

Minutes

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.00pm.

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

| | |
|----------------------------|------------------------------------|
| Councillor M J Girando | President |
| Councillor J M Stacy | Deputy President |
| Councillor B J O'Callaghan | |
| Councillor J K Waite | |
| Councillor S A Beswick | |
| Councillor B J McDonald | |
| Councillor T K Pethick | |
| Councillor G W Eaton | |
| Mr G A Sherry | Chief Executive Officer |
| Mr P D Gillis | Manager Works and Services |
| Mr J A Randall | Manager Community Development |
| Mr D J Alcock | Manager Finance and Administration |

Guests

Mr John Browne
Mrs Judith Browne

Visitors

Lorraine Halliday
Rob Shattock
Bev Shattock
Chris Duncan
Shirley Litchfield
Jo Thompson
Allan Williams
Pat Williams
Keith Howard
Allen Perry
Dulcie Perry
Ann McCormick
Julie Taylor
Sandie Hunt
Janine Wann
Jean Latham

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

4.1 ACCESS ROAD TO SOUTH BAY

Mr Rob Shattock asked if the car park at the end of the eastern access road from Ocean View Drive in South Bay is going to be rehabilitated as per a discussion held on site with Council and Council staff.

The Chief Executive Officer explained that he did not believe it was agreed at the meeting held on site with Mr Shattock to close the car park. Certainly it was agreed to realign access to Ocean View Drive in an attempt to prevent sand blowing from the South Bay beach across Ocean View Drive and this had been done. The Chief Executive Officer would welcome a future on site meeting to discuss the use of the car park on that access.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr O'Callaghan requested Leave Of Absence on 12 April 2006.

Cr Eaton requested Leave Of Absence from 14 April 2006 to 28 April 2006.

RESOLUTION: 2006-018

Moved: Waite **Seconded:** McDonald

That Leave of Absence from Council be granted to:

- 1. Cr O'Callaghan on 12 April 2006; and*
- 2. Cr Eaton from 14 April 2006 to 28 April 2006.*

CARRIED 8/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

6.1 GREEN HEAD COMMUNITY ASSOCIATION

The Green Head Community Association will make a presentation to Council on issues the Association believes to be important, including;

1. Residential Development of Lot 601 Ocean View Drive, Green Head

At their March Meeting the Green Head Communication Association moved the following motion:

I move that the Public Open Space in South Bay lot 601 remain as Public Open Space and be developed as planned and passed by the Shire of Coorow November 2002.

2. Townscape issues of Green Head
3. Public Open Space Issues in Green Head

Mrs Judith Browne representing the Green Head Community Association made a presentation to Council regarding Green Head Townscape, Green Public Open Space and residential development of Lot 601 Ocean View Drive, Green Head. Mrs Browne reminded Council of development plans approved by Council for Lot 601 in November 2002. Mrs Browne advised that she believed the POS in the new subdivision was not suitable labelling the area "Drain Park". Council has a number of excellent parks and public open space in Green Head that add to the town's character. Many of the parks are maintained by community groups.

Mrs Julie Taylor made a presentation to Council regarding the keeping of Lot 601 Ocean View Drive, Green Head as public open space. Mrs Taylor reminded Council that people had purchased other lots in the belief that Lot 601 was POS.

The President thanked both Mrs Browne and Mrs Taylor for addressing Council on their issues.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 15 FEBRUARY 2006 IN THE LEEMAN ADMINISTRATION CENTRE, LEEMAN

| | |
|-------------------------------|------------------|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 24 February 2006 |

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 15 February 2006 in the Leeman Administration Centre, Leeman be confirmed as a true and correct record.

RESOLUTION: 2006-019

Moved: Waite ***Seconded:*** Eaton

That the Minutes of the Ordinary Meeting held on Wednesday 15 February 2006 in the Leeman Administration Centre, Leeman be confirmed as a true and correct record with the amendment that Resolution 2006-013 was carried by an Absolute Majority not a Simple Majority.

CARRIED 8/0

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.

8.1 CODE OF CONDUCT

The President reminded Councillors of their responsibilities regarding the Shire of Coorow's Code of Conduct. Code of Conduct 3.2 requires that Councillors are to communicate and confirm Council decisions and policies in a positive and proactive manner in the community, regardless of the level of personal support for Council's collective decisions and to make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment. Councillors need to be aware of the facts and be careful not to pass on misinformation.

8.2 CEO PERFORMANCE REVIEW

The President stated that Council is required to carry out a Chief Executive Officers review and a date needs to be set.

RESOLUTION: 2006-020

Moved: Girando **Seconded:** Stacy

That Council:

- 1. conduct CEO Performance Review at a date to be set inside next month; and*
- 2. a consultant employed to assist in the process.*

CARRIED 6/2

Cr Eaton requested that his vote against the motion be recorded.

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.

Items for which the meeting will be closed include:

Nil.

10. REPORTS:**10.1 CHIEF EXECUTIVE OFFICER'S REPORT:****10.1.1 APRIL 2006 ORDINARY MEETING**

| | |
|-------------------------------|------------------------|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 24 February 2006 |
| FILE | C8.1 Council - General |

SUMMARY:

Council is to consider a change in the date of their April Ordinary Meeting.

BACKGROUND:

Council may recall setting the dates of meeting for the 2005/06 financial year in at the June 2005 Ordinary Meeting with the following:

RESOLUTION: 2005-090

Moved: Stacy Seconded: Pethick

That the following Ordinary, General and Special Meeting dates, place and starting time for 2005/2006 financial year be adopted and advertised:

| Month | Venue | Time | Date | Type |
|--------------|--------------|-------------|-----------------------------|-----------------|
| July | Coorow | 7:00 PM | Wednesday 6 July 2005 | Special |
| July | Leeman | 3:00 PM | Wednesday 20 July 2005 | Ordinary |
| August | Coorow | 3:00 PM | Wednesday 17 August 2005 | Ordinary |
| September | Leeman | 3:00 PM | Wednesday 21 September 2005 | Ordinary |
| October | Coorow | 3:00 PM | Wednesday 19 October 2005 | Ordinary |
| October | Coorow | 7:30 pm | Wednesday 19 October 2005 | Annual Electors |
| November | Leeman | 3:00 PM | Wednesday 16 November 2005 | Ordinary |
| December | Coorow | 3:00 PM | Wednesday 21 December 2005 | Ordinary |
| February | Leeman | 3:00 PM | Wednesday 15 February 2006 | Ordinary |
| March | Green Head | 3:00 PM | Wednesday 15 March 2006 | Ordinary |
| April | Coorow | 3:00 PM | Wednesday 19 April 2006 | Ordinary |
| May | Leeman | 3:00 PM | Wednesday 17 May 2006 | Ordinary |
| June | Coorow | 10:00 AM | Wednesday 21 June 2006 | Special |
| June | Coorow | 3:00 PM | Wednesday 21 June 2006 | Ordinary |

CARRIED 8/0

COMMENT:

Council is now aware that the April 2005 Meeting is scheduled for the Wednesday 19 April 2006 which is the Wednesday following Easter. This date will place pressure on staff to prepare the April 2006 agenda prior to Easter and the good Friday public holiday and on Councillors to digest the agenda over what is essentially a popular family holiday period. Holding the meeting on Wednesday 12 April 2006 will avoid these issues.

In addition the Central Coast BEC have approached Council about making a presentation to Council at this meeting in conjunction with the Shire of Carnamah. The Shire of Carnamah have already changed their meeting to the Wednesday 12 April 2006.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

12 Public notice of council or committee meetings

- (1) "At least once a year Local Government is to give local public notice of the dates on what and the time and place at which:
 - a) the Ordinary Council Meetings
 - b) Committee Meetingsare to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation 1)
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3) then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

POLICY & STRATEGIC IMPLICATIONS:

Nil at this time.

FINANCIAL IMPLICATIONS:

Local Public Notice advertising is completed free of charge to Council and no additional fees are incurred by Council in holding the meeting on a different day.

PUBLIC CONSULTATION:

None at this time. Should Council elect to change the date of the April 2006 Ordinary Meeting local public notice will be given.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council change the date of their April 2006 Ordinary Meeting from Wednesday 19 April 2006 to Wednesday 12 April 2006.

RESOLUTION: 2006-021

Moved: McDonald

Seconded: Waite

That Council change the date of their April 2006 Ordinary Meeting from Wednesday 19 April 2006 to Wednesday 12 April 2006.

CARRIED 8/0

| |
|--|
| 10.1.2 2005 STATUTORY COMPLIANCE RETURN |
|--|

| | |
|-------------------------------|--|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 6 March 2006 |
| ATTACHMENT | 10.1.1 2005 Statutory Compliance Return |
| FILE | L10.11 Local Government - Compliance Audit |

SUMMARY:

The Local Government Department request the Statutory Compliance Return for the period 1 January 2005 to 31 December 2005 to be completed, endorsed and included within an Ordinary Meeting Agenda papers by 31 March 2006.

COMMENT:

The Statutory Compliance Audit Return is a check list of some of the statutory requirements that all Local Governments are required to complete in the twelve months to 31 December 2005.

The Statutory Compliance Audit Return is to be:

- presented to Council at a meeting of the council;
- adopted by the Council; and
- the adoption recorded in the minutes of the meeting at which it is adopted

After the Statutory Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director, Department of Local Government, by 31 March 2006.

In completing the Statutory Compliance return a number of areas where Council did not complete its statutory requirements were identified. They were:

| Local Govt Act Section or Regulation | Statutory Compliance Return | | Requirement | Notes |
|--------------------------------------|-----------------------------|----------|---|--|
| | Item No. | Page No. | | |
| F&G Reg 14(3) | D 4 | 8 | All Local Governments Invitations To Tender (state-wide newspaper advertising) included information as to where and how tenders could be submitted. | Council's state-wide newspaper advertisements inviting tenders did not say where and how tenders need to be submitted. This information was included with detailed tender specifications provided to any prospective tenderers or interested parties. The priority in not including this information was advertising cost. Council's procedures will be amended. |

| | | | | |
|------------------------------|------|----|--|---|
| F&G Reg 14(3) | D 5 | 14 | The information made available to all prospective tenderers includes whether or not the local government was submitting a tender. | Advice that Council was not submitting a tender was not included in information made available to prospective tenderers or interested parties because all Council tenders were purchases of sophisticated machinery, services or materials for which it was obvious that Council did not have the ability to submit a compliant tender. |
| F&G Reg 18(3)(4) | D 13 | 15 | Tenders that were not rejected were assessed by means of a written evaluation to the extent to which each tender satisfied the criteria for deciding which tender to accept and which tender was most advantageous to the local government to accept. | Tenders were not always assessed by written evaluation to the extent to which each tender satisfied criteria. For simple tender purchases this was not deemed to be required for effective and efficient tendering when clearly transparent Council purchasing was being maintained. |
| LGA S 5.46 | G8 | 31 | Delegations under Division 4 of Part 5 of the Act were reviewed by the delegator at least once during 2004/2005 financial year | Delegations under Division 4 of Part 5 of the Act were not reviewed by the delegator at least once during 2004/2005 financial year. Council reviewed its delegations to the CEO, but further delegations from the CEO to other staff have not been formally reviewed. This will be completed in the near future. |
| LGA 6.35 (4) FM Reg 53 | I 31 | 42 | A minimum payment was not imposed on more than 50% of the number of separately rated properties in each differential rating category, not exceeding \$200. | Council imposed a minimum rate, exceeding \$200, on more than 50% of the differential rated mining properties. Council applied for, and received, Ministerial Approval to do so. |
| LGA 5.39 Admin Reg 18B | K 50 | 54 | The contract for the CEO and all designated senior employees details the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of: <ul style="list-style-type: none"> • one years remuneration under the contractor; or • the remuneration they would be entitled to if the contract was not terminated. | The Chief Executive Officer's contract, signed in May 2002, does not have such a clause. This agreement is due to be renegotiated from May 2006. Council can consider beginning negotiations earlier than May 2006 in order to comply with Reg 18B. All three other Senior Officers' contracts satisfy Admin Reg 18b. |

STATUTORY ENVIRONMENT:

Local Government (Audit) Regulations 1996

14 Compliance audit return to be prepared

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3) A compliance audit return is to be —
 - (a) presented to the council at a meeting of the council;
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

There appear no further implications in this regard.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That the Statutory Compliance Audit Return, included at Attachment 10.1.1 2005 Statutory Compliance Audit Return, for the period 1 January 2005 to 31 December 2005, as completed by the President and Chief Executive Officer, be endorsed and duly signed accordingly.

