

I certify that this copy of the Minutes is a true and correct record of the meeting held on 27 September 2005  
Signed: .....  
Presiding Elected Member  
Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 27 SEPTEMBER 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 at [ceosecretary@irwin.wa.gov.au](mailto:ceosecretary@irwin.wa.gov.au)**

<b><u>PRESENT:</u></b>	President	Cr R K Parsons (Chairperson)
	Councillors	G C Bass, S C Chandler, G L Dean-Gundill, K J Hepworth, R T McClurg, N S B Trevenen
	Staff	Mr J L Merrick, Chief Executive Officer Mr M R Luzi, Director of Community Development Mr F A Neuweiler, Environmental Health Officer/ Building Surveyor Ms D K Loomes, Accountant/Senior Administration Officer (Minute Taker)
<b><u>GUESTS:</u></b>		-
<b><u>APOLOGIES:</u></b>		-
<b><u>LEAVE OF ABSENCE:</u></b>		Cr R J Gillam (Deputy President) Cr L W Wheeler

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*Please Note: With the transcription of the following Council Minutes, page numbering has recommenced from "Page 1".*

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chairperson, Cr Robyn Parsons, declared the meeting open at 4.00pm and welcomed all those in attendance to the meeting. In the absence of Council's Director of Corporate Services, Mr Geoff Peddie, also in attendance was Ms Danika Loomes. Mrs Sharon Bonny, Council's Rates/Payroll Officer was present in order to provide assistance with the Draw for the Early Ratepayers Prizes.

Mr David Kennedy from the Youth Advisory Council and Mrs Elsie MacGregor were also in attendance.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Cr Rob Gillam had Leave of Absence for today's meeting. Cr Lance Wheeler had submitted a late request for Leave of Absence.

**COUNCIL MOTION:**

**Moved Cr Trevenen, seconded Cr Hepworth**

***That Leave of Absence be granted to Cr Lance Wheeler for today's Council Meeting.***

**CARRIED**

**7/0**

**VOTING DETAILS:**

All other Councillors were in attendance.

It was noted that today's meeting will be the last for Mr Mark Luzi, Council's Director of Community Development, after 18 years of Council service. A Farewell for Mark involving staff and Councillors will be held at 4.00pm on Friday, 30 September in the Council Chambers.

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

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

**4.1 Draw for Rates Prizes:** Cr Robyn Parsons, with assistance from Council's Rates/Payroll Officer, Mrs Sharon Bonny, conducted the draw for the 2005/06 Rates Prizes. The following winners were announced:

	<b>PRIZE</b>	<b>SPONSOR</b>	<b>WINNER</b>
1	\$500 CASH PRIZE	NATIONAL BANK	DAVID JONES
2	\$200 CASH PRIZE	INSITU	TODD PARKER
3	\$200 CASH PRIZE	AUSSIE TREES	HENRY DEMPSTER
4	\$200 FUEL PREPAID VOUCHERS	SOVEREIGN PETROLEUM	JACK BISHOP
5	VOUCHER FOR 1 NIGHT SPA ROOM	SUNMOON RESORT	EDGAR GOOCH
6	VOUCHER FOR FAMILY CABIN	ASPEN PARKS	CRAIG ROBINSON
7	500 BUSINESS CARDS	BEEMAC	KILKERRAN AGRICULTURE PTY LTD
8	\$100 GIFT VOUCHER	MIDWEST BUSINESS SERVICES	WINSTON CLARKSON
9	\$100 GIFT VOUCHER	BLUE OCEAN GALLERY	DONALD STRICKLAND
10	\$100 SERVICE VOUCHER	DONGARA BOBCAT & CONTRACT	TRACY-LEE FLORESTA
11	5KG PRAWNS	MG KAILIS	ALLAN MAISEY
12	5 KG PRAWNS	MG KAILIS	ADAM SMITH
13	\$50 VOUCHER	SUPAVALU	G & R COUSINS
14	\$50 VOUCHER	DONGARA BUILDING AND TRADE	EDITH PARK PTY LTD
15	\$50 SERVICE VOUCHER	LANGER AUTO GROUP	EDWIN BOYD
16	\$50 SERVICE VOUCHER	KIRKLAND ELECTRICAL	PETER ROBINSON
17	\$25 VOUCHER	ARROWSMITH	ROBERT CAMPBELL
18	\$25 VOUCHER	ARROWSMITH	KALEEN HOLDINGS
19	\$25 VOUCHER	ARROWSMITH	LOUIS ROBERTS
20	\$25 VOUCHER	ARROWSMITH	WILLIAM SHARP
21	\$25 VOUCHER	IRWIN GROVES	DOUG PAXMAN

**5. PUBLIC QUESTION TIME**

- 5.1 Mr David Kennedy - Youth Advisory Council (YAC):** Mr Kennedy addressed Council and provided an update on the YAC. Mr Kennedy advised that he had taken over the YAC in mid-December 2004 and from a membership of two initially, the active members have now increased to 29, with an age of 12-17 years. Mr Kennedy indicated that a meeting is convened once every 3 weeks and that they are a “good bunch of kids”.

