

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

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 12 FEBRUARY 2008
COMMENCING AT 4.01PM**

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

<u>PRESENT:</u>	President	Cr R K Parsons (Chairperson)
	Councillors	G C Bass (4.24pm), S C Chandler, G L Dean-Gundill, R J Gillam (Deputy President), R T McClurg, R W Roberts, L W Wheeler
	Staff	Mr J L Merrick – 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
<u>GUESTS:</u>		-
<u>APOLOGIES:</u>		-
<u>LEAVE OF ABSENCE:</u>		Cr K J Hepworth

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.01pm and welcomed all those in attendance to the meeting.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

With the exception of Crs Kevin Hepworth and George Bass, all Councillors were present.

Cr Hepworth had submitted a written request for leave of absence prior to today's meeting.

Mr John Merrick, Council's CEO, advised that Cr Hepworth's son, Tim, has recently been accepted into university in order to study medicine and Cr Hepworth was absent today in order to attend an associated function. The Shire President asked that a letter of congratulations be forwarded to Tim Hepworth on behalf of Council.

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Wheeler

That Cr Kevin Hepworth be granted leave of absence for the Council Meeting of 12 February 2008.

CARRIED
7/0

VOTING DETAILS:

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

Nil.

4. **PUBLIC QUESTION TIME**

Nil.

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

6. **PETITIONS**

6.1 **Seahorse Loop Residents**

A petition was tabled from the residents of South Denison expressing their concerns about the noise and dust emanating from trail and quadbikes in the South Beach area.

Concern was also expressed about the erosion to the sand dunes because of this practice.

The petition outlined that the police are only able to intervene if riders are unregistered.

The CEO advised Council that it is difficult to identify and catch the riders and that the Ranger is aware of the situation and does what he can to follow up complaints. A notice will be submitted to the Local Rag concerning this matter seeking the co-operation of the community to identify those involved.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 JANUARY 2008

A copy of the Minutes of the Ordinary Council Meeting held on 29 January 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Roberts

That the Minutes of the Ordinary Council Meeting, held on 29 January 2008, be confirmed as a true and accurate recording of that meeting.

CARRIED
7/0

VOTING DETAILS:

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

Nil.

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

Nil.

10. REPORTS

CEO.349: RETIREMENT HOSTEL
LOCATION: -
PROPONENT: RSL CARE WA
REPORTING OFFICER: JOHN MERRICK – CHIEF EXECUTIVE OFFICER
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCES: RT.2, AB.3
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Council has requested costing estimates for the preparation of documentation to enable the advertising of a tender to construct the Retirement Hostel.

COMMENT:

- **General:**
Advice has been received from Mr Ken Hamilton from RSL Care WA that the cost of documentation would be approximately \$400,000.

Advice has also been received from Mr Jim Bavoillot that the approximate cost of construction of a 55 bed hostel would be \$6.5 million at today's prices and possibly \$7 million by the end of 2008.

Given that we have an undertaking from the RSL of around \$3 million, Council may well feel that we have reason to feel positive for the future of this project.

Several options are available to Council which perhaps should be discussed within the meeting.

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

STAFF RECOMMENDATION:

That Council consider funding scenarios for the Retirement Hostel and that a provisional budget amount of \$400,000 for 2008/2009 be considered to complete the documentation.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Dean-Gundill

That Council consider funding scenarios for the Retirement Hostel and that a provisional budget amount of \$400,000 for 2008/2009 be considered to complete the documentation.

CARRIED
7/0

VOTING DETAILS:

CEO.350: WARD AND REPRESENTATION REVIEW
LOCATION: SHIRE OF IRWIN
PROPONENT: LOCAL GOVERNMENT ADVISORY BOARD (LGAB)
REPORTING OFFICER: JOHN MERRICK – CHIEF EXECUTIVE OFFICER
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: AB.2
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

Council's consideration of its position relating to a review of its Wards and Representation.

COMMENT:

- **General:**
The attached letter from the LGAB shows that Council has an imbalance greater than plus or minus 10% within and between each Ward.

