

I certify that this copy of the Minutes is a true and correct record of the meeting held on 28 July 2009
Signed:
Presiding Elected Member
Date:.....



**MINUTES OF ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 28 JULY 2009
COMMENCING AT 4.04PM**

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 J Gillam Cr G L Dean-Gundill Cr R T McClurg Cr R W Roberts 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	Paul Cunningham (Greg Rowe & Associates), Martin Haime (Dongara Police), John Rossiter, Kevin Dennis
	Media	Ian Cutler (Geraldton Guardian / Midwest Times)
GUESTS:		-
APOLOGIES:		Cr K J Hepworth
LEAVE OF ABSENCE:		Cr G C Bass

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.04pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr G C Bass - Leave of Absence and Cr K J Hepworth - Apology.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1. Mr Kevin Dennis asked the following questions:

- a) Was the introduction of the forum rather than a meeting open to the public intended to allow councillors to discuss/debate current Council business?

If so my question relates to Item DCS.328 at the last council meeting 30 June 2009 – 2009/10 Draft Budget Review – when was this item requesting councillors to approve a 12% rate increase discussed by council prior to that meeting since there was no forum held in the month of June?

The Shire President advised that forums were introduced to provide opportunity for Council members to discuss strategic issues. The draft budget was not discussed at a forum prior to the June Council meeting.

- b) Is it true that in this current budget we are going for further infrastructure spending notwithstanding our already excessively high level of ongoing infrastructure debt and very limited or no belt tightening to enhance confidence in the Shire by ratepayers?

The Shire President advised that there was no additional provision for increasing debt levels in the proposed budget document for 2009/2010. Additional infrastructure is to be generally funded from Royalties for Regions grant funds.

- c) Is our high level of debt a hindrance in going forward with amalgamation?

The Shire President responded that it is not evident that Council's debt level is having any influence over Council's structural reform discussions.

- d) Point Leander roundabout seems to be floundering along with no end in sight, how much overrun on budget is this project at this point in time?

The Shire President advised that the completion of the roundabout has been delayed due to the deferment by Western Power and the Water Corporation in relocating their services and was now affected by the onset of winter rains. Council is confident that the project will be completed within the current budget allocation.

The sealing of the roundabout is planned for Tuesday 4 August 2009 subject to the weather conditions allowing the area to dry out to a sufficient level.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Gail Dean-Gundill has requested Leave of Absence from the Council Meeting scheduled for 25 August 2009.

Cr R Gillam requested a Leave of Absence from the Council Meeting scheduled for 25 August 2009.

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr R Roberts

That Cr Gail Dean-Gundill be granted Leave of Absence from the Council Meeting scheduled for 25 August 2009.

That Cr R Gillam be granted Leave of Absence from the Council Meeting scheduled for 25 August 2009.

**CARRIED
7/0**

VOTING DETAILS:

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 JUNE 2009

A copy of the Minutes of the Ordinary Council Meeting held on 30 June 2009 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr L Wheeler

That the Minutes of the Ordinary Council Meeting, held on 30 June 2009, be confirmed as a true and accurate recording of that meeting.

**CARRIED
7/0**

VOTING DETAILS:

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1.** Tuesday 14 July - Met with Matt Benson MLC.
- 8.2.** Thursday 16 July 2009 - Heritage Awards. John and Shawn Koric won this year's award and the Year 3 and 4 students from Dongara District High School were presented with certificates of achievement for their participation in this year's Clem Burns Award.

9. REPORTS

CEO.424

Subject: WALGA - AGM
Reporting Officer: Chief Executive Officer
File Reference: DW.9
Date Prepared: 6 July 2009
Voting Requirements: Simple

Issue:

To provide direction to our voting delegate for motions at the WALGA AGM.

Body / Background:

The Annual General Meeting of the West Australian Local Government Association will be held on Saturday 9 August 2009 at the Perth Convention Exhibition Centre.

Shire President Cr Robyn Parsons and Deputy President Cr Stuart Chandler have been registered to vote on behalf of the Shire of Irwin and Cr Lance Wheeler has been registered to attend.

There are only three AGM motions this year, which are attached.

Officers Comment:

It is important that Council provide direction to the delegate on Council's views of the Agenda motions. It needs to be acknowledged that the delegate require discretion as often amendments and other information is raised at the meeting which results in the original position being changed.

It is pleasing to advise that Shire President Cr Robyn Parsons will be awarded a Long and Loyal Service Award for her services to local government at the AGM on the Saturday afternoon.

Financial Implications:

Nil.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

That Council's position on the Agenda items to be debated at the WALGA AGM be:

3.1	Review of Public Open Space Requirements	SUPPORT
3.2	Western Power Inspections of Power Poles	SUPPORT
3.3	Deregulation of Airline Services to Regional WA	SUPPORT

COUNCIL MOTION:

Moved: Cr L Wheeler

Seconded: Cr G Dean-Gundill

That Council's position on the Agenda items to be debated at the WALGA AGM be:

- | | | |
|------------|---|-----------------------|
| 3.1 | <i>Review of Public Open Space Requirements</i> | <i>SUPPORT</i> |
| 3.2 | <i>Western Power Inspections of Power Poles</i> | <i>SUPPORT</i> |
| 3.3 | <i>Deregulation of Airline Services to Regional WA</i> | <i>SUPPORT</i> |

CARRIED
7/0

VOTING DETAILS:

CEO.425

Subject: Local Law Review
Reporting Officer: Chief Executive Officer
File Reference: AL.6
Date Prepared: 7 July 2009
Voting Requirements: Absolute Majority

Issue:

To review various local laws.

Body/Background:

The Shire of Irwin has the following local laws:

	<u>Gazetted</u>	<u>Reviewed</u>
Standing Orders	3 March 2000	Sept 2008
Dogs (amended 19 October 2001)	28 Dec 2000	
Dongara Public Cemetery	28 Dec 2000	Sept 2008
Parking & Parking Facilities	28 Dec 2000	Sept 2008
Extractive Industries	28 Dec 2000	Sept 2008
Activities on Thoroughfares & Trading in Thoroughfares and Public Places	28 Dec 2000	Sept 2008
Local Government Property	28 Dec 2000	Sept 2008
Bush Fire Brigades	25 May 2001	
Fencing	22 Nov 2002	
Health	28 Feb 2003	
Sand Drift Prevention & Abatement	6 Aug 2004	
Signs, Hoardings & Bill Posting	24 June 2005	

Officers Comment:

As Council is required to review local laws at least each 8 years it is recommended that the Dogs, Bush Fire Brigades and Fencing local laws be reviewed.

A copy of these local laws are included in the attachments.

