

I certify that this copy of the Minutes is a true and correct record of the meeting held on
25 October 2005

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 25 OCTOBER 2005
COMMENCING AT 4.00PM**

There are no attachments to this copy of the Council Minutes. To view attachments, please contact the Shire office or email Judy Hurst on ceosecretary@irwin.wa.gov.au

<u>PRESENT:</u>	President	Cr R K Parsons
	Councillors	G C Bass, S C Chandler, G L Dean-Gundill (5.09pm), R J Gillam (Deputy President), K J Hepworth, R T McClurg, N S B Trevenen
	Staff	Mr J L Merrick - Chief Executive Officer Mr G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development

GUESTS:

APOLOGIES: -

LEAVE OF ABSENCE: Cr L W Wheeler

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson, Cr Robyn Parsons, declared the Council Meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

Cr Parsons advised that Dr Kent Morison had accepted an invitation to join Council for dinner after the Council Meeting.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr Rob McClurg had previously been granted Leave of Absence for the meeting, however, was in attendance today. Cr Lance Wheeler had Leave of Absence for the meeting. All other Councillors, with the exception of Cr Gail Dean-Gundill, were present at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

- 4.1 MESSRS JOHN ROWLAND AND GRAHAM GRUNDY:** Messrs Rowland and Grundy addressed Council concerning Midwest Corporation using B Double trucks to transport ore along Midlands Road and Brand Highway to Geraldton from east of Perenjori. Mr Rowland advised he has a residential heritage building on Brand Highway in the 80 kms per hour reduction zone and is concerned about the vibration and noise factor of the vehicles using the highway 7 days a week/24 hours a day.

Mr Rowland advised he attended the public meeting in Greenough recently and requested that Midwest do not operate their vehicles from 10.00pm to 6.00am. Mr Rowland explained that his property is located at the commencement of the east end of the reduction zone and at that meeting requested of Mr Tim Glenister of Main Roads WA that Jacobs Brakes not be permitted in this area. Cr Stuart Chandler advised that Roadwise has requested that the speed limit be moved further east of its current location.

Mr Rowland requested that the speed limit be reduced to 40-60 kms per hour and also that an alternative route be found. Mr Rowland then asked Council to consider supporting the following;

- (a) lengthening the reduced speed zone
- (b) a reduction in the speed, and
- (c) a restriction of the type of braking system being used.

Cr Robyn Parsons advised that Council is aware of the issues and that it would review the situation regarding the speed limit and speed reduction zone and consider writing to the company to request that vehicle operators be informed of these concerns.

At the conclusion of discussion, Messrs John Rowland and Graham Grundy departed the Chambers.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Lance Wheeler had submitted a late application for Leave of Absence for today's meeting. Cr Rob Gillam requested Leave of Absence for the forthcoming meeting to be convened on 8 November 2005.

COUNCIL MOTION:

Moved Cr Trevenen, seconded Cr Bass

That Cr Lance Wheeler's Leave of Absence be approved for today's Council Meeting and that Cr Rob Gillam be granted Leave of Absence for the Council Meeting to be held on 8 November 2005.

CARRIED
7/0

VOTING DETAILS:

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 OCTOBER 2005

A copy of the Minutes of the Ordinary Council Meeting held on 11 October 2005 has been provided to all Councillors.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Hepworth

That the Minutes of the Ordinary Council Meeting, held on 11 October 2005, be confirmed as a true and accurate recording of that meeting.

CARRIED
7/0

VOTING DETAILS:

7.2 MINUTES OF THE DONGARA-DENISON FESTIVAL COMMITTEE MEETING HELD ON 6 OCTOBER 2005

PRESENT: J Rossiter, L Reid, G Simmons, L Smith, T Bolland, R Schulze

APOLOGIES: J Norrish, I Powell, D Kennedy, C Bussenschutt

LISA: Approximately \$21,000 from sponsors (\$4,000 still to come). Kailis to give \$2,000 in return for naming rights for the Olive Association (i.e. their tent to be the main one in Town Park). Lisa will check with Wendy Small regarding this. Lisa suggested Southerlys pay the Festival for the fireworks rather than Skyshow direct (future paper trail, GST etc).