With any rapidly-growing community, such a result from one election to the next will show fluctuations and, until we bow to the desire for **no** Wards, those same imbalances will reoccur.

For instance, at the next election in 2009, the development in Golf Course Road and the new Retirement Village in George Street will be occupied by new residents which will have obvious outcomes in terms of the representation statistics for Denison.

Significant development and building activity in Northshore, Premier Rise and Moreton Bay Estate will have a corresponding effect on the statistics for the Town Ward and, yet, we are being forced to comply with a ridiculous quota **now** with no regard for future growth.

Council has three options:

1. Review the representation to reach the quota on today's statistics, i.e. reduce Denison to 3 Councillors.
 2. Remove Wards.
 3. Respond to the LGAB by saying we wish to retain the present configuration because of development and population movements.
- **Financial Implications:** Nil.
 - **Policy Implications:** Nil.
 - **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

For consideration.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Chandler

That the information from the Local Government Advisory Board be received.

CARRIED
7/0

VOTING DETAILS:

Cr George Bass entered the Chambers at 4.24pm.

TP.408: PROPOSED TWO (2) GROUPED DWELLINGS
LOCATION: LOT 721, 45 FLANAGAN WAY, DONGARA
PROPONENT: GW NEWHILL
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: BA.2
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

An application has been received which seeks Council's support for a duplex development on the abovementioned lot, which is zoned 'R12.5' under Council's Town Planning Schemes No. 4 and 5.

At a meeting held on 21 December 2004, Council resolved to approve proposed Lots 752, 747, 731, 726, 739, 761, 716, 721 and 710 for duplex development for the proposed subdivision of Lot 3 Pickering Drive, Dongara.

COMMENT:

• **General**

The development will result in two single storey, double brick grouped dwelling units; both with single carports and parking bays, alfresco areas, and storerooms (see attachment).

The application was assessed and found to comply with the Residential Design Codes with the exception of the minimum site area per dwelling.

The lot in question has an area of 904m². Grouped dwelling developments within the R20 zone would actually require a minimum lot size of 1000m². Since Lot 721 has previously received Council approval as 'Duplex' site and sold as such, it is recommended that the proposal be approved.

• **Financial Implications:** Nil

• **Policy Implications:** Under the provision of clause 3.5 – Residential Planning Codes – Variations and Exclusions of the Town Planning Scheme No. 4 the 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.

• **Strategic Implications:** Nil

STAFF RECOMMENDATION:

That Council grants planning approval for two grouped dwellings on Lot 721, 45 Flanagan Way, Dongara 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 program 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 \$2000 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 onsite 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. All setbacks to comply with Residential Design Codes and Council's Town Planning Scheme.
10. Full compliance with the Building Code of Australia and Council's Town Planning Scheme.
11. 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.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Wheeler

That Council grants planning approval for two grouped dwellings on Lot 721, 45 Flanagan Way, Dongara 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 program 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 \$2000 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 onsite 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. All setbacks to comply with Residential Design Codes and Council's Town Planning Scheme.**
- 10. Full compliance with the Building Code of Australia and Council's Town Planning Scheme.**
- 11. 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
7/1

VOTING DETAILS:

TP.409: PROPOSED OUTBUILDING
LOCATION: LOT 26 (NO 81) SPRINGFIELD DRIVE, SPRINGFIELD
PROPONENT: RI & KM WATTS
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: BA.2 (P04/08)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

An application has been received to construct an outbuilding (shed) on the above property. The shed is proposed to be larger than normally permitted in the Springfield locality and is also proposed to be located at a lesser distance behind the existing dwelling than normally accepted. The applicant has therefore requested Council consideration.

COMMENT:

- **General**

The property is zoned Special Rural under the current Town Planning Scheme No 4 (TPS No 4) and is located in Policy Area F of the Local Rural Strategy. The zoning will be amended to Rural Residential under proposed Local Planning Scheme No 5 but will remain in Policy Area F.

