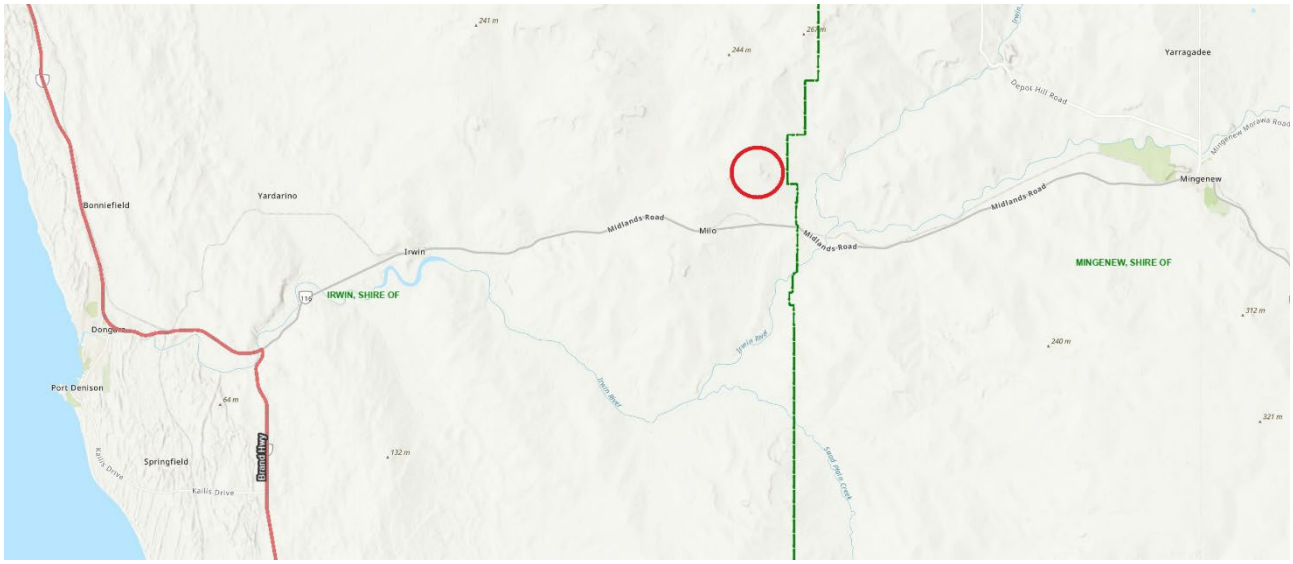
- Multiple conventional gas production wells.
- An upstream gas gathering network connecting the wells to hubs via flowlines.
- A central processing facility to treat the raw gas to the specification required for export to the Dampier to Bunbury Natural Gas Pipeline (DBNGP).
- A gas export pipeline connecting the central processing facility to the DBNGP.
- A condensate stabilisation, storage, and offloading system to support road transport of liquid product.
- Existing road access upgrades (between Midlands Road and the central processing facility).
- Administration facilities located on the south side of the gas processing facilities consisting of:
    - 1,005m² administration building
    - 796m² warehouse building
    - 400m² workshop
    - Lay-down area
    - Car parking and vehicle circulation areas
- Sedimentation pond, located to the east of the condensate pad, used for disposing stormwater.
- 3.4ha hardstand construction laydown area to the west of the gas processing infrastructure, used for the storing of materials and equipment during construction of the facility.
- Operations workforce accommodation village located to the north of the gas processing infrastructure consisting of:
    - 24 x 1-bed accommodation units on the north side of the village
    - Club lounge, including meal preparation and serving areas and village administration facilities
    - Recreation building
    - Gym building
    - Outdoor gym/playing field
    - 12 car parking bays, service/loading zone and mini bus drop off/pick up zone
    - Water treatment facility and a 3.2ha spray field located to the southeast of the village for the treatment and disposal of wastewater from the village

