

I certify that this copy of the Minutes is a true and correct record of the meeting held on 27 October 2009  
Signed: .....  
Presiding Elected Member  
Date:.....



**MINUTES OF ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 27 OCTOBER 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**

<b>PRESENT:</b>	President	Cr S C Chandler (Chairperson)
	Councillors	Cr J B Fitzhardinge Cr K J Hepworth Cr R T McClurg (Deputy Shire President) Cr R W Roberts Cr B C Scott Cr I F West 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	Mr John Rossiter Mr Kevan Dennis

**APOLOGIES:** -

**LEAVE OF ABSENCE:** -

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*Prior to the commencement of the meeting Mrs Robyn Parsons, in her capacity as a Justice of the Peace, witnessed the declarations of the newly-elected Councillors:*

**Robert Thomas MCCLURG**  
**Bronwen Claire SCOTT**  
**Ian Francis WEST**  
**John Berkeley FITZHARDINGE**

*Each Councillor made the “Declaration by an Elected Member of Council” before being appointed as a Councillor for the Shire of Irwin in accordance with the provisions of the Local Government Act 1995.*

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer, Mr Brian Jones declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Nil.

**3. ELECTION OF SHIRE PRESIDENT**

The Chief Executive Officer, Mr Brian Jones advised that he had received one nomination for the position of Shire President, being Cr Stuart Chandler, and, there being no other nominations, declared Cr Stuart Chandler Shire President for the next two (2) years.

Cr Stuart Chandler made his declaration as Shire President in the presence of Mrs Robyn Parsons, in her capacity as a Justice of the Peace.

*Cr Chandler assumed the chair.*

**4. ELECTION OF DEPUTY PRESIDENT**

Cr Stuart Chandler advised that two (2) nominations had been received for the position of Deputy Shire President, being Cr Robert McClurg and Cr Ian West.

A secret ballot was conducted and at the end of the vote count Cr Robert McClurg was declared elected to the position of Deputy Shire President for the next two (2) years.

Cr Robert McClurg made his declaration as Deputy Shire President in the presence of Mrs Robyn Parsons, in her capacity as a Justice of the Peace.

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

Nil.

**6. PUBLIC QUESTION TIME**

**6.1.** Mr Kevan Dennis congratulated Cr Chandler & Cr McClurg and the new Councillors on their new roles, and asked the following question:

Mr President could you please explain the purpose for which the following advice has been added to the face page of the Agenda for this and the previous meeting:

Quote:

1. Councillors wishing to move alternative motions to officer recommendations are requested to provide notice of such motions in written form to the CEO prior to the Council Meeting.
2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meeting.

In respect of Note 1, how can there be any alternative motions put if there has been no council meeting held at which discussion and debate that may bring about a new motion to change the item in question?

In respect of Note 2 the relevant officers are in attendance at meetings and would be available for clarification if necessary.

In both instances, all Councillors in attendance should have the same access to all points of clarification which have been sought and which may lead to points of

genuine discussion and debate and therefore may change the concept before the question is put.

Is this a concerted effort to stifle discussion and debate at Council meetings and restrict public access on decision making and to continue the apparent lack of Open and Accountable Local Government and Community consultation?

The Shire President advised that the meetings are conducted in accordance with the Shire of Irwin Standing Orders 2000. The request for advanced notice of alternative motions provides opportunity for Officers to research that motion to provide informed advice to Council. This is a concerted effort to ensure that Councillors can be fully informed of the matter being debated.

## 7. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Lance Wheeler has requested a Leave of Absence from the Council Meeting scheduled for 24 November 2009.

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### COUNCIL MOTION:

Moved: Cr R Roberts

Seconded: Cr I West

*That Cr Lance Wheeler be granted Leave of Absence for the Council Meeting scheduled for 24 November 2009.*

CARRIED UNANIMOUSLY  
8/0

### VOTING DETAILS:

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## 8. PETITIONS

Nil.