Policy Implications:

Nil

Financial Implications:

Nil

Statutory Environment:

Section 3.16 of the local government act states:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give Statewide public notice stating that —

(a) the local government proposes to review the local law;

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.

Officers Recommendation:

That Council:

- agree to undertake a review of the Dogs, Bush Fire Brigades and Fencing local laws,
- provides Statewide public notice of the proposal to review these local laws,
- dedicate the August Forum for the purpose of a preliminary review, and
- request the CEO prepare a report of the review which includes consideration of any submissions that may be received.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr R Gillam

That Council:

- ***agree to undertake a review of the Dogs, Bush Fire Brigades and Fencing local laws,***
- ***provides Statewide public notice of the proposal to review these local laws,***
- ***dedicate the August Forum for the purpose of a preliminary review, and***
- ***request the CEO prepare a report of the review which includes consideration of any submissions that may be received.***

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS:

7/0

CEO.426

Subject: Regional Groupings – Country Local Govt Fund
Reporting Officer: Chief Executive Officer
File Reference: DL.3.9
Date Prepared: 20 July 2009
Voting Requirements: Simple

Issue:

To determine the Shires regional grouping for the purpose of the allocation of portion of the Country Local Government Fund.

Body / Background:

The Department of Local Government and Regional Development has advised that 35% of the Country Local Government Fund for 2009/10 will be allocated through regional groups of local government for the purpose of funding for regional infrastructure assets.

Local governments are invited to nominate by 1 September 2009 which regional grouping of councils they wish to be included with.

Information received is included as an attachment.

Correspondence has been received from the Shire of Carnamah (received on 23 June 2009) advising that as Carnamah and Coorow are withdrawing from the Mid West Regional Council at the end of the 2009/10 financial year the Shire of Coorow had proposed that the Shires of Carnamah and Coorow form a region for the purpose of regional funding. The Carnamah Shire Council, when considering this matter passed the following resolution:

That the Shire of Carnamah advise the Shire of Coorow that it supports in principle the concept of forming a "region" for the purpose of the Country Local Fund however before committing to the concept would like to invite the Shire of Irwin to join the grouping.

Correspondence has been forwarded to the Shire of Carnamah advising that Council would not be dealing with this matter until this meeting (28 July 2009).

The Shire of Northampton has advised that the Northampton Shire Council has formally resolved to be within the BROCC for the distribution of the balance of the Country Local Government Fund.

Officers Comment:

Up to 50 per cent of the Country Local Government Fund in years two, three and four will be allocated through existing and emergent regional governance groups of local governments. The funding allocated through these regional groups will be the sum of the allocations of the local governments in that group. Regional groups will then reach mutual agreement on the priorities for expenditure of their regional funding allocation.

If a local government does not participate in a regional group then, subject to special circumstances, that share of the regional allocation will be held over and may be used to augment local government capacity building initiatives.

Council needs to make two decisions in regards to this matter, being:

1. Determine which regional grouping of Councils the Shire of Irwin wishes to be included with for the purpose of the funds regional allocations, and

2. Nominate regional infrastructure projects that Council wishes to apply for funding from the regional pool of the Country Local Government Fund.

Financial Implications:

In year one (2008/09) the Shire received \$711,480 from the Royalties to Regions Country Local Government Fund. In year two the allocation will be approximately \$460,000. Council will have the opportunity to apply for funding from the regional grouping for any regional infrastructure projects that may comply with the guidelines.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

That Council:

- Nominate BROOC as the regional grouping for the allocation of the regional component of the Royalties for Regions Country Local Government Fund, and
- Nominate the following projects as eligible projects for the purpose of applying for funding from BROOC from the regional pool of the Royalties for Regions Country Local Government Fund:
 - Shire administration building
 -
 -

COUNCIL MOTION:

Moved: Cr S Chandler

Seconded: Cr G Dean-Gundill

That Council:

- ***Nominate BROOC as the regional grouping for the allocation of the regional component of the Royalties for Regions Country Local Government Fund, and***
- ***Nominate the following projects as eligible projects for the purpose of applying for funding from BROOC from the regional pool of the Royalties for Regions Country Local Government Fund:***
 - ***Shire administration building***

VOTING DETAILS:

**CARRIED
7/0**

CEO.427

Subject: Shire Administration Building
Reporting Officer: Chief Executive Officer
File Reference: BC.1.8
Date Prepared: 20 July 2009
Voting Requirements: Simple

Issue:

To determine a way forward in regards to providing an adequate administration building.

Body / Background:

At the ordinary Council meeting held on Tuesday 26 May 2009 Council considered tenders received for the additions and refurbishment of the Shire administration building and passed the following resolution:

That Council reject the tenders received for the refurbishment and additions of the Shire administration building.

This decision was due to the tenders received being substantially higher than Council had budgeted for this project.

A meeting of the Administration Centre Refurbishment Committee will be held on Thursday 23 July 2009 for the purpose of making a recommendation to Council on this matter. A copy of the minutes of that meeting will be forwarded to Council on Friday 24 July 2009.

Officers Comment:

Council is aware of the need for additions and refurbishment of the Shire administration building.

The Shire of Irwin Corporate Plan adopted by Council in 1997 included as a goal “improved administration offices and facilities”.

The Plan for the Future adopted by Council on the 25 July 2006 included an allocation of \$1m for the upgrade and expansion of the Shire administration building, to be completed during 2007/08.

There are two fundamental problems with the current administration building:

The building is too small

The most recent additions to the administration building (excluding the Senior Citizens Centre) were the two offices that are used for planning, building and health. This addition was completed in 1987 when the Shires population was approximately 1500.

Since that time the Shires population has more than doubled (estimated at 3500 in 2008) and Council is planning for continued population growth.

The building requires substantial maintenance

As Council has been planning for a refurbishment and additions to the Shire administration building for a period of time normal maintenance items have been deferred. The building also suffers through a number of additions over the years (1953 – Town Hall constructed, 1958 – original shire offices constructed, 1974 – Council chambers area constructed, 1987 – Building & Planning offices constructed, 2000 – Autumn Centre constructed).

We now have a situation where the roof leaks in a number of places and needs to be replaced, the wiring is inadequate and needs to be replaced and the sewerage/plumbing is inadequate and needs to be replaced. On top of this there is also a need for new carpets, peeling wallpaper to be stripped, exterior to be repaired and painted, and a number of other general maintenance requirements.

Financial Implications:

Council has allocated \$1.2m in the 2009/10 draft budget for this project. This money is from the Royalties for Regions funding and the sale of the Old Headmasters House.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

As this item is subject to determination by the Administration Centre Refurbishment Committee meeting being held on Thursday 23 July 2009 no recommendation has been included.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr R McClurg

That Council support the strategy and staging proposal of the Administration Centre Refurbishment Committee, in regards to the future provision of an administration building, as outlined in the minutes of the Committee meeting held on Thursday 23 July 2009.

