

I certify that this copy of the Minutes is a true and correct record of the meeting held on 22nd February 2011

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 FEBRUARY 2011
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg (Deputy President) Cr J B Fitzhardinge Cr K J Hepworth Cr R W Roberts Cr B C Scott Cr I F West Cr L W Wheeler
	Staff	Mr D J Simmons – 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 Mr A S Wootton – Works Manager
	Gallery	3 Members of the public
GUESTS:	Mrs M Sullivan Mr A Scatena Mrs K Scatena Mr B McDaniel	Greg Rowe and Associates

APOLOGIES:

LEAVE OF ABSENCE:

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

All Council members were in attendance.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Public questions taken on notice from Ordinary Council Meeting held 18 January 2011

Mike Purslow

Summary of Question Two

In the Financial Statements for the period ending 31 December 2010 there is a 23% increase in employee costs, can you advise what that increase reflects?

Answer: The question relates to the employment costs in the Cash Flow Statement comparing the 2009/10 actual cash paid with the budget provision for 2010/11. The increase is a culmination of a number of factors, being

- The payment of Long Service Leave for a number of Senior Employees, including the previous CEO, Director Corporate Services, Manager of Community Development and Works Manager without the offset of a reduction in the LSL liability, as this is not a cash transaction,
- The full year budget provision for the new Community Development Officer position,
- The reclassification of the Works Supervisor to the Works Manager's position,
- Provision for increases in employment costs,
- Provision for the Minimum Pay increase awarded by Fair Work Australia,
- Transition of employees to the new Local Government Industry Award.

Summary of Question Three

In the Financial Statements for the period ending 31 December 2010 the loan schedule reflects a payment of \$2,200,000 and a new loan of \$1,000,000 does that mean that \$1,200,000 was paid off the Recreation Centre Loan?

Answer: That is correct.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JANUARY 2011

A copy of the Minutes of the Ordinary Council Meeting held on 18 January 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr R T McClurg

That the Minutes of the Ordinary Council Meeting, held on 18 January 2011, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Global Care Group Aged Care Accommodation

During the month Councillors McClurg and Scott and the CEO met with members from Global Care Group and were informed that the application for bed licenses for a residential aged care facility was not successful, however, it is the Group's intention that the project will continue to proceed and a further application will be made through the next round.

8.2 Dry Seasons Assistance Package

Cr Chandler advised that Cr McClurg attended the dinner on his behalf organised by the Mingenew Irwin Group. The dinner was sponsored by Council using funds from the Dry Seasons Assistance Package and Cr McClurg commented that the dinner was well attended and organised.

9. REPORTS

B.425

Subject:	Denison House – Chapel Wall Re-enforcement
Proponent:	N/A
Reporting Officer:	Manager, Community Development
File Reference:	A9272
Date Prepared:	9 February 2011
Voting Requirements:	Simple Majority

Issue:

To seek Council endorsement to install three buttresses to the eastern wall of the Chapel located behind Denison House.

Body / Background:

Denison House, also known as 'the Monastery', or 'Dr. Bartlett's Residence', is on the Register of Heritage Places. Denison House is currently used by two art groups, the Dongara Patchwork Club and is rented out to residential tenants.

In recent times it has been noted that the eastern wall of the chapel, located behind the main building, is moving away from the chapel and a widening fracture is developing (please refer to the pictures in the Addendum).

It is therefore proposed to add three brick rendered buttresses to the wall to prevent the wall from falling over and the roof from collapsing (please refer to the diagram in the attachment). The proposed works are relatively urgent to prevent major structural damage to the building.

Officers Comment:

The referral for this project will be submitted to the Heritage Council. The works are subject to Council's comments and approval. As this undertaking is quite urgent funding for this project will not be sought.

Financial Implications:

A quote has not been obtained yet, but the Shire's Building Maintenance Officer can carry out the brick work and rendering. No allowance was made in this financial year's budget for this project.

Statutory Environment:

Heritage of Western Australia Act 1990.

Policy Implications:

Nil.

Officers Recommendation:

That Council approve the installation of three buttresses to the eastern wall of the Monastery Chapel, subject to the Heritage Council's comments and approval.