The Chief Executive Officer advised of an error in Attachment 10.1.1, Item 14, where the response should be “Yes” and not “NA”. This compliance relates to the recording of Councillors votes in Council’s minutes, should that be requested.

RESOLUTION: 2006-022

Moved: Eaton

Seconded: O’Callaghan

That the Statutory Compliance Audit Return, included at Attachment 10.1.1 2005 Statutory Compliance Audit Return, for the period 1 January 2005 to 31 December 2005, as completed by the President and Chief Executive Officer, be endorsed and duly signed accordingly, with the amendment to Attachment 10.1.1, Item 14, Page 24, response should be “Yes” instead of “N/A”.

CARRIED 8/0

10.1.3 COMMUNITY & ECONOMIC DEVELOPMENT OFFICER

| | |
|-------------------------------|---------------------|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 6 May 2006 |
| FILE | S7.15 Staff - Other |

SUMMARY:

Council to consider the creation of a full time Community and Economic Development Officer in 2006/07, with the employment process to proceed through the remainder of 2005/06 financial year.

BACKGROUND:

Council provided a financial allocation to employ a part time Community & Economic Development Officer (CEDO) during 2005/06. At that time it was expected that the benefits of employing a CEDO would be assessed, prior to 2006/07 year.

A summary of the review of the activities of the CEDO from July 2005 until February 2006 includes:

- The CEDO completed an increased number of funding applications than in previous years. These applications included a number of complex applications, including the Coorow Aged Person Joint Venture Housing and Water Grant Application for providing ground water to Maley Park Recreation complex Coorow, that had not previously been able to be completed;
- The CEDO represented Council at meetings of the Midwest Seniors Recreation Council. This representation, in part, assisted the Council's decision to hold a Seniors Expo in Coorow in May 2006;
- The CEDO was able to provide the level of oversight on successful funding applications to ensure their completion. The CEDO provided such oversight over Council's "Thank a Volunteer" Grant and the "Bikewest Dual Use Path" funding in Green Head. The CEDO was negotiating with suppliers and community groups over the refurbishment of the Coorow District Hall;
- in relation to grant applications, the CEDO was able to establish a personal rapport with funding and regulatory agencies, that will provide future benefits to Council. The CEDO carried out very positive discussions with Homeswest over the possibility of Council seeking funding of a second stage of Leeman Aged Person Joint Venture Housing. The CEDO successfully negotiated the approval of the aboriginal heritage claimant over for development of Bay Beach Leeman, that will provide benefits when Council seeks similar approvals for other developments in Leeman; and
- In the initial stages much the benefit arising from the CEDO were very focused on the eastern section of the Shire, but it would be expected that a full time CEDO would be able to fully cover a greater geographical area.

Certainly the benefits gained from the CEDO were largely obtained later in the period being reviewed. This occurs because the CEDO received significant initial training to extend her skills, time is required to develop projects into comprehensive funding applications and the requirement for a capable employee to grow into the unfamiliar position.

Indeed much of the benefit received by Council from the CEDO came from the personal skill and passion of the employee Ms Kylie-Sue Yeo. However, as Council would be aware, Ms Yeo has now left Council's employ.

In the interim, Council have appointed a full time Finance Officer to complete the part time finance duties completed by Ms Yeo and in addition Council's Ranger, Ms Sharon McTaggart, will take over day to day management of activities associated with the CEDO. The Ranger handling CEDO projects is not a long term solution.

COMMENT:

The substantial benefit received by Council from the appointment of CEDO, although only part time, should lead to Council to seek to appoint a full time CEDO. In making such a move, Council should consider the delay in making such an appointment, the provision of a vehicle for the use of the CEDO and the location of the CEDO.

It is not expected to find a CEDO from within the Shire of Coorow therefore the employment process will include a full advertising process (4 weeks), selection period (2 weeks), the successful applicant being required to give notice to their current employer (3 weeks to 12 weeks) and allowing time to move to the Shire of Coorow (2 weeks). Therefore Council may wish to begin the appointment process for a full time CEDO this financial year rather than wait until the start of the new financial year. This would be an advantage because:

- the long lead time in benefits arising from the employment of a CEDO;
- the requirement to continue management of existing projects;
- Council will be able to better meet funding deadlines that close in late 2006 for 2007/08 projects.

Given it is unlikely that a suitable replacement will be found from within the Shire of Coorow, Council should expect to be required to provide/arrange housing for the employee. As Council is aware, no such suitable housing is currently available in Coorow. Therefore the position will need to be based in the Leeman Administration Centre, adjacent to housing.

The CEDO will be expected to service all areas of the Shire and will therefore require a dedicated vehicle. Such a vehicle could be leased, although the purchase of a vehicle is a more cost effective in the longer term. It would be in Council's interest to offer private use of this vehicle to make the position more attractive. Having two vehicles based in Leeman will make it easier to provide Councillors with a vehicle to attend Council and other meetings.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC IMPLICATIONS:

The CEDO will provide input into the achieving of Council's longer term strategic projects through the preparation of funding applications for these projects.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

An outline of an anticipated budget for the employment of full time CEDO in 2006 is outlined below in comparison to the employment of a part time CEDO during 2005/06.

| FACTOR | EXPLANATION | 2006/07 FULL TIME \$ | 2005/06 PART TIME \$ |
|---------------------|-------------------------|-------------------------------------|-------------------------------------|
| Salary | Level 7.2 | 47,080 | 22,437 |
| Super 7% | Council sponsored Super | 2,825 | 1,800 |
| Super 9% | Guaranteed Super | 4,237 | - |
| Workers Comp | 2.90% | 1,365 | 651 |
| Uniform | | 600 | 300 |
| Vehicle Lease | \$1,065 per month | 12,780 | - |
| Vehicle Maintenance | Insurance, Fuel, etc | 6,000 | - |
| Computer | | 2,000 | - |
| Housing Lease | Net \$200 a week | 10,920 | - |
| Electricity | | - | - |
| Water | | - | - |
| Mobile Phone | \$40 a month | 480 | - |
| Totals | | 88,287 | 25,188 |

PUBLIC CONSULTATION:

Nil at this time.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council approve the creation of a full time Community and Economic Development Officer position in the 2006/07 financial year and permit staff to begin the employment process for the Community and Economic Development Officer position in the 2005/06 financial year.

RESOLUTION: 2006-023

Moved: Waite

Seconded: Beswick

That Council defer this item to the April Meeting of Council and that staff investigate available funding opportunities to help with the employment costs of this position.

CARRIED 8/0

10.1.4 DAYLIGHT SAVING

| | |
|-------------------------------|--|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 6 March 2006 |
| ATTACHMENT | 10.1.4 WALGA Feedback Form – Daylight Saving |
| FILE | W8 WALGA |

SUMMARY:

Council to consider a position on daylight saving.

BACKGROUND:

Recent articles in the media have raised the issue of Western Australia's lack of daylight savings reform and the potential impact on the West Australian economy and community. WA, along with Queensland and the Northern Territory are the only states and territories not to utilise daylight savings.

At present 70 nations utilise Daylight Saving Time (DST) in at least some portion of the country. Japan is the only major industrialized country not to have introduced DST.

DST was first introduced during World War 1 from January 1917 to March 1917 and during World War 2 during three summers.

In 1967 Tasmania experienced a drought which depleted their reserves of water and introduced one hour of DST as a measure to save power and water. Tasmanians reacted favourable to DST and Tasmania has declared DST each year since.

All states, but WA, trialed DST in 1971. The following year and every year since, New South Wales, South Australia and Victoria have had a regular DST. Queensland trialed DST in 1989, but did not continue DST.

In WA there have been three referenda that have rejected the implementation of DST, the most recent 13 years ago.

In March 1975 the referendum posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday next following?

In second DST referendum in April 1984 posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in following March?

A third referendum in April 1992 posed the question:

Are you in favour of the standard time in the state being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in a similar fashion for each year thereafter?

All the proposals to make DST permanent were rejected.

There has been great debate on this issue. The positives are generally associated with economic, environmental and lifestyle gains especially those involved in business with the Eastern States. Supporters highlight how daylight saving aligns working and living hours with the sunlight in the hope of reducing community energy consumption.

Those opposed to DST highlight that the benefits are linked more closely to those living in cities, than those living in rural and remote areas. Negatives are also closely associated with those in the construction and building industry, small business and agricultural and farming industry.

COMMENT:

WALGA are seeking feedback on Council' position on DST in the format of the attached sheet.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC POLICY FINANCIAL IMPLICATIONS:

Nil at this time.

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council indicate its support or opposition of the introduction of Daylight Savings Time in Western Australia, some reasons for this position and whether Council would like WALGA to pursue the issue.

RESOLUTION: 2006-024

Moved: McDonald

Seconded: Stacy

That Council opposes the introduction of Daylight Savings Time in Western Australia.

CARRIED 8/0

10.1.5 ROAD RESERVE MANAGEMENT POLICIES

| | |
|-------------------------------|--|
| AUTHOR | Gary Sherry |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 6 March 2006 |
| ATTACHMENT | 10.1.5 Shire of Coorow Road Reserve Management Workshop Outcomes |
| FILE | R12 – Road Verges |

SUMMARY:

Council has been requested to have Council review its management of road verges to improve the sustainability and integrity of the natural biota.

BACKGROUND:

Council conducted, in cooperation with the Roadside Conservation Committee, a Road Reserve Management Workshop on Thursday 20 March 2003. This forum was attended by Councillors, the local transport contractor, land holders from the eastern area of the shire area, CALM employees and volunteer conservationists. A copy of the outcomes document is included at Attachment 10.1.5.

Following this workshop the draft policy positions prepared at the workshop that could have been implemented by Council, were held in abeyance whilst the state government introduced the amendments to the Environmental Protection Legislation. This legislation directly dealt with land clearing and supersedes any council policy.

Council management of road reserves in the north eastern portion of the Shire has been difficult at best for some time. Council would recall the recent long and difficult process to remove nine trees to widen the Coorow Latham Road Reserve.

COMMENT:

Council has received correspondence from Fiona and David Falconer and Allison and John Doley that in part states:

The recent consultation between the Shire and community on the widening of the Coorow Latham road was a positive step. It went some way towards acknowledging the importance of an integrated approach to the management of lands across all tenures to “ensure the sustainability and integrity of the natural biota and processes, agricultural lands and service infrastructure” (Atkins 1998)

It is an opportune time to progress the Roadside Management Workshop outcomes. Protocols need to be developed whereby consultation between stakeholders can occur in the early planning stages where road widening/clearing of roadside vegetation is proposed. There are already Shires in the South West that are taking consultation beyond the provision of a Principal Activity Plan and approaching stakeholders i.e. landholders, Land Conservation District Committees etc by letter/personal on site meeting to discuss proposals and or developing protocols for consultation, for example Tammin, Kellerberin, Wongan Hills-Ballidu and Esperance.

This approach can allow:

- Alternative options to be considered where vegetation to be cleared is perceived to have important values e.g. environmental, economic, social cultural.
- Costing of alternative options to allow inclusion in funding applications, or time for stake holders to investigate funding sources.
- Opportunity for professional survey of flora, fauna and other biodiversity values.
- Opportunity to collect seed if vegetation has to be cleared.
- Consideration of issues such as surface water management.
- Utilisation of local expertise.
- Development of priorities and programs for management of environmental weeds.
- Revegetation of degraded road verges using local native plant species.
- Mutual cooperation.
- Financial assistance for the setback of fences and planting of trees by landholders.

A survey of Roadside Vegetation in the Coorow Shire was initiated by the Waddy Forest Land Conservation District Committee ten years ago and the mapping of vegetation was undertaken by volunteers across the whole of the Coorow Shire-east to west, under the supervision of Mr David Lamont of the Roadside Conservation Committee. The survey identified areas of high, medium and low conservation value and areas of high, medium and low weed infestation. A copy of the mapping was present to the Coorow Shire for use as a tool in managing roadside vegetation. It would be of use in the consultative process, as would borehole records and Rapid Catchment Appraisal Mapping of areas at risk from salinity and water logging.

The Waddy Forest LCDC has not yet had a meeting in 2006. This letter is not written on behalf of that body. However after discussion with some of the members and with Mrs Moira Girando it has been agreed that a meeting between Mrs Moira Girando, Mr Gary Sherry, Mr Peter Gillis, interested Shire Councillors and stakeholder be requested.

An agenda could be prepared utilising the points already raised in this letter and the Roadside Management Workshop Outcomes document.

One of the most important issues is weed management. The Waddy Forest LCDC has been endeavouring to eradicate love grass on the Coorow-Latham Road. Management issues associated with control and prevention of spread of lover grass can be very difficult without full cooperation between landholders and the Shire, especially when summer rains as we have been receiving lately cause large outbreaks of the weed.

