

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



**MINUTES FOR ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 24 FEBRUARY 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 R K Parsons (Chairperson)
	Councillors	Cr S C Chandler (Deputy Shire President) Cr G Bass Cr R J Gillam (Arrived at 4.01pm) Cr K J Hepworth 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	Miles Obst
<b>GUESTS:</b>		
<b>APOLOGIES:</b>		
<b>LEAVE OF ABSENCE:</b>		Cr G L Dean-Gundill

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

The Shire President declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

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

Cr G L Dean-Gundill

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

Nil.

**4. PUBLIC QUESTION TIME**

Nil.

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Cr RJ Gillam entered the Council Chambers at 4.01pm.

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**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**6. PETITIONS**

Nil.

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 10 FEBRUARY 2009**

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A copy of the Minutes of the Ordinary Council Meeting held on 10 February 2009 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**Moved: Cr K Hepworth      Seconded: Cr G Bass**

***That the Minutes of the Ordinary Council Meeting, held on 10 February 2009, be confirmed as a true and accurate recording of that meeting.***

**VOTING DETAILS:**

**CARRIED  
8/0**

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

- 8.1.** Opening of the Irwin Rec Centre on Friday 20 February 2009  
The Shire President commended the efforts of all staff involved in ensuring the Centre was complete and in organising and assisting at the opening.

## 9. REPORTS

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### CEO.404

**Subject:** Doctor Assistance  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** IM.1  
**Date Prepared:** 8 January 2009  
**Voting Requirements:** Absolute majority

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#### **Issue:**

To consider a request for financial assistance for a local Doctor.

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

Dr Kent Morrison has requested that Council provide a car for a full-time Doctor who will be working with Dr Morrison.

The Doctor in question will be residing in the modern 4 x 2 brick house that the Shire provides to the Doctors free of charge. The estimated value of this assistance from the Shire is approximately \$18,000 per annum.

#### **Officers Comment:**

The cost to lease a mid sized family car for one year is approximately \$8,500. The Shire is unaware of the financial arrangements for the Doctor while working at the Dongara practice or why he is unable to supply his own vehicle, however if the Council cedes to this request the total financial support being provided by the Shire will be approximately \$26,500 per annum.

Dr Morrison has not advised if he has also approached the other local governments that they service for a financial contribution, given that their communities are also direct beneficiaries of this service. It is presumed that all customers are charged the same rate regardless of whether their local government has made a financial contribution towards the service.

#### **Financial Implications:**

Financial information is contained within the report. Council has no budget allocation for this service and accordingly any expenditure incurred is unbudgeted.

#### **Statutory Environment:**

Unbudgeted expenditure requires an absolute majority decision.

#### **Policy Implications:**

Nil

#### **Officers Recommendation:**

That Council agree to incur unbudgeted expenditure to provide a car, by way of a one-year lease, for use by Dr Kent Morrison's Medical Practice, for a period of 12 months.

**COUNCIL MOTION:**

**Moved: Cr S Chandler**

**Seconded: Cr G Bass**

***That Council agree to incur unbudgeted expenditure of \$8,000 and donate this amount to Dr Morrison's Medical Practise to fund the provision of a motor vehicle to be used by the Doctor.***

***Note: the reason that Council adopted this resolution is that Dr Kent Morrison had advised Council that the new Doctor did not have the financial capacity to purchase a car at this point in time but did intend to purchase a car in 12 months time. Council was of the view that the most effective way of providing assistance would be to provide the cash equivalent of one years lease. This will allow the Doctor to enter into a lease arrangement direct, without any financial cost, with a view to purchasing that same car outright in 12 months.***

**VOTING DETAILS:**

**CARRIED  
8/0**

**CEO.405**

**Subject:** CEO – Annual Leave  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** AS.3.1.1  
**Date Prepared:** 12 February 2009  
**Voting Requirements:** Simple

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**Issue:**

To consider a request from the CEO for annual leave.

**Body / Background:**

The CEO requests annual leave from Monday 25 May 2009 to Friday 19 June 2009 (four weeks).

**Officers Comment:**

**Financial Implications:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council approve the request for the CEO to take four weeks annual leave from Monday 25 May 2009 to Friday 19 June 2009.

