

Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:	3
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:	3
4. PUBLIC QUESTION TIME:	3
5. APPLICATIONS FOR LEAVE OF ABSENCE:	3
6. PETITIONS/DEPUTATIONS/PRESENTATIONS:	3
6.1 PRESENTATION BY THE MANAGER OF THE NORTH MIDLANDS BUSINESS ENTERPRISE CENTRE	3
7. CONFIRMATION OF MINUTES:	4
7.1 ORDINARY MEETING HELD WEDNESDAY 17 DECEMBER 2003 IN THE LEEMAN ADMINISTRATION CENTRE	4
7.2 ANNUAL ELECTOR'S MEETING HELD WEDNESDAY 17 DECEMBER 2003 IN THE LEEMAN ADMINISTRATION CENTRE	4
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:	5
9. MATTERS FOR WHICH MEETING MAY BE CLOSED:	5
10. REPORTS:	6
10.1 CHIEF EXECUTIVE OFFICER'S REPORT:	6
10.1.1 COUNCIL AUDITORS – A7	6
10.1.2 DELEGATED AUTHORITY - PROSECUTION	9
10.1.3 SALE OF LOT M587, SOUTH STREET COOROW – L1.6	11
10.1.4 ACCOUNTS FOR PAYMENT	14
10.2 MANAGER COMMUNITY DEVELOPMENT:	16
10.2.1 APPLICATION FOR PLANNING APPROVAL - Lot GH 626	16
10.2.2 PLANNING APPLICATION – HOME BUSINESS / BED AND BREAKFAST - LOT 613 WHITEMAN STREET, GREEN HEAD - LOT GH 613	20
10.2.3 PLANNING APPLICATION – SUBDIVISION OF LOT 315 HUTCHCRAFT COURT GREEN HEAD - Lot GH 315	23
10.2.4 SHIRE OF COOROW DOGS LOCAL LAW 2003 - B7.8	27
10.2.5 PROSECUTION – ILLEGAL OCCUPATION OF CLASS '10' BUILDING (SHED) - LOT GH 649	30
10.2.6 APPLICATION FOR PLANNING APPROVAL – COMMERCIAL / RESIDENTIAL DEVELOPMENT - GH 406	34
10.2.7 PLANNING APPLICATION – COMMERCIAL/RESIDENTIAL DEVELOPMENT, LOT 401 OCEAN VIEW DRIVE GREEN HEAD - GH 401	39
10.2.8 TOWN PLANNING SCHEME NO. 2, AMENDMENT NO1 - B5.10	44
10.2.9 MANAGEMENT ORDER OVER RESERVE 42974 – Lot L58	46
10.2.10 PLANNING APPLICATION – SUBDIVISION OF LOT 529 ILLYARRIE STREET, LEEMAN - Lot L529	48
10.3 MANAGER WORKS AND SERVICES:	50
10.3.1 GREEN HEAD BOAT RAMP LICENCE – B.8	50
10.3.2 REQUEST TO PLACE A GATE ACROSS A THOROUGHFARE (PUBLIC ROAD) – R8.19	52
10.3.3 COUNTRY PATHWAYS SCHEME - F4	54
11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	56
11.1 DONATION TO KING & JEFFERYS FAMILIES APPEAL – D3	56
12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:	58
13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:	58

14. MATTERS BEHIND CLOSED DOORS 58
15. DATE OF NEXT MEETING:..... 58
16. CLOSURE:..... 58

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.07 p.m.

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

Councillor M J Girando	President
Councillor A J Ovens	Deputy President
Councillor B J O'Callaghan	
Councillor B R McTaggart	
Councillor J M Stacy	(from 3.11 p.m.)
Councillor J K Waite	
Councillor S A Beswick	
Councillor B J McDonald	
Mr G A Sherry	Chief Executive Officer
Mr P D Gillis	Manager Works & Services
Mr G J Agnew	Manager Community Development

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

6.1 PRESENTATION BY THE MANAGER OF THE NORTH MIDLANDS BUSINESS ENTERPRISE CENTRE

Ms Deborah Buckle, the new manager of the North Midlands BEC will introduce herself and her upcoming program for the North Midlands BEC.

Ms Deborah Buckle did not attend. Ms Buckle has requested that Council allow her to make a presentation once the North Midlands BEC consider their response to the review of all BEC's by the State Government.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 17 DECEMBER 2003 IN THE LEEMAN ADMINISTRATION CENTRE

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 11 January 2004

COMMENT:

Nil

OFFICER RECOMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 17 December 2003 in the Leeman Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-001

Moved: Ovens **Seconded:** Beswick

That the Minutes of the Ordinary Meeting held on Wednesday 17 December 2003 in the Leeman Administration Centre be confirmed as a true and correct record.

CARRIED 7/0

7.2 ANNUAL ELECTOR'S MEETING HELD WEDNESDAY 17 DECEMBER 2003 IN THE LEEMAN ADMINISTRATION CENTRE

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 11 January 2004

COMMENT:

Nil

OFFICER RECOMENDATION:

That the Minutes of the Annual Elector's Meeting held on Wednesday 17 December 2003 in the Leeman Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-002

Moved: McTaggart **Seconded:** Waite

That the Minutes of the Annual Elector's Meeting held on Wednesday 17 December 2003 in the Leeman Administration Centre be confirmed as a true and correct record.

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

At any meeting Council the person presiding may announce or raise any matter of interest or relevance to the business of Council or propose a change to the order of business.

Members may move that a change in order of business proposed by the person presiding not be accepted and if carried the change does not take place.

9. MATTERS FOR WHICH MEETING MAY BE CLOSED:

For the convenience of members of the public Council may identify, by decision, early in the meeting any matter on the agenda to be discussed behind closed doors and that matter is to be deferred for consideration as the last item of the meeting.

10. REPORTS:**10.1 CHIEF EXECUTIVE OFFICER'S REPORT:****10.1.1 COUNCIL AUDITORS – A7**

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 February 2004

SUMMARY:

Council is to appoint an auditor.

COMMENT:

The present contract with Council's Auditor, Grant Thornton, ceased with the presentation of their audit of Council for the financial year ending 30 June 2003. Council had awarded Grant Thornton a renewed five year contract in 1998.

Engagement of auditors for five year periods creates a tendency for them to inflate quotations due to the uncertainty of cost increases over such a long period. Shorter terms are also often preferred by Council in case the auditor concentrates more on minor internal controls or compliance issues rather than the overall financial well being of the Council.

Council resolved at the November 2003 Meeting

RESOLUTION: 2003-159

Moved: Waite Seconded: Beswick

That Council call for expressions of interest in providing audit services to the Shire of Coorow until 30 June 2005.

CARRIED 8/0

Council subsequently advertised statewide for expressions of interest and received the following:

Company	Auditor & Registered Co Auditor Number	Hours				Fee for Year Ended (GST Exclusive)		No of Other Council Audits
		Interim		Final		2004	2005	
		On Site	Off Site	On Site	Off Site	\$	\$	
Howarth	Mr AG Bevan - 15403 Mr GD O'Brien - 170197	8	6	18	7	4,800	5,000	20
Haines Norton	Mr DJ Tomasi - 15724 Mr RB Swarbreck - 14170	8	4	24	12	5,200	5,400	54
Munro & Wyllie	Mr Greg Wyllie - 13565	1				3,600 ²	3,700 ²	8
MGI Bridge Partners	Mr TJ Spooner ³	76 ⁴				4,240	4,240 ⁵	0

Notes

1. Munro & Wyllie did not give an estimate of time to complete audit. Munro and Wyllie estimate completion of audit by 31 October with an audit report available two weeks after completion.
2. Munro & Wyllie's fees are exclusive of travel and accommodation estimated by Munro & Wyllie at \$700 per annum.
3. MGI Bridge Partners documents state Mr Spooner is a registered company auditor but did not list his registration number.
4. MGI Bridge Partners did not separate their estimate of time to complete the audit.
5. MGI Bridge Partners charge for 2005 would increase by CPI.

CONSIDERATION

Both Howarth and Haines Norton have partners and senior staff with a wealth of local government experience, particularly of local governments of the size of the Shire of Coorow.

In particular Haines Norton have an established presence in the industry and provide a range of financial and advisory services to local governments, including the Shire of Coorow. Council's financial statements are produced using a template provided by Haines Norton.

The partners of Howarth and Haines Norton have presented sessions at Local Government Week and at the Local Government Managers Australia (LGMA) state conference.

In the past Haines Norton have sponsored the Northern Country Zone of WALGA's Annual Conference and the Municipal Golf Day held in Coorow in 2002.