## 9. CONFIRMATION OF MINUTES

**9.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 SEPTEMBER 2009**

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A copy of the Minutes of the Ordinary Council Meeting held on 22 September 2009 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**Moved: Cr R Roberts**

**Seconded: Cr K Hepworth**

***That the Minutes of the Ordinary Council Meeting, held on 22 September 2009, be confirmed as a true and accurate recording of that meeting, subject to the amendment to delete Margaret Denton (WA Country Health) as being in attendance.***

**VOTING DETAILS:**

**CARRIED UNANIMOUSLY  
8/0**

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

- 10.1.** Congratulations to all of the recently elected Councillors.
- 10.2.** Thank you to the Councillors for their support as Shire President.
- 10.3.** Acknowledged the contribution of retiring Councillors, Parsons, Bass, Gillam and Dean-Gundill.
- 10.4.** Thanks to Robyn Parsons for undertaking official duties today.
- 10.5.** Advised Council of a Certificate received by the Shire from the Geraldton Regional Community Education Centre Association for consistently supporting school students with workplace opportunities.
- 10.6.** Congratulations to Dongara District High School on reaching the finals of the YOHfest competition.

## 11. REPORTS

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### B.416

**Subject:** Liquid Waste Management  
**Reporting Officer:** Felix Neuweiler, Manager Community Development  
**File Reference:** SD.MO.1  
**Date Prepared:** 16 October 2009  
**Voting Requirements:** Simple

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#### **Issue:**

To consider appropriate action in regards to the current annual 100 kilolitre limit of Liquid Waste disposal at Dongara transfer station.

#### **Body / Background:**

Dongara is presently serviced by two liquid waste contractors. Most of the liquid waste is generated by the Moreton Bay estate as this area hasn't been connected to the sewers yet. The occasional exploration camp, septic tank and grease trap pump out contribute to a much lesser extent to the waste volume.

Schedule 1 of the Environmental Protection Regulations 1987 prescribes that facilities that receive less than 100kL/annum need to be registered, facilities receiving more than 100kL/annum need to be licensed.

As quantities disposed of at the site in discussion were less than 100kL/annum the Dongara facility didn't require licensing. Since the Moreton Bay Estate's sewer lines haven't been commissioned yet it became necessary for this area's holding tanks to be pumped several times per week. This additional load has resulted in the amount of liquid waste being disposed of at the transfer station to exceed 100kL.

The Department of Environment & Conservation recently brought this matter to the attention of Shire staff.

The Water Corporation is operating sewer ponds on Blenheim Road. These ponds were recently upgraded. Shire officers sent a letter to the Water Corporation enquiring if it would be possible for the two local contractors to use the ponds as an alternative to the Shire's facility.

No written reply has so far been received. However, during a telephone conversation it was confirmed that the Water Corporation could accept general liquid waste, but not waste from grease traps.

#### **Officers Comment:**

If the contractors were forced to transport the liquid waste to Geraldton the cost of liquid waste removal for the Shire's residents could increase drastically, hence this is not considered a viable alternative.

If the Water Corporation's facility can be used by the contractors, the annual disposal volume could be reduced to levels below 100kL and licensing would no longer be necessary.

The upgrading of the current pond is not feasible due to occupational health and safety implications.

Several options are available to Council:

1. Leave the transfer station pond as is and limit the amount that each contractor can dispose of to a maximum of 49 kL;
2. Install a series of clay lined trenches and make an application to the DEC for a licence to dispose more than 100kl per annum. Please note that for this project no allowance has been made in this year's budget.
3. No longer accept liquid waste of any kind at the Dongara Transfer Station.

**Financial Implications:**

Fees & Charges for septic and leach drain waste: Half truck \$35; full truck \$70.

Cost of the installation of four 20m long, clay lined trenches would cost approximately \$5000 which could come from within the current budget parameters.

**Statutory Environment:**

Environmental Protection Act 1986: Schedule 1 of the Environmental Protection Regulations 1987.

**Policy Implications:**

N/A

**Officers Recommendation:**

That Council:

1. Make an application to the DEC for a licence to dispose of more than 100kL per annum of liquid waste at the Dongara Transfer Station and install a series of clay lined trenches at the Dongara Transfer Station.

