SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA

and

Notice of Ordinary Council Meeting

to be held on

Tuesday - 27 August 2024

in the

Council Chambers
11-13 Waldeck Street, Dongara

6.00pm – Ordinary Council Meeting

AGENDA & BUSINESS PAPERS

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

Please be advised that with the adoption of Policy CP46 Agenda Forum Meetings on 23 April 2024, the Agenda Briefing will no longer be taking place.

Agenda Forums and Ordinary Council Meetings will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara.

DATES	
Agenda Forum - 5.00pm	**Ordinary Council Meeting – 6.00pm**
17 September	24 September
15 October	22 October
19 November	26 November
3 December	9 December (Monday)

Members of the public are most welcome to attend the Agenda Forums and Ordinary Council Meetings.

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 Agenda Forums, Council or Committee Meetings.

Shane Ivers
CHIEF EXECUTIVE OFFICER
23 August 2024



Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally, all meetings are open to the public. Occasionally Council will be required to deal with personal, 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.
4. **Public Question Time**: It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions, the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
    - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
    - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
    - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
    - Only questions can be addressed to Council, not statements.
    - A minimum of 15 minutes is allocated to Public Question Time. A member of the public has 2 minutes to submit a question.
    - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
    - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
    - The Presiding Member may decide that a question shall not be responded to where:
        - the same or similar question has been asked at a previous meeting and a response has already been provided;
        - a statement has been made and is not reformed into a question; or
        - a question is offensive or defamatory in nature and is not reformed into a question.
    - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next Ordinary Meeting of Council.
    - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request System.
    - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
    - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least seventy-two (72) hours prior to the Council meeting at which you wish them to be presented.
5. Agendas for Ordinary Meetings of Council are available to the public from the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au seventy-two (72) hours prior to the meeting.
6. Public Inspection of Unconfirmed Minutes will be available for public inspection at the Shire of Irwin Administration Centre or via the Shire's website www.irwin.wa.gov.au within ten (10) working days after the Meeting.

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AGENDA

of the

ORDINARY COUNCIL MEETING

to be held

27 August 2024

Commencing at 6.00pm

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	
Councillor J Melsom	

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	Manager Operations
Ms S Mearns	Executive Assistant

Guests

Apologies

Mr S Stubbs	Community Emergency Services Manager

Approved Leave of Absence

Gallery

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 Minutes of the Ordinary Council Meeting held 23 July 2024

The Minutes of the Ordinary Council Meeting held 23 July 2024 are included in the *Attachment Booklet – August 2024*.

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

8.2 Agenda Forum Notes 20 August 2024

At the Agenda Forum held 20 August 2024, Shire Officers presented background information and answered questions on Items to be considered at the August Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – August 2024*.

OFFICER RECOMMENDATION:
That Council notes that the Agenda Forum was held on 20 August 2024.

8.3 Minutes of the Special Council Meeting held 20 August 2024

The Minutes of the Special Council Meeting held 20 August 2024 are included in the *Attachment Booklet – August 2024*.

OFFICER RECOMMENDATION:
That Council confirms the Minutes of the Special Council Meeting held 20 August 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC02-08/24
Subject:	**CC 02-08/24 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 July 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of July 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 – August 2024
CC02-08/24 Attachment 1 Accounts for Payment – July 2024

OFFICER RECOMMENDATION:

That Council by Simple Majority, receives the Accounts paid during July 2024 as contained in CC02-08/24 Attachment 1 of the Attachment Booklet – August 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 32261 – 32389	**$484,934.40**
Muni Cheques – 32203 – 32207	**$59,371.88**
Direct Debit – Telstra	**$3,991.11**
Direct Debit – WA Treasury Corporation	**$148,373.81**
Direct Debit – N-Able Pty Ltd	**$1,016.06**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Rental Charges	**$4,600.00**
Direct Debit – Insurance Premium Repayments	**$92,109.36**
Direct Debit – Superannuation	**$78,378.40**
Grand Total	**$873,000.25**

CORPORATE AND COMMUNITY	CC03-08/24
Subject:	**CC 03-08/24 Monthly Financial Statements for the Period Ended 30 June 2024**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

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☐	**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 30 June 2024.