The property is 2.0044ha in area with approximately 90 metres of frontage to Springfield Drive. The property is already developed with an existing dwelling and shed.

The new shed is proposed to be constructed of Colorbond steel, with a total area of 96m² (8m x 12m) and a maximum height of 4.5 metres (see attached).

The applicant has advised the shed is to be used for general storage purposes including a boat, vehicles etc.

There are two areas of concern relevant to this application - the size of the shed and its location onsite.

In regards to the size of the shed, the general limit applied to the Springfield locality for Colorbond sheds has been 150m² and for the total shed area not to exceed 200m².

Clause 5.1.9 (b) of TPS No 4 states the following:

“In Residential (R2.5 Low Density), Special Residential, Special Rural Zones of the Shire and on General Farming zoned lots which have an area of 2ha or less;
(iii) Non-masonry Colorbond construction, where the total Colorbond outbuilding area does not exceed 150m² and the total outbuilding area does not exceed 200m².”

It is noted that Lot 26 is slightly over 2ha in area and therefore this provision may not apply, however, the intent of the provision is that it does apply to properties in Springfield and has been imposed as such in the past.

Further to this, Clause 5.17.3 of proposed Local Planning Scheme No 5 states the following:

“The following requirements apply within the Residential, Special Residential, Town Centre, Rural Residential, Special Use zones where the lot size is over 2000m², and on Rural Smallholdings:

b) The area of an outbuilding of non-masonry construction shall not exceed 150m²;"

Therefore, the maximum Colorbond shed size is 150m², although TPS No 4 does allow a total combined area of up to 200m².

With the area of the existing shed, (108m²; 9m x 12m), combined with the area of the proposed new shed (96m²), the total Colorbond shed area amounts to 204m², which exceeds the maximum combined area allowed under TPS No 4 by 4m².

Clause 5.1.9 of TPS No 4 gives Council the ability to vary the maximum shed size requirement.

In this regard, the applicant has advised that, currently, he has a number of vehicles and a boat that are not under cover and are subject to the elements. The additional shed would allow these items to be properly protected and secured.

In consideration of the above and that the additional 4m² is only a minor variation to the Scheme requirements, the shed size is considered acceptable in this instance.

The proposed location of the shed also warrants consideration.

Both Clause 5.1.9 of TPS No 4 and Clause 5.17.1 of proposed LPS No 5 require a shed to be located behind any dwelling onsite. In this regard, it has generally been accepted that, if the shed cannot be located completely behind the house, the shed is to be to the side and a minimum of 1.8 metres behind the front of the house.

In this instance, the location of the shed is proposed to be to the side and 0.7 metres behind the front of the house.

The applicant has advised the reason for this is to protect a stand of mature eucalyptus trees on the property. If the shed is moved any further to the rear, it would necessitate the removal of the trees.

The location of the shed is considered acceptable for the following reasons:

- The retention of the trees is more important than pushing the proposed shed back a further 800mm.
- The shed will be a considerable distance from Springfield Drive and it is unlikely that a passer-by would be able to tell the difference between 0.7m and 1.8m behind the front of the house.
- If the shed is pushed further back, it will encroach outside of the prescribed building envelope.

It is also noted that the existing shed onsite is well in front of the dwelling.

The application complies with all other requirements of both Schemes.

It is recommended for approval subject to conditions.

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

STAFF RECOMMENDATION:

That the application for an Outbuilding on Lot 26 Springfield Drive, Springfield 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. The building hereby approved shall only be used for purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.
4. All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.
5. Any soils disturbed or deposited on the site are to be stabilised and retained onsite.
6. 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.
7. This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr McClurg

That the application for an Outbuilding on Lot 26 Springfield Drive, Springfield 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. The building hereby approved shall only be used for purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.***
- 3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.***
- 4. All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.***
- 5. Any soils disturbed or deposited on the site are to be stabilised and retained onsite.***
- 6. 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.***

- 7. *This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.***

CARRIED
8/0

VOTING DETAILS:

TP.410: PROPOSED OUTBUILDING & ANCILLARY ACCOMMODATION
LOCATION: LOT 124 WIMPOLE ROAD, BONNIEFIELD
PROPONENT: WA & HJ TUNBRIDGE
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: BA.2 (P06/08)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

An application has been received to construct an Outbuilding (shed) and Ancillary Accommodation on the above property. The shed is proposed to be 288m² in area which is in excess of the maximum allowed under proposed Local Planning Scheme No 5 and Ancillary Accommodation is listed as discretionary use. As such, the applicant has requested Council consideration.