MEDIA BUDGET: Suggestion to spend some on Midwest as well as Radio and Guardian. John wants to do ABC interview.

CONSULTANT FEES: Approximately \$3,800 (Lisa) with approximately \$400 more towards telephone costs.

TRACEY: to contact Wayne Hoskins at GFC (via Evelyn) to secure 12 crayfish for cooking demonstration.

Anyone putting anything on the website to please add "*Proudly Sponsored by*".

LISA: to give John copy of sponsors. Lisa will try to book one more act (i.e. statue demonstration or dual act). Committee agreed it was worth getting another headline act for future Festival. Approximate cost of dual act \$1,200. Lisa suggested John have Wasamba sign an entertainment agreement and get an exact time of their arrival for program to all fit in.

REBECCA/LYN: to fill in program details after Lisa makes contact with Wendy with cooking demonstration times.

CORRESPONDENCE IN: Tax Invoice from Market Creations (\$600 for next 12 months). John read out Graham's recommendation for website changes.

GARRY: Will take invoice to Market Creations and tell them their services are no longer required.

JOHN: Will speak to Graham about changes to website. Rebecca will speak to Graham about more detail on the map (i.e. Festival Office on the day etc).

GENERAL BUSINESS: Lisa wants photos for advertising and gave John a copy of previous job lists as guideline to follow. The Committee spoke about some of those jobs – toilet signs up, trench digger for lads etc. Laurie has spoken to the Shire about using the Shire Hall toilets and there will be no problem. Garry has filled in Disclaimer Form for Wasamba to stay at school and Rebecca will hand it in and ask about keys to unlock school.

MEETING CLOSED: 9.35pm.

NEXT MEETING: Thursday, 20 October 2005 at 7.30pm.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Chandler

That the Minutes of the Dongara Denison Festival Committee Meeting held on 6 October 2005, be received.

CARRIED
7/0

VOTING DETAILS:

7.3 MINUTES OF THE TIDY TOWNS COMMITTEE MEETING HELD ON 19 OCTOBER 2005

1.0 PRESENT

Ann Carr, Karen Kirkland, Carol Niquet, Felix Neuweiler

APOLOGIES

Nil

2.0 OPENING

The meeting opened at 3.15pm.

3.0 WATERWISE GARDENS

A meeting with the owners of the two local nurseries was held on Wednesday, 12 October. During this meeting, the writing of a series of articles relating to Waterwise gardening was discussed. Jayne, Carol and Felix were each allocated topics to research and write about. These articles are to be published in the 'Local Rag'. The promotion will culminate in a Waterwise Garden Competition with prizes donated by the local nurseries.

Carol suggested that the Ambulance Centre be approached by a Tidy Towns representative to ask if a Waterwise garden could be installed by the Tidy Towns Committee with funding from Lotterywest – **Felix to action.**

4.0 GENERAL BUSINESS

Karen informed the meeting that the footpath on the northern side of the river is overgrown with vegetation and needs pruning.

Ann suggested that yellow daisies weeding be carried out at the Obelisk Site before the Blessing of the Fleet weekend. It was suggested that weeding will be undertaken on 25 and 30 October and one last effort on 2 November. Ann will arrange the posting of public notices and Felix to arrange an advert to be placed in the 'Local Rag' to encourage members of the public to participate.

5.0 NEXT MEETING

16 November 2005 at 3.15pm, Council Chambers.

Meeting closed at 4.15pm

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Trevenen

That the Minutes of the Tidy Towns Committee Meeting held on 19 October 2005, be received.

CARRIED
7/0

VOTING DETAILS:

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

Nil.

9. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

10. REPORTS

B.355: REDUCED SETBACK APPLICATION FOR A PATIO
LOCATION: 8 TURTON HEIGHTS, DONGARA
PROPONENT: L K & S K PYKE
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 18 OCTOBER 2005
FILE REFERENCE: BA.1
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mr & Mrs Pyke submitted an application to build a patio, set back 1.2 metres from a secondary street, at the above property (please refer to the attachments). A 500mm setback reduction was originally allowed when the main dwelling was built.