The development application report is contained in ID02-04/24 Attachment 1 and the application also contains specialist reports addressing economic benefit, traffic, noise, waste management, heritage, bushfire management, visual and environmental impact which are available for viewing at: https://consultation.dplh.wa.gov.au/reform-design-state-assessment/mt-lockyer-gas-extraction-and-processing/

The following is an outline of the application.

| | |
|---|---|
| Applicant / Owner | Planning Solutions and Mineral Resources Limited / Dhungarra Pty Ltd |
| Local Planning Scheme No. 5 | 'General Farming' zoning |
| Use Class and Permissibility | Industry – General ('X' use, not permitted)<br>Workforce Accommodation (use not listed) |
| Structure Plan/Precinct Plan | No |
| Lot Size | Lot 3558: 1,240ha and Lot 3561: 803ha |
| Existing Land Use | Broadacre agriculture |
| State Heritage Register | No |
| Local Heritage | No |
| Bushfire Prone Area | Yes |

Location Plan




**Officer's Comment:**
The development application report details and extensive assessment of the application against the applicable planning framework. In considering and determining the application the WAPC must have due regard to the following matters as detailed below:

*The purpose and intent of any planning scheme that has effect in the locality to which the development application relates*

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

*1.5 Purposes of the Scheme*
- *a) set out the local government's planning aims and intentions for the Scheme area;*
- *c) zone land within the Scheme area for the purposes defined in the Scheme;*
- *d) control and guide land use and development;*

*1.6 The Aims of the Scheme*
- *a) to assist the effective implementation of regional plans and polices including the State Planning Strategy;*

*b) to ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;*
*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 promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;*
*h) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme area;*

With the exception of the land use permissibility and building height as detailed below, the application is otherwise considered to be generally consistent with the purposes and aims of LPS5 for the following reasons:

- The application is aligned with the State Planning Strategy 2050 objectives of maintaining and growing Western Australia as the destination of choice for responsible exploration of development resources; and enabling secure, reliable, competitive and clean energy that meets the State's growing demand.
- The proposed development is estimated to create up to 350 jobs during the construction phase and approximately 40 permanent staff once operational with a focus on local employment and skills.
- The development footprint of the central processing facility is relatively small (approximately 5.4ha) and would have negligible effect on the sustainable use of rural land for agricultural purposes.
- Other than the specialised gas processing infrastructure, the other buildings are representative of typical large, rural shed-type structures. The materials, colours and scale of the development, in addition to the proposed landscaping is considered compatible with character and amenity of the area.

*Land Use Permissibility*

Land use permissibility is set out in the Zoning Table of LPS5. Clause 4.4 provides that where a specific use is defined, it is excluded from general terms used to describe other uses, and further that where a land use is not specifically mentioned and cannot reasonably be determined as falling within the type, class or genus of activity of another use category the local government may:

*a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
*b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
*c) determine that the use is not consistent with the objectives of the particular zone and therefore not permitted.*

There is no specific land use class listed in the Zoning Table relevant to the processing of gas, however it can be reasonably determined that the processing of gas falls under the use class of 'Industry – General', which is defined as:

> ***Industry-general*** *means an industry other than a cottage, extractive, light, mining, rural or service industry.*

The Scheme defines 'Industry' as:

> ***Industry*** *means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for –*

*a) the storage of goods;*
*b) the work of administration or accounting;*
*c) the selling of goods by wholesale or retail; or*
*d) the provision of amenities for employees,*
*incidental to any of those industrial operations.*

The Zoning Table of LPS5 lists 'Industry – General' as an 'X' use under the 'General Farming' zone which means that the use is not permitted by the Scheme. Although the land use is a prohibited use, it must be acknowledged that the WAPC in considering and determining the application is not limited to planning considerations.

In addition, the proposed development includes a worker's accommodation village which the applicant considers to be incidental to the gas processing facility. However, LPS5 contains a land use definition for 'Workforce Accommodation', although this land use class does not appear in the Zoning Table.