Background:
The Monthly Financial Statements to 30 June 2024 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

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

30/06/2024	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	10,894,941	11,102,441	2%
Operating Expenditure	(14,094,352)	(15,251,391)	8%
Net Operating	(3,199,411)	(4,148,950)	
Non-Operating Revenue	5,611,474	916,246	-84%
Non-Operating Expenditure	(8,347,895)	(3,346,518)	-60%
Net Non-Operating	(2,736,421)	(2,430,272)	

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 must be shown according to the nature classification.
(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -

(a) presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; and
(b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:
Nil

Financial/Resource Implications:
Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

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

Attachments:
Attachment Booklet – August 2024
CC03-08/24 Attachment 1: Financial Statements for the Period Ended 30 June 2024.

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024 as contained in Attachment Booklet – August 2024.

DEVELOPMENT SERVICES	ID01-08/24
Subject:	**ID 01-08/24 July 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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Report Purpose:
For Council to receive the July 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.

In addition, as of 1 July 2024, the determination of development applications for single houses or any development associated with a single house (excluding development associated with a heritage place), can now only be done by the CEO or authorised employees of the local government.

Officer's Comment:
This report presents the details of development functions made under delegated or authorised authority for the month of July 2024, with 6 building permits, 5 single house applications and 1 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 – August 2024
ID01-08/24 Attachment 1: July 2024 Development Delegated Authority Report

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the July 2024 Development Delegated Authority Report, as contained in ID01-08/24 Attachment 1 of the Attachment Booklet – August 2024.

REGULATORY SERVICES	ID02-08/24
Subject:	**ID 02-08/24 Draft Local Planning Strategy**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0346 and P24-30**
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 adopt the draft Local Planning Strategy and forward it to the Western Australian Planning Commission for certification to proceed to public advertising.

Background:
It is a statutory requirement under the *Planning and Development (Local Planning Schemes) Regulations 2015* that all local governments must prepare a local planning strategy.

The Shire's current local planning strategy was adopted in 2017 however the drive behind it was based on the 'WA boom time' of the early to mid-2000's, which is not reflective of the current development direction. With the development of the Shire's revised Strategic Community Plan 2021 – 2031, it was an opportune time for the Shire to concurrently re-evaluate and redevelop the local planning strategy to align its direction with the vision and objectives of the revised Strategic Community Plan.

The primary matters and changes in planning direction to consider since preparation of the former local planning strategy include:

- Population growth scenarios based on key major energy projects within the region;
- Introduction of a southern industry hub (Arrowsmith Resources Area) to facilitate the emerging green energy industry;
- Identification of key potential road connections to link new industry with urban areas and infrastructure;
- Light industry expansion to support emerging strategic green energy industry; and

- Consolidating growth and re-prioritising new housing areas through the introduction of an urban growth boundary centred around the townsites.

Officer's Comment:
As required by Regulation 11 of the *Planning and Development (Local Planning Schemes) Regulations 2015,* the purpose of the Local Planning Strategy (Strategy) is to:

- set out the long-term planning directions for the local government;
- apply any State or regional planning policy that is relevant to the Strategy and;
- provide the rationale for any zoning or classification of land under the local planning scheme.

The Strategy forms the strategic basis for the preparation and implementation of a new Local Planning Scheme No. 6, which has begun preparation. The Strategy comprises:

- Part 1 – Strategy; and
- Part 2 – Background Information and Analysis
- Supporting Information

The draft Strategy is contained in ID02-08/24 Attachment 1.

Part 1 – Strategy

Consistent with the State Planning Framework, planning issues of relevance to the Shire are presented under the following themes and cross referenced to the SCP's objectives:

- **Community, Urban Growth and Settlement** (A friendly, safe and inclusive community enjoying a high quality lifestyle)
- **Economy and Employment** (A prosperous and diverse economy)
- **Environment** (Custodianship of our natural and built environment)
- **Infrastructure** (Leading the community with engaged and progressive governance)

For each planning issue identified, planning directions and actions have been outlined. Planning directions are short statements that specify what is to be achieved or desired for the issue/opportunity. Each planning direction is supported by an action(s), that clear and concisely outline what is proposed and how it is to be undertaken, the rationale and the estimated timeframe for implementation.

Consistent with the principles of urban consolidation, the Strategy identifies planning areas for urban infill and land use intensification summarised as follows:

A – Strategic Industry, ensuring an adequate supply of appropriately zoned land to meet future industrial needs.

