

SHIRE OF MURRAY



MINUTES

ORDINARY COUNCIL MEETING

THURSDAY 30th NOVEMBER 2006

TABLE OF CONTENTS

1.	ATTENDANCES.....	1
2.	ABSENT	1
3.	QUESTION TIME	2
3.1	RECORD OF RESPONSES TO QUESTIONS ASKED AT THE ORDINARY COUNCIL MEETING HELD ON 26 TH OCTOBER 2006	2
3.1.1	GREG ROWE & ASSOCIATES (MR D SMITH) – REGARDING AMENDMENT 224 TO TOWN PLANNING SCHEME NO 4 (LOT 103 DEL PARK ROAD, NORTH DANDALUP)	2
3.1.2	MR G ROGERS, 23A GOWMAN WAY, RAVENSWOOD	2
3.1.3	MRS K ELLIOTT, ATKINS ROAD, NORTH DANDALUP	3
3.1.4	MR J HARROP, TANGLEWOOD, 108 CAPONI ROAD, BARRAGUP	4
3.2	NEW QUESTIONS RECEIVED	6
3.2.1	MR KIM BEACHAM, KGB DRAFTING SERVICES, 17 BURLEY STREET, MANDURAH	6
3.2.2	MR IAN STIMSON, 84 CULEENUP ROAD, NORTH YUNDERUP	6
3.2.3	MR C GARDNER, 191 FIEGERT ROAD, BARRAGUP	6
3.2.4	MRS A NEWCOMBE, 9A MAROONA PLACE, MANADURAH.....	7
3.2.5	MS J HENNESSY, RAVENSWOOD LEARNING CENTRE, LLOYD AVENUE, RAVENSWOOD	7
3.2.6	MR BRETT FLUGGE, GREG ROWE & ASSOCIATES	9
4.	CONFIRMATION OF MINUTES.....	9
4.1	ORDINARY COUNCIL MEETING – THURSDAY 26 TH OCTOBER 2006	9
5.	ANNOUNCEMENTS BY THE PRESIDENT, WITHOUT DISCUSSION.....	10
6.	ANNOUNCEMENTS BY COUNCILLORS, WITHOUT DISCUSSION	10
6.1	CR T BIRMINGHAM.....	10
6.2	CR DR D WATSON-RASTON	11
6.3	CR C THOMPSON.....	11
6.4	CR W BARRETT	12
6.5	CR P HIGGINS	12
6.6	CR P BRIGGS.....	12
6.7	CR M BESSANT	12
7.	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN, WITHOUT DISCUSSION.....	12
8.	CORRESPONDENCE.....	13
8.1	LETTER FROM THE OFFICE OF THE MINISTER FOR PLANNING & INFRASTRUCTURE.....	13
8.2	WALGA – EMERGENCY MANAGEMENT POLICY GROUP – CALLS FOR EXPRESSION OF INTEREST.....	14
9.	PETITIONS AND MEMORIALS.....	14
10.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE THE PREVIOUS MEETING OF COUNCIL.....	14
10.1	CORPORATE SERVICES COMMITTEE – 14TH NOVEMBER 2006.....	15
10.1.1	ITEMS DEALT WITH SEPARATELY	15
10.1.1.1	ITEM 4.8 –TENDERS FOR THE SALE OF JAMES STREET/FORREST STREET LAND	15
10.1.2	ADOPTION OF COMMITTEE RECOMMENDATIONS	16
10.2	TECHNICAL SERVICES COMMITTEE – 14TH NOVEMBER 2006.....	16
10.2.1	ITEMS DEALT WITH SEPARATELY	16
10.2.1.1	ITEM 6.1 – TENDER MS01/06 – SUPPLY AND DELIVERY OF ONE NEW 6x4 RIGID TIPPER	16
10.2.1.2	ITEM 6.3 – TENDER MS03/06 – SUPPLY AND DELIVERY OF ONE NEW 4 TONNE TIPPER.....	17
10.2.1.2	ITEM 6.5 – REPLACEMENT OF 3 TONNE DUAL CAB TILT TRAY TRUCK	17
10.2.2	ADOPTION OF COMMITTEE RECOMMENDATIONS	18

10.3.	OCCUPATIONAL HEALTH & SAFETY COMMITTEE – 20TH NOVEMBER 2006	18
10.3.1	ITEMS DEALT WITH SEPARATELY	18
10.3.2	ADOPTION OF COMMITTEE RECOMMENDATIONS	18
10.4.	PLANNING & DEVELOPMENT SERVICES COMMITTEE – 21ST NOVEMBER 2006	19
10.4.1	ITEMS DEALT WITH SEPARATELY	19
10.4.1.1	PLANNING ITEM 7.3.3 – PROPOSED MOBILE CONCRETE BATCHING PLANT – LOT 21 LAKES ROAD, STAKEHILL.....	19
10.4.1.2	PLANNING ITEM 7.3.4 – OVERSIZED SHED APPLICATION – LOT 6 DEL PARK ROAD, NORTH DANDALUP	25
10.4.1.3	PLANNING ITEM 7.3.5 – PROPOSED DWELLING WITH A REDUCED REAR SETBACK – LOT 876 HAMLET PASS, PINJARRA.....	26
10.4.1.4	PLANNING ITEM 7.10.4 – DELEGATED AUTHORITY ITEMS	27
11.	REPORTS OF OFFICERS.....	28
11.1	TENDERS FOR PINJARRA RAIL STATION.....	28
12.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING AND ANY BUSINESS THAT THE PRESIDING MEMBER MAY THINK DESIRABLE TO BRING UNDER THE NOTICE OF THE COUNCIL AND MAY HAVE DIRECTED TO BE ENTERED AS AN ORDER OF THE DAY	29
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	29
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	29
15.	ANY OTHER BUSINESS THE RECEPTION OF WHICH HAS BEEN APPROVED BY THE PRESIDENT OR COUNCIL	30

SHIRE OF MURRAY



MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY 30th NOVEMBER 2006, IN COUNCIL CHAMBERS, MURRAY STREET, PINJARRA

The Chairperson declared the meeting open, the time being 9.04 am.

1. ATTENDANCES

CR N NANCARROW - Chairperson	President, Pinjarra Ward
CR W BARRETT	Pinjarra Ward
CR E MENARA	Pinjarra Ward
CR C THOMPSON	Deputy President, North West Ward
CR M BESSANT	North Ward
CR P BRIGGS	West Ward
CR P HIGGINS	West Ward
CR DR D WATSON-RASTON	West Ward
CR B THOMSON	West Ward
CR G ROGERS	South Ward
CR T BIRMINGHAM	East Ward
MR N LEACH	Chief Executive Officer
MR C BASTOW	Director, Corporate Services
MR I DANIELS	Director, Technical Services
MR M SELBY	Director, Planning & Development Services
MRS M RUSSELL	Minute Secretary

There were in addition 17 members of the public and 2 members of the press in attendance.