COMMENT:

- **General**

The property is zoned General Farming under the current Town Planning Scheme No 4 (TPS No 4) and falls within Policy Area D of the Local Rural Strategy. The zoning will be amended to Rural Smallholdings under proposed Local Planning Scheme No 5 (LPS No 5) but will remain in Policy Area D.

The property is 18.087 hectares in area with approximately 400 metres frontage to Wimpole Road. The land is currently vacant and is used for cropping and grazing.

The application proposes to construct a Colorbond steel shed 288m² in area (12m x 24m) with a maximum height of 4.2 metres.

The applicant has advised the shed is for general storage purposes including a number of vehicles and a workshop. The shed is also proposed to include a 60m² granny flat (Ancillary Accommodation) on the western end of the shed (see attached).

A number of planning provisions apply to this application.

Firstly, in regards to the size of the shed, it is noted that the current Town Planning Scheme No 4 does not impose a maximum shed size on General Farming zoned lots over 2ha.

If the application was to be assessed under this Scheme alone, then the size of the shed would comply.

However, proposed Local Planning Scheme No 5, which has been considered for endorsement by the Minister for Planning & Infrastructure and must therefore be taken into account, does impose limits on shed sizes in the Rural Smallholdings zone.

Clause 5.17.3 of Local Planning Scheme No 5 states as follows;

“The following requirements apply within the Residential, Special Residential, Town Centre, Rural Residential, Special Use where the lot size is over 2000m², and on Rural Smallholdings:
c) The area of an outbuilding of non-masonry construction shall not exceed 150m²;“

The proposed shed exceeds this by an additional 138m².

Council does, however, have the ability to vary the maximum shed size. Clause 5.17 of LPS No 5 gives Council the discretion to vary this requirement.

In this regard, the applicant has advised that the shed is required to be this size in order to store all his machinery, vehicles and workshop tools under one convenient and neatly enclosed structure.

Considering the current use of the land for cropping and grazing and the machinery required to carry this out, the shed size may be acceptable. Additionally, it should be taken into account that if the application were being considered solely under TPS No 4 it would comply.

Secondly, the proposed granny flat also comes under consideration for planning approval.

A granny flat is referred to as Ancillary Accommodation and is listed as a 'D' or discretionary use in both the current TPS No 4 and proposed LPS No 5, meaning that Council may approve it at their discretion. The provisions in the two Schemes for Ancillary Accommodation are essentially the same.

Clause 3.5.4 of TPS No 4 reads as follows:

“. . . Council may approve an Added Accommodation Unit (granny flat) as per the provisions of the Zoning and Development Table, in the Residential zone etc:

- a) the lot on which the Unit is proposed is to have an area of not less than 800m²;
- b) the total floor space of the Unit does not exceed 60m² in area;
- c) the Unit contains no more than two habitable rooms; and
- d) the Unit will be occupied by an aged, elderly or disabled person related to the persons occupying the remainder of the dwelling, or such other person as approved by Council by the issue of an annual written permit.”

The Ancillary Accommodation as proposed complies with all of the above, although it is noted the applicant has not advised whether or not the unit will be used by an aged or disabled member of the family. Council has the ability to approve the use by another person and, providing the Unit is to be used within the family and not rented out, this would be acceptable.

The application complies with all other requirements of both Schemes.

It is recommended for approval subject to conditions.

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

STAFF RECOMMENDATION:

That the application for an Outbuilding and Ancillary Accommodation on Lot 124 Wimpole Road, Bonniefield 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. The building hereby approved shall only be used for purposes associated with the predominant use of the land and shall NOT be used for commercial or industrial purposes.