Mr Kennedy advised that a total of \$1500 has been spent on refurbishment of the Drive-In for fridges, painting etc. The Drive-In will be completed by Christmas 2005 or early 2006. Adrian Toomey from Blue Ocean Gallery is working with Council's Maintenance Officer, Mr Roy Butterfield to complete works. It is hoped that there will be a possible upgrade in projectors in the not too distant future due to the age of those currently in use.

Following an underage dance party on 24 June, minor damage was sustained in the Shire Hall toilets, however, this has since been rectified.

Mr Kennedy advised that the recent Tree Day was a success, as was the Pizza Night. Mr Kennedy also thanked the Shire for the recent use of the community bus for a visit undertaken by 16 members to the Riverside Sanctuary.

A night at the Surf Club, which hopefully will be a success, is going to be held with surfing lessons offered.

\$1000 was donated to the Marina Skyshow and it was noted that the fireworks wouldn't have gone ahead without sponsorship.

- 5.2 Mrs Elsie MacGregor:** Mrs MacGregor was in attendance to discuss Council Item TP.666 concerning a proposed Bed & Breakfast and Dog Kennels situated at Victoria Location 2363, Lot 22 Fane Road, Dongara. Mrs MacGregor indicated that both she and her husband reside opposite the proposed undertaking and expressed concern that the distance from their front door to that of their adjoining neighbour would be 150 metres and felt that both increased traffic and dust from a proposed Bed & Breakfast would be a problem. Having said this, Mrs MacGregor's main concern was with regard to the proposed Dog Kennels due to the noise and various other factors.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Rob McClurg requested Leave of Absence for the Council Meetings to be convened on 11 & 25 October 2005.

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**COUNCIL MOTION:**

**Moved Cr Chandler, seconded Cr Bass**

***That Leave of Absence be granted to Cr Rob McClurg for the Council Meetings to be convened on 11 & 25 October 2005.***

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

**VOTING DETAILS:**

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**7. PETITIONS**

Nil.

**8. CONFIRMATION OF MINUTES**

**8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2005**

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A copy of the Minutes of the Ordinary Council Meeting held on 13 September 2005 has been provided to all Councillors.

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**COUNCIL MOTION:**

**Moved Cr Trevenen, seconded Cr Bass**

***That the Minutes of the Ordinary Council Meeting, held on 13 September 2005, be confirmed as a true and accurate recording of that meeting.***

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

**VOTING DETAILS:**

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## 8.2 MINUTES OF TOURISM COMMITTEE MEETING HELD ON 12 SEPTEMBER 2005

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The meeting opened 6.40pm at Silverdale Olive Orchard.

1. **ATTENDANCE:** Thelma & Jeff Adamson, Wendy & Murray Small, Adrian Toomey, Irene Powell, Pat & John - Irwin River Vineyard, John & Sally
2. **APOLOGIES:** Lance & Christine Wheeler, Deb Thompson, Karen Kirkland
3. **MINUTES OF PREVIOUS MEETING:** Minutes of previous meeting were accepted as true and correct. Moved by Wendy, seconded by Thelma.
4. **BUSINESS ARISING:** None.
5. **CORRESPONDENCE:** Coral Coast - New Board Members
6. **REPORTS:**
  - Cray Entry Statement** - The group congratulated Adrian. The need for lighting was discussed. Committee members to record responses from the community and submit to next meeting.
  - Dongara Festival** - More food vendors are needed for the Food Fest. Clubs and community groups are encouraged to set up a food stall. Health regulations need to be strictly adhered to, information available at Shire. Festival needs to be promoted in a positive manner—not as a 'downgraded' festival.
  - Tourist Information Board on Brand Hwy** - The board is falling apart - some of the information is out-of-date. The committee recommends that a letter be drafted to the Shire, advising of the need to repair the board, or possibly relocate the board to the crayfish entry statement site.
  - Value of Tourism Articles** - Irene is still working on them.
7. **GENERAL BUSINESS:**
  - 'Artists of the Irwin' exhibition opening on Friday night at the Blue Ocean Gallery. John and Pat from Irwin River Vineyard. Presentation and tastings to follow meeting. A new tourism venture for the region.
8. **NEXT MEETING:**
  - To be advised - A Monday in October 2005. Venue: Blue Ocean Gallery. Time: 6.30 pm
9. **MEETING CLOSED:** 7.10 pm.
10. **Please forward Agenda items for next meeting to Irene at [blueoceangallery@bigpond.com](mailto:blueoceangallery@bigpond.com) or by phone/fax 9927 1642**

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### COUNCIL MOTION:

Moved Cr Trevenen, seconded Cr Dean-Gundill

*That the Minutes of the Tourism Committee Meeting, held on 12 September 2005, be confirmed as a true and accurate recording of that meeting.*

**CARRIED**  
7/0

### VOTING DETAILS:

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**8.3 MINUTES OF THE TIDY TOWNS COMMITTEE MEETING HELD ON 21 SEPTEMBER 2005**

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**1.0 PRESENT**

Karen Kirkland, Carol Niquet, Felix Neuweiler

**APOLOGIES**

Nil

**2.0 OPENING**

The meeting opened at 3.30pm.

