

I certify that this copy of the Minutes is a true and correct record of the meeting held on 20 January 2009
Signed:
Presiding Elected Member
Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 20 JANUARY 2009
COMMENCING AT 4.00PM**

THERE ARE NO ATTACHMENTS TO THIS COPY OF THE COUNCIL MINUTES. TO VIEW ATTACHMENTS PLEASE CONTACT THE SHIRE OFFICE ON 9927 0000

PRESENT:	President	Cr R K Parsons (Chairperson)
	Councillors	Cr S C Chandler (Deputy Shire President) Cr G C Bass Cr R J Gillam Cr K J Hepworth Cr R T McClurg Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
	Gallery	Ms Bronwyn Scott Ms Meredith Crossley Mr John Rossiter Mr Kris Kennedy
APOLOGIES:		Cr G L Dean-Gundill
LEAVE OF ABSENCE:		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr G L Dean-Gundill – Apology

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1 J Rossiter

Has freehold title been issued for Acacia Waters development?

Advised not a Local Government issue.

What plans does the Shire have for lot 947?

Advised the Council has no plans at present.

4.2 K Kennedy

Requested Council support for the application to rezone lots 60 & 70 Brady Road.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Rob Gillam and Cr George Bass have requested Leave of Absence from the Council Meeting scheduled for 10 February 2009.

COUNCIL MOTION:

Moved: Cr Chandler

Seconded: Cr Roberts

That Cr Rob Gillam and Cr George Bass be granted Leave of Absence for the Council Meeting scheduled for 10 February 2009.

VOTING DETAILS:

**CARRIED
8/0**

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 DECEMBER 2008

A copy of the Minutes of the Ordinary Council Meeting held on 16 December 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved: Cr G Bass

Seconded: Cr K Hepworth

That the Minutes of the Ordinary Council Meeting, held on 16 December 2008, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

**CARRIED
8/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The official opening for the Indoor Recreation Centre will be held on Friday 20 February 2009 at 3.00pm, followed by an open afternoon where all residents will be invited to view the facility.

9. REPORTS

CEO.395

Subject: Population Projections
Reporting Officer: Chief Executive Officer
File Reference: DW.10
Date Prepared: 7 January 2009
Voting Requirements: Simple

Issue:

To review Council's population projections for the Shire of Irwin.

Body / Background:

Council's current population projections for the Shire are for 5,000 residents by 2010 and 10,000 residents by 2020.

The Shires website states; *The Shire of Irwin Council is currently planning for services and facilities to cater for a population of 5,000 in the year 2010 and 10,000 in the year 2020.*

Information provided by Council in late 2007 when recruiting a CEO included the following statements:

The estimated resident population is approximately 3,700 with 2,500 of these residing in the twin towns of Dongara and Port Denison.

The annual growth for the previous 10 years was around 6.0%, however, increased at a rate of over 11% between 1994 and 1997. The Shire of Irwin Council is currently planning for services and facilities to cater for a population of 5,000 in the year 2010 and 10,000 in the year 2020.

Originally built on a strong rural economy, the region is experiencing unprecedented growth with population expected to triple over the next 15 years.

According to the Australian Bureau of Statistics the estimated resident population for the Shire of Irwin is as follows:

1991	2189	
1996	2623	(increase of approx 3.7% per annum)
2001	3059	(increase of approx 3.2% per annum)
2006	3240	(increase of approx 1.2% per annum)

The 2007 estimated resident population is 3347 (source ABS).

If the Shire is to reach 5000 in 2010 we will need to grow by more than 14% per annum.

If the Shire is to reach 10,000 in the year 2020 we will need to grow by approx 15% per annum.

Officers Comment:

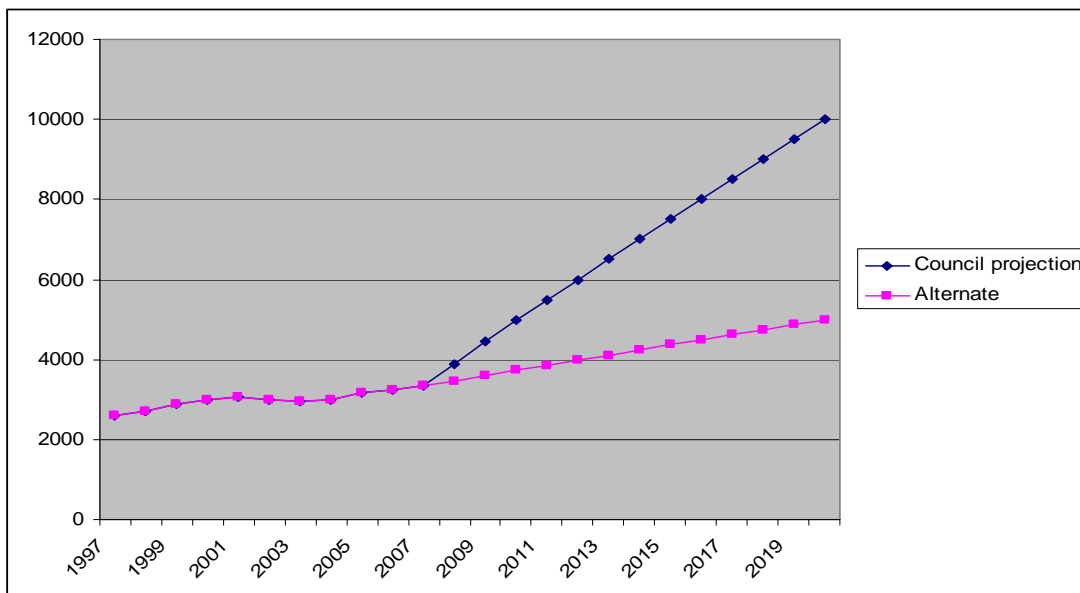
The author has been unable to locate any data or research to support Council's population projections as stated above. In fact the Local Planning Strategy adopted by Council in 2006 was based on projected populations provided by the WA Planning Commission, being 3,800 in 2011 and 3,901 in 2016 (page 33). The Local Planning Strategy included the comment that *these predictions may be excessive* (page 34).