COUNCIL MOTION:

MOVED: Cr L W Wheeler

SECONDED: Cr R W Roberts

That Council approve the installation of three buttresses to the eastern wall of the Monastery Chapel, subject to the Heritage Council's comments and approval.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

Prior to the item being introduced the Shire President advised the meeting that Cr West had provided a written Disclosure of an Impartiality Interest in CDO.007 Sponsorship Request Dongara Irwin Race Club Inc, being that he is the President of the Dongara Irwin Race Club Inc.

CDO.007

Subject: Sponsorship Request – Dongara Irwin Race Club Inc
Reporting Officer: Community Development Officer
Date of Report: 11 February 2011
File Reference: RC.EV.2
Voting Requirements: Simple Majority

Issue:

To consider a request for sponsorship from Dongara Irwin Race Club Inc for assistance for the Easter Saturday races being held 23 April 2011.

Body/Background:

Correspondence has been received from the Dongara Irwin Race Club Inc requesting sponsorship of \$1000.00 from the Dry Season Assistance Package. The Dongara Irwin Race Club Inc wishes to hold Fashions of the Field, Foot Races and provide Musical Entertainment on race day at the Easter Saturday Race Day 23 April 2011 to provide farming families and members of the community in the Irwin Shire an opportunity to take their mind off the effects of a poor season and financial stress

The above three events are very popular and are run in between races to provide ongoing entertainment for race goers. It is aimed this year at raising the moral of those affected by the dry season and to give them the opportunity for a social outlet, in a positive family atmosphere.

Dry Season Assistance Package Funding (Overview)

The Liberal-National Government has approved an additional \$5million Dry Season Assistance Package for communities impacted on by the unprecedented dry season. This set of State Government measures is to help rural communities cope with one of the driest winters on record.

The State Government is making the community service grants available to 100 local governments (including Shire of Irwin) in the affected areas. Those that apply will be granted up to \$20,000 to be spent on community events held by 30 November 2011. The events are of our choice provided they foster community spirit and welfare, and involve community groups.

Officer's Comment:

The Race Club's request meets the broad criteria of The Dry Season Assistance Package in that it fosters community spirit and involves a community group and will be utilised to provide entertainment that is additional to the normal events provided on race day.

Financial Implications:

The financial implication to the Shire would be nil as this money is additional to the budget and has been received from the State Government. The Shire has applied for the Dry Season Assistance Package Funding and this funding is to be used for community events to promote community spirit.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officer's Recommendation:

That Council allocates \$1000.00 of the Dry Season Assistance Package to Dongara Irwin Race Club Inc in support of this community event.

COUNCIL MOTION:

MOVED: Cr R W Roberts

SECONDED: Cr J B Fitzhardinge

That Council allocates \$1000.00 of the Dry Season Assistance Package to Dongara Irwin Race Club Inc in support of this community event.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.365

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 22 February 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Issue:

To receive the list of accounts paid under delegated authority during January 2011.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of January 2011.

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 2011, represented by Municipal Cheque Numbers 28052 - 28084, EFT payment numbers 11114 – 11229 totalling \$466,274.21, Trust Payment Cheque Numbers: 2230 – 2232 totalling \$4000.00 & Police Licensing Payment No's PL 040111 – PL 250111 totalling \$46,668.45 be received.

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr B C Scott

That the Accounts paid during January 2011, represented by Municipal Cheque Numbers 28052 - 28084, EFT payment numbers 11114 – 11229 totalling \$466,274.21, Trust Payment Cheque Numbers: 2230 – 2232 totalling \$4000.00 & Police Licensing Payment No's PL 040111 – PL 250111 totalling \$46,668.45 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.366

Subject: Financial Statements for the Period ending 31/01/2011
Reporting Officer: Director Corporate Services
Date of Report: 22 February 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2010 to 31 January 2011.

Body / Background:

The Monthly Financial Report to the 31 January 2011 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
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- 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 2010 to 31 January 2011 be received.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr K J Hepworth

That the Monthly Financial Statement for the period 1 July 2010 to 31 January 2011 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.367

Subject: Local Government Audit Compliance Return
Reporting Officer: Director Corporate Services
File Reference: FM.AD.1
Date Prepared: 10 February 2011
Voting Requirements: Simple Majority

Issue:

To consider and adopt the 2010 Compliance Audit Return.

