

I certify that this copy of the Minutes is a true and correct record of the meeting held on 19 April 2011

Signed: .....  
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 19 APRIL 2011  
COMMENCING AT 4.00PM**

<b>PRESENT:</b>	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
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director, Corporate Services Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager Ms A McDonald – Executive Assistant/Records Officer (EA) (Minute Taker) Mrs H Sternick – Senior Finance Officer
	Gallery	2 Members of the Public
<b>GUESTS:</b>		Mr Harry Goff – Extension Hill Pty Ltd Mr Cliff Harding – Extension Hill Pty Ltd
<b>APOLOGIES:</b>		Cr L W Wheeler
<b>LEAVE OF ABSENCE:</b>		-

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- 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**  
Cr L W Wheeler - Apology
  - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil.

**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 22 MARCH 2011**

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A copy of the Minutes of the Ordinary Council Meeting held on 22 March 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr I F West

*That the Minutes of the Ordinary Council Meeting, held on 22 March 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 5 APRIL 2011**

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A copy of the Minutes of the Special Council Meeting held on 5 April 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr B C Scott

**SECONDED:** Cr J B Fitzhardinge

*That the Minutes of the Special Council Meeting, held on 5 April 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

- 8.1.** It is with pleasure that I congratulate and present to CEO Darren Simmons a certificate of participation for his completion of the Local Government Executive Management Program held on 13 – 15 April 2011, facilitated by the Local Government Managers Australia WA Division.
- 8.2.** 7 April 2011 the CEO and Shire President attended the Midwest Development Commission’s launch of the Midwest Regional Profile Booklet.
- 8.3.** 28 April 2011 – Shire President will be attending a meeting/dinner with the Mid West Development Commission Board in Carnamah to provide a brief overview of issues facing the Shire.
- 8.4.** The bus tour of Irwin’s “Royalties for Regions” projects organised for the Mid West Development Commission and Regional Trust on 5 April 2011 provided an opportunity for the Board and Trust to become aware of issues the Shire is dealing with especially Grannies Beach, this in turn may stimulate more support in the future with funding.

**PROCEDURAL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr R T McClurg

*That Council suspend standing orders at 4.04pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

Mr Harry Goff from Extension Hill Pty Ltd made a presentation to Council in support of Extension Hill’s future intentions to pipe magnetite slurry through the Shire, which will require the pipeline to pass under roadways.

**PROCEDURAL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr I F West

*That Council resume standing orders at 4.26pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

*Mr Harry Goff and Mr Cliff Harding departed the chambers at 4.26pm.*

## 9. REPORTS

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### DCS.372

**Subject:** Accounts for Payment  
**Reporting Officer:** Director Corporate Services  
**Date of Report:** 26 April 2011  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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#### **Issue:**

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

#### **Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of March 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 March 2011, represented by Municipal Cheque Numbers 28119 – 28153, EFT payment numbers 11363 – 11435 totalling \$406,196.90, Trust Payment Cheque Numbers: 2237 - 2246 totalling \$8,820.00 & Police Licensing Payment No's PL 020311 – PL 290311 totalling \$61,451.45 be received.

**COUNCIL MOTION:**

**MOVED: Cr B C Scott**

**SECONDED: Cr R W Roberts**

*That the Accounts paid during March 2011, represented by Municipal Cheque Numbers 28119 – 28153, EFT payment numbers 11363 – 11435 totalling \$406,196.90, Trust Payment Cheque Numbers: 2237 - 2246 totalling \$8,820.00 & Police Licensing Payment No's PL 020311 – PL 290311 totalling \$61,451.45 be received.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**DCS.373**

**Subject:** Financial Statements for the Period ending 31/03/2011  
**Reporting Officer:** Director Corporate Services  
**File Reference:** Minute Book  
**Date Prepared:** 26 April 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

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

**Body / Background:**

The Monthly Financial Report to the 31 March 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 March 2011 be received.