COMMENT:

- **General**
The proposed patio is a substantial structure with a maximum height of 4.1 m and covering an area of 53.5m².

Although the Residential Design Codes allow a two metre setback to a secondary street, Council's Town Planning Scheme provides under Clause 3.5.6 that a 3.75m setback to a secondary street is required. Generally, the Town Planning Scheme prevails over the Codes.

The provision of shade in Dongara's climate is generally desirable to provide natural cooling. It is therefore recommended that Council uses its discretionary powers and consent to a reduced setback of two metres as provided by the Residential Design Codes.

- **Financial Implications** - Nil.
- **Policy Implications** - Nil
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That Council approve a reduced two metre setback to a secondary street for the proposed patio on Lot 406, 8 Turton Heights, Dongara.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Chandler

That Council approve a reduced two metre setback to a secondary street for the proposed patio on Lot 406, 8 Turton Heights, Dongara.

CARRIED
7/0

VOTING DETAILS:

CEO.258: STATUS REPORT
LOCATION: -
PROPONENT: -
REPORTING OFFICER: JOHN MERRICK – CHIEF EXECUTIVE OFFICER
DATE OF REPORT: 20 OCTOBER 2005
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Council requires intermittent reports in regard to the activities of the Chief Executive Officer.

COMMENT:

- **General**

I have been dealing with the following issues:

- **TELSTRA LAND:** Quantum Surveyors have completed the survey of the land which identifies and separates the exchange and United KFPW has issued a title in respect of the two separate lots. The mast has been removed and the earthing has been isolated away from the access road off Armstrong Street. Settlement is to occur within the next week when the contract of sale is signed by Telstra and the Shire President.
- **MAGNETIC MINERALS (TICOR):** I have met again with David Miller, Manager (Business Development) and he advises that all development applications have been submitted to the relevant government departments. A Native Title process will need to be carried out and this will/should be completed this time next year however it appears some negotiation may need to be carried out between Ticor and the claimants. A major drilling program is to commence in mid-November (3 weeks time) which will identify the perimeters of the first mining operation expected to be north-east of Mt Adams approximately 8kms from Brand Highway. I have offered our services as a government lobbyist should it be required to speed up the approvals process.
- **IRON ORE DEVELOPMENTS:** Councillors will remember its negotiations with representatives of the mining industry several years ago where the idea of a pellet plant, power station and offshore ship loading facility was floated and explored. We are aware that some private land acquisitions between the miner and several landowners is occurring at the present time and that some doubt exists about the future of deep water port facilities within the region. We are awaiting the outcome of these negotiations.
- **ROC OIL OFFSHORE FACILITY:** The pipeline from the platform to the coast is currently being laid and should be in place by the end of the month. Work on the onshore terminal is progressing slower than expected however the original date of March 2006 is still the expected time for the first shipment of oil to leave Dongara.
- **MIDWEST OLIVE ASSOCIATION:** I have met with representatives of the Association which is keen to develop a regional olive processing plant and sales outlet for olive growers between Dongara and Northampton. I have spoken to them in terms of location for the plant, depending on noise levels and whether it would be best located in town or perhaps out at Irwin where an increasing number of people are producing such things as wine, marron, fruit, vegetables and other tourism-based industries such as "The Grange". I have given every indication of Council's support and

facilitation philosophy and hopefully we can create a very attractive tourist attraction to add value to holiday experiences.

- **AGED SERVICES:** I continue to liaise with several proponents for aged care including retirement village development and hostel accommodation. Our application for bed licences is still being assessed and I don't expect to hear any results until the end of November. I am aware that negotiations are continuing with several groups for the purchase of the George Street site from the Chaucer Group and an item in relation to expired DA's appears within the agenda.
- **LGMA INVOLVEMENT:** I am currently acting as a mentor to the Acting CEO for the Shire of Broome during the extended absence of the CEO however this only involves regular contact through email and weekly telephone calls. The Department for Local Government and Regional Development has requested my assistance with a CEO support program at the Shire of Trayning on Thursday and Friday, 3 and 4 November 2005. The Department reimburses Council's costs incurred for my attendance over the 2 days.