Body / Background:

The Local Government Act requires each local authority to carry out a compliance audit for the period 1 January 2010 to 31 December 2010 in regards to the sections of the Local Government Act and associated Regulations as specified in the Compliance Audit Return.

The Compliance Audit Return is to be:

- a) presented at a meeting of the Council,
- b) adopted by the Council, and
- c) recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes is to be submitted to the Department by 31 March 2011.

Officers Comment:

A copy of the completed return is provided indicating the officer responsible for completion.

Financial Implications:

Nil.

Statutory Environment:

The Local Government Act provides at Section 7.13:

7.13. Regulations as to audits

- (1) Regulations may make provision —
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.

Policy Implications:

Nil.

Officers Recommendation:

That the Compliance Audit Return for the 2010 calendar year , as presented, be adopted by Council as the official return of Council and a certified copy of the return, along with the relevant section of the minutes be submitted to the Department.

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr B C Scott

That the Compliance Audit Return for the 2010 calendar year , as presented, be adopted by Council as the official return of Council and a certified copy of the return, along with the relevant section of the minutes be submitted to the Department.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

TP.509

Subject: Proposed Road Widening – Indian Ocean Drive
Proponent: Main Roads WA
Reporting Officer: Town Planner
File Reference: RD.LI.1 / RD.AC
Date Prepared: 14 February 2011
Voting Requirements: Simple Majority

Issue:

To consider a request from Main Roads Western Australia (MRWA) to support the proposed road widening of a section of Indian Ocean Drive.

The Proposal:

Copies of the proposed road widening are attached.

The section to be widened is the most southern 10 kilometres of Indian Ocean Drive within the Shire of Irwin.

The road widening is proposed to be 20 metres wide and be taken from the east side of the current road reserve. A total of 19.57 hectares is proposed to be taken.

MRWA have stated that the road widening is required in order to accommodate improvement works to Indian Ocean Drive. MRWA will indemnify the Shire against all costs and charges that relate to this dedication action.

Subject Land:

Indian Ocean Drive is a MRWA road, it is not a Shire road.

The land on the east side of Indian Ocean Drive adjacent to the proposed road widening is freehold land in the name of Mary Donald Nominees Pty Ltd. It is currently zoned “General Farming” under the Shire of Irwin Local Planning Scheme No 5 and is vacant and mostly vegetated.

The lots from which the road widening will be taken are relatively large in area at between 151 and 1819 hectares.

Officers Comment:

To enable the road widening to take place, it is a requirement of the *Land Administration Act 1997* that the local government give its concurrence to the dedication action via a formal Council resolution, the wording of which has been provided by MRWA.

The proposal to widen the road is generally supported on the basis it will improve the road standard and safety on this now busy route to Perth.

MRWA have advised that they have made contact with the owner of the land from which the road widening will be taken. No initial objections were raised, however, MRWA are still awaiting a formal response. MRWA will be required to compensate the landowner for the land taken.

Financial Implications:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

That the Shire of Irwin at its meeting of 22nd of February 2011 concurred to the dedication of the land, subject of Main Roads Drawings 1060-121, 1061-122 and 1060-123 as road under section 56 of the Land Administration Act.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr L W Wheeler

That the Shire of Irwin at its meeting of 22nd of February 2011 concurred to the dedication of the land, subject of Main Roads Drawings 1060-121, 1061-122 and 1060-123 as road under section 56 of the Land Administration Act.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

Cr Hepworth departed from the Council Chambers at 4.06pm.

Prior to the item being introduced the Shire President advised the meeting that Cr Hepworth had provided a written Disclosure of an Impartiality Interest in Item TP.510 Proposed Scheme Amendment No 12, the nature of interest being that he is the owner of land that may be considered an alternative site.

TP.510

Subject: Proposed Scheme Amendment No.12, Lot 16 (No.5) Moore Road, Dongara)
Proponent: Beagle Holdings WA Pty Ltd
Reporting Officer: Town Planner
File Reference: LP.PL.2.12
Date Prepared: 15 February 2011
Voting Requirements: Simple Majority

Issue:

To consider an application to rezone Lot 16 (No 5) Moore Road, Dongara from “Light Industry”, “Special Residential” and “Local Reserve” to “Town Centre” and “Service Commercial”.