'Workforce Accommodation' is defined as:

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

On the basis of the analysis as outlined in this report (and the associated development application report), there is a clear foundation for the WAPC to reason that the 'Workforce Accommodation' component of the proposed development is consistent with the objectives of the 'General Farming' zone and as such is capable of approval.

*Building Height*

Clause 5.20 of LPS5 stipulates that the maximum permissible height of any building is 10m. The central processing facility comprises a combination of highly specialised equipment and structures that are designed as per operational requirements which includes:

- Amine regeneration system (18m)
- Amine contractor tower (18m)
- Still column tank (18m)
- Thermal oxidiser (39.6m)
- HP/LP flare (69.7m)
- Other infrastructure (average 5m)

Accompanying the application was a Visual Impact Assessment (VIA) of the development on the existing views from the surrounding landscape and which provided a preliminary viewshed analysis and site assessment.

While the viewshed analysis indicates that the proposed development may be visible at a number of locations (based on topography alone), the viewpoint analysis demonstrated that existing vegetation and topography largely shields the views of the bulk of the proposed development. However, at a number of locations the tallest infrastructure (flare and thermal oxidiser) will be noticeable above the existing landscape and tree lines.

Where the proposed development is likely to be visible, the infrastructure is typically far away (i.e. greater than 2km) and is generally not an overwhelming feature of the view, blending in with the topographical features of the rural landscape such as hills and tree lines.

*The need to ensure the orderly and proper planning, and preservation of amenity, of that locality*

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*.

The locality is characterised by an undulating rural landscape used for broadacre agriculture with a mixture of cropping and grazing. The development footprint of the central processing facility is relatively small and approximately 5.4ha. Other than the specialised gas processing infrastructure, the other administration and accommodation buildings are representative of typical large, rural shed-type structures 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 appearance that would not contrast significantly with the rural aesthetic of the locality. The development is unobtrusive in the context of the wider landscape and is considered to be compatible with its setting and the surrounding character of the area.

Accompanying the application was a Traffic Impact Assessment (TIA) which provided a detailed analysis of the access to the central processing facility as well as the surrounding road network. The anticipated traffic generated from the construction phase would be 20 heavy vehicles per day and 22 light vehicles per day. Once operational the traffic would reduce to 3 heavy vehicles and 10 light vehicles per day. The TIA confirmed that the estimated traffic generation can be accommodated within the predicted capacity of the road network.

The applicant has committed to road upgrades associated with access to the central processing facility. An approximate 470m long access road will be constructed between the central processing facility and Strawberry North-East Road within the existing unconstructed road reserve. Strawberry North-East Road, between the newly constructed access way and the Midland Road intersection (approximately 2km) will be sealed and widened to an 8m wide two-lane single carriageway. The Strawberry North-East Road / Midlands Road intersection will be upgraded to a simple right turn and basic left turn treatment. The intersection will also be widened to cater for RAV7 (20m) vehicles for the left in and left out movements.

These road upgrades will also enhance the amenity of the locality.

A Waste Management Plan (WMP) has been prepared in support of the proposed development and provided details on the estimation of general waste volumes and recommendations for appropriate collection, storage, handling and management of waste and recycling. There were no details as to where the waste is to be disposed of.

The Shire is currently facing significant constraints at its waste transfer site, and it is recommended that a condition be requested that requires the further information and detail in the WMP that specifically addresses the proposed location for waste to be disposed of and any contingency measures.

When considering the likely future amenity, the Shire's Local Planning Strategy sets out the long-term planning directions for the Shire and guides land use planning over the next 20 years. The Strategy acknowledges that oil and gas exploration is an emerging industry in the Shire and that there will be many business and employment opportunities that will arise from these resource sector developments.

The Strategy specifically notes that onshore oil and gas opportunities exist within the Waitsia field of the Perth Basin and this source is located east of the Dongara townsite. It further states that it is necessary to adequately plan for and protect these industries where appropriate.

The proposed development is clearly contemplated by the Strategy. It is apparent that the planning framework acknowledges and indeed promotes development of this nature which in turn establishes reasonable expectations for this type of development in the locality.