In reviewing this proposal from Fiona and David Falconer and Allison and John Doley the matters that Council should consider are:

- What benefits will be received through consultation with Waddy Forest land holders? Certainly the unprecedented level of community consultation with Waddy Forest community groups and individuals did not achieve any improvements or savings in time or expense by Council on the Coorow Latham Road project. In fact after the extensive consultation, members of the community still exercised their democratic right to appeal Council's proposal even though it had extensive and widespread community support;
- Will the input of the Waddy Forest landholders whose focus is on such a small area of the Shire of Coorow, provide substantial input to policies that refer to all areas of the Shire? Will Council repeat this meeting with Waddy Forest landholders for other community members/groups throughout the Shire?
- Are the views of the Waddy Forest landholders more relevant or qualified than other groups in the application of natural resource management principles to Road Reserve Management policies? Council may be better advised to work more closely with the key regional agencies in the region such as the Northern Agricultural Catchments Council, the Moore Catchment Council and the West Midlands Natural Resource Group as well as departments of CALM, such as the Buntine Marchagee Recovery Catchment and the Roadside Conservation Committee, to develop effective road reserve management policies;
- Is it actually possible for Council to have Road Reserve Management policies that suit all of the community? The recommendations of the Road Reserve Management Workshop are more extensive than any land clearing conducted on road reserves in the eastern section of the Shire for many years and it is likely that any consultation with just Waddy Forrest landholders will require the watering down of those proposed policies, despite their agreement at that workshop; and
- Is management of the native flora on Council's Road Reserves currently biased against conservation of the native flora? Council staff have very recently assisted with road safety audits sought by the State Coroner for two fatal accidents on roads within the Shire of Coorow. Whilst Council has not yet seen the final reports, it can be expected that the report on the site on the Coorow Latham Road is expected to recommend the further removal of a significant number of trees that are too close to the road. The independent safety audit of South Waddi Road, obtained by council, is also recommended removal of vegetation for safety reasons. From such reports a case could be argued that Council's Road Reserve Management is currently too biased in favour of native flora conservation and against road safety.

Council's existing Road Reserve Management policy is not adequate, but in the past Council has not completed road maintenance properly. Road Reserve Management has always been a controversial issue, particularly in the Waddy Forest area and Council's treatment has not been consistent across the whole Shire. Council has bowed to conservation groups in the east of the Shire, rather than impose common standards.

Had Council's maintenance grading of the Coorow Latham Road have been of a higher standard, the nine trees that required a clearing permit to remove would have been removed as seedlings with a grader blade. The wood turner on site when the trees were felled, could not utilise the timber because the trees were only ten to fifteen years old and therefore not suitable for wood turning. Inadequate grading in the last two decades had allowed these trees to encroach on the Coorow Latham Road.

It would appear that Council needs to remain very conscious of all requirements including both road safety and native flora and fauna in establishing policies for the management of Council's road reserves. The best qualified personal, available locally, for this task are Council's Works personal.

STATUTORY ENVIRONMENT:

Nil.

POLICY & STRATEGIC IMPLICATIONS:

Council needs to develop and implement road policy that meet all of Council's needs. Obviously the policies that have been in existence in the past have not met the requirements for the construction and maintenance of safe roads.

FINANCIAL IMPLICATIONS:

The financial cost of policy development and public consultation is relatively small.

PUBLIC CONSULTATION:

Nil at this time.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. advise Fiona and David Falconer and Alison and John Doley that Council staff will develop Council's Road Reserve Management policies utilising the Road Reserve Management Workshop outcomes document and any other relevant information sources; and
2. will make all Council's draft Road Reserve Management policies for available extensive public comment prior to formal adoption by Council.

RESOLUTION: 2006-025

Moved: Eaton

Seconded: Pethick

That Council:

1. *advise Fiona and David Falconer and Alison and John Doley that Council staff will develop Council's Road Reserve Management policies utilising the Road Reserve Management Workshop outcomes document and any other relevant information sources; and*
2. *will make all Council's draft Road Reserve Management policies for available extensive public comment prior to formal adoption by Council.*

CARRIED 8/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

10.2.1 LEEMAN AIRSTRIP

| | |
|-------------------------------|---|
| LOCATION | South of the Leeman Townsite |
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | Monday, 27 February 2006 |
| ATTACHMENT | 10.2.1 Aerial Photo showing location of air strip and its General Layout, and relationship to the Leeman Townsite |
| FILE | A3 - Aerodromes |

SUMMARY:

Council is to consider whether or not there is a need for the airstrip to be maintained, and if it is to be maintained to what standard.

BACKGROUND:

Historically the airstrip has served an important community function in that it provided a landing place for the Flying Doctor.

With the completion of sealed access to Jurien Bay and that a 24 hour, 7 day per week on call doctors service is being provided there, any person requiring medical attention will be transported to Jurien Bay and before being put onto the flying doctor at the Jurien Bay Airstrip.

Capacity now exists for helicopter transfer of emergency patients. Leeman is on the far northern fringe of this service.

Given that the need to maintain the airstrip for flying doctor services has diminished, the question arises as to whether or not, and to what level, the facility should be maintained.

If the strip is to be maintained some works need to be carried out to bring it back into conformity with minimum guidelines. The terms guideline is used here deliberately as the standards for the strip are not the subject of regulation, but are the subject of suggested guidelines published by CASA and the RFDS. Below is a tabulation of the current provisions on the airstrip with direct comparison to current RFDS guidelines and CASA Guidelines.

| Item | Current Provision | RFDS Standards/Recommendations | CASA Suggested Standards |
|--|--|---|--|
| Runway constructed width | 15m | 18m Minimum 20m preferred | 15m |
| Runway Strip (Safe area to minimise aircraft damage should it run off runway) | Area ill-defined | 12.5m either side of runway Total width including main runway strip 45m | 15m either side of runway. Total width including runway strip 45m |
| Runway markers | 0.5m x 0.5m white concrete slabs painted white. Centres unknown, placed around 8m off edge of runway proper | Can be medium sized light truck tyres (painted white) at 90m centres at the sides of the runway strip. Closer at runway ends or corners. Paint tyres yellow around taxi strips and parking areas | As per RFDS airstrip standards. Suggest use of markers similar to those used at regulated airstrips |
| Total cleared width. Runway + Runway Strip + Flyover Area | Width between trees/bushes 75.5m | Width required free of stumps and obstacles - 90m to allow for night operations. 60m for day operations | Width required free of stumps and obstacles - 90m to allow for night operations. 60 m for day operations |
| Maximum height of bushes to the sides of the flyover area and at the ends of the strip | Height of bush at sides of runway 2-3m | At 0m height 0m At 5m maximum height 1m At 10m maximum height 2m | At 0m height 0m At 5m maximum height 1m At 10m maximum height 2m |
| Aircraft turning area at end of runway | 48.5m diameter | 25 x 25m | Requirements governed by the aircraft that use the airstrip. |
| Minimum strip length | 1200m | 1200m | Requirements governed by the aircraft that use the airstrip. |
| Taxi to aircraft parking | Track 5m av. Clear Width 42m | Taxiway width - 12m Suggested clear width 50m | Requirements governed by the aircraft that use the airstrip. |
| Clear area around windsock | Not more than 20m on two sides | No standard suggested | No standard specified, but it is suggested that the clear area around it should conform to strip clear width. ie 90m |

If the airstrip is to be maintained, it should be maintained to an appropriate standard. If not consideration should be given to formally closing the airstrip

COMMENT:

The works required/suggested at the airstrip to bring it up to appropriate standard are summarized as follows:

1. Clear bush at either side and at the ends of the runway for a depth of around 20m (7.5m either side for providing additional clear width and width for lowering vegetation height in the transitional area clearing); and

2. Provide an appropriate level of strip markers in the form of Light Truck Tyres painted appropriate colours (around 40 to 50 required for strip marking and another 20-30 for taxi way marking);
3. Clear area around wind-sock so that no bush is located within 90m;
4. Make formal resolution to close the East-West runway. This will allow the salvage of marl from the Eastern portion of the air strip for things like other purposes like, and allow action to correct pilot publications; and
5. Consider relocating plane parking area closer to North-South Airstrip, to minimise the length of track that need to be maintained for aircraft taxing. In the long term this will allow development consideration to be given to this area of land

STATUTORY ENVIRONMENT:

The requirements as detailed are not legislated requirements, but standards that need to be heeded. If an accident were to occur, and appropriate guidelines were not followed questions would arise as to why the guidelines were not followed and the potential liability exposure increases.

If the strip is not maintained to RFDS standards they are unlikely to use it in the case of an emergency.

FINANCIAL IMPLICATIONS:

The works described as needing to be done are relatively minor, but need to be done, if the air strip is to be kept open. Council's works crew are currently operating with a very full works program.

POLICY IMPLICATION:

Nil

STRATEGIC IMPLICATIONS:

If the strip were to be closed now, opportunities may be missed in the future.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. close the east-west runway of the Leeman Airstrip and salvage what materials can be salvaged from the eastern portion of this runway; and
2. under-take a process of public consultation on the need for the Leeman Airstrip to be maintained now and into the future including:
 - a. the works that are required at the airstrip be generally advised to the public;
 - b. Council seek the comment from the public, the RFDS, Department of Planning and Infrastructure, Tourism Development Commission and any other body that it considers relevant; and
 - c. Council canvas the relocation of the aircraft parking area to closer to the North-South runway.

RESOLUTION: 2006-026

Moved: Waite

Seconded: McDonald

That Council undertake a process of public consultation on the need for the Leeman Airstrip to be maintained now and into the future including:

1. *the works that are required at the airstrip be generally advised to the public; and*
2. *Council seek the comment from the public, the RFDS, Department of Planning and Infrastructure, Tourism Development Commission and any other body that it considers relevant.*

CARRIED 8/0

That the airstrip is an asset that Council does not wish to close, however Council requires costings of works that maybe required to maintain this facility.

10.2.2 REQUIREMENTS FOR PUBLIC OPEN SPACE

| | |
|-------------------------------|---|
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 03 March 2006 |
| FILE | T9.2 Town Planning - General |
| ATTACHMENT | 10.2.2a Map of Green Head 10.2.2b Map of Leeman 10.2.2c State Planning Policy extract |

SUMMARY:

Council is to consider the contents of the requirements of the Policy Publication - Liveable Neighbourhoods of the WA Planning Commission in relation to the provision of Public Open Space (POS) in Residential Sub-division and look at the distribution of POS within the towns of Green Head and Leeman generally

BACKGROUND:

Council at its July 2005 ordinary meeting resolved that Council

RESOLUTION: 2005-110
Moved: Stacy Seconded: Pethick
That Council:

1. accept in principal that where it can be shown that sufficient Public Open Space (POS) already exists in an area, it is more appropriate that Council receive a Cash-in-Lieu payment rather than have small disjointed areas of POS come into existence; and
2. indicate that adequate POS already exists in the South Bay Development and that rather than having further land allocated for POS it should seek to have cash-in-lieu payments made.

CARRIED 8/0

Further it was undertaken that policies of Metropolitan Councils in relation to the provision of Public open space would be reviewed and the matter would be brought to Council for appropriate policy consideration.

Those investigations indicate broadly that the Livable Neighbourhoods Policy of the WAPC provides the general guidance required.

The policy indicates the following hierarchy and suggested distribution of Public Open Space.

1. Local Parks:- These are to have an area of up to 3,000m² and are to be provided up to 300m of most residences. They are for local children's play and as resting places.

2. Neighbourhoods Parks:- These are to be 3,000 to 5,000m² or larger. Each servicing about 600 to 800 dwellings and are to be a maximum of 400m from most dwellings
3. District Parks/open space:- These are to be around 2.5ha to 4ha in area and should be provided within around 1km of most dwellings. To incorporate both formal playing areas (such as ovals) and informal recreation area.

Broadly the distinction between local and neighbour hood parks is not very clear and it is suggested that Council seek to establish policy that will seek to have POS within 400m of most residences and further require that the minimum area of such be in the range of 3,000-5,000m². Appropriate policy suggestion is contained in the report recommendation.

Attached are maps of Leeman and Green Head. On these maps the distance from selected parkland areas are shown. Broadly the maps indicate that the distribution of POS (Local/Neighbourhood Parks) within the current residential areas is more than adequate if not overly catered for in most areas.

COMMENT:

1. Leeman

For Leeman an oval is already established. As the town develops in a southerly direction another large parcel of recreation area will need to be planned for about 1km on from the southern boundary of existing land development.