It is the belief of staff that the service provided by Howarth and Haines Norton is superior to that provided by Munro & Wyllie and MGI Bridge Partners.

Unable to separate Howarth and Haines Norton based on service, the Officer's Recommendation is based on the lower cost for services provided by Howarth.

STATUTORY ENVIRONMENT

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person to be its auditor.
- (2) The local government may appoint one or more persons as its auditor.
- (3) The local government's auditor is to be a person who is -
 - (a) a registered company auditor; or
 - (b) an approved auditor.

* *Absolute majority required.*

7.6. Term of office of auditor

- (1) The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.

POLICY IMPLICATIONS:

Council does not have a policy in relation to the appointment of auditors

STRATEGIC IMPLICATIONS:

As well as being a requirement under the Act, the appointment of auditors is a means of assessing the overall financial strength and direction of the shire. Adverse trends should be highlighted by the audit process. This allows Council to take corrective action where necessary.

FINANCIAL IMPLICATIONS:

Council has budgeted for expenditure of \$6,000 in 2003/04

OFFICER RECOMENDATION:

That Council appoint Mr AG Bevan (Reg. Company Auditor No. – 15403) and Mr Mr GD O'Brien (Reg. Company Auditor No. – 170197) as Council's auditors for the period 1 July 2003 to 30 June 2005.

Cr Stacy joined the meeting at 3.11 p.m.

RESOLUTION: 2004-003

Moved: Waite

Seconded: Beswick

That Council appoint Mr AG Bevan (Reg. Company Auditor No. – 15403) and Mr Mr GD O'Brien (Reg. Company Auditor No. – 170197) as Council's auditors for the period 1 July 2003 to 30 June 2005.

CARRIED 8/0

10.1.2 DELEGATED AUTHORITY - PROSECUTION

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 February 2004
ATTACHMENTS	10.1.2a Delegation 2.1.5 Enforcement and Legal Proceedings 10.1.2b Delegation 2.1.6 Legal Advice 10.1.2c Delegation 2.4.1 Legal Proceedings Under Dog Act 10.1.2d Delegation 6.6.4 Town Planning and Legal Proceedings

SUMMARY:

That Council provide delegated authority to allow the Chief Executive Officer to take action to prosecute individuals under sections of various acts including Local Government Act 1995, Health Act 1911 and Council Local Laws.

COMMENT:

Council's current delegation of powers is vague and not specific over the power of officers to enforce sections of various acts and Council local laws without prior reference to Council.

Seeking to clarify this delegation arises from the CEO Support Program conducted by the Chief Executive Officer and Councillors in September 2003 and is part of an ongoing staff review of Council's delegations.

STATUTORY ENVIRONMENT:**5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

FINANCIAL IMPLICATIONS:

Council allocates money for legal actions in each budget.

STRATEGIC IMPLICATIONS:

This delegation will allow implementation of Council approved policy and local laws without prior reference to Council.

POLICY IMPLICATIONS

Nil.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION:

That Council delegates to the Chief Executive Officer the Powers of Council as outlined in the following Attachments:

- 10.1.2a Delegation 2.1.5 Enforcement and Legal Proceedings;
- 10.1.2b Delegation 2.1.6 Legal Advice;
- 10.1.2c Delegation 2.4.1 Legal Proceedings Under Dog Act; and
- 10.1.2d Delegation 6.6.4 Town Planning and Legal Proceedings.

RESOLUTION: 2004-004

Moved: *Beswick*

Seconded: *Ovens*

That Council delegates to the Chief Executive Officer the Powers of Council as outlined in the following Attachments:

- 10.1.2a Delegation 2.1.5 Enforcement and Legal Proceedings;*
- 10.1.2b Delegation 2.1.6 Legal Advice;*
- 10.1.2c Delegation 2.4.1 Legal Proceedings Under Dog Act; and*
- 10.1.2d Delegation 6.6.4 Town Planning and Legal Proceedings.*

CARRIED BY ABSOLUTE MAJORITY 8/0

10.1.3 SALE OF LOT M587, SOUTH STREET COOROW – L1.6

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 February 2004
ATTACHMENT	10.1.3 Statewide Notice of Proposal To Dispose of Property

SUMMARY:

Council continues to progress the sale of Lot M587, South Street Coorow.

COMMENT:

At the December 2003 Meeting of Council the following was resolved:

RESOLUTION: 2003-185

Moved: O'Callaghan Seconded: Ovens

- 1. That Council agree to offer Lot M587 South Street, Coorow for sale to Mr Lindsay Barker of Coorow Transport for \$7,500 and accept a counter offer of at least \$6,500; and*
- 2. Should Mr Barker of Coorow Transport not wish to purchase Lot M587 at least \$6,500 that Council not allow Mr Barker of Coorow Transport continued use of Council's Coorow Depot.*

CARRIED 8/0

Mr Lindsay Barker of Coorow Transport has accepted Council's offer of \$7,500 for the sale of Lot M587 South Street Coorow.

Under the requirements of the Section 3.58 of the Local Government Act Council is to advertise statewide the proposal to sell this property to Mr Barker and ask for public submissions on the proposal until Tuesday 9 March 2004. In addition Council will advertise for submissions regarding the proposed sale in local community newspapers. A copy of the advertisement is included at attachment 10.1.3.

Council must consider any submissions received prior to formally agreeing to Mr Barker's acceptance.

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.58. Disposing of property

- (1) In this section:
dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property~ includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to:
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:
- (a) it gives Statewide public notice of the proposed disposition:
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:
- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to:
- (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

FINANCIAL IMPLICATIONS:

Council has included the sale of Lot M587 South Street for \$6,000 in Council's 2003/04 Budget.

POLICY AND STRATEGIC IMPLICATIONS:

Nil at this time

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council advertise statewide the proposed sale of Lot M587, valued at \$15,000, to Mr Lindsay Barker for consideration of \$7,500 and receive public submissions on the proposed sale until Tuesday 9 March 2004.

RESOLUTION: 2004-005

Moved: O'Callaghan **Seconded:** McDonald

That Council advertise statewide the proposed sale of Lot M587, valued at \$15,000, to Mr Lindsay Barker for consideration of \$7,500 and receive public submissions on the proposed sale until Tuesday 9 March 2004.

CARRIED 8/0

10.1.4 ACCOUNTS FOR PAYMENT

AUTHOR	Kylie-Sue Yeo
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 February 2004
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 17 February 2004

SUMMARY:

Council approval is required for payment of accounts made within the months of December 2003, January and February 2004 and to approve payments of accounts due in February 2004.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 17 December 2003 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 17 February 2004.

As at 9 February 2004 accounts are on hand to the value of \$553,819.19.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996 require that:

13 Lists of Accounts

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing:*
 - (a) *for each account which requires council authorization in that month:*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction; and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be:*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting;*
- (4) *After the lists referred to in subregulations (1) and (2) have been prepared for a month the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the council at the meeting referred to in*

subregulation (3) (a).

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

There are no financial, policy or strategic implications regarding this matter.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 17 December 2003 including:

- vouchers 13496 to 13635 and payments CEO, DCEO, MCD, MWS, PRES, DD-014 to DD-021, T111203C to T060204L totaling \$551,401.58 from Council's Municipal Fund; and
 - vouchers 1913 to 1918 totaling \$2,417.61 from Council's Trust Fund
- be authorised and passed for payment.

RESOLUTION: 2004-006

Moved: McTaggart

Seconded: O'Callaghan

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 17 December 2003 including:

- *vouchers 13496 to 13635 and payments CEO, DCEO, MCD, MWS, PRES, DD-014 to DD-021, T111203C to T060204L totaling \$551,401.58 from Council's Municipal Fund; and*
 - *vouchers 1913 to 1918 totaling \$2,417.61 from Council's Trust Fund*
- be authorised and passed for payment.*

CARRIED 8/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

10.2.1 APPLICATION FOR PLANNING APPROVAL - Lot GH 626

NAME OF APPLICANT:	Bob & Bev Shattock
LOCATION	Lot 626 Ocean View Drive Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 th February 2004

SUMMARY:

Application for approval to reduce the boundary set back for an external colour bond garage proposed to the rear of lot 626 Ocean View Drive Green Head.

COMMENT:

Total West Constructions made application for a Building Licence to construct an external metal framed colour bond clad and roofed garage 400mm from the rear and side boundaries at lot 626 Ocean View Drive Green Head on behalf of the owner Mr Robert Shattock.

Assessment of the building application, apart from other conditions, was that the garage must be positioned no less than 1m from the lot boundaries. Those intended "Conditions of Approval" were communicated to the Builder.

