SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA FORUM

to be held on

Tuesday, 19 November 2024

at

5.00pm

in the

Council Chambers
11-13 Waldeck Street, Dongara

Agenda Forum Information

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

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AGENDA (Draft)

of the

ORDINARY COUNCIL MEETING

to be held

26 November 2024

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 E Tunbridge	
Councillor P Summers	
Councillor A J Gillam	

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
Mr S Stubbs	Community Emergency Services Manager
Ms S Mearns	Executive Assistant

Guests

Apologies

Approved Leave of Absence
Councillor J Melsom

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 22 October 2024

The Minutes of the Ordinary Council Meeting held 22 October 2024 are included in the *Attachment Booklet – November 2024*.

OFFICER RECOMMENDATION:
That Council confirms the Minutes of the Ordinary Council Meeting held 22 October 2024.

8.2 Agenda Forum Notes 19 November 2024

At the Agenda Forum held 19 November 2024, Shire Officers presented background information and answered questions on Items to be considered at the October Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – November 2024*.

OFFICER RECOMMENDATION:
That Council confirms that the Agenda Forum was held on 19 November 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC01-11/24
Subject:	**CC 01-11/24 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 October 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of October 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 – November 2024
CC01-11/24 Attachment 1: Accounts for Payment – October 2024

OFFICER RECOMMENDATION:

That Council, by Simple Majority, receives the Accounts paid during October 2024 as contained in CC01-11/24 Attachment 1 of the Attachment Booklet – November 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 32623 – 32772	**$548,075.32**
Muni Cheques – 32215 – 32215	**$200.00**
Direct Debit – Telstra	**$3,675.37**
Direct Debit – WA Treasury Corporation	**$137,512.51**
Direct Debit – Credit Card	**$25,788.16**
Direct Debit – N-Able Pty Ltd	**$1,016.06**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Telair Pty Ltd	**$2,562.41**
Direct Debit – Rental Charges	**$6,900.00**
Direct Debit – Insurance Premium Repayments	**$45,929.68**
Direct Debit – Bonds Administrator	**$2,300.00**
Direct Debit – Superannuation	**$54,059.84**
Grand Total	**$828,244.58**

CORPORATE AND COMMUNITY	CC02-11/24
Subject:	**CC 02-11/24 Monthly Financial Statements for the Period Ended 31 August 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 2024 to 30 September 2024.

Background:
The Monthly Financial Statements to 30 September 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 September 2024 is detailed in the attached report and summarised as per below:

30/09/2024	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	8,496,599	8,602,523	1%
Operating Expenditure	(3,326,241)	(2,112,809)	-36%
Net Operating	5,170,358	6,489,714	
Non-Operating Revenue	52,970	52,970	0%
Non-Operating Expenditure	(495,972)	(367,091)	-26%
Net Non-Operating	(443,002)	(314,121)	
Cash at Bank		3,881,606	
Cash at Bank Restricted		622,212	
Reserve Bank		1,311,692	
Total Cash Funds		5,815,510	

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 – November 2024
CC02-11/24 Attachment 1: Financial Statements for the Period Ended 30 September 2024.

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

CORPORATE AND COMMUNITY	CC03-11/24
Subject:	**CC 03-11/24 Budget Amendments 30 November 2024**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00057**
Voting Requirements:	**Absolute Majority**

Council Role:

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

Report Purpose:
For Council to approve amendments to the 2024/25 budget for November 2024.

Background:
During the financial year, when circumstances change it is good management practice to amend the budget accordingly, allowing officers to divert funds to meet organisational needs. Budget amendments are undertaken to comply with statutory requirements, ensuring that any changes to the adopted budget are communicated to, and approved by, Council.

Typical examples of budget amendments comprise:
- Transfer of budgeted funds from operating expenditure to capital expenditure.
- Expenditure budget changes across Nature categories
- New expenditure
- Change in the capital expenditure type / project.
- Variation in the capital expenditure amount
- Deferment of projects to future financial year/s
- Capital Carry Forward amounts

Officer's Comment
Granny's Beach
The seawall at Granny's Beach, Port Denison, has sustained damage from winter storms. This wall has a history of failure, having been compromised multiple times by storm events. The first section, approximately 17 meters long, curves between the two staircases and was rebuilt after a storm in 2018. The second section, around 25 meters in length, includes the second staircase, which has

recently been damaged by storms. The third section was damaged in 2020 and reconstructed in 2021.