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*Cr S Chandler declared a financial interest in the item and left the chambers at 4.24pm.*

*Cr R McClurg assumed the chair.*

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**COUNCIL MOTION:**

**Moved: Cr K Hepworth**

**Seconded: Cr I West**

***That Council:***

***Make an application to the DEC for a licence to dispose of more than 100kL per annum of liquid waste at the Dongara Transfer Station and install a series of clay lined trenches at the Dongara Transfer Station.***

**VOTING DETAILS:**

**CARRIED  
7/0**

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*Cr S Chandler returned to the chambers at 4.25pm and assumed the chair.*

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**CEO.433**

**Subject:** Annual Electors Meeting  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** GV.CM.1  
**Date Prepared:** 11 September 2009  
**Voting Requirements:** Simple

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**Issue:**

To set a date for the Annual Electors Meeting

**Body / Background:**

The Shire of Irwin will be adopting the 2008/09 Annual Report at this Council meeting and we now need to determine when and where to hold this year's Annual Electors Meeting.

**Officers Comment:**

It is recommended that the annual electors meeting be held on Tuesday 24 November 2009.

**Financial Implications:**

Nil

**Statutory Environment:**

*5.27. Electors' general meetings*

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

*5.29. Convening electors' meetings*

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council hold the Annual Electors Meeting at 5:30pm on Tuesday 24 November 2009 at the Ocean Room at the Irwin Rec.



**COUNCIL MOTION:**

**Moved: Cr R Roberts**

**Seconded: Cr K Hepworth**

***That Council hold the Annual Electors Meeting at 5:30pm on Tuesday 24 November 2009 at the Ocean Room at the Irwin Rec.***

**CARRIED UNANIMOUSLY  
8/0**

**VOTING DETAILS:**

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**CEO.434**

**Subject:** CSRFF Applications  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** GS.PR.1 / RC.LI.2  
**Date Prepared:** 15 October 2009  
**Voting Requirements:** Simple

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**Issue:**

To rate and rank CSRFF applications received and consider a request for a financial contribution from the Denison Bowling and Recreation Club.

**Body / Background:**

The purpose of the Community Sporting and Recreation Facilities Fund (CSRFF) is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Council is required to rank, in order of priority, all applications received from within its boundaries. The most important application is to be ranked priority No 1. Two projects may not be equally ranked and all projects must be given a ranking priority.

Council is also required to rate all applications received as either high, high/medium, medium, medium/low, and low or not recommended. This rating should reflect how worthwhile the project is and indicate its importance on its actual need and benefit to the community. Where Council does not wish to endorse a project or is of the opinion that an application has not satisfactorily addressed the Key Principles of Facility Provision, they should recommend that the project not be funded, or that it be resubmitted in a later funding round.

The Shire should state the reasons for the recommendation in the comments section on the project assessment sheet. Comments are to be precise, relevant and presented as strongly as possible. All rankings and ratings must be endorsed by Council resolution and a copy of council minutes confirming financial contribution (if any) must be included with the application form.

**Officers Comment:**

The Shire has received one application, being from the Denison Bowling & Recreation Club for the installation of two synthetic greens. Please see copy attached.

It is recommended that the application received be ranked 1 and rated high.

The application received has also requested that Council contribute \$134,666 being one-third of the total estimated cost of \$404,000.

Council does not have a Policy in regards to contributions for Sporting and Community groups and it is difficult to determine the impact on this level of financial contribution on next year's Budget so far in advance.

The issue of what is fair and reasonable financial support for Sporting facilities is an interesting debate.

Council has recently financed the cost for the Indoor Recreation Centre which provides a very high quality of facility for a number of sports including Basketball, Netball and Badminton. None of the

indoor sports that benefit directly from this facility made any financial contribution towards its construction.

Council currently allocates over \$40,000 per annum to maintain the turf tennis courts but does not provide any assistance to either the Bowling Club or Golf Club for the maintenance of their turf.

The Denison Bowling & Sporting Club could put a good case for Council to accede to their request for financial assistance based on the recent precedents set by Council. On the other hand if the purpose of the conversion to synthetic greens is to save substantial costs in turf maintenance then why can't these future savings be used to fund the costs.

It is recommended that Council agree to a financial contribution of up to \$100,000 or 25% of the cost, whichever is the lesser.

**Financial Implications:**

Any contribution agreed to by Council will be included in the 2010/11 Budget.

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council:

- Advise the Department of Sport & Recreation that the application received from the Denison Bowling & Recreation Club be ranked 1 and rated high (well planned and needed by municipality).
- Agree to include \$100,000 in the 2010/11 Budget as a financial contribution (maximum 25% of project cost) to the Denison Bowling & Recreation Club for the purpose of installing two synthetic greens, subject to the project proceeding in accordance with the information received.