2. ABSENT

CR S BRADSTOCK (Apology - Illness)	North West Ward
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3. **QUESTION TIME**

3.1 RECORD OF RESPONSES TO QUESTIONS ASKED AT THE ORDINARY COUNCIL MEETING HELD ON 26th OCTOBER 2006

3.1.1 GREG ROWE & ASSOCIATES (MR D SMITH) – REGARDING AMENDMENT 224 TO TOWN PLANNING SCHEME NO 4 (LOT 103 DEL PARK ROAD, NORTH DANDALUP)

File: DSA 224

Question:

Would Council consider altering its position to enable Amendment 224 to be adopted for advertising on the basis that issues relating to landscape protection, environmental assessment and fire management issues would be addressed?

Answer: (Director, Planning & Development Services)

Greg Rowe & Associates have been advised to submit five sets of amending documentation addressing the following issues, to enable the Chief Executive Officer and Shire President to endorse the Amendment for advertising purposes:-

- a) Land Capability
- b) Bushfire Management Plan
- c) Landscape Analysis
- d) Environmental Assessment
- e) Location/identification of building envelopes or development exclusion areas
- f) Specifications to be included in the amending documentation for sealed crossovers being created for all lots.

3.1.2 MR G ROGERS, 23A GOWMAN WAY, RAVENSWOOD

File: LL01/101

Q.1 Has Council received my recent letter (CEO 17/10/06) regarding the matter, Jones & Shire of Murray 2006 WASAT 140 DR16 of 2006? Please see orders 2(ii), The internal side and rear perimeter boundaries of the childcare centre premises shall be landscaped and permanently maintained with a 2.0 metres width dense planting of shrubs, bushes and trees in order to effect a supplementary acoustic barrier to playground noise and to restrict the possibility of physical contact with the perimeter fence in the course of children's play.

Answer: (Director, Planning & Development Services)

Yes, Council has received your letter dated 17 October 2006.

Q.2 How many times have Council officers inspected or issued work orders about the state of the vegetation barrier and noise?

Answer: (Director, Planning & Development Services)

Council officers have been to the property many times and most recently, the Director Planning & Development Services attended the site with Cr S Bradstock on 6 November 2006. The owner/operator of the child care centre has been issued advice as to how to comply with the approval issued by the Tribunal earlier this year and within what time they have to comply.

- Q.3 Will Council test RLS for compliance under legislation or advise me who is responsible?

Legislation: Environmental Protection Act 1986 (WA)
Environmental Protection (Noise) regulations 1997 (WA),
Reg 7, Reg 7.1, Reg 8, Table 4.2

“Environmental noise in Western Australia is governed by the Environmental Protection Act 1986 (WA) through the Environmental Protection (Noise) Regulations 1997 (Noise Regulations)?”

Answer: (Director, Planning & Development Services)

The noise regulations in relation to a land use such as the Ravenswood Learning Centre are administered by Council. If Council believes it is necessary to undertake sound readings, then it will do so.

- Q.4 Will Council officers inspect RLS vegetation buffer from my property?

Answer: (Director, Planning & Development Services)

Several site inspections of the area have been undertaken and at this point in time, inspection from adjacent properties is not warranted

- Q.5 Will Council stop RLS from trading if the orders are not completed or fail noise regulations?

Answer: (Director, Planning & Development Services)

Prosecution for failing to comply with any relevant conditions of approval would occur, however, it is unlikely that Council would stop the Centre from trading. Legal advice on this matter would be needed.

3.1.3 MRS K ELLIOTT, ATKINS ROAD, NORTH DANDALUP

File: AT01/49

- Q.1 Has Council received any information from Olympia Resources in regards to the mining project?

Answer: Chief executive Officer

Nothing has been received from Olympia Resources concerning their proposed mining project.

- Q.2 Does Council know whether Olympia Resources will be going ahead with the extractive mining application?

Answer: Chief executive Officer

Council has received nothing further from Olympia Resources in regards to its extracting mining application.

- Q.3 What are the regulations covering unmade roads and boundary fences? (Mrs Elliott referred to the unmade area of road in Atkins Road, North Dandalup where one owner has removed a fence and put in hot wire, advising that the Fire Brigade are quite concerned with the situation.)

Answer: Director, Technical Services

In reply to your query regarding the fencing of the unmade Road Reserve of Westcott Road, North Dandalup, Shire Officers have inspected the area in question and have written to the owners of the adjoining property requesting that they remove the electric fence from the unmade Road Reserve and make an application to Council to erect a gate only across this section of Road Reserve as the structure they have there now is illegal.

3.1.4 MR J HARROP, TANGLEWOOD, 108 CAPONI ROAD, BARRAGUP

File: CA04/3

Mr Harrop asked the following questions:-

- Q.1 Can Council confirm that ratepayers have had to pay a further \$6,000 in legal fees in respect of Barragup Botanical's reluctance to accept planning conditions?

Answer: Director of Planning and Development Services

Council endeavoured to retrieve these fees from the appellant but was not successful. The Shire therefore paid its own legal costs and Barragup Botanical was charged with paying its legal fees.

- Q.2 Has Council spent any money on legal fees and officers' time etc, during the last eight years, in relation to the non-compliance with planning approval conditions imposed on Barragup Botanical, which costs have been borne by the ratepayers of the Shire of Murray?

Answer: Chief Executive Officer

There has been both time and money spent in trying to resolve this matter.

- Q.3 Can Council confirm that actions are currently taking place to confirm that the planning conditions for Barragup Botanical are in accordance with the planning approvals issued?

*Answer: Director of Planning and Development Services
Officers are in communication with Mr Kreppold with a view to inspecting the premises to ensure compliance with previous approvals.*

- Q.4 Are Councillors in receipt of evidence obtained by the Shire Ranger who attended Barragup Botanical which was that the approvals were not being adhered to?

*Answer: Director of Planning and Development Services
Councillors have not seen the evidence obtained by a previous Shire Ranger as the evidence was not of a sufficient standard to proceed with the matter further, based upon the opinion of Council's legal team.*

- Q.5 Are Councillors in receipt of photographs that ex Planning Officer Ross Davidson took and which apparently show the car park being full and 40 cars parked on the side of the road? Were these photographs presented to Council?

*Answer: Director of Planning and Development Services
Council staff have photographs of cars parked on the road verge, but none referred to in the question. These photographs alone do not constitute a breach of the planning approval and hence have not been presented to Council for further action.*

- Q.6 Can Council confirm that Ross Davidson estimated that there could have been more than 200 people present on the property at that time? Can Council also confirm Mr Kreppold's planning approval stipulates that there is not to be any more than 60 people on the property at anyone time?