**COUNCIL MOTION:**

**MOVED: Cr R T McClurg**

**SECONDED: Cr R W Roberts**

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

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**DCS.374**

**Subject:** Sundry Debtor Write Offs  
**Reporting Officer:** Director Corporate Services  
**File Reference:** FM.DB.3  
**Date Prepared:** 7 April 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider writing off outstanding Sundry Debtor accounts that are deemed non-recoverable.

**Body / Background:**

Council staff have identified five outstanding sundry debtor accounts that have been outstanding for some time and which are deemed to be non-recoverable. In four of the unpaid accounts the amounts are less than \$100 and it is considered that the cost of collection will generally be more than the amount outstanding.

**Officers Comment:**

Following is an outline of the Sundry Debtors in question and collection results to date:

DHEA03 – \$8.25 - This debt was raised in June 2008 for a lost book at the library. Collection efforts have been unsuccessful.

DVAL01 – \$8.45 - This debt was raised in January 2009 for a lost book at library. Collection efforts have been unsuccessful.

DMUR03 – \$73.45 - This debt was raised in March 2009 for lost videos borrowed from the library. A payment arrangement was made and \$20 was paid off the debt, however the debtor then left the district and contact addresses have not been found.

DFUN01 – \$50.00 - This debt was raised in November 2009 for a damaged chair hired from the Shire for a funeral at the Anglican Church. The funeral company are refusing to pay the account as they don't believe that the chair was damaged whilst in their procession. Letters and emails for recovery have been sent and phone calls made but have all been unsuccessful.

SQU090 – \$800.00 - This debt was originally for \$3000 being for three years (2002-2004) of coastal squatters shack lease fees. The Shire's debt collector, Austral Mercantile, was successful in legal action against the debtor and regularly payments, totalling \$2,200, were being received until June 2009. A trace through Austral Mercantile at that date to locate the debtor was conducted, however has not been successful.

**Financial Implications:**

The total debt to be written off is \$940.15. This amount has been carried forward as part of Council's opening net current asset position balance. If the amount is written-off, it will be treated as an expense in this year's budget.

**Statutory Environment:**

Local Government act 1995



**Policy Implications:**

Nil.

**Officers Recommendation:**

That the following outstanding sundry debts be written off

DHEA03	Lost Library Book	\$8.25
DVAL01	Lost Library Book	\$8.45
DMUR03	Lost Video	\$73.45
DFUN01	Damaged Chair	\$50.00
SQU090	Squatter Shack Fees	\$800.00

**COUNCIL MOTION:**

**MOVED:** Cr I F West

**SECONDED:** Cr B C Scott

*That the following outstanding sundry debts be written off*

<b>DHEA03</b>	<b>Lost Library Book</b>	<b>\$8.25</b>
<b>DVAL01</b>	<b>Lost Library Book</b>	<b>\$8.45</b>
<b>DMUR03</b>	<b>Lost Video</b>	<b>\$73.45</b>
<b>DFUN01</b>	<b>Damaged Chair</b>	<b>\$50.00</b>
<b>SQU090</b>	<b>Squatter Shack Fees</b>	<b>\$800.00</b>

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**DCS.375**

**Subject:** Budget Review 2010/11  
**Reporting Officer:** Director Corporate Services  
**File Reference:** FM.BU.10.11  
**Date Prepared:** 12 April 2011  
**Voting Requirements:** Absolute Majority

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**Issue:**

To consider the budget review for the financial year 2010/11 and to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Body / Background:**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires Council to conduct a review of its budget between six and nine months into a financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government.

**Officers Comment:**

The Director of Corporate Services has undertaken a detailed review of the Shire of Irwin Annual Budget for 2010/11 and forecast the final results for the full year to 30 June 2011 based on actual results to 28 February 2011.

Attached is a Statement of Financial Activity projecting the estimated position as at 30 June 2011, which indicates an anticipated current net asset position of approximately \$498,850 at year end. A report follows the Statement summarising significant variances to the budget which results in the anticipated final position.

**Financial Implications:**

As noted in the review.

