

I certify that this copy of the Minutes is a true and correct record of the meeting held on  
26 August 2008  
Signed: .....  
Presiding Elected Member  
Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 26 AUGUST 2008  
COMMENCING AT 4.00PM**

**THERE ARE NO ATTACHMENTS TO THIS COPY OF THE COUNCIL MINUTES. TO VIEW THE ATTACHMENTS, PLEASE CONTACT THE SHIRE OFFICE ON 9927 0000.**

<b>PRESENT:</b>	President	Cr R K Parsons (Chairperson)
	Councillors	Cr S C Chandler Cr G L Dean-Gundill Cr K J Hepworth Cr R T McClurg Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
<b>GUESTS:</b>		-
<b>APOLOGIES:</b>		Cr R J Gillam (Deputy President)
<b>LEAVE OF ABSENCE:</b>		Cr G C Bass

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

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

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

Cr George Bass – Leave of Absence.  
Cr Stuart Chandler – Leave of Absence

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

Nil.

**4. PUBLIC QUESTION TIME**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr George Bass has requested Leave of Absence from the following Council Meetings:

- 26<sup>th</sup> August 2008
- 9<sup>th</sup> September 2008
- 23<sup>rd</sup> September 2008

**NOTE:** Cr Stuart Chandler was able to attend the meeting and accordingly withdrew his request for Leave of Absence, but made a further application for Leave of Absence from the Council Meeting scheduled for 23<sup>rd</sup> September 2008.

**COUNCIL MOTION:**

**Moved Cr Roberts, seconded Cr Hepworth**

***That Cr George Bass be granted Leave of Absence for the Council Meetings scheduled for 26<sup>th</sup> August 2008, 9<sup>th</sup> September 2008 and 23<sup>rd</sup> September 2008, and Cr Stuart Chandler be granted Leave of Absence from the Council Meeting scheduled for 23<sup>rd</sup> September 2008.***

**CARRIED  
7/0**

**VOTING DETAILS:**

**6. PETITIONS**

Nil.

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 AUGUST 2008**

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A copy of the Minutes of the Ordinary Council Meeting held on 12 August 2008 has been provided to all Councillors under separate cover.

**COUNCIL MOTION:**

**Moved Cr Hepworth, seconded Cr McClurg**

***That the Minutes of the Ordinary Council Meeting, held on 12 August 2008, be confirmed as a true and accurate recording of that meeting.***

**CARRIED**

**VOTING DETAILS:**

**7/0**

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

**8.1 Meeting: State Opposition Leader, Colin Barnett**

Attended a meeting with State Opposition Leader, Colin Barnett, at the Dongara District High School on Friday 15<sup>th</sup> August where he announced \$20 million for the construction of a new school if elected on 6<sup>th</sup> September 2008.

**8.2 Dandaragan Shire Visit**

On Tuesday 19<sup>th</sup> August, the Shire hosted a morning tea for a visit from the Shire of Dandaragan.

**8.3 Regional Briefing – Alanah MacTiernan**

Attended a Regional Briefing session in Geraldton on Thursday 21<sup>st</sup> August, where Minister Alanah MacTiernan announced \$7 million for works to the Dongara District High School.

**8.4 Systemic Sustainability Study**

WALGA will be hosting a Special Forum at the City of Stirling on Monday 15<sup>th</sup> September 2008 to consider the final draft report on the Systemic Sustainability Study. Our Chief Executive Officer will be attending to represent the Shire of Irwin. If any Councillor wishes to receive a copy of the final report or attend the Forum, please advise.

**8.5 LGIS Municipal Golf Day**

The Shire of Irwin will be hosting the LGIS Municipal Golf Day on Friday 29<sup>th</sup> August at the Dongara Golf Club.

## 9. REPORTS

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### **B.403**

<b>Subject:</b>	Owner Builder's Temporary Accommodation – Lot 28 St Dominics Road, Springfield
<b>Proponent:</b>	AJ & NJ Jolley
<b>Reporting Officer:</b>	EHO/Building Surveyor
<b>Date of Report:</b>	12 August 2008
<b>File Reference:</b>	BA.1
<b>Voting Requirements:</b>	Simple Majority

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#### **Issue:**

To consider an application to live in a caravan on-site whilst building a dwelling as owner builder.

#### **Body/Background:**

The property in question is located at Lot 28 St Dominics Road, Springfield and is currently zoned 'Rural Residential'.

The applicants seek Council's permission to live in a caravan on the above property whilst building a dwelling as owner builders (please refer to the attachment). The plans for the dwelling have been received and were approved on the 28 of July 2007.