*The need to facilitate development in response to the economic effects of the COVID-19 pandemic*
An Economic Benefits Statement accompanied the application and provides an overview of the benefits and significance of the project to the State of WA, which include:

- Economic activity and job creation
- Reinforcement of State's domestic gas supply
- Royalties
- Downstream opportunities

Conclusion

Although the land use 'Industry – General' is a prohibited use in the Scheme, it must be acknowledged that the WAPC in considering and determining the application is not limited to planning considerations and may have regard to any other matter affecting the public interest.

It is considered that the application will align with the purpose and intent of the Scheme as the development will assist in implementing the State Planning Strategy. The facility will provide employment and economic growth for the Shire in a manner that safeguards and enhances the character and amenity of the locality. The proposed development will also provide natural gas which has an increasingly critical role in maintaining energy security for the State.

Having considered the planning framework applicable to the site, the application is generally consistent with the requirements of orderly and proper planning, notwithstanding the limitations of LPS5.

The WAPC have requested the Shire provide information, comment or recommended conditions by 1 May 2024. Deferring the matter is therefore not recommended.

**Consultation:**
The DPLH has undertaken consultation on the application which involved the following:

- A public notice was published in the Dongara Denison Local Rag and Midwest Times on 13 March 2024;
- A written notice was sent to adjoining landowners within approximately 5km of the site;
- A copy of the application was made available for public inspection at the Shire office;
- The application details were published on the DPLH and Shire and website; and
- The application was referred to various Government/Service agencies.

The WAPC must have due regard to any submissions made by the local government whose district the development application relates.

**Statutory Environment:**
The application has been lodged under Part 17 of the *Planning and Development Act 2005*, which has established the WAPC as the decision-making authority for significant development applications.

The Part 17 Significant Development Pathway was a temporary initiative introduced by the State Government in 2020 to encourage major developments as part of its COVID-19 economic recovery program. On 1 March 2024, a permanent Part 11B Significant Development Pathway became operational however the Part 17 pathway continues to assess and determine development applications lodged by the 29 December 2023 deadline.

**Policy Implications:**
Nil

**Financial/Resource Implications:**
Nil

**Strategic Implications:**
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.3 Ensure adequate and appropriately zoned land to support commerce and industry.

**Attachments:**
*Attachment Booklet – April 2024*
ID02-04/24 Attachment 1: Development Application Report

**OFFICER RECOMMENDATION AND COUNCIL DECISION 080424**

**MOVED: Cr Scott** **SECONDED: Cr Summers**

**That Council, by simple majority in relation to the application for significant development for an 'Industry – General' and associated 'Workforce Accommodation' on Lots 3558 and 3561 Midlands Road, Mount Horner:**

1. **Notes that the land use 'Industry – General' as an 'X' use under the 'General Farming' zone which means that the use is not permitted by the Scheme.**

2. **Considers that the land use 'Workforce Accommodation' is consistent with the objectives of the 'General Farming' zone.**

3. **Considers that the application is consistent with the Shire's Local Planning Strategy.**

4. **Recommends the following conditions be place on the application should the WAPC approve the application:**

    a. **Prior to the submission of the relevant building permit application, a Construction Management Plan is to be submitted and approved by the WAPC, on advice from the Shire of Irwin, addressing but not limited to:**

        i. **hours of construction**
        ii. **site access and egress**
        iii. **construction traffic management**
        iv. **parking arrangements for staff and contractors**
        v. **deliveries and storage of construction materials and machinery**
        vi. **management of vibration, dust and erosion**
        vii. **management of construction noise and other site generated noise**
        viii. **construction waste management, recycling and removal**
        ix. **public communication and complaint handling**

        **This plan is to be adhered to at all times during the construction to the satisfaction of the WAPC.**

    b. **Satisfactory arrangements being made with the WAPC, on advice from the Shire of Irwin for the full cost of upgrading Strawberry North-East Road and construction of the unnamed road reserve in the locations as shown on the approved plans to a sealed standard. The upgrade and construction works are to be implemented in full prior to occupation of the development.**