**Statutory Environment:**

*Local Government act 1995 (Financial Management) Regulations 1996*

**33A. Review of budget**

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must -*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) *consider the local government's financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council adopts the review of the Shire of Irwin 2010/11 Budget and recommendations as presented.

**PROCEDURAL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr B C Scott

*That Council suspend standing orders at 4.27pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**PROCEDURAL MOTION:**

**MOVED:** Cr R W Roberts

**SECONDED:** Cr K J Hepworth

*That Council resume standing orders at 5.00pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**COUNCIL MOTION:**

**MOVED:** Cr I F West

**SECONDED:** Cr J B Fitzhardinge

*That Council adopts the review of the Shire of Irwin 2010/11 Budget and recommendations as presented.*

**CARRIED BY ABSOLUTE MAJORITY**

**VOTING DETAILS**

**7/0**

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**TP.513**

**Subject:** Councillor Nominations to Development Assessment Panel  
**Proponent:** Department of Planning  
**Reporting Officer:** Town Planner  
**File Reference:** GR.SL.16  
**Date Prepared:** 11 April 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider a request from the Department of Planning to nominate local government representatives to the soon to commence Development Assessment Panels.

**Background:**

As part of the State government's planning reform agenda, legislation has recently been passed by Parliament for the creation of Development Assessment Panels (DAP's) throughout the State.

A total of 15 DAP's will be created. They will be responsible for determining development applications under two main categories;

- Mandatory DAP applications, where the estimated cost of development is greater than \$7 million; and
- Optional DAP applications, where the estimated cost of development is greater than \$3 million but less than \$7 million, and the applicant elects to have the application determined by a DAP.

(Some applications will be automatically excluded from the DAP process, such as applications for single houses).

DAP's will consist of five panel members. Three of which will be specialist members appointed by the Minister (with relevant planning qualifications and experience) and two local government representatives (elected members), nominated by the relevant local government and appointed by the Minister.

DAP members will be required to complete mandatory training before attending a meeting. Successful completion of the training entitles the member to the payment of \$400 from the Department. Elected members on a DAP are also entitled to a \$400 sitting fee per meeting.

The 15 DAP's are scheduled to be created by Ministerial Order on 2 May 2011, with the new DAP's commencing from the 1 July 2011.

Local governments are required to submit to the Minister within 40 days of the establishment of the DAP's their nominations for their relevant panel. This requires two members and two alternate members (a total of four).

Until the DAP's are formally created on 2 May 2011, it is not known whether the Shire will have its own DAP or be part of a joint DAP, neither is it known who the specialist members on the DAP will be.

The Department of Planning has however, requested that local government nominations be made as soon as possible.

A copy of correspondence from the Department requesting nominations is attached, along with Planning Bulletin No 106 which outlines the roles of DAP's and how they will operate.

**Statutory Environment:**

*Approvals and Related Reforms (No. 4)(Planning) Act 2010; and  
Planning and Development (Development Assessment Panels) Regulations 2011.*

**Financial Implications:**

Nil.

**Policy Implications:**

Nil.

**Officers Recommendation:**

That the 'Development Assessment Panels: Update on Implementation' correspondence be received, and that Council resolves to advise the Minister for Planning that it nominates;

Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
as DAP Members; and

Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
as alternate DAP Members.

**PROCEDURAL MOTION:**

**MOVED: Cr B C Scott**

**SECONDED: Cr K J Hepworth**

*That Council suspend standing orders at 5.01pm.*

**CARRIED UNANIMOUSLY**  
**7/0**

**VOTING DETAILS:**

**PROCEDURAL MOTION:**

**MOVED: Cr R W Roberts**

**SECONDED: Cr K J Hepworth**

*That Council resume standing orders at 5.12pm.*

**CARRIED UNANIMOUSLY**  
**7/0**

**VOTING DETAILS:**

**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr R W Roberts

*That the 'Development Assessment Panels: Update on Implementation' correspondence be received, and that Council resolves to advise the Minister for Planning that it nominates;*

