

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

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 14 OCTOBER 2008
COMMENCING AT 4.00PM**

**THERE ARE NO ATTACHMENTS TO THIS COPY OF THE COUNCIL MINUTES. TO VIEW
ATTACHMENTS, PLEASE CONTACT THE SHIRE OFFICE ON 9927 0023 OR EMAIL
cdadmin@irwin.wa.gov.au**

PRESENT:	President	Cr R K Parsons (Chairperson)
	Councillors	Cr R J Gillam (Deputy President) Cr S C Chandler Cr G L Dean-Gundill Cr K J Hepworth Cr R W Roberts Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
GUESTS:		Ms Wendy Small Mr Stuart Graham
APOLOGIES:		Cr G C Bass
LEAVE OF ABSENCE:		Cr R T McClurg

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 R T McClurg – Leave of Absence

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Wendy Small updated Council on the preparation for this years Dongara Festival.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Rob Gillam has requested Leave of Absence from the Council Meeting scheduled for 28th October 2008.

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Wheeler

That Cr Rob Gillam be granted Leave of Absence from the Council Meeting scheduled for 28th October 2008.

VOTING DETAILS:

**CARRIED
7/0**

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 SEPTEMBER 2008

A copy of the Minutes of the Ordinary Council Meeting held on 23 September 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Hepworth, seconded Cr Roberts

That the Minutes of the Ordinary Council Meeting, held on 23 September 2008, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

**CARRIED
7/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Bush Fire Association AGM

Attended the Bush Fire Association AGM on Wednesday 1st October 2008.

8.2 Deputy Shire President

Advised Council that Cr Rob Gillam has resigned as Deputy Shire President.

9. REPORTS

CEO.380

Subject: Appointment of Fire Control Officers
Reporting Officer: Chief Executive Officer
File Reference: AF.3/1
Date Prepared: 6 October 2008
Voting Requirements: Simple

Issue:

To appoint persons as Fire Control Officers and other positions under the Bushfires Act.

Body / Background:

The Annual General Meeting of the Irwin Bushfire Brigades was held on Wednesday 1 October 2008.

At that meeting it was recommended that Council make the following appointments:

Mr Peter Summers			Chief Fire Control Officer.
Mr John Koric			Deputy Chief Fire Control Officers
Mr Peter Summers, Mr Piers Blake and Mr Ashley Clarkson			Fire Weather Officers.
Mr Brian Jones, Mr Geoff Peddie and Mr Ashley Clarkson			Fire Control Officers
North Brigade	Brigade Captain		John Koric
	Brigade Lieutenants	1	Piers Blake
		2	L Edwards
		3	S Brindal
	Fire Control Officer		John Koric
South Brigade	Brigade Captain		Chris Gillam
	Brigade Lieutenants	1	Rob Gillam
		2	C Forsyth
		3	N Summers
	Fire Control Officer		Chris Gillam
Town Brigade	Brigade Captain		Murray Butcher
	Brigade Lieutenants	1	Jim Butcher
		2	P Schulze
		3	Ashley Clarkson
	Fire Control Officer		Murray Butcher

Officer's Comment:

Council is required to appoint the Officers in accordance with the Bushfires Act 1954 (see statutory section) and advertise those appointments accordingly.

It should be noted that the Shires Firebreak Notice has incorrectly advertised the Prohibited Burning period as commencing on 1 December when it should be 1 November. This issue was discussed at the AGM and the following resolution was passed:

The meeting was advised that the prohibited burning period on the Shire's Firebreak Notice is incorrect and should be from 1 November to 31 January not 1 December to 31 January.

It was agreed that for the current season we would need to extend the restricted period until 1 December (maximum 2 weeks at a time) so that the actual prohibited was as per the firebreak notice.

It was generally agreed that the prohibited period should be from 1 December to 28 February however this required further community consultation, support from FESA and Ministerial approval.

Moved A Clarkson Seconded P Summers

That the meeting generally agree that the preferred prohibited burning times for the Shire should be from 1st December to 28th February. Shire to undertake further consultation and make a recommendation to Council accordingly.

CARRIED

This matter will be brought to Council at a later meeting.

