



MINUTES

FOR THE

ORDINARY MEETING

OF COUNCIL

HELD ON

TUESDAY, 20 DECEMBER 2011

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

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

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 20 DECEMBER 2011
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg (Deputy President) Cr K J Hepworth Cr J A R Porteus Cr B C Scott Cr M T Smith
	Staff	Mr G M Peddie – Acting Chief Executive Officer Mrs H M Sternick – Acting Director, Corporate Services Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mrs C M Palmer – Executive Assistant (EA) (Minute Taker)
	Gallery	1
GUESTS:		
APOLOGIES:		Cr J B Fitzhardinge
LEAVE OF ABSENCE:		Mr D J Simmons – Chief Executive Officer Cr I F West Mr A S Wootton – Works Manager (Annual Leave)

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

D J Simmons - Chief Executive Officer, Cr I F West, Cr J B Fitzhardinge and A S Wootton – Works Manager

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

John Rossiter

Summary of Question One

Has the Irwin Shire Council sent a letter of thanks to Mr Terry Crommelin for his donation to the works completed at the Port Denison Foreshore?

Answer: Yes the Shire has thanked Mr Crommelin for his donation for works at the Port Denison Foreshore.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS

6.1 RESIDENTS OF MORRISSEY PLACE, PORT DENISON – SEEKING ROAD RESURFACING.

A Petition containing 12 signatures has been received from residents of Morrissey Place, Port Denison, seeking road resurfacing. The report is located in the Councillors Documents of Interest for December 2011.

COUNCIL RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr Scott

That the petition signed by 12 residents of Morrissey Place, Port Denison, seeking road resurfacing be considered by Council for draft budget 2012/13.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 NOVEMBER 2011

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

COUNCIL MOTION:

MOVED: Cr McClurg

SECONDED: Cr Porteus

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

CARRIED UNANIMOUSLY
6/0

VOTING DETAILS:

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1 The Chief Executive Officer and myself attended the Turning of the Sod at the Extension Hill Magnetite Project on Friday 2 December 2011. The Turning of the Sod signifies the start of the construction stage of the mining. Thanks to Cr West for arranging transport for us on a site plane.
- 8.2 I offer Council's sincerest condolences to the family involved in the tragedy at Damia Circle and would like to thank the agencies that provided counselling, particularly those counselling the children.
- Council have been approached to provide a contribution for a street party being held on Christmas Eve at Damia Circle, the Council has supported this application.
- 8.3 Mr Peter Hoare from the Local Government Insurance Services presented the Shire of Irwin with the Silver Diligence in Safety Certificate at the Depot Christmas Breakfast. Well done on achieving this significant achievement.
- 8.4 I would like to acknowledge a Christmas card from Premier Colin Barnett which was sent to myself, Councillors and Staff.

REPORTS

B.429

Subject: Pontoon – ‘Grannies Beach’
Proponent: N/A
Reporting Officer: Manager, Community Development
File Reference: Minute Book
Date Prepared: 8 December 2011
Voting Requirements: Simple Majority

Report Purpose: To seek Council’s determination in respect to the installation of a pontoon at ‘Grannies Beach’.

OFFICERS RECOMMENDATION:

1. That Council resolves not to install a permanent pontoon at ‘Grannies Beach’ due to safety concerns;
2. That the \$45,000 set aside for this project be re-allocated for further improvements in the Port Denison foreshore area.

COUNCIL DECISION:

MOVED: Cr Hepworth

SECONDED: Cr Smith

1. That Council resolves not to install a permanent pontoon at ‘Grannies Beach’ due to safety concerns;
2. That the \$45,000 set aside for this project be re-allocated for further improvements in the Port Denison foreshore area.
3. Investigate the opportunity to install a permanent mooring float/buoy at the point the previous pontoon was anchoring.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body / Background:

At the 2010 Annual General Meeting of Electors an elector asked the following question:

Q2. *Around two years ago the then CEO stated in a Shire newsletter that a pontoon at Grannies Beach would be installed, as you read this Geraldton has some so why can't we have one?*

The proposal was researched by Shire officers and a quote for a 3m x 3m pontoon was obtained. The cost of the fabrication and installation of the pontoon would have been \$45,000. This amount was subsequently allocated in this year’s budget.

However, some concerns were raised regarding the swell on that beach and the horizontal movement of the anchored pontoon during low tides, which could result in a swimmer being struck by the vessel.

