

I certify that this copy of the Minutes is a true and correct record of the meeting held on 10 February 2009
Signed:
Presiding Elected Member
Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 10 FEBRUARY 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 L Dean-Gundill 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 G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
	Gallery	Dr Kent Morrison (4.00pm – 4.10pm) Mr Ralph Murray
GUESTS:		Mr Simon Glossop – Tourism Western Australia (4.00pm – 4.30pm)
APOLOGIES:		-
LEAVE OF ABSENCE:		Cr G C Bass Cr R J Gillam

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 C Bass: Leave of absence
Cr R J Gillam: Leave of absence

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Simon Glossop from Tourism WA made a presentation to council on how Tourism WA can assist the Shire of Irwin with promoting tourism in the area.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Gail Dean-Gundill has requested Leave of Absence from the Council Meetings scheduled for 24 February 2009, 10 March 2009, 24 March 2009 and 14 April 2009.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr K Hepworth

That Cr Gail Dean-Gundill be granted Leave of Absence for the Council Meetings scheduled for 24 February 2009, 10 March 2009, 24 March 2009 and 14 April 2009.

VOTING DETAILS:

**CARRIED
7/0**

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 JANUARY 2009

A copy of the Minutes of the Ordinary Council Meeting held on 20 January 2009 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr K Hepworth

Seconded Cr R McClurg

That the Minutes of the Ordinary Council Meeting, held on 20 January 2009, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

**CARRIED
7/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1:** CEO and President to meet with the Minister for Regional Development - Brendan Grylls on Thursday 12 February 2009.

- 8.2:** Local Government Minister John Castrilli announced the Amalgamation of Councils.

- 8.3:** Roundabout at Point Leander Drive delayed due to the requirement for compulsory acquisition of land.

- 8.4:** Roy Butterfield will be retiring on 3 March 2009.

- 8.5** Danika Chandler has given birth to a baby boy, Davy Jack.

- 8.6:** Thoughts go out to the people in Victoria and the victims of the fires during the week.

9. REPORTS

B.410

Subject: Excision / Amalgamation of Land
Location: Reserves 137 and 24829
Proponent: Shire of Irwin
Reporting Officer: Felix Neuweiler, Manager Community Development
Date of Report: 20 January 2009
File Reference: RR.1.18
Voting Requirements: Normal Majority

Issue:

Facilities on the Department of Water's Reserve 24829, White Tops Road, South Beach.

Background:

The Shire of Irwin recently made an application to the State Lands Services, DPI for the power to lease the northern area of Reserve 137 to third parties.

The Department for Planning & Infrastructure (DPI) suggested that the Shire of Irwin approach the Department of Water to amalgamate a small area of Water Supply Reserve 24829 into Reserve 137 (please refer to the attachment) as the access road to South Beach and part of the kiosk appear to be located on the Water Supply Reserve.

The Department of Water has no objection to the proposal (please refer to the attachment). The DPI has now requested a formal Council resolution to process the proposal.

Officer's Comment:

Nil.

Financial Implications: - Cost of surveying the new boundaries.

Statutory Environment: - N/A

Policy Implications: - N/A

Officers Recommendation:

That Council consent to the excision of the portion of land, marked 'A' to 'B' on the attachment, from Reserve 24829 and the subsequent amalgamation of that area into Reserve 137.

COUNCIL MOTION:

Moved: Cr L Wheeler

Seconded: Cr S Chandler

That Council consent to the excision of the portion of land, marked 'A' to 'B' on the attachment, from Reserve 24829 and the subsequent amalgamation of that area into Reserve 137.

VOTING DETAILS:

**CARRIED
7/0**

CEO.400

Subject: Review of Wards and Representation
Reporting Officer: Chief Executive Officer
File Reference: AB.2
Date Prepared: 29 January 2009
Voting Requirements: Absolute majority

Issue:

To make a recommendation to the Local Government Advisory Board regarding Wards and Representation for the Irwin Shire Council.

Body / Background:

At the ordinary Council meeting held on Tuesday 28 October 2008 Council passed the following resolution:

That Council:

- *Undertake a review of its ward and representational system.*
- *Request the CEO to prepare a discussion paper to outline the various options and explain the five factors against which the options will be assessed. The discussion paper to be endorsed by Council prior to giving public notice.*
- *Agree that the discussion paper should canvass the option of a no ward system and reducing the number of Councillors, and*
- *Forward correspondence to the LGAB apologising for not responding to their correspondence of December 2007 and advising of the current situation.*

Council endorsed the discussion paper at the ordinary Council meeting held on Tuesday 25 November with the addition of an option 3 (retain 3 wards and 9 councillors).