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

i. **be installed to the approval of the Shire of Irwin prior to the commencement of the approved use**
ii. **be maintained thereafter to the satisfaction of the WAPC**
iii. **be made available for such use at all times and not used for any other purpose**
iv. **be properly formed to such levels that it can be used in accordance with the approved plans and use**
v. **be drained and sealed with an all-weather seal coat to the approval of the Shire of Irwin**
vi. **have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans**
vii. **be designed in accordance with AS2890**

**d. Prior to the commencement of any site works final landscaping plans and specifications shall be submitted to and approved by the WAPC, on advice from the Shire of Irwin. The approved landscaping plans are to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the WAPC.**

**e. Prior to the submission of the relevant building permit application, a Waste Management Plan is to be submitted and approved by the WAPC, on advice from the Shire of Irwin, addressing the location for disposal of waste.**

**f. Prior to the submission of the relevant building permit application, a Stormwater Management Plan is to be submitted and approved by the WAPC, on advice from the Shire of Irwin, addressing the detailed design of stormwater collection and system of disposal from the developed areas. The approved plan is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the WAPC, with all stormwater to be disposed of on-site to the approval of the Shire of Irwin.**

**g. Prior to the submission of the relevant building permit application, a Lighting Strategy detailing external illumination of the development which is designed to prevent any increase in light spill on the adjacent rural landscape is to be submitted to and approved by the WAPC on advice from the Shire of Irwin.**

**5. Requests the WAPC to investigate a new land use definition for these and similar types of green/resource industries rather than more generally defining them a 'Industry – General'.**

**VOTING DETAILS: CARRIED: 5/0**

**For: Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Summers**

**Against: Nil**

*Cr Gillam returned to the Chambers at 6.15pm.*

| INFRASTRUCTURE AND OPERATIONS | IO01-04/24 |
|---|---|
| **Subject:** | **IO01-04/24 RFT 01-2024 - Supply and Lay of Asphalt** |
| **Author:** | **Lynda Anderson, Procurement & Tenders Officer** |
| **Responsible Officer:** | **Mark Jones, Acting Manager Operations** |
| **File Reference:** | **4.00439** |
| **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:**
Accept Tender 01-2024- Supply and Lay of Asphalt.

**Background:**
The Shire of Irwin sought tender submissions from suitably qualified and experienced businesses and/or organisations for Supply and Lay of Asphalt.

The Shire of Irwin is replacing existing asphalt on Point Leander Drive, Port Denison. This Request For Tender (RFT) is seeking suitably experienced, resourced, and competent contractors for the Supply and Lay of Asphalt.

RFT 01-2024- Supply & Lay of Asphalt was released via Tenderlink portal on 31 January 2024 to 22 February 2024.

The request for tender closed at 2.00pm (AWST) Thursday 22 February 2024. Two employees undertook the opening of the Tender via Zoom.

Three (3) submissions were received at the close of tender. Of these, only one met the required compliance criteria and progressed to evaluation for assessment against the qualitative criteria.

An evaluation panel comprising of three voting members of staff individually assessed the tender submission. Evaluation Panel Members formally met on 08 April 2024, the Procurement & Tenders Officer facilitated the meeting. The consensus evaluation was a structured approach, ensuring that various factors, including the pricing was considered in the decision-making process to determine the sole submission as the most advantageous as recommended in the Evaluation Report provided in Confidential Attachment 1.

**Officer's Comment:**
The recommended sole submission from Respondent 1 ranked the highest in the qualitative criteria as set out in the Request for Tender (RFT) document. The submission from Respondent 1 also met the requirement for a *Localised Purchasing (Regional Price Preference)* detailed in section 4.2 of the Tenderers Response document provided as Attachment (RFT Documents - as issued) IO01-04/24 Attachment 1 RFT 01-2024- Supply and Lay of Asphalt – Request Documents.