The owner of the property has now requested concession from Council to allow the garage to be positioned closer to the side and rear boundaries (400mm).

This request is supported by submissions from the owners of the two adjoining properties.

Ian & Pauline Sadler of lot 627 Ocean View Drive have confirmed that they have no objection to the proposed garage being positioned 400mm from their common boundary with lot 626, as per the plan shown to them.

Zelma Cruttenden of lot 612 Whiteman Street has confirmed no objection, subject to: "providing the shed is built to Shire requirements and there is no water discharged from the shed onto our property".

Council is informed that approval of this request for discretion impacts against the minimum statutory requirements of the Building Code of Australia and the Residential Design Codes of Western Australia. There are also issues under Council's 'South Bay Development Conditions' Policy together with the setting of a precedent.

STATUTORY ENVIRONMENT:

Building Code of Australia

Part 3.7.1.7 (b). The encroachments allowed within 900mm of an allotment boundary or within 1.8m of another building on the same allotment are –

- (i) fascias, gutters, downpipes and the like; and
- (ii) eaves with *non-combustible* roof cladding and *non-combustible* lining; etc

Wall encroachment within 900mm of a lot boundary is to have a FRL of 60/60/60 when tested from the outside; or

be of masonry-veneer construction in which the external masonry veneer is not less than 90mm thick.

Residential Design Codes

The Residential Design Codes states that because of the Australian tradition of backyard outbuildings there is a case for relaxed standards for some outbuildings.

‘Outbuilding’ means an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from the dwelling.

The criteria suggested is that outbuildings do not detract from the essential functions of private open space, the visual amenity of neighbours of the street scape. This means that any outbuilding that is to be exempt from the standards of the dwelling should be:

- relatively small in area;
- relatively low in height;
- sited so as to preserve the use and amenity of open space;
- set back sufficiently from boundaries;
- confined to Single houses and Grouped Dwellings; and
- excluded from the street setback areas.

Clause 3.10.1 A1 Acceptable Development.

Development that complies with the following is deemed to meet the relevant Performance Criteria.

Outbuildings that:

- i. are not attached to a dwelling;
- ii. are non-habitable;
- iii. do not exceed 60m² in area or 10% in aggregate of the site area, whichever is the lesser;
- iv. do not exceed a wall height of 2.4m;
- v. do not exceed a ridge height of 4.2m;
- vi. are not within the primary street setback area;
- vii. do not reduce the amount of open space required in Table 1;
- viii. are set back in accordance with element 3; and
- ix. comply with the siting and design requirements for the dwelling; do not need to meet the rear setback requirements of Table ‘1’.

Table ‘1’ R15 Low Density Code = rear setback 6m

Figure 3 Boundary Setbacks - walls 0 to 9m without major openings = 1m

Town Planning and Development Act 1928

FINANCIAL IMPLICATIONS:

Nil

POLICY AND STRATEGIC IMPLICATIONS:

Local Town Planning Scheme Policy - South Bay Subdivision Development Conditions

A. In respect to **lots 626 to 639** Ocean View Drive (South Bay), Green Head.

3. Garages, carports and outbuildings should be constructed of the same material as the dwelling. Garden sheds are to be constructed from colour bond material and located so as to be in accordance with setbacks specified in the Scheme.

CONSIDERATION:

It is suggested that the application should not be approved as it:

- would not conform to Part 3.7.1.7 (b) of the Building Code unless the wall that encroaches the 900mm boundary set back has a FRL of 60/60/60 or is constructed with masonry veneer of not less than 90mm thickness;
- does not satisfy the Acceptable Development requirements of 3.10.1 A1 ix of the Residential Design Codes i.e. 1m boundary set back; and
- would set precedent in respect to item A3 of the Shire of Coorow South Bay Subdivision Development Conditions.

As the proposed building is a *garage* the only option for approval is for it to be built to the boundary and comply with the above is for it to be constructed of the same material as the dwelling with a brick, fire rated wall.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the application from Mr Robert Shattock to reduce the statutory boundary setback for the proposed external metal framed and colour bond clad and roofed garage at lot 626 Ocean View Drive to less than 1m is not agreed to.

RESOLUTION: 2004-007

Moved: McDonald **Seconded:** Stacy

That the application from Mr Robert Shattock to reduce the statutory boundary setback for the proposed external metal framed and colour bond clad and roofed garage at lot 626 Ocean View Drive to less than 1m is not agreed to.

CARRIED 8/0

10.2.2 PLANNING APPLICATION – HOME BUSINESS / BED AND BREAKFAST - LOT 613 WHITEMAN STREET, GREEN HEAD - LOT GH 613

NAME OF APPLICANT:	John & Edith McMaster
LOCATION	Lot 613 Whiteman Street Green Head
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 th February 2004

SUMMARY:

Application for Planning Approval to operate a “Home Business” (Bed and Breakfast) at lot 613 Whiteman Street Green Head.

COMMENT:

At Council’s Ordinary Meeting held on 19 July 2001, Council resolved the following:

Moved: *Hodgson* **Seconded:** *Ovens*

That approval in principle is given to John and Edith McMaster to operate a bed and breakfast home occupation from their proposed private residence on lot 613 Whiteman Street, South Bay Green Head; conditional upon:

- (a) formal planning consent being provided only following construction of an approved residence, as conceptually proposed and displayed in plans attached to this application;*
- (b) the activity being operated only by the owners of the property whilst they reside on-site;*
- (c) there being no vehicle parking forward of the lot front boundary building setback;*
- (d) approval of signage to be subject to Council's prior assessment in terms of size(area), presentation and location; and*
- (e) once operational, Council not receiving valid complaints from the public regarding any negative influence the activity is having on the amenity of the area.*

CARRIED 7/0

Council is informed that Mr and Mrs McMaster have completed the construction of the residence and have now applied for formal Planning Approval for “Home Business” (Bed and Breakfast).

STATUTORY ENVIRONMENT:Shire of Coorow Town Planning Scheme No. 2

Pursuant to the Shire of Coorow Town Planning Scheme No. 2 – Table 1 “Home Business” has a ‘D’ symbol for residential areas.

‘D’ – Discretion “means that the use is not permitted unless the local government has exercised its discretion by granting planning approval”.

“Home Business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than two people not members of the occupier’s household;

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Approval is granted to John and Edith McMaster for the operation of a "Home Business" (Bed & Breakfast) from their private residence at lot 613 Whiteman Street Green Head, conditional upon:

1. an annual licence being obtained from the Shire;
2. not more than 6 persons being accommodated at any one time – exclusive of the occupier;
3. not employing more than 2 persons not members of the occupiers household;
4. not displaying a sign exceeding 0.2m² and any signage being behind the building setback line;
5. all visitor parking to be behind the building front boundary setback line of 6m; and
6. Council not receiving validated complaints from the public regarding any negative influence the activity is having on the amenity of the area.

RESOLUTION: 2004-008

Moved: Waite

Seconded: Ovens

That Planning Approval is granted to John and Edith McMaster for the operation of a "Home Business" (Bed & Breakfast) from their private residence at lot 613 Whiteman Street Green Head, conditional upon:

- 1. an annual licence being obtained from the Shire;*
- 2. not more than 6 persons being accommodated at any one time – exclusive of the occupier;*
- 3. not employing more than 2 persons not members of the occupiers household;*
- 4. not displaying a sign exceeding 0.2m² and any signage being behind the building setback line;*
- 5. all visitor parking to be behind the building front boundary setback line of 6m; and*
- 6. Council not receiving validated complaints from the public regarding any negative*

influence the activity is having on the amenity of the area.

CARRIED 8/0

Cr Beswick declared an impartiality interest in this item in that Cr Beswick in her capacity as a real estate agent has discussed the sale of this property with the applicant and left the meeting at 3.25 p.m.

10.2.3 PLANNING APPLICATION – SUBDIVISION OF LOT 315 HUTCHCRAFT COURT GREEN HEAD - Lot GH 315

NAME OF APPLICANT	Geoffrey J. Peet
LOCATION/ADDRESS	Lot 315 Hutchcraft Court Green Head
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 th February 2004
ATTACHMENT	10.2.3 Map of Lot 315 Hutchcraft Court, Green Head

SUMMARY:

Application for Planning Approval to subdivide lot 315 Hutchcraft Court, Green Head.

COMMENT:

Mr Geoffery Peet of lot 315 Hutchcraft Court Green Head has submitted an Application for Planning Approval to subdivide lot 315 Hutchcraft Court Green Head into two separate lots.

A map of the Green Head townsite showing the lot is attached.

Attached to Mr Peet's application is the following written summary in support of his application. (Full Text).