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**COUNCIL MOTION:**

**Moved: Cr S Chandler**

**Seconded: Cr R Roberts**

***That Council approve the request for the CEO to take four weeks annual leave from Monday 25 May 2009 to Friday 19 June 2009.***

**VOTING DETAILS:**

**CARRIED  
8/0**

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**CEO.407**

**Subject:** Local Government Structural Reform  
**Reporting Officer:** Chief Executive Officer  
**File Reference:** DL.3.4  
**Date Prepared:** 19 February 2009  
**Voting Requirements:** Simple

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**Issue:**

To provide direction to our delegates to the Northern Country Zone of the WA Local Government Association regarding local government structural reform.

**Body / Background:**

A Special zone meeting of the Northern Country Zone of the WA Local Government Association has been called for Friday 27 February 2009. A copy of the Agenda is attached.

Council needs to consider the matters raised and form an opinion on how best to progress this matter.

**Officers Comment:**

The CEO met with the CEO's of the BROOC local government's (Geraldton-Greenough, Northampton and Chapman Valley) on Wednesday 18 February 2009 and will provide a verbal report to Council on the outcome at the Council meeting.

The CEO and Shire President met with the CEO and Shire President's of Mingenew and Three Springs on Tuesday 24 February 2009. A verbal report of this meeting will also be provided at the Council meeting.

The Minister's announcement has been of overwhelming benefit to local government as we now have a definitive timetable in which to deal with this issue. The Minister is asking local governments to reform themselves in accordance with guidelines. Forced amalgamations will only be considered if local governments are not capable of meeting this challenge.

The strategy adopted by WALGA to ignore the obvious need for amalgamations is what has essentially forced the Minister to take the action he has.

It is recommended that Council's preferred course of action be to recommend to the WALGA Zone meeting that the Region take charge of the reform process and work with the Minister to achieve appropriate outcomes for the region. This will allow the Region to take a leadership role and be at the forefront of negotiations to ensure the best possible outcomes for the Mid West.

It is considered that we can run our own agenda independent of WALGA and drive a genuinely true reform model which is about empowering the regions through autonomy and capacity. This would enable us to make the reform a two way process; e.g. we reform willingly but the State Government has to match our reform.

It is recommended that the above be put as an alternative course of action by this Council to the Northern Country Zone meeting on 27<sup>th</sup> February.

**Financial Implications:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council forward correspondence to the Minister congratulating him on progressing the issue of local government structural reform, and

That Council's position be that the recommendations proposed by WALGA not be supported and that the Northern Country Zone conduct a workshop with an independent facilitated process based on the following:

- Attendance by 2-3 representatives from each Council in our Zone;
- Use of an independent facilitator and based on:-
  - leaving behind conflicts;
  - looking at the best governance models for our region;
  - ignoring historical boundaries;
  - defining the current (expected future) communities of interest taking into account:-
    - infrastructure
    - services
    - geography; and
    - economy
  - developing conceptual future boundaries for local governments in the zone.
- Seek to get Government support to help make regional communities more sustainable, viable and autonomous by:-
  - Transferring functions currently delivered by the State government to the new local governments such as
    - water & sewerage;
    - planning control and decision making (except for matters of State significance)
    - environmental control and decision making (except for matters of State significance)
    - economic development, and
    - Government Employees Housing.
- Amending legislation (and regulations) to give greater autonomy to local governments.
- Providing the capacity for local governments to develop crown land.

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**COUNCIL MOTION:**

**Moved: Cr R Gillam**

**Seconded: Cr K Hepworth**

***That Council forward correspondence to the Minister congratulating him on progressing the issue of local government structural reform, and***

***That Council's position be that the recommendations proposed by WALGA not be supported and that the Northern Country Zone conduct a workshop with an independent facilitated process based on the following:***

- **Attendance by 2-3 representatives from each Council in our Zone;**
- **Use of an independent facilitator and based on:-**
  - **leaving behind conflicts;**
  - **looking at the best governance models for our region;**
  - **ignoring historical boundaries;**
  - **defining the current (expected future) communities of interest taking into account:-**
    - **infrastructure**
    - **services**
    - **geography; and**
    - **economy**
  - **developing conceptual future boundaries for local governments in the zone.**
- **Seek to get Government support to help make regional communities more sustainable, viable and autonomous by:-**
  - **Transferring functions currently delivered by the State government to the new local governments such as**
    - **water & sewerage;**
    - **planning control and decision making (except for matters of State significance)**
    - **environmental control and decision making (except for matters of State significance)**
    - **economic development, and**
    - **Government Employees Housing.**
- **Amending legislation (and regulations) to give greater autonomy to local governments.**
- **Providing the capacity for local governments to develop crown land.**