3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.
4. The Ancillary Accommodation hereby approved shall be constructed to a Class 1 standard in accordance with the Building Code of Australia.
5. The Ancillary Accommodation shall only be occupied by members of the same family who own the property.
6. All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.
7. Any soils disturbed or deposited on the site are to be stabilised and retained onsite.
8. 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.
9. This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Wheeler

That the application for an Outbuilding and Ancillary Accommodation on Lot 124 Wimpole Road, Bonniefield 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. The building hereby approved shall only be used for purposes associated with the predominant use of the land and shall NOT be used for commercial or industrial purposes.***
- 3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.***
- 4. The Ancillary Accommodation hereby approved shall be constructed to a Class 1 standard in accordance with the Building Code of Australia.***
- 5. The Ancillary Accommodation shall only be occupied by members of the same family who own the property.***
- 6. All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.***
- 7. Any soils disturbed or deposited on the site are to be stabilised and retained onsite.***
- 8. 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.***

9. *This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.*

CARRIED
8/0

VOTING DETAILS:

TP.411: PROPOSED SUBDIVISION
LOCATION: LOT 7 SPRINGFIELD DRIVE, SPRINGFIELD
PROPONENT: MG & CM PALMER
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: TP.3/1 (P121, WAPC REF: 136652)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

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

The property has previously been approved for subdivision.

At Council's meeting held on 28 March 2006, it resolved to support the proposed subdivision of the property into six, 2ha lots and one balance lot of 36ha (see attached).

That application was subsequently approved by the WAPC subject to conditions, on 18 July 2006.

COMMENT:

• **General**

The applicant has now submitted a revised plan which proposes to subdivide the entire property.

The land is zoned Special Rural under the Shire of Irwin Town Planning Scheme No 4 and falls within Policy Area F of the Local Rural Strategy. The zoning will be amended to Rural Residential under proposed Local Planning Scheme No 5 but will remain in Policy Area F.

Lot 7 is located at the current southern end of Springfield Drive and extends eastwards to the railway line. The property is 49.447ha in area and is largely undeveloped and uncleared, apart from an existing shed. The property includes some steep dune formations covered with vegetation.

The application proposes to subdivide the property into 22 new lots of roughly two hectares each. A cul-de-sac running centrally through the property is proposed to extend off Springfield Drive to provide constructed road frontage to each lot, plus a smaller cul-de-sac extending off this.

The Special Rural zone under TPS No 4 and the Rural Residential zone under LPS No 5 allow subdivision of lots to a minimum size of 2ha without reticulated water supply. In the Springfield locality, subdivision is to be in accordance with the Springfield Structure Plan.

In this instance, the applicants have advised that the proposed subdivision differs from the Springfield Structure Plan due to previously approved subdivisions that have altered the access into Lot 7. The subdivision as proposed allows the property to be subdivided without relying on the altered access to Lot 7 from the north, or waiting for future subdivisions to the south.

In this regard, the design is generally acceptable. All lots have constructed road frontage which connects directly to Springfield Drive and all lots meet the minimum lot size for areas without a reticulated water supply.

It is noted that the terrain presents some difficulties in minimising disturbance for the construction of roads and providing suitable areas on each lot on which to build. The plan as proposed is generally sufficient in this area.

The proposed amendment to the Springfield Structure Plan is generally considered acceptable.

However, of significant concern is the proposal to construct the main internal road as a cul-de-sac. This is a problem for two reasons.

Firstly, it prevents the ability to provide a connected road network and access into Lot 3 to the south. An integral aim of rural planning is to ensure a connected and useable road network.

Secondly, a cul-de-sac as long as proposed is in direct conflict with good fire management planning. The WAPC's document *Planning for Bushfire Protection* states that culs-de-sac in fire hazard areas should not be any longer than 200m. This area has the potential to be a serious fire risk and the road, as proposed, is in excess of 1km.