Financial Implications:

Nil

Statutory Environment:

Section 38 of the Bushfires Act 1954 reads:

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Policy Implications:

Nil

Officer's Recommendation:

That Council endorse the following appointments:

Mr Peter Summers			Chief Fire Control Officer.
Mr John Koric			Deputy Chief Fire Control Officers
Mr Peter Summers, Mr Piers Blake and Mr Ashley Clarkson			Fire Weather Officers.
Mr Brian Jones, Mr Geoff Peddie and Mr Ashley Clarkson			Fire Control Officers
North Brigade	Brigade Captain		John Koric
	Brigade Lieutenants	1	Piers Blake
		2	L Edwards
		3	S Brindal
	Fire Control Officer		John Koric
South Brigade	Brigade Captain		Chris Gillam
	Brigade Lieutenants	1	Rob Gillam
		2	C Forsyth
		3	N Summers
	Fire Control Officer		Chris Gillam
Town Brigade	Brigade Captain		Murray Butcher
	Brigade Lieutenants	1	Jim Butcher
		2	P Schulze
		3	Ashley Clarkson
	Fire Control Officer		Murray Butcher

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Roberts

That Council endorse the following appointments:

<i>Mr Peter Summers</i>			<i>Chief Fire Control Officer.</i>
<i>Mr John Koric</i>			<i>Deputy Chief Fire Control Officers</i>
<i>Mr Peter Summers, Mr Piers Blake and Mr Ashley Clarkson</i>			<i>Fire Weather Officers.</i>
<i>Mr Brian Jones, Mr Geoff Peddie and Mr Ashley Clarkson</i>			<i>Fire Control Officers</i>
<i>North Brigade</i>	<i>Brigade Captain</i>		<i>John Koric</i>
	<i>Brigade Lieutenants</i>	<i>1</i>	<i>Piers Blake</i>
		<i>2</i>	<i>L Edwards</i>
		<i>3</i>	<i>S Brindal</i>
	<i>Fire Control Officer</i>		<i>John Koric</i>

South Brigade	Brigade Captain		Chris Gillam
	Brigade Lieutenants	1	Rob Gillam
		2	C Forsyth
		3	N Summers
	Fire Control Officer		Chris Gillam
Town Brigade	Brigade Captain		Murray Butcher
	Brigade Lieutenants	1	Jim Butcher
		2	P Schulze
		3	Ashley Clarkson
	Fire Control Officer		Murray Butcher

VOTING DETAILS:

CARRIED
7/0

CEO.381

Subject: Dongara Denison Community Festival Association
Reporting Officer: Chief Executive Officer
File Reference: TF.1
Date Prepared: 7 October 2008
Voting Requirements: Absolute majority

Issue:

To consider appropriate support for the Dongara Denison Community Festival Association (Festival Committee).

Body / Background:

Please find attached copy of correspondence received from the Festival Committee seeking Council support in a number of areas.

The Shire currently supports the Festival Committee through the following means:

- Acting as Treasurer (all receipts and payments and financial statements are done through the Shire),
- Erecting and dismantling numerous signs, banners etc for the festival,
- Preparation of parks, gardens and Town tidy up in readiness for the event,
- Use of Town Park for the Fine Food Festival,
- Assisting in grant applications and acquittals,
- Processing and implementing road closures.

Officer's Comment:

Each of the requests received from the Festival Committee has been dealt with below:

That the Shire contributes \$5,000 as a major sponsor and supporter of this event

It is unfortunate that this request for financial assistance was not received prior to adopting the current Budget. Council did not allocate any funds for this purpose in the Budget and accordingly any contribution will be unbudgeted expenditure.

The current budget includes \$25,000 income and expenditure for the Festival. It is recommended that Council agree to underwrite up to \$2,000 for the current financial year and include a \$5,000 contribution in next years draft Budget for Council consideration. This will allow the Festival Committee to exceed their budget expenditure over income by up to \$2,000.

That the Shire reduces the fee charged for the hire of the bus for the Irwin Interlude outing held on the Sunday.

Having different hire fees for different users and/or for different events is not supported. Council has recently debated the fee structure for the Community Bus which was amended when adopting the current Budget.

The cost of hiring a Bus, be it Shire owned or private, is an expense which needs to be incorporated into the planning.

It is recommended that Council provide a financial contribution and allow the Committee to determine how to spend that money. If they choose to utilise some of that money on Bus Hire then that is a decision of the Committee.