**CARRIED**  
**8/0**

**VOTING DETAILS:**

**DCS.318**

**Subject:** Change of Method of Valuation – Moreton Bay Estate  
**Reporting Officer:** Director Corporate Services  
**File Reference:** AR.1.4  
**Date Prepared:** 16 February 2009  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider an application to change the method of valuation from Unimproved Value to Gross Rental Value for the area known as Moreton Bay Estate.

**Body / Background:**

Former lot 502 located on the eastern side of Brand Highway in Dongara town site was partly subdivided in 2006 by Beruca Pty Ltd into residential lots of approximately 2000m<sup>2</sup>. Approximately 43 lots have been created with the balance of Lot 502 now being Lot 9500. Planning approval has been obtained to subdivide the entire lot, however, only stage one has presently been completed.

The land is contained with Policy Area B and is zoned Special Residential. The land is not contained within the Town Centre Precinct.

All of the area contained within former Lot 502 is currently valued using Unimproved Values and the owner of Lot 9500 has requested that the method be changed to Gross Rental Values on the basis that the land is predominantly used for non-rural purposes.

**Officers Comment:**

The Department of Local Government and Regional Development has issued a Local Government Operational Guideline N<sup>o</sup> 12 relating to Changing Methods of Valuation.

The Guideline notes the following:

- Under Section 6.28 of the Local Government Act 1995 the Minister for Local Government is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the UV of the land,
  - Where the land is used predominantly for non-rural purposes, the GRV of the land.
- Overview of the process  
There are several steps in the process of changing the method of valuation of land for rating purposes.
    - Step 1 Identifying land use changes that may affect predominant use
    - Step 2 Reviewing the predominant use
    - Step 3 Consulting affected parties
    - Step 4 Changing the method of valuation

In assessing the above steps the land has been identified as former Lot 502, which has undergone a change in land usage. As noted above the property has planning approval to be subdivided and subdivision has been completed over approximately one third of the original lot with the remaining area being vacant. On balance, and based on the Policy area, zoning and land use, the predominant use can be assessed as non-rural. Even though the undeveloped portion may be

used for a rural purpose it is reasonable to assume that the area will be developed in the near future given the current planning approval for subdivision.

Should Council resolve to change the method of valuation to GRV the Guideline advises that the property owners should be consulted in regards to the proposed change and provided with an opportunity to comment prior to the Council making a final decision. At the completion of the comment period Council will consider any comments and resolve whether to make application to the Minister.

**Financial Implications:**

In 2008/09 the average rates for the vacant lots created in the subdivision were \$1,223.20 (UV Valuation of \$150,000) and \$1,144.32 (UV Valuation of \$140,000). The remaining lot 9500 was rated \$7099.20 based on a UV valuation of \$900,000.

Information has not been received from the Valuer General as to the notional GRV values for the properties and therefore the effect of the change in method of valuation cannot be determined. It is expected that the Valuer Generals Office will charge a fee for the additional values.

It is expected, however, based on using a 5% of capital value that the 2000 m<sup>2</sup> lots will be valued such that a minimum rate would apply and Lot 9500 would be approximately \$4,000. Using these assumptions rate revenue would be reduced by approximately \$28,000.

**Statutory Environment:**

Section 6.28 of the Local Government Act applies as noted in the report.

**Policy Implications:**

Nil

**Officers Recommendation:**

That Council supports the change of method of valuation to GRV for the lots contained within former Lot 502 Brand Highway Dongara, known as Moreton Bay Estate, and writes to the property owners giving 28 days to comment on the proposal.