*Cr Stuart C Chandler and Cr Ian F West as DAP Members; and*

*Cr Kevin J Hepworth and Cr Rob T McClurg as alternate DAP Members.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**TP.514**

**Subject:** Proposed Scheme Amendment No 4 – Lots 60 and 70 Brady Road, Dongara  
**Proponent:** MG Kailis Group  
**Reporting Officer:** Town Planner  
**File Reference:** LP.PL.2.4  
**Date Prepared:** 12 April 2011  
**Voting Requirements:** Simple Majority

**Issue:**

To consider for final adoption proposed scheme amendment No. 4, to amend the permitted uses for Special Use zone No 5 (fish processing facility) to allow for a mix of residential and tourism development over Lots 60 and 70 Brady Road, Dongara.

And to consider for final adoption the proposed Outline Development Plan (ODP) for the above site, as required by the proposed amendment.

**Background:**

At its meeting held on 26 October 2010, Council resolved the following in regards to the proposed amendment and ODP.

*'Part 1*

*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. *Modifying No. 5 in Schedule 4 – Special Use zones by replacing the permitted uses with the following:*

<i>Land Use</i>	<i>Residential R50 Area</i>	<i>Residential R40 Area</i>	<i>Tourism Area</i>
<i>Single Dwelling</i>	<i>P</i>	<i>P</i>	<i>X</i>
<i>Grouped Dwelling</i>	<i>P</i>	<i>X</i>	<i>X</i>
<i>Multiple Dwelling</i>	<i>D</i>	<i>X</i>	<i>X</i>
<i>Holiday Accommodation</i>	<i>X</i>	<i>X</i>	<i>P</i>
<i>Motel</i>	<i>X</i>	<i>X</i>	<i>P</i>
<i>Restaurant</i>	<i>X</i>	<i>X</i>	<i>P</i>
<i>Home Occupation</i>	<i>A</i>	<i>A</i>	<i>X</i>
<i>Bed and Breakfast</i>	<i>A</i>	<i>A</i>	<i>X</i>
<i>Family Day Care</i>	<i>A</i>	<i>A</i>	<i>X</i>

*Uses not listed above are not permitted*

2. *Introducing the following condition:*

*Development is to be generally in accordance with an Outline Development Plan to be approved by Council and endorsed by the Western Australian Planning Commission. The ODP to include:*

- *A Foreshore Management Plan to be prepared for the foreshore reserve opposite the site to the satisfaction of the Council;*
- *A Landscape Plan to be prepared for the coastal setback area to the satisfaction of Council;*
- *Vehicular access to Church Street to be designed to the satisfaction of the Council; and*
- *A Management Plan to address areas of conflict between tourist and residential uses to be prepared to the satisfaction of Council addressing*

- *Noise impact on adjoining residential uses;*
- *Traffic;*
- *Hours of operation (restaurant/café)*
- *Refuse disposal.*

*Part 2*

*That Council adopt the proposed Outline Development Plan for Lots 60 and 70 Brady Road, Dongara and require that plan to be advertised for public comment for a period not less than 28 days, and consider any submissions made during the advertising period prior to considering the plan for final adoption.'*

A copy of the proposed ODP is attached.

**Community Consultation:**

Following the above resolution, and in accordance with the *Town Planning Regulations 1967 (as amended)*, the amendment and the ODP were advertised concurrently for a period of 42 days, concluding on the 16<sup>th</sup> of March 2011.

Advertising included the following:

- Publication of a notice in the Dongara Rag;
- Publication of a notice on the Geraldton Guardian;
- Letters to surrounding landowners; and
- Letters to relevant servicing authorities and agencies.

The amendment and ODP were also available for viewing on the counter of the Shire offices and on the Shire's website.

At the conclusion of the advertising period, a total of six submissions were received. None had any objections.

A schedule of submissions is attached. Copies of each submission are available to Council upon request.

**Officers Comment:**

Of the submissions received, none have raised any concerns that may warrant modification or refusal of the amendment. They are generally of an advisory nature or raise issues that can be appropriately addressed at development or subdivision stage. No submissions were received from nearby residents.