*Cr R Roberts and Cr I West declared an impartiality interest being members of the Denison Bowling and Recreation Club.*

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**COUNCIL MOTION:**

**Moved: Cr B Scott**

**Seconded: Cr J Fitzhardinge**

***That Council:***

- ***Advise the Department of Sport & Recreation that the application received from the Denison Bowling & Recreation Club be ranked 1 and rated high (well planned and needed by municipality).***
- ***Agree to include \$100,000 in the 2010/11 Budget as a financial contribution (maximum 25% of project cost) to the Denison Bowling & Recreation Club for the purpose of installing two synthetic greens, subject to the project proceeding in accordance with the information received.***

**CARRIED UNANIMOUSLY  
8/0**

**VOTING DETAILS:**

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**CEO.435**

**Subject:** Sponsorship Request – WA Kite Surfing Association  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** CR.SP.1  
**Date Prepared:** 15 October 2009  
**Voting Requirements:** Absolute

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**Issue:**

To consider a sponsorship request received from the Western Australian Kite Surfing Association.

**Body / Background:**

Please see correspondence attached received from the Western Australian Kite Surfing Association requesting sponsorship for Kitestock 2010.

**Officers Comment:**

The request for additional waste removal services and beach preparation is supported.

The request for the Shire to provide a bus service (bus and driver at no charge) is not supported due to the manner in which the community bus was used during the last Kitestock event in Dongara and the costs involved in providing a driver at the times requested.

During the last Kitestock event the community bus was hired and returned in a very poor condition. The bus was littered with rubbish, spilled drinks and sand and no effort was made to clean the bus or return it in a satisfactory manner. All of the bond money was forfeited which partially funded the cleaning of the bus.

The community bus is primarily for use by our own community groups, if the bus is hired by people from outside the Shire and not returned in a reasonable condition then those groups should not be able to again hire the bus.

It is recommended that the Shire make a financial donation of \$1,000 towards the event rather than allowing use of the community bus.

In regards to the request for the provision of a safety/chase boat for the Downwinder event, the Shire does not have access to this type of service provision. It is presumed that this item can be organised either through a community group or business group that will directly benefit from the event.

**Financial Implications:**

Cost of waste removal, beach preparation and financial contribution would total approximately \$2,000.

**Statutory Environment:**

As the expenditure is not included in the 2009/10 Budget at absolute majority decision is required.

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council agree to support the 2010 Kitestock event through the following:

- A cash donation of \$1,000
  - The provision of additional rubbish service as requested, and
  - Beach preparation as requested.
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**COUNCIL MOTION:**

**Moved: Cr L Wheeler**

**Seconded: Cr K Hepworth**

*That Council agree to support the 2010 Kitestock event through the following:*

- *A cash donation of \$1,000*
- *The provision of additional rubbish service as requested, and*
- *Beach preparation as requested.*
- *The donation is noted as unbudgeted expenditure.*

**CARRIED BY ABSOLUTE MAJORITY  
8/0**

**VOTING DETAILS:**

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**DCS.337**

**Subject:** Accounts for Payment  
**Reporting Officer:** Director Corporate Services  
**Date Of Report:** 27 September 2009  
**File Reference:** Minute Book  
**Voting Requirements:** Normal Majority

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**Issue:**

To receive the list of accounts paid during September 2009.

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 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 September 2009, represented by Municipal Cheque Numbers 27515– 27549 EFT payment numbers 9267 - 9390 totalling \$423,130.30 Trust Payment Cheque Numbers: 2156- 2168 totalling \$16,300 & Police Licensing Payment No's PL 010909– PL240909 totalling \$59,763.75 be received.

**COUNCIL MOTION:**

**Moved: Cr K Hepworth      Seconded: Cr R McClurg**

***That the Accounts paid during September 2009, represented by Municipal Cheque Numbers 27515– 27549 EFT payment numbers 9267 - 9390 totalling \$423,130.30 Trust Payment Cheque Numbers: 2156- 2168 totalling \$16,300 & Police Licensing Payment No's PL 010909– PL240909 totalling \$59,763.75 be received.***

**CARRIED UNANIMOUSLY  
8/0**

**VOTING DETAILS:**

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**DCS.338**

**Subject:** 2008/09 Annual Report and Auditor's Report  
**Reporting Officer:** Director Corporate Services  
**File Reference:** CM.RE.1 / FM.AD.08.09  
**Date Prepared:** 11 September 2009  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider and accept the 2009 Shire of Irwin Annual Report.