Officers Comment:

Due to the submarine topography in this area the swell generated can be quite strong at times. During low tides the slack in the chain anchoring the pontoon increases and allows the pontoon to travel horizontally a longer distance when picked up by a wave. It is feared that on a low tide a swimmer could be struck and injured.

The horizontal movement of the pontoon and the continuing pulling on the anchorage may also cause the pontoon to be ripped from the anchor point during a storm event. It is therefore deemed at this area is not suitable for the installation of a pontoon.

When comparing this project's costs to the benefit to the community it is recommended that Council determines not to install the pontoon and the funding for this project be re-allocated to other projects in this area.

Financial Implications:

Initial purchase of the pontoon: \$40,000

Anchorage of the pontoon: \$5,000

Ongoing maintenance: \$2,500 per annum

Statutory Environment: N/A.

Policy Implications: N/A

B.430

Subject: Memorandum of Understanding for Two Rooms at Denison House
Proponent: Dongara Denison Art Group
Reporting Officer: Manager, Community Development
File Reference: Minute Book
Date Prepared: 13 December 2011
Voting Requirements: Simple Majority

Report Purpose: To seek Council's approval to enter into a Memorandum of Understanding with the Dongara Denison Art Group for the exclusive use of two rooms at Denison House.

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Scott

SECONDED: Cr McClurg

That Council endorse the signing of the attached Memorandum of Understanding with the Dongara Denison Art Group for part of the property located on Lot 787, Retreat Boulevard, Port Denison.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body / Background:

The Dongara Denison Art Group has been using the two rooms for a number of years. The group now requested that they be afforded with certainty and tenure.

The lease period is proposed to be for two years, commencing on the 1st of January 2011. The annual rent would be \$500.

The following comment was received from the group: "One of our members is worried about being able to manage her walking frame to the toilet facilities. A compacted gravel footpath from the western end of the veranda to the toilet would probably be adequate."

Officers Comment:

The Shire's works crew could install the footpath during a quiet period in between other jobs.

Financial Implications:

The Dongara Denison Art Group will contribute \$500 per annum, whilst the Shire covers utility charges and will install a footpath to the shared toilet facility.

Statutory Environment: N/A.

Policy Implications: N/A

DCS.395

Subject: Accounts for Payment
Reporting Officer: Acting Director Corporate Services
Date of Report: 13 December 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

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

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr McClurg

That the Accounts paid during November 2011, represented by Municipal Cheque Numbers 28373-28422, EFT payment numbers 12250 – 12440 totalling \$817,679.90, Trust Payment Cheque Numbers: 2274 - 2282 totalling \$3,480.00 & Police Licensing Payment No's PL271011-PL281111 totalling \$61,268.70 be received

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Background:

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

DCS.396

Subject: Financial Statements for the Period ending 30/11/2011
Reporting Officer: Acting Director Corporate Services
File Reference: Minute Book
Date Prepared: 13 December 2011
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 30 November 2011.

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr Hepworth

That the Monthly Financial Statement for the period 1 July 2011 to 30 November 2011 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body / Background:

The Monthly Financial Report to the 30 November 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.

TP.527

Subject: Final Adoption of Local Planning Policy No 2 – Building Envelopes
Proponent: Shire of Irwin
Reporting Officer: Town Planner
Date of Report: 14 December 2011
File Reference: LP.PO.2
Voting Requirements: Simple Majority

Report Purpose:

To consider for final adoption Local Planning Policy No 2 – Building Envelopes.

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr McClurg

SECONDED: Cr Hepworth

That Council, pursuant to clause 2.4.2(b) of the Shire of Irwin Local Planning Scheme No 5, resolves to:

1. Adopt for final approval Local Planning Policy No 2 – Building Envelopes; and
2. Give public notice of the above.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body/Background:

The purpose of the proposed local planning policy is to give guidance to both the Shire and land owners when considering applications to locate a building envelope, and the procedure to be followed when varying an envelope, in accordance with the building envelope provisions of Local Planning Scheme No 5.

Council previously considered Local Planning Policy No 2 for initial adoption prior to advertising at its meeting held on 25 October 2011, whereby the following was resolved:

'That Council, pursuant to Part 2.4 of the Shire of Irwin Local Planning Scheme No 5, resolves to initiate 'Local Planning Policy No 2 – Building Envelopes', advertise the policy for public comment for a period of 21 days and thereafter consider any submissions prior to determination.'