B – Arrowsmith Resources Area, facilitating an agile planning framework that supports the timely on-boarding of emerging energy industries including renewables.

C – Dongara-Geraldton-Northampton Highway, planning for a future road freight corridor between Dongara, Geraldton and Northampton that is safer, more efficient and enables future growth within the Mid West region and beyond.

D – Indian Ocean Drive Extension, planning for a future regional road connection into Dongara-Port Denison.

E – Bulky Goods Showroom ensuring an adequate supply of appropriately zoned land to meet future commercial needs.

F – Dongara Irwin Racecourse, ensuring an adequate supply of appropriately zoned land to meet future housing needs.

G – Dongara Town Oval, ensuring an adequate supply of appropriately zoned land to meet future commercial needs.

H – Urban Expansion, reflecting the long-term planning intention to urbanise land.

Part 2 – Background Information and Analysis

The purpose of Part 2 is to provide the rationale and evidence base for Part 1. It provides the relevant background information and analysis which supports the planning directions and actions outlined within Part 1 of the Strategy. This part provides a summary of the relevant State, regional and local planning contexts and their implications for the Strategy. A local government profile is also included that provides a presentation and analysis of information relating to the demographic profile of the Shire and the key planning issues and opportunities influencing future development and land use of the Shire.

Supporting Information

- *Shire of Irwin Land Demand (AEC) 2023*
  This analysis developed employment and land demand estimates for the region, with a range of outcomes which could potentially occur within the region under various population (or employment) scenarios. Findings are referenced in Part 2 of the Strategy with a view to informing planning directions and actions as outlined in Part 1.

- *Engagement Outcomes Summary 2024*
  This report presents a summary of the engagement outcomes form all engagement activities including online, face-to-face and stakeholder engagement. The key findings from this report leads into the issues, opportunities and strategies of the Strategy.

- *Strategy Blueprint 2024*
  This document provides a summary of the spatial outcomes of stakeholder engagement, including Councillor and industry body workshops and how they have been addressed in the Strategy.

Consultation:
A substantial amount of community and stakeholder engagement has been undertaken to date including the following:

Visioning Day Drop in Session
Alongside the Strategic Community Plan Visioning Day Drop In Session, the consultant hosted a booth, which allowed for the first introduction of the project to the general community. The Visioning Day was held on 4 March 2021 with two sessions: 10am – 2pm and 4pm – 8pm and attracted over 100 members of the Shire's community. The session collected general information from the community at a high level, given it was the first touch point with the community and also raised project awareness.

Community Survey
The main point of data collection for the engagement process was through a community survey. This was carried out in hard copy form as well as through an online survey, hosted on the Shire's website and promoted on the Shire's Facebook page. The survey ran for one month, going live from 4 March 2021 at the Vision Day Drop In Session and closing on 4 April 2021. 127 respondents were reached through the online survey and 19 respondents were reached through hard copy surveys, totalling 146 respondents altogether.

Stakeholder Meetings
A variety of stakeholders provided input over the engagement period of the project. The meetings allowed for technical and strategic advice to inform the draft Strategy. Key stakeholders included:

- Shire of Irwin Elected Member and Staff workshops
- Mid West Development Commission
- Department of Water and Environment Regulation
- Department of Planning, Lands and Heritage
- Main Roads Western Australia
- Industry leaders (energy organisations)

Community Drop in Session
The last point of engagement was the presentation of the draft key planning directions at a second community drop in session held on 11 May 2023. The purpose of the session was to seek feedback from the community before finalising the draft Strategy.

Councillor Workshop
A preliminary draft Strategy was presented to Councillors on 11 June 2024. At this workshop the draft Strategy was validated, and minor amendments have been now incorporated into the final draft Strategy.

Given the above extensive engagement/consultation to date, it is proposed that the Strategy be publicly advertised for the minimum period of 21 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* in the following ways:

- A notice being published in the Mid West Times and the Dongara Denison Local Rag;
- A copy of the Strategy being made available for public inspection at the Shire office and the Dongara public library;
- The Strategy being published on the Shire's website along with an alert on the Shire's Facebook page; and
- A written notice being sent to each public authority likely to be affected by the Strategy including neighbouring local governments.