**Body / Background:**

The Local Government Act 1995 requires Councils to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

**Officers Comment:**

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, UHY Haines Norton, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

Once the Annual Report has been accepted, Council is required to give local public notice of the availability of the Annual Report as soon as practicable.

**Financial Implications:**

**Statutory Environment:**

- *The Local Government Act 1995 Section 5.54 provides that the Annual Report is to contain the following:*
  - A report from the Shire President;
  - A report from the Chief Executive Officer;
  - An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
  - The financial report for the financial year;
  - Such information as may be prescribed in relation to the payments made to employees;
  - The auditors report for the financial year;
  - Such other information as may be prescribed.
  
- *The Local Government Act 1995 Section 7.2 provides:*
  - The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.
  
- *The Local Government (Audit) Regulations Section 10 provides:*
  1. An auditor's report is to be forwarded to the persons specified (Mayor or President, CEO and Minister) within 30 days of completing the audit.
  
  2. The report is to give the auditor's opinion on —
    - a. the financial position of the local government; and

- b. the results of the operations of the local government
3. The report is to include —
- a. any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;
  - b. any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law;
  - c. details of whether information and explanations were obtained by the auditor; and
  - d. a report on the conduct of the audit.
4. Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified (Mayor or President, CEO and Minister) with the auditor's report.

**Policy Implications:**

**Officers Recommendation:**

- 1. That Council receives the Audit Report from Council's Auditors, UHY Haines Norton, for the year ending 30 June 2009.
- 2. That Council accept the 2008/09 Annual Report, as circulated, for the year ended 30 June 2009 and that local public notice be given of its availability as soon as practicable.

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**COUNCIL MOTION:**

**Moved: Cr R Roberts**

**Seconded: Cr I West**

- 1. *That Council receives the Audit Report from Council's Auditors, UHY Haines Norton, for the year ending 30 June 2009.*
- 2. *That Council accept the 2008/09 Annual Report, as circulated, for the year ended 30 June 2009 and that local public notice be given of its availability as soon as practicable.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**8/0**

**F.361**

**Subject:** Financial Statements for the Period ending 30/09/2009  
**Reporting Officer:** Accountant/Senior Administration Officer  
**File Reference:** Minute Book  
**Date Prepared:** 20 October 2009  
**Voting Requirements:** Simple Majority

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**Issue:**

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

**Body / Background:**

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

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**COUNCIL MOTION:**

**Moved: Cr L Wheeler**

**Seconded: Cr K Hepworth**

***That the Monthly Financial Statement for the period 1 July 2009 to 30 September 2009 be received.***

**CARRIED UNANIMOUSLY  
8/0**

**VOTING DETAILS:**

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**TP.475**

**Subject:** Proposed Subdivision of Lot 23 Francis Road, Port Denison  
**Proponent:** Flemington Holdings Pty Ltd  
**Reporting Officer:** Town Planner  
**File Reference:** WAPC Ref: 140673  
**Date Prepared:** 20 October 2009  
**Voting Requirements:** Simple

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**Issue:**

To consider an application to subdivide Lot 23 (No 20) Francis Road, Port Denison as referred by the Western Australian Planning Commission (WAPC).

**Body / Background:**

Subject Land

Lot 23 is 1.02 hectares in area. It has frontage to Francis Road on the west side and Henry Road on the east side. The Henry Road frontage is not constructed.

The property contains some existing buildings including an old shed /dwelling, plus a shed frame at the rear. The remainder of the property is vacant.

The subdivision plan indicates the buildings are to be removed. They are not listed on the Shire's Municipal Inventory of Heritage Places.

Zoning

Lot 23 is zoned Residential R12.5 under the Shire of Irwin Local Planning Scheme No 5. It falls within Policy Area B of the Local Planning Strategy.