Community Consultation:

In accordance with the above resolution, the policy was advertised for a period of 21 days, concluding on the 30 November 2011.

Advertising included the publication of a notice in both the Dongara Rag and the Geraldton Guardian for two consecutive weeks. A copy of the notice and a copy of the policy were made available for viewing on the front counter of the Shire administration building, and also on the Shire's website.

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

Statutory Environment:

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. They are not binding, but the local government is to have due regard to the provisions of a Local Planning Policy. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails. Local Planning Policies can be reviewed at any time.

Part 2.4 of Local Planning Scheme No 5 provides the procedure for making a Local Planning Policy. Specifically, clauses 2.4.2 and 2.4.3 provide the instructions for considering a policy post advertising, as follows:

- 2.4.2 *After the expiry of the period within which submissions may be made, the local government is to –*
- (a) review the proposed Policy in the light of any submissions made; and*
 - (b) resolve to adopt the policy with or without modification, or not to proceed with the Policy.'*
- 2.4.3 *If the local government resolves to adopt the Policy, the local government is to –*
- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and*
 - (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.*
- 2.4.4 *A Policy has effect on publication of a notice under Clause 2.4.3a.*
- 2.4.5 *A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.*

Officer's Comment:

The preparation of the policy has been undertaken in compliance with the above Scheme provisions.

The next step therefore is for Council to resolve to either adopt the policy with or without modification, or not to proceed with the policy (as per Clause 2.4.2(b) above).

It is recommended that, due to there being no submissions, that the policy be adopted without modification.

Referral to the Western Australian Planning Commission is not deemed necessary as it is not anticipated to affect the interests of the Commission.

Financial Implications:

Nil.

Policy Implications:

Recommends final adoption of Local Planning Policy No 2.

COUNCIL MOTION:

MOVED: Cr McClurg

SECONDED: Cr Scott

That Standing Orders be suspended at 4:15pm to enable discussion to take place in regards to reports TP.528 and TP.529

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

COUNCIL MOTION:

MOVED: Cr Scott

SECONDED: Cr Hepworth

That Standing Orders be resumed at 4.34pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

TP.528

Subject: Alignment of Pye Road
Reporting Officer: Town Planner
Date of Report: 14 December 2011
File Reference: RD.RO
Voting Requirements: Simple Majority

Report Purpose:

To consider Council's position on the alignment of Pye Road, Mount Adams.

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr McClurg

SECONDED: Cr Hepworth

That Council determines not to proceed with the re-alignment of the road reserve for Pye Road at this time.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body/Background:

There is a discrepancy between the alignment of the road reserve for Pye Road and the alignment of the actual constructed road.

At the point where the bitumen currently ends, the road reserve deviates to the south-east while the constructed road continues in a straight easterly direction. The unsealed section of the road has therefore been constructed within Lot 4, a privately owned freehold lot owned by Revive Nominees Pty Ltd (Whitmarsh). Please see attached.

This issue was last considered by Council at its meeting held on 22 November 2011, whereby the following was resolved:

'That the Shire approaches the owner of Lot 4 Pye Road, Mount Adams in relation to amalgamating the unconstructed portion of Pye Road into Lot 4 and creating a formal road reserve over the currently unsurveyed, but constructed, portion of Pye Road.'

Consultation:

Following the above resolution, correspondence was sent to the owners of Lot 4 Pye Road, dated 1 December 2011, outlining the anomaly between the constructed road and the road reserve and requesting their participation in rectifying the situation.

This was followed up by a further on-site meeting at the request of the land owners, attended to by the Town Planner, on 9 December 2011.

The outcome of that meeting however, was that the landowners are not interested in taking part in creating a formal road reserve over the constructed road alignment.

This is on the basis that the unsurveyed portion is integral to their cattle operations, whereby it forms a central laneway to the various paddocks over Lot 4 and allows for easy shifting of livestock from anywhere on the property to the centrally located yards. Additionally, they feel it would limit the types of vehicles they could use when carrying out livestock work, if it was formally created as a road reserve, as any vehicles would then require licensing in accordance with standard road laws.