VOTING DETAILS:

CARRIED
7/0

CEO.428

Subject: Proposed Aging in Place Development
Reporting Officer: Chief Executive Officer
File Reference: BC.1.6
Date Prepared: 16 July 2009
Voting Requirements: Simple

Issue:

To confirm Council's support for proposed development of a residential aged care facility in Dongara.

Body / Background:

The Shire of Irwin Aged Hostel Committee has held two meetings with representatives from the City of Swan Aged Persons Homes Trust to discuss the potential development of a residential aged care facility and independent living units in Dongara. The most recent meeting was held on Wednesday 15 July 2009. Please see correspondence attached.

The preferred site comprises reserve 46855, approx 0.9ha and zoned Special Use Aged Persons Village with further development potential of reserve 34643, approx 3.0ha, zoned public purposes and vested in the Shire for parks and recreation.

Concept plans are available for inspection and will be available at the meeting.

Officers Comment:

The City of Swan Aged Persons Homes Trust seeks the support of Council to progress this development. Initially they will need to apply to the Commonwealth government for appropriate licenses.

Three development options have been provided with options B and C requiring a change in purpose for reserve 34643 and an amendment to our Town Planning Scheme.

It is recommended that Council demonstrate support for this proposal by:

Authorising the Shire President and Chief Executive Officer to prepare and sign, on behalf of Council, a memorandum of understanding in accordance with the following principles:

- Council agreeing to apply to the Minister for a change in purpose for reserve 34643,
- Council agreeing to progress a rezoning of reserve 34643,
- Council agreeing to construct Henry Road to an acceptable sealed standard,
- Council agreeing to enter into a lease agreement, at peppercorn rental, until the development is complete and then transferring the management order, and
- Council waiving all planning and building fees associated with the development.

The proposed memorandum of understanding would be based on appropriate licenses being issued, Council support of option C, and a commitment that the development will progress in a timely manner.

The Shire of Irwin and the City of Swan Aged Persons Homes Trust will jointly undertake community consultation when there is more certainty of the proposed development progressing.

Financial Implications:

The proposed commitments by the Shire have not been costed in any detail. The City of Swan Aged Persons Homes Trust is responsible for all construction costs on site.

Statutory Environment:

Planning and Development Act 2005, Local Government Act 1995.

Policy Implications:

Nil

Officers Recommendation:

That Council authorise the Shire President and Chief Executive Officer to prepare and sign, on behalf of Council, a memorandum of understanding with the City of Swan Aged Persons Homes Trust, in accordance with the following principles:

- Council's preferred option is option C, as presented,
- The developer is responsible for all on site development costs,
- Council agrees to apply to the Minister for a change in purpose for reserve 34643,
- Council agrees to progress a rezoning of reserve 34643,
- Council agrees to construct Henry Road to an acceptable sealed standard,
- Council agrees to enter into a lease agreement, at peppercorn rental, until the development is complete and then transferring the management order, and
- Council waiving all planning and building fees associated with the development.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr S Chandler

That Council authorise the Shire President and Chief Executive Officer to prepare and sign, on behalf of Council, a memorandum of understanding with the City of Swan Aged Persons Homes Trust, in accordance with the following principles:

- ***Council's preferred option is option C, as presented,***
- ***The developer is responsible for all on site development costs,***
- ***Council agrees to apply to the Minister for a change in purpose for reserve 34643,***
- ***Council agrees to progress a rezoning of reserve 34643,***
- ***Council agrees to construct Henry Road to an acceptable sealed standard,***
- ***Council agrees to enter into a lease agreement, at peppercorn rental, until the development is complete and then transferring the management order, and***
- ***Council waiving all planning and building fees associated with the development.***

VOTING DETAILS:

**CARRIED
7/0**

DCS.332

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 28 July 2009
Voting Requirements: Normal Majority

Issue:

To receive the list of accounts paid during June 2009.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of June 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 June 2009, represented by Municipal Cheque Numbers 27424 - 27471, EFT payment numbers 8931 - 9081 totalling \$746,930.52 Trust Payment Cheque Numbers: 2144 - 2152 totalling \$30,842.00 & Police Licensing Payment No's PL 020609 – PL260609 totalling \$111,283.10 be received.

COUNCIL MOTION:

Moved: Cr R Gillam

Seconded: Cr L Wheeler

That the Accounts paid during June 2009, represented by Municipal Cheque Numbers 27424 -27471, EFT payment numbers 8931 - 9081 totalling \$746,930.52 Trust Payment Cheque Numbers: 2144 - 2152 totalling \$30,842.00 & Police Licensing Payment No's PL 020609 – PL260609 totalling \$111,283.10 be received.

VOTING DETAILS:

**CARRIED
7/0**

DCS.333

Subject: Adoption of 2009/2010 Shire of Irwin Budget
Reporting Officer: Director Corporate Services
File Reference: AB.3
Date Prepared: 20 July 2009
Voting Requirements: Absolute Majority

Issue:

To formally adopt the Shire of Irwin 2009/10 Budget and associated resolutions.

Body / Background:

Following consideration of the Draft Budget papers at the 30 June 2009 Council meeting, and agreement on the major items contained within the budget, the formal budget is presented for formal adoption by Council.

The budget as presented is in the format required by the Local Government Act 1995, and accompanying Financial Management Regulations 1996, as well as the Australian Accounting Standards.

Officers Comment:

The Differential Rates and minimum payments adopted by Council at the meeting of 26 May 2009 have been advertised in accordance with statutory requirements. No submissions were received during the advertising period regarding the proposed rates. Approval has been received from the Director General of the Department of Local Government and Regional Development for Council to adopt a UV differential rate which is more than twice the lowest rate and for minimum rates to be imposed on more than 50% of properties in vacant land categories of GRV – Undeveloped and Mining – Undeveloped.

The Budget reflects Council's direction from the draft budget item at the 30 June 2009 Council meeting to increase rate revenue by approximately 12% as well as adjustments that have arisen since the preparation of the draft budget papers:

Financial Implications:

The 2009-10 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2009 to 30 June 2010.

Statutory Environment:

The Local Government Act provides as follows:

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;

- (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

Policy Implications:

Nil.

Officers Recommendation:

1. Adoption of the 2009/2010 Municipal Budget

That the Shire of Irwin 2009/2010 Budget Document, as circulated, be adopted as the Shire of Irwin Budget for the year ending 30 June 2010.