*Answer: Director of Planning and Development Services
It cannot be confirmed that there were 200 people allegedly on the property at that time. The owner of Lot 3 has, on a recent date (April 2005) received approval which limits the number of people to 60, but this approval cannot be acted upon as the land owner has not complied with all the conditions stipulated on the approval.*

Previous planning approvals issued by Council do not limit the number of patrons permitted on the property.

7. Can Council tell me when are Committee meetings, like the majority of other Councils, going to be open to the public?

*Answer: Chief Executive Officer
The question of committee meetings being open to the public has previously been considered with Council resolving to keep these meetings closed to the public.*

3.2 NEW QUESTIONS RECEIVED

3.2.1 MR KIM BEACHAM, KGB DRAFTING SERVICES, 17 BURLEY STREET, MANDURAH
File: DE04/06

Mr Beacham referred to an application for an oversized shed at Lot 6 Del Park Road, North Dandalup, dealt with at the Planning & Development Services Committee meeting held on 21st November 2006, and asked the following questions:-

1. Are Councillors aware that Mr Hooper has sold his Mandurah residence and intends residing at his property in North Dandalup at the earliest opportunity?
2. Are Councillors aware that the size of the proposed shed is 225 m² and not 273 m².

The Chairperson thanked Mr Beacham for his questions and confirmed that the item would be dealt with later in the meeting.

3.2.2 MR IAN STIMSON, 84 CULEENUP ROAD, NORTH YUNDERUP
File: 7157

Mr Stimson asked the following questions:-

1. Are Councillors aware that the North Yunderup Community Association is holding a special meeting on Saturday 9th December 2006, at 4pm at the CWA Hall, to discuss issues relating to a proposed development in North Yunderup, to which all Councillors are welcome to attend?

Answer: Mr Stimson was advised that all Councillors have been notified of the special meeting of the North Yunderup Community Association.

2. Why was it deemed necessary to close the North Yunderup Community Association Working Group?

Answer: In response to this question Councillors and officers present at the meeting confirmed there were no plans for dismissal of the North Yunderup Community Association Working Group.

3.2.3 MR C GARDNER, 191 FIEGERT ROAD, BARRAGUP
File: 131657

Mr Gardner referred to his approval to subdivide his property at the corner of James and Carey Streets, Pinjarra and explained that to do this he has to comply with all the rules and regulations laid down to ensure the subdivision is properly completed.

1. Is Council aware of my concerns with regard to my neighbour on the west of my property as I feel there is one law for him and another law for others in that my neighbour can park his vehicles in the street, run his water out of his block and into my yard and carry out agricultural pursuits?
2. Is Council aware that the sale of these blocks, when subdivided and developed, will be detrimentally affected by my neighbour's block?
3. Is Council aware that if I go ahead with the subdivision, I feel the new blocks will be jeopardised and I will be deprived?

The Chairperson assured Mr Gardner that officers would investigate his concerns and a formal reply would be forwarded.

3.2.4 MRS A NEWCOMBE, 9A MAROONA PLACE, MANADURAH

File: HA12/876

Mrs Newcombe introduced herself as the owner of Lot 899 Wells Road, Pinjarra, and referred to an application dealt with at Council's Planning and Development Services Committee on 21st November 2006 regarding a dwelling with a rear setback at Lot 876 Hamlet Pass, Pinjarra. She asked the following questions:-

1. How does Council justify its decision to allow a reduced rear setback from 6 m to 3.9 m at Lot 876 Hamlet Pass?
2. When we bought our property at Lot 899 Wells Road, we were told what the setbacks were and built accordingly whereas the owners of Lot 876 Hamlet Pass have designed a house that is too big for the lot. We object to the reduced rear setback of 3.9 m and ask how Council can justify changing the rules?

The Chairperson thanked Mrs Newcombe for her questions and confirmed that this matter would be dealt with later in the meeting.

3.2.5 MS J HENNESSY, RAVENSWOOD LEARNING CENTRE, LLOYD AVENUE, RAVENSWOOD

File: LL01/101

Ms Hennessy submitted the following questions:-

1. Will the Council please explain why on the 31st October 2005 a letter signed by Mat Selby (Manager, Planning and Development Services), was sent to Mrs L Jones of the Ravenswood Learning Centre, following an inspection by Andrea Green, advising that all the conditions of planning approval (attached) had been completed to the satisfaction of the director of Planning and Development Services, (also attached)? Yet on the 20th October 2006, one year later, an additional inspection was carried out by the above mentioned Andrea Green and following that inspection the RLC received a letter

saying that they now did not comply with the State Administrative Tribunal in regards to the 2 metre buffer landscaping requirements, even though one year on the plants were obviously taller, thicker and there was more of them there than there had been a year ago. Will the Council please look into this and review the decision made? Photographic evidence showing compliance with the SAT order is included for your perusal.

2. If the order regarding upgrading the existing vegetation buffer is upheld, then the RLC finds it unreasonable to be ordered to comply within 28 days, especially in this climate of water shortages, and knowing that summer is not an opportune time to plant vegetation.
3. Will the Council test RLC for compliance in regards to noise levels at the Centre, as this would finally end complaints made by neighbours.
4. Why does RLC have to apply to Council to hold such events as busy bees and Christmas parties? And can the Council please show the relevant Act that makes it possible for them to do so. Why are no such restrictions placed on other local businesses or childcare centres?
5. The RLC has applied to hold a Christmas party in December, this has been approved. We anticipate that people will need to park on the verge and verge opposite. Will we need approval and, if approval is given, may the neighbours be informed in writing by the Council so as to stop any further complaints?
6. The western side of the RLC property has been developed into a play area for the children, perfect because of a large amount of shady trees. A letter signed by Mat Selby dated 8 November 2006, requires the Centre to cease use immediately of this site for children's play, as it is claimed the area was not in accordance with the original planning approval. RLC asks to still be able to use this area whilst further planning approval is obtained. The neighbours have never complained about this particular playground and are happy for the children to play there. Letters of approval from the immediate neighbours are included.
7. If the western side of RLC is considered to be a buffer zone, where does it say children cannot play in buffer zones?

(Copies of the documents/photographs referred to above are attached as **APPENDIX 2**).

The Chairperson thanked Ms Hennessy for her questions and confirmed that a formal reply would be forwarded.