The claim that the Council is planning to cater for a population of 5,000 in 2010 is also contradicted by the report commissioned by Council “Assessment of the implications for the Shire of Irwin of Significant Population Growth”, Syme Marmion & Co, August 2005, which estimated our resident population to be 4,300 in 2011. This was considered to be at the high end of estimates and was 500 more than the WAPC estimate for 2011.

The Shire has no data or research to support the information provided by the Council that *the annual growth for the previous 10 years was around 6.0%*.

It is recommended that Council base its population information and predictions on information provided by the WA Planning Commission and the Australian Bureau of Statistics.

The graph below shows recent estimated resident population (1997 to 2007) as provided by the ABS, the Councils current projections (blue line) and the population projections being recommended, which are based on our population continuing to increase at the same or slightly higher than over the past 10 years.



It should be noted that after more than 150 years of settlement the Shires current estimated resident population is approximately 3,500.

It is recommended that Council halve its population predictions for the Shire of Irwin for the year 2020, from 10,000 to 5,000.

Financial Implications:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Officers Recommendation:

That Council revise its Shire population predictions from 10,000 residents in the year 2020 to 5,000 residents in the year 2020.

COUNCIL MOTION:

Moved: Cr L Wheeler

Seconded: Cr K Hepworth

That Council revise its Shire population predictions from 10,000 residents in the year 2020 to 5,000 residents in the year 2020.

VOTING DETAILS:

**CARRIED
8/0**

CEO.396

Subject: Regional and Local Community Infrastructure Program
Reporting Officer: Chief Executive Officer
File Reference: RR.1.3
Date Prepared: 8 January 2009
Voting Requirements: Simple

Issue:

To endorse the application to the Regional and Local Community Infrastructure Program submitted by the Chief Executive Officer.

Body / Background:

On 18 November 2008, the Australian Government announced that it is making available \$300 million to local government to stimulate growth and economic activity across Australia and support national productivity and community well-being.

One-off funding of \$100,000 is being provided to the Shire of Irwin under the Regional and Local Community Infrastructure Program.

Officers Comment:

An application has been lodged to spend the \$100,000 allocated to the Shire of Irwin towards civil works at the new Irwin Indoor Recreation Centre.

This project meets the criteria and fits with the aims of the program.

As applications were due in Canberra by the end of January 2009 an application has been forwarded to ensure the Shire receives these funds in a timely manner. Council now needs to endorse the CEO's actions.

Financial Implications:

Provides \$100,000 for the Shire to complete civil works at the Recreation Centre which were not included within the 2008/09 budget.

Statutory Environment:

nil

Policy Implications:

nil

Officers Recommendation:

That Council endorse the CEO's actions in submitting an application to the Regional and Local Community Infrastructure Program to spend the \$100,000 allocated to the Shire of Irwin at the new Irwin Indoor Recreation Centre.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr R Gillam

That Council endorse the CEO's actions in submitting an application to the Regional and Local Community Infrastructure Program to spend the \$100,000 allocated to the Shire of Irwin at the new Irwin Indoor Recreation Centre.

VOTING DETAILS:

CARRIED
8/0

CEO.397

Subject: Plan for the Future
Reporting Officer: Chief Executive Officer
File Reference: A.A.3.3
Date Prepared: 12 January 2009
Voting Requirements: Simple

Issue:

To adopt the Shire of Irwin's Plan for the Future 2009-2020.

Body / Background:

At the ordinary Council meeting held on Tuesday 25 November 2008 Council passed the following resolution:

That Council:

- *Adopt the draft Plan for the Future, as previously circulated, for the purpose of seeking public comment. A copy of the draft Plan for the Future to be made available to the public with submissions received being presented to Council for consideration.*

The availability of the draft Plan for the Future was advertised in the Geraldton Guardian as required and was also included in the Shire News (printed in the Rag).

At the close of the public comment period the following submissions had been received:

- 1) A large number of submissions have been received requesting Council consider a change of wording :
From "explore the feasibility of an Ocean Pool"
To "explore the feasibility of an Aquatic facility"

This submission has been submitted by way of a form letter being signed in the manner of a petition.

It should be noted that the Shire administration printed 20 copies of the Plan for the Future for distribution to the public and not all were handed out. It is obvious that many people have signed the petition/submission without any knowledge of the Plan for the Future.