**3.0 Tidy Towns Awards**

The Tidy Towns judges visited Dongara/Denison on Thursday, 15 September 2005.

**4.0 GENERAL BUSINESS**

Tyres were removed from trees along Blenheim Road, Dee Street and Skatepark area.

Carol suggested that weeding be carried out by volunteers at the Point Leander Park located between the boat ramp and the Obelisk to eradicate prickly weeds that have the potential to injure children.

The encouragement of planting Waterwise gardens was discussed. Karen suggested conducting a competition to acknowledge the best Waterwise garden. Local nurseries could be approached to sponsor a prize for the competition and to help with a series of articles giving tips on how to establish and maintain Waterwise gardens. Felix to action.

**5.0 NEXT MEETING**

19 October 2005 at 3.15pm, Council Chambers.

The meeting closed at 4.20pm.

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**COUNCIL MOTION:**

**Moved Cr Bass, seconded Cr Hepworth**

***That the Minutes of the Tidy Towns Committee Meeting, held on 21 September 2005, be confirmed as a true and accurate recording of that meeting.***

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

**VOTING DETAILS:**

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

Mr John Merrick, Council's Chief Executive Officer, advised that staffing changes and subsequent arrangements will be discussed during Urgent Business.

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

Nil.

11. REPORTS

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<b>F.278:</b>	<b>ACCOUNTS FOR PAYMENT</b>
<b>LOCATION:</b>	-
<b>PROPONENT:</b>	-
<b>REPORTING OFFICER:</b>	<b>JAYME GILES – FINANCE OFFICER</b>
<b>DATE OF REPORT:</b>	<b>5 SEPTEMBER 2005</b>
<b>FILE REFERENCE:</b>	<b>MINUTE BOOK</b>
<b>VOTING REQUIREMENTS:</b>	<b>NORMAL MAJORITY</b>

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**BACKGROUND:**

A cheque list is attached showing all payments made since the last Council meeting held on 23 August 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 25845-25879, EFT Payment Numbers 3476-3602 totalling \$694,298.33, Cheque Numbers 1922-931 totalling \$3780.00, be authorised for payment.

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**COUNCIL MOTION:**

**Moved Cr McClurg, seconded Cr Chandler**

***That the Accounts for Payment, represented by Municipal Cheque Numbers 25845-25879, EFT Payment Numbers 3476-3602 totalling \$694,298.33, Cheque Numbers 1922-931 totalling \$3780.00, be authorised for payment.***

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

**VOTING DETAILS:**



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**F.279: FINANCIAL STATEMENTS**  
**LOCATION:** -  
**PROPONENT:** -  
**REPORTING OFFICER:** DANIKA LOOMES – ACCOUNTANT/SENIOR ADMINISTRATION OFFICER  
  
**DATE OF REPORT:** 20 SEPTEMBER 2005  
**FILE REFERENCE:** MINUTE BOOK  
**VOTING REQUIREMENTS:** NORMAL MAJORITY

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**BACKGROUND:**

Attached are the Financial Statements for the period ending 31 August 2005.

**COMMENT:**

- **General**  
The reports included to 31 August 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 31 August 2005 be received.

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**COUNCIL MOTION:**

**Moved Cr Trevenen, seconded Cr Hepworth**

*That the Financial Statements for the period ending 31 August 2005 be received.*

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

**VOTING DETAILS:**

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**R.28: RANGER'S REPORT**  
**LOCATION: SHIRE OF IRWIN**  
**REPORTING OFFICER: ASHLEY CLARKSON – SHIRE RANGER**  
**DATE OF REPORT: 22 SEPTEMBER 2005**  
**FILE REFERENCE: MINUTE BOOK**  
**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

The Shire Ranger's report for the period 21 April 2005 to 20 September 2005 is provided as follows:

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**COMMENT**

• **General**

**DOGS**

Dogs Impounded	15
Dog Complaints	10
Infringement Notices	3 (Total: \$900.00)
Written Warnings	8

Once again, most infringements have not been paid, but we are now linked in with Fines Enforcement, which will result in driver's licenses being cancelled. In several of these cases, however, the cancellation of licenses does not directly affect those people concerned, due to circumstances such as unemployment, etc, so is therefore proving pointless. The Shire must therefore look at other ways and means of recovering the monies owing.

As in previous reports, where I indicated that most complaints were with regard to barking dogs, this is once again the case.

Since submission of my last report, there has been another unfortunate incident at Springfield, in which three sheep were killed. Upon an investigation involving the police, it was found that the nearby neighbour's dog was responsible for the attack. The owner was contacted and subsequently attended the scene, whereby it was agreed to have the dog euthanased, which the local vet performed.

**PARKING**

Verbal Parking Warnings	Too numerous to mention
Written Parking Warnings	10
Infringements	0

**BUSHFIRES**

Nil to report.

**COASTAL SQUATTERS**

Nil to report.

**CAMPERS**

The number of illegal campers surrounding the townsite has decreased, a situation which I believe is due to the number of new signs which I have erected stating "No Camping – Ranger Patrolling". However, many of the circumstances I have had to investigate involving campers have been those

travelling with pets. These campers are under the impression that they will not be accepted at the caravan parks. This is not the case as two of the caravan parks in town do accept pets.