Structural engineers were engaged to evaluate the current condition of the Granny's Beach seawall. The second section of the wall was found to be unstable and at risk of collapsing. It is recommended that the failed second staircase and approximately 25 meters of the wall be removed, followed by renourishing the area with dune sand. The Shire of Irwin is currently applying for grants to address these issues at Granny's Beach, as part of an upgrade outlined in the Foreshore Master Plan. In addition to the engineers' recommendations, it is also proposed to install a removable access ramp. This solution, which includes both the ramp installation and renourishment, offers a cost-effective and temporary means to provide the community with access to the beach during the summer season, ensuring safe and inclusive access for all visitors.

Seeking approval for transferring $15,200 (excluding GST) from the operating budget to the capital budget to construct an access ramp for Granny's Beach, which was not included in the 2024/25 Annual Budget

Unspent Loan Funds – Golf Club Self Supporting Loan
In 2023-24, the Shire borrowed $100,000 from the Western Australian Treasury Corporation on behalf of the Golf Club, to fund the acquisition of a loan mower. Of this, $20,000 remained unspent as at the end of June 2024.

The unspent self supporting loan funds were first communicated to Council at the Councillor Discussion Session held on 17 September 2024. At the Discussion Session, Council supported the idea of utilising the unspent loan funds for the Skate Park Barbeque which is partly being funded by MEEDAC (Midwest Aboriginal Employment and Economic Development) who are contributing $8,000 to upgrades. In addition, a need to repair the Golf Club entrance and car park has emerged.

As such, it is recomemnded that Council repuprose the unspent loan funds as follows:
- $14,000 - contibution to the Skate Park Barbeque
- $6,000 - Golf club entrace and car park repairs.

The Youth Advisory Trust
Funds are held in the trust for youth welfare related expenses. The present balance in the Youth Advisory Trust is $7,734.88. There are currently community fundraising activities taking place to install a barbeque and picnic table at the Youth Skate Precinct. The installation could include a shelter for the barbeque and ablution facilities if sufficient funds are raised either by the community or via grants. It is recommended that the Shire contribute the amount of $7,734.88 from the Youth Advisory Trust to support this initiative.

It is proposed that the 2024/25 Budget will be adjusted in accordance with section 6.8(1) of *the Local Government Act 1995* to accommodate the requirements listed above and as detailed in the attachment.

Fleet
In the 2024/25 budget, Council approved budget to replace the Doctor's vehicle. However, there is a 12-month delay supplying the equivalent vehicle make and model, an estimated price increase of $20,000 for the new make and model plus the trade-in value is lower than expected due to the high kilometres travelled. It is proposed to capture the delayed delivery of this vehicle in the 2025/26 Budget together with the updated change over value.

Given the Chief Executives Officer's vehicle is also due to renewal and its trade-in value is currently higher than expected, it is instead proposed to reallocate these funds to replace this vehicle with a Landcruiser before there are any more price increases and given the price difference between the current vehicle make and model is approximately 10%. Additionally, the Landcruiser is proven to produce one of the strongest returns when traded, which will deliver future additional revenue to the Shire.

Consultation:
Nil

Statutory Environment
According to s6.8(1) of the *Local Government Act 1995:*

(1) a local government is not to incur expenditure from municipal for an additional purpose except where the expenditure:
(a) is incurred in a financial year before the adoption of the annual budget by the local government.
(b) is authorised in advance by Council resolution – absolute majority required.
(c) is authorised in advance by the Mayor or President in an emergency.

According to s6.20 of the *Local Government Act 1995,* the power to borrow:

(3) Where a local government has exercised a power to borrow and -
(a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
(b) in such other circumstances as are prescribed.
the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

(4) A local government is not required to give local public notice under subsection (3)-
(a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or;
(b) in such other circumstances as are prescribed.

(5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

As the Shire has disclosed the change of purpose in the 2023/24 Annual Financial Report, no public notice is required.