3.2.6 MR BRETT FLUGGE, GREG ROWE & ASSOCIATES

File: LA05/21

Mr Flugge referred to an application for a mobile concrete batching plant and clay brick storage/display facility at Lot 21 Lakes Road, Stakehill, dealt with at the Planning and Development Services Committee meeting on 21st November 2006, and submitted the following questions:-

1. Is Council aware that the revised siting of the proposed mobile batching plant facility is consistent with preferred location as suggested by Department for Planning & Infrastructure, Main Roads and Landcorp, being positioned alongside Lakes road to take advantage of future, longer term transport and structure planning for the Nambeelup Industrial Area?
2. Does Council share the applicant's view that the on-site drainage is capable of meeting State Government requirements without compromising future changes in drainage management strategies for the broader industrial area?
3. Is Council willing to acknowledge that the proposed location for the mobile batching plant is appropriately sited on land zoned for industrial use and if approved, would provide the catalyst to boost employment and business attraction to the Peel Region?
4. Does Council accept that to identify an alternative site not already zoned to accommodate this type of development would result in further substantial delays in having industrial development expand into the Nambeelup locality and severely hinder employment opportunities across the Peel Region?

The Chairperson thanked Mr Flugge for his questions and confirmed that this matter would be dealt with later in the meeting.

4. CONFIRMATION OF MINUTES**4.1 ORDINARY COUNCIL MEETING – THURSDAY 26th OCTOBER 2006****OFFICER RECOMMENDATION/COUNCIL DECISION:****OCM06/173****MOVED: Cr T Birmingham****SECONDED: Cr Dr D Watson-Raston****That the Minutes of the Ordinary Council Meeting held on 26th October 2006, be confirmed as being a true and correct record.****CARRIED UNANIMOUSLY 11:0**

5. ANNOUNCEMENTS BY THE PRESIDENT, WITHOUT DISCUSSION

On Wednesday 1st November I attended a meeting of the Shire's Vehicle Working Group.

On Thursday 2nd November the Acting CEO and I attended a Peel Regional Leaders Forum at the Peel Development Commission in Mandurah.

On Wednesday 8th November I met with Alan Moody at the Shire Office to discuss the matter of dredging the canals. I also attended a further Vehicle Working Group meeting.

On Wednesday 15th November I attended a meeting of the Rail Heritage Foundation.

On Thursday 16th November I attended a lunch meeting with people from the Satterley Property Group.

On Saturday 18th November I officiated at the unfurling ceremony of the Murray River Flag at Coopers Mill on Culeenup Island.

On Sunday 19th November myself and my wife attended the annual luncheon of the RSL.

On Monday 27th November I attended a meeting with officers from Greg Rowe & Associates to discuss the proposed Batching Plant at Lot 21 Lakes Road, Nambeelup.

On Wednesday 29th November I attended a meeting with Gillian Hill from the Public Transport Department concerning their proposals to cut back the school bus services.

6. ANNOUNCEMENTS BY COUNCILLORS, WITHOUT DISCUSSION**6.1 CRT BIRMINGHAM**

On 31st October I attended a function at Parliament House, held to thank several ministers for their support for the Dwellingup Forest Heritage Centre.

On 10th November I attended a Remembrance Ceremony at the Dwellingup Primary School.

On 14th November I attended a Boddington Gold Mine Steering Committee meeting with PDC.

6.2 CR DR D WATSON-RASTON

On 3rd November I attended the Small Business Centre Board meeting.

I also attended a meeting of the Local Health Authority Analytical Committee. They are hoping to have a food sampling website set up for local authority use.

On 24th November I attended a further Small Business Centre meeting.

I also attended to ten individual issues and meetings with the community and with the South Yunderup Small Business Working Group.

Later today I will be attending a briefing meeting by main Roads at the Clansman in South Yunderup, concerning the new Perth to Bunbury Highway.

6.3 CR C THOMPSON

On 1st November I sat on the Assessment Panel for the Department of Sport and Recreation regarding athletes in the Peel Region.

On 15th November, as WALGA's representative, I attended the state Emergency Management Committee's Recovery Services Committee (at the Department of the Premier and Cabinet), of which the composition of members has now been finalised.

Their functions have been divided into two –
Planning and Operations - In relation to the review of the State Recovery Emergency Management Plan – more formatting has to be done.
Pandemic Planning – There will be a local government template plan plus a road show for local governments. As a pandemic comes in waves, recovery will have to be worked on. A discussion exercise will be held shortly with State Agencies.

Also on the same day I chaired the Bush Fire Advisory Committee.

On 17th November I attended a Wilgie Creek meeting. Also on the same day I attended a Consultant's meeting regarding the proposed plan for the Crime Prevention Committee. We are behind in relation as to where we would like to be with the Plan but hope to get on track in the early part of next year.

Also on the same day I attended the Presentation and Award Ceremony night of Pinjarra Senior High School at the Mandurah Performing Arts Centre. An enjoyable evening was had by all. This year the Shire sponsored the Biology Award which was won by Jessica McKay. I presented two awards – they being the V.E.T. Award to Mitchell Hewitt and the School Services award to Justeen Davis. With the numbers of students, family and friends present there would have been too many for the Shire of Murray's Civic Centre to accommodate.

On 20th November I chaired the Occupational Health and Safety Committee meeting.

On 21st November I attended the shire's Inland Waterways Committee meeting.

Also on the same day I attended the Local Emergency Management Committee held at the SES building. The Shire of Murray's Local Emergency Management Plan has been finalised, along with the Resource lists of Agencies.

On 26th November I attended the annual luncheon of the Mandurah-Murray Mayday Club at their premises on Pinjarra Road. Quite a large gathering which included Murray Cowper and Paddi Creevey.

6.4 CR W BARRETT

On 11th November I represented the Shire at the Remembrance Day Ceremony held in Pinjarra.

6.5 CR P HIGGINS

I attended the monthly Yunderup Sportsmans' Association meeting and I also attended the North Yunderup Committee Association Working Group meeting.

6.6 CR P BRIGGS

On 21st November I attended the Shire of Murray's Inland Waterways Management Committee meeting.

On 22nd November I attended a meeting in Warma Way concerning the Scouts boat shed building.

On 25th and 27th November I visited the Spud Shed concerning their use of one of the disabled parking bays for storing of trollies. This matter has been followed up by the C.E.O.'s PA.

6.7 CR M BESSANT

I attended three meetings relating to the proposed re-location of Jandakot Airport.

7. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN, WITHOUT DISCUSSION

Nil.

8. **CORRESPONDENCE**

8.1 LETTER FROM THE OFFICE OF THE MINISTER FOR PLANNING & INFRASTRUCTURE

File: 6306

Comment – Shire President:

Councillors may have read in the press recently that the Shire of Bridgetown residents declined the offer of Main Roads (WA) to construct a By-Pass road around their town.

The Shire wrote to Main Roads W.A. (with a copy forwarded to the Hon Minister for Planning & Infrastructure), requesting that the funding of \$11m. allocated to this project be re-directed to the Shire of Murray in support of the Pinjarra Eastern By-Pass project.