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**COUNCIL MOTION:**

**Moved: Cr S Chandler**

**Seconded: Cr R Gillam**

***That Council supports the change of method of valuation to GRV for the lots contained within former Lot 502 Brand Highway Dongara, known as Moreton Bay Estate, and writes to the property owners giving 28 days to comment on the proposal.***

**VOTING DETAILS:**

**CARRIED  
7/1**

**F.353**

**Subject:** Financial Statements for the Period ending 31/01/2009  
**Reporting Officer:** Accountant/Senior Administration Officer  
**File Reference:** Minute Book  
**Date Prepared:** 16 February 2009  
**Voting Requirements:** Simple Majority

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**Issue:**

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

**Body / Background:**

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

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

**Officers Comment:**

Nil.

**Financial Implications:**

Nil.

**Statutory Environment:**

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

Section 34. Financial activity statement report

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

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

**Policy Implications:**

Nil.

**Officers Recommendation:**

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

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**COUNCIL MOTION:**

**Moved: Cr R Roberts**

**Seconded: Cr L Wheeler**

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

**VOTING DETAILS:**

**CARRIED  
8/0**

**TP.460**

**Subject:** Proposed Scheme Amendment – Lot 100 Indian Ocean Drive  
(cnr Brand Hwy), Arrowsmith  
**Proponent:** Arrowsmith Australia Pty Ltd  
**Reporting Officer:** Town Planner  
**File Reference:** TP.3.2  
**Date Prepared:** 17 February 2009  
**Voting Requirements:** Simple

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**Issue:**

To consider an application to rezone a portion of Lot 100 Indian Ocean Drive, Arrowsmith from 'General Farming' to 'Special Use Site' for the purpose of a Roadhouse.

**Body / Background:**

Background

There have been numerous exchanges between the previous owner of this lot (J Mitchell) and the Shire regarding a possible roadhouse at the intersection of Indian Ocean Drive and Brand Highway, dating back to 1993. The last correspondence from that owner was in 2002 regarding the necessary approval process to build a roadhouse.

At Council's meeting held on 26<sup>th</sup> February 2002, preliminary consideration was given to the roadhouse concept and the owner was advised the proposal had merit and that formal scheme amendment documentation should be submitted in order to first rezone the land. Alternatively, that a submission could be made for the rezoning proposal to be included in Scheme No 5 which was being prepared at the time.

No formal scheme amendment application was made and no submission was received for inclusion in Scheme No 5. The property has since changed hands and the new owners are now seeking to progress the roadhouse idea as an amendment to the gazetted Scheme No 5.

Subject Land

The land is described as Lot 100 Indian Ocean Drive, Arrowsmith and is 394.7 hectares in area. It has frontage to both Indian Ocean Drive and Brand Highway and is in close proximity to the Eneabba-Dongara railway.

The land is almost completely covered in remnant vegetation of good quality. The topography of the site is varied with steep undulations rising from 8m AHD to 46m AHD at the highest point.

The land has up until recently been part of a larger farm but there is no history of this lot being used for this purposes and it has remained uncleared. It also abuts the Beekeeper's Nature Reserve (R24496) on the western side which has been identified as having high biodiversity and conservation value.

Current Zoning

Under Local Planning Scheme No 5 the land is currently zoned 'General Farming'. This zone covers the active broad acre agricultural areas of the Shire and includes provisions to protect it for this use.

The surrounding freehold lots are also zoned 'General Farming' while the adjacent Beekeeper's Nature Reserve is zoned 'Conservation Reserve'.

### The Proposal

The proponent has engaged planning consultant's RPS Koltaz Smith to undertake the rezoning application on their behalf.

The rezoning applies to a 1 hectare area in the northern corner of Lot 100 only. The zoning over the remainder of the property is proposed to remain as is.

The application proposes to amend the 1 hectare area from 'General Farming' to 'Special Use Site No 27' with the permitted uses being as follows:

- Roadhouse;
- Managers Accommodation;
- Shop;
- Public Restaurant; and
- Incidental Uses to the Permitted Uses.

(See attached).

### Planning Context

The property falls within Policy Area C of the Shire's Local Planning Strategy (2002). The following from the Strategy specifically applies to this site:

'Strategy: Consider the possibility of a roadhouse and tourist accommodation site at the intersection of Indian Ocean Drive and Brand Highway.'

'Action: Upon submission of detailed information addressing demand, servicing, Main Roads WA comments, vegetation assessment and Declared Rare Flora, determine whether a site at the intersection of Indian Ocean Drive and Brand Highway is suitable for a roadhouse and tourist accommodation development. If suitable, pursue Special Use zoning, incorporating appropriate development controls.'