- 2) A submission has been received from the Dongara Patchwork Club advising they are not in favour of selling the Old Monastery buildings as they are utilised by the Club.

A copy of submissions received can be viewed by Councillors at the Shire office.

Officers Comment:

Ocean Pool feasibility study

From the submissions received it appears that there is a misconception in the community that there is some link between an aquatic centre and an ocean pool.

It is presumed that those who signed the petition and/or lodged a submission are aware of the following:

- Council is already aware that an aquatic centre is not feasible and most likely will not be feasible within the next 25 years.

- There is substantial information in the public domain regarding the construction and operating costs of aquatic centres and accordingly there is little point in paying a consultant to prepare a feasibility study on an aquatic centre.
- An ocean pool may be feasible now (depending on outcome of study) and therefore maybe a means of providing a pool like swimming facility for our community to enjoy until such time as an aquatic centre was feasible.
- An ocean pool would be a major tourism attraction.
- Building an ocean pool in the short term has no impact on the long term feasibility of an aquatic centre.

Notwithstanding this if the communities preference is to have no aquatic facility whatsoever until an aquatic centre is feasible there is no point in pursuing an ocean pool even though this will deny our current youth of an opportunity to enjoy such a facility.

As an aquatic centre will not be feasible within the life of this Plan (2020) it is recommended that Council remove the strategy of “explore the feasibility of an ocean pool” and note the communities preference is to wait for an aquatic centre to be feasible.

Old Monastery Buildings

Council is aware that we would be required to source an alternate location for the Dongara Patchwork Club when the Old Monastery Buildings are sold. The Shire already owns many buildings for community purposes and has just completed construction of a new Indoor Recreation Centre which provides meeting and function rooms for community use.

Given the new Indoor Recreation Centre and the number of current Shire buildings (many heritage) there would be little difficulty in catering for the Dongara Patchwork Club if the Old Monastery was sold.

It is understood that these buildings have been in private ownership until recently and since being acquired by the Shire the Dongara Patchwork Club is the only community group to benefit from the Shires ownership of this facility.

General

Council has been very successful in developing a long term Plan for the Future which reflects the desires and aspirations of the community. The fact that all but one of the submissions are supportive of 40 of the 41 strategies identified by Council shows strong overall support by the community.

Financial Implications:

Nil

Statutory Environment:

Local government act.

Policy Implications:

Nil

Officers Recommendation:

That Council adopt the Plan for the Future 2009 -2020 with the following amendment; remove the strategy of “explore the feasibility of an ocean pool”, and note the communities preference is to wait for an aquatic centre to be feasible.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded:

That Council adopt the Plan for the Future 2009 -2020 with the following amendment; remove the strategy of “explore the feasibility of an ocean pool”, and note the communities preference appears to be to wait for an aquatic centre to be feasible.

Motion lapsed as no Seconder

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr S Chandler

That Council adopt the Plan for the Future 2009 -2020 with the following amendment; remove the strategy of “explore the feasibility of an ocean pool”, and note the communities preference is to wait for an aquatic centre to be feasible.

VOTING DETAILS:

CARRIED
5/4

CEO.398

Subject: Lots 253-257 Burges Street
Reporting Officer: Chief Executive Officer
File Reference: IL.2
Date Prepared: 12 January 2009
Voting Requirements: Absolute majority

Issue:

To consider an offer from the Department for Planning and Infrastructure (DPI) to purchase lots 253-257 Burges Street.

Body / Background:

Correspondence has been received from DPI (copy attached) regarding the possible purchase of lots 253-257 Burges Street.

Recent correspondence regarding these lots is as follows:

- 15 Sept 2004 Correspondence forwarded to DPI from the Shire:
Lot 255 Burges St has a large sand hill upon the lot which Council receives complaints about. Council would like to purchase this land, can you please advise on the possibilities of this and what the purchase price would be.
- 4 Aug 2005 Correspondence received from DPI:
I refer to your correspondence of 28 April and 24 May 2005 and can advise that the Valuer General's Office has provided a current market value for the whole of reserve 34645 at \$90,000 plus GST. This valuation is an indicative price only and is subject to revaluation after 3 months.

Note: the Shire has no record of the two items of correspondence mentioned in the above correspondence.

- 22 Aug 2005 Council resolved:
to purchase lots 253-257 Burges St from DPI for a sum of \$90,000 plus GST to be funded by raising a loan.

That the proposal to raise a loan be advertised for public comment for a period of one month.

- 29 Aug 2005 Correspondence forwarded to DPI from the Shire:
I write to advise Council has accepted the offer to purchase the lots for the current valuation of \$90,000 plus GST.

- 12 Sept 2005 Correspondence received from DPI:
Please be advised that our correspondence of 4 August 2004 was to provide an indicate price for the land to determine if you wished to continue with the proposal. A formal offer will be made at the end of the referral process. DPI will now proceed to conduct the necessary referrals and determine if there is a requirement to process the land through the Native Title future acts process prior to disposal.