The applicants have acknowledged this and suggest that the fire risk problem could be overcome by creating a strategic firebreak over proposed Lot 11, which would give emergency access to the railway line.

The problem, however, would be best and most easily overcome by extending the proposed cul-de-sac through to the existing road reserve on the southern boundary of Lot 7. This would give an alternative route in the event of a fire and provides access into Lot 3 and eventually a connected road network in this area.

It is therefore suggested that the application, in its current form, should not be supported; although a revised plan showing the extension of the road through to the southern boundary of Lot 7 would be supported.

- **Financial Implications:** The application proposes an additional 21 rateable properties.
- **Policy Implications:** Nil.
- **Strategic Implications:** Proposed amendment to the Springfield Subdivision Structure Plan.

STAFF RECOMMENDATION:

That Council advises the Western Australian Planning Commission that it does not support the application as proposed due to the proposed road design; however, a revised plan showing the extension of the main internal road through to the southern boundary of Lot 7 would be supported.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Chandler

That Council advises the Western Australian Planning Commission that it does not support the application as proposed due to the proposed road design; however, a revised plan showing the extension of the main internal road through to the southern boundary of Lot 7 would be supported.

CARRIED
8/0

VOTING DETAILS:

TP.412: RESTRICTED AREAS OF NAVIGABLE WATER
LOCATION: SOUTH BEACH AND ARURINE BAY
PROPONENT: -
REPORTING OFFICER: FELIX NEUWEILER – MANAGER, COMMUNITY DEVELOPMENT
DATE OF REPORT: 7 FEBRUARY 2008
FILE REFERENCE: DT.4
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

At a meeting held on 29 January 2008, Council requested that the gazettal of Boating Prohibited Areas in the Port Denison vicinity be investigated and a report to Council be submitted.

Please find attached the current restrictions applicable to the Port Denison area as gazetted by the Department for Planning and Infrastructure.

COMMENT:

- **General**
The above matter was discussed with Mr Tony McCann, Regional Manager, Department for Planning and Infrastructure.

The Geraldton foreshore area is currently under review, hence this would be an opportune time to update the areas around Port Denison as well.

Designated areas are best identified by use of landmarks to ensure that members of the public can easily recognize these zones.

The following areas were identified as needing a review:

Grannies Beach –

Due to its relative calm conditions, this beach is used by tourists, Vacation Swimming and the school as a swimming beach. It would therefore be appropriate to establish a “Boating Prohibited Area” on this beach and move the water ski area to the north (please refer to the attachment).

Marina –

The “Swimming Prohibited Area” should be extended to prevent a conflict between swimmers and vessels. This area should follow the Harbour Beach at a distance of 50m parallel from the Service Jetty to the West Breakwater.

South Beach -

It is suggested to declare a “Boat Free Area” from the northern end of the carpark to the point where the access road enters the beach. This area would extend about 150m west into the ocean to accommodate for the sandbanks.

Council may wish to advertise these proposals for public comment; however, it should be noted that Council’s review will ultimately need the Department for Planning and Infrastructure’s consent, as this department is responsible for the control of compliance.

- **Financial Implications:** The Gazettal will be undertaken by the Department for Planning and Infrastructure. This department will also provide any necessary signs.
- **Policy Implications:** Nil.
- **Strategic Implications:** Nil

STAFF RECOMMENDATION:

That Council considers a review of the Restricted Areas of Navigable Water in the Port Denison vicinity and makes a submission to the Department for Planning and Infrastructure.

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Gillam

That Council makes a submission to the Department for Planning and Infrastructure, in regards to the Restricted Areas of Navigable Waters at Port Denison with the following areas being identified:

Grannies Beach –

- ***Declare a Boating Prohibited Area commencing from the beach along the Northern groyne to the elbow, being approximately 150m, and then extending for 200m parallel to the foreshore and then east to the foreshore.***
- ***That the existing water ski area be changed so that it commences from the western boundary of the “Boating Prohibited Area” and follows the northern groyne for approximately 350m and then generally north and parallel with the foreshore for approximately 600m, then east to 60m from the foreshore and then south to the northern boundary of the “Boating Prohibited Area”.***

Marina –

- ***No change.***

South Beach –

- ***Declare a “Boating Prohibited Area” from the northern end of the carpark to the point approximately 50m north of the sunken reef. This area would extend about 150m into the ocean to accommodate for the sandbanks.***

CARRIED
7/1

VOTING DETAILS:

Cr Ritchie Roberts voted against the motion on the basis that he believes the swimming area at Grannies Beach should be larger.

