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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Cr Girando welcomed those present and opened the meeting at 3.06pm.

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

Councillor M J Girando
Councillor A K Williams
Councillor M R Bothe
Councillor G George
Councillor B J McDonald
Councillor D B McTaggart
Councillor J K Waite

President
Deputy President

Mr M J Hook
Mr S D Billingham
Mr K L Bean
Ms S G Donohue

Chief Executive Officer
Deputy Chief Executive Officer
Principal Works Supervisor
Minutes Clerk

Leave of Absence

Councillor D A Rackemann
Mr D R Hadden

Manager Regulatory Services

Declarations of Interest

Councillor/Officer	Item	Interest	Nature
		Nil	

Visitors

Mr Vern Muller
Ms Linda Thompson
Mr Bruce Jack

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

1. Cr Williams requested Leave of Absence from 18 September 2009 to 29 September 2009.
2. Cr McTaggart requested Leave of Absence from 26 September 2009 to 5 October 2009.
3. Cr Bothe requested Leave of Absence from 5 October 2009 to 10 October 2009.
4. Cr McDonald requested Leave of Absence from 15 October 2009 to 22 October 2009.
5. Cr Waite requested Leave of Absence from 17 September 2009 to 25 September 2009 and 30 September 2009 to 2 October 2009.
6. Cr George requested Leave of Absence from 14 October 2009 to 26 October 2009.

RESOLUTION: 2009-145

Moved: Cr Bothe

Seconded: Cr McDonald

That Council grant Leave of Absence to:

1. *Cr Williams from 18 September 2009 to 29 September 2009;*
2. *Cr McTaggart from 26 September 2009 to 5 October 2009;*
3. *Cr Bothe from 5 October 2009 to 10 October 2009;*
4. *Cr McDonald from 15 October 2009 to 22 October 2009;*
5. *Cr Waite from 17 September 2009 to 25 September 2009 and 30 September 2009 to 2 October 2009; and*
6. *Cr George from 14 October 2009 to 26 October 2009.*

CARRIED 7/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. CONFIRMATION OF MINUTES:

7.1	ORDINARY MEETING HELD WEDNESDAY 19 AUGUST 2009 AT THE LEEMAN ADMINISTRATION CENTRE, LEEMAN
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AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	1 September 2009

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 19 August 2009 at the Leeman Administration Centre, Leeman, be confirmed as a true and correct record.

RESOLUTION: 2009-146

Moved: Cr Williams **Seconded:** Cr McTaggart

That the Minutes of the Ordinary Meeting held on Wednesday 19 August 2009 at the Leeman Administration Centre, Leeman, be confirmed as a true and correct record with the following amendments:

1. *that Point 6 – Petitions/Deputations/Presentations reads as follows:*

'Mr Luke Sicree made a presentation to Council regarding the proposed short stay accommodation items at 10.2.1 and 10.2.2.

Mr Ian Kelly made a presentation to Council regarding the proposed short stay accommodation items at 10.2.3'

2. *that resolution 2009-131 was ' Moved: Cr George Seconded: Cr Waite'*

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

At any meeting of 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.

Nil.

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:

10.1.1 POS CASH IN LIEU THOMAS ST SUBDIVISION – LEEMAN

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 September 2009
ATTACHMENT	10.1.1 McLeods Legal Advice
FILE	L2.2 Landcorp General

SUMMARY:

Council is being requested to accept the offer from Landcorp for the amount of \$295,000 for the clearance of Condition 4, Cash-in-lieu for Public Open Space (POS) contribution for the Thomas Street Leeman Subdivision Lots 58 and 59.

BACKGROUND:

The Chief Executive Officer advised Landcorp of Council decision as per the Resolution of Council at the June 2009 Ordinary Meeting advising that Council would accept \$350,000 for the Public Open Space contribution for Lots 58 and 59 Leeman, the following is Council's resolution:

RESOLUTION: 2009-077
Moved: Cr Rackemann Seconded: Cr George
That Council request the amount of \$350,000 from Landcorp for the settlement of the Public Open Space contribution for Lots 58 and 59 Thomas Street Leeman.

CARRIED 7/1

Council has since received written confirmation from Landcorp advising Council that it accepts the valuation of \$295,000 for the fair market value of the public open space contribution for Lots 58 and 59 Thomas Street Leeman.

The \$295,000 is as per the valuation received from Direct Property Valuations obtained by the Chief Executive Officer in June 2009.

COMMENT:

Landcorp has forwarded their cheque in the sum of \$295,000 which has been deposited into Council's Municipal bank account. The Chief Executive Officer forwarded the following letter to Landcorp on this issue:

RE: LEEMAN THOMAS STREET CASH IN LIEU – WAPC 131387
CONDITION 4

Thank you for the amount of \$295,000 deposited into Councils Municipal Fund. Council wishes to advise that the banking of this money does not represent Councils acceptance of \$295,000 for the POS contribution to settle Condition 4 of the subdivision.

Council's Chief Executive Officer has been instructed to get a legal opinion on this matter from Councils solicitors McLeod's.

Council will make a decision on this issue at its September 2009 meeting once the Legal advice has been received.

The Chief Executive Officer requested a Legal opinion from McLeods on this issue and has received the legal advice as included at Attachment 10.1.1.

It appears from this legal opinion that Council could take this to Commercial Arbitration but would most likely receive an amount of the Valuation obtained by Council which is the \$295,000.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 Section 155 and 156

155. How value of portion is determined

- (1) In this section —

licensed valuer means —

- (a) a licensed valuer as defined in the *Land Valuers Licensing Act 1978*;
or
- (b) the Valuer-General,

but nothing in subsection (3)(a) or in this definition is to be construed as obliging the Valuer-General to undertake a valuation for the purposes of this section;

market value of land means the capital sum which an unencumbered estate in fee simple in the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

- (2) For the purposes of section 153, the value of the portion is to be such percentage of the market value of the land of which the portion forms part as the area of the portion bears to the area of that land.
- (3) For the purposes of subsection (2), the market value of land —
 - (a) is to be determined, at the cost of the owner of the land, by a licensed valuer agreed upon by the parties or, failing agreement, appointed by the local government; and
 - (b) is to be so determined —

- (i) as at the date on which the valuation is made;
 - (ii) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
 - (iii) on the assumption that any rezoning necessary for the purpose of the subdivision has come into force; and
 - (iv) taking into account the added value of all other improvements on or appurtenant to the land.
- (4) The licensed valuer is to give the valuation to the owner of the land and the local government.
- (5) If within 90 days, or such longer time as is agreed in writing by the local government, of the date on which the valuation is made the owner of the land has not —
 - (a) paid the amount of the valuation; or
 - (b) disputed the valuation under section 156,the local government may, by written notice to the owner of the land, determine that the valuation is no longer current and that a fresh valuation is required.

156. Dispute as to valuation

- (1) If either the owner of the land or the local government disputes a valuation made under section 155, the valuation may be varied by agreement between the parties or the dispute may be settled by such method as they may agree upon.
- (2) If after 28 days from the date when both parties have received the valuation the dispute has not been settled or an agreement made as to the method of settlement, either the owner of the land or the local government may refer the dispute for determination by an arbitrator under the *Commercial Arbitration Act 1985*.

STRATEGIC IMPLICATIONS:

The cash in lieu will allow Council to develop areas in Leeman in line with the requirements of the *Planning and Development Act 2005*.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The acceptance of \$295,000 is \$5,000 under Landcorps original offer.

PUBLIC CONSULTATION:

No Public Consultation required on this issue.

VOTING REQUIREMENTS:

Absolute Majority

Regulation 10 (2) state Local Government (Administration) Regulations 1996

- 10 (2) that if a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

As this new motion does change the intent of the previous motions on this issue it needs to be passed by an Absolute Majority of Council.

OFFICER RECOMMENDATION:

That Council accept the formal offer of \$295,000 from Landcorp as there contribution for the Public Open Space contribution to clear Condition 4 for the subdivision of Lot 58 and 59 Thomas Street Leeman.

RESOLUTION: 2009-147

Moved: Cr Williams **Seconded:** Cr Bothe

That Council accept the formal offer of \$295,000 from Landcorp as their contribution for the Public Open Space contribution to clear Condition 4 for the subdivision of Lot 58 and 59 Thomas Street Leeman.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**



Our Ref

ES:MK:COOR-26123

Your Ref

11 August 2009

Mr Mark Hook
 Chief Executive Officer
 Shire of Coorow
 PO Box 42
 COOROW WA 6515

By post and by email: ceo@coorow.wa.gov.au

Dear Sir

LANDCORP – CASH IN LIEU – PUBLIC OPEN SPACE

We refer to our email of 10 August 2009 and your emailed instructions of 23 July 2009.

1. Advice requested

You have requested advice on whether the Shire is obligated to accept an amount of \$295,000 that Landcorp has paid to the Shire as cash in lieu of providing public open space for a subdivision in Leeman.

2. Documents

We have been provided with copies of the following documents –

- (a) a letter dated 25 January 2008 from Landcorp to the Shire advising of a proposed auction on 1 March 2008 to offer for sale 10 residential lots from the subdivision;
- (b) a valuation report prepared by Direct Property Valuations for Landcorp and dated 5 May 2008 that provides 'reviewed values' for the 20 lot subdivision and a value of \$450,000 for the public open space contribution;
- (c) a letter dated 7 August 2008 from Landcorp to the Shire offering \$300,000 in lieu of the public open space;
- (d) an extract of the minutes of Council's meeting of 20 August 2008 covering the CEO's report on Landcorp's offer and Council's resolution not to accept the offer and to accept \$450,000;
- (e) a letter dated 4 September 2008 from the Shire to Landcorp advising of Council's resolution in regard to Landcorp's offer;

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MIDLAND OFFICE: 35 SPRING PARK ROAD, MIDLAND
 ALL CORRESPONDENCE TO CLAREMONT OFFICE



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 David Nicholson (Associate)
 Peter Gillett (Associate)

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- (f) a letter dated 27 May 2009 from Landcorp to the Shire proposing that the Shire appoint a valuer to determine the value of the public open space;
- (g) a valuation report prepared by Director Property Valuations for the Shire and dated 30 May 2009 valuing the public open space at \$295,000;
- (h) an extract of the minutes of Council's meeting of 17 June 2009 covering the CEO's report on the valuation prepared for the Shire (and incorporating an extract from the minutes of the March 2009 meeting of Council dealing with Council's rejection of an offer from Landcorp to pay \$228,500 in lieu of the public open space) and Council's resolution to request that Landcorp pay \$350,000;
- (i) letter dated 19 June 2009 from the Shire to Landcorp advising of Council's resolution of 17 June 2009 and enclosing a copy of the valuation prepared for the Shire; and
- (j) a letter dated 16 July 2009 from Landcorp to the Shire advising that Landcorp accepted the value assessed by Director Property Valuations for the Shire and enclosing a cheque for \$295,000.

3. Relevant additional facts

When Landcorp (in its letter of 7 August 2008) made its original offer of \$300,000, it identified a number of reasons for offering less than the \$450,000 assessed in the valuation report prepared for it. In summary those reasons were –

- (a) the valuation was based on the land being designated an R50 density coding but the Detailed Area Plan for the area restricted the potential density to an 'on average' R 35 density;
- (b) it was the Shire that had required cash in lieu of public open space rather than the provision of land (presumably inferring that it would have cost less for Landcorp to provide land rather than cash);
- (c) Landcorp had installed over \$220,000 worth of landscaping and public art as part of the subdivisional works;
- (d) the legislation in regard to cash in lieu for public open space contributions changed shortly after Landcorp received its conditional approval for the subdivision resulting in a change to the point in time at which a valuation is to be determined;
- (e) the difficulty of obtaining an accurate valuation given the limited local sales for the kind of lot in question (demonstrated by the sale of only one lot at the March 2008 auction); and

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- (f) a \$40,000 contribution to drainage by Landcorp when this was required by new Council officers at a late stage of the subdivisional works (against a backdrop where a previous Council officer had been overseeing the drainage plans and had not raised this requirement).

The original valuation report indicated that it was prepared for the purpose of determining a 'reviewed' value for the public open space contribution after the auction in March 2008 which only achieved the sale of one lot at below the reserve price.

In its letter of 27 May 2009, Landcorp referred to section 155(3)(a) of the *Planning and Development Act 2005* and stated that there had never been an agreement on the appointment of a Licensed Valuer and it was, therefore, up to the Shire to appoint a valuer to determine the value of the public open space.

4. Relevant statutory provisions

Section 153(1) of the *Planning and Development Act 2005* states –

- '(1) If the Commission has approved a plan of subdivision of land on condition that a portion of the land be set aside and vested in the Crown for parks, recreation grounds or open spaces generally and –
 - (a) the Commission, after consultation with the local government in whose district the portion is situated, so requires; or
 - (b) the Commission, the local government in whose district the portion is situated and the owner of the land so agree,

the owner of that land is to, in lieu of setting aside the portion, pay to that local government a sum that represents the value of the portion.'

Sections 155 and 156 of the *Planning and Development Act* relevantly state –

- '(2) For the purposes of section 153, the value of the portion is to be such percentage of the market value of the land of which the portion forms part as the area of the portion bears to the area of that land.
- (3) For the purposes of subsection (2), the market value of land –
 - (a) is to be determined, at the cost of the owner of the land, by a licensed valuer agreed upon by the parties or, failing agreement, appointed by the local government; and
 - (b) is to be so determined –
 - (i) as at the date on which the valuation is made;...

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- (b) Landcorp had the option to dispute the valuation under section 156(1) and it was open to Landcorp and the Shire to reach an agreement on a settlement amount; and
- (c) if the Shire and Landcorp did not reach agreement within 28 days of the date of the valuation either party had the option to refer the matter to an arbitrator for determination under the *Commercial Arbitration Act 1985*. However, once again, there was no compulsion for either party to do this.

There is no formal process required under section 156 to indicate that a party disputes a valuation nor is there a time limit on any endeavour to reach an agreement under section 156(1).

Accordingly, if it can be said that an agreement was reached between the parties under section 155(3) in regard to the original valuation, the correspondence between the parties (commencing with Landcorp's offer in its letter of 7 August 2008 and ending at this point with Landcorp's letter of 16 July 2009) can be interpreted as a continuous attempt to reach agreement under section 156(1) on a variation to the valuation.

On this interpretation of events, if the Shire is not prepared to accept the \$295,000 that Landcorp has paid in lieu of the public open space as a full settlement of the amount to be paid, it is now open to the Shire to refer the matter to an arbitrator under the *Commercial Arbitration Act* on the basis that the relevant date for determining the value is the date of the original valuation.

If there was no agreement under section 155(3) of the *Planning and Development Act*

If no agreement was reached under section 155(3) between the Shire and Landcorp as to the original appointment of Direct Property Valuations, then it was up to the Shire to appoint a valuer (at the cost of Landcorp). Under this interpretation of events, the valuation obtained by the Shire is the valuation for the purposes of determining the value of the land and it is the value at the date of that valuation that is the relevant value.

It is open to the Shire to dispute its own valuation under section 156 of the *Planning and Development Act* but the crucial issue is the relevant date of the valuation.

Given that:

- (a) Landcorp provided the original valuation to the Shire and it was entitled 'Review of POS Valuation for Thomas Street Subdivision Leeman Western Australia';
- (b) Landcorp referred to that valuation in its letter of 7 August 2008; and
- (c) the Shire accepted that valuation as if it had been prepared as a result of an agreement between the parties,

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- (5) If within 90 days, or such longer time as is agreed in writing by the local government, of the date on which the valuation is made the owner of the land has not –

- (a) paid the amount of the valuation; or
- (b) disputed the valuation under section 156,

the local government may, by written notice to the owner of the land, determine that the valuation is no longer current and that a fresh valuation is required.

156. Dispute as to valuation

- (1) If either the owner of the land or the local government disputes a valuation made under section 155, the valuation may be varied by agreement between the parties or the dispute may be settled by such method as they may agree upon.
- (2) If after 28 days from the date when both parties have received the valuation the dispute has not been settled or an agreement made as to the method of settlement, either the owner of land or the local government may refer the dispute for determination by an arbitrator under the *Commercial Arbitration Act 1985*.

The *Planning and Development Act* came into effect on 14 March 2006 and the provision on cash in lieu for public open space to meet a condition of subdivision in the previous act, section 20C of the *Town Planning and Development Act 1928* stated that the date on which the market value of the land was to be determined was the 'date of the subdivision' of the land in question.

Section 20 of the *Town Planning and Development Act* relevantly stated that '...the Commission may give its approval... [for a subdivision]...subject to such conditions which shall be carried out before the approval becomes effective.'

5. Application of relevant statutory provisions to this situation

If there was an agreement under section 155(3) of the *Planning and Development Act*

We have no information in regard to whether the Shire and Landcorp reached an agreement under section 155(3) as to determination of the market value of the land by Direct Property Valuations when the first valuation report was prepared on behalf of Landcorp. If an agreement was reached between the parties that the market value was to be determined by Direct Property Valuations then, subject to the ability of either party to dispute the valuation under section 156 of the *Planning and Development Act*, the original valuation would be a determination under section 155(3). The consequence of this is that –

- (a) given that Landcorp had not paid the amount of the valuation nor disputed the valuation under section 156 within 90 days of the valuation, in the absence of a written agreement to the contrary, it was open to the Shire to give notice to Landcorp that the Shire required a fresh valuation. However, it was only open to the Shire to request a fresh valuation, it was not compelled to do so;

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it would be difficult for Landcorp to argue that its original valuation was not prepared as a result of an agreement under section 155(3). However, in its letter of 27 May 2009, Landcorp refers to section 155(3) and claims that the parties never reached agreement on the appointment of a valuer under section 155(3). Accordingly, it appears that Landcorp's request for the Shire to appoint a valuer was made with the intention of arguing that the original valuation was not prepared under an agreement between the parties.

Section 155(3) does not require an agreement between the parties on the appointment of a licensed valuer to be made in writing (as distinct from section 155(5) which specifically requires a written representation of a local government's agreement to the extension of the time before a local government can determine that a fresh valuation is required). Accordingly, affidavit evidence of an oral agreement may be sufficient to establish that an agreement was reached under section 155(3) or alternatively, it is arguable that the factors referred to above can be taken to infer that an agreement was reached. Consequently, it may be that if the matter was put to the test, Landcorp could not rely successfully on the Shire's valuation being the relevant valuation because an agreement was not reached under section 155(3).

However, if the Shire wishes to pursue this matter it needs to be aware that there is some potential for Landcorp to argue that the Shire's valuation is the relevant valuation.

6. Factors raised by Landcorp

If the Shire wishes to take the matter to arbitration the first issue will be which valuation is the relevant valuation for determining the market value 'as at the date on which the valuation is made' under section 155(3)(b)(i). If it is accepted that the relevant valuation is the original valuation obtained by Landcorp, then it is likely that Landcorp will raise the reasons that it listed in its letter of 7 August 2008 (see points (a) to (f) in 3 above), as matters that should be taken into consideration by the arbitrator. The substance of those matters is discussed below.

Density restrictions

Both valuations refer to the land being subject to an R50 density coding. However, both valuations also refer to the values having 'been determined using Detailed Area Plan by Town Planning consultants Koltasz Smith'. Accordingly, unless Landcorp is referring to a different Detailed Area Plan in its letter of 7 August 2008, any development restrictions imposed under the Detailed Area Plan appear to have been factored into the original valuation.

In raising this point Landcorp also claims that the density restrictions had been incorporated into the Detailed Area Plan at the request of an officer at the Shire, at considerable expense to Landcorp. Whether consideration should be given to expenses resulting from a request of the nature, is a matter for the Shire to consider. In strict terms this is not a matter affecting value of the land but there may be broader issues for consideration such as whether maintaining good relations with Landcorp is of benefit to the Shire.

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Shire's preference for cash in lieu

Whether the Shire's preference for cash in lieu over land should be taken into consideration may depend on whether the Commission required cash in lieu under section 153(1)(a) of the *Planning and Development Act* or whether it was a matter of agreement under section 153(1)(b).

The effect of section 153(1) is that, unless the Commission requires payment of cash in lieu of public open space, there has to be an agreement between the Commission, the local government and the landowner in regard to cash being paid to fulfil a relevant condition of subdivision. Accordingly, if the cash in lieu requirement arose out of an agreement under section 153(1)(b), Landcorp was not obliged to agree to this.

Once again, in strict terms this is not a matter affecting value but if Landcorp agreed to providing cash in lieu under section 153(1)(b) because it was the Shire's preference, this may be a factor that the Shire wishes to take into consideration in terms of its relationship with Landcorp or on purely moral grounds.