- 16 Sept 2005 Correspondence received from DPI:
Please be advised of the following
- 1. The land is required to be referred to Landcorp for its assessment for residential development*

2. *The land is required to be submitted through the Native Title future acts process*
3. *The Dept of Indigenous Affairs be advised of the proposal and if a native title heritage survey is required*
4. *There are obligations under the Aboriginal Heritage Act prior to any excavation or development*
5. *DPI is required to obtain a clearance from the Department of Industry and Resources*

The correspondence dated 30 November 2006 that is referred to in the most recent correspondence (October 2008) cannot be located.

Officers Comment:

The Shire is unaware of the costs of acquiring the land, the costs to secure the native title claimants agreement, the cost of removal of the sand hill and actual development (including headworks) costs. It is also noted that the land would have to be developed within a fixed time frame.

As Council is aware we do not have the staff resources to pursue such a development as our staff structure and numbers have not changed over the past ten years and the current administration office does not provide the space or facilities to employ any additional staff.

Should Council wish to pursue this offer we would need to engage a consultant to determine costings so that Council can properly consider the merit of purchasing and developing this land.

Given that DPI and Landcorp are of the view that it is uneconomical to develop this land it is difficult to see how the Shire could make the development economical.

Financial Implications:

Cost of purchase and development are unknown. Council has not included any monies in the current budget for this purpose so any expenditure would be unbudgeted.

Statutory Environment:

Native Title Act, Local government act.

Policy Implications:

Nil

Officers Recommendation:

That Council decline the offer from the Department of Planning and Infrastructure to purchase lots 253-257 Burgess Street Port Denison.

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr G Bass

That Council decline the offer from the Department of Planning and Infrastructure to purchase lots 253-257 Burges Street Port Denison.

VOTING DETAILS:

**CARRIED
8/0**

CEO.399

Subject: Doctor Assistance
Reporting Officer: Chief Executive Officer
File Reference: IM.1
Date Prepared: 8 January 2009
Voting Requirements: Absolute majority

Issue:

To consider a request for financial assistance for a local Doctor.

Body / Background:

Dr Kent Morrison has requested that Council provide a car for a full-time Doctor who will be working with Dr Morrison.

The Doctor in question will be residing in the modern 4 x 2 brick house that the Shire provides to the Doctors free of charge. The estimated value of this assistance from the Shire is approximately \$18,000 per annum.

Officers Comment:

The cost to lease a mid sized family car for one year is approximately \$8,500. The Shire is unaware of the financial arrangements for the Doctor while working at the Dongara practice or why he is unable to supply his own vehicle, however if the Council cedes to this request the total financial support being provided by the Shire will be approximately \$26,500 per annum.

Dr Morrison has not advised if he has also approached the other local governments that they service for a financial contribution, given that their communities are also direct beneficiaries of this service. It is presumed that all customers are charged the same rate regardless of whether their local government has made a financial contribution towards the service.

Financial Implications:

Financial information is contained within the report. Council has no budget allocation for this service and accordingly any expenditure incurred is unbudgeted.

Statutory Environment:

Unbudgeted expenditure requires an absolute majority decision.

Policy Implications:

Nil

Officers Recommendation:

That Council agree to incur unbudgeted expenditure to provide a car, by way of a one-year lease, for use by Dr Kent Morrison's Medical Practice, for a period of 12 months.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr S Chandler

That Council decline the request to provide a motor vehicle for the local Doctor, at this point. Council believes that the current level of assistance being provided is generous and any further assistance should come from other local governments that utilise the service.

VOTING DETAILS:

**CARRIED
6/2**

DCS.316

Subject: Accounts for Payment
Reporting Officer: Finance Officer
Date Of Report: 15 January 2009
File Reference: Minute Book
Voting Requirements: Normal Majority

Issue:

To receive the list of accounts paid during December 2008.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of December 2008.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Statutory Implications:

13. Lists of accounts

- (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.

Officer's Recommendation:

That the Accounts paid during December 2008, represented by Municipal Cheque Numbers 27218-27249, EFT payment numbers 8156 - 8307 totalling \$1,077,870.53. Trust Payment Cheque Numbers: 2108-2111 totalling \$5,070.00 & Police Licensing Payment No's PL 271108 – PL311208 totalling \$78,836.90 be received.

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr L Wheeler

That the Accounts paid during December 2008, represented by Municipal Cheque Numbers 27218-27249, EFT payment numbers 8156 - 8307 totalling \$1,077,870.53. Trust Payment Cheque Numbers: 2108-2111 totalling \$5,070.00 & Police Licensing Payment No's PL 271108 – PL311208 totalling \$78,836.90 be received.

**CARRIED
8/0**

VOTING DETAILS:

F.352

Subject: Financial Statements for the Period ending 31/12/2008
Reporting Officer: Accountant/Senior Administration Officer
File Reference: Minute Book
Date Prepared: 15 January 2009
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2008 to 31 December 2008.

Body / Background:

The Monthly Financial Report to the 31 December 2008 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

- (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2008 to 31 December 2008 be received.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr G Bass

That the Monthly Financial Statement for the period 1 July 2008 to 31 December 2008 be received.

VOTING DETAILS:

**CARRIED
8/0**

TP.455

Subject: Proposed Scheme Amendment No 4 – Lots 60 & 70 Brady Road, Dongara
Proponent: MG Kailis Group
Reporting Officer: Town Planner
File Reference: TP.3/4
Date Prepared: 13 January 2009
Voting Requirements: Simple

Issue:

To consider an application to amend the Shire's Local Planning Scheme No 5, to rezone Lots 60 and 70 Brady Road, Dongara from a Special Use Site to a Residential use.