### **RUBBISH PATROLS**

I am still finding ridiculous amounts of green waste being dumped within the Shire. This occurs mainly on the weekends due to the impractical hours the refuse site is open at that time.

### **LIVESTOCK**

Until a few weeks ago, I had not received many callouts regarding straying livestock; however, I have had six callouts during the course of the last month. There is an infringement of \$200.00 per head for straying stock and I will be taking a “no tolerance” approach to this from hereon in terms of the ownership of the stock.

### **OTHER MATTERS**

During the course of the last few weeks, I have attended two situations in order to provide assistance. The first of these involved a road fatality near town which proved to be both a stressful and extremely emotional time for all the Dongara Police Officers and a section of the community with the sudden and tragic death of one of our local residents.

In addition to this, the local police requested my assistance at the police station in an administrative capacity during a major incident occurring at ARC Energy.

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

### **STAFF RECOMMENDATION:**

That the Shire Ranger's Report for the period 21 April 2005 to 20 September 2005 be received.

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### **COUNCIL MOTION:**

**Moved Cr Chandler, seconded Cr Dean-Gundill**

***That the Shire Ranger's Report for the period 21 April 2005 to 20 September 2005 be received.***

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

### **VOTING DETAILS:**

*Cr Kevin Hepworth declared a financial interest in the following item and departed the Chambers at 4.40pm.*

**TP.666: PROPOSED BED & BREAKFAST AND DOG KENNELS**  
**LOCATION: VICTORIA LOCATION 2363, LOT 22 FANE ROAD, DONGARA**  
**PROPONENTS: L J KIMBER**  
**REPORTING OFFICER: FELIX NEUWEILER - EHO/BUILDING SURVEYOR**  
**DATE OF REPORT: 22 SEPTEMBER 2005**  
**FILE REFERENCES: BA.2 / HO.3**  
**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

Mrs Kimber submitted an application to set up a Bed & Breakfast and Dog Kennels at Lot 22 Fane Road in August. Council resolved at the meeting held on 23 August 2005:

“That Council endorse the advertisement of the two proposals on Lot 22 Fane Road, the Bed & Breakfast and the Dog Kennels, in accordance with clause 6.2 of the Shire of Irwin Town Planning Scheme to invite public comments”.

The applicant placed an advertisement in the ‘Geraldton Guardian’ and ‘Local Rag’ on 31 August 2005, and mailed letters to neighbours by registered mail, inviting their comments to the proposal. Hence, the applicant has complied with the Council resolution and Scheme requirements and the application can be progressed further.

**COMMENT:**

• **General**

The Shire consequently received comments from six neighbours (please refer to the attachments). All six object strongly to the proposed Dog Kennels, mainly due to possible disturbances at night from barking dogs. One neighbour also objected to the proposed Bed & Breakfast.

The property is located in the Strategic Planning Area D (please refer to Strategic Implications below). Council may resolve to approve a subdivision in this area in the future. In that instant, a Dog Kennel would no longer be compatible with a higher density neighbourhood and become the subject of noise complaints.

It is generally accepted that ‘noise sensitive premises’ should be located outside a radius of 500 metres of the vicinity of Dog Kennels to prevent disturbances associated with this type of activity. In this instance, the closest dwelling is 200 metres and a second dwelling 500 metres away from the proposed kennels. It is therefore foreseeable that this development would have a negative impact on neighbouring properties.

Taking neighbours’ comments and strategic planning into consideration, it is recommended to approve the proposed Bed & Breakfast and disapprove the proposed Dog Kennels.

• **Financial Implications**

Nil.

• **Policy Implications**

Nil

- **Strategic Implications**

The property is located in Council's Local Rural Strategy Policy Area D. The strategy for that area is as follows:

"Council will support the progressive subdivision/development of the generally lower quality agricultural land contained within this Policy Area for predominantly Rural/Residential purposes, provided via such subdivision, the integrity of the landscape is protected and the preservation and or rehabilitation of natural vegetation is ensured".

**STAFF RECOMMENDATION:**

That Council resolve:

1. Not to approve the proposed Dog Kennels on Lot 22 Fane Road, Dongara; and
2. Approve the proposed Bed & Breakfast on Lot 22 Fane Road, Dongara, subject to the following conditions:
  - a) The applicants comply with the Health Act 1911 and any other relevant legislation;
  - b) Approval is granted provided that no more than four (4) guests are accommodated at any one time;
  - c) On-site parking for visitors to be provided.