2. Differential Rating Levels

That Council impose the following rates in the dollar and minimum rates for the purpose of levying differential rates for the 2009/2010 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
a) <u>Developed Land</u>		
Residential R2.5, R12.5, R30 & Special Residential	10.6082	\$685
Commercial	10.3784	\$685
Light & General Industry	10.3784	\$685
Special & General Industry	10.3784	\$685
Residential R50	10.6082	\$685
Mining	4.9280	\$685
b) <u>Undeveloped Land</u>		
All Zones except Residential R50	5.3343	\$685
Residential R.50	8.0800	\$685
Mining	4.9280	\$685
Policy Area A	0.7258	\$685
Policy Area B	0.7258	\$685
Policy Area C	0.7258	\$685
Policy Area D	0.7258	\$685
Policy Area E	0.7258	\$685
Policy Area F	0.7258	\$685
Policy Area G	0.7258	\$685

These rates provide an increase of twelve (12.0) percent in rate revenue to reflect the previous decisions of Council; which is designed to ensure Councils operational requirements are kept in line within the projected levels of inflation, increased state government costs of landfill, power and water, and to continue to invest in infrastructure works to stimulate and promote the economic development of the Shire.

3. Outstanding Rates Penalty Interest

That Council imposes an interest penalty of eleven (11) percent charged daily on all outstanding rates.

This reflects the loss in investment income to Council and to encourage early payment.

4. Instalment Options

Regulation 64 (2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the first instalment.

That Council determines that it will provide options to pay rates using one, two and four instalments and that each instalment date will be at intervals of two months from the date of the first instalment, which will effectively be:

Two Instalment Option

Due date (1 st Instalment)	8 September 2009
2 nd Instalment date	9 November 2009

Four Instalment Option

Due date (1 st Instalment)	8 September 2009
2 nd Instalment date	9 November 2009
3 rd Instalment date	8 January 2010
4 th Instalment date	8 March 2010

5. Instalment Options Administration Fee

That Council levy a \$5.00 per instalment administration fee on each instalment payment (i.e., 3 x repayments = \$15).

This is to reflect the administrative cost to Council.

6. Instalment Options Interest Levy

That Council levies an interest charge of 5.5% charged daily where payment of a rates charge is paid by instalment.

This is to reflect the loss of investment income to Council.

7. Members Sitting Fees

The current level of sitting fees paid to elected members is currently set at an annual payment of \$6,000 for the Presiding member and \$3,000 for Councillors.

In lieu of meeting fees Council may adopt an annual allowance, which has a minimum/maximum of \$2,400 and \$7,000 for elected members and \$6,000 and \$14,000 for the President.

That the Shire President's annual allowance for sitting fees remain at \$6,000 per year.

That other Council members' annual allowance for sitting fees remains at \$3,000 per year.

8. Shire Presidents Allowance

The minimum/maximum allowance for the Shire President is \$600 and \$12,000 or 0.002 of operating revenue, whichever is the greater, to a maximum of \$60,000. The current level of \$6,000 paid by Council was last adjusted in 2007.

That the Shire President's annual local government allowance remains at \$6,000 per annum.

9. Deputy Shire Presidents Allowance

The Act provides that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire Presidents allowance.

That the Deputy Shire President's annual local government allowance remains at \$1,500 per annum.

10. Budget Review Variance

The Act requires that a variance percentage be adopted by Council to be used during the budget review process and financial reporting.

That the percentage variance used during the budget review process and for financial reporting purposes be set at 10% or \$5,000, whichever is greater.

11. Schedule of Fees and Charges

Council reviewed the Schedule of Fees and Charges at the forum held in July. The schedule included in the Budget Document has been amended to include the level of fees requested by Council.

That the Schedule of Fees and Charges as listed in the Budget Document be adopted by Council for 2009/10.

COUNCIL MOTION:

Moved: Cr G Dean-Gundill

Seconded: Cr S Chandler

1. Adoption of the 2009/2010 Municipal Budget

That the Shire of Irwin 2009/2010 Budget Document, as circulated, be adopted as the Shire of Irwin Budget for the year ending 30 June 2010.

2. Differential Rating Levels

That Council impose the following rates in the dollar and minimum rates for the purpose of levying differential rates for the 2009/2010 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
a) <u>Developed Land</u>		
<i>Residential R2.5, R12.5, R30 & Special Residential</i>	10.6082	\$685
<i>Commercial</i>	10.3784	\$685
<i>Light & General Industry</i>	10.3784	\$685
<i>Special & General Industry</i>	10.3784	\$685
<i>Residential R50</i>	10.6082	\$685
<i>Mining</i>	4.9280	\$685
b) <u>Undeveloped Land</u>		
<i>All Zones except Residential R50</i>	5.3343	\$685
<i>Residential R.50</i>	8.0800	\$685
<i>Mining</i>	4.9280	\$685
<i>Policy Area A</i>	0.7258	\$685
<i>Policy Area B</i>	0.7258	\$685
<i>Policy Area C</i>	0.7258	\$685
<i>Policy Area D</i>	0.7258	\$685
<i>Policy Area E</i>	0.7258	\$685
<i>Policy Area F</i>	0.7258	\$685
<i>Policy Area G</i>	0.7258	\$685

These rates provide an increase of twelve (12.0) percent in rate revenue to reflect the previous decisions of Council, which is designed to ensure Councils operational requirements are kept in line within the projected levels of inflation, increased state government costs of landfill, power and water, and to continue to invest in infrastructure works to stimulate and promote the economic development of the Shire.

3. Outstanding Rates Penalty Interest

That Council imposes an interest penalty of eleven (11) percent charged daily on all outstanding rates.

This reflects the loss in investment income to Council and to encourage early payment.

4. Instalment Options

Regulation 64 (2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the first instalment.

That Council determines that it will provide options to pay rates using one, two and four instalments and that each instalment date will be at intervals of two months from the date of the first instalment, which will effectively be:

Two Instalment Option

<i>Due date (1st Instalment)</i>	<i>8 September 2009</i>
<i>2nd Instalment date</i>	<i>9 November 2009</i>

Four Instalment Option

<i>Due date (1st Instalment)</i>	<i>8 September 2009</i>
<i>2nd Instalment date</i>	<i>9 November 2009</i>
<i>3rd Instalment date</i>	<i>8 January 2010</i>
<i>4th Instalment date</i>	<i>8 March 2010</i>

5. Instalment Options Administration Fee

That Council levy a \$5.00 per instalment administration fee on each instalment payment (i.e., 3 x repayments = \$15).

This is to reflect the administrative cost to Council.

6. Instalment Options Interest Levy

That Council levies an interest charge of 5.5% charged daily where payment of a rates charge is paid by instalment.

This is to reflect the loss of investment income to Council.

