

I certify that this copy of the Minutes is a true and correct record of the meeting held on 22 April 2008

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 APRIL 2008
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.

PRESENT:

President	Cr R K Parsons (Chairperson)
Councillors	Cr R J Gillam (Deputy President) Cr G C Bass Cr S C Chandler Cr G L Dean-Gundill (arrived at 4.01pm) Cr K J Hepworth Cr R T McClurg Cr R W Roberts
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

GALLERY:

Ms Jenny Jagoe

APOLOGIES:

Cr L W Wheeler

LEAVE OF ABSENCE:

-

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 Lance Wheeler had advised prior to the meeting that he would be unable to attend. With the exception of Cr Gail Dean-Gundill who entered the Chambers at 4.01pm, all other Councillors were present.

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

Nil.

4. **PUBLIC QUESTION TIME**

Nil.

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Cr George Bass requested leave of absence for the next Council Meeting to be convened on 13 May 2008.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That leave of absence be granted to Cr George Bass for the next Council Meeting to be convened on 13 May 2008.

CARRIED
8/0

VOTING DETAILS:

6. **PETITIONS**

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 8 APRIL 2008

A copy of the Minutes of the Ordinary Council Meeting held on 8 April 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Hepworth

That the Minutes of the Ordinary Council Meeting, held on 8 April 2008, be confirmed as a true and accurate recording of that meeting.

CARRIED
8/0

VOTING DETAILS:

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 21 APRIL 2008

A copy of the Minutes of the Special Council Meeting held on 21 April 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Hepworth

That the Minutes of the Special Council Meeting, held on 21 April 2008, be confirmed as a true and accurate recording of that meeting.

CARRIED
8/0

VOTING DETAILS:

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 MR BOB FOWLER (DONGARA DENISON BEACH HOLIDAY PARK) – LOT 946, 250 OCEAN DRIVE, PORT DENISON – PHOBOS NOMINEES

The Shire President read a letter to Council from Mr Bob Fowler in regard to the decision of Council at the 8 April 2008 meeting (Council Item TP.421) and informed Council of her response to his comments.

9. REPORTS

F.343: FINANCIAL STATEMENTS
LOCATION: -
PROPONENT: -
REPORTING OFFICER: DANIKA LOOMES - ACCOUNTANT/SENIOR ADMINISTRATION OFFICER
DATE OF REPORT: 9 APRIL 2008
FILE REFERENCE: MINUTE BOOK
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Attached are the Financial Statements for the period ending 31 March 2008.

COMMENT:

- General

The reports included to the 31 March 2008 are:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Notes to and Forming Part of the Report:
 - Note 1 – Significant Accounting Policies
 - 2 – Statement of Objective
 - 3 – Acquisition of Assets
 - 4 – Disposals of Assets
 - 5 – Financial Assets
 - 6 – Information on Borrowings
 - 7 – Reserves
 - 8 – Net Current Assets
 - 9 – Rating Information
 - 10 – Trust Funds

Supplementary Information:

- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Financial Statement
- Budget vs Actual 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 March 2008 be received.

COUNCIL MOTION:

Moved Cr Roberts, seconded Cr Hepworth

That the Financial Statements for the period ending 31 March 2008 be received.

CARRIED
8/0

VOTING DETAILS:

Mr Glenn Coaker, Town Planner, declared a proximity interest in the following item.

TP.423:	PROPOSED SUBDIVISION
LOCATION:	VICTORIA LOCATION 2677, LOT 6 AND VICTORIA LOCATION 2771, LOT 7 MELALEUCA ROAD, BOOKARA
PROPONENT:	MJ LUNDY AND WRJ & SF STICKNEY
REPORTING OFFICER:	GLENN COAKER – TOWN PLANNER
DISCLOSURE OF INTEREST:	PROXIMITY INTEREST
DATE OF REPORT:	15 APRIL 2008
FILE REFERENCE:	TP.3/1 (WAPC REF: 137037)
VOTING REQUIREMENTS:	NORMAL MAJORITY

BACKGROUND:

An application to subdivide the above property has been referred by the Western Australian Planning Commission (WAPC) for consideration and comment by Council.

