

I certify that this copy of the Minutes is a true and correct record of the meeting held on 8 July 2008

Signed:
Presiding Elected Member

Date:.....



**MINUTES FOR ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 8 JULY 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 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 Cr K J Hepworth Cr R T McClurg Cr L W Wheeler
	Staff	Mr B E Jones – Chief Executive Officer Mr G M Peddie – Director, Corporate Services (Minute Taker) Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner
	Gallery	Ms Jenny Jagoe
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		Cr R W Roberts

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson 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 Ritchie Roberts had leave of absence for the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Crs Rob Gillam and Stuart Chandler requested leave of absence for the Council Meeting to be convened on 22 July 2008.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr McClurg

That Crs Rob Gillam and Stuart Chandler be granted leave of absence for the Council Meeting to be convened on 22 July 2008.

**CARRIED
8/0**

VOTING DETAILS:

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2008

A copy of the Minutes of the Ordinary Council Meeting held on 24 June 2008 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

That the Minutes of the Ordinary Council Meeting, held on 24 June 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

Nil.

9. REPORTS

B.401

Subject: Owner Builder's Temporary Accommodation - 3 Bayliss Street,
Moreton Bay Estate, Dongara
Proponent: Norm & Lesley Thomas
Reporting Officer: Manager - Community Development
Date of Report: 1 July 2008
File Reference: BA.1
Voting Requirements: Simple Majority

Issue:

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

Body/Background:

The property in question is located in the new subdivision on the eastern side of Brand Highway, known as 'Old Acres Estate', and is zoned 'Special Residential'.

The applicants seek Council's permission to live in a caravan on the above property whilst building a home as owner builders (please refer to the attachment). A similar application was recently submitted by the proponent's brother who is building a home on 5 Bayliss Street.

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

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

Officer's Comment:

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

Financial Implications:

\$85 application fee.

Statutory Environment:

Caravan Parks and Camping Grounds Act 1995 and Regulations:

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

Policy Implications:

Temporary Accommodation Policy B23.

Officer's Recommendation:

That Council approve the application for the owner builders to reside in a caravan whilst building a dwelling on Lot 227, 3 Bayliss Street, Moreton Bay Estate, Dongara, subject to:

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

COUNCIL MOTION:

Moved Cr McClurg, seconded Cr Hepworth

That Council approve the application for the owner builders to reside in a caravan whilst building a dwelling on Lot 227, 3 Bayliss Street, Moreton Bay Estate, Dongara, subject to:

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

**CARRIED
8/0**

VOTING DETAILS:

B.402

Subject: Performance Bond Refund – 100 Melaleuca Road, Bonniefield
Proponent: L B & E J Reynolds
Reporting Officer: Manager - Community Development
Date of Report: 27 June 2008
File Reference: BG.1
Voting Requirements: Normal Majority

Issue:

To consider an application for a performance bond refund.

Body/Background:

A proposal was submitted to Council in January 2002 by the applicants to relocate a second-hand timber frame dwelling to the above lot. Council resolved to approve the application at the meeting held on 22 January 2002, subject to the following conditions:

1. *Full compliance with Council's Policy relating to second-hand dwellings;*
2. *A performance bond or bank guarantee to the value of \$1800 shall be lodged by the owner/developer of the land with Council, prior to the issue of a building licence. Such bond will be refunded upon compliance with all conditions of development imposed on the planning consent by Council;*
3. *A new septic system to be installed;*
4. *All external defects to be repaired within twenty-one (21) days of positioning the dwelling on the new site;*
5. *Compliance with legislative requirements; and*
6. *The building surveyor may require the building to be painted.*

The applicant failed to comply with some of the conditions, particularly Condition No. 4 (please refer to the attachments).

A final inspection was carried out in June 2008 and the applicants now request that the performance bond be refunded.

Officer's Comment:

This building project used an above average amount of Council's resources due to the numerous site visits and correspondence with the owners over the six year period.