It was pointed out however, that now be an ideal opportunity to upgrade the road to a quality standard considering the proposed expansion of mining operations in the area, particularly the Mondarra project which uses this road for access. Also that there would be no cost to the landowners, including surveying costs, and that there may be liability issues for the landowners with the amount of traffic traversing their private land.

The land owners were not concerned however, and responded they would prefer the Shire to construct the road over the existing road reserve alignment, thereby removing all traffic from their laneway.

Officer's Comment:

Without the support of the landowners, there is little that can be done to progress the realignment of the road reserve without undertaking compulsory acquisition procedures.

Essentially, the unsurveyed road is private property and the land owners wish for it to remain as such.

An alternative would be to construct a new road over the existing reserve alignment, although this would be a costly exercise without providing any real benefits in terms of access for the farming or mining operations in the area.

It is noted the mining operations have a right to access the unsurveyed portion of Pye Road under legislation created for the Dampier to Bunbury Natural Gas Pipeline. Additionally, the farming lots to the east of Lot 4 have alternative means of access without relying on Pye Road, generally utilising Milo Road.

It is therefore recommended that no further action be taken at this time.

Financial Implications:

Nil.

Statutory Environment:

Land Administration Act 1997 (as amended).

Policy Implications:

Nil.

TP.529

Subject: Proposed Aged Persons Village – Lot 952 Henry Road, Port Denison
Proponent: Global Care Group Incorporated
Reporting Officer: Town Planner
Date of Report: 13 December 2011
File Reference: P343 (A8925)
Voting Requirements: Simple Majority

Report Purpose:

To consider an application to develop Reserve 46855, Lot 952 Henry Road, Port Denison for the purposes of a Stage 1 Aged Persons Village.

OFFICERS RECOMMENDATION: COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr Scott

That Council approves the proposed Aged Persons Village on Lot 952 Henry Road, Port Denison subject to the following conditions:

1. The development hereby approved shall occur in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.
2. Prior to commencement of construction works on-site, the applicant is to submit an engineering design for the separate written approval of the local authority.
3. Upon application for a building license, the applicant is to submit a Landscaping Plan for the separate written approval of the local authority.
4. All fencing abutting the Henry Road and Blenheim Road street frontages is to comply with the Shire of Irwin Local Law – Fencing and 50% of the fencing is to be visually permeable and no higher than 1200mm from the finished level of the adjacent lot.
5. A pedestrian path is to be provided from the proposed entrance off Henry Road to the internal footpath network as shown on the approved plans.
6. Provision is to be made to allow for ease of rubbish bin collection by a rubbish truck, either by provision of a connector road adjacent to Lots 10 and 27 or a communal bin collection area at the entrance to the site off Henry Road.
7. All units are to be designed in accordance with AS4299 - Adaptable Housing and clauses 6.11.2 A2 iii and iv of the Residential Design Codes 2008.
8. The area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access, as shown on the approved plans, shall:
 - i. be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
 - ii. thereafter be maintained to the approval of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless specifically approved;
 - iv. be properly formed to such levels that it can be used in accordance with the plan;
 - v. be drained and sealed with an all weather seal coat to the approval of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and
 - vii. be designed in accordance with AS2890.

9. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.
10. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice:

1. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site, including the construction of any retaining walls over 1 metre in height.
2. In relation to Condition 2, the engineering design is to include detailed drainage plans and calculations, plus an off-site impacts management plan addressing dust, noise and vibration.
3. In relation to Condition 3, the landscaping plan is to include detailed plans and specifications for plant species, reticulation, pedestrian paths, pedestrian lighting, landscape furniture, entry statements and verge treatments.
4. a) All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.
b) No works shall commence prior to 7:00am without the Shire approval.

CARRIED UNANIMOUSLY

VOTING DETAILS:

6/0

Body:

The Property

Lot 952 is 9117m² in area with 100 metres of frontage to Blenheim Road and 75 metres of frontage to Henry Road. Blenheim Road is constructed to the Shire's urban standard, including a dual use path on the southern side. Henry Road is currently under construction and will provide a road link to Bond and Linthorne Streets.

The land is currently covered in remnant vegetation of medium quality, predominantly made up of *Acacia rostellifera*. The soil is a calcareous sand typical of the coastal plain, underlain by limestone rock.

The property rises to a maximum height of 26 metres AHD in the centre of the lot, before falling away steeply to the eastern boundary to a height of 14 metres AHD, resulting in a natural level difference of 12 metres.