The direction I need and are trying to achieve with lot 315 Hutchcraft Court Green Head WA 6514.

Is strata title lot 315 so I can sell and finish verandahs existing home and then finish building – shed site and replace it with a more attractive residential home, that will make Hutchcraft Court more pleasant to look down than an ugly shed sticking out amongst other existing homes. Lot 316 -317 -319 have achieved through Coorow Shire Council in building two residential complex's on their strata title blocks, which are a lot smaller than my block lot 315.

If you look at photo's I have supplied to show other strata complexes and ugly shed sticking out, by working together we can achieve this goal, only due to unemployment and financial hardship the plans to put the second building on this site has been delayed.

This will also make my mother happy so as she can live with a roof over her head and live in the Coorow Shire which she enjoys

Please take into consideration the suggestion I have put to you.

Benefits to Coorow Shire are

- (1) *Extra rates for one volume of land*
(2) *Make Hutchcraft Court a more attracting view when driving past on Green Head Road as well as other neighbours to look at.*
Enclosed are future plans for she shed site to be made into residential.
Photos looking into Hutchcraft Crt and the strata title home next door to lot 315.

Thank you for your time and hope we have an achievable outcome to this situation so as not to take any more of your time.

Yours Faithfully

Signed
Geoffery J. Peet”

Photos and plans will be tabled.

Council is informed that Mr Peet spoke to me regarding his desire for subdivision of his lot 315 Hutchcraft Court Green Head several times during the past 18 months and more regularly over the past two months.

On each occasion he was told that Council is *unable* to support a request for subdivision of lot 315 as it is not of sufficient area and has an inadequate street frontage.

Lot 315 Hutchcraft Court, Green Head is 1295m² in area with an R 12.5 Low Density Coding. The minimum area of a lot for subdivision into two in an R 12.5 Low Density Area is 1400m² with a street frontage of 34m.

Pursuant to the Residential Design Codes of Western Australia – Table 1 - General Site Requirements – the minimum site area per each dwelling in an R 12.5 Coded area is 700m², consequently lot 315 Hutchcraft Court Green Head is of insufficient area to permit its subdivision into *two separate* residential lots. Further, lot 315 has a street frontage of 15m and Table 1 of the Residential Design Codes requires a minimum frontage of 17m for *each* single house – the subdivision proposal does not satisfy this criterion either.

I have been contacted by DPI Officers, Hon. Bruce Donaldson MLC, Commercial Town Planning Consultants and Shire Councillors regarding this issue - they had been approached by Mr Peet. Each was advised of the Residential Design Code requirements applicable to lot 315 Hutchcraft Court and that Council did not have discretion to consider approval of an application to subdivide the lot.

Mr Peet also alleged that he had been reliably informed that Council *does* have discretion under the Residential Design Codes up to 31st December 2004 to apply provisions under the old 1991 Residential Planning Codes that were repealed in October 2002.

Clause A3 (iv) Residential Design Codes 2002 – in the case of Grouped Dwellings in areas coded R 12.5 – R 17.5 and R 60, the minimum site area shall be as permitted under Table 1 of the Residential Planning Codes, December 1991, where applications are made prior to 31 December 2004.

Council is informed that the minimum site requirements for R 12.5 as stipulated in the old 1991

Residential Planning Codes is the same as that stipulated for R12.5 in the current 2002 Residential Design Codes i.e. minimum site area for a single house = 700m², therefore there is **no opportunity for discretion** as referred to in the preceding paragraph.

Pursuant to the Residential Design Codes of Western Australia, Mr Peet's 1295m² lot 315 Hutchcraft Court Green Head is of insufficient area and has inadequate street frontage for Council to consider approval for its subdivision into two separately titled lots.

As Mr Peet persisted with his perception that approval of his subdivision proposal could and should be granted I suggested he submit an Application for Planning Approval to Council. This would allow him the opportunity of appealing to the Town Planning Appeals Tribunal through the Ministry for Planning and Infrastructure once he has received formal notification of Council's formal determination of an Application for Planning Approval.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2
2002 Residential Design Codes of Western Australia
1991 Residential Planning Codes of Western Australia

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That:

1. Application for Planning Approval to subdivide 1295m² lot 315 Hutchcraft Court, Green Head into two separate titled lots is **refused**; and
2. Mr Geoffery Peet, PO Box 65, Leeman WA 6514 be informed that his Application for Planning Approval to subdivide 1295m² lot 315 Hutchcraft Court Green Head was refused on the grounds that the area (m²) of lot 315 is insufficient to achieve the minimum site area requirements of 700m² (R 12.5) per dwelling and minimum 17m frontage required by the 2002 Residential Design Codes of Western Australia if it was to be split into two separate titled lots.

RESOLUTION: 2004-009

Moved: Stacey

Seconded: O'Callaghan

That:

1. *Application for Planning Approval to subdivide 1295m² lot 315 Hutchcraft Court, Green Head into two separate titled lots is **refused**; and*
2. *Mr Geoffery Peet, PO Box 65, Leeman WA 6514 be informed that his Application for Planning Approval to subdivide 1295m² lot 315 Hutchcraft Court Green Head was refused on the grounds that the area (m²) of lot 315 is insufficient to achieve the minimum site area requirements of 700m² (R 12.5) per dwelling and minimum 17m frontage required by the 2002 Residential Design Codes of Western Australia if it was to be split into two separate titled lots.*

CARRIED 7/0

Cr Beswick returned to the meeting at 3.36 p.m.

10.2.4 SHIRE OF COOROW DOGS LOCAL LAW 2003 - B7.8

AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 th February 2004
ATTACHMENT	10.2.4 Draft Dogs Local Law 2003

SUMMARY:**Making of Shire of Coorow Dogs Local Law 2003.****COMMENT:**

Council resolved at the Ordinary October 2003 Meeting:

RESOLUTION: 2003-131

Moved: Beswick ***Seconded:*** O'Callaghan

That the 'Shire of Coorow Dogs Local Law 2003' is adopted pursuant to Part IX Section 49 of the Dog Act 1976 and the Chief Executive is authorised to proceed with the adoption process as required by the Local Government Act 1995.

CARRIED 8/0

Council has now completed most of the procedural matters that are pre-requisites to the valid making of a Local Law.

1. Presiding person to read aloud or cause to be read aloud, a summary of the purpose and affect of the proposed local law (s. 3.12(2)) – (October 2003 Ordinary Meeting)
2. Statewide public notice (s. 3.12(3)) – West Australian, 19 November 2003
3. Notice displayed at public noticeboards (S.3.12(3)) - Yes
4. Copy of proposed local law and Statewide public notice sent to Minister for Local Government and Regional Development (s. 3.12(5)) - Yes – 3rd December 2003, and published in local papers Snag Island News, 21st November 2003 and Squawk, 20th November 2003
5. Local public notices (s. 3.12(3a)) – Yes - Snag Island News, 21st November 2003 and Squawk, 20th November 2003

Council is now to consider submissions, if any received (s. 3.12(4)).

Council is informed that while there were no submissions received from the public. A submission was received from the Legislation Officer, Local Laws Advisory Service, Department of Local Government and Regional Development.

That submission was advice that our proposed local law had been reviewed and the following comments made.

- In clause 5.1(1)(e) insert “and” after the words “Green Head”;
- In clause 5.2. (1)(a)- (e) punctuate the list of exercise areas so that it is read cumulatively eg ;(b)..... ;(c).....; and; and
- In Schedule 3 2.4(b) (i) is referred to twice – the second reference to be (ii).

Council is informed that amendments have been made to the original draft document and are included in Attachment 10.2.4.

STATUTORY ENVIRONMENT:

Dog Act 1976

Section 49. Local Laws:

A local government may make local laws:

- (a) for its district and any other area that is to be regarded, for the purpose of this Act, as being within that district;
- (b) in accordance with Subsection 2 of Division 2 of Part 3 of the *Local Government Act 1995*; and
- (c) for the purposes permitted by section 51.

Local Government Act 1995.

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to:
 - (a) give State-wide public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.
Absolute majority required.
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the *Gazette* the local government is to give State-wide public notice-
- (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

POLICY & STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Advertising costs will be in the region of \$500 for State-wide public notice and significantly more for publication in the Government Gazette.

VOTING REQUIREMENTS:

Special majority.

OFFICER RECOMMENDATION:

That the:

1. Shire of Coorow Dogs Local Law 2003, as amended, be made - (s. 3.12(4)) Local Government Act 1995; and
2. President and Chief Executive Officer be authorised to sign and seal the document included at Attachment 10.2.4.