Landscaping and public art

As a valuation under section 155(3) of the *Planning and Development Act* is to be determined as if there were no improvements on the land, the installation of any landscaping or public art will not have inflated the value of the land. Accordingly, this is also not a matter that is relevant to value in strict terms but the Shire may wish to take it into consideration for other reasons.

Change in legislation

Landcorp claimed that the replacement of the *Town Planning and Development Act* with the *Planning and Development Act* affected it because conditional approval to the subdivision had been granted some months before the *Planning and Development Act* introduced different provisions in regard to the relevant date for determining the value of land for cash in lieu of public open space. Landcorp claimed that the value of the land at the time of the valuation it obtained was much higher than it would have been under the *Town Planning and Development Act* because under that Act the relevant date for determining the value would have been the date of the conditional approval of the subdivision. It is claimed that, because under the *Planning and Development Act* the relevant date was the date of the valuation, and Landcorp did not obtain a valuation until 'years' after the conditional approval, the value was higher and was affected by the improvements Landcorp had made to the land.

This argument is very difficult to follow. As indicated above, under the *Town Planning and Development Act*, the relevant date for determining the value of land for the purpose of cash in lieu for public open space was the date of subdivision of the land and a conditional approval for subdivision did not become effective under that Act until all of the conditions had been fulfilled. Accordingly, the date for determining the value of the land was never the date of the conditional approval of the subdivision. In addition both valuations specifically state that the cost of subdivisional works was not included in the value calculation

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Accordingly, there does not appear to be any substance to the claim that the legislative change had any impact on this situation.

Difficulty in obtaining accurate valuation

This difficulty is referred to in both valuation reports and it is a matter that an arbitrator might consider relevant to determining whether a valuation should be accepted without variation.

Drainage contribution

It is not known how the conditions of subdivision were framed, nor what the Shire's usual practices in dealing with subdividers are, but if representations were made to Landcorp in regard to the Shire's requirements to recommend clearance of the drainage conditions for the subdivision and the Shire subsequently changed those requirements, then it may be arguable that the Shire could be held to be liable for negligently causing damage to Landcorp. However, Landcorp had rights under the *Planning and Development Act* in regard to applying for a review of any decision made relevant to clearing conditions of the subdivision and, in any event, any negligent action by the Shire is not relevant to the value of the land.

Accordingly, this issue is also not strictly relevant to the value of the land but may be a matter that the Shire wishes to consider for reasons such as those referred to above.

Conclusion

In summary our opinion on this matter is –

- (a) the relevant date for determining the value of the land is the crucial issue;
- (b) on the most likely interpretation of the events that have occurred the relevant date is the date of the original valuation commissioned by Landcorp;
- (c) however, Landcorp has claimed that the original valuation was not obtained under an agreement between the parties, if this claim can be supported, the relevant date for determining the value of the land will be the date of the valuation obtained by the Shire;
- (d) it is open to the Shire to refer this matter to an arbitrator as a dispute over the value of the land;
- (e) if the Shire chooses to do this the first issue for dispute will be the relevant date for determining the value of the land;
- (f) if the Shire is successful in claiming that the relevant date is the date of the original valuation, it is likely that Landcorp will raise additional factors that the arbitrator should take into consideration in determining the value as at that date;

11 August 2009
Shire of Coorow

McLeods
Page 9

Landcorp – cash in lieu – public open space

- (g) in our view, the only factor raised by Landcorp in its letter to the Shire of 7 August 2008, that is likely to be considered relevant to an assessment of the market value of the land under section 155 of the *Planning and Development Act* is the difficulty in obtaining an accurate valuation for the subdivisional land;
- (h) however, it is open to the Shire to consider matters such as those raised by Landcorp in deciding whether it is prepared to agree to a variation to the valuation.

We trust the above is sufficient for Council's purposes. If you have any queries or require any further advice, please do not hesitate to contact Elisabeth Stevenson.

Yours faithfully



Contact: Elisabeth Stevenson
Direct line: 9424 6202
Email: estevenson@mcleods.com.au

10.1.2 CSRFF SMALL GRANT FUNDING - COOROW TENNIS CLUB

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2008
ATTACHMENT	10.1.2a Coorow Tennis Club CSRFF Small Grant Application 10.1.2b Design for Tennis Court Netting 10.1.2c Commercial Netmakers Quote
FILE	S7.1 CSRFF Applications

SUMMARY:

Council is being requested to consider a CSRFF Small Grant Application from the Coorow Districts Tennis Club for permanent netting around the Coorow Tennis Courts.

BACKGROUND:

Council discussed an application for the Coorow Districts Tennis Club CSRFF application at the August 2008 Ordinary Meeting and resolved the following:

RESOLUTION: 2008-134

Moved: Cr McDonald Seconded: Cr Waite

That Council:

1. accepts the Coorow Tennis Club's Maley Park Tennis Court Resurfacing Project with a cash contribution of \$40,000 and a total contribution, including in kind works up to \$46,761; and
2. list this as an Agenda item for the 15th October 2008 Meeting of Council where Council will prioritise all grant applications received under the Community Sport and Recreation Facilities.

CARRIED 8/0

Council then considered this matter again at the October 2008 Ordinary Meeting and resolved the following:

RESOLUTION: 2008-187

Moved: Cr Bothe Seconded: Cr McDonald

That Council:

1. prioritises the Coorow Tennis Club's Maley Park Tennis Court Resurfacing Project with a cash contribution of \$40,000 and a total contribution, including in kind works up to \$46,761 as priority one for the CSRFF with the condition of successful CSRFF funding applications;
2. forward the grant application to the Department Sport and Recreation; and
3. advise the Coorow Tennis Club that they will be required to undertake active measures, to the satisfaction of Council, to protect the new courts from damage.

CARRIED 8/0

Since this time the Coorow Tennis Club has begun the construction of the six synthetic tennis courts at Maley Park, Coorow.

Council has received the following letter from Vicki Syme, Secretary Coorow Districts Tennis Club:

By the end of September 2009, the 6 tennis courts at Maley Park will be resurfaced with 12mm Commercial Grand Prix synthetic grass. The Club thanks the Shire for their support in that project.

The company that undertook that project (Tigerturf) offered a very good price, which resulted in big savings. The Club applied to Department of Sport and Recreation to vary the Grant Application, to use the savings to net the courts. This was unsuccessful. Therefore, as suggested by the DSR, the Club is applying for a small grant to do this as a separate project.

The club has worked persistently with a professional netting company to try and find a viable way to permanently protect the courts from birds. This is the first time that the tennis courts are to be netted, so there is no template to work from.

Commercial Netmakers have submitted a quote dated 20th August 2009 for \$38,800 + GST, totals \$42,680. Hiring special lifting equipment will be necessary to carry out the work (approximately \$5,000). (included at Attachment 10.1.2c for Councillor's Information).

Original grant application approved March 2009 ref: MWEST C07513/MW2008/113

Est. Project Cost **\$128,170**

Made up of:

CSRFF	\$ 42,723
LGA	\$ 42,723
Club (cash)	\$ 42,723
Club (labour)	\$ 6,400

Revised Project

Court Replacement	\$ 93,300
Netting	\$ 38,800
Special Equipment Hire	\$ 5,000
Total Cost	\$137,100*

Funding of revised project

CSRFF	\$ 31,100
LGA	\$ 42,723
CDTC labour	\$ 6,400*
CDTC cash	\$ 39,300
Shortfall	\$ 17,577

**= one third of revised project. NB: All figures are quoted without GST*

The Club will pay for accommodation and meals for the workers.

The Club is again asking for the Shire of Coorow's support in this project and grant application.

The Shire has stated in its Resolution that the Club is committed to protect the community's asset from the damage inflicted by the Corellas. This is the Club's best option to comply with the Shire's resolution.

COMMENT:

Council is being requested to support this application from the Coorow Districts Tennis Club, as included at Attachment 10.1.2, for the netting of the six new synthetic courts, the netting will protect the new courts from the damage caused by birds, which was a problem with the previous ageing courts.

Council, in its 2009/10 Budget, allocated the amount of \$42,723 for the replacement of the tennis courts at Maley Park, Coorow. The total replacement cost for the courts has come in at \$93,300, therefore Council's contribution to this project will be one third which is \$31,100. This leaves a balance of \$11,623 that Council could allocate to the project as per the extract from the grant application as follows:

\$	Cost Ex-GST	GST (if applicable)	Cost Inc GST	Funding Confirmed*?	Notes
Local government contribution	11 423	1142	12565	Yes <input type="checkbox"/>	*LGA cash and in-kind contribution (if applicable)
Applicant cash	14600	1460	16060	Yes <input type="checkbox"/>	Organisation's cash
Voluntary labour	3177	N/A		Yes <input type="checkbox"/>	Cannot exceed the sum of applicant cash and LGA contribution. Max \$50,000. No GST is applicable.
Donated materials		N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>	No limit but cannot exceed the sum of applicant cash and LGA contribution. No GST is applicable.
Other state or federal funding				Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. Lotterywest, Development Commissions, Area Consultative Committee (Comm.) etc. (*see below)
Other				Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. Loans, Sponsorship (* see below)
Standard CSRFF Grant requested	14600	1460	16060		Cannot exceed 1/3 of the Total Project Cost <u>exclusive</u> of GST. Refer to Guidelines.
Development Bonus requested					Can take DSR's contribution up to 50% of the total project cost. See Section 3.
TOTAL PROJECT COST	43800	4062	44685		THIS SHOULD BE THE CURRENT ESTIMATED COST OF THE PROJECT PLUS EXPECTED COST ESCALATION

* Written evidence of other confirmed funding sources must be provided, ie donations, government grants. If funding is from a local government authority, copy of relevant council minutes required.

Other sources of funding:

If a development bonus is applied for and not approved, will the project still proceed and how will the resultant shortfall be funded?

STATUTORY ENVIRONMENT:

Shire of Coorow 2009/10 Budget
CSRFF Small Grants Application
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Shire of Coorow Strategic Plan

GOAL 2 – SERVICES

Ensure the community has access to quality facilities and services to allow a safe and vibrant lifestyle.

GOAL 3 – INFRASTRUCTURE

Introduce, maintain and upgrade assets and infrastructure which meet community needs through a timely and cost effective process.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As Council budgeted \$42,723 (COA 2703) for the resurfacing of six synthetic tennis courts at Maley Park Coorow as per the Coorow District Tennis Club's CSRFF Grant Application, and this project now only requires Council to contribute \$31,100 Council could allocate the balance of the unused portion of \$11,623 to the Coorow Tennis Court Netting project with nil impact on Council's Budget.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. supports the Coorow District Tennis Club's CSRFF Small Grants Application for the Netting of the new synthetic tennis courts at Maley Park, Coorow; and
2. reallocate the balance of the unused funds from Council's budget allocation COA 2703 to the Coorow Tennis Club's Tennis Court Netting project.

RESOLUTION: **2009-148**

Moved: Cr McDonald **Seconded:** Cr Williams

That Council:

1. *supports the Coorow District Tennis Club's CSRFF Small Grants Application for the Netting of the new synthetic tennis courts at Maley Park, Coorow; and*
2. *reallocate the balance of the unused funds from Council's budget allocation COA 2703 to the Coorow Tennis Club's Tennis Court Netting project.*

CARRIED 7/0



Office Use Only

TRIM: _____

Grant No: _____

Project Coordinator: _____

CSRFF Small Grants Application Form

Year of claim – all projects to be acquitted by 15 June 2010

You **MUST** discuss your project with an officer from your nearest Department of Sport and Recreation office before completing and submitting your application. Failure to do so may render your project ineligible.

DSR Contact: Clayton White

Date: 21.8.09

Office: Mid West, Geraldton

Applicant's Details:

Organisation Name:	Coorow Districts Tennis Club Inc				
Postal Address:	PO Box 88				
Suburb:	Coorow	State:	WA	Postcode:	6515
Street Address:	1354 Launer Rd				
Suburb:	Coorow	State:	WA	Postcode:	6515

Preferred Contact Person:

All application correspondence will be directed to this person

Name:	Victoria Syme	Title:	Ms <input type="checkbox"/>
Position Held:	Honorary Secretary		
Business Phone:	08 9952 5040	Facsimile:	08 9952 5053
Mobile Phone:	0427 848 269	Email:	westernflora@bigpond.com

Organisation Business Details:

Does your organisation have an ABN?	Yes	ABN: 26 382 127 211	
Is your organisation registered for GST?	No <input type="checkbox"/>		
Is your organisation not-for-profit?	Yes <input type="checkbox"/>		
Is your organisation incorporated?	Yes <input type="checkbox"/>	Incorporation #: A1007499V *	* Please attach a copy of the Incorporation Certificate.
Bank details	Bank: BankWest	BSB: 306 006	A/c: 415826-9

Local government authority details:

Name:	Mark Hook	Title:	Mr <input type="checkbox"/>
Position Held:	CEO		
Business Phone:	08 99520100	Facsimile:	08 9952 1173
Mobile Phone:	0428 521 100	Email:	ceo@coorow.wa.gov.au

PROJECT DETAILS**Project Description:**

Permanently net 6 artificial turf tennis courts with 75mm square bird netting to protect courts from damage by Long Billed Corellas (an imported bird from the Eastern States) which are in pest proportions .The birds have been a problem for a long time in the town precinct, damaging all surfaces, including CBH bins, bitumen, grass and the tennis courts. All previous control methods have failed to contain the birds and the damage they cause.

How did you establish a need for your project? The need has been identified for many years, but prices quoted were beyond the scope of the Club. The current synthetic surface has been damaged by the birds a few times, as were the previous bitumen courts. Various control methods have been implemented with varying degrees of success. Permanent netting is the long term solution. The Club is now replacing the surface of the courts. The Shire of Coorow, as provider of one third of the funds of the project, have insisted on measures to protect the courts from damage as a proviso of that funding. Prices have reduced and are now affordable.

Project location: Maley Park ,Bothe St, Coorow

Land ownership: Who owns the land on which your facility will be located? Shire of Coorow
Lease Expiry: N/A

Planning approvals: Where applicable, has planning permission been granted? Yes ☐
Have other approvals been granted, ie building Heritage, Indigenous and Environmental? N/A

How will your project increase physical activity?

If the courts are not protected, they would be unsafe to use. It will enable continued physical activity.

Do you share your facility with other groups? Yes ☐ Coorow Primary School, general public

List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility.

Sport/community organisation	% use of the facility	Hours per week
Coorow Districts Tennis Club	90	8-12
general public	5	4
Coorow Primary School	5	1

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

2008/09	25	2007/08	27	2006/07	35
---------	----	---------	----	---------	----

What is the name of the State Sporting Association for your activity/sport?	
Tennis West	
Have you discussed your project with your State Sporting Association? Yes <input type="checkbox"/>	
Contact Name: Andrew Stanbury	Date of contact: 24.8.09

FUNDING

Please indicate in the table below how your project will be funded. In the total project cost, you must make an allowance for cost increases over the period of the project as additional funding is not available to meet that cost once the project has been approved. Local government authorities are not required to contribute to a project for it to be considered eligible.

\$	Cost Ex-GST	GST (if applicable)	Cost Inc GST	Funding Confirmed*?	Notes
Local government contribution	11423	1142	12565	Yes <input type="checkbox"/>	*LGA cash and in-kind contribution (if applicable)
Applicant cash	14600	1460	16060	Yes <input type="checkbox"/>	Organisation's cash
Voluntary labour	3177	N/A		Yes <input type="checkbox"/>	Cannot exceed the sum of applicant cash and LGA contribution. Max \$50,000. No GST is applicable.
Donated materials		N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>	No limit but cannot exceed the sum of applicant cash and LGA contribution. No GST is applicable.
Other state or federal funding				Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. Lotterywest, Development Commissions, Area Consultative Committee (Comm.) etc. (*see below)
Other				Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. Loans, Sponsorship (* see below)
Standard CSRFF Grant requested	14600	1460	16060		Cannot exceed 1/3 of the Total Project Cost <u>exclusive</u> of GST. Refer to Guidelines.
Development Bonus requested					Can take DSR's contribution up to 50% of the total project cost. See Section 3.
TOTAL PROJECT COST	43800	4062	44685		THIS SHOULD BE THE CURRENT ESTIMATED COST OF THE PROJECT PLUS EXPECTED COST ESCALATION
<p>* Written evidence of other confirmed funding sources must be provided, ie donations, government grants. If funding is from a local government authority, copy of relevant council minutes required.</p> <p>Other sources of funding:</p>					
<p>If a development bonus is applied for and not approved, will the project still proceed and how will the resultant shortfall be funded?</p>					

Written quotations

At least two (2) written quotes are required.

If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, grant will immediately be withdrawn.

Projects that do not meet Australian Design Standards are ineligible for funding.

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PROJECT DELIVERY

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this.

Project Component	Cost	Quote Used
Permanent Netting structure 20/8/09	42680	Commercial Netmakers
Equipment hire	50 00	
Sub Total	47680	
Cost Escalation (include justification and % used)		Justification
TOTAL PROJECT COST	47680	Commercial Netmakers

Applicants are expected to secure commitments and provide evidence for the balance of funds to meet the total cost of their project at the time of application. If these cannot be demonstrated it is unlikely that a grant will be approved.

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

Task	Date
Council approvals	September 2009
Preparation of tender/quotes	
Issuing of tender	April 2010
Site works commence	Early May 2010
Construction starts	Early May 2010
Project 50% complete	Early May 2010
Project completed	Mid May 2010
Handover – final inspections	End May 2010
Grant Acquitted	End May 2010

DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DSR office to determine eligibility before applying.

Category		Details
Geographical location	<input type="checkbox"/> Regional/Remote location <input type="checkbox"/> Growth Local Government	
Co-location	<input type="checkbox"/> New <input type="checkbox"/> Existing	
Sustainability initiative	<input type="checkbox"/> Water saving <input type="checkbox"/> Energy reduction <input type="checkbox"/> Other	
Increased participation	<input type="checkbox"/> New participants <input type="checkbox"/> Existing participants – higher level <input type="checkbox"/> Special interest <input type="checkbox"/> Other	

PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DSR can be accessed by you during standard office hours and updated by writing to DSR or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DSR may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name Victoria Syme

Position Held Honorary Secretary

Signature _____

Date 25th August 2009

CHECKLIST

The following documentation **must** be included with your application. Applicants may wish to supply additional relevant information.

- ☐ Application form
- ☐ Incorporation Certificate.
- ☐ Two written quotes.
- ☐ If your project involves the upgrade of an existing facility, include photograph/s of this facility.

- ☐ Locality map, site map and building plans (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure.
- ☐ Income and expenditure statements for the current and next financial years. (LGAs exempted).
- ☐ Written confirmation of financial commitments from other sources including copies of council minutes.
- ☐ For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.

Your application will be considered not eligible, if:

- You have not discussed your project with the Department of Sport and Recreation and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. There is no onus on Department staff to pursue missing documentation.
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made in November and if no physical progress has occurred, new applications may not be recommended.
- It is not on the correct application form.

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority:
Name of Applicant:

Note: The applicant's name cannot be changed once the application is lodged at DSR.

7 Section A

The CSRFF principles have been considered and the following assessment is provided:
(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8 Section B

LGA – priority ranking of this project	
Priority ranking of no of applications received	of applications received
Is this project consistent with the	<input type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|--------------------------|
| A | Well planned and needed by municipality | <input type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

LGA comments:

Signed

Position

Date

Applications for CSRFF funding must be submitted to your Department of Sport and Recreation office by **4pm on the last working day in October**. Late applications cannot be accepted in any circumstances.