Refer to the Evaluation Final Scores and Ranking as provided in Confidential Attachment (Evaluation Report) IO01-04/24 – RFT01-2024 Supply and Lay of Asphalt – Evaluation Report.

For further details regarding the compliance and qualitative criteria for all tenders submitted, refer to the attached Confidential Attachment (Evaluation Report) IO01-04/24 – RFT01-2024 Supply and Lay of Asphalt – Evaluation Report.

**Consultation:**
Nil

**Statutory Environment:**
s.3.57 of the Local Government Act 1995
Part 4 of the Local Government (Functions and General) Regulations 1996

**Policy Implications:**
CP 20 Purchasing
CP01 – Localised Purchasing (Regional Price Preference)

**Financial/Resource Implications:**
Subject to 2024/25 Budget approval before signing the Contract.

**Strategic Implications:**
Our Brilliant Future - Strategic Community Plan 2021 – 2031

**Attachments:**
*Attachment Booklet – April 2024*
IO01-04/24 Attachment 1: RFT 01-2024- Supply and Lay of Asphalt – Request Documents

*Confidential Attachment Booklet – April 2024*
IO01-04/24 Confidential Attachment 1: RFT 01-2024- Supply and Lay of Asphalt Evaluation Report

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **090424** |
|---|---|

**MOVED: Cr Scott** **SECONDED: Cr Summers**

**That Council by Absolute Majority,**

1. **Accepts the Tender for RFT 01-2024- Supply and Lay of Asphalt, received from Respondent 1 as named in the Evaluation Report recommendation detailed in the Confidential Attachment and identified as the most advantageous, to the fixed value of $913,047.28 (inc GST) as per schedule of rates.**

2. **Delegates authority to the Chief Executive Officer to negotiate minor variations to the contract for Tender 01-2024 - Supply and Lay of Asphalt before and / or after its execution in accordance with Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996.***

3. **Authorises the Chief Executive Officer to execute the contract for Tender 01-2024-Supply and Lay Asphalt and any optional extensions, in accordance with section 9.49A of the Local Government Act 1995.**

**VOTING DETAILS:** **CARRIED: 6/0**

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

**Against:** **Nil**

### 10.2 Committee Reports

Nil

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

## 13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

## 14. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

## 15. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

*The following matter at CEO 04-04/24 will be considered behind closed doors in accordance with Section 5.23(2) (a) and (c) of the Local Government Act 1995 as it relates to the personal affair of a person and a contract that may be entered into.*

*The Chief Executive Officer, Mr Shane Ivers declared a financial interest in this item and left the meeting at 6.18pm.*

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **100424** |
|---|---|
| **MOVED: Cr Wyse** | **SECONDED: Cr Gillam** |
| **That Council close the meeting to the public at 6.18pm in accordance with section 5.23(2) (a) and (c) of the *Local Government Act 1995.*** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** | **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** |
| **Against:** | **Nil** |

*Shire Staff and Members of the Gallery left the Chambers at 6.18pm.*
*The Minute Taker remained in the Chambers to record recommendations.*

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **110424** |
|---|---|
| **MOVED: Cr Wyse** | **SECONDED: Cr Summers** |
| **That Council open the meeting to the public at 6.21pm.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** | **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** |
| **Against:** | **Nil** |

*The Chief Executive Officer, Shire Staff and Members of the Gallery returned to the Chambers at 6.22pm.*

| **OFFICER RECOMMENDATION AND COUNCIL DECISION** | **120424** |
|---|---|
| **MOVED: Cr Wyse** | **SECONDED: Cr Summers** |
| **That Council adopt the recommendation made behind closed doors in relation to Item CEO04-04/24 CEO Contract Renewal.** | |
| **VOTING DETAILS:** | **CARRIED: 6/0** |
| **For:** **Cr Leonard, Cr Wyse, Cr Scott, Cr Tunbridge, Cr Gillam, Cr Summers** | |
| **Against:** **Nil** | |

## 16. CLOSURE

There being no further business the Shire President closed the meeting at 6.23pm.