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**COUNCIL MOTION:**

**Moved Cr Bass, seconded Cr Trevenen**

***That Council resolve:***

- 1. Not to approve the proposed Dog Kennels on Lot 22 Fane Road, Dongara; and***
- 2. Approve the proposed Bed & Breakfast on Lot 22 Fane Road, Dongara, subject to the following conditions:***
  - a) The applicants comply with the Health Act 1911 and any other relevant legislation;***
  - b) Approval is granted provided that no more than four (4) guests are accommodated at any one time;***
  - c) On-site parking for visitors to be provided.***

**CARRIED**  
**6/0**

**VOTING DETAILS:**

*Cr Kevin Hepworth returned to the Chambers at 4.44pm.*

**TP.667: PROPOSED TWO (2) GROUPED DWELLINGS**  
**LOCATION: LOT 189, 4 RUSS STREET, PORT DENISON**  
**PROPONENT: G MURPHY & BR BRISTOW**  
**REPORTING OFFICER: FELIX NEUWEILER – EHO/BUILDING SURVEYOR**  
**DATE OF REPORT: 22 SEPTEMBER 2005**  
**FILE REFERENCE: BA.2**  
**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

An application seeking Council's support for a duplex development on the abovementioned lot, which is zoned 'R12.5' under Council's Town Planning Scheme No. 4, was recently submitted by the applicants (please refer to the attachment).

**COMMENT:**

- **General**

The lot in question has an area of 1,012m<sup>2</sup> and is located across the road from the Water Corporation site and next to the Fire Station in Port Denison. An existing residence is located in the front area of the property, leaving enough room to build a second dwelling at the rear.

The proposed development will result in two grouped dwelling units which will be single storey; both with a double carport (see attachment).

Under the provision of clause 3.5 of the current Town Planning Scheme, the proposed development has an 'AA' classification and Council may approve a Group Dwelling development, if the following conditions are satisfied:

The proposed project site complying with the provisions of the Scheme and having been agreed to by Council prior to the development of a subdivisional project; or

No existing grouped dwellings existing on any lot which abuts or touches the proposed project site;

No existing grouped dwellings existing on any of the five (5) lots which have street frontage either side of the proposed project site; or

No existing grouped dwellings existing on the opposite street frontage for a distance of at least 40 metres either side of the points which are created by the prolongation of the side boundaries of the proposed project site to the road reserve boundary opposite the same.

No other grouped dwellings are presently located in the vicinity of Lot 189 and the proposal complies with the Town Planning Scheme provisions.

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

**STAFF RECOMMENDATION:**

That Council grant planning approval for the second grouped dwelling on Lot 189, 4 Russ Street, Port Denison subject to the following conditions:

1. A landscape and reticulation plan has to be submitted to Council as part of any application for the issue of a Building Licence.  
  
All landscaping associated with the project is to be undertaken as part of the project construction programme and, unless agreed to in writing by the Shire, the landscaping works have to be completed prior to the occupancy of premises concerned.
2. A performance bond or bank guarantee to the value of \$2,000 shall be lodged by the owner/developer of the land with Council, prior to the issue of a Building Licence. Such performance bond or bank guarantee will be refunded to the owner/developer upon their compliance with all conditions of development imposed on the Planning Consent by Council.
3. If the conditions of development have not been carried out to the satisfaction of Council within 12 months of the date of issuing of a Building Licence to carry out the development, such bond shall be forfeited to Council. Such forfeiture does not change the applicant's obligation to comply with the conditions of the approval and Council will reserve the right to prosecute for breach of such conditions if it so chooses.
4. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with an approved Engineering design and in a manner approved by the Shire.
5. The development shall be connected to the Reticulated Sewerage system.
6. For residential unit development, all fencing visible from the street or an internal accessway shall be constructed in brick or brick and timber or brick and see-through wrought iron or other materials acceptable to Council to match the units.
7. Unless the contrary is expressly stipulated, the land and/or any buildings on the land shall not be used or occupied unless all conditions of Planning Consent have been and continue to be complied with.
8. Written advice is to be provided to the Shire by the developer prior to the issue of any Building Licence for the project that the conditions of Council's Planning Consent will be complied with.
9. Front setback to carport to be a minimum of 5.5 metres as per Council Policy.
10. All setbacks to comply with Residential Design Codes and Council's Town Planning Scheme.
11. Full compliance with the Building Code of Australia, Residential Design Codes and Council's Town Planning Scheme.
12. Council's Planning Consent for the Project is valid for a period of twelve (12) months only from the date of Council's advice and the project should be commenced within that period.

**Notes:**

A Planning Consent is not an approval to commence any works, or construction. The applicant must apply for and be issued with a Building Licence for the project, comply with the provisions of the Shire of Irwin Town Planning Scheme No. 4, and the Building Code of Australia, prior to any demolition, site works or building being carried out on the project site. The developer and/or his architect should liaise with the Shire Planner or Principal

Environmental Health Officer prior to preparation of final plans which will be submitted for Building Licence approval.

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**COUNCIL MOTION:**

Moved Cr Bass, seconded Cr Trevenen

***That Council grant planning approval for the second grouped dwelling on Lot 189, 4 Russ Street, Port Denison subject to the following conditions:***

- 1. A landscape and reticulation plan has to be submitted to Council as part of any application for the issue of a Building Licence.***

***All landscaping associated with the project is to be undertaken as part of the project construction programme and, unless agreed to in writing by the Shire, the landscaping works have to be completed prior to the occupancy of premises concerned.***