Council has also made certain decisions to indicate that it is willing to consider the surrender of some land currently reserved for recreation for residential development. Planning processes for such development is already in train and initial plans are expected to be available within the next three months.

2. Green Head

In Green Head whilst significant room exists for parkland around the community centre, it is not thought that the land in question will permit the easy establishment of an oval and associated facilities without significant fill being required.

Outside the template of existing development, there is a need for some notional structure planning to ensure land allocation for playing fields and the potential collocation of such facilities with a school etc. The land for such reservation needs to be good land for development, relatively flat and around 8 to 10ha in area. Notionally this could be located to the east of the existing Golf Course.

3. State Planning Policy and the Provision of Cash-in lieu of Public Open Space

Attached to the report is a copy of the policy of the WAPC as it relates to the provision of cash payments in lieu of Public Open Space.



Recent changes to planning legislation to come into effect in April this year will modify this policy and the WAPC will now be able to compel payment of Cash-in lieu of the provision of Public open space where sub-division propose to create three lots or more.

Further where moneys are held in trust for development of public open space the interest earned on such moneys is to be credited to that account.

The basis for calculation of Cash-in-lieu Payments has now been defined so that it will be based on the value of the land at the date of preliminary approval for the sub-division.

4. Appropriate Allocation and Distribution of POS

In the general scheme of things some 60-70% of the area required by way of POS contributions should be in the form of District Parks (POS of 4ha+ in area). The remaining 30-40% of POS land would need to be allocated for the creation of local or neighbourhood parks of 3,000 to 5,000m² minimum area.

Where consideration is not given to the creation of district or regional parks the bias of POS allocation is towards small areas that do not meet the broader recreational needs of the community.

The general guidelines provided in the liveable neighbourhood document and the recent changes to planning legislation will assist the Council in obtaining appropriate payments for the development of POS, rather than multiple small POS parcels created as a consequence of successive small sub-divisions.

5. Structure Planning

If the Council is generally accepting of the principals outlined in the report more work will be pursued on this issue with the aim of developing appropriate broad structure plans.

STATUTORY ENVIRONMENT:

Town Planning and Development Act
Town Planning Scheme No 2

FINANCIAL IMPLICATIONS:

Application of Cash-in-Lieu payment will assist in the funding of POS Development

POLICY IMPLICATION:

Aim is to provide better outcomes and allocation of POS

STRATEGIC IMPLICATIONS:

Aim is to provide better outcomes and allocation of POS

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council go through the appropriate process and procedures to adopt the following as a Local Planning Policy;

1. Council seek to have POS established in residential areas generally in accordance with the following hierarchy:
 - a. Local/Neighbourhood Parks of 3000-5000m² minimum area within 400m of most residences.
 - b. Larger Recreational Spaces of 4-7ha for formal and informal playing areas to be located within 1,000m of most residences.
 2. Council require that where stormwater management facilities are to be incorporated into any Local/Neighbourhood Park the calculated area of the park will exclude:
 - a. all areas having a slope of greater than 1 in 10, and
 - b. all areas divided from the main park area by an embankment with a slope of greater than 1 in 10 or any other barrier, that in itself is less than 40m in width and less than 3,000m² in area.
 3. Where Local/Neighbourhood or District Parks are to incorporate facility for urban stormwater management and the slope of any ground or embankment in that area is to exceed 1 in 10, then the developer will either provide a permanent method of reinforcing the root zone of any planting or provide suitable justification as to why such reinforcement is not needed.
-

RESOLUTION: 2006-027

Moved: Waite

Seconded: McDonald

That Council go through the appropriate process and procedures to adopt the following as a Local Planning Policy;

1. *Council seek to have POS established in residential areas generally in accordance with the following hierarchy:*
 - a. *Local/Neighbourhood Parks of 3,000-5,000m² minimum area within 400m of most residences.*
 - b. *Larger Recreational Spaces of 4-7ha for formal and informal playing areas to be located within 1,000m of most residences.*
2. *Council require that where stormwater management facilities are to be incorporated into any Local/Neighbourhood Park the calculated area of the park will exclude:*
 - a. *all areas having a slope of greater than 1 in 10, and*
 - b. *all areas divided from the main park area by an embankment with a slope of greater than 1 in 10 or any other barrier, that in itself is less than 40m in width and less than 3,000m² in area.*
3. *Where Local/Neighbourhood or District Parks are to incorporate facility for urban stormwater management and the slope of any ground or embankment in that area is to exceed 1 in 10, then the developer will either provide a permanent method of reinforcing the root zone of any planting or provide suitable justification as to why such reinforcement is not needed;*

Before this matter comes back to Council that due consideration be given so that this policy has no application to the removal of or change of status of existing POS.

CARRIED 7/1

10.2.3 SOUTH-BAY PUBLIC OPEN SPACE - LOT 601 OCEAN VIEW DRIVE

| | |
|------------------------|---------------------------|
| NAME OF APPLICANT | N/A |
| LOCATION | Lot 602, Ocean View Drive |
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | Tuesday, 28 February 2006 |
| FILE | Lot File G601 |

SUMMARY:

Council is to consider if there is any benefit in having Lot 601 Ocean View Drive considered for residential development.

BACKGROUND:

The land parcel is some 3,600m². The parcel of land was created as Public Open Space in the first stage of the South Bay Sub-division.

LandCorp has asked Council to consider what land redevelopment opportunities may exist around Green Head. As a result the disposition of land in Green Head has been receiving some consideration by staff. In the course of these considerations this parcel of land has been notionally discussed as having potential for such development.

Given the general concern being expressed about the land being surrendered as POS and made available for development, staff believe it is in the public interest to bring this matter to Council now to have a clear determination made.

COMMENT:

Certainly given the large area of POS that exists across Ocean View Drive from Lot 601, it is a fair question to ask whether or not the land is really required as POS. Broadly there is no deficit in available POS in the area.

In asking that question it is also appropriate to ask whether or not any significant strategic, monetary or other value can be realised for the general benefit of the Council and South Bay residents if the land were to be developed.

The answer to this is that minimal general benefit will be achieved, unless a significant part of the proceeds part from any land dealing were to be paid into an account for the general improvement of recreational facilities in Green Head. The opportunities in this respect have not at this stage been investigated and will not be considered further unless the Council directs such investigation be taken. Unless, it was certain that any dealing would result in such an outcome there is little or no benefit in proceeding discussions on the matter given that all adjoining property owners will have an acute interest in the land being maintained as POS.

If it were established that allowing the land to be developed would realise a significant fund for the general benefit of Green Head, it should be remembered that appropriate

planning controls could be developed to minimise the impact of such development on adjoining property owners. For example:

- Development could be restricted to single story, with an appropriate overall height limit;
- Floor levels could be established to require floor levels not to exceed the level of the concrete path for development facing Ocean View Drive;
- Development need not be considered for the whole area. Eg. Development to be only on the Ocean View Drive Frontage; and/or
- Public Access from Peterson Place to Ocean View Drive would need to be maintained.

STATUTORY ENVIRONMENT:

Town Planning and Development Act

FINANCIAL IMPLICATIONS:

If funds could be realized from the development that could at least part fund the development of public facilities in the foreshore area then it could be said a strategic benefit could be realized for the community in general.

POLICY IMPLICATION:

Nil

STRATEGIC IMPLICATIONS:

Broadly, apart from establishing a path through the reserve it is believed that the only relevant development for the reserve will be to allow it to be vegetated with Local Coastal vegetation, given that the priority are for Council will likely be the development of foreshore facilities for broader community benefit.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. not proceed with any further discussion or consideration of the potential for development on Lot 601 being the Public Open Space between Peterson Place and Ocean View Drive; and
2. prepare appropriate Town Planning documentation to rezone the parcel of land from Residential to Parks and Recreation.

ALTERNATIVE RESOLUTION

That Council:

1. Council investigate whether the potential exists for sufficient funds to be realized from allowing the land to be developed to allow the establishment of a suitable reserve fund for the creation of Public Facilities on the South Bay Foreshore; and
2. indicate to the community, that prior to any final decision being made on development, that;
 - a. appropriate consideration will be given to establishing development controls that will minimise the impact of any resulting development on adjoining property owners;
 - b. full public disclosure and consultation will be made on the package of proposed development controls and any other limits to be placed on the development; and
 - c. full public disclosure of the level of funding that the Council expects to realize from any development will occur.

RESOLUTION: 2006-028

Moved: Beswick

Seconded: Eaton

That Council:

1. *not proceed with any further discussion or consideration of the potential for development on Lot 601 being the Public Open Space between Peterson Place and Ocean View Drive; and*
2. *prepare appropriate Town Planning documentation to rezone the parcel of land from Residential to Parks and Recreation.*

CARRIED 8/0

10.2.4 PROPOSED SHED EXTENSION - LOT 554 AGONIS STREET, LEEMAN.

| | |
|-------------------------------|---|
| NAME OF APPLICANT | D West |
| LOCATION | Lot 554 Agonis Street, Leeman |
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | Friday, 3 March 2006 |
| ATTACHMENT | 10.2.4 Photographs of the site, Site Plan |
| FILE | Lot File L554 |

SUMMARY:

Council is to consider if it will issue planning approval for the shed extension as proposed.

BACKGROUND:

The property has located upon it a single lift transportable house of approximately 60m² area with a front and back veranda attached of 36m² a piece. The peak height of the house roof is 3.9m with an apparent wall height of 2.9m. The house and the existing shed are next to each other.

The current shed onsite is around 56m² with a wall height of 3m and peak height of 3.5m.

The proposal is to amend the shed to increase its size to around 92m² with a wall height of around 3.9m and a peak height of 4.4m. The reason given for the need for a larger shed is the purchase of a boat the needs a door clearance of 3.6m and the possibility that a move in the near future may trigger a need for additional storage.

The total area of the block is 850m².

COMMENT:

Council's TPS No. 2 requires that Planning Approval be obtained for any shed where it is proposed that the shed is to be over 4m in height and more than 72m² in area.

The final shed size proposed is around the final shed size proposed will occupy around 10.8% of the lot area. It has previously been indicated to Council that in my experience that where sheds remain less than 12 to 13% of the lot area issue of floor area of the shed is not a major issue.

Further the height of the shed proposed is in line with previous approvals of Council.

However in this instance issues arise in the following areas:

1. Relative scale of the proposed shed in relation to the current house.

As the house and shed are located next to each other their relative scale is a consideration. Where sheds are located in the back corner of a property away from the house this is not as much of an issue, because distance tends to adjust perspective.

From the street the House and the current Shed have an appearance of being in proportion with each other, with the shed having a slightly lesser peak height than the house. See Attachment.

If the proposal proceeds the shed will be extended so that it will be around 1m taller in wall height and 0.9m taller at the peak of the roof than the current house. The applicant has been advised that this will be an issue.

In their advice to Council they have indicated they intend to extend the house and make it two storeys in the next two years. Once the house was made two storey the issue of relative scale would be diminished if not overcome.

I am however uncomfortable with the fact that there can be no guarantee that the house extension will proceed within two years

2. Relative height of the proposed shed to adjoining properties

The block when purchased had a narrow ridge passing towards the rear of the block. Rather than remove the ridge the rear portion of the block was filled to around the ridge level.

Given that the ground level has been elevated relative to adjoining blocks, an issue of the relative scale of the development to the properties to the north, north-west and west is created.

As a consequence of the filling the block the ground levels of development are elevated about 0.7 to 1m higher than the level of the blocks nominated above. This in effect will result in the building appearing that amount taller from these properties (apparent height of walls 4.6 to 4.9m).

The development if approved whilst not actually being any taller than what has been previously approved will in fact appear far taller. On the other hand this is relatively common issue where blocks are built on sloping ground, but it does add to the apparent scale of development on adjoining properties.

This will also be far more evident due to the lack of any screening development in the area.

It should be noted that the proponent currently owns the property to the west facing Illyarie Street, but may not always own this property.

3. Appearance of the shed relative to the house

Normally when house and sheds are built on or around the same building line design consideration is given to making the structure complimentary. Insufficient detail has been provided at this stage with the proposal for any real assessment to be made in this respect.

Metal Clad Sheds are normally located to back from the building line of the house. When sheds are on or near the same building line as the house on the block they are generally designed to be complimentary to the house and the overall streetscape.

Notification of adjoining property owners of the proposed development will need to be given. In the notification they will be invited to object or otherwise comment on the proposal.

The reason this is brought to the Council before notice to adjoining property owners is to determine if the proposal meritorious enough to receive such additional consideration.