Statutory Environment:
Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the statutory requirements for the preparation of a new local planning strategy as follows:

Part 3 – Local planning strategies

11. Requirement for local planning strategy for local planning scheme

(1) A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.

(2) A local planning strategy must –

(aa) be prepared in a manner and form approved by the Commission; and

(a) set out the long-term planning directions for the local government; and

(b) apply any State or regional planning policy that is relevant to the strategy; and

(c) provide the rationale for any zoning or classification of land under the local planning scheme.

12. Certification of draft local planning strategy

(1) Before advertising a draft local planning strategy under regulation 13 the local government must provide a copy of the strategy to the Commission.

(2) On receipt of a copy of a draft local planning strategy the Commission must, as soon as reasonably practicable, assess the strategy for compliance with regulation 11(2).

(3) If the Commission is not satisfied that a draft local planning strategy complies with regulation 11(2) the Commission may, by notice in writing, require the local government to –

(a) modify the draft strategy; and

(b) provide a copy of the draft strategy as modified to the Commission for assessment under subregulation (2).

(4) If the Commission is satisfied that a draft local planning strategy complies with regulation 11(2) it must certify the strategy accordingly and provide a copy of the certification to the local government for the purpose of proceeding to advertise the strategy.

13. Advertising and notifying local planning strategy

(1) A local government must, as soon as reasonably practicable after being provided with certification that a local planning strategy complies with regulation 11(2), advertise the strategy as follows –

(a) publish in accordance with regulation 76A the strategy and a notice giving details of –

(i) how the strategy is made available to the public in accordance with regulation 76A; and

(ii) the manner and form in which submissions may be made; and

(iii) the period under subregulation (2) for making submissions and the last day of that period;

(c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy;

(2) The period for making submissions on a local planning strategy is –

(a) the period of 21 days after the date on which the notice of the strategy is first published under subregulation (1)(a); or

(b) a longer period approved by the Commission.

14. Consideration of submissions

(1) After the expiry of the period within which submissions may be made in relation to a local planning strategy, the local government must review the strategy having regard to any submissions made.

(2) The local government may –

(a) support the local planning strategy without modification;
or

(b) support the local planning strategy with proposed modifications to address issues raised in the submissions.

(3) After the completion of the review of the local planning strategy the local government must submit to the Commission –

(a) a copy of the advertised local planning strategy; and

(b) a schedule of the submissions received; and

(c) particulars of any modifications to the advertised local planning strategy proposed by the local government.

15. Endorsement by Commission

(1) Within 60 days of the receipt of the documents referred to in regulation 14(3) the Commission may –

(a) endorse the strategy without modification; or

(b) endorse the strategy with some or all of the modifications proposed by the local government; or

(c) require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or

(d) refuse to endorse the strategy.

Policy Implications:
The Strategy advocates for all current local planning polices to be reviewed as part of the preparation of the new local planning scheme.

Financial/Resource Implications:
The preparation of the Strategy has been undertaken by a consultant with expenditure having been incurred as follows (ex GST):

- 2020/21 $60,324.54
- 2021/22 $29,348.20
- 2022/23 $45,172.63
- 2023/24 $31,237.50

All the above expenditure is within the budget allocations. Further expenditure is only envisaged should there be any modifications required to the Strategy pre and post public advertising.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 3.1.4 Prepare cutting edge land use strategies to guide future development

Attachments:
Attachment Booklet – August 2024
ID02-08/24 Attachment 1: Draft Local Planning Strategy

OFFICER RECOMMENDATION:

That Council, by Simple Majority:

1. **Forward the Draft Shire of Irwin Local Planning Strategy as contained in ID02-08/24 Attachment 1 to the Western Australian Planning Commission for its certification to proceed to advertising;**

2. **Authorise the Chief Executive Officer to modify the draft Local Planning Strategy if required by the Western Australian Planning Commission; and**

3. **Upon certification from the Western Australian Planning Commission, advertise the draft Local Planning Strategy.**

DEVELOPMENT SERVICES	ID03-08/24
Subject:	**ID 03-08/24 Proposed Road Closure – Portion of Church Street, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P24-16**
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 request the Minister for Lands to approve the closure and subsequent amalgamation of a portion of Church Street, Dongara that abuts the Seaspray Beach Holiday Park.

Background:
A number of years back the Shire was approached by the lessee of the Seaspray Beach Holiday Park querying further expansion options for the caravan park outside of the current reserve boundaries.

