

I certify that this copy of the Minutes is a true and correct record of the meeting held on 30 June 2009
Signed:
Presiding Elected Member
Date:.....



**MINUTES OF ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 30 JUNE 2009
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 0000

PRESENT:	President	Cr R K Parsons (Chairperson)
	Councillors	Cr S C Chandler (Deputy Shire President) Cr R T McClurg Cr R W Roberts Cr L W Wheeler Cr G L Dean-Gundill Cr K J Hepworth Cr R J Gillam
	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	Jan Gill, Sandra Kenny, M Wesolowski, A Wesolowski, Geoff Norris, Peter Bradley, Allen Gray, Jenny Jones, Darren Jones & John Rossiter.
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		Cr G C Bass

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 G C Bass– Leave of Absence.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

- 4.1: Mr John Rossiter forwarded a letter to Council on the 24 June 2009, asking ‘was a bond of \$20,000 paid by Zengold Corp developers of the Bluewater Estate to the Irwin Shire Council and held in trust until the developments completion?’

The Shire President advised that the bond was paid and returned at the completion of the works.

- 4.2: Mr Peter Bradley – BMX track

Mr Bradley advised that he had written to each Council member in regards to recent maintenance works at the BMX track and asked why he was not consulted prior to the works being undertaken.

The Shire President responded that the BMX track was an existing facility on a public recreation reserve and that members of the Youth Activities Council carried out some minor changes to the design to ensure the track was suitable.

- 4.3: Mr Geoff Norris asked if Council can ensure that access from seven mile carpark onto the beach is maintained.

The Shire President advised that council staff would inspect the area to look at options for maintaining access, however, that it is difficult to ensure ongoing access due to the continual erosion of the beach during the winter months.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr G Dean-Gundill has requested a Leave of Absence from the Council Meeting scheduled for 28 July 2009.

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr R Gillam

That Cr Gail Dean-Gundill be granted Leave of Absence from the Council Meeting scheduled for 28 July 2009.

VOTING DETAILS:

CARRIED
8/0

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 MAY 2009

A copy of the Minutes of the Ordinary Council Meeting held on 26 May 2009 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr R Gillam

That the Minutes of the Ordinary Council Meeting, held on 26 May 2009, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

**CARRIED
8/0**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1: Annual Returns are due by 31 August 2009.

9. REPORTS

B.413

Subject: Telecentre Lease
Reporting Officer: Felix Neuweiler, Manager Community Development
File Reference: IT.1
Date Prepared: 23 June 2009
Voting Requirements: Simple

Issue:

Dongara Telecentre lease renewal and renegotiation of associated terms and conditions.

Body / Background:

The Telecentre's lease is due to expire on the 22 July 2009. The current lease became effective on the 23 July 2004 for a period of five years, with an option for a period of five years conditional on agreement by both parties.

Under the present arrangements the Shire agreed to waive the rent payable on the property (\$150 per week plus GST) for the first three year period of the present lease. In the event that the Telecentre reported a net profit of more than \$5,000 a sum of 10% on all profits over this amount was to be paid to the Council in lieu of the rent.

A sum of \$1,500 plus GST per year was also paid by the Dongara Telecentre to Council each year for maintenance, power and cleaning costs associated with the building.

These financial arrangements need reviewing prior to signing the new lease.

An additional item that needs reviewing relates to the "TERMS AND CONDITIONS OF LEASE", of the current lease arrangements with states:

"This lease arrangement is for the rear half of the Community House facility as denoted by the shaded area attached. Other facilities in the building are available per normal booking arrangements. Toilet facilities in the building are to be shared equally by all users".

The Telecentre currently occupies most of the building with the exception of one office that is occupied by Veteran Affairs. Mrs Caroline Weinman, the Coordinator advises that Centrelink, which is part of the Telecentre, occupies one office and that the "Learning Clinic" is leasing one room from the Telecentre.

The new lease should reflect the current arrangement and include a condition that any subleasing would require prior Council approval.

Mrs Weinman also advised that the Telecentre will need to change its name to "Community Resource Centre", in the near future to stay eligible for grants.

Officers Comment:

The present lease arrangements were meant to help the Telecentre to establish itself. Under the existing arrangements Council is paying for water, cleaning and power, totalling about \$9,500 per annum, and additionally carries out the building and garden maintenance. Essentially this means that Council currently subsidises the Telecentre.

The Telecentre Coordinator has made a submission to Council for the next lease period (Please refer to the attachment), that is aimed at making this venture cost neutral to Council. Under that proposal the Telecentre would pay for all utilities and undertake the internal cleaning. It is proposed that the rent would remain \$150 plus GST per week for the entire 5 year period. The Shire would be responsible for the garden and building maintenance.

It is recommended that Council accepts this proposal with the exception of an annual rent increase being: \$150 plus GST per week first year, \$155 plus GST second year, \$160 plus GST third year, \$165 plus GST fourth year and \$170 plus GST fifth year.

Financial Implications:

Ben Clarke advised that the current commercial lease rate in Moreton Terrace is \$150 per square metre per annum, plus GST and outgoings. Hence the commercial value of the area presently occupied by the Telecentre (being 175m²) would be \$26,250 plus GST.

The annual rent under the proposed agreement is proposed to be \$7800, hence Council would subsidise the rent by \$18,450 per annum.

Statutory Environment:

N/A

Policy Implications:

Officers Recommendation:

That Council adopt the attached lease arrangement with the Dongara Telecentre Inc for the property located on 11 Moreton Terrace, Dongara.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr G Dean-Gundill

That Council adopt the attached lease arrangement with the Dongara Telecentre Inc for the property located on 11 Moreton Terrace, Dongara, with an amendment that the period be for two (2) years with an option to renew.

VOTING DETAILS:

**CARRIED
8/0**

The Officers recommendation was not adopted because additional information was presented to the meeting advising the State Government is currently in the process of reviewing the State Telecentre Network, which may affect the future requirements for infrastructure to cater for the Centre.