Subject Land:

Lot 16 Moore Road is currently cleared and vacant. It is 3.38 hectares in area.

It is located approximately 300 metres to the east of the Brand Highway/Moreton Terrace intersection, directly opposite the BP roadhouse.

It is connected to Moore Road via a small (approximately 100 metre) section of unconstructed road reserve known as Carter Road. It also has 172 metres of frontage to Brand Highway on its southern boundary.

Current Zoning:

The land is currently zoned a mix of “Light Industry”, “Special Residential” and “Local Reserve” under the Shire of Irwin Local Planning Scheme No 5. A copy of the existing zoning map is attached.

The “Light Industry” zoning acts as a transition between the existing “General Industry” zone to the east and the “Special Residential” zone.

The narrow strip of “Local Reserve” zoning is intended to restrict direct access from this lot to Brand Highway and to provide space for a landscape buffer.

The Proposal:

The proponents of this application are the current proprietors of the existing Dongara IGA in Moreton Terrace and have engaged Greg Rowe & Associates (planning consultants) on their behalf to prepare and lodge the amendment application.

The primary purpose of the rezoning is to provide a location for a new and expanded supermarket. The proponent's have however, indicated that they intend to maintain the existing supermarket in Moreton Terrace at least until the lease expires in 2018.

To facilitate a new supermarket, the application proposes to introduce two new zones to Lot 16. The southern portion (fronting Brand Highway) would be rezoned to “Town Centre”, thus allowing a range of commercial uses, including a supermarket, and the smaller northern portion would be

rezoned to “Service Commercial”, to allow for the retailing of bulky goods, hardware, home furnishings and the like.

The application does not intend to maintain the “Local Reserve” zoning along the Brand Highway frontage of the property in its entirety, as the proposal envisages direct vehicle access to and from the property and the highway. However, an area of landscaping/public open space is proposed along a portion of the site’s southern boundary which could be formalised by a “Local Reserve” zoning.

If supported, the site would allow for a supermarket of sufficient floor area to be classified as a ‘Supa IGA’ (should the proponents choose to do so), and would offer a wider range of products to complement the existing IGA in Moreton Terrace.

The application includes a Concept Plan of how the site could be developed should the amendment application be successful. A copy of that plan is attached. It is noted this concept plan is indicative only and does not form part of the amendment.

The main elements of the Concept Plan are as follows:

- Potential for three new retail/commercial buildings with Net Floor Areas of between 1800-2000m². The building nearest to the Brand Highway frontage has been earmarked as the potential Dongara IGA relocation, with the buildings at the rear to be used for bulky goods, hardware etc.
- Provision of a large, central car park.
- Two vehicle access points. One for small vehicles to access and egress from Brand Highway and a main entry off Moore Road which would accommodate larger vehicles.
- Inclusion of an area for truck and caravan parking to eliminate the informal truck parking currently taking place on the site and to provide an area to capture passing tourist trade.
- Provision of a Public Open Space area in the south-east corner, potentially to be used as a tourist rest area/information bay.
- Landscape buffering around the western and northern boundaries to mitigate adverse impact on adjoining residential sites.

The Concept Plan acknowledges that direct access to the site from Brand Highway will be subject to Main Roads WA (MRWA) approval. No information is provided as to MRWA’s comments in this regard, although the report advises that should the amendment be initiated by Council, detailed traffic engineering investigations would be conducted to ascertain what works would be required. This may include upgrades to the Moore Road intersection and/or the installation of median strips and entry slip lanes to accommodate turning traffic.

Planning Context:

Dongara Town Centre Precinct Plan (2007)

The issue of locating a new supermarket within the Dongara urban area has been specifically addressed in the Town Centre Precinct Plan (TCPP).

For Precinct 1 (which is focused on Moreton Terrace), the plan makes the following comments under the objectives:

‘Council does not generally support large-scale commercial development that may detract from the townscape value of the town centre. Currently the town centre is comprised of relatively modest scale buildings and any new development on a large scale would need to respect the existing scale of the town centre’s built form.

Notwithstanding this view, should a supermarket development be proposed, it would be preferable to locate the complex in the town centre or on its periphery but without adversely impacting on existing town centre character and business viability.’