It must be said that it would be technically feasible to cut into the block. It would require extensive earthworks and retaining wall construction. The extent of retaining wall required would be greater than that which is already required for retaining of existing fill.

In the current proposal the owner intends to modify current shed frame to the new height, and extend the building forward, therefore minimising construction costs.

On balance, on the current level of detail provided, I don't believe the matter should move to consultation.

Further given the elevation of the site relative to adjoining properties it is important that appropriate design consideration be given to ways of making the structure more aesthetically appealing.

STATUTORY ENVIRONMENT:

Town Planning Scheme No 2

FINANCIAL IMPLICATIONS:

Nil

POLICY IMPLICATION:

Whilst the proposal in terms of size and stature of shed is in keeping with other approvals, site constraints indicate that this proposal in its current form should not proceed.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That Council refuse the application and in its refusal indicate that whilst the proposed shed size is not in itself excessive in scale for a coastal town given the need for property owners to house large private boats, there is need in this instance to give particular design consideration to:

1. the appearance of the proposed shed from the point of view of adjoining properties;
 2. the fact that the shed as proposed, in the locality proposed, will be greater in scale than the current house on the site; and
 3. the fact that the Shed as proposed is on around the same building line as the house, even when extended, indicates that the more design consideration should be given to the appearance of the shed from the street, relative to the current and proposed dwelling.
-

RESOLUTION: 2006-029

Moved: Eaton

Seconded: McDonald

That Council refuse the application and in its refusal indicate that whilst the proposed shed size is not in itself excessive in scale for a coastal town given the need for property owners to house large private boats, there is need in this instance to give particular design consideration to:

- 1. the appearance of the proposed shed from the point of view of adjoining properties;*
- 2. the fact that the shed as proposed, in the locality proposed, will be greater in scale than the current house on the site; and*
- 3. the fact that the Shed as proposed is on around the same building line as the house, even when extended, indicates that the more design consideration should be given to the appearance of the shed from the street, relative to the current and proposed dwelling.*

CARRIED 8/0

Cr McDonald declared a Financial Interest in Item 10.2.5, in that she is an owner of Lot 402 Green Head Drive, Green Head, and left the meeting at 4.41pm.

10.2.5 PROPOSED BACKPACKERS/BUDGET ACCOMMODATION LOT 402 GREEN HEAD DRIVE, GREEN HEAD

| | |
|-------------------------------|---|
| NAME OF APPLICANT | TM & BJ McDonald |
| LOCATION | Lot 402 Cnr Green Head and Ocean View Drive, Green Head |
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | Tuesday, 7 March 2006 |
| ATTACHMENT | 10.2.5a Approved site plan for development of onsite treatment of sewerage and disposal of effluent. 10.2.5b Detail for Disabled parking bays 10.2.5c Plans of Proposed Development |

SUMMARY:

Council is to give consideration as to whether or not it will issue planning approval for the above development and what conditions it will apply to the development.

BACKGROUND:

Council is in receipt of notification that the Health Department has approved a system for the onsite treatment and disposal of effluent for the development proposed at Lot 402 Green Head Drive, Green Head. The approved site development plan for the system is attached.

In summary it consists of a Septic Tank with baffle of 17000l capacity (3.3m diameter and 2.5m high) and 168m of leach drain. The application included details of test holes conducted as part of site investigations, soil absorptions tests conducted and the resultant calculations to support the system proposed.

The relevant conditions applicable to the approval are:

1. Waste water system to be installed in accordance with the relevant manufacturers' standards and specifications;
2. Wastewater loading not to exceed 42 persons for accommodation and 200 persons for the café;
3. Owner to prepare and pay the cost of having a caveat or memorial lodged on the title to protect the areas where septic tank and leach drains are installed from unsuitable development and to indicate that the premises is not to be occupied by more than 42 persons and the café is not to serve more than 200 person per day;
4. Approval of reln drains is limited to areas where the depth of drain is 600mm or less. Atlantis Leach Drains or other suitable approved drains are to be used where the depth of installation is to exceed 600mm. The application detailed the use of

reln drains at a depth of 600mm plus. The manufacturer only recommends this product to a maximum 600mm installation depth, therefore if the installation depth of 600mm is to be exceeded alternative drains sections need to be used;

5. To ensure equal distribution of effluent through the drainage field a system of diversion boxes is to be installed to divide the drainage field into a minimum of 4 roughly equal sections;
6. Stormwater discharges are to be directed to a system of onsite soak-wells, or the like, away from the drainage field; and
7. Cap rock under each drain is to be breached for the full length of each drain to prevent effluent pooling on cap rock layer, and therefore prevent the onsite effluent from causing problem with storm-water disposal arrangements located to the North East Corner of the Property. The application detailed these works and therefore this conditions reflects the works detailed in the application.

The proposal indicated that 10 car-parking spaces can be provided on site, given the limitation presented by the fact that the drainage area can not be located under any trafficable area. It has been quantified that 17 parking spaces are required - 11 spaces for accommodation (11 spaces had been quantified previously for a previous development proposal with around the same number of beds as detailed in this proposal) and 6 spaces for café.

Previous consideration by Council.

A. July 2005

RESOLUTION: 2005-121

Moved: O'Callaghan Seconded: Waite

That Council:

1. determine that the Development of Budget Accommodation on Lot 402 Green Head Road, Green Head is consistent with the objectives of the Commercial Zone under its Town Planning Scheme particularly given that another type of Commercial Accommodation, namely a motel, is a use that can be considered for approval within the zone;
2. determine that as another type of Commercial Accommodation, namely a motel, is a use that requires advertising it is appropriate that the development of Budget Accommodation upon Lot 402 Green Head Road should also be advertised in accordance with the provisions of the Town Planning Scheme. The form of advertising should be in the following forms:
 - i. A sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected; and
 - ii. Notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely

to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served. The area to which such notices are to be sent are to include all adjoining and nearby commercial land and the nearby residential properties being lots 235 to 241 Green head Road, and Lots 233 to 234 Bryant Street;

3. in considering the application of that State Sewer Policy and the limits or constraints that may exist to appropriate onsite effluent treatment and disposal, seek formal advice from the Health Department of WA in relation to the proposed development in accordance with the provision of clause 10.1.1 of Council's Town Planning Scheme.
4. advise the applicant that the Council is unable to fully determine on the Planning Application until;
 - i. The advertising processes as decided in recommendation 2 have been carried out and all submissions received as a consequence of the advertising process have been fully considered by Council; and
 - ii. Advice has been obtained from the Health Department of WA in relation to the application of State Sewer Policy and acceptability of site for the density of development proposed; and
5. advise the applicant that as the matter is subject to advertising, public submission and consultation with the Health Department of WA, Council is unable to consider the issue of verge parking raised in the proposal, however it can indicate that if verge parking were to be approved as part of the development it will need to be built to a kerbed standard and the costs of such being determined in accordance with clause 5.10 of the Council's Town Planning Scheme. The costs of construction of the parking bays being determined by the Works Department of the Council and the cost per m² for undeveloped land value being determined by a valuation provided by the Valuer Generals Department. The costs of land valuation to determine the undeveloped land value component of the cost will be borne by the applicant.

CARRIED 7/0

B. August 2005

Subsequent resolution made at the July, 2005 meeting the process of public notice was carried out with the result of such report the August, 2005 meeting. In that report all matters raised in the 19 submissions received were summarised for Council consideration. A response to each of the grounds of objection was also contained within that report.

In the text of the report 3 alternative options for planning decision were canvassed. They briefly were as follows:

1. Refusal due to inadequate provision of parking onsite
2. The recommendation finally adopted by Council as indicated below, and
3. Approval subject to the premises being connected to deep sewer (it was indicated in the report that deep sewer was some 700 to 750m from the site of the proposed development).

The final resolution of Council was as follows:

RESOLUTION: 2005-138

Moved: Stacy Seconded: Waite

Council indicate to the applicant that as:

1. the approval for a system of onsite effluent treatment and disposal of sewerage is so fundamental to many of the issues relating to this development, the Council does not feel that it can issue any planning approval until such approval has been obtained and the requirements of such approval fully assessed; and
2. the provision of safe on-street parking is also an integral to the development it does not believe that it is in a position to give the development full and appropriate consideration until it has been able to assess the opportunities that a restructure of traffic flow in the area may present to improve public safety, general traffic management, and better parking facility in and around Dynamite Bay. In indicating that it will consider opportunities for on-street parking further, the applicant is to be advised that approval of the development with provision of on-street parking will only happen if the Council can satisfy itself that any structural changes to traffic will be to the longer term benefit of the community as a whole and not just a consideration as a way of providing the parking requirements for the development as proposed, plus the fulfilling of financial arrangements as outlined at the July 2005 meeting of Council.

CARRIED 6/1

Cr Beswick requested her vote against the motion be recorded.

Subsequent to Council adopting the above resolution all persons providing a submission were advised of the above resolution and were given a written response to the objection or issues raised in their submission in accordance with details provided in the report to Council.

C. November, 2005

In relation to an on-street parking request made for a development on an adjoining lot, report was made to the November meeting of Council indicating that within the alignment of Banksia and Ocean View Drive capacity exists for a total of 59 car-parking spaces. This could be increased to 100 spaces if a one way street system were instigated, this would also have the advantage of allowing the application of a Local Traffic Area Management Plan to the area which may permit the application of a lower speed limit to the immediate vicinity of Dynamite Bay. In essence with the development of a one-way street system up to 16 car-parking spaces could be

provided as on-street parking per lot facing Ocean View drive. It was also indicated that developer contributions for parking could pay the significant portion of works to carryout such development.

At the meeting it was resolved to rescind the Green Head Development Guide Plan as it, in practice, was impossible to implement and it was further resolved that;

RESOLUTION: 2005-201

Moved: Stacy Seconded: O'Callaghan

That Council:

1. revoke Local Planning Policy No 3 – Green Head Commercial Area Guide Plan as it considers that the scheme for parking proposed is no longer appropriate; and
2. begin investigation, including appropriate survey and preliminary design, for a one-way street system in the commercial area of Green Head.

CARRIED BY ABSOLUTE MAJORITY 7/0

D. December, 2005

Subsequent to the above decision the applicant wrote to Council to ask that Council determine whether or not it would allow on-street parking for the development. In making such request they indicated that the response of Council was required before a formal application was made to the Health Department for the approval of a system for the onsite treatment of sewerage.

At that meeting the quantification of an appropriate developer contribution, for this development, was also discussed and the contribution required was quantified

Council's resolution was as follows:

RESOLUTION: 2005-224

Moved: O'Callaghan Seconded: Stacy

That Council allow the developer to meet obligations for the provision of parking spaces through the payment to the Council of a parking contribution of \$1,645 per parking space up to a maximum of 10 parking bays. This contribution is to be paid before approval to commence development is issued.

CARRIED 6/1

In addition to the above the following matters also relate to the consideration of this matter.

How was Parking Contribution Calculated

The calculation was made as follows

- a. Car-Park Construction - cost per parking bay has been estimated at \$770 + GST per bay (inclusive of kerbing and some shade tree provision). This estimate was arrived at in consultation with the Works Manager.

- b. Land Value Component - Calculation carried out in August on sales history of commercial lots in Green Head would seem to indicate the land value for commercial land is around \$35/m², or \$875 per parking space (25m²)

It can be said that the land value is likely to be higher now than when the figure was originally calculated. Recent sales history indicates the value of land could be around \$50 per square metre for unsewered commercial land (based on recent vacant industrial land sale in Green Head)

The question arises as to date at which land value is to be determined. No clear guidance is provided in legislation on this issue, except to say that new planning legislation indicates, in the case of cash-in-lieu of public open space the date is to be a date specified following a request from the sub-divider. The valuation then determined at that date only has application for 90 days or such other longer period as agreed.

This would indicate that the land valuation upon which the calculation was based at the December meeting should no longer be applied. Therefore a new valuation for land component of parking needs to be arrived at.

In December 2005 Council received advice from the Department of Planning and Infrastructure indicating that the valuation on lot 405 Patton Street was quantified as \$125,000. Recent sale of vacant industrial land would indicate this valuation is valid. This indicates a value on commercial land in Green Head to be around \$63/m². This is significantly higher than the value (\$35/m²) presented at the December 2005 meeting and is definitely more up to date than the figure used at the previous meeting.

Council could itself seek additional valuation to confirm that the value for land indicated for Lot 405 Patton Street is still applicable with the Developer being required to submit \$1000 in advance, from which the new valuation is to be paid for with any unexpended funds being refunded

Council could accept that the valuation on Lot 405 Patton Street is reasonably reflective of current valuations for Commercial Land in Green Head. If it is assumed the valuation was obtained in November 2005 it should have currency until the end of April 2006.