CEO.423

Subject: Local Government Elections 2009
Reporting Officer: Chief Executive Officer
File Reference: AE.1
Date Prepared: 24 June 2009
Voting Requirements: Absolute majority

Issue:

To consider appointing the WA Electoral Commissioner to conduct a postal election for the 2009 local government elections.

Body / Background:

Local government elections can be either a postal election, which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day, or a voting in person election.

The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts voting in person elections on request. By making the Electoral Commissioner responsible for these elections, the local governments concerned ensure that elections are conducted independently and with impartiality. In addition, for those adopting postal voting, local government is adopting a method of conducting elections that is more convenient for electors and typically achieves a higher rate of voter participation.

Postal elections for local government were first trialled by four local governments in 1995. This increased to eight in 1997, 34 in 1999, 47 in 2001, 55 in 2003, 60 in 2005, and 64 in 2007.

Officers Comment:

The Electoral Commission states that higher turnout figures clearly indicate that electors are more prepared to vote in postal elections; and cite the following advantages:

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer “at arms length” from Local Government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner
- Economies of scale can reduce some of the costs (advertising).
- Elected Councillors have a high level of support from the local community.

Financial Implications:

The West Australian Electoral Commission has provided a quote of \$14,000 to conduct a postal election for the Shire of Irwin. If the Shire were to conduct an in-house voting in person election the cost would be approximately \$8,000.

Statutory Environment:

The current procedure required by the *Local Government Act 1995* is that written agreement from the Electoral Commissioner has to be obtained before the Shire can declare that the Electoral Commissioner will be responsible for elections. The Commissioner has agreed to be responsible for the conduct of the ordinary elections in October 2009 for the Shire of Irwin in accordance with Section 4.20(4) of the *Local Government Act 1995*. The Electoral Commissioner will only conduct the election if the method is a postal election.

In order to achieve this, the following two motions need to be passed by absolute majority:

- Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of future Shire of Irwin Local Government Elections
- Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting future elections will be as a postal election.

Policy Implications:

Nil

Officers Recommendation:

That Council:-

i) Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and

ii) Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr L Wheeler

That Council:-

i) Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and

ii) Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS:

5/3

DCS.327

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 30 June 2009
Voting Requirements: Normal Majority

Issue:

To receive the list of accounts paid during May 2009.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of May 2009.

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 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.

Officer's Recommendation:

That the Accounts paid during May 2009, represented by Municipal Cheque Numbers 27392 - 27423, EFT payment numbers 8773 - 8930 totalling \$495,487.30. Trust Payment Cheque Numbers: 2134 - 2141 totalling \$9,413.78 & Police Licensing Payment No's PL 010509 – PL270509 totalling \$64,098.60 be received.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr L Wheeler

That the Accounts paid during May 2009, represented by Municipal Cheque Numbers 27392 -27423, EFT payment numbers 8773 - 8930 totalling \$495,487.30. Trust Payment Cheque Numbers: 2134 - 2141 totalling \$9,413.78 & Police Licensing Payment No's PL 010509 – PL270509 totalling \$64,098.60 be received.

VOTING DETAILS:

**CARRIED
8/0**

DCS.328

Subject: 2009/2010 Draft Budget Papers
Reporting Officer: Director Corporate Services
File Reference: AB.3
Date Prepared: 22 June 2009
Voting Requirements: Simple Majority

Issue:

To consider and review the 2009/10 Draft Budget Papers to provide comment on changes required prior to formal adoption in July 2009.

Body / Background:

The Draft Budget has been prepared in a similar format to that of previous years and is designed to provide Council members with a full disclosure of information so that Councillors can make informed decisions on the estimated expenditures and revenues for the coming year.

The 2009/2010 Draft Budget Papers are included separately with the agenda for Councillors' consideration.

Officers Comment:

There is no requirement to make any formal decisions in regards to adopting the budget; however Council consensus is generally sought on each issue to provide guidance to staff to allow the preparation of the formal Budget document.

Financial Implications:

The 2009-10 Draft Budget will form the framework of the formal budget to be adopted in July and provide for the income and expenditure requirements in 2009-10 financial year.

Statutory Environment:

Policy Implications:

Officers Recommendation:

That Council reviews in detail the Draft Budget Document, circulated with the agenda, and resolves to accept the document subject to any amendments.

COUNCIL MOTION:

Moved: Cr K Hepworth

Seconded: Cr G Dean-Gundill

That Council accepts the draft budget document for 2009/10 with a general increase in rates revenue of 12% and subject to the following amendments;

- ***Include additional funding from the Federal Govt Stimulus package of \$30,000***
- ***Delete the grant funding of \$72,000 for the Town Park upgrade***
- ***Include an additional provision for plantings to improve the appearance at the skate park/BMX track area.***

VOTING DETAILS:

**CARRIED
6/2**

DCS.329

Subject: Compulsory Acquisition of Land
Reporting Officer: Director Corporate Services
File Reference: A2082
Date Prepared: 23 June 2009
Voting Requirements: Absolute Majority

Issue:

- To formerly resolve to compulsorily acquire a portion of Lot 43 Corner of Point Leander Drive and Pearse Road for inclusion into the road reserve.
- To formerly resolve to acquire portions of other land adjacent to the roundabout in accordance with the consent provided by the landowners.
- To formerly resolve to dedicate those lands for road widening as a public road.

Body / Background:

The design prepared by Greenfield Technical Services, and adopted by Council, for the construction of a roundabout in Point Leander Drive requires that portions of properties adjoining the roundabout are required to be purchased, to increase the size of the area to cater for ancillary services to the road, including pathways and street lighting.

• Lot 43	Re & EC Carr	Approx 30 m
• Lots 3 & 200	Stron Pty Ltd	Approx 35m ²
• Lot 27	MR & AM Gorfin	Approx 30 m ²
• Lot 1	St John Ambulance	Approx 60 m ²

All owners, with the exception of RE & EC Carr, have provided written confirmation of their intention to accept an offer of cash, per valuation provided by a Licensed Valuer, for the outright sale of their portion of land, to Shire of Irwin, all in accordance with the provisions of Council's letter to the landowners dated 28 Oct 2008.