Local public notice has been provided in accordance with the local government act by advertising in the Geraldton Guardian on Wednesday 10 December 2008 and notices were placed in the Rag on Wednesday 10 and 17 December 2008. Submissions closed 4:00pm Monday 2 February 2009.

The following submissions were received:

- ✓ Murray Brown Is of the view that the ward system should be abolished however we should retain 9 Councillors.
Abolishing the ward system will stop the LGAB continually seeking a review of the councillor/elector ratio. There is some chance that future population growth will occur unevenly and further ward reviews would appear to be necessary. My previous experience has shown that abolishing the ward system and or not having a ward system has little or no effect on the people electors select to represent them.
- ✓ John Rossiter Supports option 1 (no wards, 8 councillors)
The present ward system is flawed as some of the councillors are not sitting for the ward they live in. Councillors should represent all the residents of the Shire. If an elector has a problem they will go to the councillor that they know will listen and act on their behalf.
- ✓ Doreen Harper Supports No Wards and 7 Councillors.
Councillors should represent all members of the Shire, some Councillors do not even live in the ward they represent. Having 7 Councillors would be better than the minimum of 6 in case there is a divided vote.

- ✓ John Rowland Supports retaining the current ward boundaries and reducing the number of Councillors to 7. No reasons are provided as to why we should retain the ward system. *The reduced number of Councillors gives a more streamlined Council.*
- ✓ J Staniforth-Smith Supports Option 1.
- ✓ P Staniforth-Smith Supports Option 1.
- ✓ Irwin Community Progress Association Inc: Supports Option 1, no reasons are provided.

A full copy of the submissions received is available at the Shire office.

Officers Comment:

Following the last review of Wards and Representation undertaken by Council, it was resolved in February 2004 to:

- Reduce total representation from 10 to 9
- Amalgamate the North and South-East Wards to a Rural ward
- Declare that the Rural ward have two representatives
- Increase the Town ward representation from 2 to 3
- Remove the Northshore Estate from the Rural Ward and place in the Town Ward
- Remove the Racecourse Estate from the Town Ward and place in the Rural Ward
- Request that no vacancy occur in the Rural Ward until 2007

This decision was endorsed by the Minister and resulted in the following representation for the 2005 local government elections:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio Average	% Ratio Deviation
Denison	925	4	231	2.94%
Rural	663	2	331	-39.07%
Town	552	3	184	22.69%
Total	2,140	9	238	

In August 2005, following the 2005 local government elections, correspondence was received from the LGAB advising that:

The LGAB recommended the changes to the Minister on the basis that they would result in a more balanced representation across the Shire. The LGAB is concerned that the May 2005 elector information provided by the Shire reveals that 2 wards are now significantly outside the plus or minus 10% tolerance.

As a consequence the LGAB resolved:

- To ask the Shire for an explanation regarding the discrepancy between the Councillor to elector ratios predicted at the time of the last review and the figures reflected at the May 2005 elections, and
- To request the Shires comments on how and when it plans to address the imbalance in representation.

The Shire responded that the differences were due to new developments and that in time the ratios will come closer.

The change in the councillor/elector ratio from the February 2004 review to February 2005 when the new electoral roll was produced for the 2005 local government elections was quite dramatic as shown above (presuming that the 2004 review resulted in all wards being within the + or – 10%

range). The change during this 12 month period is even more extraordinary when compared with the change between February 2005 and October 2008 as shown below:

% Ratio Deviation

	<u>February 2005</u>	<u>October 2008</u>	<u>Change</u>
Denison	2.94%	6.56%	3.62%
Rural	-39.07%	-42.5%	3.43%
Town	22.69%	20.07%	2.62%

The current need to review wards is therefore not as a result of ongoing development and resident population changes as there has been little change over the past 3.5 years as shown above, but is due to the substantial change from within the +/- 10% from the February 2004 review and the February 2005 electoral roll.

Assessment of Options

It is essential that Council consider each option against the prescribed factors.

Option One – No Wards, 8 Councillors

Having no wards results in all residents being treated as one and therefore Community of Interest, Physical and Topographical Features, Demographic Trends and Economic Factors are not relevant as we are not differentiating between different areas within the Shire.

The advantages of a no ward system include:

- Elected members are elected by the whole community not just a section of it.
- Dongara and Port Denison townsites and the Rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.

Reducing the number of Councillors from 9 to 8 will result in the resident to councillor ratio changing from 259 to 291.

Option Two – Maintain 3 Wards, 8 Councillors

Community of Interest

The Rural Ward includes residents from general farming, rural small-holdings, rural residential and residential zones. What community of interest is there between residents living in the racecourse subdivision and general farming apart from being in the same Shire?