COMMENT:

- **General:**

The Proposal

Lots 6 and 7 are 913 and 84 hectares in area respectively with a total of 997ha. They are mostly cleared with some pockets of native vegetation and are currently used for agricultural purposes, mostly cropping and grazing. There are some existing sheds and farm infrastructure on Lot 6.

The application proposes to subdivide the land into a total of 64 new lots of approximately 15ha each, all with access to a constructed road. The new road reserves are proposed to be 20 metres wide with a total length of 10.4 kilometres (see attached).

Statutory Considerations

The property is zoned “Rural Smallholdings” under Local Planning Scheme No 5. The property is located in Policy Area D of the Local Planning Strategy.

It is noted that Local Planning Scheme No 5 has recently been granted final approval by the Minister for Planning & Infrastructure. The Scheme does not become fully operational until it has been published in the Government Gazette, however, it is now more appropriate to consider subdivision applications under this Scheme rather than Town Planning Scheme No 4.

The development requirements for Policy Area D of the “Rural Smallholdings” zone allow for subdivision to a minimum lot size of 15ha, in accordance with an approved subdivision guide plan.

Officer’s Comment

There are a number of issues relevant to this application.

Firstly, the application complies with the minimum lot size, but it is noted that no subdivision guide plan has been approved over this land.

In this regard, the application itself is acting as the subdivision guide plan. The property is located in the northern and eastern extents of the zone and the application proposes to subdivide each lot in its entirety. Provided that the subdivision layout is acceptable, there may not be a need to request a subdivision guide plan prior to considering this application.

In relation to this, the subdivision layout is considered acceptable. The lots are of suitable shapes with useable areas for small scale rural activity; the road layout is generally good with adequate distance between intersections. The application also provides road access through to the north and the extension of Melaleuca Road will provide road access to land to the south.

An issue exists in relation to the standard of road construction that this subdivision will provide.

The Shire's standard for roads in rural areas is currently unsealed, gravel roads. However, with the amount of traffic that will be generated by this subdivision, a higher standard of sealed road may be warranted.

In this regard, Part 2 Clause 1.1 of the Shire's Land Development Design & Construction Criteria states the following:

"Rural Zoning:

Generally, the minimum standard, unsealed rural road shall be required for subdivision unless a higher standard can be shown to be warranted by studies of anticipated traffic counts. Drainage shall be via table drains, soakage therein, and culverts to sumps or natural water courses as appropriate."

No formal studies of anticipated traffic counts have been undertaken in relation to this application, but it would be generally accepted that the amount of new lots proposed, once fully developed, will generate a considerable amount of traffic using this road network.

Considering in addition to the above, that Melaleuca Road is already bitumised up to the intersection with Beagle Road (as per a previous arrangement with one of the residents on Beagle Road), it is suggested that all new roads and all road upgrades proposed as part of this subdivision be constructed to a bitumised standard as a condition of approval.

In relation to the extension of Melaleuca Road, this would need to include extending the bitumen past its current terminating point at Beagle Road and along the southern boundary of Lot 1, which is not part of this subdivision.

Similarly, the first portion of the north/south road between Victoria Location 2663 and Lot 1 would also need to be constructed, although these lots are not actually part of this subdivision.

Although these portions of road are not part of this application, the road reserves already exist and it is suggested they be upgraded as part of this subdivision to ensure the new lots are connected to the existing road network by a suitable standard of road.

Further to this, if Melaleuca Road is extended along the bottom of Lot 1 as suggested, it will give this lot potential for subdivision into two new lots, considering its size of 32ha. If the owner of Lot 1 takes advantage of this, the Planning and Development Act (2005) provides for the developer who constructed the road to recover part of the cost of constructing it from any later subdivider who benefits from it.

In relation to Water Supply Road, the requirement would be for the portion of road abutting the subdivision to be upgraded. This would leave approximately 5km back to the intersection with Wye Farm Road that is unsealed and, in parts, unconstructed. It would be considered onerous to expect the developer to upgrade this remaining length of Water Supply Road when the subdivision is also required to be connected to Melaleuca Road.

The Shire may therefore need to upgrade the remaining portion of Water Supply Road, or alternatively, as other abutting lots subdivide onto it, they will also be required to upgrade the road as a condition of approval. It is not known, however, how long this may take to see a fully constructed road.