At the request of the Chairperson, the C.E.O. read the following Minister's response, written on her behalf by Chief of Staff Rob Giles:-

'I refer to Council's letter of 3 October 2006 addressed to Main Roads and copied to the Minister for Planning and Infrastructure, requesting funds set aside for the Bridgetown Heavy Vehicle Deviation be redirected to fund the construction of the Pinjarra Eastern Bypass road. Minister MacTiernan has asked that I respond on her behalf and please also treat this as a response from Main Roads.

Funds for the construction of the Bridgetown Heavy Vehicle Deviation were provided from the government's Safer Roads Program and the intention is that these funds be redirected to other small scale (i.e. up to \$5 million) projects with a significant crash history and associated safety concerns. The Pinjarra Eastern Bypass, with an estimated total cost of \$40 million, would not be considered suitable for any reallocation of safer Roads monies.

Nevertheless, it is considered that construction of Stage 1 of the Bypass will have a positive effect on Pinjarra and transport to the east of the Town and is supported by the Minister and Main Roads. With this in mind, you are assured that funding for this section of the project will continue to be sought in future budgetary processes.

Furthermore, as indicated previously, construction of the New Perth Bunbury Highway currently scheduled for completion in 2009, is expected to provide some relief from inter-regional traffic affecting the Pinjarra townsite and other communities along south Western Highway.

It is acknowledged that traffic levels will continue to rise in line with population growth and future development and will eventually return to current levels. However, it is expected that heavy vehicles will prefer to use the new highway and accordingly the percentage of this type of traffic will decrease.

It must be recognized that the New Perth Bunbury Highway project is a major investment by the Government and is expected to bring many opportunities to the Peel and South West regions, including the Shire of Murray.

Thank you for taking the time to write to the Minister regarding these matters. I trust the information provided has addressed your concerns.

*Yours sincerely,
Rob Giles
Chief of Staff'*

8.2 WALGA – EMERGENCY MANAGEMENT POLICY GROUP – CALLS FOR EXPRESSION OF INTEREST

File: 1409

APPENDIX 1

The WA Local Government Association has established an Emergency Management Policy Group to enable local government to approach emergency management with sound practices to address the requirements of the Emergency Management Act. Nominations from suitably qualified local government personnel are invited with applications required to be received by Friday 22nd December 2006.

This is a new Local Government body. A copy of WALGA's Information Page setting out the draft terms of reference and other details relevant to the Policy Group is attached at **APPENDIX 1**.

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM06/174

MOVED: Cr T Birmingham

SECONDED: Cr B Thomson

That Cr Christine Thompson be nominated to the WA Local Government's Emergency Management Policy Group.

CARRIED UNANIMOUSLY 11:0

9. **PETITIONS AND MEMORIALS**

Nil.

10. **RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE THE PREVIOUS MEETING OF COUNCIL**

10.1 CORPORATE SERVICES COMMITTEE – 14th NOVEMBER 2006**10.1.1 ITEMS DEALT WITH SEPARATELY****10.1.1.1 ITEM 4.8 –TENDERS FOR THE SALE OF JAMES STREET/FORREST STREET LAND**

Files: 1157, JA03/1, JA03/2, FO03/73

The Chief Executive Officer requested that this item be dealt with separately and referred the meeting to the following memo circulated on 24th November by the Acting C.E.O.

Item 4.8 – Corporate Services Committee Meeting held on 14th November 2006 – Tenders for the Sale of James Street/Forrest Street Land

The above Corporate Services Committee meeting recommended:-

that Landtec Projects Corporation Pty Ltd be advised that they are the preferred tenderer to purchase Lots 1 & 2 James Street and Lots 73 & 74 Forrest Street at a minimum price of \$1,410,000, however the sale is subject to –

1. agreement being reached with Council on the design of the development now that the Water Corporation land is not available and;
2. agreement being reached with Council and/or FESA regarding the satisfactory relocation of the State Emergency Services to land in Phillips Road.

The preferred tenderer has provided additional information in regards to the two conditions identified in the above Committee Recommendation and a copy of their letter is attached for information. This item will be withdrawn by the Chief Executive Officer at the Ordinary meeting of Council on 30th November 2006, for further consideration.

Note: Council changed the Committee Recommendation in order to correctly record the name of the preferred tenderer.

COUNCIL DECISION**OCM06/175****MOVED: Cr W Barrett****SECONDED: Cr P Briggs**

That Northline Assets Pty Ltd be advised that they are the preferred tenderer to purchase Lots 1 and 2 James Street and Lots 73 and 74 Forrest Street at a minimum price of \$1,410,000 however the sale is subject to:

- 1. agreement being reached with Council on the design of the development now that the Water Corporation land is not available; and**

2. agreement being reached with Council and/or FESA regarding the satisfactory re-location of the State Emergency Services to land in Phillips Road.

CARRIED UNANIMOUSLY 11:0

10.1.2 ADOPTION OF COMMITTEE RECOMMENDATIONS

COUNCIL DECISION:

OCM06/176

MOVED: Cr C Thompson

SECONDED: Cr M Bessant

That Council resolves to adopt the minutes of the Corporate Services Committee meeting held on 14th November 2006, and Committee Recommendations 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238 and 239 and hereby resolves in the term of each of those recommendations.

CARRIED UNANIMOUSLY 11:0

10.2 **TECHNICAL SERVICES COMMITTEE – 14th NOVEMBER 2006**

10.2.1 ITEMS DEALT WITH SEPARATELY

10.2.1.1 ITEM 6.1 – TENDER MS01/06 – SUPPLY AND DELIVERY OF ONE NEW 6x4 RIGID TIPPER

File: MS01/06

This item was withdrawn as an Absolute Majority is required.

COMMITTEE RECOMMENDATION/COUNCIL DECISION:

OCM06/177

MOVED: Cr G Rogers

SECONDED: Cr M Bessant

That Council:

1. award the Tender MS01/06 – Supply and Delivery of One New 6 x 4 Rigid Tipper, to TruckWorld for the supply and delivery of one new Mack Value Liner for \$205,200 (including tarp system) with the trade-in of the existing Mack (MY 9184) for \$120,000 at a changeover cost of \$85,200 plus licensing costs as per the tender documents; and
2. transfer \$5,200 from The Plant Replacement Fund to Account 149T40 to cover the shortfall in funds.

CARRIED BY ABSOLUTE MAJORITY 11:0

10.2.1.2 ITEM 6.3 – TENDER MS03/06 – SUPPLY AND DELIVERY OF ONE NEW 4 TONNE TIPPER

File: MS03/06

This item was withdrawn as an Absolute Majority is required.