- **Financial Implications:** Nil.
- **Policy Implications:** Nil.
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That the Status Report of the Chief Executive Officer be received.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Hepworth

That the Status Report of the Chief Executive Officer be received.

CARRIED
7/0

VOTING DETAILS:

DCS.214: 2005 CSRFF FUNDING APPLICATIONS
LOCATION: -
PROPONENT: -
REPORTING OFFICER: GEOFF PEDDIE – DIRECTOR, CORPORATE SERVICES
DATE OF REPORT: 18 OCTOBER 2005
FILE REFERENCE: DD.2/2
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

The Department of Sport and Recreation has invited applications from eligible groups for funding under the Community Sport and Recreation Facilities Fund (CSRFF) which closed on Friday, 30 September 2005. Council has received one application which it is required to submit, with its recommendation, to the Department of Sport and Recreation.

COMMENT:

- **General**

Council is required to consider the merits of all the applications received and submit them to the Department of Sport and Recreation in order of priority. Only one application has been received this year, as follows:

Shire of Irwin

Construction of two new indoor multi-purpose courts, function centre, changerooms, meeting room/tennis clubrooms and renovations to the existing centre.

- **Financial Implications**

The CSRFF applications are for funding during the 2006/07 year and will not affect the current budget.

- **Policy Implications:** Nil.
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That the application from the Shire of Irwin for funding through the CSRFF program be submitted to the Department of Sport and Recreation.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Trevenen

That the application from the Shire of Irwin for funding through the CSRFF program be submitted to the Department of Sport and Recreation.

CARRIED
7/0

VOTING DETAILS:

DCS.215: SOVEREIGN PETROLEUM - B DOUBLE ACCESS TO HARBOUR
LOCATION: -
PROPONENT: -
REPORTING OFFICER: GEOFF PEDDIE – DIRECTOR, CORPORATE SERVICES
DATE OF REPORT: 19 OCTOBER 2005
FILE REFERENCE: ER.3
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

In March 2005, Council considered an application from Sovereign Petroleum seeking endorsement to operate a B Double truck combination on Moreton Terrace and Point Leander Drive to deliver fuel supplies to the Harbour.

Council resolved as follows:

“That access be allowed via the Moreton Terrace and Point Leander Drive entrance and exit via Point Leander Drive, Hunts Road and Waldeck Street with proviso for compensation for any damage to the carpark and subject to the previous conditions of use.”

Sovereign has forwarded Council’s letter of endorsement to Main Roads, however, Main Roads has advised them that they will not issue individual approvals. They will only issue approvals where Council has endorsed the specified roads for general use for all operators using that vehicle combination and subject to any conditions the Council may impose.

COMMENT:

• **General**

Sovereign has advised that they would prefer to enter and exit via Moreton Tce and Point Leander Drive and not use Hunts Road and Waldeck Street.

Council needs to consider, therefore, whether it is willing to generally endorse Moreton Terrace, between Brand Highway and the roundabout, Point Leander Drive and McIntyre Cove as roads that are suitable for use by all B Double operators and, if so, what conditions should be imposed.

Currently, the conditions imposed are as follows:

- Operation of the B Double is not to occur during the hours of 8.00am and 9.00am and 3.00pm to 5.00pm seven days a week.
- Any damage caused to the carpark is the responsibility of the company.
- Approval may be withdrawn due to unsatisfactory road condition.

- **Financial Implications:** Nil.
- **Policy Implications:** Nil.
- **Statutory Implications:** Nil.

STAFF RECOMMENDATION:

For Council consideration.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That endorsement be provided for B Double vehicle combinations to access Port Denison Harbour via Moreton Terrace, Point Leander Drive and McIntyre Cove and exiting on McIntyre Cove, Point Leander Drive, Hunts Road and Waldeck Street, subject to the route being approved by Main Roads WA following inspection.