History

This lot has an existing subdivision approval. At Council's meeting held on 13 September 2005 it considered a referral from the WAPC to subdivide the lot into 10 new lots. That application was supported subject to conditions, and was granted approval by the WAPC on the 19<sup>th</sup> of January 2006. That approval is still valid and engineering approval to construct the subdivision was granted in May of this year, however no further action has been taken since. (See attached for previous subdivision design).

Current Proposal

This new application is similar to the previous one, except that it includes one extra lot, to give the subdivision a total of 11 lots.

The proposed new lots range in size from 998m<sup>2</sup> to 700m<sup>2</sup>. Five lots are proposed to front Francis Road, and six lots to front a new internal road.

The new road is proposed to connect Francis Road through to Henry Road at the rear. The width of the road reserve is indicated to be 14 metres.

The subdivision design is the logical progression of the two streets further to the north (Bond and Linthorne Streets) and provides a good lot layout and road connectivity.

The subdivision plan indicates the development will be built in three stages.  
(See attached).

**Officers Comment:**

The application is generally compliant, although there are a number of areas that need consideration.

Firstly, the average lot size is slightly under the prescribed minimum.

The Residential Design Codes require a minimum lot size of 700m<sup>2</sup> (which the application complies with) and an average of 800m<sup>2</sup> for the R12.5 zone. The proposed average is slightly under this at 788m<sup>2</sup>.

The R Codes do allow for variations to average lot sizes, in this regard Clause 6.1.3-P1 states the following:

*The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in Table 1 ... provided that the proposed variation would meet the following criteria:*

- *Be no more than five per cent less in area than that specified in Table 1; and*
- *Facilitate the protection of an environmental or heritage feature; or*
- *Facilitate the retention of a significant element that contributes towards an existing streetscape worthy of retention; or*
- *Facilitate the development of lots with separate and sufficient frontage to more than one public street; or*
- *Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature; or*
- *Allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or*
- *Achieve specific objectives of the local government's scheme and, where applicable, the local planning strategy.*

In this instance, the proposed variation is less than 5% (dot point one) and does propose development of lots with separate and sufficient frontages to more than one public street (dot point four). Therefore, the slight reduction in average lot size is considered acceptable.

Secondly, it is noted the width of the road reserve has been reduced from 18 metres on the previous subdivision design to 14 metres on this new application.

It is likely the additional extra lot included in this new application has come about from the reduced road reserve width.

In this regard, there are examples of existing 14 metre wide road reserves in the Shire, including Mason Crescent off Pearse Road and Cuff Way off Blenheim/Francis Roads. The two streets immediately to the north of this (Bond and Linthorne Streets) are both 16 metres.

The WAPC's document 'Liveable Neighbourhoods' also recommends short access streets such as this can be as narrow as 14 metres. As such, the proposed road reserve width is considered acceptable in this instance.

Thirdly, the subdivision as proposed does not include any provision for public open space.

In this regard it is noted that recent approvals to subdivide the land on the opposite side of Francis Road do include some public open space in their design, which would be within acceptable walking distance to service this subdivision. That POS provision is quite small but the area is also in reasonably close proximity to the recreation centre grounds for access to larger facilities. As such, it is recommended that the developer provide a cash-in-lieu contribution for POS, as an alternative to providing it on the ground. This is consistent with the previous subdivision approval.

Lastly, Lot 23 has frontage to two existing roads which should be considered for upgrading.

Five of the proposed new lots will front Francis Road, the construction of which is currently below standard with inadequate seal, no kerbing and no piped drainage. As such, it is recommended a condition be included requiring a contribution towards upgrading these items. The contribution would be based on the cost of providing the above items to one-half of the road reserve (subdivision is on one side of the road only), for the length this subdivision fronts Francis Road. The Shire has taken similar contributions from the other subdivisions along this road and will use the combined money to fund the upgrade of the road in the future.

The subdivision also has frontage to Henry Road on the east side which is currently not constructed. The subdivision will not in the first instance require this road for access, however it is intended to be built in the future and once completed will provide an alternative access and benefit to this subdivision. As such, it is also recommended that a condition be included that requires a contribution towards the construction of Henry Road. Similar to the above, the contribution would be based on the cost to construct the road to one-half of the road reserve, for the length the subdivision fronts Henry Road.

The remainder of the application is compliant. It is recommended it be supported subject to conditions.

**Financial Implications:**

An additional 10 rateable properties.