The boundaries are not based on communities of interest.

Physical and Topographical Features

The boundaries are not based on physical and topographical features but have been determined to meet the + or – 10% variance. It is difficult to base the boundaries on physical and topographical features with such a small population.

Demographic Trends

The demographic trends amongst the different wards has changed little between February 2005 and October 2008 although there was an extraordinary change between February 2004 and February 2005.

Economic Factors

The boundaries are not based on economic factors, particularly in the Rural Ward.

Reducing the number of Councillors from 9 to 8 will result in the resident to councillor ratio changing from 259 to 291.

Option Three – Maintain 3 Wards, 9 Councillors

Community of Interest

The Town Ward includes residents from rural small-holdings, rural residential, town centre and residential zones. What community of interest is there between residents living in rural residential areas and the town centre zone apart from being in the same Shire?

The boundaries are not based on communities of interest.

Physical and Topographical Features

The boundaries are not based on physical and topographical features but have been determined to meet the + or – 10% variance. It is difficult to base the boundaries on physical and topographical features with such a small population.

Demographic Trends

The demographic trends amongst the different wards has changed little between February 2005 and October 2008 although there was an extraordinary change between February 2004 and February 2005.

Economic Factors

The boundaries are not based on economic factors, particularly in the Town Ward.

Given the Shire's small population it is very difficult to determine boundaries that meet the guiding principles and achieve the required + or – 10% variance. Accordingly it is recommended that Council abolish the ward system.

Summary

The advantages in abolishing the ward system are obvious and can be implemented without the need for all offices of councillor to be declared vacant.

The decision on whether to retain 9 councillors or reduce to 8 councillors depends on the impact of each councillor representing 291 rather than 259 electors. It should be noted that if we reduce the councillor numbers from 9 to 8 the councillor/elector ratio of 291 will be far less than the current councillor/elector ratio for the rural ward of 369.

Financial Implications:

Having no wards will reduce the costs of local government elections and will eliminate the need for regular reviews of the ward boundaries.

Reducing the number of Councillors from 9 to 8 will reduce the costs of governance.

Statutory Environment:

Clause 6 of Schedule 2.2 of the local government act states:

6. Local government with wards to review periodically

(1) A local government the district of which is divided into wards is to carry out reviews of —

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.

(2) A local government which is not divided into wards may carry out reviews as to —

- (a) whether or not the district should be divided into wards; and
- (b) if so —

(i) what the ward boundaries should be; and

(ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.

(3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

The Department of Local Government and Regional Development website contains substantial information on ward and representation reviews (www.dlgrd.wa.gov.au).

Policy Implications:

Nil

Officers Recommendation:

That Council advise the Local Government Advisory Board that Council has undertaken a comprehensive review of our wards and representation and recommends:

- abolishing all wards and having a no ward system,
- retaining 9 councillors for the 2009 local government elections and reducing to 8 councillors for the 2011 local government elections, and
- that these changes be implemented without declaring all positions vacant, ie those elected members whose term expires in 2011 continue on Council until their terms expire, representing the whole District.

Note: the reason for retaining 9 councillors for the 2009 elections and reducing to 8 for the 2011 elections is that there are 4 vacancies in 2009 and 5 vacancies in 2011. The number of vacancies in 2011 would be reduced from 5 to 4.

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr G Dean-Gundill

That Council advise the Local Government Advisory Board that Council has undertaken a comprehensive review of our wards and representation and recommends:

- ***abolishing all wards and having a no ward system,***
- ***retaining 9 councillors for the 2009 local government elections and reducing to 8 councillors for the 2011 local government elections, and***
- ***that these changes be implemented without declaring all positions vacant, ie those elected members whose term expires in 2011 continue on Council until their terms expire, representing the whole District.***

Note: the reason for retaining 9 councillors for the 2009 elections and reducing to 8 for the 2011 elections is that there are 4 vacancies in 2009 and 5 vacancies in 2011. The number of vacancies in 2011 would be reduced from 5 to 4.

**CARRIED
7/0**

VOTING DETAILS:

CEO.401

Subject: Council Meeting Times 2009
Reporting Officer: Chief Executive Officer
File Reference: AC.3
Date Prepared: 2 February 2009
Voting Requirements: Absolute Majority

Issue:

To determine the Council meeting times for 2009.

Body / Background:

Council currently has two Council meetings per month, being the second and fourth Tuesday's, commencing at 4:00pm.

Council has recently commenced holding a Forum on the second Tuesday of each month following the closure of the ordinary Council meeting.