With regard to RC & EC Carr various letters and attempts to contact by telephone to obtain approval were unsuccessful. Mr Carr finally contacted Greenfields by phone and adamantly advised that he would not agree to the acquisition. A letter has subsequently been forwarded to the Department of Planning and Infrastructure outlining the steps undertaken to date and seeking to compulsorily acquire the land. Correspondence has been received from DPI requesting that Council provide the following:

- Provide Councils indemnity against all costs and claims arising from this Taking.
- Confirm the shire will pay the cost of survey.
- Provide Council's resolution pursuant to section 56 of the Land Administration Act 1997 to dedicate that road widening as public road.

Officers Comment:

A survey of the area has been undertaken as part of the project and therefore costs already incurred. Each owner, including RE & EC Carr will receive a cash payment in compensation of the land acquisition as per the valuation prepared by the Land Valuer.

Financial Implications:

All costs incurred for the acquisition of land have been budgeted in 2008/09 and any not completed will carry over into the budget for 2009/10.

Statutory Environment:

Policy Implications:

Officers Recommendation:

That Council proceed with the compulsory acquisition of approximately 30 m² of Lot 43 Point Leander Drive from RE & EC Carr and:

- i. Provide Councils indemnity against all costs and claims arising from this Taking.
- ii. Confirm the shire will pay the cost of survey.
- iii. Provide Council's resolution pursuant to section 56 of the Land Administration Act 1997 to dedicate that road widening as public road.

That Council agree to the acquisition of the following land and dedicate the land as part of the road reserve:

- | | | | |
|------|--------------|-------------------|--------------------------|
| i. | Lots 3 & 200 | Stron Pty Ltd | Approx 35m ² |
| ii. | Lot 27 | MR & AM Gorfin | Approx 30 m ² |
| iii. | Lot 1 | St John Ambulance | Approx 60 m ² |

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr L Wheeler

That Council proceed with the compulsory acquisition of approximately 30 m² of Lot 43 Point Leander Drive from RE & EC Carr and:

- i. Provide Councils indemnity against all costs and claims arising from this Taking.***
- ii. Confirm the shire will pay the cost of survey.***
- iii. Provide Council's resolution pursuant to section 56 of the Land Administration Act 1997 to dedicate that road widening as public road.***

That Council agree to the acquisition of the following land and dedicate the land as part of the road reserve:

- | | | | |
|--------------------|--------------------------------|----------------------------------|---------------------------------------|
| <i>i.</i> | <i>Lots 3 & 200</i> | <i>Stron Pty Ltd</i> | <i>Approx 35m²</i> |
| <i>ii.</i> | <i>Lot 27</i> | <i>MR & AM Gorfin</i> | <i>Approx 30 m²</i> |
| <i>iii.</i> | <i>Lot 1</i> | <i>St John Ambulance</i> | <i>Approx 60 m²</i> |

VOTING DETAILS:

**CARRIED
8/0**

DCS.330

Subject: Significant Accounting Policies
Reporting Officer: Director Corporate Services
File Reference: AA.3
Date Prepared: 8 June 2009
Voting Requirements: Simple Majority

Issue:

To formally adopt “Significant Accounting Policies” to form part of the “Notes to and Forming Part of Financial Report for the year ending 30th June 2009”.

Body / Background:

Each financial year Council is required to adopt a disclosure under AASB101.Aus13.2 of the Australian Accounting Standards as to whether the financial report has been prepared in accordance with the Australian Accounting Standards and this policy is to be included in Council’s policy manual.

Officers Comment:

Council’s Financial Report for the year ended 30th June 2008 described the New Accounting Standards and Interpretations together with the date that these standards were to be implemented. All these standards are now operative and as such Council is required to adopt these standards. Council’s auditors, UHY Haines Norton, have provided the actual wordings for these policies which are provided as an attachment to this report.

Financial Implications:

Compliance with the Australian Accounting Standards in preparation with the Annual financial report for year ended 30th June 2009.

Statutory Environment:

Australian Accounting Standards AASB101, 102, 107, 116, 117, 123, 136, 137, 139, 1004, 1051 and the Local Government (Financial Regulations) Regulations.

Policy Implications:

Nil

Officers Recommendation:

That Council adopts the policy “Significant Accounting Policies” to form part of the “Notes to and Forming Part of Financial Report for the year ending 30th June 2009” as circulated.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr R McClurg

That Council adopts the policy “Significant Accounting Policies” to form part of the “Notes to and Forming Part of Financial Report for the year ending 30th June 2009” as circulated.

VOTING DETAILS:

**CARRIED
8/0**

DCS.331

Subject: Sundry Debtors Write Offs
Reporting Officer: Director Corporate Services
File Reference: AA.3
Date Prepared: 8 June 2009
Voting Requirements: Simple Majority

Issue:

To consider writing off sundry debtors that staff not been able to recover.

Body / Background:

Council approval is sought to write off three outstanding sundry debtors, being for the collection of coastal squatter fees and dog fines. Two of these debts have been outstanding for a number of years and difficulty has been encountered in locating the people involved.

Officers Comment:

The following is a summary of the debtors files outstanding and collection actions to date.

1. **DSTO01 - Mr Mark Stokes - \$888.49:** This Debtor was raised in 2000 with the last payment received 06/09/05 and refers to dog related matter and subsequent court costs collection efforts have been unsuccessful due to returned mail and Austral & Mercantile have been unable to locate contact details for this debtor.
2. **SQU181– Mr A Bowden - \$480.00:** This debt was raised in 2004 and the debtor was paying off his squatter shack fee at \$30 periodically and then ceased in July 2008, Council's debt collectors have been unable to locate the client and have recommended that the amount be written off.
3. **DMER01 – Mr John Merrick - \$112.60 -** This debt was raised on 30 June 2008 for electricity charges at CEO Residence in Waldeck Street and no payment has been received despite repeated requests and sending out statements.

Financial Implications:

The total debt outstanding is \$1481.09. This amount has been carried forward as part of Council's opening net current asset position balance. If the amount is written-off, it will show as an expense in this year's accounts.