- 2. A performance bond or bank guarantee to the value of \$2,000 shall be lodged by the owner/developer of the land with Council, prior to the issue of a Building Licence. Such performance bond or bank guarantee will be refunded to the owner/developer upon their compliance with all conditions of development imposed on the Planning Consent by Council.***
- 3. If the conditions of development have not been carried out to the satisfaction of Council within 12 months of the date of issuing of a Building Licence to carry out the development, such bond shall be forfeited to Council. Such forfeiture does not change the applicant's obligation to comply with the conditions of the approval and Council will reserve the right to prosecute for breach of such conditions if it so chooses.***
- 4. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with an approved Engineering design and in a manner approved by the Shire.***
- 5. The development shall be connected to the Reticulated Sewerage system.***
- 6. For residential unit development, all fencing visible from the street or an internal accessway shall be constructed in brick or brick and timber or brick and see-through wrought iron or other materials acceptable to Council to match the units.***
- 7. Unless the contrary is expressly stipulated, the land and/or any buildings on the land shall not be used or occupied unless all conditions of Planning Consent have been and continue to be complied with.***
- 8. Written advice is to be provided to the Shire by the developer prior to the issue of any Building Licence for the project that the conditions of Council's Planning Consent will be complied with.***
- 9. Front setback to carport to be a minimum of 5.5 metres as per Council Policy.***
- 10. All setbacks to comply with Residential Design Codes and Council's Town Planning Scheme.***



11. ***Full compliance with the Building Code of Australia, Residential Design Codes and Council's Town Planning Scheme.***
12. ***Council's Planning Consent for the Project is valid for a period of twelve (12) months only from the date of Council's advice and the project should be commenced within that period.***

**Notes:**

***A Planning Consent is not an approval to commence any works, or construction. The applicant must apply for and be issued with a Building Licence for the project, comply with the provisions of the Shire of Irwin Town Planning Scheme No. 4, and the Building Code of Australia, prior to any demolition, site works or building being carried out on the project site. The developer and/or his architect should liaise with the Shire Planner or Principal Environmental Health Officer prior to preparation of final plans which will be submitted for Building Licence approval.***

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

**VOTING DETAILS:**

*During discussion, Council was keen to ensure that the applicants are aware of Policy TP7 that requires that Grouped Dwellings have a minimum external brick content of 50%. Therefore, before submitting a building application for the additional dwelling, the exterior of the existing dwelling would have to be changed.*

*Cr Robyn Parsons declared an interest in the following item as she is an adjoining neighbour. Cr Parsons departed the Chambers at 4.50pm, at which time, Cr George Bass assumed the Chair.*

**TP.668: PROPOSED 'BED & BREAKFAST' ACCOMMODATION**  
**LOCATION: VICTORIA LOCATION 933, LOT 2 BRAND HIGHWAY, DONGARA**  
**PROPONENT: AA & NJ WATSON**  
**REPORTING OFFICER: FELIX NEUWEILER - EHO/BUILDING SURVEYOR**  
**DATE OF REPORT: 22 SEPTEMBER 2005**  
**FILE REFERENCE: HO.3**  
**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

An application was received from Mr & Mrs Watson to establish 'Bed & Breakfast' accommodation at Victoria Location 933, Lot 2 Band Highway, Dongara, also known as 'Six Chimneys' (please refer to the attachment). The property is zoned as 'General Farming'. It is proposed to use a portion of the existing dwelling to accommodate guests.

**COMMENT:**

- **General**

The Town Planning Scheme's 'Zoning and Development' Table assigns holiday accommodation an 'SA' use in areas zoned 'General Farming'.

'SA' means that Council may, at its discretion, permit the use after notice of application has been given to neighbours and in a newspaper circulating in the area inviting public comments within 21 days from the date of the publication.

It is recommended that Council consent to advertising the proposal in accordance with the Scheme and make a final decision after the public comment period has lapsed, taking into consideration any comments received.

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

**STAFF RECOMMENDATION:**

That Council endorse the advertisement in accordance with clause 6.2 of the Shire of Irwin Town Planning Scheme of the proposal to establish 'Bed & Breakfast' accommodation at Victoria Location 933, Lot 2 Brand Highway Brand Highway.

**COUNCIL MOTION:**

**Moved Cr Chandler, seconded Cr Trevenen**

***That Council endorse the advertisement in accordance with clause 6.2 of the Shire of Irwin Town Planning Scheme of the proposal to establish 'Bed & Breakfast' accommodation at Victoria Location 933, Lot 2 Brand Highway Brand Highway.***

**CARRIED**  
**6/0**

**VOTING DETAILS:**

*Cr Robyn Parsons returned to the Chambers at 4.51pm and resumed the Chair at this time.*

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**TP.669: 1.9 METRE HIGH FENCE/RETAINING WALL IN FRONT SETBACK AREA**

**LOCATION: LOT 96, 70 POINT LEANDER DRIVE, PORT DENISON**

**PROPONENT: MR JEFFREY COCKMAN**

**REPORTING OFFICER: FELIX NEUWEILER – EHO/BUILDING SURVEYOR**

**DATE OF REPORT: 22 SEPTEMBER 2005**

**FILE REFERENCE: BA.2**

**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

Council received an application to build a 700mm retaining wall and 1200mm fence, totalling 1900mm, at the above property.

Mr Cockman's plan and letter explaining the circumstances leading to the application are attached.