Body / Background:

Background

Lots 60 and 70 Brady Road originally contained the MG Kailis Lobster Processing Factory. The factory was built in 1959/60 and operated up until 2005 at which time an application was made to demolish the heritage listed property. Council granted approval for the demolition at its meeting held on 11 April 2006 and the buildings were demolished soon after.

Subject Land

The land is described as Lots 60 Brady Road and 70 Church Street, Dongara and the lots are 1.26ha and 0.27ha in area respectively.

The land consists of a relatively low lying, flat portion along the front of the property adjacent to Brady Road and an elevated section rising to a maximum of 20m to the east.

The low lying, flat land is vacant and cleared, while the dune face to the east is covered in remnant vegetation of good condition.

Current Zoning

Under the Shire's Local Planning Scheme No 5 the property is currently zoned Special Use Zone No 5, with the permitted uses being as follows:

- Activities and Processes associated with the Fishing Industry; and
- Incidental uses to the permitted uses.

The current zoning is therefore very specific and basically only allows for the previous use of the site, being a lobster processing factory.

The Proposal

The proponent has engaged planning consultants RPS Koltaz Smith to make application to amend the zoning to allow for residential development.

Specifically, the application proposes the following:

- To rezone the majority of the land to Residential R40 and R50;
- Include a portion of Lot 70 as an Additional Use site – Restaurant; and
- Rezone a portion of the land to Local Reserve.

See attached Scheme Amendment Map.

The proposed amendment includes the following elements:

- A development setback from the coast of 74m. GHD Consultants were engaged to undertake a coastal setback analysis to account for sea level rise and coastal processes in

accordance with WAPC policy. The study recommends a 74m physical setback line from the landward limit of the adjacent beach. This will encroach approximately 21m onto the property and is proposed to be zoned 'Local Reserve' (coloured green). This would preclude this land from being developed.

- The remaining land be rezoned a mix of residential R40 and R50. A boundary between the two codes is proposed to run on a north/south axis through the middle of the property, roughly splitting the flat area and the sloping land between the two codes. R40 and R50 are considered Medium Density Codes and require average lot sizes of 220m² and 180m² respectively.
- An 'Additional Use' site on the corner of Church Street and Brady Road with the additional use being 'Restaurant'. This basically means the land is still zoned Residential but this particular location could also be developed for a restaurant if so desired.
- A Draft Outline Development Plan (ODP). This plan illustrates how the land might be ultimately developed. It includes a road layout, possible lot boundaries, utilisation of the coastal setback and indicative split level development. It is noted the ODP is for illustrative purposes only, any future subdivision or development would not be bound to this plan.

The following reports and studies have been included with the application:

- Coastal setback study; requires a 74m coastal setback (GHD, 2008).
- Flora/Fauna survey; no priority flora and low priority fauna (GHD, 2006).
- Site contamination investigation; no unacceptable contaminants found (Brown Geotechnical & Environmental, 2007).
- Servicing Report; costs to service the land including various options (Montgomery Engineering Consultants, 2007).

Planning Framework

The application to rezone the property relates to a framework of documents at both a local level and a state level.

Primarily, the application relates to Local Planning Scheme No 5 and the provisions it proposes to include in the Scheme in order to effect the change.

At a state level, there are a number of Western Australian Planning Commission policies which generally apply to this application including, Statement of Planning Policy No 1 – State Planning Framework, State Planning Policy No 2.6 – State Coastal Planning and Development Control Policy No 6.1 – Country Coastal Planning.

In addition to this, there are a number of other strategic documents which cover this land. Most of these documents however, were prepared prior to the factory ceasing its operations and very little consideration has been given to the future use of this land. In this regard the Irwin Coastal Plan 2000, the Batavia Coast Strategy 2001 and the Local Planning Strategy 2002 all make reference to this land, without making any specific recommendations for the site.

Officers Comment:

The main issue in determining this application is what the future use of the land should be.

The application proposes to rezone the site primarily for residential use. However, it is suggested that consideration should also be given to the potential for the site to be utilised for tourism purposes.

In this regard there is planning basis for the site to be zoned for tourist related uses.

The Shire has recently appointed Landvision as the Shire's preferred planning consultants to provide additional advice on planning matters, particularly on more complex items such as Scheme Amendments.

This application has been referred to Landvision for their comment and they have advised they believe the site does have potential for tourism purposes, and provisions for such should be incorporated into the amendment.

In clarifying this position, Landvision offered the following comment:

'We offer this view as Landvision has recently been involved in the preparation of Tourist Planning Strategies for the Shires of Albany and Busselton. These studies were prepared taking into account the recommendations in the State Governments Tourism Planning Taskforce Report. While we have not undertaken detailed and strategic assessment of tourism in Irwin, but based on our experience and the information provided, it is very likely the site would qualify as a "Strategic Tourism Site" where it must be 100% tourist holiday accommodation plus associated activities. It would at least be considered a non-strategic tourism site where up to 25% of the site could be residential with the profits being reinvested into the tourism development. We also believe that this would be in Council's best future interest to ensure that at least part of the site is available for tourist purposes.'