Considering costs incurred and that the applicants failed to comply with the planning conditions, it is not recommended that the bond is refunded.

Financial Implications:

\$1800 Performance Bond.

Statutory Environment:

Town Planning Scheme No. 4.

Policy Implications:

Policy B11 – Second-hand Dwellings & Buildings.

Officer's Recommendation:

1. That the performance bond not be returned to the owners of Lot 100, Melaleuca Road, Bonniefield as the applicants failed to comply with Council's planning approval.

COUNCIL MOTION:

Moved Cr Bass, seconded Cr Dean-Gundill

- *That Council return 50% of the performance bond to the owners of Lot 100 Melaleuca Road, Bonniefield.*
- *That the owners of Lot 100 Melaleuca Road, Bonniefield be advised that all bond monies could have been withheld by Council due to their failure to comply with the bond conditions, however, that Council was prepared to refund a portion of the bond due to their explanations as to the circumstances of why those conditions were not met.*

CARRIED
6/2

VOTING DETAILS:

DCS.301

Subject: Accounts for Payment
Reporting Officer: Director – Corporate Services
Date of Report: 3 July 2008
File Reference: Minute Book
Voting Requirements: Simple Majority

Issue:

To receive the list of accounts paid during June 2008.

Body/Background:

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

Policy Implications:

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

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 subregulation (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.

Officer's Recommendation:

That the Accounts paid during June 2008, represented by Municipal Cheque Numbers 27027-27061, EFT payment numbers 7521-7624 totalling \$1,385,922.33, Trust Payment Cheque Numbers 2071-2073 totalling \$27,562.01 and Police Licensing Payment Numbers PL 290508–PL290608 totalling \$74,948.95, be received.

COUNCIL MOTION:

Moved Cr Dean-Gundill, seconded Cr Hepworth

That the Accounts paid during June 2008, represented by Municipal Cheque Numbers 27027-27061, EFT payment numbers 7521-7624 totalling \$1,385,922.33, Trust Payment Cheque Numbers 2071-2073 totalling \$27,562.01 and Police Licensing Payment Numbers PL 290508–PL290608 totalling \$74,948.95, be received.

**CARRIED
8/0**

VOTING DETAILS:

Cr Stuart Chandler declared a proximity interest in the following item and departed the Chambers at 4.10pm.

DCS.302

Subject: Dongara Denison “Men in Sheds” Group
Reporting Officer: Director - Corporate Services
File Reference: DC.4
Date Prepared: 23 May 2008
Voting Requirements: Simple Majority

Issue:

To formally approve the request by the Dongara Denison “Men in Sheds” Group to lease an area in the Shire Depot area to erect and fence off two sheds for their activities.

Body/Background:

The “Men in Sheds” Organisation in Dongara/Denison has been set up and sponsored/supervised and supported continuously by the Dongara Sub Branch of the Returned Services League (RSL), since “Men in Sheds” commenced here in 2004.

In 2005, the Dongara Sub Branch of the RSL was successful in applying to the Australian Government's Department of Veterans' Affairs for a grant of \$14,254.75 to assist with the purchase of various items of wood working equipment for the “Men in Sheds” project. This grant together with various donations of equipment and safety gear from the community ensured that the Dongara “Men in Sheds” project and activities got off to a solid start.

Since that time, the Dongara Denison “Men in Sheds” organisation has operated out of a shed facility, provided free-of-cost and located on private property in the “Racecourse Estate” in Dongara. Unfortunately, it is no longer possible for the use of this shed to continue and a new arrangement is needed. Activities undertaken (mainly woodwork) by the “Men In Sheds” have had to be curtailed due to complaints regarding the amount of noise that these activities generate.