If the above value is used to determine the cash-in-lieu payment applicable for this development the cash contribution for 7 car parking space would be around \$16,415 being made up of \$5,390 cash for car-park construction and \$11,025 being payment for land value. This applies as the development can not proceed unless on-street parking is provided and therefore is a legitimate commercial cost for development.

State Policy That Requires Connection To Sewer

In the reports presented to Council it was indicated that the current State Policy, governing limits on development without sewer, only has application where it is proposed:

1. That land be re-zoned to a use that would allow development at a greater density; or

2. Sub-divided (this includes development which may lead to sub-division down the track).

None of the above applies to this development, and therefore any application for the onsite treatment and disposal of effluent needs to be considered on its merits. In this instance, because of the size of the development proposed, any application needed the approval of the Health Department of WA. That approval has now been given.

What is Required in Terms for the Building Licence Approval

This process is independent of the planning approval process, but the following is provided for the general information of Council.

The applicant was provided with preliminary advice, in the form of hand-written note, shortly after the receipt of the development application. In those notes it indication was provided of the level of fire compartmentation/separation required, the fire service requirements, emergency lighting, smoke alarm, etc.

In terms of this development it follows that engineering certification of the structure proposed will be required. Such certification will also be required to address the precaution necessary to protect the existing structure from the excavation works to be conducted in the foundation bearing zone of the building (ie Drains may be dug to 1.6m within 1800 of building and septic tank is to be excavated to around d 2.5 to 2.7m depth within 1200mm of building). The Building Regulations require that building approval be obtained for any excavation that is to be located within the foundation zone of a building.

Action of Applicant in Advertising Sale of Café

It should be noted by Council that the applicant has been advertising the sale of the Café in the premises. In the advertising it has been indicated "*this small busy café has the potential to be a little gold mine, especially with the development of the accommodation facility to be started shortly in the same building, with a second storey added*". This advert gives the impression that all development approvals are in place, which is in-fact not correct.

COMMENT:

Broadly it has been accepted by Council that:

1. the development proposed is consistent with the objectives of the Commercial Zone under the Town Planning Scheme No. 2, particularly given that another type of Commercial Accommodation, namely a motel, is a use that can be considered for approval within the zone. It was on this basis that an appeal for a similar development was upheld;
2. That no State Policy exists to require that this development be connected to sewer, as a matter of course. Such policy would only have application were the development to require rezoning, or if the development, by its nature, were likely to lead to an application for sub-division. As a result the assessment of the

development is purely on the basis of whether or not adequate provision can be made for the onsite treatment and disposal of effluent, and the relevant regulation requires that the Health Department make such assessment;

3. The Health Department has assessed that adequate provision for onsite effluent disposal does exist (based on the site analysis provided by the developer drainage consultant). Further, even though the development will be at a density that would not be permitted if the development required that a rezoning be undertaken and/or sub-division;
4. It is acceptable for the developer to meet his parking requirement on the basis of the following - 10 onsite parking bays and 7 off-site parking bays. The developer is to provide for the 7 off-site bays through the payment of an appropriate developer contribution;
5. In terms of parking it has been demonstrated to Council that the level of on-street parking required by the development can be met, in the interim, by having vehicle park on the verge opposite the site; and
6. In the long term traffic management issues raised as a common theme of opposition for the development can be at least in part addressed through the collection of cash-in lieu of provision of onsite parking. The funds collected will eventually be expended on the development of on-street parking that will be of a form that will assist in the provision of better structures for pedestrian crossing to Dynamite Bay, and allow the development of a Local Area Traffic Management Scheme that will permit the application of a lower speed limit in the immediate vicinity of Dynamite Bay.

It should be noted that the current level of development in the area does not warrant the work be undertaken now. As further development occurs along Ocean View Drive the need for the final development will increase as will cash-in-lieu of parking developer contributions which will in part fund the development.

Consideration of Landscaping Requirements

In terms of Landscaping the Site Development Table in the TPS does not contain an equivalent form of development. The closest form of development in the table to that proposed is motel and for that a 30% landscape area is indicated. For this type of development the landscaped area normally incorporate passive recreation areas that are grassed, therefore the whole landscaping need not be garden. However it is appropriate that some garden areas be established. It is suggested that the garden area as a minimum 33.3% of the landscaped area.

It should be required that for this development all areas not occupied by paving should be grassed or developed as garden. Paving can not be placed over leach drains except in limited areas such as access paths or the like.

The unpaved area is estimated to be around 388m² or approx 26% of the site area. Of this a minimum of around 130m² should be developed as garden. Using general guidelines used for Landscaping on Industrial Sites the garden area would need to be planted out with around 26 plant that will be around medium sized shrubs or small trees when fully grown.

All matters that have been raised concerning the development have now been addressed.

STATUTORY ENVIRONMENT:

Town Planning Scheme No 2.

FINANCIAL IMPLICATIONS:

Developer Contributions for the provision of On-Street Parking will be kept in reserve by Council to be expended in the future provision of On-Street Parking in the commercial area of Green Head.

POLICY IMPLICATION:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council issue planning approval for the development of a 42 Bed Budget/Backpacker Accommodation premises with the retention of Café as detailed on the plans included at Attachment 10.2.5c, subject to following, that:

1. the owner is to prepare and pay the cost of having a caveat or memorial lodged on the title to protect the areas where septic tank and leach drains are installed from unsuitable development and this caveat/memorial is to notify that the premise is not to be occupied by more than 42 persons and the café is not to serve more than 200 person per day or such other combinations of occupancy that will generate equivalent effluent volumes;
2. stormwater discharges being retained on the lot and being directed to a system of onsite soak-wells or the like. These are to be located away from the drainage field used for the onsite disposal of effluent;

3. the developer making a payment of \$16,415 plus GST, being a cash-in-lieu for the provision of 7 car-parking bays, including payment for the value of land to be occupied by such parking, given that the development has been quantified as requiring a total of 17 car-parking bays of which only 10 can be provided on site due to site constraints dictated by onsite effluent treatment and disposal. This payment shall be made prior to the end of April, 2006. If payment is not received by this time, a new valuation will be obtained by the Council, at the developers expense, with the result that the contribution for parking may rise or fall in accordance with that valuation;
4. the onsite car-parking area is to be developed to a bitumen standard and the parking areas being appropriately delineated by such paint marking, kerbing, bollards and garden areas as to make the separation of one parking bay from another perfectly clear to the user;
5. the disabled parking bay being relocated on the proposal so that is located adjacent the building. The disabled parking bay to conform to the minimum dimensions indicated, and to be signed or paint-marked as indicated in the attachment to this report;
6. a continuously accessible path is to be provided from the disabled parking bay to the front door of the building;
7. of the area not occupied by paving, as a minimum approximately 130m² is to be developed as garden, planted at a minimum rate of 1 plant per 5m² that with plant that when fully grown will be a medium sized shrub or small tree. The remaining area is to be grassed or equivalent. The final landscaping is to incorporate the planting of small shrubs/small trees in car-park islands and is to ensure that some shrubs/small trees are planted in clumps on each side of the building; and
8. the developer is to install and maintain an appropriate number of litter bins within the property to serve the café (one bin near the door and one bin near any outside dining areas) and one bin at each passive recreation area located on the site to serve the accommodation users.

The CEO advised of changes to the Officers Recommendation to:

1. replace the terms "caveat/memorial" with the correct term of "restrictive covenant" and;
 2. amend the developer contribution required to \$11,725 from \$16,415. This arises because of the ability to use the shed/garage as two parking sites in the development. By inserting an additional condition, 3a, if the garage/shed becomes unusable the developer will need to make arrangements to provide for the two parking spaces elsewhere.
-

RESOLUTION: 2006-030

Moved: O'Callaghan **Seconded:** Eaton

Council issue planning approval for the development of a 42 Bed Budget/Backpacker Accommodation premises with the retention of Café as detailed on the attached plans subject to following;

1. Owner is to prepare and pay the cost of having a restrictive covenant lodged on the title to protect the areas where septic tank and leach drains are installed from unsuitable development and this restrictive covenant is to notify that premises is not to be occupied by more than 42 persons and the café is not to serve more than 200 person per day (or such other combinations of occupancy that will generate equivalent effluent volumes);
 2. Stormwater discharges being retained on the lot and being directed to a system of onsite soak-wells, or the like. These are to be located away from the drainage field used for the onsite disposal of effluent;
 3. The developer making a payment of \$11,725 plus GST being a cash-in-lieu for the provision of 5 car-parking bays (including payment for the value of land to be occupied by such parking), given that the development has been quantified as requiring a total of 17 car-parking bays of which only 12 can be provided on site due to site constraints dictated by onsite effluent treatment and disposal. It further be required that such payment be made prior to the end of April, 2006. If payment is not received by this time it will be required that fresh valuation be obtained by the Council, at the developers expense, with the result that the contribution for parking may rise or fall in accordance with that valuation;
 - 3a. It be noted that the onsite parking will be provided as 10 parking spaces in the open, with two more being located in the proposed Shed/Garage as indicated on the approved septic installation plan. In accepting that the two parking spaces to be located in the Shed/Garage, it should be noted that should the shed become unused or unusable for any reason the developer will need to make arrangements for such parking spaces elsewhere;
 4. The onsite car-parking area is to be developed to a bitumen standard and the parking areas being appropriately delineated by such paint marking, kerbing, bollards and garden areas as to make the separation of one parking bay from another perfectly clear to the user;
 5. The disabled parking bay being relocated on the proposal so that is located adjacent the building. The disabled parking bay to conform to the minimum dimensions indicated, and to be signed or paint-marked as indicated in the attachment to this report;
-

6. *A continuously accessible path is to be provided from the disable parking bay to the front door of the building;*
7. *Of the area not occupied by paving, as a minimum approximately 130m² is to be developed as garden (planted at a minimum rate of 1 plant per 5m² that with plant that when fully grown will be a medium sized shrub or small tree), the remaining area is to be grassed (or equivalent). The final landscaping is to incorporate the planting of small shrubs/small trees in car-park islands and is to ensure that some shrubs/small trees are planted in clumps on each side of the building; and*
8. *The developer is to install and maintain an appropriate number of litter bins within the property to serve the café (one bin bear the door and one bin near any outside dining areas) and one bin at each passive recreation area located on the site to serve the accommodation users.*

CARRIED 6/1

Cr Beswick requested that her vote against the motion be recorded.

Cr McDonald returned to the meeting at 4.55pm.

10.2.6 PROPOSED 91M² SHED - LOT 292 HEALES WAY, GREEN HEAD

| | |
|-------------------------------|--------------------------------|
| NAME OF APPLICANT: | L Boros |
| LOCATION | Lot 292 Heales Way, Green Head |
| AUTHOR | John Randall |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | Thursday, 9 March 2006 |
| ATTACHMENT: | 10.2.6 Site Plan |
| FILE: | Lot File GH292 |

SUMMARY:

Council is to consider planning approval for the erection of a 91m² (10m x 9.1m) shed with 3.5m wall height and 4.4m peak height (roof pitch is around 15 degrees).

BACKGROUND:

The proposal is to demolish an existing steel frame and clad shed for the construction of a new shed.

The applicant has advised the reason he seeks approval for a shed of this size is that he has found the existing shed is now too small to meet his needs. The shed proposed is of the size specified because he wishes it to be a size that will house a boat on a trailer of 9.5m length and requiring a clearance of 3.5m, plus motor vehicles, private workshop, trailer etc.

Also provided is letters from all adjoining property owners indicating that they have no objection to the size shed proposed in the location proposed. The site plan, included at Attachment 10.2.6, indicates that the shed is to be located on the boundary with Lot 291 Heales Way.

The proposed shed of to be of masonry construction.

COMMENT:

The area of shed proposed will only occupy 9.2% of the block and as such is not of a size inappropriate to the lot size.

The height of the shed is also not an issue, particularly as this is a locality where the issues of view do not exist. Further the shed is to be located to the rear of the block and setback from the house on the site so relative scale is not an issue.

In terms of the building of the shed wall on or near the boundary with lot 291, the R-code provides that a wall of 10m length should be setback 1.5m. Variation from this requirement can be granted. In considering a variation due regard needs to be given to whether it is desirable to do so in order:

- to make effective use of space,
- enhance Privacy
- otherwise enhance the amenity of the development
- not have any significant adverse effect on the amenity of the adjoining property, and
- ensure direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

No issues are raised on any of the above points, particularly given the size of the lot and the size of those adjoining it.