Lot 952 corresponds with Reserve 46855. This reserve was created in 2003 for the purpose of 'Aged Persons Accommodation', with a Management Order issued to the Shire of Irwin.

In the north-west corner, the perimeter boundary of the lot follows Reserve 37906 created for the purpose of a navigation beacon site. This reserve is currently used for this purpose.

The Proposal

This application represents Stage 1 of an overall development which will include Lot 951 immediately adjoining to the north. Lot 951 is 3.04 hectares in area. The indicative master plan submitted with the application for both lots shows the complete development consisting of 71 individual living units, central communal facilities and a 34 bed residential care facility (see attached).

This application however, is for Stage 1 of the development over Lot 952 only. The remaining stages and development over Lot 951 (as shown on the master plan) will be subject to separate application and approval.

Stage 1 proposes a total of 19 individual living units, vehicle access from Henry Road, internal roads and drainage, landscaping, retaining and a steeply sloping bank down to the eastern boundary. A copy of the site plan is attached.

Unit Development

All units are proposed to be of single storey construction and consist of 15 individual designs. These are made up of a mix of 2 or 3 bedroom and single or double garage designs. The units range in floor area from 111m² to 165m² and range in site area from 208m² to 295m². All units are essentially variations of eight different designs and will incorporate differences in colour scheme and materials. The intention being to maintain a level of individuality between units within the development, copies of the proposed floor plans and elevations are attached.

Roads

The internal roads are proposed to be 5.5m wide with low profile mountable kerbs along lot frontages. A 1 metre wide pedestrian footpath is included around the perimeter of the internal road. The design of the roads is intended to create a low speed and safe environment for both pedestrians and vehicles. Turning movements have been assessed against relevant Australian Standards for a single unit truck and a fire fighting tender, to ensure that both a rubbish collection truck and emergency services can enter the property. Four visitor parking bays and one disabled parking bay are proposed.

Earthworks

The plans indicate extensive earthworks and re-contouring of the site to provide a relatively level surface to construct the development on. This includes a combination of reconstituted limestone retaining walls around the perimeter of the lot and the use of smaller precast concrete internal retaining walls between dwellings. The steep decline on the eastern side of the lot is proposed to be retained using a terrace format with unit development above, and a sloping bank at a 1:3 grade down to the boundary below. The maximum perimeter limestone retaining wall is proposed to be 1.6m high (fronting Henry Road) while the internal concrete retaining walls generally do not exceed 0.5m in height. The extensive use of retaining is due to the challenging natural levels of the site and the need to maintain a grade at or below 1:14 for pedestrians. Elevations of both the Henry Road and Blenheim Road frontages have been provided (see attached), which give an indication of the proposed re-contouring and retaining.

Drainage

Drainage of the site is proposed to be via soakwells installed centrally along the inverted crown roadways. Soakwells would be 1800mm by 1800mm with an additional 850mm of aggregate surrounding the pits. The natural sand is expected to have good drainage properties and groundwater is unlikely to be encountered at the site. The drainage system has been designed to allow for a 1:5 year ARI event for the roads and a 1:10 year ARI event for the units. Storm events in excess of this are proposed to flow overland to the Shire's street system on Henry Road.

Services

Connection to utility services including water, sewer, power and communications have been confirmed as available adjacent to the site, both at the Blenheim Road frontage and at the termination of Linthorne Street, which intersects with Henry Road to the north of the site. The development is proposed to be connected to these services in accordance with each providers requirements.

Landscaping

The application indicates that a separate landscaping plan will be submitted at building license stage.

Village Management

The overall development, including Stage 1, is proposed to be managed by Global Care Group Inc in accordance with the *Retirement Villages Act 1992* and associated Regulations. This will include a full time manager located on-site. The proposed tenure arrangements of the individual units have not yet been indicated. Typically, retirement villages usually adopt either strata titling of each unit or a 'lease for life' arrangement. Each unit is proposed to have its own Shire issued rubbish bin, which will be collected in the usual manner by the municipal rubbish truck.

Statutory Environment:

Lot 952 is zoned 'Special Use' under the Shire of Irwin Local Planning Scheme No 5 (the Scheme) and is listed as Site No 10 in Schedule 4 (Special Use zones) of the Scheme. The only permitted use for this site is 'Aged Persons Village' and there are no specific conditions which apply to this site.