**COMMENT:**

- **General**  
The Fencing Local Law provides some discretion to fences built in the front setback area (see below). It is proposed to build the wall about half the length of the street frontage.

The wall is unlikely to have a negative impact on the general appearance of the neighbourhood as other buildings in that area were built right up to the front boundary. Considering the location of lot 96 and proximity to the tavern, the application seems reasonable.

The proposed fence would comply with Council's Policy relating to fencing (see below).

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

**FENCING POLICY B21**

**Purpose:**

To ensure a co-ordinated approach to fencing over one (1) metre in height in the front setback requirement of a lot, which adjoins a road reserve/right-of-way/laneway and to also ensure no detracting from the streetscape or amenity occurs and to protect the privacy of all residential lot owners.

**Policy:**

All front fencing being fencing within a front setback area or secondary street frontage/right-of-way/laneway of a residential lot shall be constructed of brick, masonry or a composite construction blending with existing streetscape approved by the Building Surveyor.

- **Legislative Implications**

**SHIRE OF IRWIN LOCAL LAWS RELATING TO FENCING**

The height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 7.

**Fences within Front Setback Areas**

1. A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1000mm in height, within the front set-back area of a Small Residential Lot within the district.
2. The Building Surveyor may approve the erection of a fence of a height greater than 1000mm in the front setback area of a Small Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
3. The provision of sub-clause (2) shall not apply to a fence of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.

**General Discretion of the Local Government**

1. Notwithstanding clause 6, the local government may consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws.
2. In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorized to consider, whether the erection or retention of the fence would have an adverse effect on:
  - (a) the safe or convenient use of any land; or
  - (b) the safety or convenience of any person.

**STAFF RECOMMENDATION:**

That Council consent to the building of a 700mm retaining wall and a 1200mm brick fence on the front boundary of lot 96, 70 Point Leander Drive, Port Denison, subject to the following condition:

1. Wall to comply with the Shire of Irwin Local Laws Relating to Fencing and other relevant legislative requirements.

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**COUNCIL MOTION:**

**Moved Cr Chandler, seconded Cr Dean-Gundill**

***That Council consent to the building of a 700mm retaining wall and a 1200mm brick fence on the front boundary of lot 96, 70 Point Leander Drive, Port Denison, subject to the following condition:***

1. ***Wall to comply with the Shire of Irwin Local Laws Relating to Fencing and other relevant legislative requirements.***

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

**VOTING DETAILS:**

*The following was submitted for discussion as a Late Item.*

**TP.670: IRWIN RIVER ESTUARY COASTAL MANAGEMENT PLAN**  
**LOCATION: PORT DENISON**  
**PROPONENT: SHIRE OF IRWIN – DEPARTMENT OF PLANNING AND  
INFRASTRUCTURE – ATA ENVIRONMENTAL**  
**REPORTING OFFICER: MARK LUZI – DIRECTOR, COMMUNITY DEVELOPMENT**  
**DATE OF REPORT: 27 SEPTEMBER 2005**  
**FILE REFERENCE: EI.1**  
**VOTING REQUIREMENTS: NORMAL MAJORITY**

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**BACKGROUND:**

The Shire of Irwin received a grant of \$20,000 from the Western Australian Planning Commission for the development of a Management Plan for the Irwin River and environs, from Point Leander Drive to Grannies Beach.

**COMMENT:**

- **General**  
Council resolved at its meeting of 9 August 2005 to advertise the document seeking public comments for a period of 21 days. After such time, the public comments and the comments of Councillors be taken into consideration prior to Council adopting the document.

The public advertising period finished on Friday, 2 September 2005.

There were three submissions received during that period (attached for Council consideration).

There was also a report to the Department of Environment and Heritage regarding the proposed plan, and its implications for bird life.

Council would remember prior to the restoration, revegetation and public walkways, the area was used for car mud races.

It is surely obvious to all that the works Council has carried out to date has resulted in the return of bird life to the area.

Mr Simon Nally, a Compliance and Enforcement Officer for the aforesaid department advised:

“I have had a concerned member of the community contact me about proposed Council works in the Dongara/Irwin River area. The person suggests that Council is proposing to build in the habitat in the migratory White Egret (*Egretta alba/Ardea alba*), a species that is listed under the EPBC Act, although I am unsure as to why they believe that this area is of significance to this species. The habitat would generally be wetlands / estuarine areas.

Are you able to shed any light on this suggestion? Are you proposing any works in such areas?”

After supplying further information to Mr Nally and discussion between Mr Nally and Mr Scott Thompson from ATA Environmental Scientists, the following response was received.

"I have just spoken to Scott Thompson from ATA, and he has advised that:

- The Great Egret (*Ardea alba*), is a EPBC Act – listed migratory species that is known to be present in the estuary,
- Reference to this species was omitted as an oversight from the draft, but will be included in the final plan,
- The proposed boardwalk is located in an area that is utilized by the species,
- As it is outside the scope of ATA's work, Council will need to consider the impact of the proposed boardwalk on the species, and
- Determine whether the proposed boardwalk needs to be referred to the Department of Environment and Heritage.