Policy Implications:
CP01 Localised Purchasing
C20 Purchasing Policy

Financial/Resource Implications:
Funds are proposed to be captured in the 2024/25 Budget review whilst maintaining the original budget surplus.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.3 - Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.
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 – November 2024
CC03-11/24 Attachment 1: Structural Inspection and Report

OFFICER RECOMMENDATION:

That Council by Absolute Majority, approves in accordance with *section 6.8(1) of the Local Government Act 1995:*

1. **Expenditure of funds to the value of $15,200 excluding GST from the Operating budget to Capital works to construct an access ramp for Granny's Beach.**

2. **$14,000 of the unspent Golf Club Self Supporting loan funds to be allocated to the Skate Park Barbeque.**

3. **$6,000 of the unspent Golf Club Self Supporting loan funds to be allocated to the Golf Club entrance and car park repairs.**

4. **Transferring the balance in the Youth Advisory Trust of $7,734.88 to the Youth Skate Precinct to support the installation of a barbeque and picnic table.**

5. **Excluding GST, reallocates $18,086 from Account 4975 for the Doctor's vehicle to renew the Chief Executive Officers vehicle plus allow a variance on the purchase price of an estimated 10% to accommodate recent price increases.**

CORPORATE AND COMMUNITY	CC05-11/24
Subject:	**CC 04-11/24 Owl Friendly Shire Practices**
Author:	**F Boksmati, A/Manager Community Services**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00050**
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 endorse the Owl Friendly Shire principles and practices and encourage the community to support through the use of first generation rodenticides as opposed to second generation rodenticides.

Background:
Second Generation Anti-Coagulant Rodenticides (SGARs) represent the bulk of products available for use without restriction at supermarkets and hardware stores to manage rodent issues for homes, businesses and agriculture. Many people are not aware of the danger they pose to our wildlife and pets, even when used in accordance with packaging information. World-wide SGARs have been found to debilitate and kill a wide range of wildlife from access to the baits and in 'secondary poisoning' of wildlife that eat live and dead rodents and other wildlife that have eaten bait. These 'one-dose-kills' poisons take months to metabolise in baited animals and in animals that ingest the poison through secondary pathways. Animals that eat these 'one-dose-kills' baits still take days to die, in which time they can eat multiple doses and expose diurnal as well as nocturnal predators and scavengers to poison.

Wildlife at risk from SGARs include all marsupials and birds attracted to grain-based baits and all diurnal and nocturnal marsupials and birds that feed on dead and dying animals that have accessed the bait. Nocturnal birds at risk through direct and non-direct ingestion include the Masked and Barn Owls, Boobook and Tawny Frogmouth.

The active ingredients in first-generation anticoagulant rodenticides (FGARs) are blood-thinners such as warfarin and coumatetralyl that require multiple doses to be lethal since they readily metabolise. This means that live and dead rodents and other animals that ingest the poison contain very low residues. Use of such baits significantly decreases the risk of secondary poisoning of wildlife

and pets, while greatly increasing the likelihood of recovery when treated. There is no evidence that rodents anywhere in Australia have evolved resistance to FGARs, and even in countries where this is the case such as Britain, Canada and the USA, governments are acting on scientific evidence of widespread impacts on wildlife to severely restrict or ban use of SGARs.

Officer's Comment:
It is recommended to support "Owl Friendly" principles and practices within the Shire's areas of responsibility and influence. This includes the Shire and its contractors using the appropriate rodenticide treatments for protecting its assets plus educating its community and encourage local businesses to do the same.

There are no real adverse economic impacts, and the initiative is anticipated to be one that the community will passionately support as it reduces one of the vectors responsible for wildlife demise and contributes to the protection of our native wildlife. There are also minimal operational risks associated with this recommendation.

Consultation:
The Just Raptor's group are currently delivering community education campaigns to Local Governments across the Mid West. This campaign has included a presentation to the June 2024 Northern Country Zone Western Australia Local Government Association, attended by Midwest Shire Presidents and Chief Executive Officers. A follow up presentation was presented at the Shire of Irwin Ordinary Council Meeting held Tuesday 17th September with Councillors provided detailed brochures and information on other participating 'Owl Friendly' Local Governments supporting the program initiative.