In terms of the requirements of the walls on the boundary, the BCA does not now require that walls of sheds on boundaries be fire-rated if it is greater than 1.8m from the house on the site. Priority for fire separation is only given to habitable buildings.

STATUTORY ENVIRONMENT:

Town Planning Scheme No. 2

FINANCIAL IMPLICATIONS:

Nil

POLICY & STRATEGIC IMPLICATION:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council issue planning approval for the construction of a 91m² shed on lot 292 Heales Way, Green Head with:

1. wall height of 3.5m;
 2. a peak height of 4.4m; and
 3. a zero setback on the boundary with Lot 291.
-

RESOLUTION: 2006-031

Moved: Beswick

Seconded: Eaton

That Council issue planning approval for the construction of a 91m² shed on lot 292 Heales Way, Green Head with:

- 1. wall height of 3.5m;*
- 2. a peak height of 4.4m; and*
- 3. a zero setback on the boundary with Lot 291.*

CARRIED 8/0

10.3 MANAGER WORKS AND SERVICES:

10.3.1 TENDER FOR SALE OF SURPLUS AND IMPOUNDED VEHICLES

| | |
|-------------------------------|-----------------|
| AUTHOR | Peter Gillis |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 7 February 2006 |
| FILE | Tender Register |

SUMMARY:

Council to consider calling tenders for the sale of two vehicles, one that is surplus to requirements and one that is impounded vehicle

BACKGROUND:

Tenders were called for the sale of the impounded vehicle during 2004. At the close of the tender period only one tender was received and Council exercised the option of not accepting any tender. The vehicle has since been stored in Council's Green Head depot.

The second vehicle is a Toyota Hi-Lux Utility that is owned by Council but has been de-registered and is not worth the cost of repairs.

COMMENT:

The impounded vehicle is suitable for wrecking only as it was left on the side of the road where it was significantly vandalized.

The Hi-Lux utility, while not being worth while for Council to repair, has a fair amount of rust but the motor still runs but the brakes need replacing.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council call tenders for the sale of the:

1. impounded vehicle; and
2. Toyota Hi-Lux Utility that is surplus to requirements.

RESOLUTION: 2006-032

Moved: Waite

Seconded: Pethick

That Council call tenders for the sale of the:

1. *impounded vehicle; and*
2. *Toyota Hi-Lux Utility that is surplus to requirements.*

CARRIED 8/0

Cr Stacy declared a Proximity Interest in Item 10.3.2, in that he was an adjoining landholder in the Buntine Marchagee Integrated Surface Water Demonstration Management Catchment Project, and left the meeting at 4.59 pm.

10.3.2 SCOPE OF WORKS BUNTINE MARCHAGEE INTERGRATED WATER MANAGEMENT DEMONSTRATION RECOVERY CATCHMENT PROJECT

| | |
|-------------------------------|-----------------------------|
| AUTHOR | Peter Gillis |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 27 February 2006 |
| FILE | L1.5 Buntine Marchagee Road |

SUMMARY:

Council to approve the change of the scope of works for the Buntine Marchagee Integrated Water Management Demonstration Catchment Project (BMDIWMRC)

BACKGROUND:

At the May 2005 meeting of Council it was resolved that Council seek the Coorow LCDC to address the requirements for changes to the scope of works of the BMDIWMRC, due to;

1. The obvious safety concerns from a flood crossing being located too close to a 110kmh designed curve, and
2. The changed scope of works involves a newly constructed 7m wide section of bitumen road.

Ms Watts contacted staff by email with a recommendation from Main Roads WA in February 2006 however the email did not arrive in time for the February Agenda.

The recommended scope of works entails installing 7x1200x450 box culverts under Marchagee/Buntine road which will pick up the flow of water from the drainage lines that have been constructed on Mr John Stacy's property.

This configuration is designed for a 1 in 20 year rain storm event.

The drainage on Mr Stacy's property is designed to hold and slow the water flow which will in turn enable the culvert to handle the volume of water in a normal rain event.

In her letter to Council Ms Watts points out the concerns that both she and the Coorow LCDC have with regards to the timing of the installation of the culvert. I have written to Ms Watts advising her that as the group involved in obtaining and recommending the scope of works took so long to gather and present the required information to Council staff, that there is a strong possibility that these works will not take place during this

current financial year 2005/06, however if Council agree to the change of the scope of works from flood crossing to 7x1200x450 box culverts the project can then be submitted for Council consideration in the upcoming budget.

COMMENT:

The installation of 7x1200x450 Box culverts is a much better and safer option for Council rather than a flood crossing due too the close proximity of the crossing to a 110 km/h curve.

The installation of box culverts would require the closure of the Buntine/Marchagee road for approximately 4 days. Staff will have to cut the road and excavate 12 mtr wide x 800 deep. A concrete base will be poured and the boxes then installed.

I would be very reluctant to commence this project until after winter rains and the site is much less wet.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

It would be strategically sound judgment to install box culverts instead of constructing a flood crossing on this site.

FINANCIAL IMPLICATIONS:

Council will be required to include \$70,000, \$40,000 of which should be available from the Coorow LCDC for this project to be considered for the 2006/07 draft budget.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. approve the change of the scope of works from the construction of a flood crossing to the installation of 7x1200x450 Box culverts to enable the completion of the Buntine/ Marchagee Integrated Surface Water Management Catchment Project subject to material costs being made available by the Coorow LCDC; and
 2. include the project in the 2006/07 budget.
-

RESOLUTION: 2006-033

Moved: O'Callaghan **Seconded:** Eaton

That Council:

1. *approve the change of the scope of works from the construction of a flood crossing to the installation of 7x1200x450 Box culverts to enable the completion of the Buntine/ Marchagee Integrated Surface Water Management Catchment Project subject to material costs being made available by the Coorow LCDC; and*
2. *include the project in the 2006/07 budget.*

CARRIED 7/0

Cr Stacy returned to the meeting at 5.02 pm.

Council adjourned the meeting at 5.02 pm.

Council resumed the meeting at 5.11 pm.

10.3.3 GRAVEL EXTRACTION – PINJARREGA NATURE RESERVE

| | |
|-------------------------------|------------------|
| AUTHOR | Peter Gillis |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 02 February 2006 |
| FILE | R8.19 |

SUMMARY:

Council to consider to application to the Department of the Environment for a permit to clear native vegetation for the purpose of gravel extraction in Pinjarrega Nature Reserve.

BACKGROUND:

Council have had problems in locating suitable gravel nearby to Fennell Road, Marchagee in order to complete maintenance works.

Mr Bevan O'Callaghan has suggested that Council investigate the possibility of Council using gravel from the Pinjarrega Nature Reserve to complete the gravel resheeting Fennell road.

COMMENT:

Council contacted Ms Gina Broun, Conservation Officer based at CALM Jurien and received the advice that as Pinjarrega Nature Reserve is an A Class nature reserve it would be almost impossible to obtain a permit for the extraction of gravel. In part Ms Broun advised:

As per your request, following is a summary of the information I have been able to find out about the process you would need to go through to harvest gravel from within Pinjarrega Nature Reserve, an A-Class Nature Reserve . In a nutshell, it would be an onerous process requiring considerable resources to prepare all of the required documentation and one that would be unlikely to be approved for a number of reasons. One of these reasons is the potential alternative of harvesting gravel from cleared areas of private property with little or no conservation value, with reference to the mechanisms provided in the Local Government Act, 1995. Harvesting of this material for the reasons stipulated would also be in contravention to the National Parks and Nature Conservation Authority's Basic Raw Material Policy.

In order to harvest gravel from Pinjarrega NR, for the purposes of re-gravelling the surface of Fennel Road as described, approval would need to be obtained from the landholder, in this case, the Conservation Commission. You would also need to gain approval through the new Clearing Legislation. Gaining these approvals would require you to undertake an Environmental Impact Assessment on the area, evaluate alternatives, undertake biological surveys of the area proposed for extraction, write a Management Plan for the area in question, construct a rehabilitation plan, etc.

Investigation of the gravel site in the reserve indicates that although there is gravel on the site it is not of a very high standard and to remove the gravel would entail removing approximately 1.5 hectares of Morrell trees and several other species as well.

With the exception of Mr O'Callaghan, Fennel road serves two other farming properties for seasonal grain removal. Fennell Road is however Mr O'Callaghan's only access to this particular property.

As Ms Broun points out in her email harvesting of this gravel would contravene National Parks and Nature Conservation Authorities Basic Raw Materials Policy, as it is preferred that that gravel extraction take place on private cleared land if at all possible.

In this case the same quality gravel may be present in Mr O'Callaghan's property that directly adjoins the Pinjarrega Nature Reserve.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC IMPLICATIONS:

It would be strategically wise of Council not to pursue a clearing permit in this case as there is gravel of a similar quality and quantity in Mr O'Callaghan's property adjoining the reserve.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There is a fee of \$300 per clearing application that is non-refundable.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. do not apply for a permit to clear native bush from within Pinjarrega Nature Reserve for the extraction of gravel supplies;
 2. notify Mr O'Callaghan in writing of this decision; and
-

3. seek Mr O'Callaghan's permission to search for suitable gravel, on Mr O'Callaghans property adjacent to the Pinjarrega Nature Reserve, to be utilized on Fennel Road.

RESOLUTION: 2006-034

Moved: Eaton

Seconded: Waite

That Council:

1. *do not apply for a permit to clear native bush from within Pinjarrega Nature Reserve for the extraction of gravel supplies;*
2. *notify Mr O'Callaghan in writing of this decision; and*
3. *seek Mr O'Callaghan's permission to search for suitable gravel, on Mr O'Callaghans property adjacent to the Pinjarrega Nature Reserve, to be utilized on Fennel Road.*

CARRIED 8/0

10.4 MANAGER FINANCE AND ADMINISTRATION

10.4.1 ACCOUNTS FOR PAYMENT

| | |
|-------------------------------|--|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 3 March 2006 |
| ATTACHMENT | 10.4.1 Accounts Due and Submitted To Council Meeting 15 March 2006 |

SUMMARY:

Council approval is required for payment of accounts made within the months of February 2006 and March 2006 and to approve payments of accounts due in March 2006.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 15 February 2006 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 15 March 2006.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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;

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 15 March 2006 including:

1. Vouchers 15752 to 16000, payments, DPI71010206 to DPI72310106, TP81071205, PR81080206 to PR81250106, DD83211205, DD87151205, PRES, MFA, CEO, MCD, MWS VISA CARDS totalling \$787,850.70 from Council's Municipal Fund; and
 2. Vouchers 1982 to 1985 totalling \$1,423.57 from Council's Trust Fund,
- be authorised and passed for payment.

RESOLUTION: 2006-035

Moved: *Beswick*

Seconded: *Pethick*

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 15 March 2006 including:

1. *Vouchers 15752 to 16000, payments, DPI71010206 to DPI72310106, TP81071205, PR81080206 to PR81250106, DD83211205, DD87151205, PRES, MFA, CEO, MCD, MWS VISA CARDS totalling \$787,850.70 from Council's Municipal Fund; and*
2. *Vouchers 1982 to 1985 totalling \$1,423.57 from Council's Trust Fund,*

be authorised and passed for payment.

CARRIED 8/0

10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2006

| | |
|-------------------------------|--|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 3 March 2006 |
| FILE | F8.06 – Finance - 2005/06 |
| ATTACHMENT | 10.4.2 Statement of Financial Activity to 28.02.2006 |

SUMMARY:

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month.

COMMENT:

The form of the Monthly Financial Statements presented to Council is a Statement of Financial Activity, which also includes supplementary information including an Operating Statement Function and Activity, Balance Sheet, Cash Flow Graph and Plant Cost Recovery Report. A copy of the Statement of Financial Activity for the month ended 28 February 2006 is included at Attachment 10.4.2 for Councillor's information.

Council is required to prepare the Statement of Financial Activity as per Local Government (FM) Reg 36, but can resolve to have supplementary information included as required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996.

34. Financial reports to be prepared — s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown -
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -
 - (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 28 February 2006.

RESOLUTION: 2006-036

Moved: Pethick

Seconded: Beswick

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 28 February 2006.