That the Shire investigates the supply of additional power outlets to the Town Park and surrounding areas

This issue has previously been recognised by Council and has been included as an action item for 2009/10 in our draft Corporate Plan.

That the Shire consider running an advertisement in the Coral Coast Holiday Planner each year to promote the Fine Food Fest, November Community Festival and the Easter Races

It is agreed that an advertisement in this publication may be worthwhile, depending on cost. The Festival Committee has agreed to advise the Shire when the next edition is being prepared so that it can be considered by the Shire at that time.

That the Shire fund a fireworks/concert evening at the marina on Australia Day

Council has previously agreed to the need to employ a Community Development Officer and when this position is filled (2009/10) they will be responsible for working with the community in regards community events. Until this position is filled we do not have the capacity to increase the number of community events.

It is recommended that the Festival Committee be advised that Council has agreed to employ a Community Development Officer in 2009/10 and will not be considering supporting any additional community events until this position is filled.

Financial Implications:

The recommendations include a maximum \$2,000 financial contribution which is not included within the current budget.

Statutory Environment:

Nil

Policy Implications:

Nil

Officer's Recommendation:

That Council advise the Dongara Denison Community Festival Association:

1. That the Shire will provide up to \$2,000 as a financial contribution for 2008/09 and include a \$5,000 cash contribution in future budgets,
2. That the cost of hiring the Community Bus is as per the Schedule of Fees and Charges adopted by Council in July 2008,
3. That the provision of additional power outlets will be included in the 2009/10 draft budget for consideration,
4. That an advertisement in the Coral Coast Holiday Planner is an operational matter that will be considered by the CEO at the appropriate time, and
5. That the Shire is planning to employ a Community Development Officer in 2009/10 and one of their duties will be to review appropriate community events.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Dean-Gundill

That Council advise the Dongara Denison Community Festival Association:

- 1. That the Shire will provide up to \$2,000 as a financial contribution for 2008/09 and include a \$5,000 cash contribution in future budgets,***
- 2. That the cost of hiring the Community Bus is as per the Schedule of Fees and Charges adopted by Council in July 2008,***
- 3. That the provision of additional power outlets will be included in the 2009/10 draft budget for consideration,***
- 4. That an advertisement in the Coral Coast Holiday Planner is an operational matter that will be considered by the CEO at the appropriate time, and***
- 5. That the Shire is planning to employ a Community Development Officer in 2009/10 and one of their duties will be to review appropriate community events.***
- 6. That the Shire will investigate the opportunity to assist with insurance for the event.***

**CARRIED
7/0**

VOTING DETAILS:

CEO.382

Subject: Community Sporting and Recreation Facilities Fund
Reporting Officer: Chief Executive Officer
File Reference: DD.2/2
Date Prepared: 6 October 2008
Voting Requirements: Simple

Issue:

To rank CSRFF applications for forwarding to the Department of Sport & Recreation

Body / Background:

Applications for the annual Community Sporting & Recreation Facilities Fund (CSRFF) closed with the Shire at the end of September 2008.

Local governments are required to receive the applications and rank them in priority order and then forward to the Department of Sport & Recreation.

Each project should be assessed against the following criteria:

	<u>Satisfactory</u>	<u>Unsatisfactory</u>	<u>Not relevant</u>
Project justification			
Planned approach			
Community input			
Management planning			
Access and opportunity			
Design			
Financial viability			
Co-ordination			
Potential to increase Physical activity			
Sustainability			

Project Rating

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Officer's Comment:

At the close of applications only one application was received, being from the Dongara Cricket Club. Details of their application are as follows:

Purpose: Replace concrete and netting for the cricket practice wickets at Town Oval.
Total Project Cost: \$10,000
Funding sought: \$3,300 (one-third)

The Dongara Cricket Club has also requested a \$3,300 contribution from the Shire.

Financial Implications:

If supported Council will need to allocate our portion of this project in the 2009/10 Budget.