Adding further weight to the argument that the site could infact be a Strategic Tourism Site is the recently completed Central Coast Strategic Tourism Planning Study 2008 (MacroPlan Australia). This document covers the Central Coast Region from Guilderton to Dongara and seeks to create a planning strategy for promoting tourism.

For the Irwin Shire, under Clause 7.3.4 - Strategic Development Locations, the study states the following:

'Former Kailis site adjacent to beachfront caravan park (Brady Road).

This site has the potential for quality 4-4.5 star apartment style developments containing well designed public amenities and a conference facility.'

The above views are based on the fact that compared to other potential tourism sites within the Shire and the region, this land has much in its favour. From a visitor point of view this site is in close proximity to the ocean, its elevated nature has potential for significant views, it is in close proximity to the river mouth and walk trails and its location is within walking distance of the amenities of the Dongara town centre. In addition to this, its urban location means services are close by and relatively easy to connect.

With the above in mind it is recommended that any amendment to rezone the land should include provisions for tourist accommodation.

It is acknowledged that the current proposal does include some provisions for tourist uses, including an Additional Use site for a "Restaurant" and it is noted that "Holiday Accommodation" is already a discretionary use in the Residential zone.

However, this approach does not guarantee the use of the site for these purposes and it would be left up to private development to determine if and when they were provided. It is a possibility that no tourism uses would be incorporated into the eventual development.

In consultation with Landvision, an alternative approach is therefore suggested that could perhaps provide both for the protection of a significant portion of the site for tourist accommodation (and possibly other uses like a restaurant) and also provide for permanent residential development.

This would require increasing the densities to maximize the potential of the site.

As currently proposed, the application includes residential development at a maximum density of R50, this is consistent with the highest density currently provided within Dongara/Denison (i.e. the marina) and requires an average lot size of 180m². However, if tourist accommodation is to be incorporated into the site, the applicable density for this type of development could perhaps be increased to R80, which allows lot sizes down to a minimum of 125m².

This would have the benefit of allowing the tourist accommodation component of the site to be focused to an appropriate area and allowing the remainder of the site to be developed for permanent residential. It would be envisaged that the lower flat area of the site would be suitable for tourist accommodation and possibly a commercial/restaurant site, and the elevated land behind would be suitable for permanent residential.

R80 for the tourist accommodation component would also allow apartment style development, which is recognised as suitable for self contained holiday accommodation. Alternatively, the area may be suitable for a Motel development in which case an application for such would be assessed on its merits.

To ensure the views of the residential component at the rear of the site were protected, it would be appropriate to apply a height limit to the tourist accommodation at the front.

Also, to ensure an appropriate area was set aside for tourist accommodation, a percentage limit of the site area could be applied to the permanent residential component. It is suggested this be 40%, which would allow another 40% for tourist accommodation and commercial/restaurant use and the remaining 20% as coastal setback and public open space. Residential development would be allowed up to a maximum density of R60.

Before any subdivision or development could take place, an Outline Development Plan would have to be prepared and approved by both the Shire and the Western Australian Planning Commission. This would need to include the following elements:

- A residential precinct with permissible uses;
- A tourism precinct with permissible uses;
- A road layout;
- Building floor levels;
- Building height restrictions and envelopes;
- Public open space and provision for drainage; and
- The preparation of a Foreshore Management Plan.

To facilitate this approach, it is suggested that the zoning over the land remain as Special Use Site No 5 in the Scheme. However, the permitted uses be amended to include both tourist and residential uses. Additionally, Specific Provisions would need to be added that require the preparation of an ODP and apply a limit on residential development.

If, on the other hand, Council feels the site should be rezoned primarily for residential use, then the amendment as proposed is largely satisfactory. However, some small changes should be implemented.

The boundary between the R50 and R40 zonings should be deleted as if this is included on the Scheme map it locks in the boundary shown on the draft ODP. However, the ODP has only been provided for illustrative purposes to show how the land may be developed and has not been formally considered by the Shire or the WAPC. It would be undesirable to formalise the boundary on the Scheme map without having endorsed the ODP. It would therefore be recommended that the R50 zoning be extended over the area zoned R40.

Additionally, if Council feels that the corner of Church Street and Brady Road should be retained for a restaurant or commercial purposes, it would be more appropriate to zone this as 'Neighbourhood Commercial' which allows for a range of commercial uses generally suited to serving tourists and

local residents, rather than as an 'Additional Use' site which may or may not be developed for that purpose.

It is recommended in the first instance that the amendment be modified to incorporate tourist uses including accommodation to a maximum density of R80. However, if Council are of the view the site should be residential an alternative recommendation is provided.

Financial Implications:

Nil.

Statutory Environment:

Planning & Development Act 2005 (as amended),
Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Policy Implications:

Nil.