Council's Policy B23 and the Caravan Parks Act 1995 make provisions for owner builders to reside in a caravan whilst building their homes. However, Policy B23 allows temporary accommodation in a caravan on properties zoned 'General Farming', all other lots require specific Council approval.

Mr and Mrs Jolley propose to place the caravan inside an outbuilding, containing ablution facilities.

#### **Officer's Comment:**

It is recommended that Council approve the application, subject to compliance with the relevant policy and legislation.

#### **Financial Implications:**

\$85 application fee.

#### **Statutory Environment:**

*Caravan Parks and Camping Grounds Act 1995 and Regulations:*

11. Camping other than at a caravan park or camping ground
  - (2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights by the local government of the district where the land is situated —
    - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
    - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

#### **Policy Implications:**

Temporary Accommodation Policy B23.

**Officer's Recommendation:**

That Council approve the application for the owner builders to reside in a caravan whilst building a dwelling on Lot 28 St Dominics Road, Springfield, subject to:

- Compliance with relevant legislation and Council's Policy B23.

**COUNCIL MOTION:**

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*Moved Cr Chandler, Seconded Cr Roberts*

*That Council approve the application for the owner builders to reside in a caravan whilst building a dwelling on Lot 28 St Dominics Road, Springfield, subject to:*

- *compliance with relevant legislation and Council's Policy B23.*

**VOTING DETAILS:**

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

**B.404**

**Subject:** : Building Additions to Dongara Rag Office  
**Location:** Cnr. Waldeck Street & Moreton Tce.  
**Proponent:** Dongara Local Rag  
**Reporting Officer:** Felix Neuweiler, Manager Community Development  
**Date of Report:** 20 August 2008  
**File Reference:** BA.1  
**Voting Requirements:** Normal Majority

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**Issue:**

To provide more space for new printers, the management committee of the Dongara Local Rag is proposing to build a 16m<sup>2</sup> addition to the existing printing room.

**Background:**

Council has previously given 'in principal' support to the proposal. The management committee has now submitted plans and quotes from a local builder (please refer to the attachment). It is proposed to change the skillion roof to a gable roof over the printing room. The walls of the addition will be clad in weather board and will fit in with the existing printing room.

Tanya Henkel, the Midwest Regional Adviser provided the following comment to the proposal:

Further to our discussions last Friday regarding the proposed extension to the rear of the old School Building, please be advised that I inspected the building that day and offer the following comments:

- An extension to the rear would be acceptable provided that it is recessive to the original building in terms of scale and detailing.
- Materials which would be appropriate would be a framed construction clad with either weatherboards or metal sheeting with a custom orb profile such as galvanized iron or colorbond sheeting. In this respect the addition would be noticeably new and lightweight in construction as opposed to the masonry walls of the original school.
- It is preferable for openings (windows and doors) to have a vertical emphasis rather than the modern horizontal emphasis, however practical user requirements (eg security) should also be taken into consideration.

**Officer's Comment:**

The Local Rag community group has enough funding to pay for the works. As the Shire of Irwin is the owner of the building, the CEO needs to sign the building contract. It is recommended that Council consent to the proposed extension works and to the signing of the contract.

**Financial Implications:**

The value of the construction work is \$52,452. The full amount will be paid for by the Dongara Local Rag.

**Statutory Environment:**

Relevant building legislation.

**Policy Implications: -**

Nil.

**STAFF RECOMMENDATION:**

That Council consent to:

1. the proposed addition to the printing room behind the Dongara Local Rag office; and
2. the signing of the building contract by the CEO.

**COUNCIL MOTION:**

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*Moved Cr Chandler, Seconded Cr Roberts*

*That Council Report B.404 Building Additions to Dongara Rag Office be withdrawn.*

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

**VOTING DETAILS:**

**B.405**

**Subject:** North Stock Route Drive Trail  
**Location:** Shire of Irwin  
**Applicant:** City of Geraldton-Greenough  
**Reporting Officer:** EHO/ Building Surveyor  
**Date Of Report:** 6 August 2008  
**File Reference:** TM.1  
**Voting Requirements:** Normal Majority

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**Issue:**

The City of Geraldton-Greenough seeks Council endorsement of the North Stock Route Drive Trail Development Plan. Endorsement is to include confirmation of the Shire of Irwin's commitment to be part of a Trails Association with ongoing coordination and action in the development of the proposed trail (see attached letter).

**Body/Background:**

The North Road Stock Route Drive Trail is a proposed 'tourist drive' through the northern Perth Metropolitan and mid west regions of WA, linking Perth with Geraldton. The main focal points of the drive trail will be a series of historic watering holes and other sites associated with the earliest movement of people, stock and goods between the two cities.