Just Raptors and Bird life Australia, one of Australia's peak conservation bodies, has developed awareness resources to help support community groups and local governments adopt the Owl Friendly practices within their own areas of influence.

Statutory Environment:
Nil

Policy Implications:
Nil

Financial/Resource Implications:
Nil – Any resulting actions can be managed through the Shire's current operational budget allocations.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 1.2.3 Support community-initiated projects and activities
Strategy 4.1.1 Enhance the Shire's profile through the marketing initiatives and community engagement
Strategy 4.1.2 Utilise contemporary communication strategies and tools to enhance public participation
4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – November 2024
CC04-11/24 Attachment 1: How to Become an Owl Friendly Shire
CC04-11/24 Attachment 2: Owl Friendly Brochure Distribution Sample
CC04-11/24 Attachment 3: Owl Friendly Information Booklet
CC04-11/24 Attachment 4: Sample – Action Plan – Rodenticide Action Group

OFFICER RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 resolves to investigate "Owl Friendly" principles and practices within the Shire's areas of responsibility and influence including:

1. **Ensuring that rodenticide treatments used by the Shire for protection of its assets are "Owl Friendly".**
2. **Specifying rodenticide treatments in commercial pest operator contracts.**
3. **Provide information to the community and businesses on Owl Friendly choices for rodent control.**
4. **Support community education through promotional and engagement activities such as:**
    - **Provision of Owl Friendly information on the Shire of Irwin website.**
    - **Production of Owl Friendly Shire of Irwin bumper stickers.**
5. **Encourage local businesses and residents to, if practicable, Owl Friendly rodenticide treatments.**
6. **Environmental Health Officer to share Owl Friendly information during regular inspections.**

DEVELOPMENT SERVICES	ID01-11/24
Subject:	**ID 01-11/24 October 2024 Development Delegated and Authorised 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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☐	**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 October 2024 Development Delegated and Authorised 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 October 2024, with 7 building permits and 4 single house applications having been issued.

Consultation:
Nil

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

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 – November 2024
ID01-11/24 Attachment 1: October 2024 Development Delegated and Authorised Authority Report

OFFICER RECOMMENDATION:
That Council by Simple Majority, receives the October 2024 Development Delegated and Authorised Authority Report, as contained in ID01-11/24 Attachment 1.

DEVELOPMENT SERVICES	ID02-11/24
Subject:	**ID 02-11/24 Proposed Agriculture – Extensive – Lot 1496 (No. 31104) Brand Highway, Bonniefield**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P24-65 & A3217**
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 to amend a development approval (which has already been carried out) for the enclosure of lean-to farm building to be used for 'Agriculture – Extensive' on Lot 1496 (No. 31104) Brand Highway, Bonniefield.

This report recommends conditional approval of the application.

Background:
Council at its meeting held on 26 October 2021 (Item ID03-10/21) approved and application for a 600m^2 outbuilding with an additional 270m^2 lean-to area for storage and garaging purposes associated with the rural use of the land. Also, as part of that application 3 large water tanks were to be located to the south of the lean-to area.

In January 2022 an amendment was submitted to the Shire requesting approval for the outbuilding to increase 2m in length and the lean-to to increase by an additional 1m in width, resulting in a total of 640m^2 outbuilding with an additional 320m^2 lean-to. Council at its meeting held on 22 February 2022 (Item ID03-02/22) approved this amendment.

A copy of the Council minutes is contained in ID02-11/24 Attachment 1.

In August 2023 Officers were alerted to the fact that the lean-to area has been enclosed and subsequently advised the owner of the non-compliance. In addition, it was noted that 6 large water tanks had also been placed to the south of the building.

In January 2024 the Shire subsequently received an application to amend the development approval which was formally accepted for assessment on 17 June 2024. This initial version of the application proposed that the enclosed lean-to area would be used for the parking of commercial vehicles (2 prime movers with RAV 4 and RAV 7 combinations). In October 2024 the applicant removed the request for the parking of the 2 commercial vehicles.

The Site

Lot 1496 (No. 31104) Brand Highway, Bonniefield is located approximately 7km north of the Dongara town centre and has access to both Brand Highway to the west and Fane Road to the north, with the Midlands railway line bisecting the site. Fane Road is sealed from Brand Highway east to the railway line. The site is generally flat with mature vegetation sporadically along the eastern boundary. Surrounding the site the land is generally characterised by larger rural living lots, with rural/agricultural pursuits being undertaken.