### Justification

The applicant has provided justification for the rezoning which addresses the points identified in the Local Planning Strategy as follows:

- Land Use Demand; the expected completion of Indian Ocean Drive in 2011 will bring additional demand for commercial and tourism facilities along this route which this submission will cater for.
- Utility Servicing; the site is remote from any reticulated utility service, therefore the development is proposed to be self-sufficient.
  - o Power supply will be generated on site from a combination of solar cells, wind turbines, gas turbines and diesel generators.
  - o Groundwater will be abstracted from the Dongara sub-area of the underlying aquifer, with water to be stored and treated on site and necessary licensing approvals to be sought.
  - o Effluent disposal will be via on site containment through the use of septic tanks and/or aerobic treatment units.
- Vehicular Access; this can be readily established through the construction of heavy duty crossovers from both Indian Ocean Drive and Brand Highway built in accordance with Main Roads WA specifications. Motoring information signage would also be put in place on the approaches to the site.
- Clearing of Vegetation; the site supports a good coverage of remnant vegetation and a Declared Rare Flora survey could be done as a condition of development approval. Given the small area to be rezoned however, development will not result in significant vegetation loss.

**Officers Comment:**

The application is supported as proposed.

There is sufficient planning context to support the rezoning, specifically that the Shire's approved Local Planning Strategy includes provision for the rezoning of the site to a roadhouse use.

The justification provided by the applicant is generally accepted. Particularly that the impending completion of Indian Ocean Drive will likely increase vehicle numbers travelling north out of Perth. Being strategically located at the intersection of both Brand Highway and Indian Ocean Drive will provide maximum exposure and allow the roadhouse to capture both travel routes.

A roadhouse in this location will also be relatively remote from other similar uses and provide an additional fuel, rest and communication point to the benefit of motorists.

The proposed zoning and permitted uses are consistent with the zoning of the existing roadhouses located along Brand Highway in Dongara (i.e. the BP, Caltex and Shell).

It is noted no formal comments from Main Roads WA have been included with this application, although correspondence from the previous owner indicates that Main Roads WA have given in-principle support for a roadhouse in this location. If the amendment is initiated, the application will be referred to Main Roads WA for formal comment as part of standard procedure.

The Declared Rare Flora survey has also not been completed and the applicant suggests this could be done prior to development approval. This is acceptable in that it will allow the amendment to progress, however, the applicant should be advised this needs to be completed prior to final adoption of the amendment in case there are any implications for the design of the site.

The application also suggests that there may be a Stage 2 to the development that would include some tourist accommodation over other parts of the lot. No consideration to this has been given as yet and the applicant should be advised that initiating this amendment should not be construed as support for future stages.

It is recommended the amendment be initiated.

**Financial Implications:**

Nil.

**Statutory Environment:**

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

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

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

**Policy Implications:**

Nil.

**Officers Recommendation:**

1. That Council, in pursuance of Section 75 of the *Planning & Development Act 2005 (as amended)*, amend the Shire of Irwin Local Planning Scheme No 5 by:
  - a) Rezoning a portion of Lot 100 Indian Ocean Drive, Arrowsmith from “*General Farming*” to “*Special Use Zone (No 27)*”.
  - b) Modifying Schedule 4 – Special Use Zones by inserting the following:

No .	Location	Land Particulars	Permitted Uses	Specific Conditions
27	Indian Ocean Drive, Arrowsmith	Lot 100	+ Roadhouse + Managers Accommodation + Shop + Public Restaurant + Incidental uses to the permitted uses.	

- c) Amending the Scheme maps accordingly.
2. Advise the applicant that a Declared Rare Flora survey will need to be completed and submitted to the Shire and the Environmental Protection Authority for review prior to final adoption of the scheme amendment.
3. Advise the applicant that support for this scheme amendment should not be construed as support for any future scheme amendment over any other part of the lot.