Furthermore, the existing conditions will remain with an additional condition imposed, being that a letter of approval from the Shire to be carried by each operator.

CARRIED
7/0

VOTING DETAILS:

The following two Financial items were brought forward for discussion.

F.280: ACCOUNTS FOR PAYMENT
LOCATION: -
PROPONENT: -
REPORTING OFFICER: JAYME GILES – FINANCE OFFICER
DATE OF REPORT: 11 OCTOBER 2005
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

A cheque list is attached showing all payments made since the last Council meeting held on 27 September 2005.

COMMENT:

- **General:** Nil.
- **Financial Implications:** Nil.
- **Policy Implications:** Nil.
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That the accounts for payment, represented by Municipal Cheque Numbers 25880-25921, EFT payment numbers 3603-3726 totalling \$631,938.96, cheque numbers 1932-936 totalling \$1900.00 be authorised for payment.

COUNCIL MOTION:

Moved Cr Trevenen, seconded Cr Gillam

That the accounts for payment, represented by Municipal Cheque Numbers 25880-25921, EFT payment numbers 3603-3726 totalling \$631,938.96, cheque numbers 1932-936 totalling \$1900.00 be authorised for payment.

CARRIED
7/0

VOTING DETAILS:

F.281: FINANCIAL STATEMENTS
LOCATION: -
PROPONENT: -
REPORTING OFFICER: DANIKA LOOMES – ACCOUNTANT/SENIOR ADMINISTRATION OFFICER
DATE OF REPORT: 19 OCTOBER 2005
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Attached are the Financial Statements for the period ending 30 September 2005.

COMMENT:

- **General**

The reports included to 30 September 2005 are:

Note 1: Significant Accounting Policies

Note 2: Statement of Objective

Note 3: Acquisition of Assets

Note 4: Disposals of Assets

Note 5: Information on Borrowings

Note 6: Reserves

Note 7: Net Current Assets

Note 8: Rating Information

Note 9: Trust Funds

Supplementary Information

Operating Statement by Function/Activity

Statement of Financial Position

Statement of Changes in Equity

Statement of Cash Flows

Statement of Bank Reconciliations

Capital Works Program

Restricted Assets Financial Statement

Budget vs Actuals Comparison Report

APU Operating Statement

- **Financial Implications** - Nil.
- **Policy Implications** - Nil.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the Financial Statements for the period ending 30 September 2005 be received.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That the Financial Statements for the period ending 30 September 2005 be received.

CARRIED
7/0

VOTING DETAILS:

DCS.216: 2004/05 ANNUAL REPORT AND AUDITORS REPORT
LOCATION: -
PROPONENT: -
REPORTING OFFICER: GEOFF PEDDIE – DIRECTOR, CORPORATE SERVICES
DATE OF REPORT: 19 OCTOBER 2005
FILE REFERENCE: AA.3.1
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

The Local Government Act 1995 requires Councils to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

COMMENT:

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, Haines Norton, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

Once the Annual Report has been accepted, Council is required to give local public notice of the availability of the Annual Report as soon as practicable.

A General Meeting of Electors is also to be held on a day to be set by Council not more than 56 days after the acceptance of the Annual Report and 14 days local public notice of the meeting must be given.

- **Financial Implications:** Nil.
- **Policy Implications:** Nil.
- **Statutory Implications:** Nil.

- The Local Government Act 1995 Section 5.54 provides that the Annual Report is to contain the following:
 - A report from the Shire President;
 - A report from the Chief Executive Officer;
 - An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
 - The financial report for the financial year;
 - Such information as may be prescribed in relation to the payments made to employees;
 - The auditors report for the financial year;
 - Such other information as may be prescribed.
- The Local Government Act 1995 Section 7.2 provides:
The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.
- The Local Government (Audit) Regulations Section 10 provides:
 1. An auditor's report is to be forwarded to the persons specified (Mayor or President, CEO and Minister) within 30 days of completing the audit.