The site contains an existing dwelling and a 150m^2 outbuilding used for personal storage, located along the southern boundary and east of the railway line. The agricultural outbuilding (the subject of this application) lies to the west of the residence, still east of the railway line. All structures are accessed via an unsealed (blue metal) driveway to Brand Highway, located along the southern boundary of the site. A large hard stand area also surrounds the structures.

The Proposal

There are essentially two key components to the application, firstly the works (or building) component and secondly the use of that building.

The works component involves the retrospective approval of the enclosure of the lean-to area resulting in a farm building, 960m^2 in size along with the placement of an additional 3 water tanks (6 in total). The use of the now enclosed lean-to area is for the storage of agricultural vehicles and equipment.

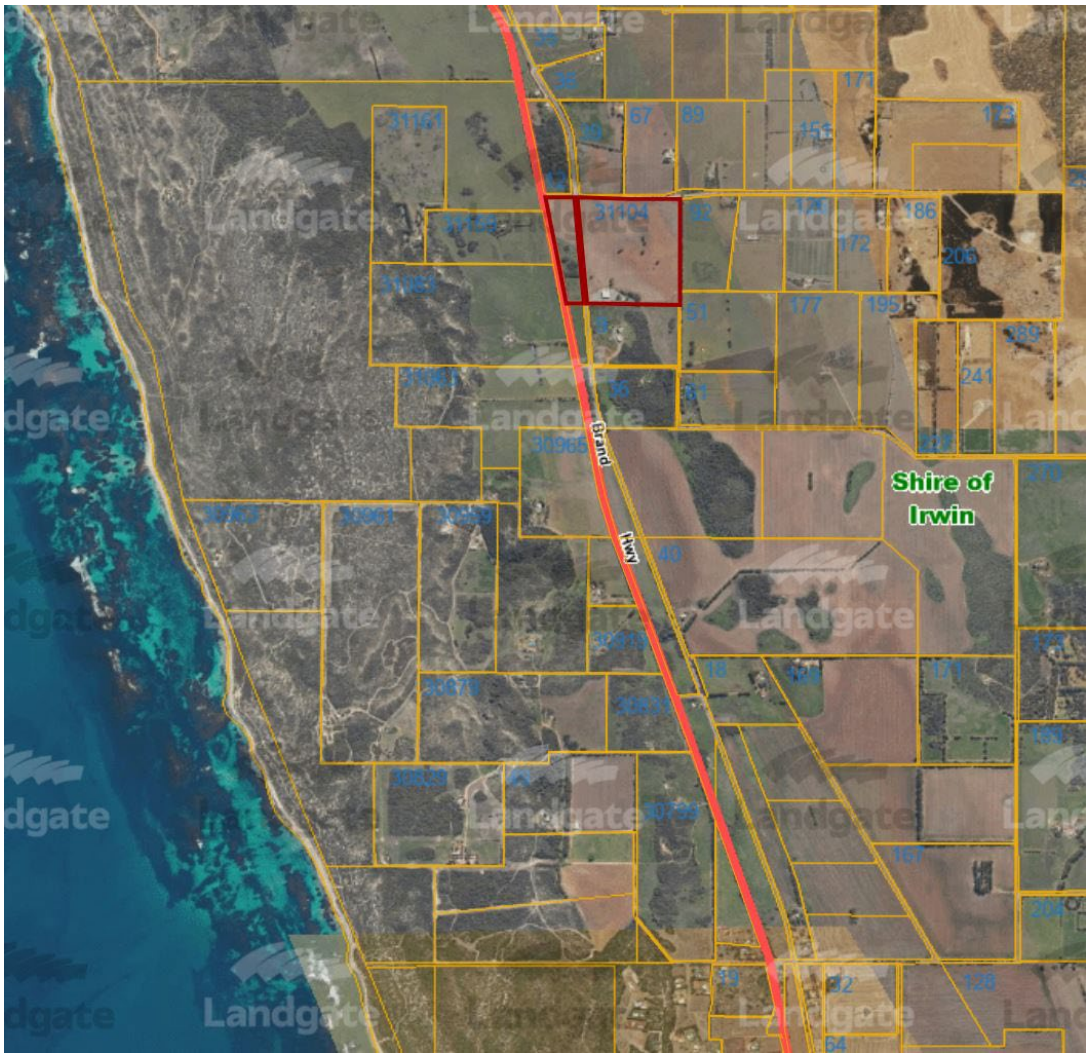
The following summarises the justification provided by the applicant:

- The purpose of the shed remains consistent with its initial agricultural use.
- The configuration of the equipment has undergone minor adjustments from the previously approved layout.
- The revised layout will facilitate improved workspace for equipment storage.
- By enclosing the lean-to, the lifespan of the building is extended and stored assets are protected from corrosion.

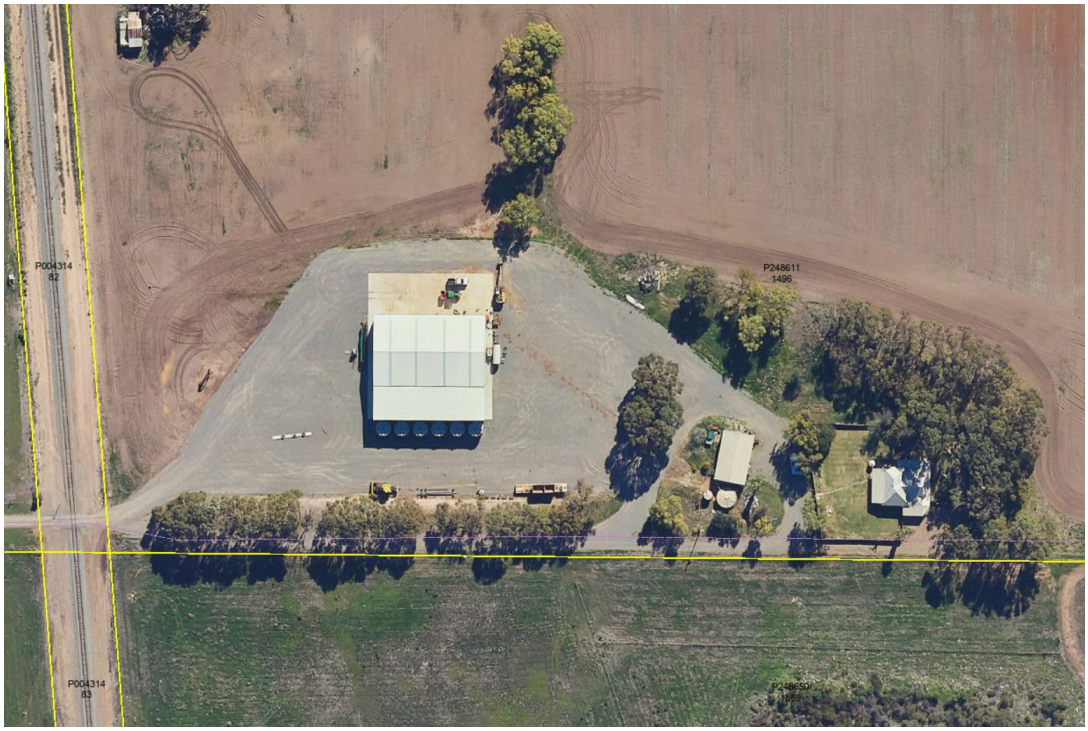
The following is an outline of the application which is contained in ID02-11/24 Attachment 2.

Applicant / Owner	Barron Building Surveying / Citylink Nominees
Local Planning Scheme No. 5	‘Rural Smallholdings’ zoning
Use Class and Permissibility	Agriculture – Extensive (‘D' use)
Structure Plan / Precinct Plan	No
Lot Size	39.1871 hectares
Existing Land Use	Rural / Farming
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	No

Location Plan



Aerial Enlargement



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

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

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

1.6 The Aims of the Scheme
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.

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

4.3 Zoning Table

The application seeks approval for 'Agriculture – Extensive' which is defined as:

> ***Agriculture – extensive*** *means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive.*

The Zoning Table of LPS5 lists 'Agriculture – Extensive' as a 'D' use under the 'Rural Smallholdings' zone which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The application is directly related to agricultural activities and therefore is consistent with the objectives of the 'Rural Smallholdings' zone.