RESOLUTION: 2004-010

Moved: *Beswick*

Seconded: *Waite*

That the:

1. *Shire of Coorow Dogs Local Law 2003, as amended, be made - (s. 3.12(4)) Local Government Act 1995; and*
2. *President and Chief Executive Officer be authorised to sign and seal the document included at Attachment 10.2.4.*

CARRIED BY SPECIAL MAJORITY 8/0

**10.2.5 PROSECUTION – ILLEGAL OCCUPATION OF CLASS ‘10’ BUILDING (SHED)
- LOT GH 649**

LOCATION	Lot 649 Worthington Street South Bay Green Head
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 th February 2004
ATTACHMENT:	10.2.5 Policy 9.4.13

SUMMARY:

Prosecution proceedings for illegal occupation of a Class ‘10’ non-habitable shed at lot 649 Worthington Street Green Head – Mr Kim Whitlock.

COMMENT:

Council will recall the adoption of Policy No. 9.4.13 at its April 2003 Meeting. A copy of this policy is included as an attachment.

The adoption of Policy 9.4.13 formally established Council’s stance in respect to persons utilising Class ‘10’ non-habitable buildings (sheds/garages) for casual habitation.

Brief Summary of Events:

On the 9th December 2002 a building application for a single residence at lot 649 Worthington Street South Bay was received from Mr Kim Whitlock of 6 Taupo Glade Joondalup.

Due to “over-looking” issues under the Residential Design Codes the building application could not be processed until these matters were resolved, consequently whilst this process was in train approval was sought by Mr Kim Whitlock (Owner-Builder) to erect a shed in the interim.

Not wishing to cause hardship for Mr Whitlock Building Licence 80/02 (Class 10’A’ non-habitable outbuilding – shed) was issued on the 20th December 2002 - the floor of the shed was poured early January 2003.

Following resolution of the Residential Design Codes “over-looking” issue Building Licence 08/03 dated the 28th February 2003 was issued for the house.

No building work was commenced on the construction of the house.

Over the next month or so complaints were received from ratepayers in South Bay that Mr Whitlock and his family were holidaying in the shed on weekends and not attempting to start work on the house.

Mr Whitlock was telephoned and advised that use of the shed for casual habitation was not to occur – to which he replied that he was coming to Green Head for Easter 2003 and staying in the shed as he could not obtain a site at the Green Head Caravan Park. He was advised again that use of the shed as a holiday house was *not permitted*.

During Easter 2003 photo evidence was taken of Mr Whitlock and his family apparently holidaying in the shed.

Tuesday after Easter 2003 Mr Whitlock and his partner confronted me at the Leeman Office about the taking of photographs by the Shire Ranger.

He was informed the Ranger was working under my direction and if he continued to disregard the statutory prohibition of using the Class 10'A' shed for casual habitation he would be prosecuted under Section 144 of the Health Act 1911 and those photographs used as evidence.

Over the intervening 8 months numerous complaints were received from South Bay ratepayers regarding Mr Whitlock and his family staying in the shed over weekends and public holiday periods.

As the complainants were unwilling to commit themselves to being a prosecution witness the Shire Ranger was asked in late December 2003 to regularly patrol the South Bay area in respect to the use of sheds for habitation purposes.

During the 2004 New Year holiday period further photographs were taken of Mr Whitlock and his family holidaying in the shed – work had not commenced on the house. The Ranger also reported persons staying in the shed on lot 633 Ocean View Drive during the same period – Mr Whitlock had previously informed me that the owners of lot 633 were friends of his and members of the same hockey club in Perth.

On the 5th January 2004 Mr Whitlock again contacted me regarding the Ranger taking photographs.

He was reminded that habitation of the shed was illegal, further as he has continued to disregard my direction that the shed is *not to be used for casual habitation* and that no attempt had been made to commence construction of the house the matter was to be given to Council's Solicitors for assessment for prosecution.

He was also informed that if construction of the house had not substantially commenced by the 28th February 2004 Building Licence 08/03 would become void.

Mr Whitlock has continually asserted that he is working on the house during his stays in the shed at lot 649 Worthington Street South Bay however there is no evidence of this, rather the only work that appears to have been carried out at the site is work on the shed to make it more comfortable for his family to use.

As of the 6th February 2004 no construction work had commenced on the house.

Following discussion with the Chief Executive Officer and after consideration of the circumstances it has been agreed, with the support of the Shire President, that prosecution proceedings are to be implemented pursuant to Shire Policy 9.4.13.

The matter is now with Council Solicitors for processing.

STATUTORY ENVIRONMENT:

Section 144 of the Health Act 1911

“No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without first having obtained the consent of the local authority of the district in which the building is situated, and complied (in case a conditional consent is given) with such conditions as the local authority has seen fit to impose.”

Section 374C (5) Local Government (Miscellaneous Provisions) Act 1960

“The owner of a building shall not use the building, or permit it to be used, otherwise than for the purpose appropriate to its classification (if any).”

Regulation 22 Building Regulations 1989

- “(2) The use of a building shall not be changed from that of one Class to that of another Class unless –*
- (a) the building complies with the requirements of the Building Code applicable to the new Class; and*
 - (b) the change of use has been approved by the local government.*
- (3) Before making any change in the use of a building which would result in a change of classification under these regulations, the person proposing to make the change shall notify the local government in writing, setting out the nature of the proposed change of use.*
- (4) Upon approving the change of use the local government shall –*
- (a) revoke any certificate of classification already in existence for the building; and*
 - (b) prepare a certificate of classification in accordance with regulation 20 in respect to the new use; and*
 - (c) issue the original of that certificate to the person proposing the change of use.”*

Regulation 23 Building Regulations 1989

“A person who uses or occupies or permits the use or occupation of a building in contravention of regulation 20 (4) or 22 is guilty of an offence.”

FINANCIAL IMPLICATIONS:

Legal costs are allocated in Council’s 2003/4 budget.

POLICY IMPLICATIONS:

Shire of Coorow Policy 9.4.13 – Occupation of Class ‘10’ Buildings (sheds) (see Attachment 10.2.5).

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the decision by the Chief Executive Officer and Manager Community Development to initiate prosecution proceedings against Mr Whitlock of 6 Taupo Glade Joondalup for illegal occupation of a Class '10' non-habitable building (shed) at lot 649 Worthington Street, South Bay, Green Head be endorsed.

RESOLUTION: 2004-011

Moved: Beswick

Seconded: O'Callaghan

That the decision by the Chief Executive Officer and Manager Community Development to initiate prosecution proceedings against Mr Whitlock of 6 Taupo Glade Joondalup for illegal occupation of a Class '10' non-habitable building (shed) at lot 649 Worthington Street, South Bay, Green Head be endorsed.

CARRIED 8/0

10.2.6 APPLICATION FOR PLANNING APPROVAL – COMMERCIAL / RESIDENTIAL DEVELOPMENT - GH 406

NAME OF APPLICANT:	Greg & Chris Tobin
LOCATION	Lot 406 Patton Street Green Head (Cnr Green Head Road).
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	6 th February 2004.
ATTACHMENT:	10.2.6a Lot 406 Patton Street Development Plans 10.2.6b Map of Green Head townsite

SUMMARY:

Application for Planning Approval to develop a steel framed and metal clad Commercial/Residential unit on “Commercial” zoned lot 406 Patton Street Green Head.

COMMENT:

Application has been received from Greg & Chris Tobin of 14 Cronulla Place Hillarys for planning consent to develop a steel framed metal clad commercial/residential unit at “Commercial” zoned lot 406 Patton Street Green Head, see Attachment 10.2.6a.

The proposal is for a showroom, office and refrigeration workshop on the ground floor with private residential accommodation above to be built over approximately one third of the lot.

Lot 406 Patton Street Green Head is 2318m², zoned “Commercial” under the Shire of Coorow Town Planning Scheme No. 2 with a frontage to Patton Street and Green Head Road.

Zoning Table 1 of the Shire of Coorow Town Planning Scheme No. 2 permits ‘Office’ and ‘Showroom’ in a ‘Commercial’ zoned area. However, the proposed refrigeration workshop at the rear has a ‘D’ zoning. This means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Pursuant to Clause 5.11.2 of the Shire of Coorow Town Planning Scheme No. 2 Council may approve residential accommodation on the upper floor of shops provided that –

- The residential use is confined to the upper floor.
- The residential use is used only by the owner/occupier of the shop or office within the same building.

Table 2 of the Shire of Coorow Town Planning Scheme No. 2 specifies that the minimum number of car parking bays for:

- an office is 1 for every 40m² gross lettable area;
- a showroom is 1 for every 20m² of gross lettable area; and
- industry service is 1 per 2 employees.