DSR Offices

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
PO Box 329
Leederville WA 6903
Tel: (08) 9492 9700
Fax: (08) 9492 9711

PEEL

Suite 3
The Endeavour Centre
94 Mandurah Terrace
PO Box 1445
Mandurah WA 6210
Tel: (08) 9550 3100
Fax: (08) 9550 3199

PILBARA

2/3813 Balmoral Road
PO Box 941
Karratha WA 6714
Tel: (08) 9182 2100
Fax: (08) 9182 2199

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
Tel: (08) 9892 0100
Fax: (08) 992 0199

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Fax: (08) 9941 0999

GOLDFIELDS

106 Hannan Street
PO Box 1036
Kalgoorlie WA 6430
Tel: (08) 9022 5800
Fax: (08) 9022 5899

KIMBERLEY

PO Box 1426
BROOME WA 6725
Tel: (08) 9192 5628
Fax: (08) 9166 4999

SOUTH WEST

80A Blair Street
Bunbury WA 6230
Tel: (08) 9792 6900
Fax: (08) 9792 6999

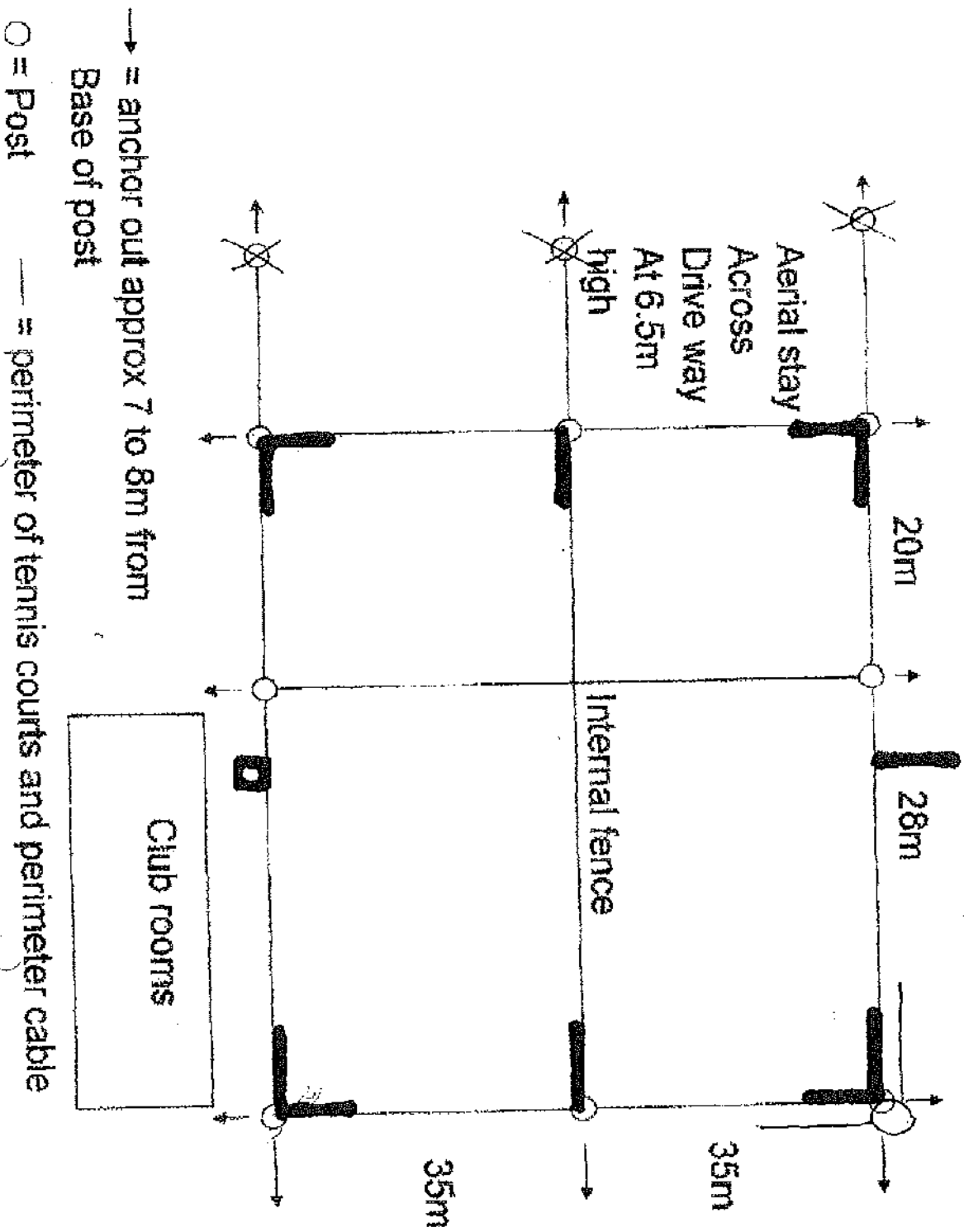
WHEATBELT

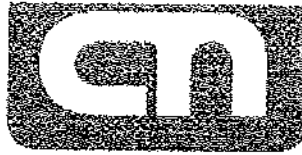
298 Fitzgerald Street
PO Box 55
Northam WA 6401
Tel: (08) 9690 2400
Fax: (08) 9690 2499

MID-WEST

Mid West Sports House
77 Marine Terrace
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
Fax: (08) 9956 2199

Coorow Tennis Courts





Commercial Netmakers

Unit 7/8 Strang Street Beaconsfield 6162 PO Box 385 Hamilton Hill WA 6963
p (08) 9336 7798 f (08) 9331 6122 e netmakers@bigpond.com ABN 60 111 529 723

20th, August 2009

Coorow Tennis Club
Ref- Tennis court bird netting

Type: Bird net type structure w/ internal steel stays

Dear Mr. Muller

We are please to submit our quotation to supply and install bird netting over tennis court area at 8 metre high. The net will remain up permanent giving free access in and out.

Materials and specifications:

- Net to be erected in 2 sections each covering of 35 x 48 metre and clipped together down centre wire,
- Top net used will be 3" x 3" 15 ply p.e. black netting.
- Side netting will be in two sections. Top 2m in 1-1/2" x 1-1/2" 9 ply netting with the lower 3m in 1-1/2" x 1-1/2" 24 ply p.e. netting. This will stop high tennis balls going over the fence and through the mesh. The final 3m is he existing cyclone mesh fence.
- Corner posts to be fabricated from 114 o/d medium galv pipe. Set in concrete footings 500 x 500 x 1000mm. Posts will have internal brace from 60 o/d med galv pipe in each direction following fence line.
- Intermediate post on 70m side will have internal stay to follow divider fence. Post will be fabricated from 114 o/d medium galv pipe with 60 o/d brace.
- Intermediate post on 48m side (club room side and opposite) will have an external stay. Posts will be fabricated from 114 o/d med galv pipe, brace from 60 o/d medium galv pipe.
- There will now be an additional post placed in centre of courts, placed under cross cables on internal fence line.
- 6.1mm h/t strand wire used for rigging w/ helical splice.

Price for all materials and labour	\$ 38,800.00
G.S.T.	\$ 3,880.00
Total	\$ 42,680.00

This quotation does not include:

1. Freight from Perth.
2. Auger for post holes
3. Rockbreaker if required
4. Elevated work platform. ie knuckle boom or boom lift. We have to access all the way around perimeter and also down centre where existing divider fence is.

NB: It is advised if this option is preferred that works is done before turf is replaced as we have to go on playing surface with the elevated work platform.

All netting used by Commercial Netmakers Pty Ltd is stabilized against u.v. degradation.

Any questions please call me on 0429 077 172.

Yours faithfully

George Williamson

10.1.3	WALGA - FEEDBACK ON LOCAL GOVERNMENT TRANSPORT AND ROADS FRAMEWORK
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AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 September 2009
ATTACHMENT	10.1.3 Local Government Transport and Roads Framework
FILE	

SUMMARY:

Council is being requested to endorse the Local Government Transport and Roads Framework. (Copy attached under separate cover for Councils Information).

BACKGROUND:

During the 2009 Transport and Roads Forum held in conjunction with the Local Government Week Convention there was a workshop on the proposed draft of the Local Government Transport and Roads Framework.

As part of the workshop each table was asked to review and discuss the 4 elements of the framework and suggest potential missing or additional elements.

The four elements are listed below:

- Element 1 - Local Road Funding and Management
- Element 2 - Metropolitan and Regional Urban Transport Solutions
- Element 3 - Mobility and Access for Regional Western Australians
- Element 4 - Freight Management

General Discussion was held and the following dot points cover the issues raised.

- No mentions of footpaths and State funding - people need access to bus stops
- Lack of education or public awareness.
- How does the community get income from freight vehicle charging?
- Improve process for removal of vegetation in roads.
- Specifically consider different rules for LG's with large amounts of state forest with little need to retain vegetation in road reserves
- Strategic intent - add "without damage to infrastructure"
- More clear direction on where funding comes from.
- Roadside Vegetation - include offsets.
- Not enough focus on asset planning and management.
- Local Road funding and management - targeted assistance to LG to assist in larger term asset management planning - improvement, safety.
- Remove the word underutilisation from funding and management 2nd column part 5.
- Document too general should be more emphasis on regional access.
- Road Safety should be an element on its own.

- The document is comprehensive but lacks:
 - A means of ensuring the strategies are applied and implemented.
 - A means of ensuring the document is kept alive and refreshed.
 - Improved integration with land use planning.
 - Reference to disability access which is only indirectly included.
- More autonomy to RRG in decision making through SRRG and planning strategies and standards.
- More road safety initiatives. I.e. RAV and Public traffic conflicts.
- Recognise that a road reserve is a “road” reserve not a nature reserve.
- Best practice guidelines for road building standards across the network.
- Whole of life asset costing for roads.
- Decentralising industries to reduce freight task centralise industry i.e. Abattoir near state livestock centre.
- Strategies ok but subject to adequate funding being provided.
- A more effective and streamlined permit system for heavy haulage.
- Work more strategically with identified partners being MRWA and CBH in particular.
- Need integrated planning requirements within road funding prioritisation, perhaps as a condition of funding: to ensure that roads are the most appropriate response.
- No specific mention of walking or cycling modes as solutions.
- The whole of government approach (part 1) need for funding programs to support integrated transport solutions.
- Recognise metro area regions in funding programme eligibility (eg ERIRC)
- Road safety. Inclusion of word "state" in point 1.
- Include specific mention of rural road networks.
- Element 1: Local Government Funding - Government bodies (clearing, heritage, native title) be acted on much quicker eg 45 days maximum.
- Road reserves to remain as road reserves.
- Simplified process to hand roads back to MRWA.
- Permanent Funding allocations (secured for at least 5 years) Funding Guaranteed
- Link funding to road safety outcomes.
- Have strategies aligned to road safety; Towards Zero.
- Expand on section 2 to match with the road safety strategy to include metro, regional and remote. Same with Section 3 regional and remote.
- Look at more sustainable (long-term) funding measures, rather than continually looking/seeking more funding.
- Value for money audits.
- Protection from access Regional transfers \$2M.
- Technical assistance to works supervisor level - best consequences in user friendly format?
- Road clearings - road reserves should be for roads not vegetation.
- Protection of air transfer routes for remote areas (Derby).
- Lacks mention of rail as means of transporting produce.
- Requirement for mention of improved planning i.e. Public transport linking road funding to growth tax.

COMMENT:

The Suggested inclusions or changes to the Local Government Transport and Roads Framework at the Roads Transport Forum were as follows

Element 1 – Local Road Funding and Management

1. More state funding specifically for bicycle network - \$1M for PBN across metro area is not enough!
2. Funding for strategic elements (not just Physical) to help local government authorities and groupings of councils (i.e. SMRC) develop local and regional strategic integrated transport plans.
3. Black spot focus should move to prevention - before sites become black spots.
4. Funding is all directed at roads - where is the funding for paths, cycle networks and public transport?
5. More emphasis is needed on safe roadside environments i.e. open drains in semirural areas.
6. Fails to emphasise importance of Grain Freight to be couriered on rail and to ensure implementation of rail usage.
7. Implementation of inter modal transport to remote uneconomic use of road network.
8. Sustainable targets - outcomes for the transport network to ensure best use of resources are required.
9. Rules of engagement for private investment in roads must include free access for public use.
10. Best practice guidelines for road building standards across the network.
11. Whole of life asset costing for roads (asset management).
12. Seek new state and federal funding for integrated supply chain infrastructure provision for all industries (not just grain freight).
13. Strategic planning with industry to identify future road funding requirements.
14. LG needs long term road funding guaranteed...
15. Cars are hitting trees and causing deaths, because road widths are increasing with no clear zone. Road width should be constructed for current needs with vegetation at an appropriate distance from shoulder.
16. Improved transport options are needed.
17. Mining companies contributing to maintenance of roads.
18. Promote and implement Safe Road verges - Wire ropes.
19. Determine and develop roads which carry freight.
20. Funding for Roman II.
21. Use of Regional Road Groups to distribute road funds.

Element 2 – Metropolitan and Regional Urban Transport

1. Need to be aware of the impact on small and remote regional communities/councils with solutions proposed only applying to Regional Centres.
2. Not relevant for smaller rural based LGA's.
3. Safety for drivers and users appears a current issue with public transport, good
4. Integrated public transport system needed to reduce private vehicles using roads - would also reduce emissions.

5. New metro/urban area's public transport part of development proposals additional public transport routes. i.e. priority routes away from Rail.
6. Freight corridors planned to take freight away from public routes.
7. Bicycles network funding/consideration - separate traffic users.
8. Ensure time targets of buses and trains match to reduce waiting times.
9. Provide adequate parking at terminus.
10. More strategies needed to encourage car pooling.
11. Ensure that an integrated transport framework is in place for regional and remote communities.

Element 3 – Mobility and Access for Regional Western Australians

1. Address patient transfers (volunteers) due to regionalisation of hospitals.
2. Roman does not adequately provide for gravel roads.
3. Regional road groups should separate urban areas from rural areas.
4. Use asset preservation model for state funds to local government, rather than competition. Mandurah to RRG?
5. Develop guidelines for developer contributions.
6. Seek funding for government enterprises using LG roads (i.e. FPC logging of non rateable land)
7. 3 'advocate' is too soft - should be "seek funding" or "ensure that"
8. Identify what requirement is infrastructure but often need service. - reliable, accountable, sustainable services.
9. Not limited to remote as issue.
10. Government regulation on service eg. Airports to ensure reliability.
11. Special needs. groups - eg. Aged, unlicensed, not considered.
12. Increase linkage of public transport between regional centres not just routes to Perth.
13. Demand not just "advocate" for safer rails crossings.
14. Greater assistance for emergency services in Regional/Country areas.
15. Improved mobile phone access particularly in Black spot areas.
16. Funding for safer rail crossings.
17. Rail crossing - reflective safety markings on rail wagons and light up the reverse side of red light with a white flashing light.
18. Revive the word "rail". Increase funding to upgrade facilities or provide them.
19. RRG's to be involved in Regional planning.
20. Integrated RAV network - speeds, community awareness.
21. Appropriate road signage for RAV network (symbolic signs).
22. Use technology - eg GPS.
23. Introduce exceptional purpose funding.
24. Develop a user pays system for users (seasonal) adequate provisions to use rail and funding for rail upgrades.
25. Advocate back loading on rail (enable rail freight to be uploaded in rural areas).
26. Include terminology and remote. Have strategies aligned to the road safety strategy towards zero.
27. Ensure that consultation and communication takes place within the local communities, to assess their needs and wants. Work with different groups within the local area.

28. To examine the whole of the local transport network and not just the local road network: take an integrated approach. Get LG's to work in collaboration for a whole of region approach.
29. Seek funding for research and evaluation for whole of region to be able to assess the needs for regional and remote WA's.

Element 4 – Freight Management

1. Regulation for grain through limited (rail) infrastructure.
2. Integration of transport corridors with transport generating tasks and infrastructure.
3. Include direct reference to road infrastructure improvements eg passing lanes.
4. Support transport hub in goldfields (or strategic transport hubs).
5. More communication and strategic planning between CBH and Local government or other industry.
6. Uniform system and program of assessing impact of any new development etc. - and assistance to do so.
7. Integration with end of journey (eg CBH Bins) road and rail.
8. Maximisation of rolling stock utilisation.
9. Conditional standards for heavy vehicles (lower speeds on lower class roads).
10. Protection of designated freight routes.
11. Improved management of rail and road crossings.
12. Prioritisation at all crossing interpretations.
13. Comprehensive education program especially for metro and visitors.
14. Improved enforcement of heavy haulage regulations.
15. Need a strategy from point of production to the freight corridors.
16. High productivity to a certain size should be forced to rail.
17. Large freight should go to best rail head.
18. HHV should not travel parallel to railway lines.
19. Require that CBH provide a freight strategy in advance of each season to plan for the grain freight movements as bin closures effect movements considerably.
20. Plan for appropriate location of freight generating activities (eg Perth airport).
21. Review rules and regulations for roads heavily used for freight (eg Kewdale Rd).
22. Focus effort on metro Perth and major urban regional centre's with significant freight issues - airports, Kewdale railway and freight, Fremantle, Kwinana. Need to increase efficiency of existing road freight - vehicles are running empty due to limited hours of opening, bring together the whole supply chain to address the logistics (eg wholesalers, transport, port unloading etc).
23. Integration of rail and road Tran's shipment hub.
24. State Government to fund improvements of secondary (rural/local) road networks.
25. Return licensing revenue from RAV/Freight transport to LG for road management, maintenance and improvements.
26. Additional passing lane construction on state roads.
27. Additional state funding on bin to bin RAV movements on local roads.
28. More state Government money/goods in general - perhaps R4R.
29. Matching of mass vehicles to roads - i.e. assess roads first rather the other way.
30. Distribution of royalties to any necessary infrastructure to access and resources.
31. Cattle and above RAV, mass on transport links should be state rather than local, existence process needs review.

32. Rail closure decision should be economic.
33. Farm to bin should be to nearest local bin encouraged by freight rates.
34. Bin to rail should be on designated routes using maximum sized economic vehicles with funds to upgrade to required standards without reduction of funds to other roads.

STATUTORY ENVIRONMENT:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no strategic implications in this report.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council advise the Western Australian Local Government Association that it agrees with the suggested inclusions or changes to the Local Government Transport and Roads Framework from the Roads Transport forum workshop.

RESOLUTION: **2009-149**

Moved: Cr Williams

Seconded: Cr Bothe

That Council advise the Western Australian Local Government Association that it agrees with the suggested inclusions or changes to the Local Government Transport and Roads Framework from the Roads Transport forum workshop.

CARRIED 7/0

10.1.4 DEPARTMENT OF WATER – ARROWSMITH GROUND WATER ALLOCATION PLAN

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 September 2009
ATTACHMENT	10.1.4a FAQ Sheet from Department of Water on the Arrowsmith groundwater allocation plan. 10.1.4b Arrowsmith groundwater area subarea reference Plan companion for the Arrowsmith groundwater area allocation plan (under separate cover)
FILE	W1.8

SUMMARY:

Council is being requested to give comment on the Arrowsmith Ground Water allocation plan prepared by the Department of Water by the 30th October 2009.

BACKGROUND:

Council has received a copy of the Draft Arrowsmith Groundwater Allocation Plan and is being requested to provide comment on this plan.

The Arrowsmith groundwater area is located between 200 km and 380 km north of Perth and covers over 10,000 square km. Groundwater resources in the plan area The Arrowsmith groundwater area, along with the Jurien and Gingin groundwater areas, covers the Northern Perth Basin. The Arrowsmith groundwater area is divided into the Allanooka, Darling, Dongara, Eneabba Plains, Mingenew, Morrison, Tathra and Twin Hills subareas. The groundwater resources of the Arrowsmith groundwater area are contained in unconfined superficial and surficial aquifers, fractured bedrocks and the semi-confined to confined aquifers of Leederville-Parmelia, Yarragadee, Cattamarra, Eneabba, Lesueur, and Otorowiri. Water planning in the Arrowsmith area



Council is being requested to send comments on the plan. The public comment period is open until 5pm 30 October 2009. Once all comments are received the Department of Water will release the final plan which will summarise the submissions.

The Arrowsmith groundwater area allocation plan provides the Department of Water's direction for managing groundwater use in the Arrowsmith groundwater area. The plan promotes good water management, together with a transparent decision-making process.

The plan contains:

- Allocation limits, which define how much water is available in the Arrowsmith groundwater area
- Licensing policies for how the Department of Water will allocate and manage the groundwater resources
- Objectives, strategies and performance indicators for monitoring and measuring the effectiveness of the plan
- Implementation and evaluation information, providing actions to be undertaken to implement the plan and the process for reporting on its performance.

The department has prepared the water allocation plan due to the increase in demand for water from the groundwater areas of the Northern Perth Basin and the commercial growth in the mining industry along with new horticultural projects, and expanding urban development along the coast competing for good quality fresh water.

COMMENT:

The Arrowsmith groundwater allocation plan replaces the *Managing the water resources of Arrowsmith groundwater area WA – Interim sub-regional allocation strategy* published in 2002.

The Chief Executive Officer has contacted Sarah Barron, Environmental Superintendant at Iluka Resources for their comment on the plan and it is anticipated that these comments will be received and tabled at the Council Meeting.

The Chief Executive Officer has also spoken with Steve Jones of Aviva Corporation to ascertain if the Arrowsmith Groundwater Project has any implications to the Coolimba Coal and Power project. Steve Jones of Aviva has advised that he will forward on their comments to Council in due course and staff will endeavour to table these at the Council meeting.

The Chief Executive officers comments on the Draft Arrowsmith Groundwater allocation are as follows.