Officers Recommendation:

That Council advises the proponent it would be prepared to initiate a modified Scheme Amendment that incorporates the following elements:

1. Zoning remain as Special Use Site No 5;
2. Permitted uses under the zoning be amended to incorporate Residential uses (Single Houses, Grouped Dwellings, Multiple Dwellings) and Tourism uses (Holiday Accommodation, Motel and Restaurant).
3. Holiday Accommodation be permitted at a maximum density of R80.
4. Residential uses be permitted at a maximum density of R60.
5. Residential use not to exceed 40% of the site area.
6. Preparation of an Outline Development Plan, and approval of such by the Shire and the WAPC prior to subdivision and development.
7. ODP to include the following elements:
 - Residential Precinct;
 - Tourism Precinct;
 - Road layout;
 - Building floor levels;
 - Building height restrictions and envelopes;
 - Public Open Space (inc. provision for drainage); and
 - Preparation of a foreshore management plan.

Alternative Resolution:

That Council, in pursuance of Section 75 of the Planning and Development Act 2005 (as amended) and subject to the following changes to the report submitted by RPS Koltaz Smith:

- a) The R50 zoning be extended over the area zoned R40;

- b) The area proposed to be allocated as an 'Additional Use' site be zoned 'Neighbourhood Commercial'.

Amend the Shire of Irwin Local Planning Scheme No 5 by:

1. Rezoning Lot 70 Church Street and Lot 60 Brady Road, Dongara from "Special Use 5" to "Residential R50", "Local Reserve" and "Neighbourhood Commercial" as shown on the attached Scheme Amendment Map;
2. Deletion of Lot 70 Church Street and Lot 60 Brady Road, Dongara from Schedule 4 "Special Use Zones."

Cr G Bass declared a financial interest and left the chambers at 4.45pm

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr R McClurg

That Council allow Cr G Bass to be in attendance during the debate but cannot participate in the discussion or vote.

**CARRIED
7/0**

VOTING DETAILS:

Cr G Bass re-entered the chambers at 4.47pm

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr R Gillam

That Council advises the proponent it would be prepared to initiate a modified Scheme Amendment that incorporates the following elements:

1. ***Zoning remain as Special Use Site No 5;***
2. ***Permitted uses under the zoning be amended to incorporate Residential uses (Single Houses, Grouped Dwellings, Multiple Dwellings) and Tourism uses (Holiday Accommodation, Motel and Restaurant).***
3. ***Holiday Accommodation be permitted at a maximum density of R80.***
4. ***Residential uses be permitted at a maximum density of R60.***
5. ***Residential use not to exceed 40% of the site area.***
6. ***Preparation of an Outline Development Plan, and approval of such by the Shire and the WAPC prior to subdivision and development.***
7. ***ODP to include the following elements:***
 - ***Residential Precinct;***
 - ***Tourism Precinct;***
 - ***Road layout;***
 - ***Building floor levels;***
 - ***Building height restrictions and envelopes;***
 - ***Public Open Space (inc. provision for drainage); and***
 - ***Preparation of a foreshore management plan.***

**CARRIED
6/1**

VOTING DETAILS:

TP.456

Subject: Proposed Scheme Amendment – Lots 8, 9, 178, 179, 11 and 12
Hunts Road, Dongara
Proponent: M Crossley, G & D Campbell, L McNaboe, R & G Kendrick and T
Criddle
Reporting Officer: Town Planner
File Reference: TP.3.2
Date Prepared: 14 January 2009
Voting Requirements: Simple

Issue:

To consider an application to rezone a portion of Lots 8, 9, 178, 179, 11 and 12 Hunts Road, Dongara from 'Local Reserve' to 'Town Centre'.

Body / Background:

Subject Land

The six lots in question are all located roughly opposite the Dongara Hotel on Hunts Road. They range in size from 1879m² (Lot 178) to 4526m² (Lot 12).

The lots generally consist of a flat area suitable for building on off the Hunts Road frontage and the steeply sloping land down the bank of the Irwin River.

Lots 8, 178, 179 and Lot 12 have a mixture of existing dwellings and outbuildings, Lots 9 and 11 are currently vacant.

Of the existing dwellings, three are listed on the Shire's Municipal Inventory of Heritage Places:

- Lot 8 (Campbell's) is listed as a Category 2;
- Lot 179 (Kendrick's) is listed as a Category 2; and
- Lot 12 (Criddle's) is listed as a Category 3.

(The categories range from 1 to 6, with 1 being of the most importance).

Current Zoning

Under the Shire's Local Planning Scheme No 5 the lots are zoned 'Town Centre' over the front portion adjacent to Hunts Road, and 'Local Reserve' over the rear portion.

The Town Centre zone allows for a range of different uses including residential and commercial uses, subject to the provisions of the Town Centre Precinct Plan.

The Local Reserve zoning generally does not allow any development.

The Proposal

The proponents have engaged Hille, Thompson & Delfos Surveyors and Planners (HTD) to undertake an amendment to the Shire's Local Planning Scheme No 5 to push the 'Local Reserve' zoning shown on the scheme map further back towards the river and increase the area of each lot available for development. See attached zoning maps.

HTD have undertaken extensive surveying of the river bank and established an accurate delineation of the 100 year flood limit. The proposed new boundary between the two zones would correspond with this delineation.

As it currently stands, the boundary between the 'Town Centre' zone and the 'Local Reserve' zone is somewhat arbitrary and part of the flat useable land at the top of the bank is included in the 'Local Reserve' zone, meaning it cannot be developed.