Consequently, this development is required to provide 2 car parking bays for the office/showroom combined, 2 for employees and 1 for the residence - required bays are shown on the site plan.

The proposed refrigeration workshop at the rear is considered to be “Industry – Service”, that is:

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premise may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.

Table 2 of the Shire of Coorow Town Planning Scheme No.2 states that “Industry Service” must have a 5m side boundary setback.

In summary the application for planning approval appears to be acceptable subject to Council giving *Discretion* in respect to the work shop component of the proposal.

STATUTORY ENVIRONMENT:

The Shire of Coorow Town Planning Scheme No. 2.

PART 8 – DEVELOPMENT OF LAND.

Clause 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.*

Clause 5.11 Commercial Areas

5.11.2 Upper Floors

Where the ground floor of a multi-storey building is used for the purpose of shops or offices, the upper floors of such buildings may be used for the purpose of shops, offices or residential accommodation providing that:

- *The residential use is confined to the upper floor.*
- *The residential use is used by the owner/occupier of the shop or office within the same building.*

Part 10 – Procedure For Dealing With Applications.

10.2. Matters to be considered by Local Government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- (a) *the aims and provisions of the Scheme and any other relevant town planning schemes*

- operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought;*
 - (c) any approved statement of planning policy of the Commission;*
 - (d) any approved environmental protection policy under the Environmental Protection Act 1986;*
 - (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
 - (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
 - (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
 - (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*
 - (i) the compatibility of a use or development with its setting;*
 - (j) any social issues that have an effect on the amenity of the locality;*
 - (k) the cultural significance of any place or area affected by the development;*
 - (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
 - (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
 - (n) the preservation of the amenity of the locality;*
 - (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
 - (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
 - (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
 - (s) whether public utility services are available and adequate for the proposal;*
 - (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (u) whether adequate provision has been made for access by disabled persons;*
 - (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
 - (w) whether the proposal is likely to cause soil erosion or land degradation;*
 - (x) the potential loss of any community service or benefit resulting from the planning approval;*
 - (y) any relevant submissions received on the application;*
 - (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
 - (za) any other planning consideration the local government considers relevant.*

10.3. Determination of Applications

In determining an application for planning approval the local government may –

- (a) grant its approval with or without conditions; or*
- (b) refuse to grant its approval.*

Clause 10.8 Approval subject to Later Approvals of Details

10.8.1. Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning consent is given to Greg and Chris Tobin of 14 Cronulla Place Hillarys for the development of an office, showroom and workshop with private residence above at lot 406 Patton Street Green Head as per the submitted concept plans, conditional upon:

1. all wall cladding and roof sheeting being colour bonded a colour that complements the amenity of the area;
2. the customer car parking and vehicle access areas being bitumised/paved;
3. the submission of a formal building application prior to commencement of any building work;
4. the submission of scaled drawings showing how a bacteriolytic system (combined septic tanks with two parallel 10m leach drains) can be installed without being located beneath car parking or traffic access areas; and
5. submitting the plans of the proposed development to the Fire Brigades Board of WA for stamped approval prior to making application for Building Licence.

RESOLUTION: 2004-012

Moved: McTaggart

Seconded: Beswick

That:

1. *conceptual consent only is given to Greg and Chris Tobin of 14 Cronulla Place Hillarys for the development of an office, showroom and workshop with private residence above at lot 406 Patton Street Green Head;*
2. *formal Planning Approval is not granted as the proposed metal clad and roofed structure will not preserve the desired long term amenity of this developing "Commercial" area; and*
3. *the proponents, Greg & Chris Tobin of 14 Cronulla Place Hillarys to be requested to submit detailed amended plans and elevations, showing:*
 - a. *the development being constructed out of at least 50% masonry with any metal cladding of roof sheeting colour bonded a colour that complements the amenity of the area;*
 - b. *customer car parking and vehicle access areas being paved;*
 - c. *scaled drawings how a bacteriolytic system (combined septic tanks with two parallel 10m leach drains) can be installed without being located beneath car parking or traffic access areas; and*
 - d. *confirmation that plans of the proposed development have been deposited with the Fire Brigades Board of WA for assessment in terms of their compliance with the Fire Requirements of the Building Code of Australia.*

CARRIED 8/0

10.2.7 PLANNING APPLICATION – COMMERCIAL/RESIDEDNTIAL DEVELOPMENT, LOT 401 OCEAN VIEW DRIVE GREEN HEAD - GH 401

NAME OF APPLICANT:	K. & D. Wells
LOCATION	Lot 401 Ocean view Drive Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 th February 2004
ATTACHMENT:	10.2.7 Revised Lot 401 Ocean View Drive Development Plans

SUMMARY:

Application for Planning Consent – amended plans for commercial/residential development lot 401 Ocean View Drive Green Head.

COMMENT:

At the November 2003 Ordinary Meeting of Council, the following was resolved:

RESOLUTION: 2003-152**Moved:** Waite**Seconded:** McTaggart

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman for the development of two attached commercial shops with upper floor private residential accommodation at lot 401 Ocean View Drive Green Head as per the submitted concept plans, conditional upon Council approval of amended plans:

- 1. showing 8 bitumised on site customer car parking bays at the front of the development that are accessible from Ocean View Drive;*
- 2. owner-occupier vehicle parking at the rear from Banksia Way; and*
- 3. laundry facilities be positioned within the upper floor residential units.*

CARRIED 8/0

Council is now in receipt of a letter in response to Council's November 2003 determination.

We are writing this letter in response to the letter granting conditional approval for proposed development of Lot 401 Ocean View Drive Green Head dated 21 November 2003. We wish to submit the accompanying amended plans for your consideration and make the following comments.

After long consultation with our architect we are very reluctant to proceed if we are forced to provide eight parking bays on site at the front of our shops. Doing so would place our shop front approximately 20m from the roadside on Ocean View Drive. We feel this will be detrimental to the aesthetics of the shop front. So we propose to develop two parallel bays at the shop front on Ocean View Drive and one bay at side of shops as shown on plans.

Only four bays at the rear will be residential bays, only two during business hours so the other two/four can be customer bays when required. We will provide a path to give access to the shop fronts from Banksia Way along the northern boundary (see plans). Laundry facilities are now provided on the upper residential floors, as required. We

*hope these amendments are satisfactory.
Yours sincerely
K & D Wells*

Included as an attachment are the revised development plans for Lot 401 Ocean View Drive.

As can be seen from the above Planning Approval Condition points 2 & 3 have been accommodated in this amended submission.

Council will recall, in making its determination on the original Planning Application in November 2003 the number a parking bays stipulated was as is required by the criteria specified in Table '2' of the Shire of Coorow Town Planning Scheme No.2 i.e. 1 parking bay for every 20m² of gross lettable area = 4 per shop.

In reality, the total of 8 customer bays may be considered excessive in this instance considering the minimal impact caused by low numbers of customers attending the proposed businesses at any one time, however that may not be the case in the future should the property be sold.

Further, the request to allow for the development of two of the required dedicated car parking bays to be positioned on Council's road verge has an influence on Council's long-term street scape strategy for the Dynamite Bay area of Green Head.

Council needs to determine its long-term planning strategy for the Dynamite Bay commercial area in terms of street scape and tourism.

The Council approved Green Head Townscape Plan does not comment on street parking in the Town Centre; however it does suggest a lack of shade trees for walking and parking in the area.

Council is informed that I have discussed the proposal to create street parking with the Manager Works and Services. His advice was that there is no engineering issue that would cause difficulty in constructing the 2 street bays and that he did not perceive a stormwater problem emanating from the existence of the storm water drain between lots 401 and 402 Ocean View Drive.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No.2.

Clause 5.10 Car Parking Requirements

Car parking requirements are set out for a range of uses in Table 2 of Town Planning Scheme No. 2.

5.10.2 Council may waive a requirement for parking on a site if it is satisfied that adequate constructed car parking is available in close proximity to the proposed development, and where this is not available, Council may accept a cash payment in lieu of provisions of parking to be applied in accordance with the following sub-clause.

5.10.3 Where a developer cannot provide parking in accordance with the scheme on site, the following formula shall be used to calculate the cash –in –lieu provision;

$$CPS \times LV \times CC = \$$$

Where CPS = Area of Car Parking Space (21.25sqm per bay)

LV = Undeveloped Land Value

CC = Construction Cost

Part 10 – Procedure For Dealing With Applications.