At present the caravan park is located on Reserve 25412 which is vested in the Shire for the purpose of *"Caravan Park"*. The Shire has been granted care, control and management of the site under a Management Order with the power to lease for any term not exceeding 50 years, subject to the consent of the Minister for Lands. It is proposed to expand the caravan park to the south into a portion of Reserve 38046 which is also vested in the Shire for the purpose of *"Recreation and Foreshore Management"*.

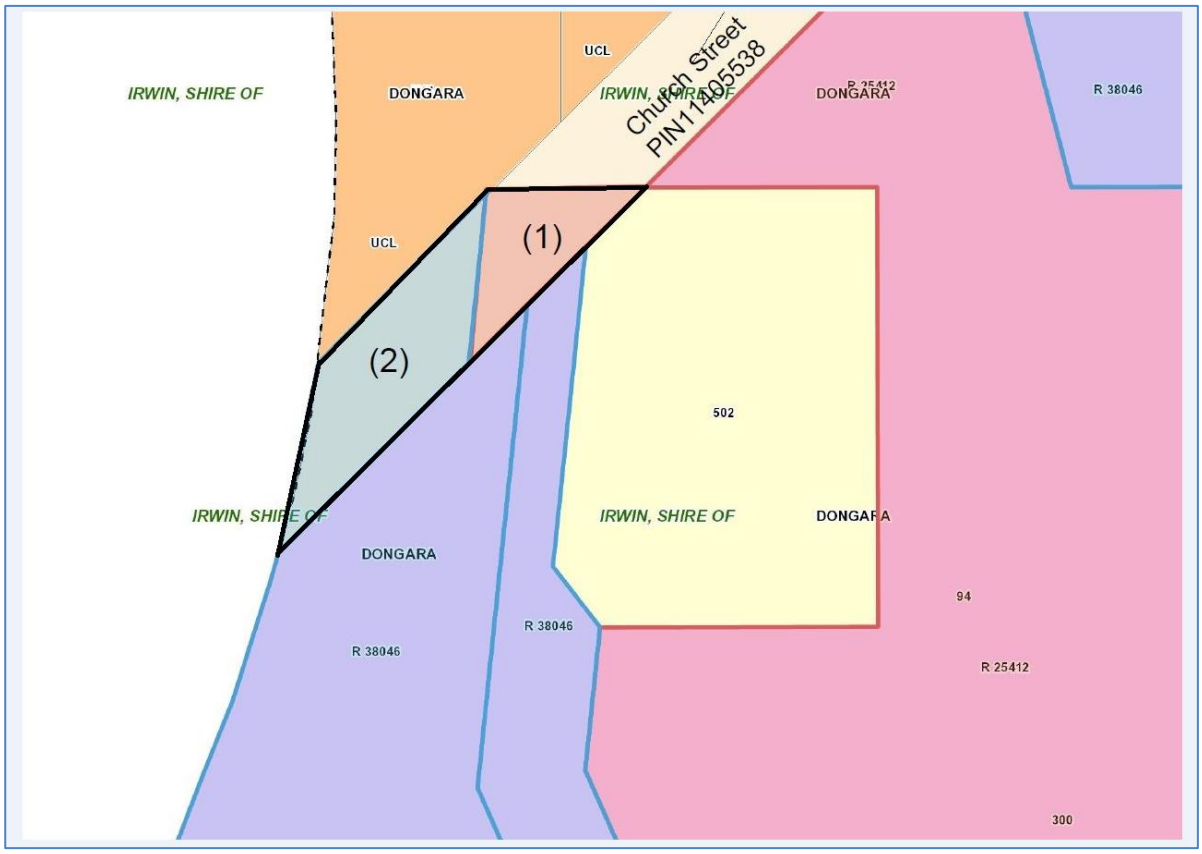
As part of the expansion project, it is also proposed to close the western 'end' of Church Street where it extends into the caravan park and foreshore area.

Council at its meeting held on 22 February 2022 resolved to initiate the road closure and subsequent Reserve amendments.

A copy of the proposed road closure plans is contained in ID03-08/24 Attachment 1.

Location Plan





Officer's Comment:
The expansion of caravan park has effectively been in progress for several years. During this time a local development plan and foreshore management plan has been adopted, the lessee has progressed the extension and connection of sewer to the caravan park and a new 50 year lease has been finalised.