It is recommended the amendment and the ODP be granted final approval by Council and that they be forwarded to the Minister for Planning and the Western Australian Planning Commission for final endorsement.

**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*.



**Financial Implications:**

Nil.

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council, pursuant to section 75 of the *Planning & Development Act 2005*, resolves to:

1. Determine the submissions as outlined in the 'Schedule of Submissions';
2. Adopt for final approval Scheme Amendment No 4 to the Shire of Irwin Local Planning Scheme No 5;
3. Adopt for final approval the Outline Development Plan over Lots 60 and 70 Brady Road, Dongara; and
4. Seek final approval of the scheme amendment from the Minister for Planning and seek endorsement of the Outline Development Plan from the Western Australian Planning Commission.

**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr B C Scott

*That Council, pursuant to section 75 of the Planning & Development Act 2005, resolves to:*

- 1. Determine the submissions as outlined in the 'Schedule of Submissions';*
- 2. Adopt for final approval Scheme Amendment No 4 to the Shire of Irwin Local Planning Scheme No 5;*
- 3. Adopt for final approval the Outline Development Plan over Lots 60 and 70 Brady Road, Dongara; and*
- 4. Seek final approval of the scheme amendment from the Minister for Planning and seek endorsement of the Outline Development Plan from the Western Australian Planning Commission.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**TP.515**

**Subject:** Proposed Subdivision Guide Plan – Lots 1004 and 1005 Bonniefield Road East, Bonniefield  
**Proponent:** PM & RA Schulze  
**Reporting Officer:** Town Planner  
**File Reference:** WAPC.142228  
**Date Prepared:** 12 April 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider for final adoption a proposed Subdivision Guide Plan over Lots 1004 and 1005 Bonniefield Road East, Bonniefield.

**Background:**

Council has previously considered a referral from the Western Australian Planning Commission (WAPC) to subdivide the above land into five lots. At its Special Meeting held on 31 August 2010, Council resolved to support the subdivision subject to conditions.

One of those conditions required the developer to make a contribution to the upgrading of the unconstructed road reserve on the eastern boundary of the proposed subdivision. The construction of this road has been identified as vital to the future subdivision of adjoining lots to the north and will ensure the eventual road network in the area is connected.

The WAPC however, were unwilling to impose the condition on the basis it would have resulted in lots with dual frontage. The Shire on the other hand, was not prepared to delete the condition without the road network being secured.

As a means of resolving the issue, and in consultation with the Shire and the WAPC, Landwest Planning Consultants (on behalf of the proponent) submitted a Subdivision Guide Plan (SGP) over the subject land. The SGP proposes eight new lots of approximately 10 hectares each, but no lots would have dual frontage and the road reserve on the eastern boundary of the land would be constructed as part of the subdivision.

Council considered the proposed SGP at its meeting held on 18 January 2011 and resolved the following:

*'That Council adopt the Subdivision Guide Plan over Lots 1004 and 1005 Bonniefield Road East, Bonniefield, followed by advertising of the plan for public inspection for a period of 28 days and any submissions received be further considered by Council prior to final adoption.'*

A copy of the proposed SGP is attached.

**Community Consultation:**

Following the above resolution, the SGP was advertised for 28 days, concluding on the 25<sup>th</sup> of March 2011.

Advertising included the following:

- a sign on-site;
- publication of a notice in the Dongara Rag; and
- letters to relevant servicing authorities.

The SGP and accompanying report were also available for viewing on the counter of the Shire offices and on the Shire's website.

No submissions have been received in relation to the proposed SGP.

**Officers Comment:**

The nil response to public advertising would indicate that there are few concerns with the proposed SGP.

It should be noted that approval of the SGP is not approval to subdivide; an application (or amended application) to subdivide will still need to be lodged by the proponent with the WAPC and the formal referral process followed. This may explain why no responses were received from the servicing authorities.