Officer's Comment:

The previous Chief Executive Officer, prior to leaving, agreed to allow the “Men in Sheds” organisation long-term use of a portion of freehold land, being portion of Lot 55 Vincent Street Dongara, that it owns in the new Industrial Area. This lot, together with adjoining Lot 38, comprise the Council Works Depot complex, however, the Works Supervisor is of the view that there is adequate room to accommodate the “Men In Sheds” proposed facilities. The new facility proposed will be able to cater for more participants and allow for use of these facilities over a far greater number of days and hours per week.

Council's previous Special Projects Officer, Mr Murray Brown, has been successful in obtaining grant funding through Lotterywest to assist the group in establishing the facilities along with assistance from the Shire.

It has been agreed to locate the facility in the south-east corner of the Shire Depot compound and to fence off approximately 770m² to allow erection of a new 20m x 9m x 3.6m Zincalume gable roof shed. It has also been agreed that the “Men in Sheds” Group can dismantle and re-erect the 6.2m x 7.0m shed located in the land adjacent to the Shire Administration Centre recently purchased from Telstra.

This report is seeking Council endorsement of the previous CEO's agreement to lease the land as described and the development is subject to all normal planning, building and health conditions being met.

Financial Implications:

Lotterywest has advised Council that the application for funding for \$58,926, including, GST has been approved. The application outlined the following details on how the grant is to be applied and the contributions to be made by other contributors:

• Supply and erect 9m x 20m 3.6m Shed	\$21,914.36
• Electrical provision	\$18,150.00
• Plumbing provision	\$ 7,280.00
• Fencing materials	\$ 2,150.00
• Concrete services	<u>\$ 9,432.00</u>
	<u>\$58,926.36</u>

In-kind Contributions

- Provision of Land – Pt Lot 55 - 35m x 22m
- Shire owned second-hand shed 6.2m x 7.0m
- Shire to provide hard-stand parking and drainage
- RSL to relocate second-hand shed
- RSL to erect fencing
- RSL to manage the project

Statutory Environment:

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

(1) In this section -

Dispose - includes to sell, lease, or otherwise dispose of, whether absolutely or not;

Property - includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to -

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(5) This section does not apply to -

(a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

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

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if –

(b) the land is disposed of to a body, whether incorporated or not –

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Policy Implications:

Nil.

Officer's Recommendation:

That Council:

1. Agrees to grant a peppercorn lease of portion (approx 770 m²) of Lot 55 Vincent Street to the Dongara Denison "Men in Sheds" Group for a period of ten years with an option for a further ten years, subject to the Group being responsible for all associated lease costs, insurances, operating costs and future maintenance requirements.
2. Supports the construction of buildings, fencing and parking on the property for the use of the "Men in Sheds" activities, subject to an application for the development meeting all planning, building and health requirements.

COUNCIL MOTION:

Moved Cr Wheeler, seconded Cr Hepworth

That Council:

1. ***Agrees to grant a peppercorn lease of portion (approx 770 m²) of Lot 55 Vincent Street to the Dongara Denison "Men in Sheds" Group for a period of ten years with an option for a further ten years, subject to the Group being responsible for all associated lease costs, insurances, operating costs and future maintenance requirements.***
2. ***Supports the construction of buildings, fencing and parking on the property for the use of the "Men in Sheds" activities, subject to an application for the development meeting all planning, building and health requirements.***

**CARRIED
7/0**

VOTING DETAILS:

Cr Stuart Chandler returned to the Chambers at 4.15pm.

TP.436

Subject: Proposed Subdivision – Lot 45 Armstrong Street, Dongara
Proponent: B E Potter
Reporting Officer: Town Planner
File Reference: TP.3/1 (WAPC Ref: 137800)
Date Prepared: 1 July 2008
Voting Requirements: Simple Majority

Issue:

An application to subdivide Lot 45 Armstrong Street, Dongara has been forwarded by the Western Australian Planning Commission for consideration and comment by Council.