7. Members Sitting Fees

The current level of sitting fees paid to elected members is currently set at an annual payment of \$6,000 for the Presiding member and \$3,000 for Councillors.

In lieu of meeting fees Council may adopt an annual allowance, which has a minimum/maximum of \$2,400 and \$7,000 for elected members and \$6,000 and \$14,000 for the President.

That the Shire President's annual allowance for sitting fees remain at \$6,000 per year.

That other Council members' annual allowance for sitting fees remains at \$3,000 per year.

8. Shire Presidents Allowance

The minimum/maximum allowance for the Shire President is \$600 and \$12,000 or 0.002 of operating revenue, whichever is the greater, to a maximum of \$60,000. The current level of \$6,000 paid by Council was last adjusted in 2007.

That the Shire President's annual local government allowance remains at \$6,000 per annum.

9. Deputy Shire Presidents Allowance

The Act provides that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire Presidents allowance.

That the Deputy Shire President's annual local government allowance remains at \$1,500 per annum.

10. Budget Review Variance

The Act requires that a variance percentage be adopted by Council to be used during the budget review process and financial reporting.

That the percentage variance used during the budget review process and for financial reporting purposes be set at 10% or \$5,000, whichever is greater.

11. Schedule of Fees and Charges

Council reviewed the Schedule of Fees and Charges at the forum held in July. The schedule included in the Budget Document has been amended to include the level of fees requested by Council.

That the Schedule of Fees and Charges as listed in the Budget Document be adopted by Council for 2009/10.

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS:

6/1

F.358

Subject: Financial Statements for the Period ending 30/06/2009
Reporting Officer: Accountant/Senior Administration Officer
File Reference: Minute Book
Date Prepared: 20 July 2009
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2008 to 30 June 2009.

Body / Background:

The Monthly Financial Report to the 30 June 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 30 June 2009 be received.

COUNCIL MOTION:

Moved: Cr L Wheeler

Seconded: Cr R Roberts

That the Monthly Financial Statement for the period 1 July 2008 to 30 June 2009 be received.

VOTING DETAILS:

CARRIED
7/0

TP.471

Subject: Proposed Local Planning Strategy Amendment – Lots 51-54 Indian Ocean Drive, Arrowsmith
Proponent: Mary Donaldson Pty Ltd
Reporting Officer: Town Planner
File Reference: TP.3
Date Prepared: 22 July 2008
Voting Requirements: Simple

Issue:

To consider an amendment to the Shire of Irwin Local Planning Strategy (2008) to create a new Policy Area H over Lots 51, 52, 53 and 54 Indian Ocean Drive adjacent to Freshwater Point and Knobby Head, Arrowsmith.

Body / Background:

Previous Proposal

This matter was previously considered by Council at its meeting held on 16 December 2008.

The proposal at that stage included provision for a tourism node at Knobby Head and for the remainder of the land to be rezoned to Rural Smallholdings (lot sizes of between 4 and 40ha)(see attached).

At that meeting, Council resolved the following:

'That Council advises the proponent it would be prepared to consider initiating a modified amendment to its Local Planning Strategy in accordance with the alternative approach outlined in the officer's report.'

The alternative approach as outlined in the officer's report was as follows:

- The potential lot yield from a rural smallholding development be maintained, but the size of the lots be reduced to between 2000m² and 1ha, and zoned Residential R5 and Rural Residential.
- The balance land remaining from the reduced lot sizes be ceded back to the Crown and amalgamated into the adjoining Beekeepers reserve, which is managed by the DEC.
- Development be focused around two Special Use zoned sites:
One at Knobby Head which would be the primary tourist and recreational user node; and
One at Freshwater Point which would be the commercial fisherman node, including some lots which could be used for pot storage, boat maintenance, etc.
- Developer to liaise with the Shire and the State Government to formalise these nodes taking into account the provisions of the Shire's Coastal Plan and implement some of the infrastructure identified in the Plan (ie car parking, walk trails etc).
- Include a small scale Neighbourhood Commercial Zone (probably 1 or 2 lots for a general store or similar).
- All lots to be supplied with a reticulated water connection (applicant has identified the Yaragadee Aquifer as a potential water source).
- Road construction to urban road standards (ie sealed, kerbed and drained).
- Include sustainability provisions for residential development (ie each house to have a rain water tank, partly powered by solar panels, drought tolerant gardens etc).
- Investigate the possibility of the residential component being strata titled.

Current Proposal

Since that meeting, planning consultants Greg Rowe & Associates have prepared a modified amendment more in line with the alternative approach resolved by Council.

The amendment is made up of two parts; the Strategy text which includes the Aim, Strategies and Actions outlining the provisions for the new policy area, and a Concept Land Use plan which identifies the location of the different land uses.

The attached Concept Land Use Plan best illustrates the new proposal, it includes the following main elements:

- a Tourism Development Node adjacent to Knobby Head of approximately 480ha;
- a deviation of Indian Ocean Drive around the eastern edge of the Tourism Development Node;
- a Commercial Fisherman's Node adjacent to Freshwater Point of approximately 148ha;
- a Residential area between the two nodes of approximately 570ha; and
- the balance of the four lots, being approximately 2720ha, being ceded back to the Beekeeper's Reserve.

The area allocated to the above land uses amount to the following percentages of the total area (3920ha) of the four lots:

- Tourism; 12%
- Commercial Fisherman; 4%
- Residential Development; 14%
- Conservation; 70%.

The Aim, Strategies and Actions to be inserted in the text are also attached. The provisions are summarised as follows:

- Establishment of a Tourism Development Node and a Commercial Fisherman Node. Includes provisions for the following:
 - o Rezoning in accordance with the Concept Land Use Plan.
 - o Preparation of structure plans to deal with servicing of the land.
 - o Liaison with relevant agencies and stakeholders, including commercial fishing bodies.
- Permit Rural Residential and Special Residential development. Includes provisions for the following:
 - o Rezoning in accordance with the Concept Plan Use Plan.
 - o Structure planning.
 - o Demonstrate ability for development to satisfy employment, sustainability, infrastructure and investment objectives.
 - o Basis for a deed of agreement with the Shire to address issues of timing of development, maintenance obligations, differential rating etc.
 - o Rate at which residential land can be developed in relation to the construction of tourism infrastructure.
 - o Implementation of sustainable design criteria.
- Require significant areas of the freehold land to be amalgamated into the adjoining Beekeeper's Reserve. Includes provisions as follows:
 - o Require majority of land to be zoned Conservation Reserve.
 - o Require land zoned Conservation Reserve to be ceded back to the crown and amalgamated into R24496 at subdivision stage.

Officers Comment:

The revised amendment is generally in accordance with the alternative approach outlined in the officer's report at the Council meeting held on 16 December 2008.