In regards to the reduction in minimum lot size, (as previously reported) the Shire has little option other than to consider this proposal if it wants to ensure the proper road network in this area is realised. Council has the ability to endorse lots under the standard minimum via Clause 5.30.4 of the Scheme, providing it can be demonstrated supporting smaller lots is in the interest of proper site planning and the required road network. It is suggested therefore, that the application of this clause is appropriate in this instance.

In relation to concerns this may set a precedent for further small lots, it should be noted that Council can only support a reduced lot size via this subdivision guide plan process. If other potential subdividers propose lots less than 15 hectares in area, they will similarly have to first prepare, submit and have approved a subdivision guide plan that demonstrates that a reduced lot size is necessary to achieve the preferred road layout.

It is recommended that the SGP as submitted be approved by Council and adopted as a Local Planning Policy (in accordance with the ODP provisions of the Scheme) and referred to the WAPC for endorsement.

**Statutory Environment:**

Local Planning Scheme No 5

Clause 5.23.2.3

*'When an outline development plan has been prepared to the satisfaction of the local government, the local government shall advertise or require the proponent to cause the plan to be advertised for public inspection for a period of not less than 28 days, including notification in writing to all affected landowners.'*

Clause 5.23.2.4

*'The local government shall consider any submissions made under sub-clause 5.23.2.3 and may modify the outline development plan after consideration of such submissions or adopt the outline development plan without modification.'*

Clause 5.23.2.5

*'The local government shall, upon endorsement of an outline development plan, ensure its adoption as a local planning policy.'*

Clause 5.23.2.8

*'The local government shall request the Commission to endorse outline development plans as the basis for approval of subdivision applications within areas covered by the plans.'*

Clause 5.30.4

*'At the time of subdivision guide plan approval, the local government may request that the Commission support lot sizes under the specified minimum lot size area in the interests of proper and responsible site planning. This will allow Council and the Commission flexibility to ensure the best road networks and lot designs is achieved.'*

**Financial Implications:**

Nil.

**Policy Implications:**

Proposed Local Planning Policy for the subdivision of Lots 1004 and 1005 Bonniefield Road East, Bonniefield.

**Officers Recommendation:**

That Council:

1. Pursuant to part 5.23.2 and clause 5.30.4 of Local Planning Scheme No 5, resolves to endorse the Subdivision Guide Plan over Lots 1004 and 1005 Bonniefield Road East, Bonniefield and to adopt it as a Local Planning Policy; and
2. Requests the Western Australian Planning Commission to endorse the subdivision guide plan as the basis for approval of a subdivision application over this land.

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*Cr R W Roberts disclosed a financial interest in TP.515 being a real estate agent and Cr S C Chandler disclosed a impartiality interest in TP.515 as he share farms with the proponent. Accordingly, both left the chambers at 5.13pm, prior to consideration and vote on the matter and during which the Deputy Shire President assumed the Chair.*

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**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr B C Scott

***That Council:***

1. ***Pursuant to part 5.23.2 and clause 5.30.4 of Local Planning Scheme No 5, resolves to endorse the Subdivision Guide Plan over Lots 1004 and 1005 Bonniefield Road East, Bonniefield and to adopt it as a Local Planning Policy; and***
2. ***Requests the Western Australian Planning Commission to endorse the subdivision guide plan as the basis for approval of a subdivision application over this land.***

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**5/0**

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*Cr R W Roberts and Cr S C Chandler returned to the chambers at 5.14pm following item TP.515 and Cr S C Chandler resumed the Chair.*

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**TP.516**

**Subject:** Proposed Road Closure – Lot 20 Midlands Road, Irwin  
**Proponent:** R Copeland  
**Reporting Officer:** Town Planner  
**File Reference:** RD.RO  
**Date Prepared:** 13 April 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

Correspondence has been received from HTD Surveyors and Planners on behalf of Mr R Copeland requesting an unconstructed road reserve which abuts his property be closed.

This was addressed by Council at the meeting held on 27 April 2010, however the wording of the resolution does not comply with section 58 of the *Land Administration Act 1997*.