Statutory Environment:

Policy Implications:

Officers Recommendation:

That Council approves writing off the following debtors:

- | | |
|-----------------------------|-----------|
| 1. DSTO01 – Mr Mark Stokes | \$ 888.49 |
| 2. SQU181 - Mr A Bowden | \$ 480.00 |
| 3. DMER01 - Mr John Merrick | \$ 112.60 |

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr K Hepworth

That Council approves writing off the following debtors:

- | | |
|------------------------------------|------------------|
| 1. <i>DSTO01 – Mr Mark Stokes</i> | \$ 888.49 |
| 2. <i>SQU181 - Mr A Bowden</i> | \$ 480.00 |
| 3. <i>DMER01 - Mr John Merrick</i> | \$ 112.60 |

VOTING DETAILS:

CARRIED
7/1

F.357

Subject: Financial Statements for the Period ending 31/05/2009
Reporting Officer: Accountant/Senior Administration Officer
File Reference: Minute Book
Date Prepared: 23 June 2009
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2008 to 31 May 2009.

Body / Background:

The Monthly Financial Report to the 31 May 2009 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Income Statement by Program
- Income Statement by Nature & Type
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

- (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:
Nil.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2008 to 31 May 2009 be received.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr K Hepworth

That the Monthly Financial Statement for the period 1 July 2008 to 31 May 2009 be received.

VOTING DETAILS:

**CARRIED
8/0**

H.79

Subject: Shire of Irwin Local Emergency Management Arrangements
Proponent: LEMC Committee
Reporting Officer: Felix Neuweiler, Manager Community Development
File Reference: DS.2
Date of Prepared: 10 June 2009
Voting Requirements: Simple Majority

Issue:

Council to adopt the Shire of Irwin Local Emergency Management Arrangements and the Recovery Management Plan.

Background:

The Local Emergency Management Committee (LEMC) is responsible for the following functions within a local government area:

- Establishment of emergency management arrangements in conjunction with the local government authority.
- Testing and review of local emergency management arrangements.
- Report activities and arrangements to the DEMC on an annual basis.
- Conduct emergency management activities.

The LEMC drafted the Shire of Irwin Local Emergency Management Arrangements and the Recovery Management Plan and now seek Council's endorsement of the documents (please refer to the attachments).

Both documents are subject to annual reviews and may change from time to time to reflect varying circumstances.

The Shire of Irwin Local Emergency Management Arrangements were tested on the 30 April 2009 during a live mock emergency exercise to identify any shortfalls that may exist.

Officer's Comment:

Nil

Financial Implications:

Nil

Statutory Implications:

The two documents need to be prepared by LEMC and adopted by local government under the provisions of the Emergency Management Act 2005.

Policy Implications:

N/A

Officers Recommendation:

That Council adopt the Shire of Irwin Local Emergency Management Arrangements and the Shire of Irwin Recovery Management Plan, subject to future amendments.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr G Dean-Gundill

That Council adopt the Shire of Irwin Local Emergency Management Arrangements and the Shire of Irwin Recovery Management Plan, subject to future amendments.

VOTING DETAILS:

**CARRIED
8/0**

TP.468

Subject: Proposed Mixed Use Development and Grouped Dwellings on Lot 7 (No 6) Moreton Terrace, Dongara
Proponent: R & J Ireland
Reporting Officer: Town Planner
File Reference: P15/09 – A501
Date Prepared: 23 June 2009
Voting Requirements: Simple

Issue:

To consider a planning application for a Mixed Use and Grouped Dwelling development on the above property.

Body / Background:

The land

Lot 7 is 1211m² in area with 19.1 metres of frontage to Moreton Terrace.

The property currently consists of a single house converted to a beauty salon known as the 'Manse Retreat' and an outbuilding located at the rear.

Zoning

Under Local Planning Scheme No 5 the property is zoned Town Centre and falls within Precinct 1 (Moreton Tce/Main Street) of the Town Centre Zone Precinct Plan. The two adjoining lots include the 'Season Tree' café and a private residence and warehouse on the other side. The surrounding lots are also zoned the same as Lot 7.

Lot 7 is not listed on the Shire of Irwin Municipal Inventory of Heritage Places.

The proposal

The application intends to demolish the existing buildings on site and redevelop the property for commercial and residential purposes.

The redevelopment is roughly split into two parts.

The front half of the lot is proposed to include a new mixed use building, incorporating commercial premises on the ground floor and a dwelling on the upper floor.

The ground floor commercial premises is predominantly taken up by a new Day Spa/Beauty Salon, including foyer, five treatment rooms, a 'tanning/disabled bathroom' and a retreat area (floor area of 257m²). A separate shop is also proposed to be located on the ground floor with its own entrance off Moreton Terrace (floor area of 70m²). The total commercial floor space is 327m².

The upper floor is designed as a dwelling with five bedrooms (all with private ensuites), a laundry, kitchen, living and alfresco balcony. The floor area of the dwelling is approximately 374m². The plans also show a separate verandah to the front of this building over the footpath and at the rear, four undercroft car parking bays and one disable car bay.

The maximum height of the building is 9.2 metres. It includes a 26 metre long by 7.3 metre high parapet wall down the western side boundary, a nil setback to Moreton Terrace (plus the verandah over the footpath) and a 3.8 metre wide driveway down the eastern side boundary.

The rear half of the property is proposed to include two grouped dwellings. They are two storey, identical units with a common wall separating them. The design is consistent with a townhouse style of development. Each dwelling has a total of floor area of 402m².

The dwellings have their own double garages and private open space. The units include parapet walls down both side boundaries to a length of 23.4 metres and a height of 7.24 metres. The minimum setback off the rear boundary is 3 metres.

All the proposed buildings utilise modern styles and design principles including skillion roofs, extensive use of glass on the facades and feature wall cladding.

See attached plans.

Officers Comment:

Assessment of the proposal has been carried out against Local Planning Scheme No 5, the draft Town Centre Zone Precinct Plan and the Residential Design Codes.

Under the above planning framework the front building is classed as a Mixed Use Development (ground floor commercial and upper floor residential) and the rear units are classed as Grouped Dwellings.

Both use classes are “P” or permitted uses under the Scheme and Precinct Plan for this property.