(e) any policy of the Commission

Draft Operational Policy 1.12 – Planning proposals adjoining Regional Roads in Western Australia applies to planning proposals affecting lots adjoining Regional Roads. Brand Highway is identified as a 'Major Road or Highway' under LPS5 and as such can be classed as a regional road.

The policy provides guidance on vehicular access from adjoining lots and seeks to promote an efficient and safe regional road network. It acknowledges that vehicle access to Regional Roads requires careful management to safeguard the optimum traffic flow and manage entry and exit points that can affect road traffic safety. The policy emphasises a general presumption against the increased use of existing accesses to these roads, particularly where alternative access is available from a side street.

(g) any local planning policy for the Scheme area

The Shire's 'Outbuildings' local planning policy was approved on 21 September 2023. Whilst the previous application was assessed under the outbuildings provisions of the Scheme, this policy has since clarified that outbuildings are not land uses in themselves, but rather a land use needs to be established to determine whether it is permissible under the Scheme.

The land use permissibility has been previously discussed in this report and in this instance the farm building is considered works associated with the storage of equipment and materials directly associated with farming operations (Agriculture – Extensive).

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

It is important to note that the assessment from Council with this particular application must be directed at the additional 320m^2 and not the 640m^2 outbuilding originally approved in 2021/22.

As noted in the minutes of the Council meetings on 26 October 2021 and 22 February 2022, there are several factors which significantly reduce the visual impact of the outbuilding. Council accepted that the farm building would have no adverse amenity impacts due to its distance from Brand Highway and Fane Road, intervening screening vegetation, the elevation of the nearby railway line and the topography of the property itself.

The above matters, which lead to Council's conclusion that the development approved in 2021/22 would be compatible with and would not adversely affect amenity, would equally apply to the enclosure of the 320m^2 lean-to.

The farm building is representative of a typical (albeit larger) rural shed that is an expected form of rural development in the Shire. The proposal as a whole (960m^2 agriculture – extensive farm building) is considered compatible with the amenity and character of the locality as its location is not excessively exposed to the Brand Highway. The raised railway and existing vegetation assist with reducing the visibility of the farm building to an extent that minimises the bulk and scale of the structure within the rural aesthetic. The development achieves an overall rural appearance that is considered to be compatible with its setting and the surrounding character of the area.

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

Access and egress to the site is proposed to continue from the existing driveway, located along the southern boundary, onto Brand Highway. It is important to note that the site has direct frontage to Fane Road to the north which can be used as an alternative access onto Brand Highway.

The primary use of the farm building is for the storing of agricultural vehicles and equipment that will be used both on and off-site. Whilst traffic movements have not accompanied the application it is reasonable to conclude that there will be some (albeit seasonal) traffic movements of large agricultural machinery that will involve access onto Brand Highway. The highway is a State Highway with a speed limit of 110km/hr and a such any effect of the proposal on traffic flow and road safety must be a primary consideration.

There is a clear intent from both Main Roads WA and the Commission's policy to improve traffic flow and safety on all regional roads by minimising the number of driveways. Given the speed limit and functionality of the Brand Highway, any opportunity that arises to minimise direct access should be pursued especially when safer, alternative access is easily available.

It is therefore recommended that a condition be placed on the application requiring an alternative access onto Fane Road and further that the existing access be removed and future access onto Brand Highway be formally restricted.

Conclusion

Council has previously accepted that the farm building would have no adverse amenity impacts and the enclosure of the 320m^2 (previously approved) lean-to is not considered unacceptable by reference to the same considerations which applied to the 2021/22 applications. The farm building is representative of a typical (albeit larger) rural shed that is an expected form of rural development in the Shire.

Traffic flow and safety are paramount for regional roads, and whilst the current driveway and access onto Brand Highway is acknowledged, it would not be considered orderly nor proper to allow this arrangement to continue especially where an alternate (and safer) access is easily available.