1. The Arrowsmith groundwater allocation plan does not set allocations for the fractured rock resources as they will be assessed on an impact management basis. It is hard then to make comments as if this will not impact on users until they wish to access the water allocations from the fractured rock resource.
2. The Department of water is currently allocating water under a License system and these limits are currently under the annual allocations for the Arrowsmith

groundwater allocation area. Currently licences issued relates to approximately 70% of the Annual Allocations Limit. However these allocations can be revised at any time. The licenses are issued on a first come first served basis and this may have an impact on the water allocations for a major development for the Region if they are the last one to make application. However this does not appear to be a problem at this moment. All licences are issued in accordance with the Rights in Water and Irrigation Act 1914.

3. It is important to note that the Arrowsmith groundwater allocation plan removes current State Policies in the existing *Managing the Water Resources of Arrowsmith Ground Water area WA-Interim Sub-Regional Allocation Strategy*. This should ensure that the States Licensing requirements are applied consistently across all the State Policies relating to water resources.
4. The Arrowsmith groundwater allocation plan recognizes that domestic and stock water is a priority need and this is already covered under the *Draft State wide Policy No 14 – Managing Unlicensed Groundwater Use*. There is no issue under the Arrowsmith groundwater allocation plan for these uses as the following are exempt from the Licensing processes under the Arrowsmith groundwater allocation plan.
 - a. Fire fighting
 - b. Watering cattle or other stock other than for intensive farming
 - c. Watering lawns and gardens not exceeding 0.2HA
 - d. Other ordinary domestic uses.
5. The aim of the Arrowsmith groundwater allocation plan is working towards achieving a water use management approach to the whole area within the Arrowsmith groundwater allocation plan.

There appears to be no major impacts to the current users with the implementation of the Arrowsmith groundwater allocation plan and therefore Council should be able to fully support the implementation of the Arrowsmith groundwater allocation plan and advise the Department Of Water accordingly.

It must still be kept in mind that the State Government continues on a regular basis to review and update its Legislation regarding the management of the States Water Resources and any changes will need to be followed carefully as not to stop developments within the areas of the Mid West Region.

STATUTORY ENVIRONMENT:

Managing the water resources of Arrowsmith groundwater area WA – Interim sub-regional allocation strategy.

Draft State wide Policy No 14 – Managing Unlicensed Groundwater Use

STRATEGIC IMPLICATIONS:

GOAL 1 - LEADERSHIP

Achieve positive community outcomes within a financially responsible framework through a process of innovation, consultation and decisive leadership.

GOAL 5 - ENVIRONMENT

Work to enhance, utilise and conserve natural resources.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Copies of the Draft plan have been placed in Councils Libraries for public comment. Copies of the plan are available for down load at <http://www.water.wa.gov.au/allocationplanning>

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council requested the Chief Executive Officer to prepare a submission on the Draft Arrowsmith Groundwater Allocation Plan incorporating comments received from Iluka Resources and Aviva Corporation.

The Chief Executive Officer tabled the following comments from Steve Jones of Aviva Corporation:

General Comments on the Plan

1. *Appreciate the preparation of an allocation plan*
2. *Appreciate the open disclosing of existing limits and remaining limits*

Specific Comments on policies specific to the plan area

1.1 Allocation approach

The allocation approach needs to be flexible enough to allow for specific consideration to significant projects of state significance.

2.2 Renewal of Licenses

Consideration should be given to following up licenses that have expired prior to cancelling them. This would avoid the possibility of a license being expired in the event of lost communication or communication error.

3.5 Recouping unused water entitlements

For certain projects the fact that water is not used in one year does not reduce the potential need for that water in a future period and the license should not be reduced (recouped water) due to periodic changes in water demand.

3.8 Staged Developments

Time of licenses should be extended on certain projects to line up with the term of the project (greater than 5 or 10 years).

3.9 State Agreements

Consider the need to extend water reservations outside State Agreements as State Agreements are not used as much anymore.

5.1 Monitoring Bores

The policy does not include any ability to negotiate on the need for or location of monitoring bores. Negotiation may result in better outcomes for all parties.

RESOLUTION: 2009-150

Moved: Cr Waite

Seconded: Cr Williams

That Council request the Chief Executive Officer to prepare a submission on the Draft Arrowsmith Groundwater Allocation Plan incorporating comments received from Iluka Resources and Aviva Corporation.

CARRIED 7/0



Arrowsmith groundwater area allocation plan draft for public comment: *frequently asked questions*

Described below are some questions that are frequently asked in relation to the *Arrowsmith groundwater area allocation plan* draft for public comment (the plan) and our responses.

FAQ		Our response
	Why has the department developed the plan?	The plan provides an update on how we licence, allocate and manage the groundwater resources of the Arrowsmith groundwater area (Figure 1), replacing <i>Managing the water resources of Arrowsmith groundwater area WA – Interim sub-regional allocation strategy</i> published in 2002. The plan promotes good water management and provides a transparent decision-making process.
	How will we know if the plan is effective?	Each year the department will assess the effectiveness of the plan by publicly reporting against the plan objectives in an annual evaluation statement. We will report on the progress of actions in the plan and report against performance indicators. See Table 1 of the plan (Section 2) for a full list of the performance indicators.
	When and how long will the plan apply for?	The plan will come into effect from the date that the final plan is released and will be valid until it is revised or is replaced by a statutory water allocation plan. See Chapter 6 of the plan for more information.
	What is the licensing process?	We assess licence applications in accordance with section 7(2) of the <i>Rights in Waters and Irrigation Act, 1914</i> (RiWI Act) on a first-in-first served basis. Figure 2 below outlines the licensing assessment process we use. The department requires certain information from applicants to assist in the timely assessment of licence applications. For further information, see the plan or our website < www.water.wa.gov.au >.
	Is there a cap on the amount of water I can apply for?	We have removed the cap that applied in <i>Managing the water resources of Arrowsmith groundwater area WA – Interim sub-regional allocation strategy</i> . There is no maximum amount that you can apply for up to the allocation limit.

FAQ		Our response
	Is my licence secure or will it be taken off me?	<p>Your licence is secure as long as you are consistently using the amount allocated to you and are compliant with the terms and conditions of the licence including any staged development conditions.</p> <p>If the department identifies that you haven't consistently been using the water allocated to you, we may recoup the volume of unused water from your licence. This will usually become available for others to apply for. We will advertise water availability when considered necessary.</p> <p>For more information refer to policy group 3.5 in the plan or our <i>Statewide policy 11 – Management of unused water entitlements 2003</i>.</p>
	How do I know if trading is open in an area and what is the process for trading?	Trading can occur at any time. Once a groundwater resource is 100 per cent allocated, water is only available from that resource through trading. For more information on trading see policy group 9 (Section 4.2) in the plan.
	What else is changing that I may need to be aware of?	<p>All new groundwater licences ~ 50 000 kL/yr will be subject to a condition requiring the licensee to install a meter and measure water use (refer to policy group 3.7 of the plan). Applicants may be required to submit a project description document (refer to policy group 3.3 and Appendix E of the plan).</p> <p>We may request applicants to complete a public consultation process depending on the nature of the application (refer to policy group 3.3 and Appendix C of the plan).</p> <p>Developers proposing to dewater will be required to submit a dewatering management plan. Refer to policy group 6.5 and Appendix F of the plan.</p>
	How much can be taken from the aquifer sustainably?	We set allocation limits to ensure that water use is sustainable (see Section 3 of plan and Table 1 below). To set allocation limits we considered information including the sustainable yield of the groundwater resource, environmental information and current and future water use (see our report <i>Allocation limit review for the Arrowsmith and Jurien groundwater areas</i>).
	How much water is available for future licensing?	Please refer to Table 1 below or contact our Midwest regional office for up-to-date information. Also see Chapter 3 (Table 2) of the plan.
	Will water be moved out of the region?	If we receive an application to physically move water (through piping) from where the water is sourced we will consider the environmental, economic, cultural and social impacts at the source and receiving location as part of the decision making process. For more information refer to policy group 6.3 in Table 3 of the plan.

FAQ		Our response
	Will there be any more water made available through future studies?	The department reviewed allocation limits for resources in the Arrowsmith groundwater area as part of developing the plan (please refer to <i>Review of the Jurien and Arrowsmith groundwater allocation limits</i> , 2009 for further information). The review took into account the potential impact from climate change and exempt usage. No more water was made available through this review. As part of implementing the plan, the department is committed to undertaking further hydrogeological investigations in the area to further define groundwater availability (refer to Action 1 in Table 6 of the plan).
	Has the department taken climate change into account when setting allocation limits and issuing licences?	Yes. We reviewed allocation limits for the Arrowsmith groundwater area as part of developing the plan. The review took into account the potential impacts of climate change and exempt usage. Please refer to our report <i>Review of the Jurien and Arrowsmith groundwater allocation limits</i> (published in 2009). This report details the methodology and assumptions used to set the allocation limits.
	Is the environment protected?	We are protecting the environment by setting lower allocation limits in environmentally sensitive areas. Impacts to the environment are also considered as part of the 7(2) assessment we do for all licence applications. Where necessary we also require that licensees monitor the impacts of their operations and provide this information to us (refer to policy group 4 in the plan).
	What is a GDE?	GDE stands for groundwater dependent ecosystems, which are ecosystems that rely on groundwater for their existence and health.
	How will the effects of groundwater abstraction be managed near a GDE?	We have developed a guideline for applicants to help them determine how their proposed water abstraction may impact a GDE. Refer to Appendix D of the plan for further information. We are also committed to undertaking further investigations of GDE and their water requirements as part of implementing this plan (see Action 2, Table 6 of the plan).
	Does the plan ensure that local communities have future public water supplies?	We have reserved water across different aquifers in the Arrowsmith groundwater area to ensure water is available for local communities in the future. See Section 3, Table 2 of the plan for more details.
	How far into the future will current reserves for public drinking water last?	We have reserved enough groundwater to meet projected public water supply demands to 2030. We will review these reserved allocations every five years or earlier (Action 6 in the plan). We have factored the use of water for domestic supply in rural areas into the allocation limits.
	Can public drinking water reserves be accessed for other uses temporarily?	Yes, in special cases the department may allow reserved public supply water to be allocated for a short period to other purposes. Refer to policy group 7, Table 3 of the plan.

FAQ		Our response
	Are particular projects or industries favoured over others for licensing?	The department only reserves water for future public drinking water supplies. We assess all other commercial uses of water on a first-in-first served basis, to avoid special treatment for particular projects or industries. When required to submit additional information, applicants must submit this information within a specific time frame according to <i>Statewide policy 17 – Timely submission of required further information 2007</i> , to enable the department to continue to assess their application. This ensures that licence assessments are not held up by the first-in first-served approach.
	How will the cultural and social heritage values associated with groundwater be protected?	We consider the potential impacts of groundwater abstraction on social and cultural values as part of the 7(2) assessment process for all licence applications. We have committed to undertaking further investigations into the social and cultural values of groundwater-dependent ecosystems as part of the plan (refer to Action 3).

Further information or clarification

Refer to the plan, visit our website <[www.water.wa.gov.au/allocation planning](http://www.water.wa.gov.au/allocation_planning)> or contact:

Department of Water
Midwest Gascoyne Region
81 Forrest St Geraldton WA 6530

T: (08) 9965 7400 F: (08) 9964 5983

Arrowsmith groundwater area allocation plan draft for public comment: *water availability*

Table 1 Groundwater allocation limits and available water (kL/yr)

Resource		Allocation limit ¹	Licensed entitlements ²	Reserved (public water supply)	Estimated exempt use	Water available ³
Subarea	Aquifer					
Allanooka	Yarragadee	28 800 000	12 100 500	8 000 000	300 000	Yes
Darling	Cattamarra	N/A (400 000)	0	0	0	Unknown
	Eneabba	N/A (400 000)	0	0	0	Unknown
	Lesueur	1 400 000	0	0	0	Yes
	Parmelia	N/A (100 000)	0	0	0	Unknown
	Surficial	2 500 000	5000	0	350 000	Yes
	Fractured Rock	N/A	0	0	240 000	Unknown
	Yarragadee	N/A (200 000)	0	0	0	Unknown
Dongara	Cattamarra	N/A (200 000)	5000	0	0	Unknown
	Superficial	8 000 000	4 446 610	0	370 000	Yes
	Yarragadee	4 500 000	543 445	0	750 000	Yes
Eneabba Plains	Cattamarra	N/A (100 000)	0	0	0	Unknown
	Eneabba	2 000 000	1 400 000	0	0	Yes
	Lesueur	1 800 000	470 000	0	0	Yes
	Superficial	14 600 000	181 830	0	130 000	Yes
	Surficial	N/A (0)	0	0	0	Unknown
	Yarragadee	22 500 000	16 215 351	1 000 000	260 000	Yes
Mingenew	Otorowiri	N/A (100 000)	0	0	0	Unknown
	Parmelia	8 200 000	838 500	2 000 000	40 000	Yes
Morrison	Otorowiri	N/A (100 000)	0	0	0	Unknown
	Parmelia	4 000 000	0	500 000	60 000	Yes
	Yarragadee	1 000 000	0	0	0	Yes
Tathra	Cattamarra	N/A (50 000)	0	0	0	Unknown
	Eneabba	N/A (100 000)	0	0	0	Unknown
	Lesueur	N/A (100 000)	0	0	0	Unknown
	Parmelia	33 400 000	13 103 650	2 000 000	810 000	Yes
	Surficial	N/A (0)	2500	0	0	Unknown
	Yarragadee	700 000	0	0	0	Yes
Twin Hills	Cattamarra	500 000	50 000	0	0	Yes
	Eneabba	N/A (400 000)	0	0	0	Unknown
	Lesueur	N/A (200 000)	0	0	0	Unknown
	Otorowiri	N/A (100 000)	0	0	0	Unknown
	Parmelia	3 400 000	0	0	0	Yes
	Yarragadee	48 800 000	7 338 250	5 000 000	970 000	Yes
TOTAL		189 250 000	56 700 636	18 500 000	4 390 000	

1. Allocation limits listed as N/A are available (estimated limit in brackets); however any application submitted to access these aquifers requires a detailed hydrogeological investigation before the water can be allocated. Contact the Mid West Gascoyne regional office in Geraldton for more information.
2. Licensed entitlements are current as of June 2009. The calculation of exempt use is detailed in *Reviewing the allocation limits for the Arrowsmith and Jurien groundwater areas*, Department of Water 2009.
3. The amount of water available is the allocation limit minus licensed entitlements, reserved water and exempt use. It is current for June 2009. Any further allocations will reduce the amount of water available. Please refer to the department's licensing system or contact the department for an update on water availability.



Figure 1 The Arrowsmith groundwater area and subareas

Arrowsmith groundwater area allocation plan draft for public comment: *licensing process flowchart*

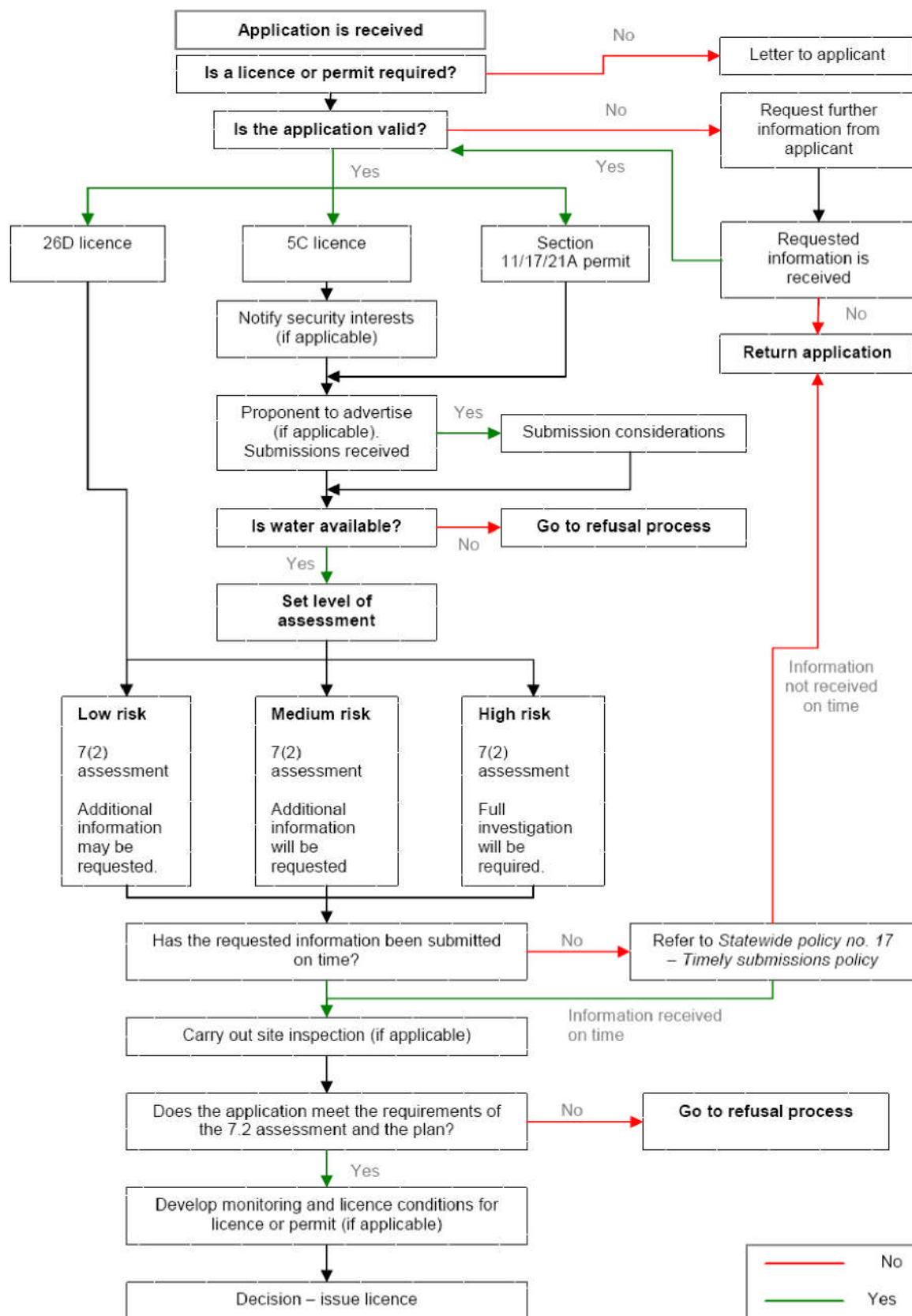


Figure 2 General licensing process flowchart

10.1.5 ABS SUMMER CENSUS GRANT APPLICATION MWDC

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 May 2009
ATTACHMENT	
FILE	S10.3, S22, G5

SUMMARY:

That Councils Executive Staff request the coastal shires of the Mid West plus the Shires of Dandaragan & Gingin to provide support for the Summer Census project and prepare a Grant application to the Midwest Development Commission to fund the overall project.

BACKGROUND:

The Shire President has requested that this matter be brought to Council as an Agenda Item as this matter has not been budgeted for or previously discussed at a full Council Meeting.

The Shire President has met with Darryl Mallam from the ABS on progressing the initial contact through an item in the WALGA news sheets. During the discussions with the ABS the President has asked that the 2011 Census questions include one specific to second homes and potential future use of them (e.g. retirement or holiday home etc) as this information would be useful to the Shire of Coorow in its future planning for more retirees living within our communities and perhaps progressing the movement of the sewage ponds, to name two.

During the contacts with the ABS the Shire President has been advised that the questions for the 2011 Census were already set and any changes to the questions require being put to Federal Parliament and given budget cuts this was unlikely before the 2016 Census.

The President has also been advised that the Mid West Development Commission are co-operating with the ABS regarding a 'Spotlight on the Midwest' census and the President was subsequently directed to Anne Finlay via Steve Douglas to discuss this issue.

ABS advised the President that they can help prepare and analyse data for us at a cost but their staff would not be able to undertake the data collection.

ABS did suggest that Council may be able to utilize local not for profit organisations to undertake the data collection. ABS seem very keen for the project to go ahead as it could be used as a template for many coastal communities experiencing the same pressures as the Shire of Coorow with the need for long term planning and not just peak holiday periods.

Ms Finlay of the Mid West Development Commission has advised the President that she feels confident the Midwest Development Commission could fund such a project if the coastal shires of the Mid West plus Dandaragan and Gingin supported the project.

ABS has indicated that they would prefer this proposed 'Summer Census' be conducted in January of 2010 so as not to confuse the issue of the 2011 'General Census'.

COMMENT:

The information gathered from such a Census would be of major benefit to the Shire of Coorow in its future strategic planning.

If Council wishes to proceed with this matter the Executive Staff can request the coastal shires of the Mid West plus Dandaragan and Gingin to provide support for the project and prepare a Grant application with the Midwest Development Commission to fund the overall project.