The proposal is found to be mostly compliant with the statutory provisions, including site areas, setbacks, open space, privacy and landscaping.

There are two main areas of non-compliance which require Council consideration.

Firstly, the Town Centre Zone Precinct Plan, under Part 9.4 (Architectural Styles, Building Materials and Colours) states that for residential development:
‘roofs should be a minimum 25° pitch and a mix of gable/hip forms.’

The buildings as proposed however, include skillion roofs, with the roof over the front building pitched at a mix of 15° and 12° and the roofs over the rear units pitched at 3°.

The proponents have provided the following justification for this:

‘The roof design is a particular style that we like, also it is under the required height guidelines. This style is of modern architecture which looks great next to older style of buildings, as it is not trying to replicate. Being opposite to the old style does not compete but compliment. We have designed two skillion pitches to create a gable effect on the front street elevation. We have also recessed the lower skillion to accommodate the moreton bay fig tree.

In relation to the recessing of the front lower roof to accommodate the fig tree, it is noted that the Precinct Plan does provide for concessions to be made to its provisions where good design outcomes are achieved. Specifically in relation to the fig trees it states under Precinct 1 - Clause 2.3 the following:

‘Properties subject to overhanging branches of the ficus (fig) street trees may be granted concessions by Council to other design elements to ensure the preservation of the trees and amenity of the location’.

Council could therefore consider allowing the proposed skillion roof design as a concession for the recessed roof on the west side, to allow for the protection of the overhanging branches of the mature fig tree.

It is also noted the roof design requirement in the Precinct Plan applies to residential development, not necessarily commercial development. Considering that the front building is a mixed use building (ie commercial on the ground floor), this may also qualify it for a variation to the roof design.

Alternatively, the two rear buildings are purely residential and have a flat roof design that will be largely hidden from view. However, considering that these buildings are located at the rear and will not contribute to the streetscape and their appearance will be in keeping with the design philosophy of the development as a whole, it would be appropriate to grant the same concession to these buildings.

The second area of non-compliance relates to the provision for on-site car parking for the proposed Mixed Use building.

Council's requirement under Schedule 11 of the Scheme for a shop in the Town Centre zone is 1 car bay per 10m² of gross leasable area. The commercial floor space offers a gross leasable area of 327m² which requires a total of 33 bays be provided on-site.

In addition to this, under the R Codes, the upper floor residential component must be provided with a minimum of one bay.

The requirement therefore is for a total of 34 bays on site.

The site plan shows a total of only five bays on-site.

Council may wish to consider some relaxation of the car parking requirement on the basis that for this particular application, it may be better to base the number of required bays for the commercial component on the nature of the proposed use.

Specifically, the Day Spa/Beauty Salon includes five dedicated treatment/consult rooms which would logically correspond to a requirement for five bays. Parking would also need to be provided for staff, an additional two bays would be appropriate. The separate shop will also require parking, considering its limited size, one bay for customers and one bay for staff may be appropriate.

The above, plus one bay for the upper floor dwelling, gives a total of 10 parking bays required on-site. This would be a concession of about 70% to the Scheme requirements. If Council feels such a concession is appropriate, the application as proposed is still five bays short.

The parking requirement has been discussed with the applicants. The original submission included no parking bays for the commercial component, after advising of the need for on-site parking the first amendment included only one bay. They were further advised this was still inadequate and the second amendment includes the five bays shown on the current plans.

To assist in making up the shortfall, the applicants have stated that they wish to utilise the two on-street parking bays located directly in front of the property on Moreton Terrace. However, this is not recommended as these bays are not available for the exclusive use of Lot 7 and are from time to time occupied by vehicles patronising other businesses, particularly the café on adjoining Lot 6 (Season Tree café). This would still only bring the number of bays up to 7.

Car parking for the two proposed dwellings at the rear is compliant with each having a double garage. The parking issue only relates to the front Mixed Use building.

It is suggested that a reduction in the required on-site car bays to a minimum of 10 is a considerable concession (as opposed to the Scheme requirements) and would be the minimum required to service the proposed use. Clause 5.5 of the Scheme gives Council the ability to apply this concession.

The remainder of the development is largely satisfactory (including the proposed roof design) and it is acknowledged that such a development will bring benefits to the town centre, particularly the west end of Moreton Terrace, in line with the principles and objectives of the Town Centre Precinct Plan. However, the provision of parking bays is a critical issue that must be resolved at the planning approval stage.

It is therefore recommended that, subject to the submission of amended plans showing an additional five car parking bays on-site, the Chief Executive Officer be given delegated authority to approve the development subject to standard conditions.

Financial Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5,

Part 8 – Development of Land

8.1 Requirement for Approval to Commence Development

Subject to Clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note: 1.The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
2.Development includes the erection, placement and display of any advertisements.

Policy Implications:

Nil.

Officers Recommendation:

Subject to the submission of amended plans showing an additional five car parking bays on-site, Council delegate authority under Clause 11.3.1 of Local Planning Scheme No 5 to the Chief Executive Officer to approve the proposed Mixed Use Development and Grouped Dwellings on Lot 7 (No 6) Moreton Terrace, Dongara subject to the following conditions:

1. The development hereby approved shall occur 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 on site.
3. The area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access as shown on the approved plans, shall:
 - i. be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
 - ii. thereafter be maintained to the approval of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless specifically approved;
 - iv. be properly formed to such levels that it can be used in accordance with the plan;
 - v. be drained and sealed with an all weather seal coat to the approval of the local government;

- vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and
- vii. be designed in accordance with AS2890.
4. The external finish to the surface of the west and east elevation boundary walls (three in total) is to be to the satisfaction of the adjoining land owner. In the instance of a dispute, the finish is to be to the satisfaction of the local government.
5. Written confirmation be provided to the local government that it is adequately indemnified in relation to the proposed verandah over the footpath in the Moreton Terrace road reserve.
6. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.
7. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.
8. The landscaping as indicated on the approved plans is to be installed and maintained to the satisfaction of the local government.
9. The development hereby approved is to be serviced by a concrete, brick paved or bitumen crossover constructed at right angles to the street alignment and in accordance with the Shire's specifications.
10. 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.
11. 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:

1. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.
2. All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981. No works shall commence prior to 7:00am without the Shire approval.