Scott and I discussed the use of the site by this species, and superficially it seems that the site is unlikely to constitute an important habitat for the species, hence the proposal may not have a significant impact on the species nor require referral. However, a proper assessment is required to confirm such a conclusion."

ATA provided the following comments on the submissions received:

- Proposed canoe launching area and carpark  
It is feasible to move the proposed canoe launching area and carpark near the bend in Ocean Drive to near the existing Shire owned residents as suggested. This was suggested as a potential location in the management plan and with concerns regarding disruption to birdlife the alternative location is preferable.
- Weed Control  
We agree that in the future it would be useful to develop a more specific plan to control and remove the more aggressive weeds. Weed control methods should be decided upon on a case by case basis when the time arises.
- Native Fauna should include the Great Egret  
This species was not identified in an online search of the Commonwealth Environment Protection Biodiversity Conservation Act 1999 for the project area, however it is acknowledged that it may be present and will be included in a revised version of the Coastal Management Plan.
- Bird Life Comments  
The fauna listed in Table 2 are based on desktop searches of the Department of Conservation and Land Management's Threatened and Priority Species databases. Carnaby's Cockatoo and *Phasmodes jeeba* are listed as unlikely to occur, and the Peregrine Falcon and Carpet Python listed as may occur. The White-Bellied Sea-Eagle is listed as likely to occur in the area. These comments are based on fauna habitat identification and not on actual observations or survey data. The list of birds species that breed in the area, are always present, present occasionally or migratory waders provided in the response will be added to the Coastal Management Plan.
- Post-Planting Watering Schedule  
The post-planting watering schedule suggestion is considered to be an appropriate recommendation and the details would be expanded upon further as part of a more specific rehabilitation and revegetation plan once the decision was made to undertake planting.
- "Would like to see a further (fauna) protection area along the eastern bank of the lower estuary and the whole southern end of the estuary"

There is opportunity to have a fauna habitat protection area in these portions of the estuary, particularly the eastern bank of the lower extent, which already has a boardwalk running along it preventing disturbance of vegetation and fauna.

I have spoken to ATA with regard the northern boardwalk crossing and they have advised the boardwalk would be unlikely to increase feral animal attacks, and in fact may allow the Ranger to further control dogs off leads.

ATA will carry out the work to ascertain if the proposal needs to be referred as discussed previously.

The area that would be created between the existing and proposed boardwalks would allow a bird precinct area, with no disturbance. Presently, canoeists and human activity do interfere with bird life. The new precinct area would allow signs to be placed giving clear advice the precinct area would not allow human activities.

- **Financial Implications:**  
\$20,000 grant, nil contribution from Shire of Irwin Budget.
- **Strategic Implications:**  
Nil.
- **Policy Implications**  
A Management Plan for the Irwin River and Estuary areas to allow conservation, rehabilitation and the continued development to allow controlled access for the public.

**STAFF RECOMMENDATION:**

That Council endorse the Irwin River Estuary Coastal Management Plan subject to the minor alterations for bird species, and information on referral to the Department of Environment and Heritage relating to the Great Egret on completion of such works as detailed within the plan can proceed.

Further, thank the three persons who commented on the Plan and forward a copy of the document to the Western Australian Planning Commission for endorsement.

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**COUNCIL MOTION:**

**Moved Cr Chandler, seconded Cr Hepworth**

***That Council endorse the Irwin River Estuary Coastal Management Plan subject to the minor alterations for bird species, and information on referral to the Department of Environment and Heritage relating to the Great Egret on completion of such works as detailed within the plan can proceed.***

***Further, thank the three persons who commented on the Plan and forward a copy of the document to the Western Australian Planning Commission for endorsement.***

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

**VOTING DETAILS:**



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

Nil.

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

Nil.

**14. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION (CONTINUED)**

**14.1 Staffing Updates**

**Vacancy: Mechanic's Position:** Council's Chief Executive Officer, Mr John Merrick, advised that, to date, two applications for the vacant Mechanic's position had been received and a decision will be finalized by 28 September 2005.

**Departure of Council's Director of Community Development:** An update was provided to Council with regard to the departure on 7 October 2005 of Mr Mark Luzi. Mr Glen Coaker, currently employed by the City of Geraldton as a Shire Planner, will be commencing work with Irwin at the end of October 2005.

Mr Merrick also indicated that a notice has been submitted to Curtin University advertising for a Graduate Health Surveyor.

Council's EHO/Building Surveyor, Mr Felix Neuweiler, will be undertaking planning studies and will be appointed as Council's Manager of Community Development.

Mr John Hammersveld will continue to be employed by the Shire in the Building Department on a relief basis.

In closing, Cr Robyn Parsons congratulated both Mr Neuweiler on his appointment and Mr Luzi on his new position. On behalf of all Councillors, Cr Parsons thanked Mr Luzi for his past efforts and service with Council and wished him all the very best.

**15. MATTERS BEHIND CLOSED DOORS**

Nil.

**16. CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5.10pm. Cr Robyn Parsons invited both Mr David Kennedy and Mrs Elsie MacGregor to remain for refreshments. Mr Kennedy accepted the invitation, however, Mrs MacGregor departed the Chambers at this time.

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

Signed: .....  
Presiding Elected Member

Date:.....