Statutory Environment:

Nil

Policy Implications:

Nil

Officer's Recommendation:

That Council:

1. Note that only one application was received for CSRFF, being from the Dongara Cricket Club,
2. Rate this project as "B" (well planned and needed by the applicant) and forward it to the Department of Sport and Recreation, and
3. Include \$3,300 in the 2009/10 draft Budget as the Shires contribution towards this project.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Wheeler

That Council:

1. ***Note that only one application was received for CSRFF, being from the Dongara Cricket Club,***
2. ***Rate this project as "B" (well planned and needed by the applicant) and forward it to the Department of Sport and Recreation, and***
3. ***Include \$3,300 in the 2009/10 draft Budget as the Shires contribution towards this project.***

VOTING DETAILS:

**CARRIED
7/0**

DCS.307

Subject: Accounts for Payment
Reporting Officer: Chief Executive Officer
File Reference: Minute Book
Date Prepared: 8 October 2008
Voting Requirements: Simple Majority

Issue:

To receive the list of accounts paid during September 2008.

Body / Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2008.

Officer's Comment:

Nil.

Financial Implications:

Nil.

Statutory Implications:

13. *Lists of accounts*
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Under Delegation C3, Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Officer's Recommendation:

That the Accounts paid during September 2008, represented by Municipal Cheque Numbers 27130-27158, EFT payment numbers 7817 - 7947 totalling \$345,688.95, Trust Payment Cheque Numbers: 2087-2098 totalling \$8,250.00 & Police Licensing Payment No's PL 280808 – PL260908 totalling \$65,415.95 be received.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Hepworth

That the Accounts paid during September 2008, represented by Municipal Cheque Numbers 27130-27158, EFT payment numbers 7817 - 7947 totalling \$345,688.95, Trust Payment Cheque Numbers: 2087-2098 totalling \$8,250.00 & Police Licensing Payment No's PL 280808 – PL260908 totalling \$65,415.95 be received.

VOTING DETAILS:

CARRIED
7/0

Cr Rob Gillam declared a financial interest in the following item and departed the Chambers at 4.27pm.

TP.450

Subject: Proposed Single House – Lot 68 (No 3) Herbert Street, Port Denison.
Proponent: Dhungarra Pty Ltd
Reporting Officer: Town Planner
File Reference: P41/08
Date Prepared: 7 October 2008
Voting Requirements: Simple

Issue:

To consider an application for a Single House on Lot 68 (No 3) Herbert Street, Port Denison.

Body / Background:

The property is zoned Residential R50 under the Shire of Irwin Local Planning Scheme No 5.

The property has frontage to Herbert Street and also adjoins an unconstructed Right Of Way (ROW). The property currently includes an existing dwelling and separate garage/outbuilding at the rear.

The application proposes some minor demolition works to the existing garage and part of the dwelling, followed by major extensions to the remaining dwelling to create a completely revised building. The new dwelling will be two storeys with upper level verandas taking advantage of the extensive views. A new double brick garage is also to be built at the rear of the property. (See attached plans).

The application proposes to use the adjoining ROW for vehicle access with both the carport and garage using this for access.

The application includes some extensive retaining work due to the steep decline over the rear half of the property. There is a level difference of approximately 3.5 metres from the floor level of the existing house down to the rear boundary of the lot. The application includes two retaining walls that will extend to the boundaries with the ROW, Lot 69 and Lot 70.

Two parapet walls are also proposed; one for the carport on the boundary with the ROW and one for the garage on the boundary with adjoining Lot 70.

Officer's Comment:

The application has been assessed in accordance with the Scheme and the Residential Design Codes 2008 (R Codes) and is found to be compliant.

The proposed boundary walls (retaining and parapet) are supported. The parapet walls maximise the use of space and the retaining walls are better located on the boundary rather than setback a short distance which creates unusable space.

Neighbour consent has been provided for the boundary walls adjoining Lots 69 and 70, although it is recommended the applicant liaise with the adjoining owners during construction regarding any disturbance this may cause. Additionally, the proposed parapet wall and retaining wall adjoining the ROW comply with the R Codes Acceptable Development provisions and are unlikely to have any detrimental impact.

The ROW presents a significant obstacle for vehicle access as it is currently unconstructed and steep. It will need to be properly constructed for vehicles to be able to use it. Landgate (formerly DOLA) have advised this is a dedicated ROW and falls under the control of the Shire. As such it should be constructed to the Shire's standard, at the developers expense.

This approach has previously been applied to the development of No 9 Albatross Lane (McDaniel's), whereby the unconstructed ROW was needed for access and was required to be constructed by the owner to the Shire's standard as a condition of planning approval.