The TCPP then goes on to demonstrate a possible scenario of the above by including a concept plan for how a supermarket could potentially be located on Lot 7 Moreton Terrace, being the existing Dongara Concrete site.

Ideally therefore, the preference would be for any new supermarket complex to be located either within Moreton Terrace (i.e. Precinct 1 of the TCPP) and designed in a way to blend with the existing scale and character of the street, or be located on its immediate periphery.

Shire of Irwin Local Planning Strategy and Local Planning Scheme No 5

Looking beyond the potential of Moreton Terrace and its immediate periphery for locating a supermarket, the Local Planning Strategy (LPS) and Scheme No 5 offer some guidance.

In particular, the LPS under part 4.4.7 identifies that additional floor space for commercial/retail uses will need to be provided in Dongara as the population of the Shire and its hinterland grows, possibly requiring an additional 2000m² of commercial floor space within the town centre by 2016. It goes on to explain that it may not be realistic to expect all of that 2000m² to be accommodated in the traditional town centre due to a number of constraints including existing established non-commercial uses, landowner intentions, fragmented land ownership and heritage constraints. It also suggests that the main street should be retained as a primarily small scale commercial, residential and tourist precinct, catering to the incidental needs of local residents and tourists.

It raises the prospect therefore that large scale developments, which may be difficult to locate in the main street and may detract from the existing townscape value, should be located away from the main street so this area can continue to be developed as a hub for tourist activity and as a business centre.

This approach manifests itself in Scheme No 5 by way of an expanded “Town Centre” zone and the introduction of a new “Service Commercial” zone.

Specifically, Scheme No 5 includes the five lots immediately south of the “Town Centre” zone along Point Leander Drive as “Service Commercial”. The intention being that this area along Point Leander Drive south of the river would be suitable for locating larger scale uses, whilst still have some connection to the traditional main street and without adversely impacting on its character.

This approach is reinforced by the inclusion of Map 14 in the LPS. This map is a concept plan for a possible major town centre expansion over the land immediately east of the “Service Commercial” zone along Point Leander Drive, extending as far as Springfield. The town centre expansion would include a mix of commercial, residential, recreation, civic and education uses. A copy of the map is attached. The area is currently zoned “General Farming” under Scheme No 5 to ensure its development potential is limited and it remains suitable for a town centre expansion in the future.

As an alternative to Moreton Terrace or its immediate periphery, the LPS and Scheme No 5 therefore make provisions for large scale uses, potentially including a supermarket, to be located south of the Irwin River along Point Leander Drive.

It is noted that in relation to locating a supermarket in the “Service Commercial” zone specifically, that a shop is currently listed as an ‘X’ use in this zone under Scheme No 5. This is on the basis that the primary objective of the zone is to cater for bulky goods distributors (electrical goods, hardware, showrooms etc) and a supermarket, being a shop, would therefore not be permitted. However, in consideration of the intent and objectives of the LPS and Scheme No 5 as outlined above, it would not be expected to be an overly difficult task to amend Scheme No 5 to allow a supermarket in the area currently allocated for “Service Commercial”.

Proponent Comments:

Included with the application is an 'Opportunities and Constraints' map which outlines the proponents view of the potential positives of the site for commercial use, and the potential negatives of the Point Leander Drive area for commercial use. A copy of that plan is attached. A major feature of the plan is the re-alignment of the Brand Highway from its current location to the area adjacent to the railway line, as shown in Scheme No 5.

Points made by the proponent in support of the proposal are:

- i) The realignment of the Brand Highway will enable the extension of Moreton Terrace and allow for the integration of the proposed development into an expanded Town Centre;
- ii) the subject land is better located than the Point Leander Drive 'Town Centre' and 'Service Commercial' area identified in LPS No. 5;
- iii) there is an opportunity to capture passing trade from Brand Highway traffic and thus the prevention of 'leakage' of trade to Geraldton;
- iv) the potential for more commercial parking;
- v) the growth of Dongara justifies an additional 2500m² of Nett Floor Area by 2016; and
- vi) the size of the site will accommodate uses that are currently not suitable for the current town centre precinct (due to small lot size and fragmented ownership).