A total of 33 sites of interest have been recommended for the trail, 4 of which are located within the Shire of Irwin. Interpretative information panels and directional signage is proposed en route to guide tourists along the trail.

**Officer's Comment:**

The North Road Stock Route Drive Trail may attract first time visitors to the area, it would provide tourists with additional activities and it could link in with the wildflower season.

Establishing the North Road Stock Route Drive Trail will have some expenditure associated with its development. These costs include the preparation of interpretative panels and signage, site works, trail marketing and promotion.

The City of Geraldton-Greenough intends to seek funding for the necessary works through the formed Trails Association.

**Financial Implications:**

- Installation of 4 Interpretative panels, 1 Map panel and a total of 43 directional signs
- Construction of 2 lay-bys and 1 parking area
- Ongoing maintenance and upkeep.

**Policy Implications:** Nil.

**Officer's Recommendation:**

That Council:

1. endorses the North Stock Route Drive Trail program, subject to works associated with the program being implemented over a period of 5 years; and
2. agrees to be part of the Trails Association.



**COUNCIL MOTION:**

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*Moved Cr Chandler, Seconded Cr Hepworth*

***That Council:***

1. *endorses the North Stock Route Drive Trail program, subject to works associated with the program being implemented over a period of 5 years; and*
2. *agrees to be part of the Trails Association.*

**VOTING DETAILS:**

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

**CEO.374**

**Subject:** Statutory Appointments  
**Reporting Officer:** Chief Executive Officer  
**File Reference:**  
**Date Prepared:** 18 August 2008  
**Voting Requirements:** Simple

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**Issue:**

To consider adopting a Policy in regards to statutory appointments.

**Body / Background:**

The local government act provides certain powers to local governments which can only be exercised by authorised officers.

**Officers Comment:**

A draft policy has been prepared for Council consideration (see attachments) to control the appointment of authorised officers.

**Financial Implications:**

Nil

**Statutory Environment:**

Various sections of local government act.

**Policy Implications:**

Adoption of new Council Policy.

**Officers Recommendation:**

That Council adopt Policy A25 Statutory Appointments, as presented.

**COUNCIL MOTION:**

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***Moved Cr Hepworth, Seconded Cr Dean-Gundil***

***That Council adopt Policy A25 Statutory Appointments, as presented, but include the Environmental Health Officer in Part 3 – Div 3, Subdivision 3 – Powers of Entry.***

**VOTING DETAILS:**

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

**DCS.305**

<b>Subject:</b>	New Lease –South Beach Kiosk, Reserve 11702 White Tops Road, Port Denison
<b>Reporting Officer:</b>	Director Corporate Services
<b>File Reference:</b>	Legal Documents
<b>Date Prepared:</b>	19 August 2008
<b>Voting Requirements:</b>	Simple Majority

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**Issue:**

To approve a new five-year lease for the South Beach Kiosk to Mr Paul Taylor and Ms Christiane Majchrzak.

**Body / Background:**

At the Council meeting held 27 May 2008 Council resolved “*That Council terminates the existing lease with Mr Paul Taylor and Ms Christine Majchrzak for the South Beach Kiosk (The Little Starfish), located on Reserve 11702 White Tops Road Port Denison, and grants approval for a new lease to them for five years with a five year option, to take effect concurrently*”.

Subsequent to this decision the lessees applied to Council to have the monthly rental reduced during the winter months to reflect the reduced business activity at South Beach during this period. Previous leases have also included similar provisions.

**Officers Comment:**

A new lease has been prepared for a period of five years with an option for a further five years containing the same provisions as the previous lease. A copy of the lease is included in attachments for Council consideration.

The monthly lease payment of \$200 per month for the first year remains the same, however GST has now been added on to reflect the correct taxation treatment. Allowance has been made to reduce the monthly lease rental by \$100 for the winter months of June, July and August.

**Financial Implications:**

The lessees will be responsible for all costs incurred in the preparation of lease documents.

**Statutory Environment:**

Section 3.58 of the Local Government Act provides the following in relation to disposing of property:

- (1) In this section -  
dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
property~ includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to -
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (5) This section does not apply to -
  - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section

Regulation 30 of the Local Government (Functions and General) Regulations provides as follows in relation to dispositions of property to which section 3.58 of Act does not apply:

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if –
  - (i) its market value is less than \$5 000

**Policy Implications:**

Nil

**Officers Recommendation:**

- That Council approves the new lease with Mr. Paul Taylor and Ms. Christiane Majchrzak for the South Beach Kiosk (The Little Starfish), located on Reserve 11702 White Tops Road Port Denison, as circulated with the agenda, and terminates the existing lease concurrently.
- That Council approves the attachment of Council's seal on the lease document to be signed by the Shire President and Chief Executive Officer.