10.2. Matters to be considered by Local Government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (d) any approved environmental protection policy under the Environmental Protection Act 1986;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;*
- (k) the cultural significance of any place or area affected by the development;*
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*

- (s) whether public utility services are available and adequate for the proposal;*
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (u) whether adequate provision has been made for access by disabled persons;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) whether the proposal is likely to cause soil erosion or land degradation;*
- (x) the potential loss of any community service or benefit resulting from the planning approval;*
- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) any other planning consideration the local government considers relevant.*

10.3. Determination of Applications

In determining an application for planning approval the local government may –

- (a) grant its approval with or without conditions; or*
- (b) refuse to grant its approval.*

FINANCIAL IMPLICATIONS:

The cost of constructing street parking is to be borne totally by the developer.

POLICY AND STRATEGIC IMPLICATIONS:

Green Head Townscape Plan.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the Commercial/Residential development, as specified by item 1 of Council's Planning Determination issued on the 19th November 2003 (Resolution 2003-152), by providing two customer street parking bays, one customer bay beside the shop, three parking bays at the rear of the lot with four staff/resident parking bays, as shown on the plan included at Attachment 10.2.7, conditional upon:

1. construction of the parking bays and pathway being completed to the satisfaction of Manager Works and Services prior to occupation of the Commercial/Residential development;
2. the pathway being bitumised/paved;
3. the cost of constructing the street parking bays to be borne totally by the developer and that a bond covering that cost, as determined by the Manager Works and Services, is to be lodged with Council as a condition for the issue of a Building Licence; and
4. the plans of the proposed development being submitted to the Fire Brigades Board of WA

for stamped approval prior to making application for Building Licence.

MOTION:

Moved: Waite

Seconded: O'Callaghan

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the Commercial/Residential development, as specified by item 1 of Council's Planning Determination issued on the 19th November 2003 (Resolution 2003-152), by providing two customer street parking bays, one customer bay beside the shop, three parking bays at the rear of the lot with four staff/resident parking bays, as shown on the plan included at Attachment 10.2.7, conditional upon:

- 1. construction of the parking bays and pathway being completed to the satisfaction of Manager Works and Services prior to occupation of the Commercial/Residential development;*
- 2. the pathway and parking bays being paved;*
- 3. the cost of constructing the street parking bays to be borne totally by the developer and that a bond covering that cost, as determined by the Manager Works and Services, is to be lodged with Council as a condition for the issue of a Building Licence; and*
- 4. the plans of the proposed development being submitted to the Fire Brigades Board of WA for stamped approval prior to making application for Building Licence.*

LOST 3/5

In not accepting the Officer's Recommendation, Council did not believe that the reduced street verge that would result from construction of street parking would compliment the amenity of the area.

10.2.8 TOWN PLANNING SCHEME NO. 2, AMENDMENT NO1 - B5.10

LOCATION/ADDRESS	Lot 228 Green Head Road Green Head
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 th February 2004
ATTACHMENT	10.2.8 Map of Green Head Town Centre

SUMMARY:

Rezoning portion of lot 719 between Green Head Road and Ocean View Drive, Green Head from 'Parks and Recreation' to 'Tourist Accommodation'.

COMMENT:

At the June 2003 Ordinary Meeting of Council, the following was resolved:

RESOLUTION: 2003-070

***Moved:* McTaggart *Seconded:* Beswick**

That:

- (a) *The rezoning of portion of Lot 719 between Green Head Road and Ocean View Drive Green Head from 'Parks and Recreation' to 'Tourist Accommodation' is adopted.*
- (b) *The Shire President and Chief Executive Officer be authorised to sign and seal the Amendment No 1 to Town Planning Scheme No. 2.*
- (c) *Three copies of the Amendment No 1 to Town Planning Scheme No. 2 are to be sent to the Department for Planning and Infrastructure and one copy to the Department of Environmental Protection for approval to advertise.*

CARRIED 8/0

In accordance with the above Resolution and pursuant to the requirements of the Town Planning and Development Act 1928 the proposed rezoning of Closed Road lot 719 to "Tourist Accommodation" and its amalgamation with lot 228 – Green Head Caravan Park has been advertised.

Council has completed the following procedural steps:

1. DEP advice received and forwarded to DPI;
 2. Dates advertising took place - 19th November 2003 to 2nd January 2004;
 3. Advertising took place in the following newspaper/s -
 - Western Australian;
 - Snag Island News; and
 - Squawk
 4. Amendment displayed in the Council Offices;
 5. Sign erected onsite advertising the Amendment – 19th November to present;
 6. Adjoining/nearby notified in writing during advertising;
 7. Authorities consulted – Water Corporation, Western Power and Telstra;
- Submissions received: 1. none from the public;
2. Western Power (Tanya Millar) – no objections to the proposal;

3. Water and Rivers Commission – no objections or comment;
 4. Environmental Protection Authority – advice only, under the provisions of Section 48(a) of the Environmental Protection Act the above scheme amendment is now deemed assessed by the EPA.
8. No modifications proposed.

STATUTORY ENVIRONMENT:

Town Planning and Development Act 1928
Shire of Coorow Town Planning Scheme No. 2

POLICY & STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council has budgeted to meet Town Planning Scheme expenses.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That the rezoning of Closed Road lot 719 Green Head Road and Ocean View Drive Green Head from “Parks and Recreation” to “Tourist accommodation” is approved for final adoption.

RESOLUTION: 2004-013

Moved: McDonald ***Seconded:*** McTaggart

That the rezoning of Closed Road lot 719 Green Head Road and Ocean View Drive Green Head from “Parks and Recreation” to “Tourist accommodation” is approved for final adoption.

CARRIED 8/0

10.2.9 MANAGEMENT ORDER OVER RESERVE 42974 – Lot L58

NAME OF APPLICANT	Department for Planning and Infrastructure.
LOCATION/ADDRESS	Lots 58 & 59 Thomas Street Leeman.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 th February 2004
ATTACHMENT	10.2.9 Map of Leeman

SUMMARY:

Enquiry from Jurien Bay Realty on behalf of a potential purchaser of lots 58 and 59 Thomas Street Leeman

COMMENT:

Correspondence has been received from the Department for Planning and Infrastructure regarding lots 58 and 59 Thomas Street Leeman (Full text).

LEEMAN LOTS 58 AND 59, THOMAS STREET LEEMAN.

Land Asset Management Services has received an enquiry from Jurien Bay Realty on behalf of a potential purchaser for lots 58 and 59.

Would the Shire be prepared to surrender its Management Order over Reserve 42974 (lot 58) and agree to the cancellation of its reserve purpose?

Also, would the Shire be interested in acquiring both of these lots for on-sale to a potential buyer?

Please note that lot 59, as an unvested reserve has to be cleared through Native Title future acts process.

Signed

*John Healy
For Grant Arthur
Manager
Mid West Region
Land Asset Management Services*

Under the Shire of Coorow Town Planning Scheme No. 2 Lots 58 and 59 Thomas Street Leeman are zoned “Residential” with an **R50** Medium Density Coding (average 180m² min site per dwelling). The lots are not serviced by deep sewerage however Water Corp sewerage is to Nairn and Tamarisk Streets.

It is the view of the writer that the lots offer great financial benefit to a Private Developer willing to invest in their development for R50 Density.

Additionally, without a display of interest in purchasing the lots the process of Native Title Clearance will not commence.

I suggest that the Department for Land Administration be notified that Council is prepared to surrender its Management Order over Reserve 42974 (lots 58 and 59) and agree to the cancellation of its reserve purpose.

Further, Council advise the Department for Land Administration that it may be interested in purchasing lot 59 once Native Title Clearance has been finalised.

STATUTORY ENVIRONMENT:

The Shire of Coorow Town Planning Scheme No. 2.

POLICY & STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Subject to future budget deliberations.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the Department for Planning and Infrastructure to be notified that:

1. the surrender of Management Order over Reserve 42974 (Leeman lot 58) and cancellation of its reserve purpose is agreed to; and
2. Council may be interested in the acquiring lot 59 Thomas Street under Freehold Title if Native Title Clearance had been finalised.

RESOLUTION: 2004-014

Moved: McTaggart

Seconded: Beswick

That the Department for Planning and Infrastructure to be notified that:

1. *the surrender of Management Order over Reserve 42974 (Leeman lot 58) and cancellation of its reserve purpose is agreed to; and*
2. *Council may be interested in the acquiring lot 59 Thomas Street under Freehold Title if Native Title Clearance had been finalised.*

CARRIED 8/0

10.2.10 PLANNING APPLICATION – SUBDIVISION OF LOT 529 ILLYARRIE STREET, LEEMAN - Lot L529

NAME OF APPLICANT	Dennys Wm Hayes & Associates.
LOCATION/ADDRESS	Lots 529 Illyarrie Street Leeman.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 th February 2004
ATTACHMENT	10.2.10 Map of Leeman

SUMMARY:

Application to subdivide lot 529 Illyarrie Street, Leeman

COMMENT:

Advice has been received from the Western Australian Planning Commission that it has received an application from Dennys Wm Hayes & Associates, on behalf of G.E. & C. P. Soop and A. C. & M. F. Stobbie, to subdivide 1070m² lot 529 Illyarrie Street Leeman into two smaller 535m² lots.