In regards to the current tenure of the lot as a crown reserve, it is noted that the Minister for Lands has recently granted approval for the land to be amalgamated with Lot 951 adjoining to the north (currently R34643 for the purpose of 'parks and recreation') and for the combined land to be issued a Conditional Tenure Certificate of Title. This has the affect of providing freehold status to the land, although for the specific purpose of 'Aged Care Accommodation'.

Before the Conditional Tenure title can be issued though, Lot 951 must first be rezoned to be consistent with Lot 952 (i.e. 'Special Use' Site No 10). Hence this application for Stage 1 only until the rezoning of the remainder of the land is complete.

Officer's Comment:

The proposed Stage 1 development is generally supported, however there are some aspects of the application that require consideration. It is important to note that Stage 1 will set the design parameters for the remainder of the development.

Firstly, as this development is essentially residential in nature and is adjoined by residential zoned land on its western and northern sides, it would represent good planning to integrate the development into its (future) residential surroundings. The most effective way of achieving this would be to ensure those units along Henry Road address this road as their primary frontage with access and a front setback. The affect of this would be to create an outward looking development that contributes to the broader community and urban environment, rather than one that faces inward and as separate from its surroundings. It would also assist in providing a more attractive streetscape with landscaped front setbacks and front building facades, rather than high walls and fences with the rear of units behind.

In this instance however, the existing natural levels of the site do present a unique challenge for an Aged Persons Village development. In this context, the finished levels of the development have to achieve a certain grade to ensure easy pedestrian access. The application states 1:14 as a suitable grade. It is unlikely that lots designed to use Henry Road as their primary frontage (with their finished levels therefore designed to match the levels the road follows) would be able to achieve such a grade.

As such, the proposal has been designed as a contained development, where the levels can be controlled. This has resulted in retaining walls on the Henry Road boundary and the rear of units facing Henry Road. The maximum height of the retaining wall on the Henry Road frontage is 1.6m (located in Stage 1).

The design does however, attempt to address the street frontage by the inclusion of low height, visually permeable fencing along the Henry Road frontage. This would consist of metal picket fencing and provide some privacy to residents while reducing the high, solid wall affect.

Although rear facing units along Henry Road is not ideal, in the context of the type of development proposed, the natural contours of the site and the inclusion of low height, visually permeable fencing on the boundary, it is considered acceptable in this instance.

The proposed drainage of the site also requires consideration. The application proposes to direct stormwater runoff from all impervious areas to soakwells placed in the roadways. The drainage has been designed to accommodate 1:5 and 1:10 ARI events for the roads and units respectively, with anything over and above this being directed along the roadways and out onto Henry Road and the Shire's street drainage system.

The standard requirement is for all development to incorporate its own drainage system to contain all stormwater runoff within its property boundaries. Stormwater is generally not permitted to runoff a property onto another and the Shire's street drainage system, including Henry Road, is not designed to accommodate additional runoff from adjoining lots.

It is envisaged however, that this could be addressed by a condition requiring further approval by the Shire of the engineering design for the development. This would allow detailed plans and calculations for the drainage system to be submitted to the Shire for review. This may indicate that overland flow to the Henry Road drainage system may be appropriate, or alternatively that additional drainage measures will be required within the development.

Imposing such a condition is also considered appropriate to ensure further, more detailed consideration of issues involved with the earthmoving and infrastructure works. Although this development is not a subdivision and the roads and infrastructure will not become the Shire's responsibility, it is of a scale similar to a subdivision and an important aspect of an engineering approval is to consider how off-site impacts will be managed like dust, noise, vibration etc. Such a condition would allow for this.

Similarly, limited details of the proposed landscaping for the development have been provided with the application. Landscaping is an important factor in determining the amenity of the development and its contribution to the locality. The application states that a separate Landscaping Plan will be submitted for approval at Building License stage. This approach is supported and should be reinforced as a condition of approval. A Landscaping Plan will allow detailed consideration of aspects such as plant species, pedestrian paths, pedestrian lighting, public seating/furniture, entry statements, verge treatments etc.

It is noted that Henry Road will not intersect with Blenheim Road at its southern end. The sightlines at this juncture are not adequate to allow a vehicle intersection, as has recently been demonstrated by the shift of the Medical Centre entrance from this location to Money Street. This will have the affect of directing all traffic to and from the development through the local street system of Henry Road, then via either Bond or Linthorne Streets to Francis Road and beyond.