A further issue exists with the alignment of Water Supply Road in the north-east corner of the subdivision, abutting proposed Lot BA. The road at this point includes two right angle bends in close proximity to each other which creates a potential road hazard. Water Supply Road in this location is only partly constructed and sees very little traffic, however, it is anticipated that, as development progresses in this area, it will become a more used thoroughfare and, if the opportunity arises, it should be rectified.

In this regard, it is suggested that as part of this application, the north-east corner of Lot BA be amended to allow for a revised alignment of Water Supply Road. This will result in Lot BA being under the specified minimum lot size of 15ha but it may be worth supporting this in light of the benefits to the road alignment.

Servicing of the subdivision will be as per each authorities' requirements. Underground power and telecommunications will be required as part of the subdivision. It is noted that scheme water passes along the eastern boundary of the subdivision along Water Supply Road, but there is no mandatory provision in the Local Planning Scheme to require a reticulated water supply to each lot. The proponent has stated that some lots may be provided with this service, although the Water Corporation has not guaranteed a supply and it would also depend on economic viability.

Other local government requirements will include preparation of a detailed fire management plan, fencing to all lot boundaries and delineation of building envelopes to each lot.

The application complies with all other requirements of Local Planning Scheme No 5 and the Local Planning Strategy. It is recommended the application be supported subject to conditions.

- **Financial Implications** - An additional 62 rateable properties.
- **Policy Implications** - Nil.
- **Strategic Implications** - Approval of the road and lot configuration for a significant portion of the "Rural Smallholdings" zone.

STAFF RECOMMENDATION:

That the Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Victoria Location 2677, Lot 6 and Victoria Location 2771, Lot 7 Melaleuca Road, Bookara subject to the following conditions:

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the approval of the WAPC.
2. Arrangements being made with the Local Government for the upgrading and construction of Melaleuca Road from the intersection with Beagle Road to the intersection with Water Supply Road.

3. Arrangements being made with the Local Government for the construction of the road reserve located between Victoria Location 2663 and Lot 1.
4. Arrangements being made for the upgrading of Water Supply Road for the length of this subdivision.
5. Water Supply Road being widened in the north east corner of proposed Lot BA by the applicant/owner transferring the land required to the Crown free of cost for the purpose of road widening.
6. Uniform fencing along the boundaries of all proposed lots to be constructed to the specifications of the Local Government.
7. A Fire Management Plan being prepared and implemented to the specifications of the Local Government and the Fire and Emergency Services Authority.
8. A detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the Local Government.
9. The subdivider making arrangements satisfactory to the Local Government to ensure that prospective purchasers and successors-in-title of the lots created will be advised of the provisions of the Shire of Irwin's Local Planning Scheme which relate to the use and management of the lots concerned.
10. Compliance with the Shire of Irwin Land Development Design & Construction Criteria.
11. All building and effluent disposal systems having the necessary clearance from the new boundaries as required by the relevant legislation.

ADVICE TO APPLICANT:

1. In regards to Conditions 1-4, the Shire will require a minimum bitumised road standard for all road construction and upgrades.
2. In regards to Condition 5, the road reserve is to be widened to eliminate the two right angle bends in Water Supply Road. The Shire supports the creation of a lot below 15 hectares to facilitate this.
3. In regards to Condition 10, a copy of the Shire of Irwin Land Development Design & Construction Criteria should be obtained prior to submitting engineering drawings for approval. Subdivision works are not permitted from 1 October of one year to 15 March of the following year.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Roberts

That the Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Victoria Location 2677, Lot 6 and Victoria Location 2771, Lot 7 Melaleuca Road, Bookara subject to the following conditions:

1. ***Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the approval of the WAPC.***

2. *Arrangements being made with the Local Government for the upgrading and construction of Melaleuca Road from the intersection with Beagle Road to the intersection with Water Supply Road.*
3. *Arrangements being made with the Local Government for the construction of the road reserve located between Victoria Location 2663 and Lot 1.*
4. *Arrangements being made for a 50% contribution to the upgrading of Water Supply Road for the length of this subdivision.*
5. *Water Supply Road being widened in the north east corner of proposed Lot BA by the applicant/owner transferring the land required to the Crown free of cost for the purpose of road widening.*
6. *Uniform fencing along the boundaries of all proposed lots to be constructed to the specifications of the Local Government.*
7. *A Fire Management Plan being prepared and implemented to the specifications of the Local Government and the Fire and Emergency Services Authority.*
8. *A detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the Local Government.*
9. *The subdivider making arrangements satisfactory to the Local Government to ensure that prospective purchasers and successors-in-title of the lots created will be advised of the provisions of the Shire of Irwin's Local Planning Scheme which relate to the use and management of the lots concerned.*
10. *Compliance with the Shire of Irwin Land Development Design & Construction Criteria.*
11. *All building and effluent disposal systems having the necessary clearance from the new boundaries as required by the relevant legislation.*