The following was submitted as a Late Item for discussion.

TP.413: PROPOSED OUTBUILDING
LOCATION: LOT 307 (No 4) WHELAN STREET, PORT DENISON
PROPONENT: M OBST
REPORTING OFFICER: GLENN COAKER – TOWN PLANNER
DATE OF REPORT: 8 FEBRUARY 2008
FILE REFERENCE: BA.2 (P114)
VOTING REQUIREMENTS: NORMAL MAJORITY

BACKGROUND:

At Council's meeting held on 29 January 2008, it considered an application for an Outbuilding (shed) on the above property.

The property is zoned Residential R12.5 under Town Planning Scheme No 4. Clause 5.1.9 (a)(ii) of the Scheme states that the maximum size of a Colorbond shed in this zone is 75m².

The proposed size of the shed was 153m² in area.

Council resolved the following:

“That the proponent negotiates with the Council's Town Planner to look at further options which would meet the Town Planning Scheme and Building requirements.”

COMMENT:

• **General**

Following the previous Council meeting, Mr Obst and the Shire Planner have discussed the application and negotiated an agreement as to what may be an appropriate size for the shed.

The revised shed is proposed to be 7.5 metres by 12 metres with a total floor area of 90m². This represents a reduction of 63m² (see attached).

In addition to this, the height of the shed has been reduced from a maximum height of 3.9 metres down to a wall height of 2.7 metres and a maximum roof height of 3.5 metres. This is more consistent with a typical single storey residential building.

The size of the shed is still in excess of the standard 75m² applicable under the Town Planning Scheme for the Residential R12.5 zone but, on the basis the neighbours have provided letters of no objection and, particularly, that the height has been reduced to lessen its overall impact, the revised shed design is considered acceptable.

Clause 5.1.9 (a)(vii) gives Council the ability to consider variations to the outbuilding requirements of the Town Planning Scheme.

The application complies with all other requirements of the Scheme and the Residential Design Codes.

It is recommended for approval subject to conditions.

- **Financial Implications:** Nil.
- **Policy Implications:** Variation to Clause 5.1.9 of Town Planning Scheme No 4 (a)(ii) maximum shed area 75m².
- **Strategic Implications:** Nil.

STAFF RECOMMENDATION:

That the application for an Outbuilding on Lot 307 (No 4) Whelan 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. The building hereby approved shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.
4. All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.
5. Any soils disturbed or deposited on the site are to be stabilised and retained onsite.
6. 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.
7. This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.

COUNCIL MOTION:

Moved Cr Gillam, seconded Cr Chandler

That the application for an Outbuilding on Lot 307 (No 4) Whelan 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. The building hereby approved shall only be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.***
- 3. A Building Licence is required to be approved by the local authority prior to the commencement of any construction works onsite.***

4. *All stormwater runoff is to be retained and disposed of onsite to the approval of the local government.*
5. *Any soils disturbed or deposited on the site are to be stabilised and retained onsite.*
6. *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.*
7. *This approval shall expire if the development hereby permitted is not commenced within the year from the date hereof or not completed within two years of the date hereof, or within any extension of those times, upon written application (made before or within 14 days after the expiry of the approval) to the local government, is granted by it in writing.*

CARRIED
8/0

VOTING DETAILS:

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

Nil.

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

Nil.

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

Nil.

14. **MATTERS BEHIND CLOSED DOORS**

Nil.

15. **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5.07pm.

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

Signed:
Presiding Elected Member

Date:.....