The same condition should be imposed on this development requiring the detailed design and construction of the ROW to the satisfaction of the Shire. Construction should include sealing, kerbing and drainage. The length of construction will need to accommodate all new accesses proposed by this development and connect them to an existing constructed street, most likely Herbert Street. Other properties which back onto the ROW may benefit from the construction of this portion of the ROW; however, it is the responsibility of the proponent to negotiate with the other property owners regarding any contribution towards its construction.

All other aspects of the design are consistent with the R Codes and the Scheme.

It is recommended the application be approved subject to conditions.

Financial Implications:

Future maintenance of constructed portion of ROW.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5.
Residential Design Codes 2008.

Policy Implications:

Nil.

Officer's Recommendation:

That the application for a Single House on Lot 68 (No 3) Herbert Street, Port Denison be approved subject to the following conditions:

1. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.
2. A Demolition License is required to be approved by the local government prior to the removal of any existing buildings or portions of existing buildings on site.
3. A Building License is required to be approved by the local government prior to the commencement of any construction works on site.
4. Detailed design and construction of the Right of Way adjoining Lot 68 to the satisfaction of the local government. The length of construction is to accommodate all proposed accesses onto the ROW and connect them to an existing constructed street.
5. The applicant liaising with the owners of adjoining Lots 69 and 70 during the construction of the retaining walls to minimise any disturbance of adjoining property.
6. All stormwater runoff from Lot 68 is to be retained and disposed of on-site to the approval of the local government.

7. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice to Applicant:

1. In regards to Condition 4, an engineering design will need to be submitted for the further approval of the local government. Standard residential road design principles should be applied.
2. In regards to Condition 6, on application for a Building License, details of stormwater collection and disposal should be provided, including details of all downpipes and soak wells.
3. All proposed fencing is subject to the provisions of the Shire of Irwin Fencing Local Law.
4. All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.
5. No works shall commence prior to 7:00am without Shire approval.
6. All buildings are to comply with the Building Code of Australia.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Dean-Gundill

That the application for a Single House on Lot 68 (No 3) Herbert Street, Port Denison be approved subject to the following conditions:

1. ***The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.***
2. ***A Demolition License is required to be approved by the local government prior to the removal of any existing buildings or portions of existing buildings on site.***
3. ***A Building License is required to be approved by the local government prior to the commencement of any construction works on site.***
4. ***Detailed design and construction of the Right of Way adjoining Lot 68 to the satisfaction of the local government. The length of construction is to accommodate all proposed accesses onto the ROW and connect them to an existing constructed street.***
5. ***The applicant liaising with the owners of adjoining Lots 69 and 70 during the construction of the retaining walls to minimise any disturbance of adjoining property.***
6. ***All stormwater runoff from Lot 68 is to be retained and disposed of on-site to the approval of the local government.***
7. ***Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.***

Advice to Applicant:

1. ***In regards to Condition 4, an engineering design will need to be submitted for the further approval of the local government. Standard residential road design principles should be applied.***
2. ***In regards to Condition 6, on application for a Building License, details of stormwater collection and disposal should be provided, including details of all downpipes and soak wells.***
3. ***All proposed fencing is subject to the provisions of the Shire of Irwin Fencing Local Law.***

4. *All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.*
5. *No works shall commence prior to 7:00am without Shire approval.*
6. *All buildings are to comply with the Building Code of Australia.*

CARRIED
6/0

VOTING DETAILS:

Cr Rob Gillam returned to the Chambers at 4.28pm.

TP.451

Subject: Proposed Outbuilding Extension – Lot 280 (No 37) Hampton Street, Port Denison.
Proponent: P Stokes
Reporting Officer: Town Planner
File Reference: P13/08
Date Prepared: 8 October 2008
Voting Requirements: Simple

Issue:

To consider an application to extend the existing outbuilding on Lot 280 (No 37) Hampton Street, Port Denison. The proposed extension will result in an outbuilding that is larger than normally permitted by the Local Planning Scheme; hence the proponent has requested Council consideration.

Body / Background:

Lot 280 (No 37) Hampton Street is zoned Residential R12.5 under Local Planning Scheme No 5.

The property is 1118m² in area and currently contains a single dwelling and an existing outbuilding with a floor area of 84.4m².