**Background:**

Mr Copeland owns Lot 20 Midlands Road, Irwin and operates a market gardening business from this lot.

The road reserve in question runs along the northern boundary of Lot 20, adjoining the railway reserve. See attached.

The road reserve is unconstructed and the land is currently utilised as part of the market gardening operation. In particular, three bores and associated pipe work and power supplies are located within the road reserve. The owner wishes to have the road reserve formally amalgamated into Lot 20 in order to properly establish ownership of this infrastructure and allow renewal of the bore licenses with the Department of Water.

At the Ordinary Council meeting on 27 April 2010 Council resolved the following:

*'That Council advise HTD Surveyors and Planners that it has no objection to the land within the road reserve as identified being utilised to the benefit of Lot 20 Midlands Road, Irwin. And that it supports the closure of this portion of the road reserve'.*

Section 58 of the *Land Administration Act 1997* requires that specific wording is used to initiate a road closure. The above resolution does not meet the requirements of the Act; hence, it must be presented to Council for formal initiation.

**Statutory Environment:**

Part 5 of the *Land Administration Act 1997* deals with closure of public roads.

**Officers Comment:**

Council has already indicated their support for the road closure at its meeting held on 27 April 2010. Therefore it is recommended that the Shire now formally initiates the closure in accordance with the Act, to allow closure process to proceed.

If the road closure is formally initiated, the following step is to advertise the closure and consider any submissions before formally requesting the Minister for Lands to close the road.

**Financial Implications:**

Nil.

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council resolves to initiate the proposed closure of the unmade road reserve on the northern boundary of Lot 20 Midlands Road, Irwin in accordance with section 58 of the *Land Administration Act 1997*.

**COUNCIL MOTION:**

**MOVED:** Cr R T McClurg

**SECONDED:** Cr K J Hepworth

*That Council resolves to initiate the proposed closure of the unmade road reserve on the northern boundary of Lot 20 Midlands Road, Irwin in accordance with section 58 of the Land Administration Act 1997.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**W.170**

**Subject:** Disposal of Mercedes Community Bus  
**Reporting Officer:** Manager Works  
**File Reference:** PL.DI  
**Date Prepared:** 29 March 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider disposing of the Mercedes Community Bus.

**Body/Background:**

Council purchased the Mercedes bus in conjunction with Veterans Affairs in 2001 and since that time and up until 2007 when Council purchased a smaller bus for community groups the Mercedes bus was the only means of affordable transport for the school and community groups.

The bus has in the past been used on large trips by the school for Sea Trek (Karratha) and for Perth trips for concerts and sporting events, after some major problems the bus was then stopped from doing long trips because of its age and the chance of major problems too far from Dongara.

Since purchasing the smaller bus the Mercedes became the second choice bus and has in just under four years to date travelled only 18,311 kilometres or 4,500 kilometres per year. The newer bus, the Mitsubishi (purchased in 2007) has travelled approximately 49,063 kilometres in the same time.

Since the bus was purchased approximately \$90,755 has been spent on running costs and repairs, this equates to \$9,075 per annum.

**Officer's Comment:**

The Mechanic has made a list of works which will need attention in the near future, most of these works are minor, the real concern for him is the age and condition of the motor and other major components. While he cannot commit to anything in particular he is of the opinion that a major overhaul could be just around the corner.

The Mechanic suspects it will become more difficult to get through annual licence inspection due to the list of faults from the last inspection. (Buses need to be inspected for licensing annually)

Given the Mechanic's concerns; the age of the vehicle as well as the kilometres travelled, may lead to the conclusion that if something major goes wrong mechanically the cost of repair is unlikely to be recoverable at sale.

**Financial Implications:**

Possibly could impact on future budgets if Council elect to keep the bus and major problems arise. Any proceeds from the sale of the bus may be deposited into the Plant Replacement Reserve.

**Statutory Environment:**

Local Government act 1995, Functions of Local Government.

**3.57. Tenders for providing goods or services**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

- (2) Regulations may make provision about tenders.

### 3.58. Disposing of property

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

#### Policy Implications:

Nil.