Body/Background:

Zoning

Lot 45 Armstrong Street is zoned Residential R30 under the Shire of Irwin Local Planning Scheme No 5. The zoning has changed with the recent gazettal of Scheme No 5; the previous zoning under Town Planning Scheme No 4 was Residential R12.5.

The Proposal

The property is currently 1169m² in area with frontage to Armstrong Street on two boundaries. It contains an existing dwelling and a shed.

The application proposes to subdivide the property into two new lots - proposed Lot A being 769m² and containing the existing dwelling; proposed Lot B being 400m² and vacant.

The existing shed is proposed to be relocated onto proposed Lot A (see attached).

Officer's Comment:

The application complies with all the requirements of the Scheme and the Residential Design Codes 2008, including minimum and average lot sizes, open space and setbacks.

A minor issue relates to the existing shed.

The Scheme, under Clause 5.17.2 (e) states that:

“An outbuilding will not be approved by the local government on a lot containing no dwelling.”

If the application was approved and the shed was to remain on Lot B, it would be contrary to this clause. The proponent is, however, intending to shift the shed as indicated, although this should be confirmed by a condition of approval.

The proposed relocation of the shed to Lot A may also present a problem in that Clause 5.17.1 of the Scheme require all outbuildings to be located behind the dwelling. The proposed location of the shed would not be considered to be behind the dwelling. The proponent should be advised that Planning Approval will be required from the local government for the proposed relocation of the shed.

Financial Implications:

One extra rateable property.

Statutory Environment:

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

Policy Implications:

Nil.

Officer's Recommendation:

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 45 Armstrong Street, Dongara subject to the following conditions:

1. The existing outbuilding being removed from proposed Lot B.
2. Any existing septic tank or leach drain being decommissioned and removed/backfilled in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Advice:

1. The proposed relocation of the existing shed requires separate Planning Approval from the local government.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr McClurg

That Council advises the Western Australian Planning Commission that it supports the proposed subdivision of Lot 45 Armstrong Street, Dongara subject to the following conditions:

- 1. The existing outbuilding being removed from proposed Lot B.***
- 2. Any existing septic tank or leach drain being decommissioned and removed/backfilled in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.***

Advice:

- 1. The proposed relocation of the existing shed requires separate Planning Approval from the local government.***

**CARRIED
8/0**

VOTING DETAILS:

Cr George Bass declared a financial interest in the following item in that the applicant undertakes contract work for him. Cr George Bass departed the Chambers at 4.17pm.

TP.437

Subject: Proposed Subdivision – Lot 14 (No 10) Parker Street, Dongara
Proponent: T W Jones
Reporting Officer: Town Planner
File Reference: TP.3/1 (WAPC Ref: 137791)
Date Prepared: 1 July 2008
Voting Requirements: Simple Majority

Issue:

An application to subdivide Lot 14 (No 10) Parker Street, Dongara has been forwarded by the Western Australian Planning Commission for consideration and comment by Council.

Body/Background:

Zoning

Lot 14 Parker Street is zoned Residential R30 under the Shire of Irwin Local Planning Scheme No 5. The zoning has changed with the recent gazettal of Scheme No 5, the previous zoning under Town Planning Scheme No 4 was Residential R12.5.

The Proposal

The property is currently 853m² in area and has frontage to both Parker Street and McNaboe Court. It contains an existing dwelling.

The application proposes to subdivide the property into two new lots - proposed Lot A being 547m² and containing the existing dwelling; proposed Lot B being 306m² and vacant. Both lots are proposed to have primary access to Parker Street (see attached).

Officer's Comment:

The application complies with all the requirements of the Scheme and the Residential Design Codes 2008, including minimum and average lot sizes, open space and setbacks.

It is noted that Parker Street is not fully-constructed in front of the proposed subdivision. The bitumen currently finishes at the intersection with McNaboe Court and beyond this is a gravel road with no drainage.