Cr R McClurg declared a proximity interest, being the owner of Lot 4 Moreton Terrace and Lot 5 Hunts Road, and left the chambers at 4.50pm.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr R Gillam

Subject to the submission of amended plans showing an additional five car parking bays on-site, Council delegate authority under Clause 11.3.1 of Local Planning Scheme No 5 to the Chief Executive Officer to approve the proposed Mixed Use Development and Grouped Dwellings on Lot 7 (No 6) Moreton Terrace, Dongara subject to the following conditions:

- 1. The development hereby approved shall occur 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 on site.***
- 3. The area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access as shown on the approved plans, shall:***
 - i. be provided and completed to the approval of the local government prior***

- to the commencement of the use hereby permitted;*
 - ii. thereafter be maintained to the approval of the local government;*
 - iii. be made available for such use at all times and not used for any other purpose unless specifically approved;*
 - iv. be properly formed to such levels that it can be used in accordance with the plan;*
 - v. be drained and sealed with an all weather seal coat to the approval of the local government;*
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and*
 - vii. be designed in accordance with AS2890.*
- 4. The external finish to the surface of the west and east elevation boundary walls (three in total) is to be to the satisfaction of the adjoining land owner. In the instance of a dispute, the finish is to be to the satisfaction of the local government.*
 - 5. Written confirmation be provided to the local government that it is adequately indemnified in relation to the proposed verandah over the footpath in the Moreton Terrace road reserve.*
 - 6. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.*
 - 7. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.*
 - 8. The landscaping as indicated on the approved plans is to be installed and maintained to the satisfaction of the local government.*
 - 9. The development hereby approved is to be serviced by a concrete, brick paved or bitumen crossover constructed at right angles to the street alignment and in accordance with the Shire's specifications.*
 - 10. 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.*
 - 11. 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:

- 1. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.*
- 2. All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981. No works shall commence prior to 7:00am without the Shire approval.*

CARRIED
6/1

VOTING DETAILS:

Cr R McClurg returned to the chambers at 4.57pm.

TP.469

Subject: Proposed Subdivision Guide Plan over Lots 38, 39 and 104 Point Leander Drive and Pearse Road, Port Denison
Proponent: KC & SM Northover
Reporting Officer: Town Planner
File Reference: TP.3.2
Date Prepared: 15 June 2009
Voting Requirements: Simple

Issue:

To consider a proposed subdivision guide plan over Lots 38, 39 and 104 Point Leander Drive and Pearse Road, Port Denison.

Body / Background:

Background

The owner's of Lot 38 Point Leander Drive (KC & SM Northover) have engaged planning consultants Landwest Urban and Rural Planning Consultants (Landwest) to prepare a subdivision guide plan (also known as a structure plan or outline development plan) over their property and surrounding land as a precursor to subdivision.

The land

Lot 38 is 5443m² in area with 37 metres of frontage to Point Leander Drive. It currently contains the Family Dar Care Centre which takes up the front portion of the lot with the remainder being generally cleared and vacant.

Lot 39 (CS Hyde) is 6926m² in area with 152 metres of frontage to Point Leander Drive. It is currently vacant and covered in remnant vegetation.

Lot 104 (NT Money) is 2.1 hectares in area with 38 metres of frontage to Point Leander Drive and 34 metres of frontage to Pearse Road. It currently contains a single house and an associated outbuilding which front Pearse Road. The remainder of the lot is vacant and partially covered in remnant vegetation.

Zoning

All three lots are zoned Residential R12.5 under Local Planning Scheme No 5. They fall within Policy Area B of the Local Planning Strategy.

The minimum and average lot sizes for this zoning are 700m² and 800m² respectively.

The surrounding land is also zoned Residential R12.5 with exception to the land on the opposite side of Point Leander Drive, at the intersection with Francis Road, which is zoned Residential R30 (Lot 8) and Special Use Site No 9 - Holiday Accommodation (Lot 127).

The proposal

The intention of the subdivision guide plan (SGP) is to coordinate subdivision of the three separately owned lots to ensure proper and orderly planning. All future subdivision will be required to be in accordance with the endorsed SGP.

The main elements of the SGP are as follows:

- Roads; Existing roads in the area are proposed to be extended to create a connected movement network. A new intersection is proposed on Point Leander Drive at roughly the middle point between the existing Francis Rd/Dawson Ave and Ayelia Parkway

intersections. All road reserve widths are proposed to be either 16 or 14 metres. Pedestrian access will be via dual use paths in the road reserves.

- Service Infrastructure; All major utilities are within close proximity of the site and can be extended to service the SGP area as required. Stormwater drainage is proposed to be directed to existing, nearby drainage facilities.
- Lot design; All lots are regular in shape with good road frontage. Lot sizes range from 701m² to 1559m². The SGP proposes six new lots with primary frontage to Point Leander Drive. The design allows for the family day care centre to be retained in one lot by reducing the lot yield over Lot 38 to four if so desired. There are also three lots proposed to be over 1000m² which would allow for grouped dwelling development in accordance with Scheme provisions.
- Public Open Space (POS); No POS is proposed within the SGP area. The SGP proposes that the 10% POS requirement for each subdivision be paid to the Shire as cash-in-lieu.
- Land exchanges; Some land exchange between Lots 39 and 104 will be required at subdivision stage due to the irregular shape of the parent lots.

Officers Comment:

The SGP as proposed is generally satisfactory.

The proposed road network provides good connectivity to Point Leander Drive and the surrounding streets. The proposed new intersection onto Point Leander Drive is optimally located to avoid existing intersections. The proposed road reserve widths are satisfactory for each type of road.

Requirements for service infrastructure can be determined at subdivision stage as determined by each utility provider. No specific provision has been made for detention of stormwater drainage within the SGP area, although it is anticipated that drainage can be directed to the existing drainage facilities in Dawson Avenue and Ayelia Parkway subject to engineering design approval.