CARRIED 8/0

10.4.3 2006/07 PLANT REPLACEMENT BUDGET

| | |
|-------------------------------|---|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| FILE | B4.2006 |
| DATE OF REPORT | 3 March 2006 |
| ATTACHMENT | 10.4.3 2006/07 Plant Replacement Budget |

SUMMARY:

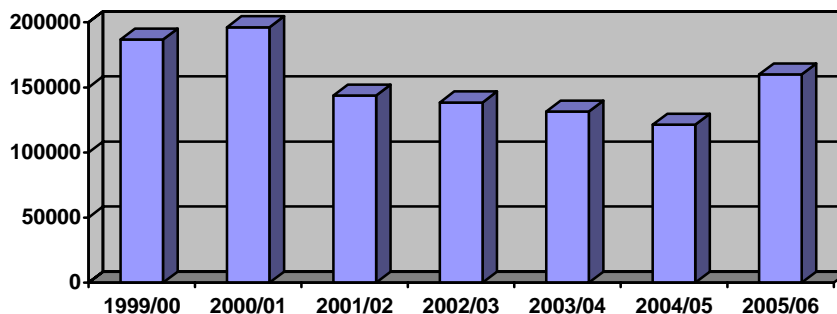
That Council considers a 2006/07 Plant Replacement Budget.

COMMENT:

The draft Plant Replacement Budget set out in Attachment 10.4.3 outlines the proposed plant changeovers for the period 2006/07 – 2019/20.

The following points need to be raised about the proposed 2006/07 Plant Replacement Budget;

- A plant replacement program has been implemented over the last five years and has resulted in the annual cost of part and repairs decreasing on an annual basis from 2001/02 to 2004/05. However this financial year the estimated annual cost is expected to increase, but is still considerably less than 1999/2000 and 2000/01 financial years.



- The average estimated yearly net expenditure on Plant Replacement for the period 2006/07 to 2019/20 is \$318,000. Estimated expenditure for 2006/07 is \$311,000. The 2005/06 budget only provided for \$197,000 for plant replacement.

Once the 2006/07 Plant Replacement Budget is adopted tenders can be called for the major items with supply to occur in 2006/07. This will allow for accurate budget pricing.

STATUTORY ENVIRONMENT:

Nil.

FINANCIAL IMPLICATIONS:

The 2006/07 Plant Replacement Budget will form part of the 2006/07 Annual Budget.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt the 2006/07 Plant Replacement Budget as set out in Attachment 10.4.3.

RESOLUTION: 2006-037

Moved: Waite

Seconded: O'Callaghan

That Council adopt the 2006/07 Plant Replacement Budget as set out in Attachment 10.4.3.

CARRIED 8/0

Cr Stacy declared an Impartiality Interest in Item 10.4.4 being a member of the Coorow Townscape Committee.**10.4.4 WAIVING OF FEES AND CHARGES FOR COUNCIL FACILITIES**

| | |
|-------------------------------|--|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 7 March 2006 |
| ATTACHMENTS | 10.4.4a Policy 3.2.7 Waiving of Fees and Charges for Council Facilities 10.4.4b Delegation 3.2.3 Waiving of Fees and Charges for Council Facilities 10.4.4c Letter from Coorow Townscape Committee |
| FILE | R20 - Review of Rents / Leases / Fees / Policies / Delegations |

SUMMARY:

Council is to consider a policy and delegation regarding the waiving of fees and charges for Council facilities.

BACKGROUND:

Council has received a letter from the Coorow Townscape Committee requesting an invoice issued by the Shire of Coorow for the hire of the kitchen at Maley Park Community Centre for \$175 be waived and be considered as an in-kind contribution towards their fundraising activities. This letter has been provided as attachment 10.4.4c.

COMMENT:

Council receives requests for the waiving of fees and charges for Council facilities from time to time. Rather than Council deal with these on an individual case by case basis it is the opinion of staff that one policy needs to be developed to deal with the issue.

Fees and charges are charged to recover the cost of providing a particular service or facility. In the case of Council facilities that are hired out, the costs of cleaning and operating that venue need to be recovered. It is realised that in most cases there will not be full cost recovery as such fees and charges would be unrealistic.

It is considered that when a Council facility is hired and there is food and/or alcohol being served Council will incur an additional cleaning cost. It would be fair to say that when either food or alcohol is involved any fee should not be waived.

For a group to be eligible for the waiving of fees and charges for Council facilities they would need to be a local not for profit community organisation. This excludes businesses that would qualify under the other criteria.

Any applications for the waiving of fees and charges for Council facilities should be in writing prior to the facility being hired. It is considered that 28 days notice is a reasonable time span.

STATUTORY ENVIRONMENT:

Nil.

FINANCIAL IMPLICATIONS

Council will forgo income if fees and charges are waived.

STRATEGIC AND POLICY IMPLICATIONS:

If adopted this policy will be included in Councils Policy Manual.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopts;

1. Policy 3.2.7 Waiving of Fees and Charges for Council Facilities as included at Attachment 10.4.4a;
2. Delegation 3.2.3 Waiving of Fees and Charges for Council Facilities as included at Attachment 10.4.4b; and
3. Council not grant the Coorow Townscape Committee's request for waiving of fees to use Maley Park Coorow because, since the use involved food preparation, additional expense was incurred by Council in cleaning the venue.

RESOLUTION: 2006-038

Moved: McDonald

Seconded: Waite

That Council not adopt;

1. *Policy 3.2.8(as presented) Waiving of Fees and Charges for Council Facilities as included at Attachment 10.4.4a;*
2. *Delegation 3.2.3 (as presented) Waiving of Fees and Charges for Council Facilities as included at Attachment 10.4.4b; and*

That Council grants the Coorow Townscape Committee's request for waiving of fees to use Maley Park.

CARRIED 6/2

The Waiving Fees and Charges policy needs to be developed further. Council wishes to encourage volunteer groups in their fundraising activities for the community.

10.4.5 GREEN HEAD COMMERCIAL PARKING FACILITIES RESERVE

| | |
|-------------------------------|--------------|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 7 March 2006 |
| FILE | L10.9 |

SUMMARY:

Council is required to create a cash reserve for Green Head Commercial Parking contributions.

COMMENT:

Council has received a contribution of \$5,600 from Beasant Pty Ltd, for Lot 401 Ocean View Drive, Green Head for commercial parking in Green Head.

This cash contribution is required to be held by the Shire of Coorow for the sole purpose of providing Green Head commercial parking. In order for this contribution to be accounted for separately until utilised it is required that it be placed in a reserve titled "Green Head Commercial Area Parking Reserve".

STATUTORY ENVIRONMENT:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC AND POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council create a Cash Reserve titled Green Head Commercial Area Parking Facilities Reserve for the purpose of providing Green Head Commercial Area Parking Facilities.

RESOLUTION: 2006-039

Moved: *Beswick*

Seconded: *O'Callaghan*

That Council create a Cash Reserve titled Green Head Commercial Area Parking Facilities Reserve for the purpose of providing Green Head Commercial Area Parking Facilities.

CARRIED 8/0

10.4.6 2005/06 BUDGET REVIEW

| | |
|-------------------------------|--|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 7 March 2006 |
| FILE | B.4 |
| ATTACHMENT | 10.4.6 Significant Variances and Operating Net Variances |

SUMMARY:**Council to adopt the 2005/06 Budget Review.****COMMENT:**

Due to changes to the Local Government (Financial Management) Regulations 1996, a local government is required to carry out a review of its annual budget between 1 January and 31 March Year. This review must be submitted to Council within 30 days.

Executive Staff carried out a revue of the 2005/06 on Tuesday 7 March.

Significant Variances and Operating Net Variances for the period ending 28 February 2006 is included at Attachment 10.4.6. The detailed Budget Review February 2006 has been provided as a separate document for councillors information.

The review has taken into account that the Marchagee Buntine Culvert work will not be carried out as the project is unlikely to be completed before the onset of winter rain.

The following budgeted projects that will not be completed by the 30 June 2006 have been identified as potential transfers to the Reserve Account:

- New residence in Coorow - \$85,000
- Waste Facilities Reserve - \$38,000

After all anticipated variations to the 2005/06 Budget have been calculated it is estimated that at the 30 June 2006 Council will have a net gain of \$8,840.

The major risk factor is the completion of the road program. If Penn or Launer Roads are not completed \$32,370 and \$59,000 respectively will be deducted from Council's revenue resulting in an increase of the net loss by that same amount. If this did occur Council would need to consider which transfers to reserve would not occur, so that the net loss was minimised.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC AND POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council adopt the 2005/06 Budget Review as included at Attachment 10.4.6.

RESOLUTION: 2006-040

Moved: *Beswick*

Seconded: *O'Callaghan*

That Council adopt the 2005/06 Budget Review as included at Attachment 10.4.6.

CARRIED BY ABSOLUTE MAJORITY 8/0

10.4.7 LEEMAN TENNIS CLUB FACILITY PROPOSAL

| | |
|-------------------------------|---|
| AUTHOR | Dacre Alcock |
| DISCLOSURE OF INTEREST | Nil |
| DATE OF REPORT | 8 March 2006 |
| FILE | B.4 |
| ATTACHMENT | 10.4.7a Letter of Proposing Leeman Tennis Club Facility 10.4.7b Map of proposed site |

SUMMARY:

Council to consider supporting the establishment of Leeman Tennis Courts.

COMMENT:

At the 15 February Council Meeting held in Leeman, Mr Jason Mills made a presentation to Council asking for assistance to establish a Leeman Tennis Club Facility. This proposal has been provided as attachment 10.4.7a.

This proposal centres around using the site of the disused bowling green at the Leeman Country and Sporting Club Incorporated. This land is vested as a reserve to the Shire of Coorow and has been leased to the Leeman Country and Sporting Club Inc. The Leeman Country and Sporting Club Inc will need to be approached by the proponents requesting for that site be considered for use as a tennis facility.

The proposal requires the reuse of existing fence poles located on the east of the Leeman Recreation Centre, around old, disused Tennis and Basketball courts. The use of these poles must also be approved by the Leeman Country and Sporting Club as lessee of the area.

The maintenance of the lawn tennis courts will be done by volunteers. As the area is already grassed and a good bore is close, the establishment of lawn tennis courts is feasible. The Leeman Bowling Club has recently replaced their grass green with a synthetic green due to the grass green being too labour intensive.

The total amount of funding requested from the Shire of Coorow is \$3,000. As there are limited Council funds available for out of budget expenditure, this contribution would need to go to the 2006/07 budget deliberations. Should Council not fund the full amount, Council may wish to make a donation to the Leeman Tennis Club Facility to help them get the project started.

The proposal requests that Council staff assist in the dismantling and erection of the new fence, which would take approximately three days. Mr Peter Gillis, Manager Works and Services has indicated that the coastal outside crew would not have the time to erect the fence, but would be able to dig post holes with Council's posthole digger.

STATUTORY ENVIRONMENT:

Local Government Act (1995)

6.8 Expenditure From Municipal Fund Not Included In Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- (a) is incurred in a financial year before the adoption the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - * Absolute majority required
 - (c) is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) –

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

FINANCIAL IMPLICATIONS:

Any financial contribution this financial year will be unbudgeted expenditure.

STRATEGIC AND POLICY IMPLICATIONS:

Tennis courts would be a valuable addition to the Leeman community, as Tennis is considered to be a family sport. Most towns the size of Leeman would have tennis courts, though most would operate on more than two courts.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council advise the Leeman Tennis Club, that Council:

1. supports the proposal to establish lawn Tennis courts on the site of the old bowling green;
2. donates \$500 towards the establishment of the Leeman Tennis Club Facility;
3. will be unable to erect the fence, but will dig post holes with Councils posthole digger;
4. supports the use of existing poles east of the Leeman Recreation Centre in the proposal if the Leeman Country and Sporting Club also agrees; and
5. will consider additional funding for the establishment of lawn Tennis courts in the 2006/07 budget.

RESOLUTION: 2006-041

Moved: Beswick

Seconded: Pethick

That Council advise the Leeman Tennis Club, that Council:

- 1. supports the proposal to establish lawn Tennis courts on the site of the old bowling green if the Leeman Country and Sporting Club also agrees;*
- 2. donates \$500 towards the establishment of the Leeman Tennis Club Facility;*
- 3. will be unable to erect the fence, but will dig post holes with Councils posthole digger;*
- 4. supports the use of existing poles east of the Leeman Recreation Centre in the proposal if the Leeman Country and Sporting Club also agrees; and*
- 5. will consider additional funding for the establishment of lawn Tennis courts in the 2006/07 budget.*

CARRIED 8/0

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

Nil.

12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:

Nil.

13. MATTERS BEHIND CLOSED DOORS:

Nil.

14. DATE OF NEXT MEETING:

14.1 NEXT MEETING OF COUNCIL

3.00 pm Wednesday 12 April 2006 at the Maley Park Function Centre, Coorow.

15. CLOSURE:

There being no further business the President, Councillor Girando, closed the meeting at 6.00pm.

These Minutes, consisting of pages 1 to 87 were confirmed by Council in Resolution No. 2006-043, as a true and correct record on 12 April 2006.

Presiding Member: _____