The proposed closure will facilitate the future expansion plans (which will be subject to a separate approval process) and is consistent with the requirements of orderly and proper planning.

Consultation:
The closure was advertised in accordance with the provisions of the *Land Administration Act 1997* and involved the following:

- A notice was published in the Midwest Times and the Dongara Denison Local Rag;
- A copy of the closure was made available for public inspection at the Shire office;
- The closure was published on the Shire's website;
- A written notice was sent to abutting landowners on Brady Road; and
- A written notice was sent to the following Government/Service Agencies:
    - Department of Planning, Lands and Heritage
    - Department of Water and Environmental Regulation
    - ATCO
    - Telstra
    - Water Corporation
    - Western Power
    - Yamatji Southern Regional Corporation

In response to the advertising a total of 5 submissions were received (all from government/service agencies) with no objections raised.

Statutory Environment:
Section 58 of the *Land Administration Act 1997* enables a local government to request the Minister for Lands to permanently close a public road. Regulation 9 of the *Land Administration Regulations 1998* details the information that must accompany such a request.

Policy Implications:
Nil.

Financial/Resource Implications:
Nil, the applicant will be responsible for the payment of all costs associated with the closure and amalgamation process.

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

Attachments:
Attachment Booklet – August 2024
ID03-08/24 Attachment 1: Proposed Road Closure Plans

OFFICER RECOMMENDATION:
That Council, by Simple Majority request the Minister for Lands to approve the closure and amalgamation of a portion of Church Street, Dongara as shown on the proposed road closure plans Drawing No's. 24232LR01-01 and 24232LR01-02 as contained in ID03-08/24 Attachment 1.

REGULATORY SERVICES	ID04-08/24
Subject:	**ID 04-08/24 Application for Traders Permit – 'Miss Springfield'**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00325/96**
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 determine an application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison.

This report recommends refusal of the application.

Background:
The Shire has received an application for the renewal of a traders permit for the mobile coffee van operating as 'Miss Springfield'. As part of the renewal application approval is sought to trade on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison. The site is owned in freehold by the Shire of Irwin.

As a brief background an initial traders permit was issued on 21 December 2022 with an expiry date of 1 December 2023. This permit included a map showing the approved trading locations (including the Port Denison Foreshore and an Irwin River location west of Point Leander Drive). The traders permit was renewed on 6 March 2023 and is due for renewal on 1 December 2024.

The applicant has been inadvertently trading 1 day per week (Wednesday's) from a location adjacent to the Irwin River on the east side of Point Leander Drive. Concerns have previously been raised by Council regarding this location and the applicant is now formally seeking approval to trade in this location.

In support of the application the applicant has stated:

> *The reason behind choosing the river location adjacent to Russ Cottage is to utilise an area that is pristine yet completely unutilised. I have customers who come to the van every*

Wednesday and can't say enough good things about being able to enjoy a coffee overlooking our untouched Irwin River. They truly do find it to be a wonderful experience.

Bruce Baskerville has been kind enough to allow Miss Springfield customers to make use of the Russ Cottage toilet in return of me cleaning it once a week. The fairy garden location has no access to toilet facilities and crossing the busy road to Russ Cottage would create a potential safety issue for families with young children who frequent the van on a weekly basis.

The site is south of the Dongara town centre adjacent to the Irwin River. It has undefined vehicle access from St. Dominics Road and vegetation typical of a river foreshore environment. An aerial site plan is contained in ID04-08/24 Attachment 1.

Location Plan



Officer's Comment:
In considering an application for a permit, cl. 6.5 of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* requires the local government to have regard to the following matters.

(a) Any relevant policies of the local government

There are no policies relevant to this application.

(b) The desirability of the proposed activity

The activity involves the trade of general refreshments (most commonly tea and coffee) and a small amount of snack foods (such as muffins, doughnuts and toasted sandwiches). This type of mobile coffee van trading is common in most local governments and adds to the existing food/beverage offerings in the Shire.

(c) The location of the proposed activity

The location proposed is not compliant with cl. 6.8(2)(a) of the local law which states:

> *(2) A stallholder or trader shall not –*
> *(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader.*

The location is only 220 from the 'Poppys at the Park' café located to the north on Point Leander Drive. The local law is silent on the methodology of calculation the distance, so the measurement has been taken from the front entrance of the café and in a direct ('as the crow flies') line.