ADVICE TO APPLICANT:

1. *In regards to Conditions 1-4, the Shire will require a minimum bitumised road standard for all road construction and upgrades.*
2. *In regards to Condition 5, the road reserve is to be widened to eliminate the two right angle bends in Water Supply Road. The Shire supports the creation of a lot below 15 hectares to facilitate this.*

In regards to Condition 10, a copy of the Shire of Irwin Land Development Design & Construction Criteria should be obtained prior to submitting engineering drawings for approval. Subdivision works are not permitted from 1 October of one year to 15 March of the following year.

CARRIED
6/2

VOTING DETAILS:

Cr Gail Dean-Gundill voted against the motion on the basis that the proponent should not be responsible for the extension of Melaleuca Road from Beagle Road to the commencement of the development.

TP.424:	PROPOSED SUBDIVISION
LOCATION:	VICTORIA LOCATION 2677, LOT 5 PADBURY ROAD, BOOKARA
PROPONENT:	MJ LUNDY AND WRJ & SF STICKNEY
REPORTING OFFICER:	GLENN COAKER – TOWN PLANNER
DATE OF REPORT:	14 APRIL 2008
FILE REFERENCE:	TP.3/1 (WAPC REF: 137038)
VOTING REQUIREMENTS:	NORMAL MAJORITY

BACKGROUND:

An application to subdivide the above property has been referred by the Western Australian Planning Commission (WAPC) for consideration and comment by the Shire.

COMMENT:

- **General:**

The Proposal

Lot 5 is 97ha in area and is mostly cleared apart from some pockets of native vegetation. The land is used for agricultural purposes including cropping and grazing. There is an existing dwelling and shed on the property.

The application proposes to subdivide the land into a total of 6 new lots, ranging in size from 15ha to 18.5ha. Padbury Road is proposed to be extended to service each lot; the subdivision will create an additional 873 metres of road.

This application is directly related to the subdivision of Lots 6 and 7 to the east of this property and considered as a separate item in this agenda.

It appears that due to the current ownership arrangement of the land, two separate applications have been forwarded by the WAPC, one for Lot 5 and one for Lots 6 and 7. However, the applications are essentially for one large subdivision.

Statutory Considerations

The property is zoned Rural Smallholdings under Local Planning Scheme No 5. The property is located in Policy Area D of the Local Planning Strategy.

It is noted that Local Planning Scheme No 5 has recently been granted final approval by the Minister for Planning & Infrastructure. The Scheme does not become fully operational until it has been published in the Government Gazette, however, it is now more appropriate to consider subdivision applications under this Scheme rather than Town Planning Scheme No 4.

Policy Area D of the Rural Smallholdings zone allows for subdivision to a minimum lot size of 15ha, in accordance with an approved subdivision guide plan.

Officer's Comment

A number of matters need to be considered as part of this application.

Firstly, the application complies with the minimum lot size, but it is noted that no subdivision guide plan has been approved over this land.

In relation to this, as the property is bounded by the railway to the west, the “General Farming” zone to the north (currently not suitable for subdivision) and integrates with the subdivision of the land to the east, a specific subdivision guide plan over this lot is not necessary, as long as the lot and road configuration is acceptable.

In this instance, the subdivision plan is acceptable with adequate road access and good shaped lots. It is noted that proposed Lot E is a battle axe lot which is generally discouraged, but it does make effective use of the land and a separate road reserve and cul-de-sac to service this one lot is unnecessary.

An issue exists in relation to the standard of road construction that this subdivision will provide.

The Shire’s standard for roads in rural areas is currently unsealed, gravel roads. However, with the amount of traffic that will be generated by this subdivision, a higher standard of sealed road may be warranted.