The Chief Executives understanding from discussions with the Shire President is that the Shire of Coorow will need to fully drive the project and apply for funding from the MWDC.

Ms Finlay of the Midwest Development Commission has also indicated to the Shire President that the City of Geraldton- Greenough needed to be involved. This is not the impression the ABS has given the Shire President as the ABS feel given the size of the City of Geraldton- Greenough their figures will be captured within the General Census and the same applies to Kalbarri.

STATUTORY ENVIRONMENT:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The costs at this stage are unknown as until Council's knows the amount of questions on the census. It is hard to gauge how long it would take to fill out the census until Council knows how the census data would be collected. For example, would the census be filled out the volunteers asking the questions direct to the householders in an interview style or Council just sending out a questionnaire to each household and await their responses.

PUBLIC CONSULTATION:

No Public Consultation required on this issue.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Councils Executive Staff request the coastal shires of the Mid West plus the Shires of Dandaragan and Gingin to provide support for the summer census project and prepare a Grant application to the Midwest Development Commission to fund the overall project.

RESOLUTION: 2009-151

Moved: Cr Williams **Seconded:** Cr George

That Councils Executive Staff request the Shires of Coorow, Carnamah, Irwin plus the Shires of Dandaragan and Gingin to provide support for the summer census project and prepare a Grant application to the Midwest Development Commission to fund the overall project.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10.2 MANAGER REGULATORY SERVICES:

10.2.1 LOCAL PLANNING POLICY - OUTBUILDINGS

AUTHOR	Simon Lancaster
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 September 2009
ATTACHMENT	10.2.1 Policy 6.6.8 - Outbuildings
FILE	Policy Manual

SUMMARY:

Council resolved at its 15 July 2009 Ordinary Meeting to advertise an amended Local Planning Policy 6.6.8 - Outbuildings pursuant to Section 2.4 of the Shire of Coorow's Town Planning Scheme No.2.

Advertising is now complete and the purpose of this report is to present the Local Planning Policy 6.6.8 – Outbuildings for Council's consideration and formal adoption.

BACKGROUND:

Council resolved at its 18 February 2009 meeting to adopt Policy 6.6.8 – Outbuildings.

All Local Planning Policies are to be reviewed annually by the Chief Executive Officer and during the operation of Policy 6.6.8 – Outbuildings it has become apparent that some minor amendments to the Policy will improve its ability to meet the strategic direction of Council, and enable greater efficiency when dealing with applications, thereby providing an improved level of service to the community.

The amended Policy was advertised from 30 July 2009 until 21 August 2009 with 2 notices being placed in the Mid West Times (30 July 2009 and 6 August 2009). No submissions were received during this time.

A copy of the advertised version of Local Planning Policy 6.6.8 - Outbuildings has been included for Council's consideration as Attachment 10.2.1.

COMMENT:

The operation of Local Planning Policy 6.6.8 – Outbuildings has revealed that there are two areas where the policy could be improved to meet with Council's direction and improve efficiency in dealing with applications:

- Currently the maximum outbuilding size permitted within residential zoned areas under Policy 6.6.8 is 75m², and it is recommended that the policy review increase this to 90m². The basis for this being that 90m² offers a storage area better able to meet the demands of residents without creating outbuildings of

such an area that they dominate the block and reduce the amenity of the surrounding area.

- Currently the maximum outbuilding wall height permitted within residential zoned areas under Policy 6.6.8 is 3m, and it is recommended that the policy review increase this to 3.6m. The basis for this being that 3.6m offers improved clearance area to meet the demands of residents for items such as caravans and boats without creating outbuildings of such height that they are intrusive on the streetscape or reduce the amenity of neighbouring residents.

A review of recent Council approvals for outbuildings in excess of policy requirements bears out the proposed amendments, and the adoption of the updated policy would reflect the dimensions that Council has established as being acceptable in its residential zone, and streamline the development process for applicants. A list of outbuildings given approval by Council in excess of the current policy requirements demonstrates that in all but one instance the draft updated Policy 6.6.8 would allow for their approval under delegated authority:

• Lot 631 (No.54) Oceanview Drive, Green Head	99m²	4.3m wall height
• Lot 774 (No.5) Craike Way, Green Head	81m²	3.3m wall height
• Lot 600 (No.4) Peterson Place, Green Head	81m²	3.3m wall height
• Lot 647 (No.18) Glover Crescent, Green Head	74m ²	3.3m wall height
• Lot 632 (No.56) Oceanview Drive, Green Head	71m ²	3.5m wall height
• Lot 777 (No.6) Craike Way, Green Head	70m ²	3.3m wall height
• Lot 633 (No.58) Oceanview Drive, Green Head	69m ²	3.3m wall height
• Lot 751 (No.28) Craike Way, Green Head	65m ²	3.6m wall height
• Lot 767 (No.31) Craike Way, Green Head	50m ²	3.6m wall height

(Note: Dimensions exceeding current Policy 6.6.8 requirements displayed in bold font)

STATUTORY ENVIRONMENT:

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Section 2.2 of the Shire of Coorow Town Planning Scheme No.2 allows for Council to formulate, review or rescind Local Planning Policies:

“2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area;*

and may amend or add to or rescind the Policy.”

Sections 2.4.1 and 2.4.6 of the Town Planning Scheme requires the Council to publish a notice of the proposed amendments to its Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the amended Policy, where it may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days). At the conclusion of the advertising period Section 2.4.2 of the Scheme requires the Council to review the amended Policy in the light of any submissions made, and Council may resolve to adopt the amended Policy with or without modification, or not proceed with the amended Policy.

STRATEGIC IMPLICATIONS:

For the most part local planning policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of local planning policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. As previously mentioned, Policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

This report and the draft amended Policy highlight the importance of a continued review of Local Planning Policies to keep pace with current development trends, demands and Council expectations.

POLICY IMPLICATIONS:

It is suggested that the version of Local Planning Policy 6.6.8 – Outbuildings presented to the 16 September 2009 meeting of Council supersede Local Planning Policy 6.6.8 – Outbuildings as adopted by Council at its 18 February 2009 meeting.

FINANCIAL IMPLICATIONS:

Section 2.4.3 of the Scheme requires that the local government publish notice of an adopted Policy once in a newspaper circulating in the Scheme Area, this cost will be covered by the Councils existing Planning budget allocation.

VOTING REQUIREMENT:

Simple majority of Council.

OFFICER RECOMMENDATION:

That Council adopt the amended Local Planning Policy 6.6.8 – Outbuildings pursuant to Sections 2.4.2 and 2.4.6 of the Shire of Coorow Town Planning Scheme No.2 and proceed to publish a notice to this effect in the local newspaper pursuant to Section 2.4.3 of the Shire of Coorow Town Planning Scheme No.2.

RESOLUTION:

2009-152

Moved: Cr Williams

Seconded: Cr McTaggart

That Council adopt the amended Local Planning Policy 6.6.8 – Outbuildings pursuant to Sections 2.4.2 and 2.4.6 of the Shire of Coorow Town Planning Scheme No.2 and proceed to publish a notice to this effect in the local newspaper pursuant to Section 2.4.3 of the Shire of Coorow Town Planning Scheme No.2.

CARRIED 7/0

POLICY – HOUSING AND COMMUNITY AMENITIES

Sub Section: Town Planning and Regional Development

Policy Number: 6.6.8

Policy Subject: Outbuildings

Policy Statement: Pre-fabricated garden sheds, “cubby houses”, shade houses, kennels and other animal enclosures (such as aviaries) less than 9m² in total aggregate area and less than 2.1m in height (measured from natural ground level) are exempt from this policy.

Maximum standards for outbuildings are prescribed as follows:

- a) Residential zoned land - 90m² in area or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3.6m and a total maximum height of 4.5m measured from natural ground level. (These area requirements do not override the open space requirements of Table 1 of the Residential Design Codes (2008) or any specific Scheme requirement);
- b) Rural Residential zoned land - 200m² in aggregate area with a maximum wall height of 4.0m and a total maximum height of 6.5m measured from natural ground level;
- c) Rural zoned land generally less than 20ha and adjacent to settlements or within a town site boundary - 240m² in aggregate area with a maximum wall height of 4.0m and a total maximum height of 6.5m measured from natural ground level;
- d) Rural zoned land greater than 20ha and not adjacent to settlements or within a town site boundary is not regulated by this policy.

NOTE: Regardless of zoning, in the case of lots with the potential for further subdivision, outbuildings may be approved by the local government that meet the maximum standards prescribed under this policy. In considering applications of this type due regard will be given to the objectives of this policy, and in order to protect the future amenity of the lots once subdivided, the local government may impose a condition of approval requiring that a legal agreement be lodged with the local government requiring that in the event of further subdivision of that property, the outbuilding must be removed or reduced in size to conform with this policy.

The erection of an outbuilding on vacant residential and rural residential zoned land shall not be approved unless the following requirements have been satisfied:

- a) The applicant or their builder has been issued with a Building Licence by the local government for the construction of a residence upon that lot, and the builder has commenced construction of the residence up to slab height or erection of the sub-floor structure.

Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any residential habitation, commercial or industrial use without the prior approval of the local government.

The storage of any items in connection with a commercial or industrial operation (e.g. crappots, building materials, etc), is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards as prescribed in this Policy.

Regardless of zoning, on lots of 4ha or less, an outbuilding is to be located behind or to the side, but not forward of any existing dwelling on the lot unless the outbuilding is consistent in design and constructed in the same materials and colours as the dwelling.

All outbuildings proposed to be constructed in the South Bay subdivision are to be clad of non-reflective material as required under Statement 14 of Local Planning Policy 6.6.6.

Objectives:

To allow for variation to the Residential Design Codes for Element 10 – Incidental Development.

To provide a clear definition of what constitutes an “outbuilding”.

To ensure that outbuildings are not used for residential habitation, commercial (other than agricultural) or industrial purposes.

To limit the visual impact of outbuildings.

To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.

To ensure that the outbuilding remains an ancillary use to the main dwelling or the principal land use on the property.

“Outbuilding” – is defined in the Residential Design Codes of WA (2008) as: “an enclosed non-habitable structure that is detached from any dwelling.”

“Enclosed” means the enclosure of any side of an outbuilding, including the roof being clad with a non-permeable material. The use of permeable materials such as open lattice or shade cloth does not constitute an enclosed side;

e.g. an enclosed side includes walls with a number of openings (windows etc.).

e.g. a shade sail is not considered an outbuilding.

e.g. an open sided, roofed patio completely detached from the dwelling is considered an outbuilding.

e.g. a non-enclosed addition to an existing outbuilding (veranda, patio or carport etc.) shall constitute an extension to that outbuilding.

“Non-habitable” means a Class 10 building as defined under the BCA.

Note: For a structure detached from the dwelling to be considered “habitable” it must be built to a Class 1 standard as prescribed under the BCA (i.e. Must contain ablution, kitchen, laundry facilities etc.).

“Detached” means detached in the sense of “not belonging”, “standing apart” or “not contiguous” to another building and being of a “free standing” nature.

Note: If a new structure is proposed to be connected to any part of an existing habitable building (i.e. via veranda, walkway, breezeway, carport, garage etc.) then for it NOT to be considered an outbuilding it must be constructed in the same materials and finish to the existing habitable building, and to the Class 1 building standards under the BCA. If not then the proposed structure shall be considered an “attached” outbuilding.

Guidelines:

Any variation to any part of the above policy in relation to Residential zoned land will require consultation with affected landowners and/or occupiers and their written neighbour consent to these variations should preferably be given.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

The Shire of Coorow Town Planning Scheme No. 2, and the Residential Design Codes of Western Australia (2008)

Resolution No:	2009-010 and to be decided
Resolution Date:	19 November 2008, 18 February 2009, 15 July 2009 and 16 September 2009.
Source:	Shire of Chapman Valley Planning Department
Date of Review:	June Annually
Review Responsibility:	Chief Executive Officer

10.2.2 LOCAL PLANNING POLICY – SEA CONTAINERS

AUTHOR	Simon Lancaster
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 September 2009
ATTACHMENT	10.2.2 Policy 6.6.15 – Sea Containers
FILE	Policy Manual

SUMMARY:

Council resolved at the 15 June 2009 Ordinary Meeting that its Planning Department prepare a Local Planning Policy to establish guidelines for the assessment of proposals to place sea containers or other similar relocatable storage units on land within the Municipality.

The draft Local Planning Policy 6.6.15 – Sea Containers was presented to the 15 July 2009 Ordinary Meeting, with Council resolving to advertise the policy for public comment pursuant to Section 2.4.1 of the Shire of Coorow Town Planning Scheme No.2.

Advertising is now complete and the purpose of this report is to present the Local Planning Policy 6.6.15 Sea Containers for Council's consideration and formal adoption.

BACKGROUND:

A copy of draft Local Planning Policy 6.6.15 – Sea Containers has been included for Council's consideration as Attachment 10.2.2.

This Policy was advertised from 30 July 2009 until 21 August 2009 with 2 notices being placed in the Mid West Times (30 July 2009 and 6 August 2009). No submissions were received during this time.

COMMENT:

As reflected in the Policy Statement section of the draft Policy the use of sea containers for storage purposes, whilst functional and cost effective can prove to be unsightly and present a visual amenity issue from a street and adjoining properties. However, it is also recognised that there is generally a need to temporarily store and secure materials and machinery on building sites. For this reason a draft Policy has been prepared to support the approval of sea containers for storage purposes to a maximum of 24 months only on residential and rural residential/lifestyle type lots without affecting the use of sea containers in industrial areas or on farms greater than 20 hectares in area.

STATUTORY ENVIRONMENT:

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Section 2.2 of the Shire of Coorow Town Planning Scheme No.2 allows for Council to formulate, review or rescind Local Planning Policies:

“2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

- (c) generally or for a particular class or classes of matters; and*
- (d) throughout the Scheme area or in one or more parts of the Scheme area;*

and may amend or add to or rescind the Policy.”

Section 2.4.1 of the Town Planning Scheme requires the Council to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the draft Policy, where it may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days). At the conclusion of the advertising period Section 2.4.2 of the Scheme requires the Council to review the proposed Policy in the light of any submissions made, and may resolve to adopt the Policy with or without modification, or not proceed with the Policy.

STRATEGIC IMPLICATIONS:

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies assist in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. As previously mentioned, Policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

Furthermore, it is also important that a continued review of Local Planning Policies be sustained to keep pace with current development trends and demands.

POLICY IMPLICATIONS:

The Shire of Coorow has the following Local Planning Policies:

- 6.6.1 Time Limit on Planning Consent
- 6.6.2 Policy on Car Parking Requirements
- 6.6.4 Conditions for Subdivisions
- 6.6.5 Home Occupation Approval - Renewal
- 6.6.6 South Bay, Green Head, Development Guidelines
- 6.6.7 ~~Residential Living in Industrial Zoned Areas~~ (Policy superseded by 6.6.10)
- 6.6.8 Outbuildings
- 6.6.9 Temporary Accommodation Camps

- 6.6.10 Caretakers Dwellings in General Industry Zone
- 6.6.11 Extractive Industry
- 6.6.12 Residential Design Codes – Setback Variations
- 6.6.13 Agro Forestry
- 6.6.14 Intensive Agriculture

It is suggested that the Council adopt ‘Sea Containers’ as Local Planning Policy 6.6.15 at its 16 September 2009 Ordinary Meeting.

FINANCIAL IMPLICATIONS:

Section 2.4.3 of the Scheme requires that the local government publish notice of an adopted Policy once in a newspaper circulating in the Scheme Area, this cost will be covered by the Councils existing Planning budget allocation.

VOTING REQUIREMENT:

Simple majority of Council.

OFFICER RECOMMENDATION:

That Council resolve to adopt Local Planning Policy 6.6.15 – Sea Containers pursuant to Section 2.4.2 of the Shire of Coorow Town Planning Scheme No.2 and proceed to publish a notice to this effect in the local newspaper pursuant to Section 2.4.3 of the Shire of Coorow Town Planning Scheme No.2.

RESOLUTION: 2009-153

Moved: Cr George ***Seconded:*** Cr Waite

That Council lay this matter on the table to seek further clarification on changes made to Policy 6.6.15 – Sea Containers, at the July 2009 Ordinary Meeting.

CARRIED 7/0

POLICY – HOUSING AND COMMUNITY AMENITIES

Sub Section: Town Planning and Regional Development

Policy Number: 6.6.15

Policy Subject: Sea Containers

- Policy Statement:
1. Sea (shipping) containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, in general the Shire carries a presumption against the use of sea containers other than in industrial and rural areas unless the Council can be satisfied a genuine need exists for storage of materials and equipment, and the use and placement of a sea container/s can meet acceptable amenity standards in the locality. As such it is necessary that conditions be imposed should approval be granted to ensure an acceptable quality of development is achieved.
 2. For the purpose of this policy a sea container shall also include a re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy and further may be subject to detailed consideration by the Council based on merit.
 3. The placement of a sea (shipping) container or similar re-locatable storage unit on land, other than industrial land and rural land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definitions of 'development' under the Town Planning Scheme.
 4. In general, a sea container being used temporarily by a builder to store equipment, tools and building materials while constructing a building, will be exempt from this Policy. This exemption shall however, continue only during the time occupied in completing the building, and in any case shall not exceed the duration of 24 months of the date of issue of a building licence. In such instances the sea container must conform to any siting requirements of the Chief Executive Officer, and in the event of written, author-identified complaint being received, the matter may be referred to Council for its determination.

5. Applications for the use of a sea container are required to address the following;
 - a) The submission of:
 - a completed and sign planning application form and payment of application fee;
 - a site plan showing the proposed location of the development in relation to boundary setbacks, natural features, existing development, and adjoining buildings, to a scale of no less than 1:100;
 - a written submission detailing the use, condition, unit dimensions and visual amenity associated with the sea container;
 - any elevation drawings and/or photographs illustrating the presentation and appearance of a sea container in good repair and in uniform colour with no visible rust marks.
 - b) The placement of a sea container, or similar, shown on a scaled site plan located behind an existing building and/or screen vegetation to minimise the visual impact from a road and adjoining properties.
6. Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:
 - a) more than one (1) sea (shipping) container on a property;
 - b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height.
7. Should there be any conflict between this Policy and the Shire of Coorow Town Planning Scheme No.2, the Town Planning Scheme shall prevail.

Objectives: To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.

Establish guidelines for the assessment of proposals to place sea (shipping) containers or other similar re-locatable storage units on land within the municipality.

Guidelines: The Council at its discretion may advertise the proposed use of sea (shipping) containers within a designated locality to ascertain

the views of neighbouring and nearby residents prior to the application being considered.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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

Resolution No: to be decided

Resolution Date: 16 September 2009

Source: Shire of Coorow

Date of Review: June Annually

Review Responsibility: Chief Executive Officer

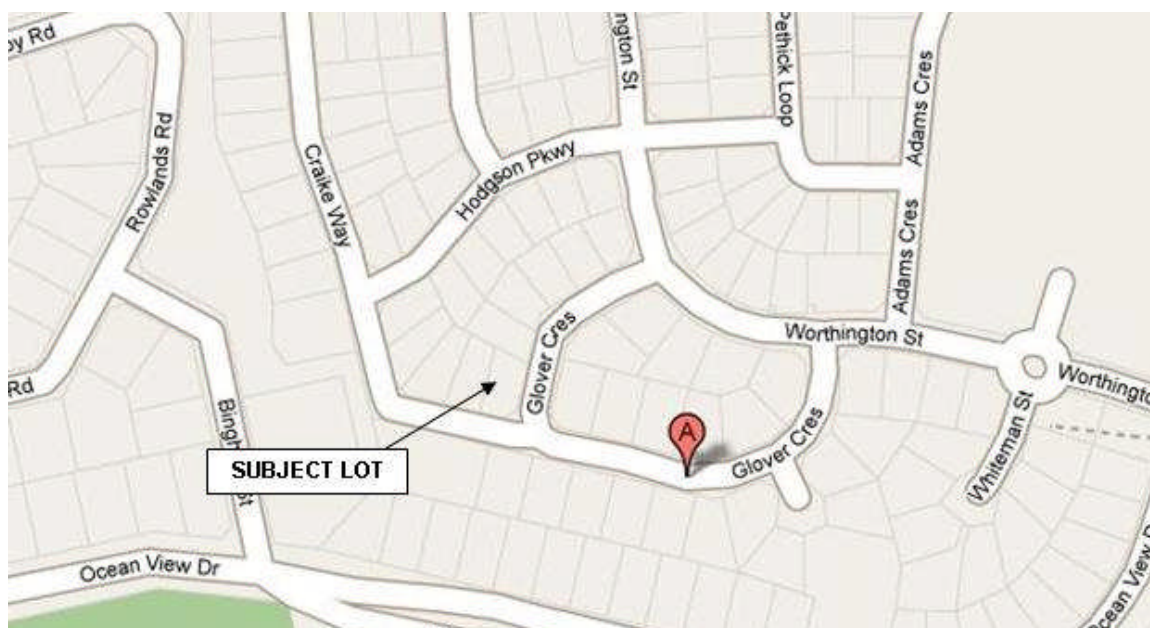
10.2.3 PROPOSED NEW TRANSPORTABLE DWELLING LOT 775 (No.2) CRAIKE WAY, GREEN HEAD – CONCESSION FOR BUILDING DESIGN GUIDELINES

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 September 2009
ATTACHMENT	10.2.3 Site Plan, Floor Plans
FILE	GH755

SUMMARY / BACKGROUND:

Council is in receipt of an application from Fleetwood Pty Ltd that seeks to site a transportable dwelling upon Lot 775 (No.2) Craike Way, Green Head. In accordance with Town Planning Scheme No.2 (the 'Scheme') an application for a transportable dwelling requires the planning consent of Council. Additionally the applicant is requesting a concession to vary the dwelling's roof pitch from the 15° prescribed under *Greenhead South Bay Development Guidelines* to a pitch of 7°. This report recommends conditional approval of the application.