It is suggested that, as a condition of approval, the proponent contribute towards the upgrading of Parker Street. The upgrading would be based on a 50% contribution to bring the road up to a bitumised and drained standard in accordance with the Shire's road construction criteria, for the length of the subdivision fronting Parker Street.

As a separate issue, Council may wish to consider how it deals with relatively simple subdivision applications referred by the Western Australian Planning Commission. In instances where the application is straight-forward and is not considered contentious, it may be more efficient to delegate authority to the CEO to respond to these.

The following is suggested:

Council delegates authority to the CEO to respond to applications for subdivision/amalgamation/strata title referred by the Western Australian Planning Commission which are for three lots or less and satisfy the following:

1. The application is in accordance with the provisions of the Local Planning Scheme.
2. Where the application is subject to a Structure Plan or Overall Development Plan endorsed by Council, is generally in accordance with that plan.

3. The application will not have adverse impacts on adjoining landowners and is in accordance with the orderly and proper planning of the area.
4. The application is for an amended proposal where the previous conditions still apply.
5. Any proposed conditions of approval are of a standard nature and are not considered contentious.

Any application for subdivision/amalgamation/strata title which is not recommended to be supported, shall be reported to Council.

Financial Implications:

One extra rateable property.

Statutory Environment:

Local Planning Scheme No 5 – Clause 5.17
Residential Design Codes 2008

Policy Implications:

Nil

Officer's Recommendation:

Part 1:

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 45 Armstrong Street, Dongara subject to the following conditions:

1. Arrangements being made with the local government for the upgrading of Parker Street.
2. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.

Advice:

1. With regard to Condition 1, the upgrading will be based on a 50% contribution to bring the road up to a bituminised and drained standard in accordance with the Shire's road construction criteria, for the length of the subdivision fronting Parker Street.

Part 2:

Council delegates authority to the CEO to respond to applications for subdivision/amalgamation/strata title referred by the Western Australian Planning Commission which are for three lots or less and satisfy the following:

1. The application is in accordance with the provisions of the Local Planning Scheme.
2. Where the application is subject to a Structure Plan or Overall Development Plan endorsed by Council, is in accordance with that plan or will not adversely impact on that plan.
3. The application will not have adverse impacts on adjoining landowners and is in accordance with the orderly and proper planning of the area.
4. The application is for an amended proposal where the previous conditions still apply.
5. Any proposed conditions of approval are of a standard nature and are not considered contentious.

Any application for subdivision/amalgamation/strata title which is not recommended to be supported, shall be reported to Council.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Wheeler

Part 1:

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 45 Armstrong Street, Dongara subject to the following conditions:

- 1. Arrangements being made with the local government for the upgrading of Parker Street.**
- 2. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.**

Advice:

- 1. With regard to Condition 1, the upgrading will be based on a 50% contribution to bring the road up to a bituminised and drained standard in accordance with the Shire's road construction criteria, for the length of the subdivision fronting Parker Street.**

**CARRIED
7/0**

VOTING DETAILS:

Cr George Bass returned to the Chambers at 4.19pm.

COUNCIL MOTION:

Moved Cr Chandler, seconded Cr Gillam

Part 2:

Council delegates authority to the CEO to respond to applications for subdivision/amalgamation/strata title referred by the Western Australian Planning Commission which are for three lots or less and satisfy the following:

- 1. The application is in accordance with the provisions of the Local Planning Scheme.**
- 2. Where the application is subject to a Structure Plan or Overall Development Plan endorsed by Council, is in accordance with that plan or will not adversely impact on that plan.**
- 3. The application will not have adverse impacts on adjoining landowners and is in accordance with the orderly and proper planning of the area.**
- 4. The application is for an amended proposal where the previous conditions still apply.**
- 5. Any proposed conditions of approval are of a standard nature and are not considered contentious.**

Any application for subdivision/amalgamation/strata title which is not recommended to be supported, shall be reported to Council.

**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 4.20pm.

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

Signed:
Presiding Elected Member

Date:.....