#### Officer's Recommendation:

That Council:

1. Dispose of the Mercedes bus by Public Auction; and
2. Proceeds from the sale of the bus be deposited into the Plant Replacement Reserve.



**COUNCIL MOTION:**

**MOVED: Cr B C Scott**

**SECONDED: Cr I F West**

***That Council:***

- 1. Dispose of the Mercedes bus by Public Auction; and***
- 2. Proceeds from the sale of the bus be deposited into the Plant Replacement Reserve.***

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**W.171**

**Subject:** Proposed Transport Arrangement – Allanooka Springs Road  
**Proponent:** Karara Mining Ltd  
**Reporting Officer:** Works Manager  
**File Reference:** RD.AG  
**Date Prepared:** 29 March 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider a proposal from Karara Mining Ltd to utilise Allanooka Springs Road as a return route for 27.5 metre Road Trains. (Vehicles will be empty)

**Body/Background:**

Karara Mining Ltd representatives made a presentation to the Council at the meeting held on the 22 March 2011. At the meeting those representatives gave a brief summary and a documented assessment to Council in relation to the temporary use of Allanooka Springs Road as a preferred return route for their transporting of ore from the Karara mine site to the Geraldton Port.

Karara intends on trucking 0.6 million tonnes of direct shipping ore per annum, which is a similar amount to that supported by Council for Sinosteel at its meeting held on 22 February 2011 where it was resolved:

*“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.”*

**Officer’s Comment;**

Karara’s proposal comes on top of Sinosteel’s proposal considered at the February council meeting.

To date Sinosteel have not commenced any activity along Allanooka Springs Road and until they do we will have no evidence of how the extra heavy traffic will impact;-

1. Other road users
2. School buses
3. Rate payers
4. and just as importantly damage to the roadway and maintenance costs.

However, it is worth noting that in contrast to Sinosteel’s proposal is to use B-double Road Trains along the route, Karara are proposing to use an ad hoc (farming) fleet of Prime Mover and two trailer combinations. It is widely agreed in the transport industry that this type of combination has a greater adverse effect on the roadway than what the B-double combinations have.

Karara also point out in its assessment that there is potential for construction material, such as ballast and clean fill, to be back loaded to the Karara mine site if required. Should this be the case, it would also be in direct contrast to Sinosteel’s plan to only use empty trucks along Allanooka Springs Road for the route from the port to mine.

It is also estimated that should Karara’s proposal proceed in addition to that of Sinosteel, there will be approximately 5.91 Heavy Vehicle movements per hour along Allanooka Springs Road, which was never built for this volume of traffic – leading to increased costs for Council and conflict with

other road users. On this basis, it is suggested that Karara's proposal not be supported in its present form and that Karara be invited to further discuss the issues and options for transporting iron ore from the mine to port with Shire and Main Roads Western Australia staff.

**Financial Implications:**

Unknown without evidence to the contrary of what impact this amount of traffic will have and who will fund the maintenance issues that will arise.

**Statutory Environment:**

Main Road Act 1930.

**Policy Implications:**

Nil.

**Officer's Recommendation:**

That Karara's proposal to temporarily transport iron ore to Geraldton Port through the Shire using an ad hoc (farming) fleet of prime mover and two trailer combinations, and particularly the proposed use of the Shire's section of Allanooka Springs Road not be supported in its present form and that Karara be invited to further discuss the issues and options for transporting iron ore from the mine to port with Shire and Main Roads Western Australia staff.

**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr B C Scott

*That Karara's proposal to temporarily transport iron ore to Geraldton Port through the Shire using an ad hoc (farming) fleet of prime mover and two trailer combinations, and particularly the proposed use of the Shire's section of Allanooka Springs Road not be supported in its present form and that Karara be invited to further discuss the issues and options for transporting iron ore from the mine to port with Shire and Main Roads Western Australia staff.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**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 Presiding Member declared the meeting closed at 5.20pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on  
19 April 2011

Signed: .....  
Presiding Elected Member

Date:.....