The duration of ordinary Council meetings for this financial year are shown below:

8 July	20 minutes
22 July	44 minutes
12 August	32 minutes
26 August	55 minutes
9 September	60 minutes
23 September	35 minutes
14 October	30 minutes
28 October	69 minutes
11 November	29 minutes
25 November	77 minutes
16 December	64 minutes
20 January	63 minutes

Average meeting time is 48 minutes

Officers Comment:

It is recommended that Council implement the following changes to our meeting schedule for 2009:

- Have one ordinary Council meeting per month, to be held on the fourth Tuesday of the month except for December (have December on third Tuesday), commencing at 4:00pm.
- Hold a Council Forum on the second Tuesday of each month except for January and December (no Forum), commencing at 4:00pm.
- Change the method of remuneration for Councillors from being on a per meeting basis to being paid on an annual basis with payments made quarterly.

If this recommendation is adopted the Council and Forum meeting times for 2009 would be:

24 February	Council Meeting
10 March	Council Forum
24 March	Council Meeting
14 April	Council Forum
28 April	Council Meeting
12 May	Council Forum

26 May	Council Meeting
9 June	Council Forum
23 June	Council Meeting
14 July	Council Forum
28 July	Council Meeting
11 August	Council Forum
25 August	Council Meeting
8 September	Council Forum
22 September	Council Meeting
13 October	Council Forum
27 October	Council Meeting
10 November	Council Forum
24 November	Council Meeting
15 December	Council Meeting

In regards to Councillor meeting fees it is recommended that Council agree to an annual allowance as per the requirements of the local government act, to be paid quarterly.

Current meeting fees are:

Shire President	\$280 per meeting
Councillors	\$140 per meeting

Council also pays an annual allowance to the Shire President (\$6,000) and Deputy President (\$1,500).

It is recommended that Councillors meeting fees be set at \$3,000 per annum and \$6,000 per annum for the Shire President, paid quarterly, commencing from 1 March 2009.

Financial Implications:

There is little change in the cost of changing from a per meeting payment system to an annual payment system. The annual fee recommended is based on the current per meeting fee.

Statutory Environment:

The relevant sections of the local government act are:

5.98. Fees etc. for council members

- (1) A council member who attends a council or committee meeting is entitled to be paid-
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (5) The president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the prescribed minimum annual local government allowance for presidents; or
 - (b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for presidents, that allowance.

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the president is entitled under section 5.98(5).
- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy president is entitled under section 5.98.

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the prescribed minimum annual fee; or
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.

The relevant sections of the local government (administration) regulations are:

30. Meeting attendance fees — s. 5.98(1)

(1) For the purposes of section 5.98(1), subject to subregulation (3) —

- (a) the minimum fee for a council member other than the president attending a council meeting is \$60 for each meeting; and
- (b) the maximum fee for a council member other than the president attending a council meeting is \$140 for each meeting.

(2) For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —

- (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and
- (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.

(3) The total of fees paid to a council member other than the president for attending meetings (whether of the council or of any committee) in each year is not to exceed \$7,000.

(4) For the purposes of section 5.98(1), subject to subregulation (5) —

- (a) the minimum fee for the president attending a council meeting is \$120 for each meeting; and
- (b) the maximum fee for the president attending a council meeting is \$280 for each meeting.

(5) The total of fees paid to the president for attending meetings (whether of the council or of any committee) in each year is not to exceed \$14 000.

33. Annual local government allowance for mayors or presidents — s. 5.98(5)

(1) For the purposes of section 5.98(5) —

- (a) the minimum annual local government allowance for a president is \$600; and
- (b) the maximum annual local government allowance for a president is —
 - (i) \$12 000; or
 - (ii) 0.002 of the local government's operating revenue,whichever is the greater amount, but in any case no more than \$60 000.

33A. Annual local government allowance for deputies — s. 5.98A

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

34. Annual attendance fees — s. 5.99

(1) For the purposes of section 5.99 —

- (a) the minimum annual fee for a council member other than the president attending meetings (whether of the council or of any committee) is \$2 400; and
- (b) the maximum annual fee for a council member other than the president attending meetings (whether of the council or of any committee) is \$7 000.

(2) For the purposes of section 5.99 —

- (a) the minimum annual fee for the president attending meetings (whether of the council or of any committee) is \$6 000; and
- (b) the maximum annual fee for the president attending meetings (whether of the council or of any committee) is \$14 000.