2. The report is to give the auditor's opinion on —
 - a. the financial position of the local government; and
 - b. the results of the operations of the local government

3. The report is to include —
 - a. any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;
 - b. any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law;
 - c. details of whether information and explanations were obtained by the auditor; and
 - d. a report on the conduct of the audit.

4. Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified (Mayor or President, CEO and Minister) with the auditor's report.

STAFF RECOMMENDATION:

1. That Council receives the Audit Report and Management Letter from Council's Auditors, Haines Norton, for the year ending 30 June 2005.
2. That Council accept the 2004/05 Annual Report, as circulated, for the year ended 30 June 2005 and that local public notice be given of its availability as soon as practicable.
3. That Council holds the 2005 Annual Meeting of Electors in the Council Chambers on Tuesday, 8 November 2005 commencing at 7.30 pm.

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Hepworth

1. *That Council receives the Audit Report and Management Letter from Council's Auditors, Haines Norton, for the year ending 30 June 2005.*
2. *That Council accept the 2004/05 Annual Report, as circulated, for the year ended 30 June 2005 and that local public notice be given of its availability as soon as practicable.*
3. *That Council holds the 2005 Annual Meeting of Electors in the Council Chambers on Tuesday, 8 November 2005 commencing at 7.30 pm.*

CARRIED
7/0

VOTING DETAILS:

TP.672: PROPOSED DOUBLE STOREY RESIDENCE
LOCATION: LOT 77, NO. 32 CARNARVON STREET, PORT DENISON
PROPONENT: PETER TEAKLE & CO - FOR ANDY & HELEN DUANE
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 18 OCTOBER 2005
FILE REFERENCE: BA.2
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mr Teakle submitted an application to build a double storey home with a reduced setback of 1.6 metres to the rear boundary on behalf of his clients (please refer to the attachment).

The property owners previously made an application to subdivide Lot 77 into two lots. The property is currently zoned R50.

The applicant sought comments to the project from adjoining neighbours; one neighbour replied.

COMMENT:

• **General**

To enable the owners to build a substantial home on the proposed 606m² battleaxe lot, the architect applied for a reduce setback of 1.6 metres to the back boundary.

The neighbour objected to the 1.6 metre setback as “this would affect our privacy and severely restrict our view”. The boundary in question is located adjacent to a ‘right-of-way’ (ROW).

The proposed building will have a wall height of 8 metres at the ROW end of the property, requiring a 4 metre setback as set out by Table 2b of the Residential Design Codes. However, Clause 3.3.1 (v) of the Codes also provides: “The stated setback distance may be reduced by half the width of an adjoining right-of-way, to a maximum reduction of 2 metres.”

The ROW’s width is 5 metres; hence the building setback can be reduced to 2 metres from the back boundary.

Taking into consideration the comment received from the neighbour, the provisions of the Residential Design Codes and to prevent a precedent being established, it is recommended that Council approves the development, subject to a setback of 2 metres to the ROW being maintained and the overlooking provisions of the Residential Design Codes are complied with.

- **Financial Implications** - Nil.
- **Policy Implications** - Nil
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That Council approve the proposed development on Lot 77, Carnarvon Street, Port Denison, subject to:

1. A setback of 2 metres to the ROW is maintained;
2. The overlooking provisions of the Residential Design Codes are complied with;
3. All stormwater from roofed and paved areas shall be collected and disposed of onsite; and

4. Retaining walls are installed to the satisfaction of the Building Surveyor.
-

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That Council approve the proposed development on Lot 77, Carnarvon Street, Port Denison, subject to:

- 1. A setback of 2 metres to the ROW is maintained;***
- 2. The overlooking provisions of the Residential Design Codes are complied with;***
- 3. All stormwater from roofed and paved areas shall be collected and disposed of onsite; and***
- 4. Retaining walls are installed to the satisfaction of the Building Surveyor.***

CARRIED
7/0

VOTING DETAILS:

TP.673: PROPOSED SUBDIVISION
LOCATION: LOT 27 MARINA HEIGHTS, PORT DENISON
PROPONENT: WESTSHEAR PTY LTD
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 19 OCTOBER 2005
FILE REFERENCE: TP.3/1 (WAPC REF: 129604)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mr Michael Smith made an application on behalf of Westshear Pty Ltd to the Western Australian Planning Commission to subdivide the above 'R50' zoned lot into two parcels, one 271m² and the second 362m² (please refer to the attachment). The Commission forwarded the application to the Shire of Irwin for Council's consideration.