COMMITTEE RECOMMENDATION/COUNCIL DECISION:

OCM06/178

MOVED: Cr M Bessant

SECONDED: Cr T Birmingham

That Council:

- 1. award the Tender MS03/06 – Supply and Delivery of One New 4 Tonne Dual Cab Tipper Truck, to Skipper Trucks for the supply and delivery of one new Mitsubishi Fuso FE85 Dual Cab Tipper truck, as per the tender documents, for \$66,160.00 plus licencing costs;**
- 2. award the Tender MS03/06 – Supply and Delivery of One New 4 Tonne Dual Cab Tipper Truck, to South City Truck Sales for the purchase of Council's existing Toyota Dyna (1BDG566), as per the tender documents, for \$24,090.91; and**
- 3. transfer \$12,070 from The Plant Replacement Fund to Account 138840 to cover the shortfall in funds.**

CARRIED BY ABSOLUTE MAJORITY 11:0

10.2.1.2 ITEM 6.5 – REPLACEMENT OF 3 TONNE DUAL CAB TILT TRAY TRUCK

File: 6103

This item was withdrawn as an Absolute Majority is required.

COMMITTEE RECOMMENDATION/COUNCIL DECISION:

OCM06/179

MOVED: Cr P Briggs

SECONDED: Cr Dr D Watson-Raston

That Council:

- 1. approve the purchase of a 3 Tonne Dual Cab Flattop Truck, through competitive quotation, to replace the existing 3 Tonne Dual Cab Tilt Tray truck sold as part of Tender MS02/06;**
- 2. approve the purchase of a 4-mower trailer through the seeking of competitive quotations;**
- 3. approve the sale of the existing 3-mower trailer through competitive quotations; and**

4. that an extra \$10,000 if required be transferred from the Plant Replacement Fund Account 138840 for the construction of a 4 Mower Trailer as the figures above are estimates only.

CARRIED BY ABSOLUTE MAJORITY 11:0

10.2.2 ADOPTION OF COMMITTEE RECOMMENDATIONS

COUNCIL DECISION:

OCM06/180

MOVED: Cr W Barrett

SECONDED: Cr B Thomson

That Council resolves to adopt the minutes of the Technical Services Committee meeting held on 14th November 2006, and Committee Recommendations 101, 103, 105, 107, 108, 109 and 110 and hereby resolves in the term of each of those recommendations.

CARRIED UNANIMOUSLY 11:0

10.3. OCCUPATIONAL HEALTH & SAFETY COMMITTEE – 20th NOVEMBER 2006

10.3.1 ITEMS DEALT WITH SEPARATELY

Nil.

10.3.2 ADOPTION OF COMMITTEE RECOMMENDATIONS

COUNCIL DECISION:

OCM06/181

MOVED: Cr C Thompson

SECONDED: Cr P Briggs

That Council resolves to adopt the minutes of the Occupational Health and Safety Committee meeting held on 20th November 2006, and Committee Recommendations 011, 012 and 013 and hereby resolves in the term of each of those recommendations.

CARRIED UNANIMOUSLY 11:0

10.4. PLANNING & DEVELOPMENT SERVICES COMMITTEE – 21st NOVEMBER 2006**10.4.1 ITEMS DEALT WITH SEPARATELY****10.4.1.1 PLANNING ITEM 7.3.3 – PROPOSED MOBILE CONCRETE BATCHING PLANT – LOT 21 LAKES ROAD, STAKEHILL**

File: LA05/21

The Director of Planning & Development Services requested that this item be dealt with separately. **Cr M Bessant** also requested that this item be dealt with separately. The Planning Director referred the meeting to his memo dated 28th November 2006, as follows:-

Please find attached some additional information provided by the applicant in relation to some of the issues raised during the presentation by Mr Flugge from Greg Rowe & Associates and Mr Hobbs, from BGC Concrete.

Also attached is a copy of a photograph showing the mobile batching plant that will be located on the site, if approved by Council on Thursday.

One additional condition is required in relation to the approval which reads:

All drainage from impervious areas and temporary buildings to be retained on site, to the satisfaction of the Directors of Technical Services and Developments Services (P & TS).

Therefore, the following officer recommendation is recommended, which only adds the above Condition as new Condition No 12.

That Council, exercising discretionary powers under the Shire of Murray's Town Planning Scheme No. 4, approves the proposed mobile concrete batching plant on portion of Lot 21 Lakes Road, Stakehill subject to the following conditions –

- 1 the development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council; (P)*
- 2 ablution facilities are to be provided for staff purposes, to the satisfaction of the Director Planning & Development Services; (P)*
- 3 vehicle crossovers to be designed and constructed to the satisfaction and specification of the Director Technical Services; (TS)*
- 4 Lakes Road, at the access point to the development, is to be upgraded to the satisfaction of the Director Technical Services; (TS)*
- 5 containment of all vehicle cleaning and wash-down areas and direction of waste materials to a suitable waste treatment facility (for*

- instance, a triple interceptor), to the satisfaction of the Manager Environmental Health Services; (H)
- 6 the applicant providing certification that an adequate alternative effluent disposal system, satisfactory to the Department of Environmental Protection, Health Department of WA and the Manager Environmental Health Services; (H)
 - 7 effluent disposal system for commercial/industrial premises shall be located within a landscaped area and shall be protected by bollards or other suitable barriers. The landscaped area shall be of sufficient size to accommodate the effluent disposal system, ensuring that all legislative setbacks are complied with; (H)
 - 8 the applicant shall prepare and implement a Dust Management Plan, to the satisfaction of the Director Planning & Development Services; (P)
 - 9 all fill is to be retained on site, to the satisfaction of the Director Planning & Development Services; (P)
 - 10 the applicant shall provide a geotechnical report certifying that the land is physically capable of development, prior to the commencement of site works;
 - 11 the applicant shall provide a geotechnical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Manager Building Services; (B)
 - 12 all drainage from impervious areas and temporary buildings to be retained on site, to the satisfaction of the Directors of Technical Services and Planning and Development Services. (P& TS)
 - 13 this approval shall expire after 10 years, after which time the concrete batching plant shall be removed from the property and the site rehabilitated to the satisfaction of the Director Planning & Development Services, unless further Planning Approval is granted by Council.

Advice to Applicant

- (a) The proposal will require a Works Approval under the Environmental Protection Regulations 1987, from the Department of Environment and Conservation. The application for Works Approval will most likely require a full acoustic assessment and dust management plan.
- (b) The subject lot is located in the Murray Groundwater Area where there are known issues relating to groundwater quality and availability. The Department of Water will have to be contacted should the intent be to utilise the ground water.

- (c) Any use, additions to and further intensification of any part of the development of land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. (P)
- (d) Fencing to be in accordance with the Shire of Murray Local Laws.