Figure 1 - Location plan for subject property



COMMENT:

The proposed transportable dwelling is to be elevated approximately 500mm above natural ground level and will be constructed with hardiplank weatherboard wall cladding and a colorbond custom orb roof. The design is modern in style and similar to other homes which have been constructed within the South Bay Estate. The front elevation is considered to be aesthetically pleasing and will contribute to the desired streetscape.

A copy of the submitted site plan, floor plan and elevations are provided as Attachment 10.2.3 to elaborate upon this application.

The underlying intent of the South Bay Development Guidelines is to guide development, maintain an open streetscape and prevent development that is not considered to be in the general interest of the community. This position is broadly supported by the Residential Design Codes 2008 (R-Codes), where the explanatory guidelines of the R-Codes state in part “the case for design controls rests essentially on the visual impact of buildings on the streetscape...[and]...too often controls which attempt to impose harmony simply encourage poor limitations or plastics of the styles of original housing.”

With this in mind, the Development Guidelines for the South Bay area clearly serves an important function in achieving and maintaining consistency in housing design. However, the Council is urged to apply some flexibility in its management of the design guidelines so as not to deny innovation and variation in housing design that would comfortably fit with the coastal environs and complement the local streetscape.

Previously Council staff had been in liaison with representatives from Landcorp to obtain confirmation that Landcorp is comfortable in the Council assessing and determining applications outside of the prescribed guidelines provided proper and orderly planning principles are being applied and adhered too. Therefore, on this understanding and in consideration of the previous comments and arguments presented in the application, particularly in relation to the streetscape presentation, appropriateness of design, and the more innovative use of lower pitch skillion and/or curved roof structures of today, it is recommended the variation to the roof pitch, as proposed, be supported.

STATUTORY ENVIRONMENT:

The subject property is zoned ‘Residential R15’ under Shire of Coorow Town Planning Scheme No.2 and pursuant to Section 4.3 (Table 1) a dwelling is a permitted use in the ‘Residential’ zone. The proposed dwelling is deemed to comply with the prescribed standards of the R-Codes however Section 5.8.2 of the Scheme requires that applications for new transportable dwellings obtain the planning consent of Council.

The Scheme does not specifically prescribe guidelines for new transportable dwellings and it is therefore assumed that as the transportable is of a quality design and meets the requirements of the R-Codes in terms of setbacks and privacy that the siting of a new transportable residence can be supported and will be in keeping with the orderly and proper planning of the locality.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

The proposed development does not comply with the 'South Bay Development Guidelines' Local Planning Policy and therefore the proposed variation, being the roof pitch in this instance, requires the discretion of Council. Point 8 of the Shire's Local Planning Policy 'Greenhead South Bay Development Guidelines' states:

"No dwelling shall be constructed with a roof pitch of less than 15 degrees."

The Scheme, however, affords flexibility to relax the standards of a Local Planning Policy should the Council be satisfied there will not be any detrimental affect on the streetscape and/or local amenity. Section 2.3.2 of the Scheme states:

"A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination."

In light of the discussions with the developer who prepared the Guidelines and the desire to have decisions based on proper and orderly planning principles being applied, approval is recommended for the proposed dwelling in this instance. The applicant has demonstrated quality of design, and largely an adherence to the 'South Bay Development Guidelines' Policy.

Staff advise that previously Council have approved dwellings of similar design including wall cladding and roof pitches which are not compliant with the policy's guidelines.

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council resolve to grant formal planning consent for a new transportable dwelling to be sited upon Lot 793 (No.28) Worthington Street, Green Head, subject to compliance with the following:

Conditions

- (a) Development shall be in accordance with the attached approved plan(s) dated 16 September 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- (b) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- (c) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- (d) The roof cladding for the house shall be tiled or of a colorbond metal deck finish in a colour complementary to the coastal environs. The use of zincalume cladding or similar is not permitted.
- (e) All storm-water runoff from impervious surfaces (roof and paved areas) shall be contained within the property boundaries, and re-used or disposed of through an acceptable drainage system such as underground soak wells.
- (f) The driveway/car-parking bays and access crossover from the street shall be consistent in material, colour and pattern, with the exception of an existing footpath.
- (g) All water tanks and clothes drying areas shall be positioned to the rear of the property or alternatively placed behind a privacy screen complementary in material and colour with the house and boundary fencing.
- (h) The side and rear boundary fencing shall be no greater than 1.8 metres in height and complementary in colour with the house. The use of bare zincalume metal, bare galvanized metal or unpainted hardi-fence or the like is not permitted.
- (i) The applicant is required to install cladding of an appropriate material and colour for the purpose of concealing the 500mm clearance between the natural ground level and the finished floor level of the residence to the satisfaction of the Local Government.

Notes

- i. The applicant is reminded that all future development (i.e. sheds/carports, patio/verandah extensions, letterbox, and front boundary fencing) is to accord with the Policy Objectives of the *Green Head South Bay Development Guidelines*, endorsed as the Shire of Coorow Local Planning Policy 6.6.6, that may be amended from time to time.
- ii. This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.
- iii. Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty eight (28) days from the date of the decision.

RESOLUTION: 2009-154

Moved: Cr McTaggart **Seconded:** Cr Bothe

That Council resolve to grant formal planning consent for a new transportable dwelling to be sited upon Lot 775 (No.2) Craike Way, Green Head, subject to compliance with the following:

Conditions

- (a) *Development shall be in accordance with the attached approved plan(s) dated 16 September 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.*
- (b) *The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.*
- (c) *Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.*
- (d) *The roof cladding for the house shall be a colorbond metal deck finish in a colour complementary to the coastal environs. The use of zincalume cladding or similar is not permitted.*
- (e) *All storm-water runoff from impervious surfaces (roof and paved areas) shall be contained within the property boundaries, and re-used or disposed of through an acceptable drainage system such as underground soak wells.*

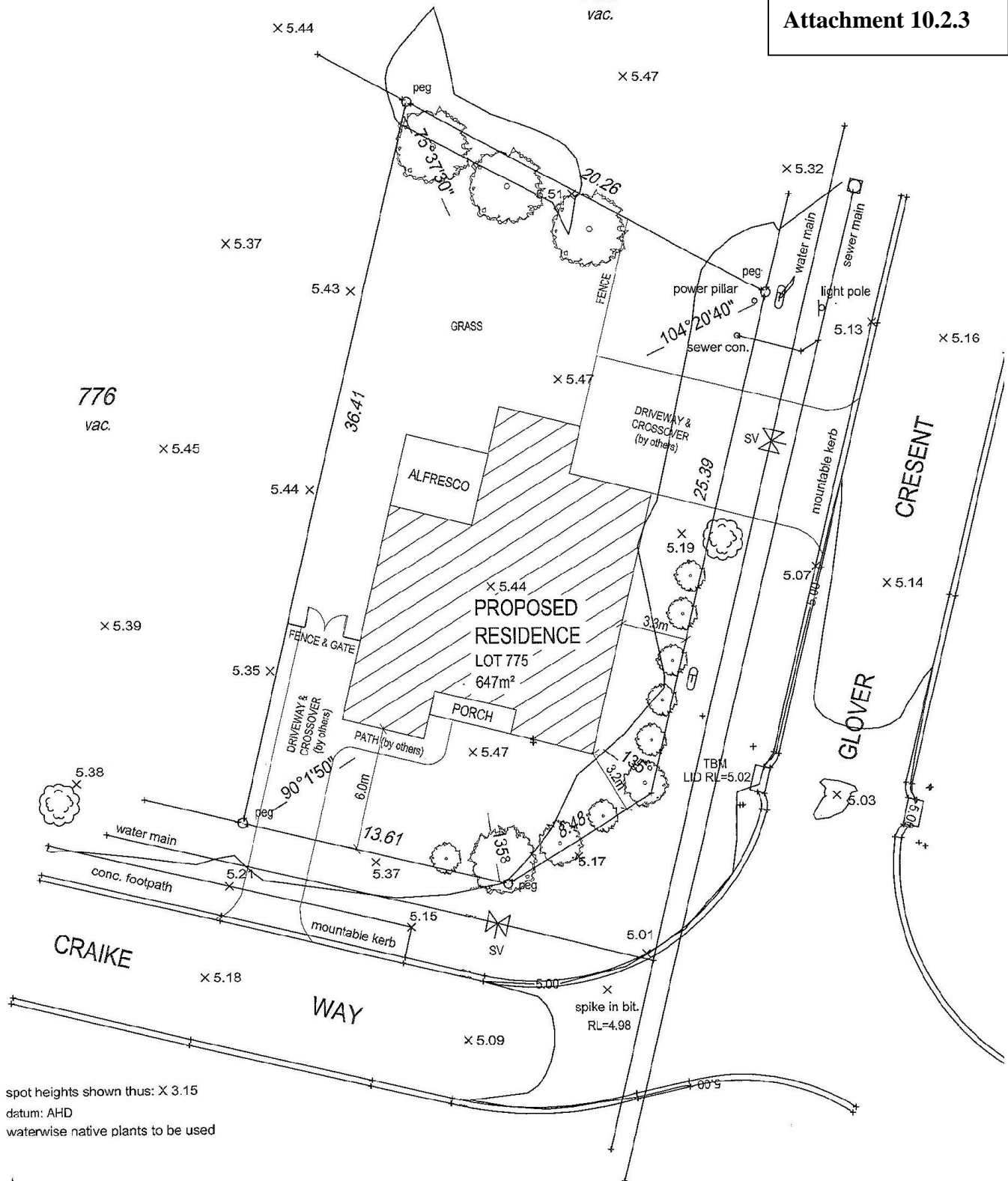
- (f) *The driveway/car-parking bays and access crossover from the street shall be consistent in material, colour and pattern, with the exception of an existing footpath.*
- (g) *All water tanks and clothes drying areas shall be positioned to the rear of the property or alternatively placed behind a privacy screen complementary in material and colour with the house and boundary fencing.*
- (h) *The side and rear boundary fencing shall be no greater than 1.8 metres in height and complementary in colour with the house. The use of bare zincalume metal, bare galvanized metal or unpainted hardi-fence or the like is not permitted.*
- (i) *The applicant is required to install cladding of an appropriate material and colour for the purpose of concealing the 500mm clearance between the natural ground level and the finished floor level of the residence to the satisfaction of the Local Government.*

Notes

- i. *The applicant is reminded that all future development (i.e. sheds/carports, patio/verandah extensions, letterbox, and front boundary fencing) is to accord with the Policy Objectives of the Green Head South Bay Development Guidelines, endorsed as the Shire of Coorow Local Planning Policy 6.6.6, that may be amended from time to time.*
- ii. *This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.*
- iii. *Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty eight (28) days from the date of the decision.*

CARRIED 7/0

Council's Resolution differed from the Officers Recommendation as the Officers Recommendation had the incorrect address for the application.



SITE PLAN

SCALE 1:200

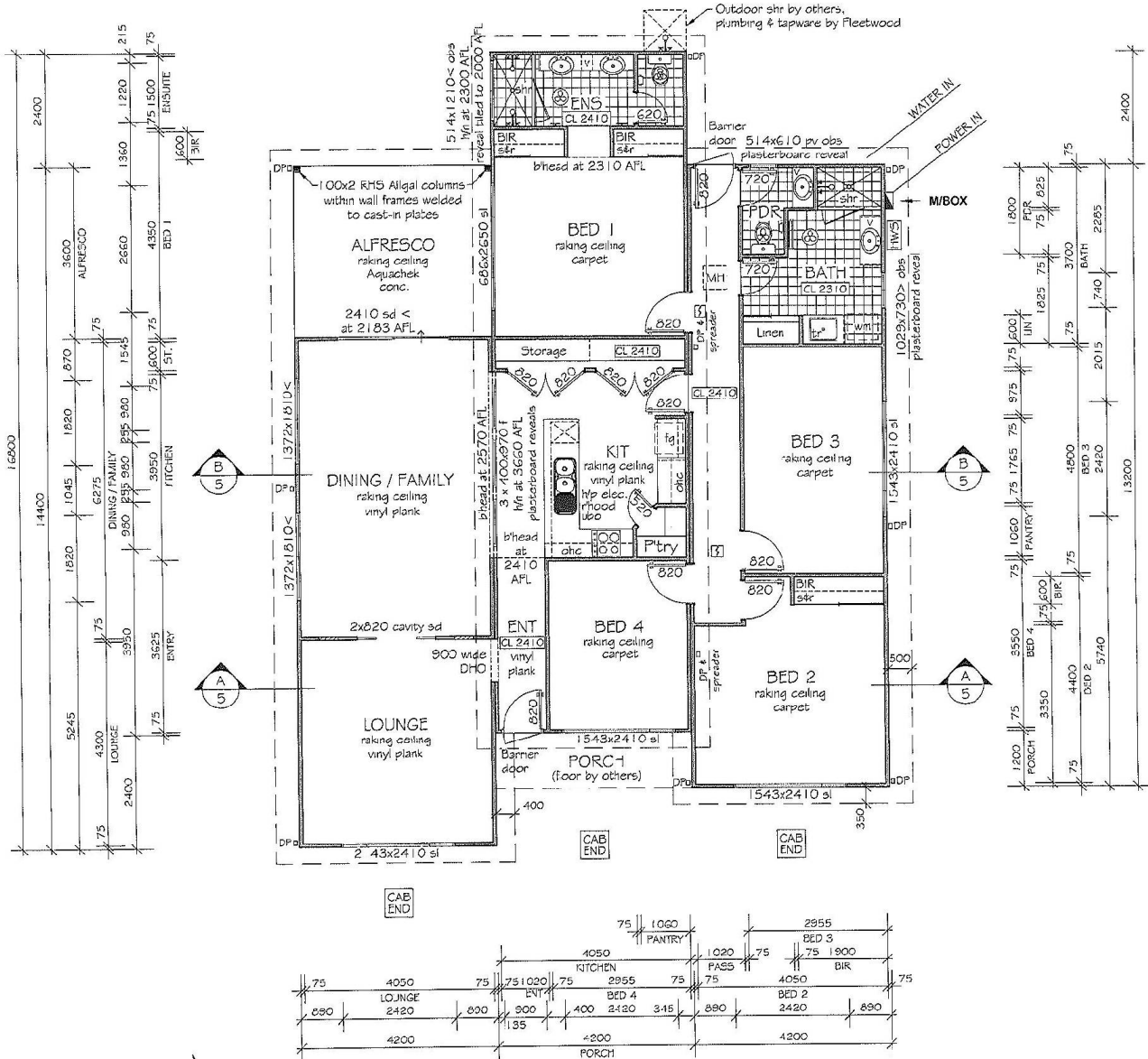
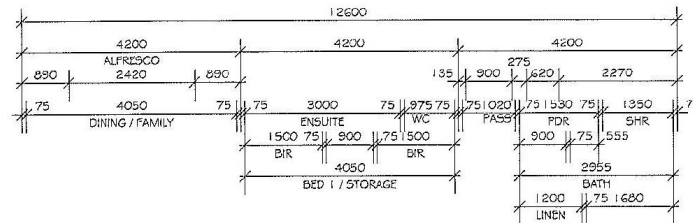
BUILDING DESIGN CRITERIA
Wind Load - in Accordance with AS.1170.2:2002
REGION A & B, TERRAIN CATEGORY 2
Annual Probability of Exceedance 1:500

HEAD OFFICE
1240 ABERNETHY RD HIGH WYCOMBE W.A. 6057
PH: (08) 9281 7500 FAX: (08) 9281 7580
EMAIL: info@fleetwood.com.au INTERNET: www.fleetwood.com.au
555 WATERLOO CNR RD, BURTON S.A. 5110



Fleettwo

CLIENT:



FLOOR PLAN

SCALE 1:100

NOTES: TRIMMERS FOR ALL SHOWER ROSES AT 1950 AFL

TAILS OF TRUSSES OVER MIDDLE SECTION OF HOUSE
TO BE 126mm DEEP TO MATCH 125x75x3 RHS RAFTERS
OVER KITCHEN AREA

CUSTOM BRUNSWICK

HOUSE AREA:
ALFRESCO AREA:
PORCH AREA:
TOTAL AREA:
HOUSE ROOF AREA
(inc. ALFRESCO):
PORCH ROOF AREA:
TOTAL ROOF AREA:

BUILDING DESIGN CRITERIA

Wind Load - in Accordance with AS.1170.2:2002
REGION A & B, TERRAIN CATEGORY 2
Annual Probability of Exceedance 1:500

HEAD OFFICE

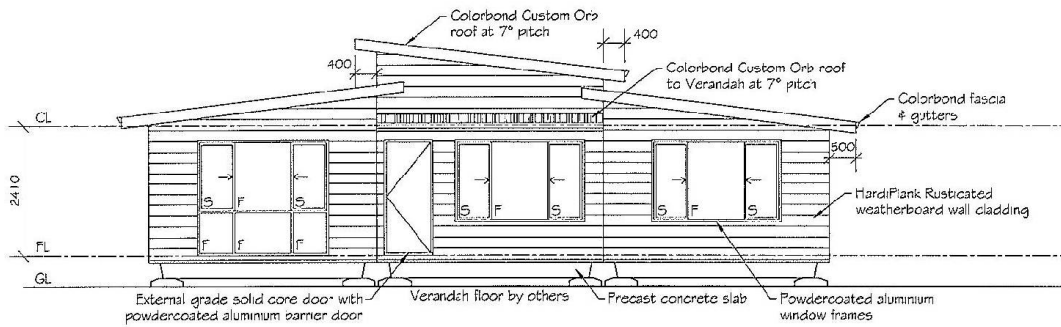
1240 ABERNETHY RD HIGH WYCOMBE W.A. 6057
PH: (08) 9281 7500 FAX: (08) 9281 7580
EMAIL: info@feetwood.com.au INTERNET: www.feetwood.com.au

INTERSTATE BRANCHES:	555 WATERLOO CNR RD, BURTON S.A. 5110 PH: 0800 550 550 FAX: 0800 554 444
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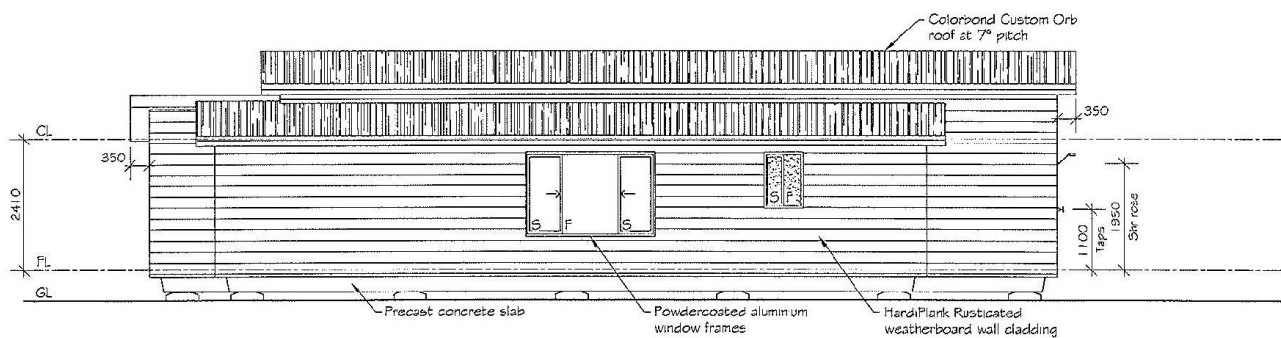


Fleetwo

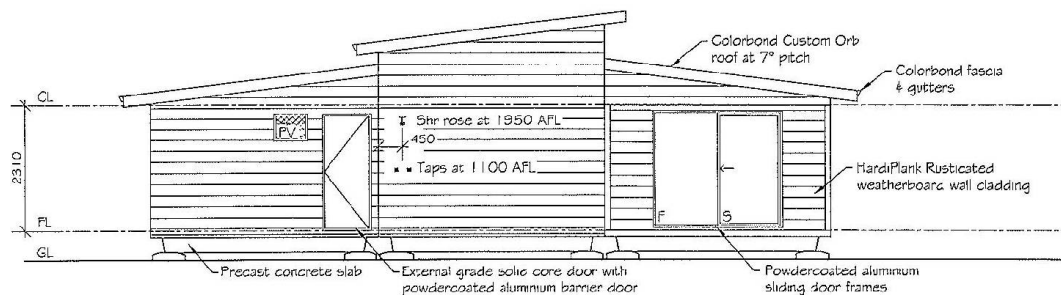
CLIENT:
LITTLE



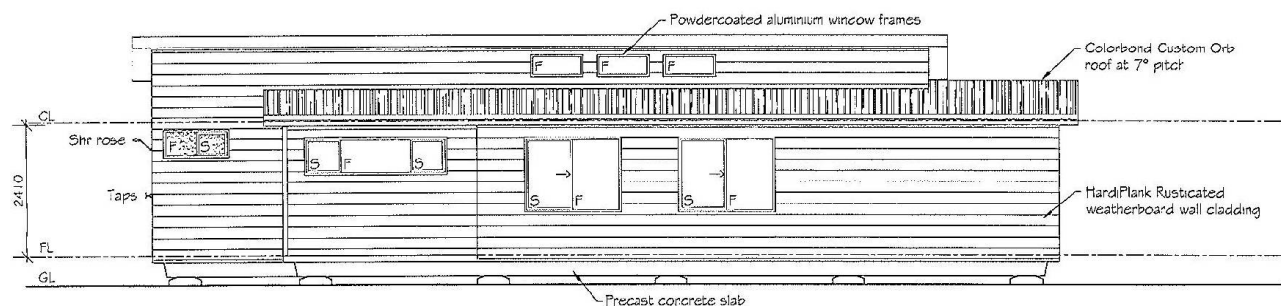
FRONT ELEVATION
 SCALE 1:100



SIDE ELEVATION
 SCALE 1:100



REAR ELEVATION
 SCALE 1:100



SIDE ELEVATION
 SCALE 1:100

10.3 PRINCIPAL WORKS SUPERVISOR:

The meeting adjourned at 3.30pm

The meeting resumed at 3.35pm

10.3.1 WANN PARK RETICULATION

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	7 September 2009
FILE	
ATTACHMENT	10.3.1 Outback Drilling quote

SUMMARY:

Council requested staff to receive quotations for the installation of a Wildcat Bore at Wann Park, Leeman.