It will provide for two very distinct nodes, one for tourism development and one for commercial fishing. The majority of the land will be ceded back to the Beekeeper's Reserve and a scaled down version for residential development is proposed.

In regards to the residential area, it is noted it is still very large at approximately 570ha, this would be similar in size to the existing urban area for Dongara and Port Denison. However, the proposed amendment does include provisions which are designed to assist in controlling residential development.

In particular, Special Residential and Rural Residential zoning allows for low density development with lot sizes ranging between 2000m² and 4ha. Lots at the smaller end of the scale may also be reliant on the provision of deep sewer.

Additionally, residential land will only be permitted in conjunction with the establishment of a tourism project. This will ensure it will not result in residential development without the construction of some sort of tourism infrastructure and corresponding benefit to the community. In conjunction with this, a rate will be allocated that determines how much residential land can be developed as opposed to tourism development. This will ensure that a minor tourism development does not result in a large residential development.

The proposed location of the residential land, between the tourism and fishing nodes, also provides a clearly defined boundary. It will in effect be 'book-ended' by the two nodes and will be confined on the east and west sides by the reserve and the ocean. There will be very limited opportunity for any further expansion of residential development beyond what is provided for in the amendment.

With the way the amendment is structured therefore, the Shire will have some ability to control residential development in this location. It will only be allowed as a ratio to tourism development and will be confined to a clearly defined maximum area.

In addition to this, the provision for a deed of agreement at subdivision stage will allow the Shire to impose conditions on maintenance obligations for roads, drainage, community infrastructure etc. and also to potentially impose differential rating on new lots. This is designed to assist the Shire in servicing the area without the need to strata title the development.

If Council agree to support the proposed amendment, the process from here is similar to a Scheme Amendment in that it must be advertised, submissions considered and the final document referred to the Western Australian Planning Commission for endorsement.

It should be noted this report does not consider the broader planning principles relating to the establishment of a new settlement in this location. This has previously been considered in the report to Council at the meeting held on 16 December 2008. This report focuses on the potential for development in this location as resolved by Council, and achieving the best outcome if this is to occur.

Financial Implications:

Cost to advertise proposed amendment.

Statutory Environment:

Town Planning Regulations 1967

Regulation 12C

(1) A Local Planning Strategy may be amended by amendment prepared by the relevant local government and approved by the Commission.

Policy Implications:

Nil.

Officers Recommendation:

That Council, pursuant to Regulation 12C(1) of the *Town Planning Regulations 1967*, amend the Shire of Irwin Local Planning Strategy (2008) by adding Clause 6.9 Policy Area H and include the following under that Clause:

Aim: To provide for a variety of tourist and commercial fisherman accommodation within two serviced development nodes that relate to and are consistent with the environmental values of the coast whilst enabling rural residential and special residential development on freehold land.

Strategies	Actions
Encourage the establishment of a Tourist Development Node and a Professional Fisherman Development Node on the western side of Indian Ocean Drive.	Undertake liaison with Main Roads Western Australia to consider deviating Indian Ocean Drive eastward for a short distance near Lot 53 Indian Ocean Drive, Arrowsmith to provide for a consolidated development node on the coast, generally in accordance with the attached Concept Land Use Plan (Figure 10).
	Undertake liaison with State and Commercial fishing bodies to achieve the consolidation of the existing Fishing shacks and services into the Professional Fisherman Development Node.
	Require the rezoning of the Tourist Development Node and Professional Fisherman Development Node, prior to development occurring. The location of such to be generally in accordance with the attached Concept Land Use Plan (Figure 10).
	Require any Amendment rezoning land to facilitate the two Development Nodes to provide structure planning addressing the servicing of the land with water and power; the Municipal servicing of the land with regard to Waste Management, Ranger Services, Fire Fighting, Roads and Drainage maintenance.
	Require structure planning to propose the consolidation of Professional Fishing accommodation and services into the Professional Fisherman Development Node.
	Require any Amendment rezoning land to facilitate the development to provide a Structure Plan demonstrating the implementation of the relevant elements of the Shire of Irwin Coastal Development Strategy (1999), with the subsequent works to be implemented through a detailed Foreshore Management Plan.
Permit Rural Residential and Special Residential development of freehold land east of Indian Ocean Drive where associated with a project of tourism significance.	Support the rezoning of freehold land east of Indian Ocean Drive, as shown on the attached Concept Land Use Plan (Figure 10), for Rural Residential, Special Residential and associated development but only in conjunction with a rezoning for land for a project of tourism significance. Support subdivision for Rural Residential / Special Residential development but only after or as part of construction of a project of tourism significance.
	Require any Amendment rezoning land to Rural Residential and Special Residential (i.e. R5) to provide structure planning addressing the servicing of the land with water and power; the Municipal servicing of the land with regard to Waste Management, Ranger Services, Fire Fighting, Roads and Drainage maintenance.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to provide a detailed assessment of the performance of the project in meeting regional planning and sustainability objectives, including analysis of the capacity to provide jobs and employment, the capital investment required for infrastructure and services (including contribution

	arrangements) and the overall costs and benefits of the proposal, in accordance with WAPC SP3: Urban Growth and Settlement.
	Require as a condition of any subdivision approval for freehold land that the landowner enter into a Deed of Agreement with the Shire of Irwin to address: <ul style="list-style-type: none"> • commitments to seek and obtain planning approval and undertake development within a defined period; • the transfer of suitable area of site at no cost for vesting in Beekeepers Reserve; • the construction, monitoring and maintenance of roads, drainage and public open space reserves; • the application of a Deed of Agreement to each stage of development; • the period of time for which the proponent is responsible for maintenance; • the setting out of maintenance obligations; • provision of maintenance bonds; • provision of Council headworks contributions; • arrangements regarding the source of revenue for ongoing maintenance at expiration of proponent's responsibility (e.g. differential rating); and • a bank guarantee against default of the above commitments and to cover any defects which might become evident during the period of the developer's obligation.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to include a provision which determines at what rate residential land can be developed in relation to the construction of tourism infrastructure.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to include a provision which requires Sustainable Design Criteria to be implemented, which addresses water and energy targets, building design and materials and landscaping.
Provide for a significant area of the freehold land to be amalgamated into the adjacent Beekeeper's Reserve.	Require the rezoning of the areas shown as Conservation on the attached Concept Land Use Plan (Figure 10) to Conservation Reserve.
	Require as a condition of any subdivision approval that land zoned Conservation Reserve be ceded free of cost to the Crown and amalgamated into the adjacent Beekeepers Reserve (R24496).

The Concept Plan Use Plan be included directly after the above.

COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr S Chandler

That Council, pursuant to Regulation 12C(1) of the Town Planning Regulations 1967, amend the Shire of Irwin Local Planning Strategy (2008) by adding Clause 6.9 Policy Area H and include the following under that Clause:

Aim: To provide for a variety of tourist and commercial fisherman accommodation within two serviced development nodes that relate to and are consistent with the environmental values of the coast whilst enabling rural residential and special residential development on freehold land.

Strategies	Actions
Encourage the establishment of a Tourist Development Node and a Professional Fisherman Development Node on the western side of Indian Ocean Drive.	Undertake liaison with Main Roads Western Australia to consider deviating Indian Ocean Drive eastward for a short distance near Lot 53 Indian Ocean Drive, Arrowsmith to provide for a consolidated development node on the coast, generally in accordance with the attached Concept Land Use Plan (Figure 10).
	Undertake liaison with State and Commercial fishing bodies to achieve the consolidation of the existing Fishing shacks and services into the Professional Fisherman Development Node.
	Require the rezoning of the Tourist Development Node and Professional Fisherman Development Node, prior to development occurring. The location of such to be generally in accordance with the attached Concept Land Use Plan (Figure 10).
	Require any Amendment rezoning land to facilitate the two Development Nodes to provide structure planning addressing the servicing of the land with water and power; the Municipal servicing of the land with regard to Waste Management, Ranger Services, Fire Fighting, Roads and Drainage maintenance.
	Require structure planning to propose the consolidation of Professional Fishing accommodation and services into the Professional Fisherman Development Node.
	Require any Amendment rezoning land to facilitate the development to provide a Structure Plan demonstrating the implementation of the relevant elements of the Shire of Irwin Coastal Development Strategy (1999), with the subsequent works to be implemented through a detailed Foreshore Management Plan.
Permit Rural Residential and Special Residential development of freehold land east of Indian Ocean Drive where associated with a project of tourism significance.	Support the rezoning of freehold land east of Indian Ocean Drive, as shown on the attached Concept Land Use Plan (Figure 10), for Rural Residential, Special Residential and associated development but only in conjunction with a rezoning for land for a project of tourism significance. Support subdivision for Rural Residential / Special Residential development but only after or as part of construction of a project of tourism significance.
	Require any Amendment rezoning land to Rural Residential and Special Residential (i.e. R5) to provide structure planning addressing the servicing of the land with water and power; the Municipal servicing of the land with regard to Waste Management, Ranger Services, Fire Fighting, Roads and Drainage maintenance.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to provide a detailed assessment of the performance of the project in meeting regional planning and sustainability objectives, including analysis of the capacity to provide jobs and employment, the capital investment required for infrastructure

	and services (including contribution arrangements) and the overall costs and benefits of the proposal, in accordance with WAPC SP3: Urban Growth and Settlement.
	Require as a condition of any subdivision approval for freehold land that the landowner enter into a Deed of Agreement with the Shire of Irwin to address: <ul style="list-style-type: none"> • commitments to seek and obtain planning approval and undertake development within a defined period; • the transfer of suitable area of site at no cost for vesting in Beekeepers Reserve; • the construction, monitoring and maintenance of roads, drainage and public open space reserves; • the application of a Deed of Agreement to each stage of development; • the period of time for which the proponent is responsible for maintenance; • the setting out of maintenance obligations; • provision of maintenance bonds; • provision of Council headworks contributions; • arrangements regarding the source of revenue for ongoing maintenance at expiration of proponent’s responsibility (e.g. differential rating); and • a bank guarantee against default of the above commitments and to cover any defects which might become evident during the period of the developer’s obligation.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to include a provision which determines at what rate residential land can be developed in relation to the construction of tourism infrastructure.
	Require any Amendment rezoning land to facilitate Rural Residential and Special Residential development to include a provision which requires Sustainable Design Criteria to be implemented, which addresses water and energy targets, building design and materials and landscaping.
Provide for a significant area of the freehold land to be amalgamated into the adjacent Beekeeper’s Reserve.	Require the rezoning of the areas shown as Conservation on the attached Concept Land Use Plan (Figure 10) to Conservation Reserve.
	Require as a condition of any subdivision approval that land zoned Conservation Reserve be ceded free of cost to the Crown and amalgamated into the adjacent Beekeepers Reserve (R24496).

The Concept Plan Use Plan be included directly after the above.

**CARRIED
7/0**

VOTING DETAILS:

TP.472

Subject: Proposed Caravan Park Redevelopment – Dongara Tourist Park
George Street, Port Denison
Proponent: R Saulsman
Reporting Officer: Town Planner
File Reference: P28/09 / A1939
Date Prepared: 22 July 2009
Voting Requirements: Simple

Issue:

To consider an application to redevelop part of the Dongara Tourist Park on George Street, Port Denison.

Body / Background:

The Land

The Dongara Tourist Park is situated on Lot 3000, Reserve 32182 George Street in Port Denison.

R32182 is approximately 5ha in area, the caravan park occupies approximately 3ha of this and includes caravan and camping areas, 15 chalets and a managers accommodation/reception.

Zoning

The land is zoned Special Use Site No 17 under the Shire of Irwin Local Planning Scheme No 5, with permitted uses as follows:

- Caravan/Chalet Park
- Camping Ground
- Incidental uses to the permitted uses.

Specific Conditions relating to Special Use Site No 17 include as follows:

‘Development to be generally in accordance with an adopted Outline Development Plan. The ODP shall define to Coastal Foreshore Reserve consistent with SPP No 2.6 and include a Foreshore Management Plan.’

Reserve 32182 has a purpose of ‘camping and caravan park’ and the management order is allocated to the Shire of Irwin.

The surrounding land to the north west and north east is generally zoned Residential, apart from Lot 742 on the corner of Fletcher Street which is zoned Special Use Site No 18 for an Aged Persons Village. The land to the south is zoned Local Reserve.

Proposal

The application proposes to develop mainly the lower half of the park, adjacent to the George Street frontage.

The plan shows the redevelopment of 26 existing powered sites and the development of an additional 35 new powered sites. A total of 61 sites.

The development is proposed to include new sewage, water, power and gas to sites 28-35 and 36-42. All sites will have dual 15 amp K-Mac power heads, sullage and water. Each site will be nine metres wide allowing it to accommodate a 5.4m wide concrete slab and a 3.6m landscaping and car parking verge between each slab. The length of the slabs vary from 8m to 11m which will comfortably fit small caravans and small wicked vans, up to fifth wheelers, buses and large caravans.

The larger sites (28-42) will also have sewage, power and gas to allow for future ensuites.

Approval is also sought for an additional ablution block to adjoin the existing block. The new ablution block (brick construction) will have four toilets, showers and hand basins in the females and two toilets, 1.5m urinal, four showers and four hand basins in the males.