Portions of the site become seasonally inundated making it less than ideal for both vehicles and pedestrians alike.

(d) The principles set out in the Competition Principles Agreement

The guiding principle in this Agreement is that legislation (including local laws) should not restrict competition unless it can be demonstrated that:

(a) the benefits of the restriction to the community as a whole outweigh the costs; and
(b) the objectives of the legislation can only be achieved by restricting competition.

Refusing an application simply because of a perceived increase in competition to other businesses would be contrary to the Agreement.

(e) Such other matters as the local government may consider to be relevant in the circumstances of the case

The long-term development of the Irwin River foreshore area is documented in the Irwin River Walking Trail Masterplan. This plan sets out principles for development and amenity upgrades.

The site is located in the 'East' precinct on the 'Southern Shore' where the key strategy for the site is to incorporate Water Sensitive Urban Design landscape adjacent to the road.

Another relevant matter is the location on the western side of Point Leander Drive which has been granted approval. This site conforms to the 300m local law trading restriction. It is

located in the 'Old Port Trail' precinct which starts at the parkland near the bridge which is the most visible 'gateway' to the trails.

This site is considered more suitable for trading given the future intent is to define parking bays and create low-key nature play, seating, and signage at the trail head near the bridge.

An extract from the Masterplan is contained in ID04-08/24 Attachment 2.

Consultation:
The application was anecdotally discussed with the proprietors of the 'Poppys at the Park' café. They expressed concerns about traders being permitted to operate less than 300m from the café.

Statutory Environment:
The *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* governs trading in thoroughfares and public places. In accordance with cl. 7.2(1) the local government may approve an application for a permit unconditionally or subject to any conditions or refuse to approve an application for a permit.

Policy Implications:
Nil.

Financial/Resource Implications:
Nil, however costs may be imposed on the Shire should the applicant review Council's decision through the State Administrative Tribunal.

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

Attachments:
Attachment Booklet – August 2024
ID04-08/24 Attachment 1: Aerial Site Plan
ID04-08/24 Attachment 2: Irwin River Walking Trail Masterplan (extract)

OFFICER RECOMMENDATION:

That Council, by Simple Majority refuse the application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison for the following reasons:

1. **The location of the site is not compliant with cl. 6.8(2)(a) of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.**

2. **The applicant has an alternative site on the opposite side of the Point Leander Drive bridge that is considered more suitable for the proposed activity.**

INFRASTRUCTURE AND OPERATIONS	IO01-08/24
Subject:	**IO 01-08/24 WALGA invitation to register as a RoadWise Council**
Author:	**M Jones, Manager Operations**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0723**
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:
Council is requested to consider the invitation from WALGA to register as a RoadWise Council, this will demonstrate leadership towards initiatives and actions to improve road safety outcomes for our community.

Background:
Correspondence has been received from WALGA inviting the Shire of Irwin to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting Local Governments in working towards delivering best practice road safety. The Framework takes into account the elements which determine the level of safety of the road transport system within the context of Local Governments.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,

- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

The Roadwise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions.

RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

Local Governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

Officer's Comment:
Officers believe that it would be beneficial for Council to accept the invitation from WALGA to register as a RoadWise Council.

The Shire has significantly improved the safety of the road network over many years, and being a RoadWise Council would enable the Shire to benchmark its efforts and identify opportunities to further improve road safety.

Other benefits of being a RoadWise Council is that it would support officer professional development and in turn support Councils ongoing commitment to road safety with-in the Shire.

Consultation:
Some initiatives or outcomes may require community consultation which will occur when and if required.

Statutory Environment:
Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them[1].

Policy Implications:
This decision may need to be reflected in the implementation of existing or new council policies.

Financial/Resource Implications:
There are no budget implications to register as a RoadWise Council.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

Attachments:
Nil

OFFICER RECOMMENDATION:
That Council by Simple Majority, support the invitation by WALGA to register as a RoadWise Council.