**Statutory Environment:**

*Planning & Development Act 2005*

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 23 (No 20) Francis Road, Port Denison subject to the following conditions:

1. Those lots not fronting an existing road being provided with frontage to a constructed roads(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the satisfaction of the local government.
2. Arrangements being made with the local government for a contribution towards the upgrading of Francis Road.
3. Arrangements being made with the local government for a contribution towards the construction of Henry Road.
4. Arrangements being made with the local government for the provision of a dual use path to Francis Road.
5. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres.
6. All buildings, outbuildings and structures being demolished and materials removed from the lot.
7. The land being graded and stabilised to the satisfaction of the local government.
8. The land being filled and/or drained at the subdivider's cost to the satisfaction of the local government and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.

9. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted to the satisfaction of the local government.
10. The finished ground levels at the boundaries of the lots the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting to the satisfaction of the local government.
11. A 10 per cent public open space cash-in-lieu contribution being made to the local government.

Advice:

1. With regard to Condition 2, the contribution will be based on the cost to upgrade Francis Road to an asphalt seal, kerbing and piped drainage to one-half of the road reserve, for the length this subdivision fronts Francis Road.
2. With regards to Condition 3, the contribution will be based on the cost to construct Henry Road to the Shire's standard, to one-half of the road reserve for the length this subdivision fronts Henry Road.
3. With regards to Condition 4, a dual use path will be required for the length this subdivision fronts Francis Road.
4. Compliance with section 170 of the *Planning & Development Act 2005* is required.
5. Compliance with the Shire of Irwin's land development specifications for subdivision is required.
6. Subdivision works are to commence after the 15<sup>th</sup> of March and be completed by the 1<sup>st</sup> of October of the same year.

**PROCEDURAL MOTION:**

**Moved: Cr K Hepworth**

**Seconded: Cr R Roberts**

***That Council suspend standing orders at 4.31pm.***

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**8/0**

**PROCEDURAL MOTION:**

**Moved: Cr R Roberts**

**Seconded: Cr L Wheeler**

***That Council resume standing orders at 4.40pm.***

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**8/0**



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**COUNCIL MOTION:**

Moved: Cr K Hepworth      Seconded: Cr R McClurg

***That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 23 (No 20) Francis Road, Port Denison subject to the following conditions:***

- 1. Those lots not fronting an existing road being provided with frontage to a constructed roads(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the satisfaction of the local government.***
- 2. Arrangements being made with the local government for a contribution towards the upgrading of Francis Road.***
- 3. Arrangements being made with the local government for a contribution towards the construction of Henry Road.***
- 4. Arrangements being made with the local government for the provision of a dual use path to Francis Road.***
- 5. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres.***
- 6. All buildings, outbuildings and structures being demolished and materials removed from the lot.***
- 7. The land being graded and stabilised to the satisfaction of the local government.***
- 8. The land being filled and/or drained at the subdivider's cost to the satisfaction of the local government and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.***
- 9. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted to the satisfaction of the local government.***
- 10. The finished ground levels at the boundaries of the lots the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting to the satisfaction of the local government.***
- 11. A 10 per cent public open space cash-in-lieu contribution being made to the local government.***

***Advice:***

- 1. With regard to Condition 2, the contribution will be based on the cost to upgrade Francis Road to an asphalt seal, kerbing and piped drainage to one-half of the road reserve, for the length this subdivision fronts Francis Road.***
- 2. With regards to Condition 3, the contribution will be based on the cost to construct Henry Road to the Shire's standard, to one-half of the road reserve for the length this subdivision fronts Henry Road.***
- 3. With regards to Condition 4, a dual use path will be required for the length this subdivision fronts Francis Road.***
- 4. Compliance with section 170 of the Planning & Development Act 2005 is required.***
- 5. Compliance with the Shire of Irwin's land development specifications for subdivision is required.***
- 6. Subdivision works are to commence after the 15<sup>th</sup> of March and be completed by the 1<sup>st</sup> of October of the same year.***

**CARRIED  
6/2**

**VOTING DETAILS:**

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

Nil.

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

Nil.

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

Nil.

**15. MATTERS BEHIND CLOSED DOORS**

Nil.

**16. CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 4.42pm.

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

Signed: .....  
Presiding Elected Member

Date:.....