



MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 23 NOVEMBER 2010

I hereby certify that the Minutes of the Special Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

Date: _____

MINUTES SUMMARY

Item No	Description	Page No
1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	3
3.	DECLARATION OF INTEREST	3
4.	BUSINESS OF MEETING	4
	4.1 Development Guide Plan – Coolibah/Chestnut Estate, Kununurra	4
	4.2 M1 Syphon Tender Assessment Report T04 10-11	8
5.	MEETING CLOSURE	9

SHIRE OF WYNDHAM EAST KIMBERLEY

AGENDA

TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING
TO BE HELD ON, 23 NOVEMBER 2010, AT 5:00 PM

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.00pm and welcomed the members of the public and staff in the Gallery.

2 RECORD OF ATTENDANCE

Cr F Mills	Shire President
Cr J Moulden	Deputy Shire President
Cr D Ausburn	Councillor
Cr J McCoy	Councillor
Cr R Dessert	Councillor
Cr R Addis	Councillor
Cr J Parker	Councillor
Cr K Torres	Councillor
Cr K Wright	Councillor
G Gaffney	Chief Executive Officer
N Kearns	Director Development Services
J Ellis	Director Corporate Services
T Cheng	Director Infrastructure Services
R Morrall	Governance Support Officer (Minute Taker)
F Kuiper	Executive Assistant

GALLERY

Kevin Tang
Jennifer Ninyette
Kevin Chirgwin
Daniel Bower
Julie Kemp
Russell Williams

APOLOGIES

Karyn Apperley

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3 DECLARATION OF:

- **Financial Interest**

Nil

- **Members Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4 BUSINESS OF MEETING

4.1 Development Guide Plan – Coolibah/Chestnut Estate, Kununurra

DATE:	23 November 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kevin Tang, Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	43.04.38
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a Development Guide Plan (DGP) for the Coolibah/Chestnut Estate, Kununurra.

BACKGROUND

This item was deferred from the 16 November 2010 Ordinary Council Meeting, (Item 12.4.2), for the purpose of providing an alternative recommendation with respect to the proposed design guidelines for the Coolibah/Chestnut Estate.

The Council, at its 20 October 2009 Ordinary Meeting, (Item 13.4.7), resolved to adopt Amendment 31 to Town Planning Scheme No. 7 – Kununurra and Environs (TPS7), to rezone land at Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra from Parks and Recreation Reserve to Town Centre Zone. The amendment also enabled the development of single dwellings within the estate, as an Additional Use, accompanied by the schedule below and over:

A3	3.	<i>Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra</i>	<i>Single Dwelling</i>	<p><i>1. Prior to development being approved for the site, a Development Guide Plan is to be prepared and approved. This plan shall be advertised in accordance with Clause 11.2 of the Scheme, and shall address site specific planning development and design matters, including:</i></p> <p><i>i.) Prescribed specific dwelling yields for each lot;</i></p>
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				<p>ii.) <i>Identification of all lots that shall be used only for residential uses; and</i></p> <p>iii.) <i>Prescribed setbacks.</i></p> <p>2. <i>Design Guidelines are to be prepared and adopted for the site as a Local Planning Policy pursuant to the requirements of the Scheme, addressing, but not limited to, the following matters:</i></p> <p>i.) <i>Development of a high level of aesthetic quality and ESD principles;</i></p> <p>ii.) <i>Application of CPTED principles.</i></p> <p>3. <i>Detailed Area Plans are to be prepared and adopted for those lots that have a common boundary with community facilities and those lots facing Chestnut Avenue as a Local Planning Policy pursuant to the requirements of the Scheme, addressing the following matters:</i></p> <p>i.) <i>The interface between residential development and community use;</i></p> <p>ii.) <i>Management of land use, access and parking between commercial, community and residential.</i></p>
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In light of the issues raised by Council at its last meeting, it is proposed to only prepare and approve the Development Guide Plan for advertising, as specified at

Condition 1 of the Schedule for Additional Uses. The Design Guidelines and Detailed Area Plans will be presented to a future meeting of Council.

The Development Guide Plan will only address lot yield, the identification of residential lots, and prescribed setbacks, as indicated on the plan at Attachment 1. All other extraneous information relating to design guidelines and the detailed area plans have been removed from the plan. Important elements though will be retained, such as the designation of a single dwelling site at Lot 44, adjoining the Ewin Centre, and the identification of commercial land.

STRATEGIC IMPLICATIONS

The proposed Development Guide Plan is consistent with the recommendations of the Local Planning Strategy, in encouraging a diverse range of built form outcomes that reflect the population catchment, climate and lifestyle; and aim to encourage a high quality aesthetic in Kununurra. It is aligned with the intent of the Kununurra Strategic Directions.

STATUTORY IMPLICATIONS

Approval of the Development Guide Plan will meet the statutory obligations of the Town Planning Scheme.

The Development Guide Plan will be prepared and advertised in accordance with Clause 11.2 of the Town Planning Scheme. Unfortunately the 21 day advertising period will extend beyond the Council's next Ordinary Meeting in December and for this reason it is recommended that the subsequent approval of the Plan be delegated to the Chief Executive Officer.

POLICY IMPLICATIONS

There are no direct policy implications for the Shire.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the Shire.

COMMUNITY CONSULTATION

The proposed Development Guide Plan will be advertised for 21 days.

COMMENT

The preparation and approval of the Development Guide Plan will ensure that the minimum statutory requirements are met with respect to the Coolibah/Chestnut Estate, and having regard to the subsequent approval of Additional Uses. A future report will be presented to Council to address the other conditions within the Additional Uses Schedule, relevant to the Design Guidelines and Detailed Area Plans.