In this regard, Part 2 Clause 1.1 of the Shire’s Land Development Design & Construction Criteria states the following:

“Rural Zoning:

Generally, the minimum standard, unsealed rural road shall be required for subdivision unless a higher standard can be shown to be warranted by studies of anticipated traffic counts. Drainage shall be via table drains, soakage therein, and culverts to sumps or natural water courses as appropriate”

No formal studies of anticipated traffic counts have been undertaken in relation to this application, but it would be generally accepted that the proposed development will generate enough traffic to warrant a bitumen standard. Therefore, it is suggested that the extension of Padbury Road be constructed to a bitumised standard as a condition of approval.

This will leave the existing portion of Padbury Road back to where it intersects with Melaleuca Road as unsealed. If the developer is to be requested to provide a bitumen road, then the Shire may need to cover the cost of sealing the existing portion of Padbury Road. This would not necessarily have to be done at the same time.

Also in relation to the existing road network in this area, it is noted that an unconstructed road reserve runs parallel to the railway line from Melaleuca Road up to the south-western corner of Lot 5. If the subdivision is approved as proposed, it will limit the ability for this road to be formally extended. However, in this instance, this may be acceptable as the road is not constructed, it is not needed to provide access to the proposed lots and is not identified in any future road strategy.

Servicing of the subdivision will be as per each authorities’ requirements. Underground power and telecommunications will be required as part of the subdivision.

Other local government requirements will include preparation of a detailed fire management plan, fencing to all lot boundaries and delineation of building envelopes to each lot.

The application complies with all other requirements of Local Planning Scheme No 5 and the Local Planning Strategy. It is recommended the application be supported subject to conditions.

- **Financial Implications** - An additional five rateable properties.
- **Policy Implications** - Nil.
- **Strategic Implications** - Nil.

STAFF RECOMMENDATION:

That the Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 5 Padbury Road, Bookara subject to the following conditions:

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the approval of the WAPC.
2. Uniform fencing along the boundaries of all proposed lots to be constructed to the specifications of the Local Government.
3. A Fire Management Plan being prepared and implemented to the specifications of the Local Government and the Fire and Emergency Services Authority.
4. A detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the Local Government.
5. The subdivider making arrangements satisfactory to the Local Government to ensure that prospective purchasers and successors-in-title of the lots created will be advised of the provisions of the Shire of Irwin's Local Planning Scheme which relate to the use and management of the lots concerned.
6. Compliance with the Shire of Irwin Land Development Design & Construction Criteria.
7. All building and effluent disposal systems having the necessary clearance from the new boundaries as required by the relevant legislation.

ADVICE TO APPLICANT:

1. In regards to Condition 1, the Shire will require a minimum bitumised road standard for all road construction.
2. In regards to Condition 6, a copy of the Shire of Irwin Land Development Design & Construction Criteria should be obtained prior to submitting engineering drawings for approval. Subdivision works are not permitted from 1 October of one year to 15 March of the following year.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Gillam

That the Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 5 Padbury Road, Bookara subject to the following conditions:

- 1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the approval of the WAPC.***
- 2. Uniform fencing along the boundaries of all proposed lots to be constructed to the specifications of the Local Government.***
- 3. A Fire Management Plan being prepared and implemented to the specifications of the Local Government and the Fire and Emergency Services Authority.***

4. ***A detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the Local Government.***
5. ***The subdivider making arrangements satisfactory to the Local Government to ensure that prospective purchasers and successors-in-title of the lots created will be advised of the provisions of the Shire of Irwin's Local Planning Scheme which relate to the use and management of the lots concerned.***
6. ***Compliance with the Shire of Irwin Land Development Design & Construction Criteria.***
7. ***All building and effluent disposal systems having the necessary clearance from the new boundaries as required by the relevant legislation.***

ADVICE TO APPLICANT:

1. ***In regards to Condition 1, the Shire will require a minimum bitumised road standard for all road construction.***
2. ***In regards to Condition 6, a copy of the Shire of Irwin Land Development Design & Construction Criteria should be obtained prior to submitting engineering drawings for approval. Subdivision works are not permitted from 1 October of one year to 15 March of the following year.***

CARRIED
8/0

VOTING DETAILS:

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 4.43pm.

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

Signed:
Presiding Elected Member

Date:.....