COMMENT:

• **General**

The applicant proposes to create two vacant green title lots to facilitate future construction of a single dwelling on each lot.

Lot 27 is currently vacant, is fully serviced and has an area of 633m². The Residential Design Codes allow 'R50' zoned lots to be subdivided to a minimum lot size of 160m², with an average lot size of 180m². With proposed lot sizes of 271m² and 362m², the development will comply with the Codes.

A similar application was previously made for one of the neighbouring lots and was subsequently approved.

- **Financial Implications** - Nil.
- **Policy Implications** - Nil
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 27 Marina Heights, Port Denison as submitted.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Trevenen

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 27 Marina Heights, Port Denison as submitted.

CARRIED
7/0

VOTING DETAILS:

Cr Gail Dean-Gundill entered the Chambers at 5.09pm.

TP.674: PROPOSED SUBDIVISION
LOCATION: VICTORIA LOCATION 6125, LOT 1 BRAND HWY, ARROWSMITH
PROPONENT: F R RODDA & CO - FOR T NALEY
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 19 OCTOBER 2005
FILE REFERENCE: TP.3/1 (WAPC REF: 129410)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Mr Frank Rodda made an application on behalf of Mr Naley to the Western Australian Planning Commission to subdivide the above 'General Farming' zoned land into two parcels, one 412ha and one 895ha lot (please refer to the attachment). The Commission recently forwarded the application to the Shire of Irwin for Council's consideration.

COMMENT:

- **General**

The applicant states in his submission:

"The purpose of the subdivision is to Survey off the Western side of the property which is uncleared natural bush. This lot is to be retained by the present owners, or sold off later. The eastern lot is mainly cleared and pastured and its present use for grazing is to continue. This lot has been contracted to a sale, conditional upon approval of this proposed subdivision."

Lot 1 is currently vacant land, and located in the Local Rural Strategy Policy Area C. The objective for that policy area is that the subdivision/development of land within this area, the boundaries of which generally coincide with land areas of moderate or high agricultural quality, will be supported by Council for purposes of property consolidation, boundary alignment, and in special circumstances for intensive farming purposes only, in order that continuing broadacre agricultural and/or intensive farming land use is promoted, in recognition of the quality of the land.

The subdivision will separate the uncleared land from the grazing area; hence the proposal would be consistent with the intent of the Policy Area C.

- **Financial Implications** - Nil.
- **Policy Implications** - Nil.
- **Strategic Implications** - Town Planning Scheme's Local Rural Strategy Policy Area C.

STAFF RECOMMENDATION:

That Council advise the Western Australian Planning Commission that it supports the subdivision of Victoria Location 6125, Lot 1 Brand Highway, Arrowsmith as submitted subject to the following conditions:

1. All areas which include remnant native vegetation, including vegetation along any natural feature, shall be fenced with stock-proof fencing to the specification and satisfaction of the Council. All fences are to be maintained in a stock-proof condition by the landowner to the satisfaction of Council.
2. The subdividing owner of the land shall make arrangements satisfactory to the Council to ensure that prospective purchasers are advised that they are to seek the advice of the

Department of Agriculture with regard to suitable cropping regimes taking into consideration the soils, land suitability and capability.