Further, the proponents argue that the Point Leander Drive alternative is deficient because of its:

- i) proximity to existing residential land with possible loss of amenity due to increased traffic;
- ii) requirement for extensive earthworks and removal of vegetation; and
- iii) isolation from the existing Town Centre by the Irwin River.

Officers Comment:

The proposal does offer some positive arguments for the development of this site as an expanded commercial area.

In particular, the possibility of enhancing the connection of this area, and indirectly the industrial and residential areas, to the existing town centre would be of benefit. The proposal to align Moreton Terrace with the existing Brand Highway east of the town centre would enhance footpath and open space connections along this route and assist in integrating the two areas more closely.

It is also noted that its location would still allow larger scale uses to be developed in proximity to the traditional town centre and Moreton Terrace, but without impacting on its character.

However, it is clear from the Shire's current strategic documents that the intention is for the existing town centre, and preferably Moreton Terrace or its immediate surrounds, to accommodate a new supermarket. Failing that, the intent is for large scale development to migrate south along Point Leander Drive in the short term and eventually to the east of Point Leander Drive via a major town centre expansion in the long term.

The proposal also relies to a certain extent on the re-alignment of Brand Highway, as is shown on the 'Opportunities and Constraints' map, which is vital to the proposed alignment of Moreton Terrace and linkages between the site and the existing town centre. This is a major deficiency in the proposal, in that it is unknown when Main Roads WA may commence the re-alignment project (it does not appear to be a short term objective of MRWA) and in the mean time would result in conflict between people accessing the development, who will primarily be from the established urban area, and passing highway traffic.

Also in this regard, the application on the one hand refers to the benefits of being able to attract passing trade from a site with highway exposure, yet on the other refers to an integrated town centre which assumes the re-alignment of Brand Highway away from the site. A position would need to be established on whether the development was to pursue the re-alignment of the highway, or was to capitalise on its exposure to it.

On balance, it is suggested that the proposal is not appropriate at this time. Firstly, the proposal does not correspond with the intent and provisions of the Shire's current strategic planning for commercial development and secondly it pre-empts the re-alignment of Brand Highway which would be vital to integrating the proposed development with the existing town centre.

Financial Implications:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

That Council declines to initiate the rezoning of Lot 16 (No 5) Moore Road, Dongara from "Light Industry", "Special Residential" and "Local Reserve" to "Town Centre" and "Service Commercial" for the following reasons:

- i) It is contrary to the intent and objectives of the Shire of Irwin's current strategic planning for commercial development and expansion, namely the Dongara Town Centre Precinct Plan, the Shire of Irwin Local Planning Strategy and the Shire of Irwin Local Planning Scheme No 5.
- ii) It is premature until the Brand Highway is either re-aligned or a commitment is made by Main Roads Western Australia for its re-alignment.

PROCEDURAL MOTION:

MOVED: Cr J B Fitzhardinge

SECONDED: Cr R T McClurg

That Council suspend standing orders at 4.07pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Ms Monica Sullivan from Greg Rowe and Associates and Mr Adrian Scatena, the proponent, made a presentation to Council in support of the application, being the subject of TP.510 Proposed Scheme Amendment No 12.

PROCEDURAL MOTION:

MOVED: Cr I F West

SECONDED: Cr R W Roberts

That Council resume standing orders at 4.23pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr R T McClurg

That Council declines to initiate the rezoning of Lot 16 (No 5) Moore Road, Dongara from “Light Industry”, “Special Residential” and “Local Reserve” to “Town Centre” and “Service Commercial” for the following reasons:

- i) It is contrary to the intent and objectives of the Shire of Irwin’s current strategic planning for commercial development and expansion, namely the Dongara Town Centre Precinct Plan, the Shire of Irwin Local Planning Strategy and the Shire of Irwin Local Planning Scheme No 5.*
- ii) It is premature until the Brand Highway is either re-aligned or a commitment is made by Main Roads Western Australia for its re-alignment.*

CARRIED

VOTING DETAILS

4/3

Cr Hepworth returned to the Council Chambers at 4.39pm.