Lot configuration meets the minimum and average lot size requirements for the R12.5 density coding. The six lots fronting Point Leander Drive have been designed with the objective of increasing streetscape amenity and avoiding rear fences along the length of Point Leander Drive which may have security implications.

The exclusion of any POS in the SGP area will mean the Canny Place reserve to the north will be relied upon to provide this amenity. This is acceptable as it is within 400 metres walking distance as required for a neighbourhood park under *Liveable Neighbourhoods* (WAPC, 2008) and at 1.2ha is large enough to cater for the additional population. A suitable use of the cash-in-lieu funds may be to upgrade the Canny Place reserve, subject to Western Australian Planning Commission (WAPC) approval.

The land exchange between Lots 39 and 104 will require landowner agreement, the implementation of the SGP will assist in resolving this prior to application for subdivision.

If the SGP is to the satisfaction of Council in its current form, the process for adoption is as follows.

The next step is for it to be advertised. Details of this are described under Clause 5.23.2 of the Scheme and include notification in writing to all affected landowners and opportunity for public inspection for a period of 28 days.

Once the advertising period is complete, any submissions received are to be considered by Council and a resolution made to adopt, with or without modification, the SGP. This is followed by referral to the WAPC for their endorsement.

Once it has been adopted by both Council and the WAPC, subdivision is to be in accordance with the SGP.

It is recommended the proposed subdivision guide plan be advertised for public comment in accordance with the provisions of Clause 5.23.2 of the Scheme, including written notification to all affected landowners, followed by consideration of any submissions prior to final adoption.

Financial Implications:

Cost of advertising.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5; Part 4 – Zones and Use of Land; Clause 5.23.2 Outline Development Plans (Residential Zone).

Policy Implications:

New Local Planning Policy – Point Leander Drive/Pearse Road Subdivision Guide Plan.

Officers Recommendation:

That Council, in accordance with Clause 5.23.2.3 of Local Planning Scheme No 5, advertise for public comment the proposed subdivision guide plan over Lots 38, 39 and 104 Point Leander Drive and Pearse Road, Port Denison for public comment, including written notification to all affected landowners.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr K Hepworth

Subject to the proponent providing additional information and amending the plan to show provisions for drainage to the satisfaction of the CEO, Council, in accordance with Clause 5.23.2.3 of Local Planning Scheme No 5, advertise for public comment the proposed subdivision guide plan over Lots 38, 39 and 104 Point Leander Drive and Pearse Road, Port Denison for public comment, including written notification to all affected landowners.

VOTING DETAILS:

**CARRIED
8/0**

The Officers recommendation was amended by the Officer at the meeting as additional information was required in regards to provision for stormwater drainage.

TP.470

Subject: Proposed Residence & Gallery on Lot 11 (No 64) Waldeck Street, Dongara (Dongara Flour Mill)
Proponent: DP & JE Jones
Reporting Officer: Town Planner
File Reference: P21/09 – A7384
Date Prepared: 24 June 2009
Voting Requirements: Simple

Issue:

To consider an application to redevelop the Dongara Flour Mill for a residence and a gallery.

The Dongara Flour Mill (Mill) is listed on the Shire of Irwin Municipal Inventory of Heritage Places and is a permanent entry on the State Register of Heritage Places.

Body / Background:

Background

Prior to purchase by the current owner's, the Mill was owned by the National Trust Western Australia.

They attempted to sell the building, starting in approximately 2000, with two approaches by private developers and also from the Shire. None of those approaches were successful.

The current owners purchased the property in 2007 and in the two years since have been working with architects and the Heritage Council of WA to prepare an application to redevelop the property.

The land

Lot 11 (No 64) Waldeck Street is 6734m² in area with direct frontage to both Waldeck Street and Brand Highway.

The property currently consists of the Dongara Flour Mill, remnants of associated buildings, and a small grove of mature olive trees.

Zoning

Under Local Planning Scheme No 5 the property is zoned as Special Use - Site No 22. The permitted uses are as follows:

- Tourist Accommodation;
- Public Restaurant;
- Shop;
- Reception Centre;
- Public Amusement; and
- Incidental uses to the permitted uses.

The property is listed on the Shire's Municipal Inventory of Heritage Places with a Management Category of 1A and is a permanent entry on the State Register of Heritage Places (1992).

The Mill building is subject to a conservation plan, prepared as part of its listing on the State Register.

The proposal

The applicants have engaged Eastman Poletti Sherwood Architects to undertake the design of the project which includes some significant changes to the property. The proposed works are outlined as follows:

The Mill

- The exterior of the Mill building itself will remain largely as it is now, apart from the addition of a first floor balcony on the west elevation (the building originally included a verandah roof where the balcony is proposed).
- The ground floor interior is designed as a gallery and entrance to the building, where some public access may be allowed, possibly to view art or some interpretive features of the building.
- The remaining three floors are set aside for residential purposes including kitchen, meals, bedrooms, bathrooms etc.
- A new Colorbond garage and laundry is to be built off the south elevation of the Mill. This will provide tandem parking for two cars.
- A new entry link between the garage and the Mill which will be mostly glazed with a Colorbond roof.
- A new patio area off the east elevation (this will not be attached to the Mill).
- Landscaping between the Mill and the highway including paving, lawn, aeries, future gardens and a drying court.
- Extensive use of stabilised rammed earth screen walls and horizontal timber slat fencing to a height of 2.4 metres around the perimeter of the landscaping.
- The proposed built structures and landscaping have been designed to leave existing footings and archaeological remains on the site undisturbed.

The Gallery/Workshop

- A gallery/workshop is proposed to be built along the northern boundary with a total floor space of 260m².
- Stabilised rammed earth and horizontal timber slat fencing is proposed to create two separate courtyards off the southern elevation of the building.
- Wall and roof cladding of the building is proposed to be in Colorbond metal.
- The roof is a skillion design pitched at 8°.
- The interior of the building is proposed to include a gallery floor space of 70m², a kitchen, toilet facilities and a workshop of 140m².

Other features of the application include:

- 7 public car parking bays (1/10m² of gallery floor area), plus one staff bay and one disabled bay.
- Unsealed driveways and parking in keeping with the intent of the conservation plan.
- A new driveway adjacent to the southern boundary of the lot to prevent vehicle access through the olive grove.
- Use of colours for new materials that are in accordance with previous communication with the HCWA.