3. The subdividing owner shall make arrangements satisfactory to Council to ensure that prospective purchasers are advised that there is a need to obtain a licence from the Water Corporation prior to construction of a well, or bore, in/or around the existing soaks to draw groundwater.
4. Arrangements being made between the subdivider, the Bush Fires Board and Local Authority, to ensure that adequate fire prevention and fire suppression measures have been taken by the subdivider to the satisfaction and specification of those Authorities to protect all lots in subdivision proposed from risk of fire.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Trevenen

That consideration of the above item be deferred until further inspection takes place.

CARRIED
8/0

VOTING DETAILS:

TP.675:	EXTENSION OF DEVELOPMENT APPROVAL
LOCATION:	SEAHAVEN RETIREMENT VILLAGE, LOT 742 GEORGE ST PORT DENISON
PROPONENT:	RODNEY POPHAM, CHAUCER PROPERTY GROUP PTY LTD
REPORTING OFFICER:	FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT:	20 OCTOBER 2005
FILE REFERENCE:	BA.2
VOTING REQUIREMENTS:	NORMAL MAJORITY

BACKGROUND:

On 9 June 2002, Council granted planning approval to Chaucer Property Group to build a 51 unit retirement village on Lot 742 George Street, Port Denison which is zoned 'Special Use Zone'.

The project subsequently failed and the developer is now in the process of selling the property. Mr Popham informed Council in a recent letter (please refer to the attachment) that Chaucer Property Group is currently in negotiation with a potential buyer.

One condition for the sale to materialise is that a valid Local Authority planning approval is in place. The original planning approval has in the meantime expired.

COMMENT:

- **General**

The applicant raises the point that if the development would be deemed to be substantially commenced, the development approval would still be in place. The term "the approved development to be substantially commenced" is generally understood to imply that the buildings would be finished to plate height. Therefore this development could not be deemed to be "substantially commenced" in its present state.

However, it is in everybody's interest that the development is finalised as per original planning approval. It is therefore recommended that Council issue a three month planning approval renewal to facilitate the sale of the property.

- **Financial Implications** - Nil.
- **Policy Implications** - Nil.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That Council give Chaucer Property Group Pty Ltd a three (3) month extension to the original planning approval for the retirement village development on Lot 742 George Street, Port Denison, subject to:

1. The Chaucer Property Group Pty Ltd will not be involved in the project after the expiry of the three month development approval extension; and
2. The new developers submit a development application to Council once the sale is finalised. It is resolved that the following fees will then apply:

- a) Should the new developers submit an identical planning application as the original one a \$50 administration fee will apply to process the renewal of the application;
- b) If an alternative development is proposed, the fees as set out by the Town Planning (Local Government Planning Fees) Regulations 2000 will apply.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Chandler

That Council give Chaucer Property Group Pty Ltd a three (3) month extension to the original planning approval for the retirement village development on Lot 742 George Street, Port Denison, subject to:

- 1. The Chaucer Property Group Pty Ltd will not be involved in the project after the expiry of the three month development approval extension; and***
- 2. The new developers submit a development application to Council once the sale is finalised. It is resolved that the following fees will then apply:***
 - a) Should the new developers submit an identical planning application as the original one a \$50 administration fee will apply to process the renewal of the application;***
 - b) If an alternative development is proposed, the fees as set out by the Town Planning (Local Government Planning Fees) Regulations 2000 will apply.***

CARRIED
8/0

VOTING DETAILS:

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

12. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

13. **URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

- 13.1 **MIDWEST CORPORATION – B DOUBLES:** Further discussion on the issues raised by Mr Rowland in public question time ensued with the following recommendation:

COUNCIL MOTION:

Moved Cr Bass, seconded Cr McClurg

That Council refer the issues raised by Mr Rowland, in relation to the effects of increased B double vehicles on Brand Highway by Midwest Corporation, to Roadwise for discussion, including consideration of lengthening the speed reduction zone, restriction of exhaust brakes and reduction of the speed limit, and for a letter to be forwarded Midwest Corporation requesting that their operators be advised accordingly.

CARRIED

8/0

VOTING DETAILS:

14. **MATTERS BEHIND CLOSED DOORS**

Nil.

15. **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5.44pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
25 October 2005

Signed:
Presiding Elected Member

Date:.....