Overall, it is assessed that the proposed development achieves a rural appearance that suits the rural aesthetic of the locality that is consistent with the objectives of the Rural Smallholdings zone. It is considered that the application complies with the planning framework applicable to the site and the requirements of orderly and proper planning. Conditional approval is therefore recommended.

The *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to be taken to have refused to grant development approval if it has not made a determination within 90 days of acceptance of the application (in this instance being 29 September 2024). Deferring the matter is therefore not recommended.

Consultation:
Public Consultation

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

The advertising involved the following:

- A copy of the application was made available for public inspection at the Shire office;
- The application was published on the Shire's website;
- A notice was published in the Dongara Denison Local Rag; and
- A written notice was sent to adjoining landowners within approximately 900m of the site.

In response to the advertising a total of 3 public submissions were received all in support of the application.

Consultation with Government/Service Agencies

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

- Main Roads WA
- Public Transport Authority

For reasons unknown, the original applications in 2021/22 were not referred to either MRWA nor the PTA.

In response comments were received from the 2 agencies and a copy of the submissions are contained in ID02-11/24 Attachment 3. The key issues raised from the agencies are summarised below.

Main Roads WA (MRWA)

MRWA has requested that a new access be constructed onto Fane Road and that the existing access onto Brand Highway be gated and permanently locked. In addition, that a restrictive covenant be lodged on the certificate of title that prevents vehicular access from the Lot onto Brand Highway.

According to MRWA's Driveways Policy where alternative access to a Lot is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the State Road unless special circumstances apply.

Whilst the current driveway and access onto Brand Highway is acknowledged, this in itself is not considered a 'special circumstance' that would warrant a departure from MRWA's policy. Access from the building north to Fane Road can be easily achieved with a new driveway approximately 500m in length.

Public Transport Authority (PTA)

The PTA have requested a number of conditions that relate specifically to the rail corridor. No conditions are recommended as the application proposes no works that would affect the rail corridor.

Statutory Environment:
Clause 65 of the of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows approval for development already commenced or carried out, and the local government may grant development approval with or without conditions or refuse the application.

Clause 77 of the of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for amending development approval as follows:

77. Amending or cancelling development approval

(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following –

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;

Policy Implications:
Nil

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

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

Attachments:
Attachment Booklet – October 2024
ID02-11/24 Attachment 1: Council Minutes 26 October 2021 and 22 February 2022
ID02-11/24 Attachment 2: Development Application
ID02-11/24 Attachment 3: MRWA and PTA Submissions

OFFICER RECOMMENDATION:

That Council approves the application for development approval for 'Agriculture – Extensive' on Lot 1496 (No. 31104) Brand Highway Bonniefield subject to the following conditions:

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

    - **Drawing No A302 Site Plan (dated 1 October 2024, Rev 9)**
    - **Drawing No A303 Location Plan (dated 1 October 2024, Rev 9)**
    - **Drawing No A304 Floor Plan (dated 1 October 2024, Rev 9)**
    - **Drawing No A305 Elevations (dated 1 October 2024, Rev 9)**
    - **Drawing No A306 Elevations (dated 1 October 2024, Rev 9)**
    - **Drawing No A307 Camera Shots (dated 1 October 2024, Rev 9)**

2. **Vehicular access shall be via Fane Road only. There is to be no direct vehicular access to Brand Highway.**

3. **Within 90 days of the date of this approval a new driveway access and crossover onto Fane Road is to be constructed to the approval of the Shire.**

4. **Within 90 days from the date of this approval, the existing crossover access onto Brand Highway is to be permanently removed and barriered such to prevent any vehicle access, to the approval of the Shire in consultation with Main Roads WA.**

5. **Within 90 days from the date of this approval, a restrictive covenant, to the benefit of Main Roads WA is to be placed on the certificate of title of the lot advising of a restriction on the use of the land. The restrictive covenant is to state as follows:**

    "No vehicular access is permitted to and from* Brand Highway*, along the western boundary of Lot 1496."

10.2 Committee Reports

10.2.1 Work Health and Safety Committee Meeting

The Minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 2 October 2024 have been provided as Attachment 10.2.1 in Attachment Booklet – November 2024.

OFFICER RECOMMENDATION:
That Council receives the minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 2 October 2024.

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

15. CLOSURE