Officers Comment:

From a heritage perspective, the proposed redevelopment is satisfactory. The plans were referred to the Heritage Council of Western Australia and also the Midwest Heritage Adviser for comment. Both responses were positive.

The Heritage Council advised that they have previously liaised with the architects on this project and are satisfied that the submission addresses the issues raised in their negotiations. Accordingly, the heritage Council, 'confirms that the proposed works are supported'.

Similarly the Midwest Heritage Adviser, in reviewing the plans identified a number of satisfactory elements of the design and stated that, 'the architects and owners have achieved a positive outcome'.

From a planning perspective, two elements of the design stand out; the high screen walls along the Brand Highway frontage and the location of the gallery/workshop at the intersection of Waldeck Street and Brand Highway.

The screen walls have the potential to be a dominant feature considering their height at 2.4 metres and their proposed length.

To counter act this, the design uses two different quality materials (rammed earth and horizontal timber slat) and the fence will be stepped in at different intervals. The objective being to help break up the solid wall effect and lessen its impact on the site. The architects have advised the height of the fence is designed to provide some level of privacy for the open space areas on this side of the Mill from the highway which is built up to a higher level.

In regards to the position of the gallery/workshop, a building of this type could potentially have a detrimental impact on the entrance into town.

However, there is a large stand of mature eucalyptus trees between the building and the intersection (within the road reserve) which will assist in providing screening. The owner has also stated that a location with some level of visibility from the highway will be required to promote its commercial nature.

The measures outlined above satisfy these issues and the remainder of the project is generally to a high standard and achieves a quality outcome.

One technical issue however, still remains.

The zoning of the property under the Scheme does not allow for residential use. Being a Special Use zoning the permitted uses are very specific and “Residential” is not one of them.

Council may consider that “Residential” is appropriate for this site as it will allow for the protection and continued use of the building. Additionally, this application still proposes a gallery and some level of public access to the site.

If Council are of the opinion that “Residential” is an appropriate use on this site, then an amendment will need to be made to the Scheme to include this. It is suggested that this could be undertaken as part of an omnibus amendment which is currently being planned to rectify a number of other minor anomalies and errors in various parts of the Scheme. In relation to this property, the amendment would simply add “Residential” to the list of permitted uses under Special Use – Site No 22.

Once this has been initiated by Council, it should be adequate to allow the development as proposed to proceed.

With the above in mind, the recommendation is made in two parts. The first part is to resolve to initiate a scheme amendment to include “Residential” as a permitted use for this property. The second part is to grant approval to the application, subject to conditions.

Financial Implications:

Nil.

Statutory Environment:

Planning & Development Act 2005 (as amended),
Section 75 – Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within or adjacent to its district, by an amendment –

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Shire of Irwin Local Planning Scheme No 5,
Part 8 – Development of Land

8.2 Requirement for Approval to Commence Development

Subject to Clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.

Policy Implications:

Nil.

Officers Recommendation:

Part 1

That Council, in pursuance of Section 75 of the *Planning & Development Act, 2005* amend the Shire of Irwin Local Planning Scheme No 5 by:

1. Adding “Residential” to the permitted uses under Special Use Zoning – Site No 22.
2. Adding “Residential use is restricted to the Mill building only and no subdivision of the site or the building will be permitted” to the Specific Conditions under Special Use Zoning – Site No 22.

Part 2

That the application to develop a dwelling and gallery on Lot 11 (No 64) Waldeck Street, Dongara 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 area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access, as shown on the approved plans, shall:
 - a. be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
 - b. thereafter be maintained to the approval of the local government;
 - c. be made available for such use at all times and not used for any other purpose unless specifically approved;
 - d. be properly formed to such levels that it can be used in accordance with the plan; and
 - e. be designed in accordance with AS2890.
3. All new developments are to be serviced by a concrete, brick paved or bitumen crossover constructed at right angles to the street alignment and in accordance with the Shire’s specifications.

4. The gallery/workshop hereby approved shall only be used for those purposes and shall NOT be used for habitation or industrial purposes.
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. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.
7. Any soils disturbed or deposited on the site are to be stabilised and retained on site.
8. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.
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:

1. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.
2. All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981. No works shall commence prior to 7:00am without the Shire approval.

Cr L Wheeler declared an interest as an owner of tourist accommodation and left the chambers at 5.01pm.

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr R McClurg

Part 1

That Council, in pursuance of Section 75 of the Planning & Development Act, 2005 amend the Shire of Irwin Local Planning Scheme No 5 by:

- 1. Adding "Residential" to the permitted uses under Special Use Zoning – Site No 22.***
- 2. Adding "Residential use is restricted to the Mill building only and no subdivision of the site or the building will be permitted" to the Specific Conditions under Special Use Zoning – Site No 22.***

Part 2

That the application to develop a dwelling and gallery on Lot 11 (No 64) Waldeck Street, Dongara 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 area set aside for the parking of vehicles, as shown on the attached approved plans, together with the associated access, as shown on the approved plans, shall:***
 - a. be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;***
 - b. thereafter be maintained to the approval of the local government;***
 - c. be made available for such use at all times and not used for any other purpose unless specifically approved;***
 - d. be properly formed to such levels that it can be used in accordance with the plan; and***
 - e. be designed in accordance with AS2890.***

3. **All new developments are to be serviced by a concrete, brick paved or bitumen crossover constructed at right angles to the street alignment and in accordance with the Shire's specifications.**
4. **The gallery/workshop hereby approved shall only be used for those purposes and shall NOT be used for habitation or industrial purposes.**
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. **Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.**
7. **Any soils disturbed or deposited on the site are to be stabilised and retained on site.**
8. **All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.**
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:

1. **A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.**
2. **All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981. No works shall commence prior to 7:00am without the Shire approval.**

**CARRIED
7/0**

VOTING DETAILS:

Cr L Wheeler returned to the chambers at 5.04pm.

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 5.05pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
30 June 2009

Signed:
Presiding Elected Member

Date:.....