It is recommended that Council resolve to prepare and advertise the Development Guide Plan for the Coolibah/Chestnut Estate, to address matters outlined in Condition 1 of the Additional Uses Schedule at Appendix 2A of the Town Planning Scheme, being:

- Prescribed specific dwelling yields for each lot.
- Identification of all lots that shall be used only for residential uses.
- Prescribed setbacks.

It is also recommended that Council delegate approval of the Development Guide Plan to the Chief Executive Officer, following advertising.

ATTACHMENTS

Attachment 1 – Coolibah/Chestnut Estate Development Guide Plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Prepares the Development Guide Plan for the Coolibah/Chestnut Estate, Kununurra, in accordance with Condition 1 of A3 of the Additional Uses Schedule to Town Planning Scheme No.7 (Kununurra and Environs); and:
 - a) Publicly advertises the Development Guide Plan for 21 days.
 - b) Delegates approval of the Development Guide Plan to the Chief Executive Officer, following the 21 day public advertising period.
2. Requests Officers to present a further report to Council on the Design Guidelines and Detailed Area Plans for the Coolibah/Chestnut Estate, Kununurra, as required by Conditions 2 and 3 of A3 of the Additional Uses Schedule to Town Planning Scheme No.7 (Kununurra and Environs).

COUNCIL DECISION

Minute No: 9354

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council:

1. Prepares the Development Guide Plan for the Coolibah/Chestnut Estate, Kununurra, in accordance with Condition 1 of A3 of the Additional Uses Schedule to Town Planning Scheme No.7 (Kununurra and Environs); and:
 - a) Publicly advertises the Development Guide Plan for 21 days.
 - b) Delegates approval of the Development Guide Plan to the Chief Executive Officer, following the 21 day public advertising period.
2. Requests Officers to present a further report to Council on the Design Guidelines and Detailed Area Plans for the Coolibah/Chestnut Estate, Kununurra, as required by Conditions 2 and 3 of A3 of the Additional Uses Schedule to Town Planning Scheme No.7 (Kununurra and Environs).

CARRIED UNANIMOUSLY: (8/0)

4.2 Public Tender Assessment Recommendation Report – Construction of the M1 Syphon

DATE:	23 November 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra, WA
AUTHOR:	Russell Williams, Senior Projects Manager
REPORTING OFFICER:	Tony Cheng, Director of Infrastructure
FILE NO:	66.59.04
TENDER NUMBER	T 04 10/11

PURPOSE

The purpose of this report is for Council to consider the tenders received for the Construction of the Siphon under the M1 Channel.

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council:

1. Does not accept any tender for RFT T-04 10/11.
2. Accepts the changes to the budget as tabled in this report.
3. Authorises the CEO to undertake the works in accordance with purchasing policies & procedures to ensure that the M1 Syphon project is commenced and constructed.

COUNCIL DECISION

Minute No: 9355

Moved: Cr R Addis

Seconded: Cr K Torres

That Council moves behind closed doors.

CARRIED UNANIMOUSLY: (8/0)

COUNCIL DECISION

Minute No: 9356

Moved: Cr R Addis

Seconded: Cr K Torres

That Council adjourn meeting to receive clarification regarding item 4.2 at 5:16pm.

CARRIED UNANIMOUSLY: (8/0)

COUNCIL DECISION

Minute No: 9357

Moved: Cr K Wright

Seconded: Cr R Dessert

That Council resume meeting at 5:45pm.

CARRIED UNANIMOUSLY: (8/0)

After receiving clarification in regards to this item, Declarations of interest were received from three councillors.

DECLARATION OF:

- **Financial Interest**

Cr R Addis declared a financial interest in item 4.2 Recommendation dot point 2 as he is a trustee of a trust which owns property on Packsaddle Road.

Cr K Wright declared a financial interest in item 4.2 Recommendation dot point 2 as he is an owner of a company occupying land on Bullrun Road.

Cr F Mills declared a financial interest in item 4.2 Recommendation dot point 2 as he is employed by Cr Wright who owns business on Bullrun Road.

- **Members Impartiality Interest**

Nil

- **Proximity Interest**

Nil

Power outage occurred at 5:55pm, meeting was temporarily suspended for temporary lighting arrangements to be made.

After temporary lighting was in place meeting resumed at 5:58pm.

COUNCIL DECISION

Minute No: 9358

Moved: Cr R Dessert

Seconded: Cr K Wright

That Council does not accept any tender for RFT T-04 10/11.

CARRIED UNANIMOUSLY: (8/0)

Cr F Mills, Cr K Wright, Cr R Addis left the room due to Financial Interests declared at 5:59pm. Shire President Cr J Moulden then chaired the meeting.

COUNCIL DECISION

Minute No: 9359

Moved: Cr J McCoy

Seconded: Cr J Parker

That Council accepts the changes to the full detailed budget amendment.

CARRIED UNANIMOUSLY: (5/0)

Note: The decision of Council differed to the Officer's Recommendation to reflect the recommended change given from the Director Corporate Services during discussion of the item.

Cr F Mills, Cr K Wright and Cr R Addis returned to the room at 6:00pm and were advised of the outcome of the item.

COUNCIL DECISION

Minute No: **9360**

Moved: ***Cr K Wright***

Seconded: ***Cr R Dessert***

That Council authorises the CEO to undertake the works in accordance with purchasing policies & procedures to ensure that the M1 Syphon project is commenced and constructed.

CARRIED UNANIMOUSLY: (8/0)

5. MEETING CLOSURE

With all matters of business complete the Shire President declared the meeting closed at 6:04pm.