The application proposes to extend the existing outbuilding towards the rear of the property, adding an additional bay. The proposed extension is 3.0 metres by 7.5 metres (22.5m²) and will match the height of the existing outbuilding. This will bring the total outbuilding area to 106.9m². The proposed construction material is Colorbond custom orb to match existing (see attached).

Officer's Comment:

The proposal complies with the requirements of Local Planning Scheme No 5 and the Residential Design Codes (R Codes), with exception to the size of the outbuilding.

In this regard the relevant clause under Local Planning Scheme No 5 states as follows:

Clause 5.17 – Outbuildings – Setbacks, Size and Construction Type:

5.17.2 (b)

“An outbuilding of other than zincalume construction shall not exceed 75m².”

Therefore, the standard maximum size for a Colorbond outbuilding in the Residential zone is 75m².

It is noted the existing outbuilding already exceeds the maximum set by the Scheme by approximately 10m² (this was approved some time ago prior to the current set limit). However, the proposed extensions will increase the variation to 31.9m².

The applicant has provided written justification for the extension, explaining that since he no longer has access to a mooring it's needed to store his boat on the property (see attached).

It is noted that there is no garage under the main roof of the dwelling which leaves the existing shed as the only storage on site. Currently there are two vehicles and a caravan parked in the shed which leaves no room for the boat.

The outbuilding is located at the rear of the property and out of sight. The front of the property slopes upward quite steeply and combined with the thick vegetation and the dwelling, the outbuilding is completely obscured from the street. It will have no detrimental impact on the amenity of the streetscape.

In support of the application, the proponent has approached adjoining neighbours and obtained letters of no objection.

In considering applications for oversize outbuildings in the Residential zone, it is noted that approval is likely to encourage similar applications. However precedent is not recognised in planning principle and each application should be assessed on its own individual merits and the unique circumstances that apply. In this instance it is felt the justification provided by the applicant is warranted and the increased outbuilding size will have no adverse impacts on the amenity of the area.

As such, it is recommended the application be approved subject to conditions.

Financial Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5 – Clause 5.17.
Residential Design Codes 2008.

Policy Implications:

Nil.

Officer's Recommendation:

That the application to extend the existing outbuilding located on Lot 280 (No 37) Hampton Street, Port Denison be approved subject to the following conditions:

1. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.
2. A Building License is required to be approved by the local authority prior to the commencement of any construction works on site.
3. The outbuilding shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation or industrial purposes.
4. Parking of a commercial vehicle on the lot, except for the purpose of delivering or loading normally associated with domestic residential use, requires further, separate planning approval from the local government.
5. No person shall fill any part of a property or construct a retaining wall greater 0.5m without first obtaining Planning Approval from the local government.
6. The building shall be setback a minimum of 1.2 metres from any septic tank and shall be setback a minimum of 1.8 metres from any leach drain or soak well.
7. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.
8. Any soils disturbed or deposited on the site are to be stabilised and retained on site.
9. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice to Applicant

1. a) All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.
- b) No works shall commence prior to 7:00am without the Shire approval.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That the application to extend the existing outbuilding located on Lot 280 (No 37) Hampton Street, Port Denison be approved subject to the following conditions:

1. ***The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.***
2. ***A Building License is required to be approved by the local authority prior to the commencement of any construction works on site.***
3. ***The outbuilding shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation or industrial purposes.***
4. ***Parking of a commercial vehicle on the lot, except for the purpose of delivering or loading normally associated with domestic residential use, requires further, separate planning approval from the local government.***
5. ***No person shall fill any part of a property or construct a retaining wall greater 0.5m without first obtaining Planning Approval from the local government.***
6. ***The building shall be setback a minimum of 1.2 metres from any septic tank and shall be setback a minimum of 1.8 metres from any leach drain or soak well.***
7. ***All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.***
8. ***Any soils disturbed or deposited on the site are to be stabilised and retained on site.***
9. ***Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.***

Advice to Applicant

1. a) ***All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.***
- b) ***No works shall commence prior to 7:00am without the Shire approval.***

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 4.30pm.

<p>I certify that this copy of the Minutes is a true and correct record of the meeting held on 14 October 2008 <i>Signed:</i> Presiding Elected Member Date:.....</p>
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