Lot 529 Illyarrie Street Leeman is zoned “Residential” with an R 15 Low Density Coding. This means that the minimum sized lot permitted in this area under the Shire of Coorow Town Planning Scheme No. 2 is 580m² - Table 1 of the Residential Design Codes of Western Australia.

The application to subdivide lot 529 Illyarrie Street Leeman therefore cannot be supported.

STATUTORY ENVIRONMENT:

The Shire of Coorow Town Planning Scheme No. 2.
Residential Design Codes of Western Australia.

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the subdivision of lot 529 Illyarrie Street Leeman is not supported since the proposed subdivision does not satisfy the minimum site area per dwelling requirements for R 15 coded areas of 580m² under the Shire of Coorow Town Planning Scheme No 2.

RESOLUTION: 2004-015

Moved: Ovens

Seconded: Stacy

That the subdivision of lot 529 Illyarrie Street Leeman is not supported since the proposed subdivision does not satisfy the minimum site area per dwelling requirements for R 15 coded areas of 580m² under the Shire of Coorow Town Planning Scheme No 2.

CARRIED 7/1

10.3 MANAGER WORKS AND SERVICES:

10.3.1 GREEN HEAD BOAT RAMP LICENCE – B.8

NAME OF APPLICANT	Department for Planning and Infrastructure
AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 February 2004
ATTACHMENT	10.3.1 Copy of Licence Application for Boat Ramp adjacent to Ocean View Drive & Farley Street Boat Ramp No: 2450

SUMMARY:

Council is required to sign under seal a Licence Agreement with the Department of Planning and Infrastructure for the licencing of the Boat Ramp No: 2450 situated adjacent to Ocean View Drive and Farley Street, Green Head.

COMMENT:

Pursuant to the Jetties Act 1926 boat ramp structures such as the above No: 2450 must be licenced.

An annual fee of \$26.00 is charged for the licence.

STATUTORY ENVIRONMENT:

Standing Order Local Law 1999 Section 16.1.2:

The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the President and Chief Executive Officer be authorised to sign and seal the Licence Application Agreement included at Attachment 10.3.1.

RESOLUTION: 2004-016

Moved: Waite

Seconded: McDonald

That the President and Chief Executive Officer be authorised to sign and seal the Licence Application Agreement included at Attachment 10.3.1.

CARRIED 8/0

10.3.2 REQUEST TO PLACE A GATE ACROSS A THOROUGHFARE (PUBLIC ROAD) – R8.19

NAME OF APPLICANT	Lionel Morton, Cudimera Farming Co
LOCATION/ADDRESS	Walton Road
AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 February 2004
ATTACHMENT	10.3.2 Copy of Letter of Request

SUMMARY:

Council to consider a request from Mr Lionel Morton to place a gate across the southern end of Walton Road.

COMMENT:

Mr Morton has requested Council consideration for him to place a gate across the southern end of Walton Road.

Walton Road heads south from Gunyidi/Wubin Road and as Mr Morton points out in his request, the southern end of the Walton Road runs into bush. It is common practice for Councils to grant such a request.

STATUTORY ENVIRONMENT:

Local Government (Uniform Local Provisions) Regulations 1996

9. Permission to have gate across public thoroughfare Sch. 9.1, cl. 5 (1)

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
- (3) Permission granted by the local government under this regulation is required to specify the period for which it is granted and may be renewed from time to time.
- (4) The local government may impose such conditions as it thinks fit on the construction, placement and maintenance of the gate or other device across the public thoroughfare and may, when renewing the permission or at any other time, vary any condition.
- (5) The local government may at any time withdraw permission granted under this regulation and request the person responsible for the gate or other device to remove it within a time specified in the request.
- (6) A person to whom a request is made under subregulation (5) commits an offence if the person fails to comply with the request.
- (7) The penalty for an offence under subregulation (6) is \$1 000.
- (8) A local government is required to keep a register of gates and other devices constructed under this regulation.

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council permit Mr Lionel Morton placing a gate across the southern end of Walton Road for the period of two years.

RESOLUTION: 2004-017

Moved: Stacy

Seconded: Beswick

That Council permit Mr Lionel Morton placing a gate across the southern end of Walton Road for the period of two years.

CARRIED 8/0

10.3.3 COUNTRY PATHWAYS SCHEME - F4

AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 February 2003
ATTACHMENT	Copy of Plan

SUMMARY:

Council to consider footpath for grant.

COMMENT:

Department for Planning and Infrastructure are currently calling for grant applications through the Country Pathways Scheme.

At the Ordinary Council meeting in March 2003, Council adopted a priority footpath plan. When applying for a grant last year staff followed that plan and applied for a grant to construct a dual use path along Bryant Street, Green Head. This application proved unsuccessful.

Staff are once again in the process of applying for a grant. If staff follow the plan as set down on March 2003, Bryant Street would be the path applied for and the other streets would all go out by one year.

Leeman Progress and Ratepayers Association have requested that a grant to complete a path on Thomas Street, Leeman be applied for in this round.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC & POLICY IMPLICATIONS:

The Council priorities identified on 18 March 2003, were included in Council's 2003/07 Principal Activity Plan.

FINANCIAL IMPLICATIONS:

Council is able to apply for up to \$50,000 in grants to complete individual projects, with Council to make an equal contribution.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adhere to the current pathways priority plan of:

1. Bryant Street, Green Head - 2004/05
2. Morcombe Road, Leeman - 2005/06
3. Thomas Street, Leeman - 2006/07
4. Ocean View Drive, Green Head - 2007/08

And apply under the Country Pathways Grant Scheme for a grant to complete a path on Bryant Street, Green Head in 2004/05.

RESOLUTION: 2004-018

Moved: Ovens

Seconded: Waite

That Council adhere to the current pathways priority plan of:

1. *Bryant Street, Green Head - 2004/05*
2. *Morcombe Road, Leeman - 2005/06*
3. *Thomas Street, Leeman - 2006/07*
4. *Ocean View Drive, Green Head - 2007/08*

And apply under the Country Pathways Grant Scheme for a grant to complete a path on Bryant Street, Green Head in 2004/05.

CARRIED 8/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

11.1 DONATION TO KING & JEFFERYS FAMILIES APPEAL – D3

AUTHOR	Cr Moira Girando
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 February 2004

SUMMARY:

Council is requested to consider a donation to an appeal for the King and Jefferys families following a fatal accident in Coorow in December 2003.

COUNCILLOR COMMENT:

As Council would be aware Mr Todd King and Mr Paul Jefferys died in a traffic accident in Coorow on Friday 19 December 2003. Mr King and Mr Jefferys respectively leave families including two and three young children.

An appeal to assist in the providing for the future of the families has been established by Coorow Community Land Inc. The appeal has received public donations and donations of grain from farmers through CBH receival depots. Council has assisted in the collection of monies for the appeal by receiving donations from the public.

A public benefit concert in Maley Park on Saturday 20 March 2004 is also being organised.

STAFF COMMENT:

Nil

STATUTORY ENVIRONMENT:

Nil

FINANCIAL IMPLICATIONS:

Council has allocated an amount of \$1,500 for Donations and Grants in Council's 2003/2004 budget.

STRATEGIC & POLICY IMPLICATIONS:

Nil

VOTING REQUIREMENT

Simple Majority

COUNCILLOR RECOMENDATION:

That Council expend \$1,000 in total to the Appeal for King and Jefferys families and do not charge for the use of Maley Park Recreation Centre for a benefit concert for the Appeal for King and Jefferys families on Saturday 20 March 2004.

RESOLUTION: 2004-019

Moved: McDonald

Seconded: O'Callaghan

That Council expend \$1,000 in total to the Appeal for King and Jefferys families and do not charge for the use of Maley Park Recreation Centre for a benefit concert for the Appeal for King and Jefferys families on Saturday 20 March 2004.

CARRIED 8/0

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:

Nil.

13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:

Nil.

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. DATE OF NEXT MEETING:

3.00 p.m. Wednesday 17 March at the Leeman Administration Centre.

16. CLOSURE:

There being no further business, the President, Councillor Girando closed the meeting at 4.27 p.m.