The two ablution blocks combined will have:

Males 6 toilets, 9 showers, 8 hand basins and three metres of urinal;
Females 9 toilets, 9 showers, 8 hand basins.

This will allow for a total of 91-100 sites in accordance with the *Caravan and Camping Ground Regulations 1997*.

The development is proposed to be staged over three years. Stages will be broken down as follows:

Stage 1 development of sites 20-35 and 36-42, including new ablutions;
Stage 2 development of sites 43-61; and
Stage 3 development of sites 1-19.

Officers Comment:

The redevelopment as proposed is designed to provide a more efficient layout and a higher density of caravan and camping bays, and will provide a high standard of amenity to visitors.

No redevelopment of the upper portions of the existing park, closer to the beach are proposed at this stage. The applicant has been advised that a further planning application will need to be made for any proposed redevelopment of this area.

The redevelopment as proposed complies with the zoning and the purpose for the reserve. There are no provisions under the Scheme that relate specifically to development control of caravan parks.

However, for this particular site (No 17 in Schedule 4), under the Specific Conditions, it does state that development is to be in accordance with an Outline Development Plan, prepared in accordance with State Planning Policy 2.6, which deals with coastal setbacks.

The generic coastal setback as imposed by this state policy is 100 metres from the landward limit of the beach. In this instance the part of the site to be redeveloped is outside of the 100 metre coastal setback and as such an ODP addressing this may not be necessary.

The applicant should however be advised, that any redevelopment of the remaining portions of the park will require consideration of the coastal setback and a Foreshore Management Plan.

The main statutory provisions relating to Caravan Parks come from the *Caravan Parks and Camping Grounds Act 1995* and associated *Regulations*. In this regard the application is mostly compliant, although one omission is the provision of visitor parking bays. These will need to be formalised in a suitable location at the front of the park and can be enforced as a condition of approval.

It is also noted no floor plans or elevations have been submitted for the proposed extensions to the ablution facilities. It is not expected that this extension will have any particular design issues and it would be acceptable for the plans to be submitted at the building license stage.

The Shire Health Department has advised that the caravan and tenting areas on the remainder of the park (not included in this redevelopment) do not comply with the requirement for sullage points.

The applicant will need to be reminded of his obligation to comply in this respect, regardless of the redevelopment proposed in other areas.

Perhaps the most critical element in ensuring a good outcome is the approval of the engineering design. Although not a lot of building work is proposed, a significant amount of infrastructure construction is proposed including:

- Roads;
- Drainage;
- Power;
- Water;
- Sewer;
- Gas; and
- Earthworks and retaining.

It would be onerous to expect an engineering design detailing the above to be submitted at planning approval stage, however a condition needs to be imposed that requires the submission of an engineering design for the Shire's approval prior to works commencing.

In this regard, the applicant has advised that he is liaising with two engineering firms in Geraldton to prepare a submission for engineering approval.

The application as proposed is generally satisfactory, it is recommended the application be approved subject to conditions.

Financial Implications:

Nil.

Statutory Environment:

Shire of Irwin Local Planning Scheme No 5.

Caravan Parks and Camping Grounds Act 1995 and associated Regulations.

Policy Implications:

Nil.

Officers Recommendation:

That Council approve the application to redevelop part of the Tourist Caravan Park on Lot 3000, Reserve 32182, George Street, Port Denison 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 applicant is to submit engineer's drawings detailing all civil construction works for the approval of the Shire of Irwin. No works are to commence until specific written approval of these drawings has been granted by the Shire and any conditions imposed thereon complied with. The engineering design is to consider the proposed staging of the redevelopment. The drawings to be submitted are to include details of the following to the satisfaction of the Shire:
 - Roads;
 - Drainage;
 - Power;
 - Water;

- Sewer;
 - Gas; and
 - Earthworks and retaining.
3. Visitor parking in accordance with the *Caravan Parks and Camping Grounds Act 1995* is to be provided in a suitable location at the front of the park to the approval of the Shire of Irwin.
 4. A Building License is required to be approved by the Shire of Irwin for the proposed ablution extension, including the submission of a floor plan and elevations.
 5. All retaining walls over 500mm require the approval of a Building License by the Shire of Irwin. All retaining walls over 1000mm also require engineer certification.
 6. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.
 7. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice:

1. In regards to condition 3, details of visitor parking will need to be included with the engineering submission.
2. Any future redevelopment of the remaining parts of the caravan park will need to address the requirement for an Outline Development Plan and the coastal setback provisions of State Planning Policy 2.6, as required under the zoning.
3. a) All development works must be carried out in accordance with control of noise practices set out in Section 6 of AS2436-1981.
b) No works shall commence prior to 7:00am without the Shire approval.

Cr L Wheeler declared a financial interest, being the owner of tourist accommodation, and left the chambers at 4.28pm.

COUNCIL MOTION:

Moved: Cr R McClurg

Seconded: Cr S Chandler

That Council approve the application to redevelop part of the Tourist Caravan Park on Lot 3000, Reserve 32182, George Street, Port Denison 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 applicant is to submit engineer's drawings detailing all civil construction works for the approval of the Shire of Irwin. No works are to commence until specific written approval of these drawings has been granted by the Shire and any conditions imposed thereon complied with. The engineering design is to consider the proposed staging of the redevelopment. The drawings to be submitted are to include details of the following to the satisfaction of the Shire:***
 - ***Roads;***
 - ***Drainage;***
 - ***Power;***
 - ***Water;***
 - ***Sewer;***
 - ***Gas; and***
 - ***Earthworks and retaining.***

- 3. Visitor parking in accordance with the Caravan Parks and Camping Grounds Act 1995 is to be provided in a suitable location at the front of the park to the approval of the Shire of Irwin.**
- 4. A Building License is required to be approved by the Shire of Irwin for the proposed ablution extension, including the submission of a floor plan and elevations.**
- 5. All retaining walls over 500mm require the approval of a Building License by the Shire of Irwin. All retaining walls over 1000mm also require engineer certification.**
- 6. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.**
- 7. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**

Advice:

- 1. In regards to condition 3, details of visitor parking will need to be included with the engineering submission.**
- 2. Any future redevelopment of the remaining parts of the caravan park will need to address the requirement for an Outline Development Plan and the coastal setback provisions of State Planning Policy 2.6, as required under the zoning.**
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b) No works shall commence prior to 7:00am without the Shire approval.**

**CARRIED
6/0**

VOTING DETAILS:

Cr L Wheeler returned to the chambers at 4.34pm.

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 4.34pm.

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

Signed:
Presiding Elected Member

Date:.....