The amendment therefore proposes to realign the boundary with the accurate physical limit of a 100 year flood and maximise the development potential of each lot.

Planning Framework

There are a number of planning documents and policies which relate to this application.

Primarily, Local Planning Scheme No 5 applies as this is the mechanism by which zonings and development control is implemented within the Shire.

The application also falls in Policy Area B of the Shire of Irwin Local Planning Strategy. No specific mention is made of these properties although general reference is made to the need to accommodate urban expansion and to protect reserves within the urban area.

The lots are also subject to the recently endorsed Town Centre Precinct Plan and will fall in Precinct 2 of this document. However, the provisions of this document will apply more when the lots are developed rather than at this scheme amendment stage.

Of a more specific nature, the Irwin River Estuary Coastal Management Plan 2005 (ATA Environmental) includes recommendations to ensure the river and its estuary are protected, including the river and its banks adjacent to these properties. The amendment however, will have little impact on the recommendations of this plan as it is not proposed to alter either the river or any vegetation.

The Irwin River Flood Study 1987 (Water Corporation) also applies to this application and indicates a substantial amount of the subject land, including the flat area at the top could be inundated in a 1 in 100 year flood. See attached plan from the study.

HTD have addressed this by transferring the expected height limit of the flood provided by the Water Corp onto the more detailed survey they conducted over the site. The result from the more accurate survey is a decrease in the area likely to be flooded. This will need to be verified by the Environmental Protection Authority and the Department of Water prior to final endorsement of the amendment.

Officers Comment:

The proposed amendment and justification provided are reasonable and the application is supported.

From the information provided the existing zoning boundary does not correspond with the area of each lot that has potential to be developed. The detailed survey provided by the applicant suggests the boundary between the 'Town Centre' zone and the 'Local Reserve' zone could be realigned further towards the river and allow development to take place on all of the flat area at the top of the bank, without exposing development to flood risk.

The new boundary will still be a straight line which will assist in making it easily identifiable and will also maintain a degree of visual amenity.

It is recommended the application be initiated.

Financial Implications:

Nil.

Statutory Environment:

Planning & Development Act 2005 (as amended),
Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (c) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (d) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Policy Implications:

Nil.

Officers Recommendation:

That Council, in pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Irwin Local Planning Scheme No 5 by:

- 1. Rezoning part of Lots 8, 9, 178, 179, 11 and 12 Hunts Road, Dongara from “Local Reserve” to “Town Centre”.
- 2. Amending the scheme maps accordingly.

Cr K Hepworth and Cr R McClurg declared a proximity interest and left the chambers at 4.56pm.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr G Bass

That Council, in pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Irwin Local Planning Scheme No 5 by:

- 1. Rezoning part of Lots 8, 9, 178, 179, 11 and 12 Hunts Road, Dongara from “Local Reserve” to “Town Centre”.***
- 2. Amending the scheme maps accordingly.***

VOTING DETAILS:

**CARRIED
6/0**

Cr K Hepworth and Cr R McClurg returned to the chambers at 5.02pm.

TP.457

Subject: Proposed Road Closure – Steele Road
Proponent: FJ Burton
Reporting Officer: Town Planner
File Reference: TP.3.1
Date Prepared: 15 January 2008
Voting Requirements: Simple

Issue:

To consider a request to close an unconstructed portion of Steele Road.

Body / Background:

At Council's meeting held on the 24th of June 2008, a subdivision application to rationalise the boundaries of a number of lots along Wye Farm Road, owned by FJ Burton, was considered.

Council resolved to support the application and approval was granted by the Western Australian Planning Commission on the 23rd of September 2008.

Condition 5 of that approval, required by the Commission, states the following:

'Evidence be provided by the applicant/owner prior to the Commission endorsing the Deposited Plan that the existing road reserve which divides Lot 2 will be closed.'

The road reserve in question is the unconstructed portion of Steele Road between Water Supply Road and Wye Farm Road. See attached plan.

HTD Surveyors and Planners, acting on behalf of the proponent, have now written to the Shire requesting the road reserve be closed, in order to satisfy the above condition of subdivision approval.

Officers Comment:

The road reserve is not needed to provide access to any adjoining lot and is unlikely to be required as part of any strategic road network in the future.

If Council agree to initiate closure proceedings, this will allow the proposal to be advertised, followed by further consideration of any submissions by Council before a formal request is made to the Minister to close the road.

Financial Implications:

Cost of advertising, both in the Geraldton Guardian and the Local Rag.

Statutory Environment:

Land Administration Act 1997 (as amended):
Section 58 – Closure of roads;

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Policy Implications:

Nil.

Officers Recommendation:

That Council resolves to initiate the proposed closure of Steele Road between Water Supply Road and Wye Farm Road, in accordance with section 58 of the Land Administration Act 1997(as amended).

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr L Wheeler

That Council resolves to initiate the proposed closure of Steele Road between Water Supply Road and Wye Farm Road, in accordance with section 58 of the Land Administration Act 1997(as amended).

**CARRIED
8/0**

VOTING DETAILS:

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.03pm.

I certify that this copy of the Minutes is a true and
correct record of the meeting held on
20 January 2009

Signed:
Presiding Elected Member

Date:.....