After further consultation and upon receiving a quote from Outback Drilling the wildcat bore will have an approximate cost of \$98,752.80. This is not inclusive of a pump or the plumbing of the bore.

BACKGROUND:

Council allocated \$100,000 of the 2008/09 Royalties for Regions monies received for the provision of a bore and reticulation at Wann Park Leeman.

After consultation with a drilling contractor, Council staff were advised to engage the services of a hydrologist to ascertain the quantity and quality of any existing water at the site.

The hydrologist report recommended the installation of a wildcat bore for the reticulation of Wann Park, Leeman.

COMMENT:

After seeking quotations for the installation of a wildcat bore Council staff have received one quote from Outback Drilling Exploration, as included at Attachment 10.3.1, for \$98,752.80. This figure is not including a pump or the plumbing of the bore. Therefore the \$100,000 from Royalties for Regions is not considered to be sufficient to complete this project.

STATUTORY ENVIRONMENT:

2008/09 Royalties for Regions Funding
2009/10 Shire of Coorow Budget

Local Government Act 1995

Absolute Majority

Regulation 10 (2) state Local Government (Administration) Regulations 1996

STRATEGIC IMPLICATIONS:

Shire of Coorow Strategic Plan

GOAL 3 – INFRASTRUCTURE

Introduce, maintain and upgrade assets and infrastructure which meet community needs through a timely and cost effective process.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council budgeted \$100,000 for the entire reticulation project at Wann Park Leeman. If Council were to accept the quote from Outback Drilling Exploration, further expenditure would be required to provide water storage, pumping equipment and plumbing of the bore.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. does not proceed with the wildcat bore at Wann Park, Leeman due to:
 - a) the project exceeding the budgeted expense,
 - b) there being no guarantee of the volume or quality of water available; and
2. reallocate the \$100,000 from the Royalties for Regions funds to another project from the Principal Activities Plan.

RESOLUTION: **2009-155**

Moved: Cr George

Seconded: Cr Williams

That Council:

1. *does not proceed with the wildcat bore at Wann Park, Leeman due to:*
 - a) *the project exceeding the budgeted expense,*
 - b) *there being no guarantee of the volume or quality of water available;*
and
2. *reallocate the municipal fund allocation for the Coorow Green Head road to the R4R program 2008/09; and*
3. *set up a Wann Park Reticulation Reserve fund for the allocation of the \$100,000 from Council's Municipal fund not required for the Coorow Green Head Road Patching project.*

CARRIED 7/0
BY ABSOLUTE MAJORITY



08 9525 0449

QUOTE

7 Gloaming Way
Darling Downs 6122
ABN 70810848404

To: Shire of Coorow
Kelvin Bean
Coorow Shire

Client Phone. 0428521103

Quote Number	A303
Quote Date	28-08-2009
Account Number	103
Order Number	No number
Job Number	41

Qty.	Description	Price	Tax	Total
1	Set up Safety fencing on oval	3952.08	10	\$4,347.29
1	Digging of sump	1800.00	10	\$1,980.00
1	Back fill sump at end of job	200.00	10	\$220.00
	Set up rig 1 and fill mud pit, circulate muds for 24 hrs In short Drilling in and through the Tamala Limestone to 36m, tripping out of the hole, running in 250mm CL12 and pressure cementing off. After the cement cures Move rig 1 off # and move rig 2 on # Set up rig RC drilling, sampling water every 3mtrs for salinity. Once into the Woodada formation, measuring water discharge @ 120mtrs. If water quantity and quality is satisfactory, trip out and move rig 2 off. move rig 1 in & set up for mud and open hole to 213mm down to 120m once the hole is stable, trip rods out and run in Stainless steel screens, adaptor to 155 pn 12 casing. gravel pack the screen off, plug off cement off when cement cures; air lift bore. 1 test pump bore 24hrs	76000.00	10	\$83,600.00
	Water quantity and quality cannot be guaranteed.	7823.20	10	\$8,605.52
EX GST TOTAL				\$89,775.27
GST TOTAL				\$8,977.53
QUOTE TOTAL				\$98,752.80

10.4 DEPUTY CHIEF EXECUTIVE OFFICER:

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Erika Clement
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2009
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 16 September 2009

SUMMARY:

Council approval is required for payment of accounts made within the months of July 2009 and August 2009 and to approve payments of accounts due in August 2009.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 15 July 2009 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 19 August 2009.

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;

STRATEGIC, POLICY & FINANCIAL 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 16 September 2009 including:

1. Vouchers 18145 to 18151, 18154 to 18169, PR71010909 to PR72310809, DD190809 to DD190809, EFT2070 to EFT2121, DCEO, CEO, MRS VISA CARDS totalling \$421,702.65 from Council's Municipal Fund; and
2. Vouchers 106-108 from Council's Trust Fund totaling \$6,000;

be authorised and passed for payment.

RESOLUTION: 2009-156

Moved: Cr McTaggart **Seconded:** Cr Bothe

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 16 September 2009 including:

1. *Vouchers 18145 to 18151, 18154 to 18169, PR71010909 to PR72310809, DD190809 to DD190809, EFT2070 to EFT2121, DCEO, CEO, MRS VISA CARDS totalling \$421,702.65 from Council's Municipal Fund; and*
2. *Vouchers 106-108 from Council's Trust Fund totaling \$6,000;*

be authorised and passed for payment.

CARRIED 7/0

Accounts Due and Submitted to Council 16 September 2009

Chq/EFT	Date	Name	Description	TRUST	MUNI
106	21/08/2009	SHIRE OF COOROW	CONTRIBUTION - MALEY PARK REFURBISHMENT	\$5,000.00	
107	21/08/2009	CEDAR HOMES	KERBING DEPOSIT REFUND	\$ 500.00	
108	21/08/2009	T.CRAIKE	KERBING DEPOSIT REFUND	\$ 500.00	
EFT2070	18/08/2009	ENVIRONMENTAL HEALTH ASSOC (AUST)INC	ENVIRONMENTAL HEALTH CONFERENCE MRS		\$ 655.00
EFT2071	25/08/2009	SPECIALISED FORCE PTY LTD	REPAIRS AND PARTS AIR JACK, HYDRAULIC AND PUMP		\$ 1,336.19
EFT2072	28/08/2009	SHIRE OF KATANNING	INTERMUNICIPAL GOLF DAY		\$ 360.00
EFT2073	01/09/2009	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	LEGAL CHARGES - OVERDUE RATES (CHARGED TO ASSESSMENTS)		\$ 4,158.12
EFT2074	01/09/2009	AUSSIE TREE SERVICES	REMOVAL OF TREES- MALEY PARK, NORTH ST, COOROW STREET		\$ 12,582.90
EFT2075	01/09/2009	BP JURIE BAY	BELT - VIBE ROLLER		\$ 24.50
EFT2076	01/09/2009	COURIER AUSTRALIA	FREIGHT- LISWA, KENWORTH, PCS, COVENTRYS		\$ 80.15
EFT2077	01/09/2009	COVENTRY GROUP LTD	LIGHTER, BATTERY CHARGER, SHACKLES		\$ 3,589.54
EFT2078	01/09/2009	CHUBB FIRE	EXTINGUISHER SERVICE - GREEN HEAD FIRE STATION		\$ 1,044.45
EFT2079	01/09/2009	CARNAMAH ENGINEERING	CABLE PLATES- CW0012		\$ 111.65
EFT2080	01/09/2009	DRUMMOND JOE ELECTRICS	SEWER PUMP STATION LEEMAN RECREATION CENTRE		\$ 3,044.80
EFT2081	01/09/2009	ENZED SERVICE CENTRE WELSHPOOL	HYDRAULIC HOSES - CW0033		\$ 217.27
EFT2082	01/09/2009	GREEN HEAD COMMUNITY CENTRE MANAGEMENT	ELECTRICITY		\$ 418.73
EFT2083	01/09/2009	GERALDTON NEWSPAPERS LIMITED	TOWN PLANNING ADVERTISING		\$ 860.80
EFT2084	01/09/2009	GIRANDO MJ	TRAVELLING & SITTING FEES		\$ 823.40
EFT2085	01/09/2009	HOIST HYDRAULICS WA PTY LTD	RESEAL FORKLIFT CYLINDER		\$ 312.13
EFT2086	01/09/2009	HERSEY JR & A PTY LTD	RIGGERS GLOVES		\$ 1,716.00
EFT2087	01/09/2009	HITACHI CONST MACHINERY (AUST) P/L	HYDRAULIC HOSE CW0012		\$ 408.32
EFT2088	01/09/2009	IT VISION	TRAINING COURSE - RO		\$ 220.00
EFT2089	01/09/2009	JULIE ANNE BLOM	REFRESHMENTS - COUNCIL MEETING 19 AUGUST		\$ 350.00
EFT2090	01/09/2009	KENWORTH DAF W.A.	VIBRATION DAMPER - CW004		\$ 622.20

Accounts Due and Submitted to Council 16 September 2009

Chq/EFT	Date	Name	Description	TRUST	MUNI
EFT2091	01/09/2009	LEEMAN HARDWARE	INSTALLATION OF DISABLED TOILET LEEMAN REC CENTRE		\$ 30,734.65
EFT2092	01/09/2009	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ANALYTICAL SERVICES		\$ 380.00
EFT2093	01/09/2009	LGIS INSURANCE BROKING	VEHICLE & PLANT INSURANCE		\$ 41,780.67
EFT2094	01/09/2009	ML COMMUNICATIONS	VEHICLE PHONE CHARGER CW1002		\$ 35.00
EFT2095	01/09/2009	MIDWEST CHEMICAL & PAPER	CLEANING SUPPLIES LEEMAN		\$ 97.25
EFT2096	01/09/2009	MIDWEST AUTO GROUP	SERVICE CW001		\$ 84.61
EFT2097	01/09/2009	METROCOUNT	BATTERY'S FOR TRAFFIC COUNTER		\$ 587.40
EFT2098	01/09/2009	MIDALIA STEEL PTY LTD	METAL - SWIMMING POOL		\$ 956.51
EFT2099	01/09/2009	MIDVALE DISCOUNT TYRES	TYRE CW0060		\$ 300.00
EFT2100	01/09/2009	MARTINS TRAILER PARTS PTY LTD	BRAKE DRUMS & HUBS - CW0028		\$ 360.82
EFT2101	01/09/2009	NORTH MIDLANDS MOTORS	TYRES - FIT & BALANCE CW0032		\$ 424.00
EFT2102	01/09/2009	NORTHAM BEARING SALES	DOUBLE ROLLER BEARINGS - PEDESTRIAN ROLLER		\$ 436.48
EFT2103	01/09/2009	OFFICEWORKS BUSINESS DIRECT	STATIONARY		\$ 1,571.63
EFT2104	01/09/2009	PT POWDER COATERS & SANDBLASTING SERVICE	POWDERCOATING OF CRAYFISH & SAILS - LEEMAN ENTRY STATEMENTS		\$ 1,032.20
EFT2105	01/09/2009	RBC-RURAL	METERPLAN CHARGES PHOTOCOPIERS		\$ 1,281.24
EFT2106	01/09/2009	RICOH FINANCE	LEASE CHARGES PHOTOCOPIERS		\$ 663.49
EFT2107	01/09/2009	RCR ENGINEERING	DRAFT & CUTTING OF LOBSTER- LEEMAN ENTRY STATEMENTS		\$ 2,825.90
EFT2108	01/09/2009	STAR TRACK EXPRESS	FREIGHT- HERSEY, JOSCO		\$ 291.30
EFT2109	01/09/2009	SNAP PRINT	ENVELOPES		\$ 569.00
EFT2110	01/09/2009	T-QUIP	ROTARY BLADES - TORO MOWER		\$ 589.50
EFT2111	01/09/2009	VAC INDUSTRIES	LPG REGULATOR		\$ 132.00
EFT2112	01/09/2009	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	CONFERENCE 2009 - WALGA & ADVERTISING		\$ 12,093.20
EFT2113	01/09/2009	WALTONS STORES	OIL & AIR FILTERS - CW0060		\$ 22.38
EFT2114	01/09/2009	WESTRAC EQUIPMENT	SEALS & GLASS - CW007		\$ 383.88

Accounts Due and Submitted to Council 16 September 2009

Chq/EFT	Date	Name	Description	TRUST	MUNI
EFT2115	01/09/2009	WINCHESTER INDUSTRIES	METAL DUST - SWIMMING POOL - COOROW - GREEN HEAD ROAD		\$ 3,282.40
EFT2116	01/09/2009	WAITE JAN	TRAVELLING & SITTING FEES		\$ 512.33
EFT2117	01/09/2009	W A TREASURY CORPORATION	LOAN REPAYMENT #68		\$ 8,694.00
EFT2118	01/09/2009	LGIS INSURANCE BROKING	SALARY CONTINUANCE INSURANCE		\$ 15,172.00
EFT2119	01/09/2009	LGIS WORKCARE	WORKERS COMPENSATION INSURANCE		\$ 21,252.00
EFT2120	01/09/2009	LGIS LIABILITY	PUBLIC LIABILITY INSURANCE		\$ 13,641.37
EFT2121	01/09/2009	LGIS PROPERTY	PROPERTY INSURANCE 2009/2010		\$ 32,930.36
18145	12/08/2009	AUSTRALIAN TAXATION OFFICE	JULY BAS		\$ 15,051.00
18146	18/08/2009	HEART FOUNDATION	GO RED FOR WOMEN MERCHANDISE - HEART FOUNDATION - COOROW		\$ 16.00
18147	19/08/2009	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS		\$ 1,367.32
18148	19/08/2009	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 180.00
18149	19/08/2009	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS		\$ 21,207.23
18150	21/08/2009	HEART FOUNDATION	GO RED FOR WOMEN MERCHANDISE- HEART FOUNDATION - LEEMAN		\$ 45.00
18151	28/08/2009	DR Y INOUE	FINAL PAYMENT DR INOUE FOR THREE SPRINGS MEDICAL PRACTICE		\$ 3,885.65
18154	01/09/2009	CLEMENT LR & JM	GRAVEL LAUNER ROAD		\$ 2,702.50
18155	01/09/2009	FLEXIBLE DRIVE AGENCIES	REPAIRS TO CABLES & NEW CABLES		\$ 594.88
18156	01/09/2009	JOSCO SURFACE FINISHING PRODUCTS PTY LTD	ROAD BROOMS		\$ 1,191.30
18157	01/09/2009	LEEMAN SENIORS	REIMBURSEMENT LEEMAN SENIORS BUS & FUEL		\$ 545.00
18158	01/09/2009	LANDGATE	VALUATION ROLLS		\$ 118.60
18159	01/09/2009	LAURA GRAY -HERITAGE & CONSERVATION CONSULTANT	CONSERVATION MANAGEMENT PLAN COOROW CO-OP		\$ 8,377.60
18160	01/09/2009	DA McTAGGERT	TRAVELLING & SITTING FEES		\$ 489.48
18161	01/09/2009	MERCURE INN	ACCOMODATION & REFRESHMENTS- CONFERENCE		\$ 8,278.60
18162	01/09/2009	MGALV	SAILS - LEEMAN ENTRY STATEMENTS		\$ 741.47
18163	01/09/2009	PERFECT COMPUTER SOLUTIONS	COMPUTER SERVICE - LABOUR		\$ 2,287.50

Accounts Due and Submitted to Council 16 September 2009

Chq/EFT	Date	Name	Description	TRUST	MUNI
18164	01/09/2009	SHIRE OF CARNAMAH	WILDFLOWER COUNTRY TOURISM GROUP		\$ 4,400.00
18165	01/09/2009	SHORELINE OUTDOOR WORLD	SWIMMING POOL SHED		\$ 25,647.60
18166	01/09/2009	SYNERGY	STREETLIGHT ELECTRICITY		\$ 2,468.60
18167	01/09/2009	TELSTRA	MOBILE SMS		\$ 20.00
18168	01/09/2009	WILLIAMS AK & P	TRAVELLING FEES		\$ 444.80
18169	01/09/2009	WATER CORPORATION	WATER USE ACCOUNTS		\$ 20,872.15
13120809	31/08/2009	BANKWEST	MASTERCARD CEO		\$ 1,300.88
13120810	01/09/2009	BANKWEST	MASTERCARD DCEO		\$ 1,804.64
13120811	02/09/2009	BANKWEST	MASTERCARD MRS		\$ 1,057.80
71010909	01/09/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,979.95
71120809	12/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,820.70
71130809	13/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 461.40
71140809	14/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 684.55
71180809	18/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 3,703.90
71190809	19/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 722.40
71210809	21/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,267.00
71240809	24/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,217.00
71250809	25/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 736.50
71260809	26/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,080.10
71270809	27/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 3,034.50
71280809	28/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 860.90
71310809	31/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 241.65
72010909	01/09/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 184.30
72120809	12/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 73.20
72130809	13/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,018.75
72140809	14/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 910.10
72180809	17/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 293.85
72180809	18/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,184.60
72190809	19/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 250.00

Accounts Due and Submitted to Council 16 September 2009

Chq/EFT	Date	Name	Description	TRUST	MUNI
72200809	20/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 69.95
72200809	20/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 243.70
72210809	21/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,030.20
72240809	24/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,501.30
72250809	25/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 434.65
72260809	26/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 318.30
72270809	27/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,686.50
72280809	28/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,722.55
72310809	31/08/2009	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,063.45
DDEBIT	19/08/2009	PAYROLL	PAYROLL		\$ 37,082.00
DDEBIT	19/08/2009	PAYROLL	PAYROLL		\$ 3,675.38
				\$6,000.00	\$421,702.65

10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JULY 2009

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	7 September 2009
ATTACHMENT	10.4.2 Statement of Financial Activity to 31 July 2009
FILE	F8.09 – Finance – 2009/10

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.