**COUNCIL MOTION:**

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*Moved Cr Dean-Gundill, Seconded Cr Roberts*

***That Council***

- ***approves the new lease with Mr. Paul Taylor and Ms. Christiane Majchrzak for the South Beach Kiosk (The Little Starfish), located on Reserve 11702 White Tops Road Port Denison, as circulated with the agenda, and terminates the existing lease concurrently.***
- ***approves the attachment of Council's seal on the lease document to be signed by the Shire President and Chief Executive Officer.***

**VOTING DETAILS:**

**CARRIED  
7/0**

**F.347**

**Subject:** Financial Statements for the Period ending 31 July 2008  
**Reporting Officer:** Accountant/Senior Administration Officer  
**File Reference:** Minute Book  
**Date Prepared:** 18 August 2008  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider and receive the Monthly Financial Statements for the period 1 July 2008 to 31 July 2008.

**Body / Background:**

The Monthly Financial Report to the 31 July 2008 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
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- 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

**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 subregulation (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 subregulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**Policy Implications:**

Nil.

**Officers Recommendation:**

That the Monthly Financial Statement for the period 1 July 2008 to 31 July 2008 be received.

**COUNCIL MOTION:**

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*Moved Cr McClurg, Seconded Cr Dean-Gundill*

*That the Monthly Financial Statement for the period 1 July 2008 to 31 July 2008 be received.*

**VOTING DETAILS:**

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

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**TP.445**

**Subject:** New Road Names – Stage 1 of Subdivision of Lot 1 Kailis Drive,  
Springfield  
**Proponent:** Dongara Holdings Pty Ltd  
**Reporting Officer:** Town Planner  
**File Reference:** WAPC Ref: 130382  
**Date Prepared:** 20 August 2008  
**Voting Requirements:** Simple

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**Issue:**

To consider names for the new roads constructed as part of Stage 1 of the subdivision of Lot 1 Kailis Drive, Springfield.

**Body / Background:**

The Western Australian Planning Commission granted conditional approval to the subdivision of Lot 1 Kailis Drive on the 15 August 2006.

The construction of Stage 1 of that subdivision is nearing completion and the developer has requested names be applied to the new roads, in preparation of requesting clearance of the subdivision and the issue of new titles.

**Officers Comment:**

Attached is a plan of the subdivision and the two roads in Stage 1 requiring names.

Road 1 has been planned as an extension of Springfield Drive in that it will eventually link up with the existing Springfield Drive further to the north and provide an alternative route through to Dongara (hence the extra width seal at 7 metres). It is therefore appropriate to name this road Springfield Drive. It will be necessary to erect signs on this road to advise motorists that it is a no through road, until such time as it connects with the existing portion of Springfield Drive further north.

Road Two however requires a new name. In 1995 Council approved a list of road names to be applied to all new roads in the Springfield locality. The list has been registered as a Reserve List with the Geographic Names Committee, the agency responsible for approving all new road names within the state.

The theme of the list is of native trees and shrubs, however, not all of the names left are necessarily applicable to this area. Of those that are left, a selection is provided as follows for Councils consideration:

- Black Butt Road
- Bottlebrush Cove
- Hakea Road
- Wattle Tree Grove

It is suggested Council choose one of the above names for Road 2 and request approval of such, and the approval of Springfield Drive to Road 1, by the Geographic Names Committee.

**Financial Implications:**

Nil.

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council requests the Geographic Names Committee to approve the name Springfield Drive to Road 1 on the attached plan and \_\_\_\_\_ to Road 2 on the attached plan.

**COUNCIL MOTION:**

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*Moved Cr Dean-Gundill, Seconded Cr Chandler*

*That Council requests the Geographic Names Committee to approve the name Springfield Drive to Road 1 on the attached plan and Bottlebrush Cove to Road 2 on the attached plan.*

**VOTING DETAILS:**

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



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

Nil.

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

Nil.

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

Nil.

**13. MATTERS BEHIND CLOSED DOORS**

**COUNCIL MOTION:**

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*Moved Cr Dean-Gundill, Seconded Cr Hepworth*

*That Council proceeds behind closed doors in order to discuss two items of a confidential nature (CEO.375 and CEO.376 respectively). A full transcription of the items has been circulated to all Councillors under separate cover.*

**14. CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 4:55pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on  
26 August 2008

Signed: .....  
Presiding Elected Member

Date:.....