Policy Implications:

Nil

Officers Recommendation:

That Council agree to the following meeting schedule and attendance fees for the conduct of Council meetings, to commence from 1 March 2009:

- Ordinary Council meetings to be held on the fourth Tuesday of each month, commencing at 4:00pm (except for December and January when they will be held on the third Tuesday)
- A Council Forum to be held on the second Tuesday of each month, commencing at 4:00pm, (except for December and January when no Forum will be held)
- The current per meeting attendance fee paid to elected members be replaced with an annual fee of \$3,000 for Councillors and \$6,000 for the Shire President, to be paid quarterly.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr R McClurg

That Council agree to the following meeting schedule and attendance fees for the conduct of Council meetings, to commence from 1 March 2009:

- ***Ordinary Council meetings to be held on the fourth Tuesday of each month, commencing at 4:00pm (except for December and January when they will be held on the third Tuesday)***
- ***A Council Forum to be held on the second Tuesday of each month, commencing at 4:00pm, (except for December and January when no Forum will be held)***
- ***The current per meeting attendance fee paid to elected members be replaced with an annual fee of \$3,000 for Councillors and \$6,000 for the Shire President, to be paid quarterly.***

VOTING DETAILS:

**CARRIED
6/1**

Cr R Parsons voted against the motion on the basis that she supports the retention of sitting fees.

CEO.402

Subject: CEO Professional Development
Reporting Officer: Chief Executive Officer
File Reference: AS.3.1.1
Date Prepared: 2 February 2009
Voting Requirements: Simple

Note: The author has a financial interest in this item.

Issue:

To consider funding the costs of the CEO's continued professional development.

Body / Background:

The Chief Executive Officer is currently studying towards a Diploma in Planning with Edith Cowan University and has successfully completed 4 of 8 subjects.

The CEO requests Council fund the cost of registration, which is approximately \$800 per subject, for two units of study per annum.

Officers Comment:

Although this request is in accordance with Council Policy it has been put to Council for endorsement as the Council is responsible for the management and remuneration of the CEO.

Financial Implications:

Fits within current training and professional development budget allocation.

Statutory Environment:

Nil

Policy Implications:

Is in accordance with Council Policy A26 Study Expenses.

Officers Recommendation:

That Council fund the cost of unit registration for the CEO to continue studying towards the attainment of a Diploma in Planning with Edith Cowan University, for a maximum of 2 units per annum.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr L Wheeler

That Council fund the cost of unit registration for the CEO to continue studying towards the attainment of a Diploma in Planning with Edith Cowan University, for a maximum of 2 units per annum.

VOTING DETAILS:

**CARRIED
7/0**

DCS.317

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date Of Report: 10 February 2009
File Reference: Minute Book
Voting Requirements: Normal Majority

Issue:

To receive the list of accounts paid during January 2009.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of January 2009.

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 January 2009, represented by Municipal Cheque Numbers 27250-27288, EFT payment numbers 8308 - 8413 totalling \$317,924.22. Trust Payment Cheque Numbers: 2112-2118 totalling \$30,756.25 & Police Licensing Payment No's PL 070109 – PL300109 totalling \$81,571.65 be received.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr K Hepworth

That the Accounts paid during January 2009, represented by Municipal Cheque Numbers 27250-27288, EFT payment numbers 8308 - 8413 totalling \$317,924.22. Trust Payment Cheque Numbers: 2112-2118 totalling \$30,756.25 & Police Licensing Payment No's PL 070109 – PL300109 totalling \$81,571.65 be received.

VOTING DETAILS:

**CARRIED
7/0**

TP.458

Subject: Proposed Scheme Amendment – Lots 148, 149 Money Street, Lots 30, 31 Golf Course Road and Lot 55 Point Leander Drive, Port Denison

Proponent: Stron Pty Ltd

Reporting Officer: Town Planner

File Reference: TP.3.2

Date Prepared: 3 February 2009

Voting Requirements: Simple

Issue:

To consider an application to rezone the above lots from Special Residential to Residential R20/30.

Body / Background:

Subject Land

The five lots in question are located on the south side of Golf Course Road, between Point Leander Drive and Money Street. They range in size from 6464m² (Lot 30) to 1.57ha (Lot 55).

The land is gently undulating apart from a rise in the western corner of Lot 55 where it adjoins Point Leander Drive.

Lots 148 and 149 are currently cleared and vacant, the remaining lots all include an existing house and outbuildings.

Current Zoning

Under the Shire's Local Planning Scheme No 5, the land is zoned 'Special Residential'. The objectives for this zone are as follows:

'To provide a low density residential living and working environment in which development and land use is of a type and location compatible with the overall amenity of the area.'

The minimum lot size in the Special Residential zone is 2000m² and all lots with an area of less than 4000m² are to be connected to reticulated sewerage.