The Director of Planning referred the meeting to a new Recommendation which was tabled at the beginning of the meeting, with amendments to the above recommendation highlighted in blue and red (notated by being underlined in these minutes), as follows:-

That Council, exercising discretionary powers under the Shire of Murray's Town Planning Scheme No. 4, approves the proposed "Light Industry" uses of mobile concrete batching plant and brick storage facility on portion of Lot 21 Lakes Road, Stakehill subject to the following conditions –

- 1 *the development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council; (P)*
- 2 *ablution facilities are to be provided for staff purposes, to the satisfaction of the Director Planning & Development Services; (P)*
- 3 *vehicle crossovers to be designed and constructed to the satisfaction and specification of the Director Technical Services; (TS)*
- 4 *Lakes Road, at the access point to the development, is to be upgraded to the satisfaction of the Director Technical Services; (TS)*
- 5 *containment of all vehicle cleaning and wash-down areas and direction of waste materials to a suitable waste treatment facility (for instance, a triple interceptor), to the satisfaction of the Director of Planning and Development Services. (H)*
- 6 *The development shall be serviced by an alternative effluent waste water disposal system with nutrient phosphorus retention capabilities as approved by the Director of Planning and Development Services. The effluent disposal system shall be located within a landscaped area and shall be protected by bollards or other appropriate mechanisms; (H)*
- 7 *the applicant shall prepare and implement Management Plans for dust and noise for the life of the approval, to the satisfaction of the Director Planning & Development Services; (P)*
- 8 *all fill is to be retained on site, to the satisfaction of the Director Planning & Development Services; (P)*
- 9 *the applicant shall provide a geotechnical report certifying that the land is physically capable of development, prior to the commencement of site works;*

- 10 *the applicant shall provide a geotechnical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Manager Building Services; (B)*
- 11 *All drainage from impervious areas and temporary buildings to be retained on site, to the satisfaction of the Directors of Technical Services and Planning and Development Services. (P & TS)*
- 12 *A landscaping plan shall be prepared and implemented for the site to the satisfaction of the Director of Planning and Development Services. The plan shall also address and consider existing remnant vegetation including landmark habitat trees, tree retention areas and flora.*
- 13 *this approval shall expire after 10 years, after which time the concrete batching plant shall be removed from the property and the site rehabilitated to the satisfaction of the Director Planning & Development Services, unless further Planning Approval is granted by Council.*

Advice to Applicant

- (a) *The proposal will require a Works Approval under the Environmental Protection Regulations 1987, from the Department of Environment and Conservation. The application for Works Approval will most likely require a full acoustic assessment and dust management plan.*
- (b) *The subject lot is located in the Murray Groundwater Area where there are known issues relating to groundwater quality and availability. The Department of Water will have to be contacted should the intent be to utilise the ground water.*
- (c) *Any use, additions to and further intensification of any part of the development of land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. (P)*
- (d) *Fencing to be in accordance with the Shire of Murray Local Laws.*

Note: Council changed the Officer's Recommendation to ensure that the drainage system could be connected to a future piped system (see Recommendation No 11).

MOVED: Cr W Barrett
SECONDED: Cr P Briggs

That Council, exercising discretionary powers under the Shire of Murray's Town Planning Scheme No. 4, approves the proposed "Light Industry" uses of mobile concrete batching plant and brick storage facility on portion of Lot 21 Lakes Road, Stakehill subject to the following conditions:-

- 1 the development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council; (P)**
- 2 ablution facilities are to be provided for staff purposes, to the satisfaction of the Director Planning & Development Services; (P)**
- 3 vehicle crossovers to be designed and constructed to the satisfaction and specification of the Director Technical Services; (TS)**
- 4 Lakes Road, at the access point to the development, is to be upgraded to the satisfaction of the Director Technical Services; (TS)**
- 5 containment of all vehicle cleaning and wash-down areas and direction of waste materials to a suitable waste treatment facility (for instance, a triple interceptor), to the satisfaction of the Director of Planning and Development Services. (H)**
- 6 The development shall be serviced by an alternative effluent waste water disposal system with nutrient phosphorus retention capabilities as approved by the Director of Planning and Development Services. The effluent disposal system shall be located within a landscaped area and shall be protected by bollards or other appropriate mechanisms; (H)**
- 7 the applicant shall prepare and implement Management Plans for dust and noise for the life of the approval, to the satisfaction of the Director Planning & Development Services; (P)**
- 8 all fill is to be retained on site, to the satisfaction of the Director Planning & Development Services; (P)**
- 9 the applicant shall provide a geotechnical report certifying that the land is physically capable of development, prior to the commencement of site works;**
- 10 the applicant shall provide a geotechnical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Manager Building Services; (B)**
- 11 All drainage from impervious areas and temporary buildings to be retained on site and the drainage infrastructure be installed so that it is capable of being connected to a future piped drainage system, to the satisfaction of Council. (P & TS)**

- 12 A landscaping plan shall be prepared and implemented for the site to the satisfaction of the Director of Planning and Development Services. The plan shall also address and consider existing remnant vegetation including landmark habitat trees, tree retention areas and flora.
- 13 this approval shall expire after 10 years, after which time the concrete batching plant shall be removed from the property and the site rehabilitated to the satisfaction of the Director Planning & Development Services, unless further Planning Approval is granted by Council.

Advice to Applicant

- (a) The proposal will require a Works Approval under the Environmental Protection Regulations 1987, from the Department of Environment and Conservation. The application for Works Approval will most likely require a full acoustic assessment and dust management plan.
- (b) The subject lot is located in the Murray Groundwater Area where there are known issues relating to groundwater quality and availability. The Department of Water will have to be contacted should the intent be to utilise the ground water.
- (c) Any use, additions to and further intensification of any part of the development of land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. (P)
- (d) Fencing to be in accordance with the Shire of Murray Local Laws.

FORESHADOWED MOTION

Cr M Bessant gave verbal notice of his intention to move the following motion, should the substantive motion currently under debate be defeated or withdrawn:-

That the application for a Mobile Batching Plant at Lot 21 Lakes Road, Stakehill be referred to the next Planning and Development Services Committee meeting for further consideration.

COUNCIL DECISION:**OCM06/182****The Motion MOVED by Cr W Barrett and SECONDED by Cr P Briggs was PUT and was****CARRIED 10:1**

Following the result of voting on this Motion, **Cr C Thompson** requested that names be recorded, as follows:-

For: Crs W Barrett; P Briggs; P Higgins; E Menara; C Thompson;
Dr D Watson-Raston; B Thomson; G Rogers; T Birmingham;
N Nancarrow

Against: Cr M Bessant

10.4.1.2 PLANNING ITEM 7.3.4 – OVERSIZED SHED APPLICATION – LOT 6 DEL PARK ROAD, NORTH DANDALUP

File: DE04/06

Cr P Higgins requested that this item be dealt with separately. The Director of Planning and Development Services also requested this item be dealt with separately.