**COUNCIL MOTION:**

Moved: Cr S Chandler

Seconded: Cr R McClurg

1. ***That Council, in pursuance of Section 75 of the Planning & Development Act 2005 (as amended), amend the Shire of Irwin Local Planning Scheme No 5 by:***
  - a) ***Rezoning a portion of Lot 100 Indian Ocean Drive, Arrowsmith from “General Farming” to “Special Use Zone (No 27)”.***
  - b) ***Modifying Schedule 4 – Special Use Zones by inserting the following:***

No .	Location	Land Particulars	Permitted Uses	Specific Conditions
27	<b><i>Indian Ocean Drive, Arrowsmith</i></b>	<b><i>Lot 100</i></b>	<b><i>+ Roadhouse + Managers Accommodation + Shop + Public Restaurant + Incidental uses to the permitted uses.</i></b>	

- c) ***Amending the Scheme maps accordingly.***

- 2. Advise the applicant that a Declared Rare Flora survey will need to be completed and submitted to the Shire and the Environmental Protection Authority for review prior to final adoption of the scheme amendment.**
- 3. Advise the applicant that support for this scheme amendment should not be construed as support for any future scheme amendment over any other part of the lot.**

**CARRIED  
8/0**

**VOTING DETAILS:**

**TP.461**

**Subject:** Proposed Drive-Thru Bottle Shop  
**Proponent:** Dongara Hotel Motel  
**Reporting Officer:** Town Planner  
**File Reference:** TP.3.2 / P03.09  
**Date Prepared:** 18 February 2009  
**Voting Requirements:** Simple

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**Issue:**

To consider an application for a 'drive-thru bottle shop' at the Dongara Hotel to replace the existing 'walk-in' facility.

**Body / Background:**

Subject Land and Zoning

The Dongara Hotel is situated on Lot 23 Moreton Terrace, Dongara. It is 1.52 hectares in area including both the hotel and the motel accommodation.

The site has frontage to Moreton Terrace and Hunts Road. This proposal mainly relates to the Hunts Road frontage where the existing bottle shop is located.

The property is zoned 'Special Use Site No 24' under the Shire's Local Planning Scheme No 5. The permitted uses for this site are as follows:

- Hotel;
- Motel;
- Tavern;
- Club Premises;
- Betting Agency;
- Telecommunications Infrastructure;
- Public Restaurant; and
- Incidental Uses to the Permitted Uses.

The property is also listed on the Shire of Irwin Municipal Inventory of Heritage Places with a Management Category of 2. (Categories range from 1 to 6 with 1 being of most significance).

The Proposal

The application proposes to extend on the current bottle shop by adding another 128m<sup>2</sup> of covered roof area between the existing building and Hunts Road.

This would become the 'drive-thru' section with enough width for two lanes of vehicles. The existing building would undergo a refurbishment and the shop front and entrance would be re-orientated to give access from the 'drive-thru' section.

The proposed materials have been design to complement the existing building, with a steel roof and limestone walls.

Vehicular entry into the bottle shop would be from the eastern side, with a new exit and crossover onto Hunts Road on the western side. (See attached).

**Officers Comment:**

The application has been referred to the Mid West Heritage Adviser for comment due to its listing on the Municipal Inventory.

The application was considered in terms of its impact on the heritage value of the Dongara Hotel and also the heritage buildings in close proximity on the opposite side of Hunts Road.

The adviser has suggested that it will have little impact on the heritage values of the property or the area, and with the proposed use of materials (green colorbond roof and limestone walls) may enhance the appeal of the Hunts Road frontage.

The adviser has supported the application, although has suggested that any proposed signage should be sympathetic to the heritage nature of the site and the landscaping should be of a quality to match the building.

The application complies with the statutory requirements of both the Local Planning Scheme No 5 and the draft Town Centre Precinct Plan. Being a Special Use zoned site, development is generally to be assessed on its merits. In this regard the proposed use, setbacks, car parking, access and landscaping are considered acceptable.

It is noted the proposal includes a new vehicle crossover onto Hunts Road. This will need to be constructed to the specifications of the Shire and the existing crossover removed.

All new vehicle access ways and car parking should be constructed and marked to the Shire's satisfaction. Similarly the new landscaping proposed should be installed and maintained to the satisfaction of the Shire.

It is noted there is no signage shown on this application. The applicant should be advised that further, separate approval will be required for any proposed signage and an application for such should pay regard to the architectural values of the building.

It is recommended the application be supported subject to conditions.

**Financial Implications:**

Nil.