Directly opposite Lot 149 on Money Street is the Dongara Pistol Club. This sits on Reserve 32049 for the purpose of "Pistol Range" and is vested in the Shire with power to lease for 21 years. The current lease will expire in 2015, with an option for a further 10 years.

A portion of Golf Course Road is also identified on the Scheme maps as an 'Important Local Road' and will possibly provide an alternative route to Dongara from south of Port Denison in the future.

The Proposal

The proponent has engaged planning consultants Grey & Lewis to make application for a rezoning over the subject land.

The application intends to amend the zoning of these five lots from Special Residential to Residential R20/30 (see attached).

R20 coding requires a minimum lot size of 440m² and an average of 500m², while R30 coding is a higher density and allows a minimum lot size of 270m² and an average of 300m².

It is noted the existing development on the opposite side of Golf Course Road (Bluewater Gardens) is coded R30.

The amendment is proposed to apply to Lots 148, 149, 30, 31 and 565 only as adjoining Lots 150 and 151 to the south are owned by the Roman Catholic Bishop of Geraldton, who has advised the land is intended to be set aside for use as a future school.

Indicative Structure Plan

To support the amendment application, the consultant has prepared an Indicative Structure Plan to show how this land, and the land to the south extending to Russ Street, could potentially be developed and how this would be integrated.

The Indicative Structure Plan basically creates two development precincts either side of the large dune ridge running through the land in a north-south direction. The dune ridge would be protected as public open space. This proposal concentrates on Precinct 1 and shows an indicative road layout and density codes for this precinct (see attached).

Justification

The consultants have provided justification for the amendment as follows:

- Port Denison/Dongara is currently experiencing rapid growth which is set to continue as a result of expanded tourism, fishing, mining and diversified farming industries;
- Important to identify areas for unconstrained urban growth in Port Denison;
- Opportunities for the rezoning include:
 - o Relatively unconstrained in terms of landform and the physical environment;
 - o Currently underutilised;
 - o Directly adjoins the existing development front to the north and west;
 - o Close proximity to Port Denison and existing community facilities;
 - o Can be readily serviced from Point Leander Drive and Golf Course Road;
 - o Close to the beach and existing coastal recreational facilities; and
 - o Strong demand for well located land for residential development.

Planning Framework

At a local government level the proposed amendment primarily relates to the Shire of Irwin Local Planning Scheme No 5, which sets out the zoning and development control provisions for the Shire.

The land also falls within Policy Area 'B' of the Local Planning Strategy 2002. No specific mention is made of this land in the Strategy although the following general statements are relevant: 'Strategies: Provide for a range of housing types within the urban area.'
'Actions: Incorporate provisions within the Scheme to ensure a range of residential densities and development options.'

At a state level, the Residential Design Codes 2008 apply in determining the minimum and average lot sizes for the proposed density codes.

Officers Comment:

It is noted that Dongara currently has an oversupply of vacant residential lots and if this land was to be developed for residential purposes now, it would only add to that.

However, rezoning of this land is supported on the basis that it is important to ensure there is a long term supply of well located residential land available for development within town. In this regard, the proposal represents an infill development that will help to maximise the potential of what is currently well located but under-utilised urban land.

It will also take time for the necessary approvals to be in place prior to the land being suitable for subdivision. Going through this process now will ensure the land is ready when demand for residential land is strong again.

There are however, some issues with the proposal. In particular, the density codes as proposed by this amendment are not in accordance with previous advice given by Council.

The proposal has been discussed at two Council forums, one on the 8th of July 2008 and again on the 14th of October 2008. On both occasions Council has expressed general support for the rezoning, but advised that the maximum density should be R15 with a small pocket of R20. (R15 provides for a minimum lot size of 580m² and an average lot size of 666m²).

It is also noted that Lot 30 (JG & MJ Caimanos) is included in the amendment, but no indication has been given as to this owners view on the proposal. Their written support for such should be provided prior to endorsing the application.

Additionally, Lot 55 (LC & VM Baskerville) under the current Scheme maps is subject to a road widening requirement for Point Leander Drive, but has not been included in the amendment. This should be retained on the proposed amendment maps.

Lastly, to ensure an integrated approach to the eventual subdivision of Lots 148, 149, 30, 31 and 55 once they are rezoned, it is suggested that an Outline Development Plan should be prepared over these lots. This would be a more detailed plan expanding on the Indicative Structure Plan, and include lot layout and sizes, public open space, drainage and linkages to adjoining lots.

The Outline Development Plan would be prepared separate to, but in conjunction with the scheme amendment, and require the approval of the Shire and the Western Australian Planning Commission.