Initially for Stage 1 which comprises only 19 units, this is not likely to be cause for concern. However, the eventual development of 71 units plus an aged care facility is likely to generate a significant amount of traffic in its own right. As such there will be an impact on the adjoining local street system.

It is expected that eventually Henry Road will be extended to the north and provide a more direct route from the development to Point Leander Drive and Dongara, therefore taking the pressure for northward bound traffic off Bond and Linthorne Streets. However, there is currently no timeframe for the extension of Henry Road. If Council feel that traffic movements are a concern, a Traffic Impact Study could be requested prior to determining this application.

Internal traffic movements within the overall development have been designed in accordance with applicable Australian Standards to ensure both a rubbish collection truck and emergency vehicles have access and adequate turning area. Stage 1 in isolation however, currently includes two cul-de-sacs with no turn around area which would make ingress and egress for a rubbish truck difficult. This should be addressed by either constructing a temporary connector road between the two cul-de-sac ends (adjacent to Lots 10 and 27) or alternatively, creating a communal bin collection area at the front of the development. This should be imposed as a condition.

In relation to statutory development requirements, it is noted that there are few which apply to this proposal, being that the site is zoned 'Special Use' with no specific conditions under Schedule 4 (Special Use zones). The development requirements therefore are essentially at the discretion of the local government. Clause 5.32.1 of the Schemes states the following:

'Where Schedule 4 does not specify development requirements for a particular Special Use zone relating to architectural style, plot ratio, car parking, setbacks, landscaping or other matters addressed by development requirements elsewhere in the Scheme, these requirements may be applied by the local government at its discretion.'

Considering that the use is predominantly of a residential nature, it is suggested that assessment against the Residential Design Codes 2008 (R Codes) provides a sound basis for determining the suitability of the design.

In this regard, an assessment has revealed that the design is generally consistent with a density code of approximately R40, which allows for a minimum site area per dwelling of 200m² and an average of 220m². This is a medium density code and is appropriate for aged persons developments where there is less need for large homes and large areas of private open space.

The proposed setbacks comply with R40 requirements, including 4 metres to Blenheim Road and 1.5 metres to Henry Road. The open space calculations indicate each lot has between 51% and 62% open space, with an average of 56%. Visitor parking, although minimal at 4 bays plus one disabled bay, is also compliant.

Areas of the design that do not strictly comply with the R Codes are as follows:

- Provision of an outdoor living area to each unit that has at least 2/3rds without permanent roof cover. Although each unit has adequate outdoor living area, they are all covered by an alfresco roof.
- Provision of a storeroom to each unit that is accessible from outside of the dwelling and with minimum internal area of 4m². Each unit includes its own storeroom, however not all are accessible from outside the dwelling and some are less than 4m² in area.
- Maximum plot ratio area of 100m² for grouped dwellings. With exception to the Type 9A unit, the floor areas of each unit exceeds 100m².
- Provision of two car bays per dwelling where the dwelling is in excess of 100m² plot ratio area. Some units in excess of 100m² floor area include only single garages.
- Provision of pedestrian access from street frontage to the dwellings. An internal footpath has been provided but no pedestrian access is available from the street frontage or entrance to the development off Henry Road.
- No indication is given as to whether or not the units are designed for Adaptable House (i.e. 'aging in place') in accordance with AS4299.

Although these issues are relevant, on the basis the site is zoned 'Special Use' and not 'Residential', it is open to Council to consider what it believes is an appropriate standard of development. In this regard, the covered outdoor living areas possibly increase outdoor amenity for aged persons in a local climate that is dominated by hot, dry summers. The unit designs still provide for storerooms and car parking to each unit, if approved it would be up to individual purchasers to decide what best suits their needs. In addition, it is noted that the final stage of the overall development includes a 26 bay caravan and boat parking area. The provision of pedestrian access from the entrance of the development is considered essential, regardless of whether or not this entrance is temporary until future stages are developed. Similarly, the Adaptable Housing standards must be incorporated into each unit if they are to be effective, assuming this is not already proposed. Both of these aspects can be covered by conditions of approval.

It is recommended that the application be approved, subject to conditions.

Financial Implications:

Nil.

Policy Implications:

Nil.

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 4:36pm.

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

Signed:
Presiding Elected Member

Date:.....