W.165

Subject: Proposed Transport Arrangement – Allanooka Springs Road
Proponent: Sinosteel Midwest Corporation
Reporting Officer: Works Manager
Date of Report: 16 February 2011
File Reference: RD.AG
Voting Requirements: Simple Majority

Issue:

To consider a proposal from Sinosteel Midwest Corporation to utilise Allanooka Springs Road as a return route for either 27 metres or 36 metres Road Trains (vehicles will be empty).

Body/Background:

Sinosteel's current Commercial Vehicles Goods license for transport of iron ore from Koolanooka to Geraldton expires- in June 2011, Sinosteel is required to write to the Minister of Transport before June 2011 outlining future plans for the transport of iron ore product to Geraldton. All local government authorities along the proposed route are to be consulted in order to determine the best outcome for all.

The recent average traffic counts on Allanooka Springs Road are 252 vehicles per day and of that 8% is rated from class 10-12.

Officer's Comment:

The Proposal (see attachment) is to cart approximately 600,000 tonnes annually by road and 900,000 tonnes by rail, the route they are proposing to cart loaded is the Midlands Road, Allanooka Springs Road would then be used for the empty vehicles to take the stress of the current road system and lessen the impact they have going through built up areas. The implications for Allanooka will mean an increase in traffic by approximately 30% which will be mostly class 10-12 vehicles. While empty vehicles will not have the impact that loaded vehicles do they will still have an impact and extra maintenance is inevitable.

Financial Implications:

Additional costs in maintenance due to increased traffic.

Statutory Environment:

Main Road Act 1930.

Policy Implications:

Nil.

Officer's Recommendation:

That Council supports the option to use Midlands Road / Brand Highway for the transporting of iron ore to Geraldton Port and approves the use of the Shire's section of Allanooka Springs Road (subject to the trucks being empty) for the return journeys on the proviso that funding for additional maintenance on the road is funded primarily by Sinosteel and/or Main Roads WA with minimal impact on Councils future budgets.

PROCEDURAL MOTION:

MOVED: Cr I F West

SECONDED: Cr L W Wheeler

That Council suspend standing orders at 4.40pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Mr John Kelly from Kelly Consulting and Mr Scott Whitehead from Sinosteel, answered a number of questions in support of the application, being the subject of W.165 Proposed Transport Arrangement Allanooka Springs Road.

PROCEDURAL MOTION:

MOVED: Cr I F West

SECONDED: Cr J B Fitzhardinge

That Council resume standing orders at 4.54pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr K J Hepworth

That Council supports the option to use Midlands Road / Brand Highway for the transporting of iron ore to Geraldton Port and approves the use of the Shire's section of Allanooka Springs Road (subject to the trucks being empty) for the return journeys on the proviso that funding for additional maintenance on the road is funded primarily by Sinosteel and/or Main Roads WA with minimal impact on Councils future budgets.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

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

A confidential item (DCS.368) will be discussed.

PROCEDURAL MOTION:

MOVED: Cr R W Roberts

SECONDED: Cr B C Scott

That Council deal with confidential items DCS.368 and close the meeting to the public in accordance with section 5.23(2)(d) of the local government act at 4.54pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

DCS.368 – RECREATION CENTRE DRAINAGE – LEGAL ACTION

The Director Corporate Services tabled a confidential report on this matter and provided copies to each elected member. The report is dated 16 February 2011 and is located in the records management system of the council on file A7141.

PROCEDURAL MOTION:

MOVED: Cr L W Wheeler

SECONDED: Cr K J Hepworth

That Council suspend standing orders at 4.56pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

PROCEDURAL MOTION:

MOVED: Cr R T McClurg

SECONDED: Cr J B Fitzhardinge

That Council resume standing orders at 5.15pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL MOTION:

MOVED: Cr J B Fitzhardinge

SECONDED: Cr R T McClurg

That Council not proceed with legal action against Norman Disney and Young to recover the costs of drainage modification and associated costs of damage to furniture and equipment at the Recreation Centre.

CARRIED
6/2

VOTING DETAILS

PROCEDURAL MOTION:

MOVED: Cr J B Fitzhardinge

SECONDED: Cr B C Scott

That Council come out from behind closed doors at 5.19pm.

CARRIED UNANIMOUSLY
8/0

VOTING DETAILS

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.19pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 22nd February 2011
Signed:
Presiding Elected Member

Date:.....