Clause 5.23.2 of the Scheme gives the Shire the ability to request outline development plans prior to subdivision in the Residential zone. The plan would need to be prepared in accordance with the requirements of this clause.

It is suggested that the amendment as proposed not be initiated. However, Council advise the proponent that it would be prepared to initiate a Scheme Amendment that addresses the above points and that an Outline Development Plan will need to be prepared prior to subdivision.

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 declines to initiate the Scheme Amendment as proposed to Lots 148 and 149 Money Street, Lots 30 and 31 Golf Course Road and Lot 55 Point Leander Drive, Port Denison. Council would however, be prepared to initiate a Scheme Amendment that incorporated the following elements:

- A density code of R15;
- A pocket of R20 density along the Golf Course Road frontage of Lot 148;
- Retention of the road widening shown on the current scheme maps over Lot 55 along Point Leander Drive;
- Confirmation from the owners of Lot 30 that they are in support of the rezoning; and
- An Indicative Structure Plan that reflects a density code of R15.

Additionally, the Shire will require the preparation and approval of an Outline Development Plan over Lots 148, 149, 30, 31 and 55 prior to subdivision. This plan is to be prepared in accordance with the provisions of Clause 5.23.2 of Local Planning Scheme No 5.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr G Dean-Gundill

That Council advises the proponent it declines to initiate the Scheme Amendment as proposed to Lots 148 and 149 Money Street, Lots 30 and 31 Golf Course Road and Lot 55 Point Leander Drive, Port Denison. Council would however, be prepared to initiate a Scheme Amendment that incorporated the following elements:

- ***A density code of R15;***
- ***A pocket of R20 density along the Golf Course Road frontage of Lot 148;***
- ***Retention of the road widening shown on the current scheme maps over Lot 55 along Point Leander Drive;***
- ***Confirmation from the owners of Lot 30 that they are in support of the rezoning; and***
- ***An Indicative Structure Plan that reflects a density code of R15.***

Additionally, the Shire will require the preparation and approval of an Outline Development Plan over Lots 148, 149, 30, 31 and 55 prior to subdivision. This plan is to be prepared in accordance with the provisions of Clause 5.23.2 of Local Planning Scheme No 5.

VOTING DETAILS:

**CARRIED
7/0**

TP.459

Subject: Proposed Subdivision – Lot 47 Quondong Road, Springfield
Proponent: PR & K Berkhout
Reporting Officer: Town Planner
File Reference: WAPC Ref: 139179
Date Prepared: 4 February 2009
Voting Requirements: Simple

Issue:

To consider an application to subdivide Lot 47 Quondong Road in Springfield, as referred by the Western Australian Planning Commission (WAPC) for consideration by Council.

Body / Background:

Subject Land

Lot 47 is 19.5 hectares in area and is located between Springfield Drive and the railway line.

The property is largely undeveloped. The northern half is cleared and has been used for small scale cropping, while the southern half is mostly covered in remnant vegetation and includes an existing dwelling and outbuildings.

Access to the lot is currently made up of a mixture of constructed and un-constructed roads. It has frontage to Mallee Road along its north western boundary but this is only constructed to a dirt road standard. Quondong Road is fully constructed (bitumised) up to the southern boundary of the property, but beyond this the road reserve is unconstructed. The unconstructed portion along the eastern boundary is also half the required width at 10m wide.

Current Zoning

Under the Shire of Irwin Local Planning Scheme No 5 the property is zoned Rural Residential. The minimum lot size in this zone is 2ha where no reticulated water supply is provided.

Subdivision is also to be in accordance with the Springfield Guide Plan which delineates the intended road and lot layout for this locality.

The Proposal

The application proposes to subdivide the lot into eight new lots all roughly 2ha in area.

Each lot is proposed to have access to either Mallee Road or Quondong Road.

The existing buildings on the property are proposed to be contained within Lot 7 with adequate setbacks (see attached).

Officers Comment:

The proposed layout of the new lots is in accordance with the Springfield Guide Plan and each lot meets the minimum lot size for this zone as required by the Scheme.

The main concern with this application however, is the proposed access to five out of the eight new lots by a road reserve which is only half the normal width.

In this regard, the road reserve for Quondong Road running along the eastern boundary of Lot 47 is only 10 metres wide, the standard width (and that required by the Springfield Guide Plan) is 20 metres.

It would not be possible to build a road to the Shire's standard in the existing half width road reserve.

In order to create a full width road reserve and properly build the road within this, the owners of adjoining Lot 1 (CI & SL McClurg) and adjoining Lot 3 (JB & ME Nunn) would also need to be part of the subdivision and formally cede the remaining 10 metres.