COMMITTEE RECOMMENDATION:

That Council resolves to refuse the application for a proposed garage on Lot 6 Del Park Road, North Dandalup, for the following reasons:-

- 1) the proposed area of the shed greatly exceeds the maximum area of 100m² recommended by Planning Policy 34 – Outbuildings; and
- 2) the proposed size and use of the shed is inconsistent with the 'Residential' zoning of the property and will adversely impact upon the amenity of the area.

MOVED: Cr P Higgins

SECONDED: Cr P Briggs

That Council resolves to approve the application for a proposed garage on Lot 6 Del Park Road, North Dandalup, subject to the garage not being used in any way for commercial activities but just for the storage of old cars.

FORESHADOWED RECOMMENDATION:

Cr W Barrett gave verbal notice of his intention to move the Committee Recommendation, should the substantive motion currently under debate be defeated or withdrawn.

The Motion moved by Cr P Higgins and seconded by P Briggs was
WITHDRAWN

The Foreshadowed Motion moved by Cr W Barrett was
WITHDRAWN

Note: Council changed the Committee Recommendation in order to allow the application to be referred to the next Planning and Development Services Committee for further consideration.

COUNCIL DECISION:**OCM06/183****MOVED: Cr T Birmingham****SECONDED: Cr M Bessant**

That the Application for an oversized shed/garage at Lot 6 Del Park Road, North Dandalup, be referred to the next Planning and Development Services Committee meeting for further consideration.

CARRIED UNANIMOUSLY 11:0

10.4.1.3 PLANNING ITEM 7.3.5 – PROPOSED DWELLING WITH A REDUCED REAR SETBACK – LOT 876 HAMLET PASS, PINJARRA

File: HA12/976

The Director of Planning and Development Services requested that this item be dealt with separately.

At the request of **Cr Nancarrow**, **Cr C Thompson** assumed the Chair, the time being 10.01 am.

COMMITTEE RECOMMENDATION

That Council, under the Shire of Murray's Town Planning Scheme No. 4, exercising its discretionary powers, resolves to approve the application for the proposed dwelling with a reduced rear setback on Lot 876 Hamlet Pass, Pinjarra, subject to the following conditions –

- 1 an amended site plan to be provided to Council showing a minimum rear setback of 3.9 metres; and

- 2 this approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made at least 60 days prior to the expiry of the approval) to Council, is granted to it in writing.

Advice to Applicant

- (i) Any use, additions to and further intensification of any part of the development of land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. (P)

MOVED: Cr N Nancarrow

SECONDED: Cr P Briggs

That the proposed dwelling with a reduced rear setback on Lot 876 Hamlet Pass, Pinjarra, be referred to the next Planning and Development Services Committee meeting, subject to written approval from the applicant for a deferment of time in which to deal with this matter.

Cr Dr D Watson-Raston gave verbal notice of her intention to move the Committee Recommendation, should the substantive motion currently under debate be defeated or withdrawn.

Note: Council changed the Committee Recommendation to allow further consideration of the application for an oversized shed/garage on the subject property.

COUNCIL DECISION:

OCM06/184

The Motion MOVED by Cr N Nancarrow and SECONDED by Cr P Briggs was PUT and WAS

CARRIED UNANIMOUSLY 11:0

10.4.1.4 PLANNING ITEM 7.10.4 – DELEGATED AUTHORITY ITEMS

File: GO04/154

Cr B Thomson requested that this item be dealt with separately and referred to Delegated Authority Application No. 0308/06 which refused the proposed parking of a commercial vehicle at Lot 154 Gowman Way, Ravenswood.

MOVED: Cr B Thomson
 SECONDED: Cr G Rogers

That with regard to the application for planning approval to park a commercial vehicle at Lot 154 Gowman Way, Ravenswood, refused under delegated authority via letter dated 19th October 2006, the applicant be requested to submit a fresh application in respect of this matter, to enable a report to be presented to Council's Planning and Development Services Committee for further consideration.

WITHDRAWN

COUNCIL DECISION

OCM06/185

MOVED: Cr W Barrett

SECONDED: Cr C Thompson

That Council receives and notes the decisions processed under Delegated Authority.

CARRIED UNANIMOUSLY 11:0

10.4.2 ADOPTION OF COMMITTEE RECOMMENDATIONS

COUNCIL DECISION:

OCM06/186

MOVED: Cr C Thompson

SECONDED: Cr P Briggs

That Council –

- 1) resolves to adopt the minutes of the Planning & Development Services Committee meeting held on 21st November 2006, and Committee Recommendations 202, 203, 204, 205, 206, 207, 209, 210, 211, 212 and 216, and hereby resolves in the term of each of those recommendations.**

CARRIED UNANIMOUSLY 11:0

11. REPORTS OF OFFICERS

11.1 TENDERS FOR PINJARRA RAIL STATION

File: R45518
 Author: Mr Neil G Leach, Chief Executive Officer
 Report Date: 9th November 2006

Tenders have been called for the construction of the Pinjarra Rail Station.

The closing date for tenders has had to be extended twice due to a delay in securing the plans and specifications and tenders now close on December 13th 2006.

Councillors will recall that Council agreed to manage the construction of this building provided it was fully funded by State and Federal governments. It was anticipated that tenders would be submitted to the November round of Committee meetings, however the delays have made that impossible.

In order to allow this project to proceed it is suggested that authority to accept a tender be delegated to the Chief Executive Officer, provided the tender price is guaranteed by the Peel Development Commission.

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM06/187

MOVED: Cr T Birmingham

SECONDED: Cr M Bessant

That:-

- (i) the Chief Executive Officer be delegated authority to consider, in consultation with the Shire President and the Manager of Building Services, and accept a tender to construct the Pinjarra Train Station, provided a guarantee of funding for the total cost is received from the Peel Development Commission prior to acceptance of the tender; and**
- (ii) it be noted that, for the purpose of Section 5.43(b) of the Local Government Act 1995, the amount determined is the amount guaranteed by the Peel Development Commission.**

CARRIED UNANIMOUSLY 11:0

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING AND ANY BUSINESS THAT THE PRESIDING MEMBER MAY THINK DESIRABLE TO BRING UNDER THE NOTICE OF THE COUNCIL AND MAY HAVE DIRECTED TO BE ENTERED AS AN ORDER OF THE DAY

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

15. **ANY OTHER BUSINESS THE RECEPTION OF WHICH HAS BEEN APPROVED BY THE PRESIDENT OR COUNCIL**

Nil.

There being no further business, the Chairperson declared the meeting closed, the time being 10.20 am, and invited everyone present to morning tea and the prize giving presentation for the 2006 Garden Competition Winners