**Statutory Environment:**

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

8.1 Requirement for Approval to Commence Development

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

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

**Policy Implications:**

Policy E3 – Street Verge Improvements,  
Specifications for the Construction of Crossovers.

**Officers Recommendation:**

That the application for a Drive-Thru Bottle Shop on Lot 23 Moreton Terrace, Dongara be approved subject to the following conditions:

1. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.
2. The vehicle access ways and car parking as indicated on the approved plans are to be constructed, marked and maintained to the satisfaction of the local government.
3. The landscaping as indicated on the approved plan is to be installed and maintained to the satisfaction of the local government.
4. The new crossover is to be constructed in accordance with the Shire's specifications.
5. The existing crossover no longer required is to be removed and landscaped to the satisfaction of the Shire.
6. All stormwater runoff is to be retained and disposed of on-site to the approval of 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 to Applicant:**

1. A Building License is required to be approved by the local government prior to the commencement of any construction works on site.
2. Any proposed signage is subject to further, separate approval from the local government. In this regard, signage will need to have regard for the architectural values of the building and comply with provisions of Local Planning Scheme No 5 and the draft Town Centre Precinct Plan.
3. In regards to Condition 4, the new crossover is to be constructed in accordance with Council Policy E3 – Street Verge Improvements. A copy can be provided on request.

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*Cr K Hepworth declared a proximity interest and left the chambers at 4.53pm.*

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**COUNCIL MOTION:**

**Moved: Cr S Chandler**

**Seconded: Cr L Wheeler**

***That the application for a Drive-Thru Bottle Shop on Lot 23 Moreton Terrace, Dongara be approved subject to the following conditions:***

- 1. The development hereby approved shall occur generally in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.***
- 2. The vehicle access ways and car parking as indicated on the approved plans are to be constructed, marked and maintained to the satisfaction of the local government.***
- 3. The landscaping as indicated on the approved plan is to be installed and maintained to the satisfaction of the local government.***
- 4. The new crossover is to be constructed in accordance with the Shire's specifications.***
- 5. The existing crossover no longer required is to be removed and landscaped to the satisfaction of the Shire.***
- 6. All stormwater runoff is to be retained and disposed of on-site to the approval of 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 to Applicant:**

- 1. A Building License is required to be approved by the local government prior to the commencement of any construction works on site.**
- 2. Any proposed signage is subject to further, separate approval from the local government. In this regard, signage will need to have regard for the architectural values of the building and comply with provisions of Local Planning Scheme No 5 and the draft Town Centre Precinct Plan.**
- 3. In regards to Condition 4, the new crossover is to be constructed in accordance with Council Policy E3 – Street Verge Improvements. A copy can be provided on request.**

**CARRIED  
7/0**

**VOTING DETAILS:**

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*Cr K Hepworth returned to the chambers at 4.54pm.*

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**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**

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**COUNCIL MOTION:**

Moved: Cr R MClurg

Seconded Cr R Gillam

*That Council proceeds behind closed doors in order to discuss an item of a confidential nature in accordance with section 5.23(2)(a) of the local government act (CEO.406).*

**VOTING DETAILS:**

**CARRIED  
8/0**

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**COUNCIL MOTION:**

Moved Cr R Parsons

Seconded Cr R Roberts

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

- 1. Rezoning Lots 53 and 54 Point Leander Drive, Port Denison from "Local Reserve" to "Special Use Zone (No 28)".*

- 2. Include the following in Schedule 4 – Special Use Zones:*

<i>No</i>	<i>Location</i>	<i>Land Particulars</i>	<i>Permitted Uses</i>	<i>Specific Conditions</i>
<i>28</i>	<i>Point Leander Drive, Port Denison</i>	<i>Lots 53 &amp; 54 on Plan 226843</i>	<i>+ Hotel + Motel + Restaurant + Eating House + Incidental uses to the permitted uses.</i>	<i>Lots to be amalgamated prior to development</i>

- 3. Amending the Scheme maps accordingly.*

**VOTING DETAILS:**

**CARRIED  
7/1**

**COUNCIL MOTION:**

**Moved: Cr S Chandler**

**Seconded: Cr G Bass**

*That Council comes out from behind closed doors.*

**VOTING DETAILS:**

**CARRIED  
8/0**

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**14. CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5.04pm.

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

*Signed:* .....  
Presiding Elected Member

Date:.....