An alternative was considered whereby Lot 47 could perhaps cede the extra 10 metres and the proponent would therefore not be relying on the adjoining land owners. However, this would create a situation where the alignment of the road reserve where it joins at the southern end of Lot 47, would be off-set. A road could not feasibly be constructed with an abrupt 10 metre shift in alignment.

With the above in mind it is recommended that the application not be supported in its current form. The Shire would however, be prepared to consider an amended application that formally creates Quondong Road as a full width road reserve in accordance with the Springfield Guide Plan.

Financial Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5:

Clause 5.29 Rural Residential Zone and Schedule 13 No 2 – Springfield Special Provisions.

Policy Implications:

Nil.

Officers Recommendation:

That Council advises the Western Australian Planning Commission that it does not support the application to subdivide Lot 47 Quondong Road, Springfield because the application proposes to use an under width road reserve and will not provide proper access to proposed Lots 4, 5, 6, 7 and 8. Council would however, be prepared to consider an application that formally creates Quondong Road as a full width road reserve in accordance with the Springfield Guide Plan.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr K Hepworth

That Council advises the Western Australian Planning Commission that it does not support the application to subdivide Lot 47 Quondong Road, Springfield because the application proposes to use an under width road reserve and will not provide proper access to proposed Lots 4, 5, 6, 7 and 8. Council would however, be prepared to consider an application that formally creates Quondong Road as a full width road reserve in accordance with the Springfield Guide Plan.

VOTING DETAILS:

**CARRIED
7/0**

LATE AGENDA ITEM

CEO.403

Subject: Denison Bowling and Recreation Club
Reporting Officer: Chief Executive Officer
File Reference: BC.1.2
Date Prepared: 6 February 2009
Voting Requirements: Absolute majority

Issue:

To consider a request from the Denison Bowling and Recreation Club for financial support.

Body / Background:

Correspondence was received from the Denison Bowling and Recreation Club (Club) on Thursday 5 February 2009 as follows:

It is our intention to carry out the following upgrading at the Bowling Club:

- *Replace old fuse panel with new distribution board \$7400 + GST.
Not included is an allowance for hidden costs.*
- *Refurbish main bar coolroom \$9330 +GST.
Not included is an allowance for hidden costs.*
- *Repairs of building \$6000 (approx)*

The main purpose of upgrading the fuse panel is to comply with safety regulations.

The Club is offering to cover the cost of 2/3 and would appreciate the Shire contributing the balance of a 1/3.

The Club is an integral part of the community and it would be appreciated if the council would support us regarding this request.

To cover these costs it is the intention of the Club to borrow \$20 000 over a period 7 years with 2 repayments per year.

In the past we have used this facility namely to re-roof the club house and this loan has one payment left, which supports our ability to meet commitments.

The Shire assisted us with this loan and we would appreciate your positive support of those who are prepared to contribute financially to the betterment of facilities for use by members, visitors and local community.

The premises are owned by the Shire and leased to the Club for \$50 per annum. The lessee is responsible for maintenance with the Shire responsible for structural matters.

Officers Comment:

It is difficult for Council to justify supporting the request for financial assistance as the type of project is one that should be planned and considered as part of the Shire's annual budget process. For the Shire to receive correspondence on Thursday 5 February with a request that it be considered by Council at the Council meeting demonstrates a lack of planning.

Council will recall that when we adopted the budget a number of projects were not included due to budgetary constraints.

It is recommended that the request for a self supporting loan be supported.

It is recommended that Council decline the request for unbudgeted financial assistance and support the Club by providing a nil interest loan. The interest on a \$20,000 loan over 7 years would be approximately \$4,500. Providing a nil interest loan is therefore the equivalent of providing financial assistance of \$4,500 without incurring unbudgeted expenditure.

Financial Implications:

Included in the report

Statutory Environment:

Local government act

Policy Implications:

Nil

Officers Recommendation:

That Council provide the Denison Bowling and Recreation Club with a loan of up to \$21,000 at nil interest to be repaid over 7 years, 2 repayments per annum of \$1500.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr K Hepworth

That Item CEO.403 be presented as a late item.

VOTING DETAILS:

**CARRIED
7/0**

Cr R Roberts declared an impartiality interest being a member of the Denison Bowling and Recreation Club.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr G Dean-Gundill

That Council provide the Denison Bowling and Recreation Club with a loan of up to \$25,000 at nil interest to be repaid over 7 years.

VOTING DETAILS:

**CARRIED
7/0**

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 5.01pm.

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

Signed:
Presiding Elected Member

Date:.....