BACKGROUND:

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 31 July 2009 is included at Attachment 10.4.2 for Councillor's information.

COMMENT:

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.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

PUBLIC CONSULTATION:

Not required.

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 31 July 2009 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION: **2009-157**

Moved: Cr Williams

Seconded: Cr George

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 31 July 2009 as prepared and presented by the Deputy Chief Executive Officer.

CARRIED 7/0

10.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – AUGUST 2009

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 September 2009
ATTACHMENT	10.4.3 Statement of Financial Activity to 31 August 2009
FILE	F8.09 – Finance – 2009/10

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.

BACKGROUND:

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 31 August 2009 is included at Attachment 10.4.3 for Councillor's information.

COMMENT:

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.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

PUBLIC CONSULTATION:

Not required.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.3 for the period ended 31 August 2009 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION:

2009-158

Moved: Cr Bothe

Seconded: Cr Williams

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.3 for the period ended 31 August 2009 as prepared and presented by the Deputy Chief Executive Officer.

CARRIED 7/0

10.4.4 BUSHFIRE ADVISORY COMMITTEE MINUTES

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 September 2009
ATTACHMENT	10.4.4 Minutes of Bush Fire Advisory Committee Meeting
FILE	B6.1 Bush Fire Advisory Committee

SUMMARY:

That Council endorse the minutes of the 2009 Shire of Coorow Bush Fire Advisory Committee Meeting held 11 August 2009.

BACKGROUND:

Council's Bush Fire Advisory Committee is formed by Policy 4.1.2 of Council, chaired by Council delegate Cr Jan Waite and is made up of the following delegates:

- Chairperson - (Councillor)
- Chief Executive Officer Or Deputy
- CBFCO
- DCBFCO (East)
- DCBFCO (West)
- 2 Officers Coastal Brigade
- 2 Officers Warradarge Brigade
- 2 Officers Coorow Brigade
- 2 Officer Green Head Brigade
- 1 Officer West Coorow Brigade
- 1 Officer Marchagee Brigade
- FESA (1) Representative
- DEC (1) Representative

COMMENT:

Council's Bush Fire Advisory Committee (BFAC) met on 11 August 2009 and the minutes of that meeting are included at Attachment 10.4.4 for Councillor information.

Council considered the appointment of Bush Fire Control Officers and the Annual Bush Fire Notice at the August 2009 Ordinary Meeting of Council. Council is now being requested to endorse the minutes of the 2009 Shire of Coorow Bush Fire Advisory Committee meeting.

STATUTORY ENVIRONMENT:

Bush Fires Act (1954)

Various sections including:

- 17. Prohibited burning times may be declared by Minister
- 18. Restricted burning times may be declared by Authority
- 33. Local government may require occupier of land to plough or clear firebreak
- 38. Local government may appoint bush fire control officer

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil at this time.

PUBLIC CONSULTATION:

Council staff have advertised the Annual Bush Fire Notice in the local newspapers and will also be including it in the Council News, due out at the end of September.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION:

That Council endorse the Shire of Coorow Bush Fire Advisory Committee minutes of 11 August 2009 as included at Attachment 10.4.4.

RESOLUTION: **2009-159**

Moved: Cr Waite ***Seconded:*** Cr Bothe

That Council endorse the Shire of Coorow Bush Fire Advisory Committee minutes of 11 August 2009 as included at Attachment 10.4.4.

CARRIED 7/0

SHIRE OF COOROW

BUSH FIRE ADVISORY COMMITTEE

Annual Meeting

held at Coorow Administration Centre
Tuesday 11 August 2009
6.30pm

1. OPENING

The Acting Chairperson, Councillor Moira Girando welcomed those present and opened the meeting at 7.00pm.

2. ATTENDANCE

Cr Moira Girando	Shire President	Shire of Coorow
Mr Stuart Billingham	DCEO	Shire of Coorow
Mr Steve McDonald	FESA	Mid West
Ms Heather Sewell		Warradarge BFB
Mr Kelvin Sewell		Warradarge BFB
Mr David Morton		Warradarge BFB
Mr Geoff Angwin		Green Head BFB
Mr John Browne	CBFCO	Warradarge BFB

3. APOLOGIES

Mr Mark Hook	CEO	Shire of Coorow
Cr Jan Waite	Chairperson	Shire of Coorow

4. MINUTES

RESOLUTION

Moved: John Browne Seconded: Kelvin Sewell

**Minutes of Shire of Coorow Bush Fire Advisory Committee Annual
General Meeting of 12 August 2008.**

CARRIED

5. REPORTS:

5.1 Chief Bush Fire Control Officer

Poor turnout to the Bush Fire Advisory Committee meeting this year. There have been a few fire incidents over the past year but no serious fire incidents.

The amendments to the Bush Fire Act were tabled.

Issues Green Head Bush Fire Brigade Meeting Minutes were raised including communication issues.

5.2 FESA – Mr Steve McDonald

Ian Comben is the new FESA Area Manager for the Shire of Coorow.

Quiet fire season. The fire at Big Soak Plains highlighted the lack of communications within brigades, the most important thing at incidents is communication.

Volunteers are important in community Bush Fire Brigades, need to recruit new volunteers.

Comments/feedback on the Bush Fire Act amendments were sought and any further comments can be sent through to FESA, these include the taking over of control by FESA, DEC or Local Government Authority; total fire bans during a fire need to be declared for the whole region including harvest and movement bans in consultation with the Local Government Authority – there were none sent out in the Toodyay and Dwellingup fires.

5.3 DEC

Nil.

5.4 Brigades

Dave Morton – Warradarge

Pole top fires, small fires, Big Soak Plains highlighted issues with communications. The Warradarge BFB AGM was held 7 August 2009 a verbal update was provided.

Geoff Angwin – Green Head

- Pre season servicing at Jurien.
- Community Activity – Showbag drop including Bush Fire Papers etc, Farm/Domestic/FESA Storm/Fire Alarm information distributed in these.
- Sign on Green Head Bush Fire Brigade shed – structural/defensive role.
- Hazard reduction burn plan for Green Head townsite, to be developed in consultation with FESA and CBFCO.
- Tram lines burn last done in 2005.
- Concerns when Indian Ocean Drive opens up with the increased flow of traffic, road shoulders will need upgrading and spot fires may become an increasing problem.
- Concerns over the lack of fire breaks along Indian Ocean Drive, DEC and FESA need to install strategic breaks along this road to protect Green Head and Leeman.

6. GENERAL BUSINESS

6.1 Bush Fire Notice Recommendation

- 6.1.1 Bush Fire Control Officers
- 6.1.2 Restricted Burning Period
- 6.1.3 Fire Breaks

RESOLUTION

Moved: Dave Morton Seconded: Geoff Angwin

That the Shire of Coorow Bush Fire Advisory Committee recommends that the Shire of Coorow Adopt the Bush Fire Notice as included at Attachment 6.1.

CARRIED

6.2 ESL Grant Budget 2009/10

Presented to the BFAC by Shire of Coorow Deputy Chief Executive Officer, Stuart Billingham.

6.3 Training Requirement

Ground Controllers Course – Green Head. Training Lists Circulated

6.4 Fire Response Plan

Due for review – Tex McPherson

6.5 District Operations Advisory Committee (DOAC) Representatives

CBFCO John Browne and CEO Mark Hook to continue as Shire of Coorow Representatives.

6.6 Other

Triple Zero (000) agreement – 5 nominated persons as first point of contact as follows:

- | | |
|----------------------|---------------------------------|
| 1. Kelvin Bean | Shire of Coorow |
| 2. Mark Hook | Shire of Coorow |
| 3. Stuart Billingham | Shire of Coorow |
| 4. John Browne | Chief Bush Fire Control Officer |
| 5. Deputy CBFCO | |

ID Cards for CBFCO, DCBFCO, FCOs and Deputies

Volunteers insurance was discussed.

Common Firebreaks

8. CLOSURE

There being no further business, the Acting Chairperson, Cr Girando closed the meeting at 8.20pm.

BUSH FIRES ACT 1954 SHIRE OF COOROW

NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE SHIRE OF COOROW

FIREBREAKS:

Pursuant to the powers in Section 33 of the Bush Fires Act, you are hereby required on or before 31 OCTOBER 2009 to plough, scarify, cultivate or otherwise clear and thereafter keep clear of all inflammable material until 29 MARCH 2010 firebreaks (of not less than two (2) metres in width) in the following dimensions on the land owned or occupied by you:

1. RURAL LAND

Firebreaks of not less than two (2) metres in width immediately inside and along the whole of the external boundaries of the property or properties owned or occupied by you. In addition, where buildings or haystacks are situated on the property, additional firebreaks not less than 3.5 metres in width must be provided within 100 metres of the perimeter of such buildings or haystacks, in such manner as to completely encircle the buildings, haystacks or fuel pumps.

2. TOWNSITES

Coorow, Leeman and Green Head, all townsite lots must be cleared and kept clear of all accumulation of inflammable materials. (For the purpose of this notice, trees, shrubs and plants in established gardens do not constitute inflammable material).

3. FUEL DUMPS AND/OR DEPOTS

All grass and inflammable material is to be cleared from areas where fuel is stored and such areas are to be maintained free of grass and similar inflammable material until 29 MARCH 2010

HARVESTING AND STRAW RAKING, BALING AND CHAINING OPERATIONS

A person shall not operate any harvesting machine or header or undertake straw raking, baling or chaining activities in any crop or paddock during the restricted and prohibited period unless a readily mobile firefighting unit containing a minimum of 400 litres of water capacity powered by an engine driven pump is in attendance in or adjacent to the entrance of the paddock being harvested, raked, baled or chained.

GENERAL PROVISIONS

The term "*Inflammable Material*" for the purpose of this notice includes bush (as defined in the Bush Fires Act 1954), timber, boxes, cartons, paper, and the like inflammable materials, rubbish and any combustible matter, but does not include buildings, green standing trees and bushes or growing bushes or plants in gardens or lawns.

If it is considered to be impractical for any reason to provide firebreaks in the position or adhere to the provisions required by this notice, the written approval of a Bush Fire Control Officer must be obtained to prepare such firebreaks in an alternative position.

If permission is not granted by a duly authorised officer you shall comply with the requirements of this order.

A “*Total Movement Ban*” includes the movement of vehicles in paddocks, except vehicles carrying water to stock and inspecting water supplies to stock.

Harvesting is not permitted on Christmas Day and New Years Day. Harvesting is permitted on all Sundays and other Public Holidays except where a harvesting or movement of vehicles ban has been imposed due to extreme weather conditions.

The penalty for failing to comply with this order is a fine of not more than one thousand dollars (\$1,000) and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed by this notice, if it is not carried out by the owner or occupier by the date required by this notice.

Council may, in default of compliance with this Order, enter upon the land and perform the requisite works and the owner or occupier shall be responsible for the costs of performing such works.

RESTRICTED BURNING PERIODS:

COASTAL PORTION: (From Coast East to Mudge-Willcocks Road)
29 September 2009 to 31 October 2009
15 February 2010 to 29 March 2010

DISTRICT GENERALLY: (*Remainder*)
16 September 2009 to 14 October 2009
15 February 2010 to 29 March 2010

PROHIBITED BURNING PERIOD:

COASTAL PORTION: (*From Coast East to Mudge-Willcocks Road*)
1 November 2009 to 14 February 2010

DISTRICT GENERALLY:
(*Remainder*)
15 October 2009 to 14 February 2010

Fire Control Officers

Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer (West)
Deputy Chief Bush Fire Control Officer (East)
Harvest Ban Officer – Western Sector
Harvest Ban Officer – Eastern Sector
Special Permit Clover Burning Officers
Fire Control Officers

John Browne
Jay Wann
Kelvin Bean
James Raffan, Ian Falconer
Kelvin Bean, Ian Hunt
Ian Falconer
Mark Hook, Rob Clement, Ian
Hunt, Barry Fowler, Geoff Hortin,
Jay Wann, Dave Morton, Geoff
Angwin

All other appointments are cancelled.

Mark J Hook
Chief Executive Officer

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

Nil.

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

12.1 LATE ITEMS – APPROVAL TO CONSIDER

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	14 September 2009
FILE:	

SUMMARY:

Council is requested to consider two Late Agenda Items for Council:

- 1. to set a Special Meeting Date to accept the final report from Circle Solutions Consulting on Structural Reform; and**
- 2. to consider an offer on Council's property at Lot 113 Bristol Street Coorow.**

COMMENT:

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

STATUTORY ENVIRONMENT:

Shire of Coorow – Standing Orders Local Law 1999

Section 2.10:

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

10.7 Council (or Committee) to Meet Behind Closed Doors - Effect of Motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes. Penalty \$5,000

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

There appear to be no implications in this regard.

OFFICER RECOMMENDATION:

That Council accept the Late Agenda Items to consider:

1. a Special Meeting Date to accept the final report from Circle Solutions Consulting on Structural Reform; and
2. an offer on Council's property at Lot 113 Bristol Street Coorow.

RESOLUTION: 2009-160

Moved: Cr McDonald **Seconded:** Cr George

That Council accept the Late Agenda Items to consider:

1. *a Special Meeting Date to accept the final report from Circle Solutions Consulting on Structural Reform; and*
2. *an offer on Council's property at Lot 113 Bristol Street Coorow.*

CARRIED 7/0

12.2	SPECIAL MEETING – SHIRE OF COOROW STRUCTURAL REFORM REPORT
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AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	14 September 2009
ATTACHMENT	12.2 Structural Reform Submission from Circle Solutions Consulting
FILE	L10.9

SUMMARY:

Council is being requested to set a Special Meeting Date to accept the final report from Circle Solutions Consulting on Structural Reform.

BACKGROUND:

Council advertised for a consultant to undertake the proposed mergers of the Shires of Coorow Carnamah and Irwin including the possible split of the Shire of Coorow with adjoining Local Governments.

From this the Chief Executive Officer appointed Circle Solutions Consulting to undertake the project as per the scope of works adopted by Council at the July 2009 Ordinary Meeting of Council.

COMMENT:

Councillors have been forwarded the Draft Report prepared by Circle Solutions Consulting. Representatives from Circle Solutions Consulting will be making their presentation to Council on the Draft report. Part of this process will enable Council to make comments on the draft report and these comments will then be recorded in the Executive Summary of the final report. Once any amendments have been completed Circle Solutions Consulting will then prepare the final report for adoption by Council.

To comply with the wishes of the Minister for Local Government Council needs to adopt its position whether it agrees with the report or not by 30 September 2009. To enable Council to meet this deadline Council will require a Special Meeting of Council to make its decision on the Final Report from Circle Solutions Consulting.

It is anticipated that the Consultants will require around 7 to 10 days to complete any requested amendments to the report. At this stage it appears the best date to hold the Special Meeting on the Final Report from Circle Solutions Consulting would be Monday 28 September 2009 at 3.00pm.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government Advisory Board

STRATEGIC IMPLICATIONS:

This report does have major implications to Councils Strategic Plans but the whole issue of amalgamations does as well and there are far too many unknown implications.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Department of Local Government and Regional Development provided a grant of \$10,000 to Council to undertake this report.

PUBLIC CONSULTATION:

Council needs to make a decision on whether the report needs to be put out for Community Consultation prior to it being sent to the Minister for Local Government bearing in mind Council will not be making its decision on the report until the 28 September 2009.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council holds a Special Meeting of Council on 28 September 2009 to discuss the final Circle Solutions consulting report on the structural reform of the Shire of Coorow.

RESOLUTION: 2009-161

Moved: Cr Waite

Seconded: Cr Bothe

That Council holds a Special Meeting of Council on 12 October 2009 at the Coorow Administration Centre from 7pm to discuss the final Circle Solutions consulting report on the structural reform of the Shire of Coorow.

CARRIED 7/0

RESOLUTION: 2009-162

Moved: Cr Girando **Seconded:** Cr Williams

That Council meet behind closed doors.

CARRIED 7/0

Mr Vern Muller, Mrs Linda Thompson and Mr Bruce Jack left the meeting at 4.10pm.

Council met behind doors at 4.10pm.

12.3 SALE LOT 113 BRISTOL STREET
--

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	14 September 2009
FILE	CW113BRI

SUMMARY:

Council is being requested to accept the offer of \$85,000 for the sale of Lot 113 Bristol Street, Coorow from Vicki Burley.

BACKGROUND:

Council requested the Chief Executive Officer to list Lot 113 Bristol Street, Coorow for sale and Council passed the following resolution at the 17 June 2009 Ordinary Meeting of Council:

RESOLUTION: 2009-081
Moved: Cr Bothe **Seconded:** Cr Williams

That Council:

1. request staff to arrange disposal of Lot 113, 37 Bristol Street Coorow through section 3.58(3) of the Local Government Act 1995 and if no acceptable offer is made then Council proceed with the sale under section 3.58(2); and
2. proceeds from the sale of Lot 113, 37 Bristol Street Coorow to be placed in Council's Building Reserve.

CARRIED 8/0
BY ABSOLUTE MAJORITY

COMMENT:

The Chief Executive requested a property valuation for sale from Elders Real Estate Carnamah and the estimated value placed on this property by Elders Real Estate Carnamah is as follows:

***To Whom It May Concern
Property: 133 Bristol St, Coorow***

This house is situated on a large block, 1012sqm with a back access and fully fenced back yard.

The home consists of 3 bedrooms, the main bedroom with built in robes. Front entry & lounge, the kitchen has a gas stove & separate dinning room. The laundry, toilet & bathroom, lead out to a large enclosed verandah, completing the structure of the home. There are carpet & curtains also included throughout the bedrooms & lounge. Also there are vinyl floor coverings in the kitchen and dinning room.

This home boasts the comforts of a tile fire and an evaporative air conditioner. The backyard has a garden shed and workshop with roller doors.

The house is in need of some attention, mainly painting. This would make a comfortable home on "The Hillside" slopes of Coorow.

I estimate this property, in normal selling conditions, to be in the \$85 - \$95,000 bracket. Disclaimer: This is an Estimate only and not a Sworn Valuation

Council have received a written offer for Lot 113 Bristol Street from Vicky Burley for the price of \$85,000.

Vicky Burley is a current Employee of Council and has made the offer subject to finance being received.

STATUTORY ENVIRONMENT:

Council may dispose of property in accordance with Section 3.58 "Disposing of Property" *Local Government Act 1995*.

3.58. Disposing of property

- (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or

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

[Section 3.58 amended by No. 49 of 2004 s.27.]

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Proceeds of sale of Lot 113, 37 Bristol Street Coorow to be placed in Council's Building Reserve.

PUBLIC CONSULTATION:

Nil.

VOTING REQUIREMENT:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council:

1. accept the offer from Vicky Burley for the purchase of Lot 113 Bristol Street Coorow for the offered price of \$85,000 subject to finance being obtained from Vicky Burley.
2. advertise the sale of Lot 113 Bristol as per section 3.58.(3) and (4) *Disposing of property of the Local Government Act 1995*.
 - (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
 - (4) The details of a proposed disposition that are required by subsection (a)(ii) include —
 - (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
3. place the proceeds from the sale of Lot 113, 37 Bristol Street Coorow in Council's Building Reserve.

RESOLUTION: **2009-163**

Moved: Cr George

Seconded: Cr Bothe

That Council:

1. *accept the offer from Vicky Burley for the purchase of Lot 113 Bristol Street Coorow for the offered price of \$85,000 subject to finance being obtained from Vicky Burley.*
2. *advertise the sale of Lot 113 Bristol as per section 3.58.(3) and (4) Disposing of property of the Local Government Act 1995.*
 - (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
 - (4) *The details of a proposed disposition that are required by subsection (a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
3. *place the proceeds from the sale of Lot 113, 37 Bristol Street Coorow in Council's Building Reserve.*

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

RESOLUTION: **2009-164**

Moved: Cr Waite

Seconded: Cr Williams

That council come out from behind closed doors.

CARRIED 7/0

Council came out from behind doors at 4.12pm.

13. MATTERS BEHIND CLOSED DOORS:

Nil.

14. DATE OF NEXT MEETING:

14.1 SPECIAL MEETING OF COUNCIL

Monday 12 October 2009 at the Coorow Administration Centre, Coorow from 7.00pm.

14.2 ORDINARY MEETING OF COUNCIL

Wednesday 21 October 2009 at the Leeman Administration Centre, Leeman from 3pm.

14.3 ORDINARY MEETING OF COUNCIL

Wednesday 21 October 2009 at the Leeman Administration Centre, Leeman from 7.30pm.

15. CLOSURE:

There being no further business, the President Cr Girando closed the meeting at 4.13pm.