[1] Austroads (2021). Guide to Road Safety Part 1: Introduction and the Safe System. https://austroads.com.au/publications/roadsafety/agrs01

OFFICE OF CEO	**CEO01-08/24**
Subject:	**CEO01-08/24 Community Assistance Scheme & Events Committee Representative**
Author:	**S Mearns, Executive Assistant**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0230**
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:
The purpose of this report is to seek Council approval to appoint a Council delegate to the Community Assistance Scheme & Events Committee (CASE Committee) for a two (2) year term.

Background:
At the Ordinary Council Meeting held on 24 October 2023, Ms Hayley Palmer was elected as a representative on the Community Assistance Scheme & Events Committee. Ms Palmer then resigned as an Elected Member in January 2024. This has left the CASE Committee with only the one (1) Elected Member (Voting member).

The Membership of the Community Assistance Scheme & Events Committee (CASE) consists of:

- *Voting Members*
  Cr Tunbridge
  Cr _____
  Community Member
  Community Member
- *Non-voting Members*
  Manager Community Services
  Community Development Officer

The purpose of the Community Assistance Scheme and Events Committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary

guidelines which are approved annually by Council. The Committee assesses applications received against the selection criteria before being submitted to Council for deliberation.

The Community Assistant Scheme & events Committee meet no less than twice per financial year or as required.

There is a requirement for Council to appoint representatives to each Council Committee. These appointed representatives are then formally appointed under section 5.10 of the *Local Government Act 1995*.

As there is now a full contingent of Elected Members of Council following the Extraordinary Election held in July 2024, nominations will be sought for a second Voting Member of the Community Assistance Scheme & Events Committee.

Officer's Comment:
Councillors have been provided an opportunity to consider these appointments and have been asked to forward any expressions of interest prior to the meeting.

The designated responsible officers have been named to clarify the current representation, however, Councillor appointments have been left blank for Council to consider at this meeting.

Consultation:
All Councillors were invited to submit an expression of interest via email prior to the meeting.

Statutory Environment:
Local Government Act 1995

- *Section 5.9*
- *Section 5.10*
- *Section 5.11*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.1.2 Utilise contemporary communication strategies and tools to enhance public participation
Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

Attachments:
Nil

OFFICER RECOMMENDATION:
That Council, by Absolute Majority, appoints Cr _____ as the second Community Assistance Scheme & Events Committee (CASE) delegate for a two (2) year term.

10.2 Committee Reports

10.2.1 Bush Fire Advisory Committee (BFAC) Meeting

The Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held Monday 8 July 2024 have been provided as Attachment 10.2.1 in Attachment Booklet – August 2024.

OFFICER RECOMMENDATION:
That Council receives the Minutes of the Bush Fire Advisory Committee Meeting held Monday 8 July 2024.

10.2.2 Work Health and Safety Committee Meeting

The Minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 7 August 2024 have been provided as Attachment 10.2.2 in Attachment Booklet – August 2024.

OFFICER RECOMMENDATION:
That Council receives the minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 7 August 2024.

10.2.3 Local Emergency Management Committee (LEMC) Meeting

The Minutes of the Shire of Irwin Local Emergency Management Committee meeting held 6 August 2024 have as Attachment 10.2.3 in Attachment Booklet – August 2024.

OFFICER RECOMMENDATION:
That Council receives the minutes of the Shire of Irwin Local Emergency Management Committee Meeting held 6 August 2024.

10.2.4 Community Assistance Scheme & Events (CASE) Committee

The Minutes of the CASE Committee Meeting held 9 August 2024 have been provided to all Councillors as Attachment 10.2.4 in Attachment Booklet – August 2024.

OFFICER RECOMMENDATION:
That Council receives the 'flying' Minutes of the Community Assistance Scheme & Events Committee Meeting held 9 August 2024.

Resultant from the CASE Committee Meeting held 9 August 2024, the following recommendation is presented to Council for approval.

COMMITTEE RECOMMENDATION TO COUNCIL		
That Council approves the following funding allocation from the Community Assistance Scheme from the 2024/2025 financial year budget.		
ORGANISATION	**PROJECT DESCRIPTION**	**GRANT**
Irwin District Historical Society	Towards costs relating to the 2024 State History Conference being hosted in Dongara by the Irwin District Historical Society in September 2024	**$3,400**

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

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

14.1 CEO02-08/24

The matter at CEO02-08/24 is to be considered behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it relates to a matter affecting an employee to be discussed at the meeting.

15. CLOSURE