

# Minutes

<b>1.</b>	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:</b>	<b>2</b>
<b>2.</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE/DECLARATION OF INTEREST:</b>	<b>2</b>
<b>3.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:</b>	<b>2</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME:</b>	<b>2</b>
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE:</b>	<b>2</b>
<b>6.</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS:</b>	<b>3</b>
<b>7.</b>	<b>CONFIRMATION OF MINUTES:</b>	<b>3</b>
<b>7.1</b>	<b>ORDINARY MEETING HELD WEDNESDAY 20 MAY 2009 AT THE LEEMAN ADMINISTRATION CENTRE, LEEMAN</b>	<b>3</b>
<b>8.</b>	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:</b>	<b>4</b>
<b>9.</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED:</b>	<b>4</b>
<b>10.</b>	<b>REPORTS:</b>	<b>5</b>
<b>10.1</b>	<b>CHIEF EXECUTIVE OFFICER:</b>	<b>5</b>
10.1.1	PROPOSED MEETING DATES 2009/2010	5
10.1.2	MORPHETT PARK PLAYGROUND	9
10.1.3	COOROW WADDY FORREST CWA HALL REROOFING	11
10.1.4	PUBLIC CONGRATULATIONS FOR ORDER OF AUSTRALIA MEDAL	13
10.1.5	CHIEF EXECUTIVE OFFICERS MOVE TO 50 NAIRN STREET LEEMAN	16
10.1.6	POS CASH IN LIEU THOMAS ST SUBDIVISION-LEEMAN	22
10.1.7	LOCAL GOVERNMENT STRUCTURAL REFORM	37
<b>10.2</b>	<b>MANAGER REGULATORY SERVICES:</b>	<b>40</b>
10.2.1	PLANNING APPLICATION – REQUEST FOR RETROSPECTIVE APPROVAL FOR A CHILLER UNIT LOCATED ON LOT 167, 4 BINGHAM STREET GREEN HEAD	40
10.2.2	DISPOSAL OF PROPERTY – LOT 113, 37 BRISTOL STREET COOROW	48
10.2.3	PROPOSED TRANSPORTABLE OFFICE – LOT 61 SOUTH STREET, COOROW	51
10.2.4	PROPOSED FINAL ADOPTION OF LOCAL PLANNING POLICIES	58
10.2.5	PROPOSED OUTBUILDING – LOT 784 HODGSON PARKWAY, GREEN HEAD	72
<b>10.3</b>	<b>ACTING MANAGER WORKS AND SERVICES:</b>	<b>79</b>
<b>10.4</b>	<b>DEPUTY CHIEF EXECUTIVE OFFICER:</b>	<b>80</b>
10.4.1	ACCOUNTS FOR PAYMENT	80
10.4.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY – MAY 2009	86
10.4.3	DIFFERENTIAL RATES	89
<b>11.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:</b>	<b>92</b>
<b>12.</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:</b>	<b>92</b>
<b>13.</b>	<b>MATTERS BEHIND CLOSED DOORS:</b>	<b>92</b>
13.1	APPOINTMENT OF PRINCIPAL WORKS SUPERVISOR	92
<b>14.</b>	<b>DATE OF NEXT MEETING:</b>	<b>96</b>
14.1	BUDGET WORKSHOP	96
14.2	ORDINARY MEETING OF COUNCIL	96
<b>15.</b>	<b>CLOSURE:</b>	<b>96</b>

## **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:**

The President, Cr Girando welcomed those present and opened the meeting at 5.02pm.

## **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 D A Rackemann  
Councillor J K Waite

President  
Deputy President

Mr S D Billingham  
Mr D R Hadden  
Mr K L Bean  
Ms Stacey Donohue

Acting Chief Executive Officer  
Manager Regulatory Services  
Acting Manager Works and Services  
Minutes Clerk

### **Declarations of Interest**

<b>Councillor/Officer</b>	<b>Item</b>	<b>Interest</b>	<b>Nature</b>
Kelvin Bean	13.1	Direct Financial	Being that he is the successful applicant for the Principal Works Supervisor position.

### **Apologies**

Ms Linda Thompson

## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

Nil.

## **4. PUBLIC QUESTION TIME:**

Nil.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Cr Williams requested Leave of Absence from 19 June 2009 to 23 June 2009.

**RESOLUTION:**                      **2009-069**

**Moved:** Cr George

**Seconded:** Cr Waite

*That Council grants Cr Williams Leave of Absence from 19 June 2009 to 23 June 2009*

**CARRIED 8/0**

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

*Nil.*

**7. CONFIRMATION OF MINUTES:**

7.1	ORDINARY MEETING HELD WEDNESDAY 20 MAY 2009 AT THE LEEMAN ADMINISTRATION CENTRE, LEEMAN
-----	--

**AUTHOR**

Mark Hook

**DISCLOSURE OF INTEREST**

Nil

**DATE OF REPORT**

1 June 2009

**COMMENT:**

*Nil*

**OFFICER RECOMMENDATION:**

That the Minutes of the Ordinary Meeting held on Wednesday 20 May 2009 at the Leeman Administration Centre, Leeman, be confirmed as a true and correct record.

**RESOLUTION:**                      **2009-070**

**Moved:** Cr Bothe

**Seconded:** Cr Waite

*That the Minutes of the Ordinary Meeting held on Wednesday 20 May 2009 at the Leeman Administration Centre, Leeman, be confirmed as a true and correct record with the following amendments:*

- 1. Resolution 2009-052 was before Confirmation of Minutes and that resolution numbers are adjusted accordingly; and*
- 2. at Item 10.1.2, Council resolved before the meeting was adjourned.*

**CARRIED 8/0**

## **8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:**

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

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

The President reminded Councillors that all comments are to be addressed through the Chair, Councillors are not to have sideline conversations.

## **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:

### **13.1 APPOINTMENT OF PRINCIPAL WORKS SUPERVISOR**

## **10. REPORTS:**

### **10.1 CHIEF EXECUTIVE OFFICER:**

#### **10.1.1 PROPOSED MEETING DATES 2009/2010**

<b>AUTHOR</b>	Mark Hook
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	29 May 2009
<b>FILE</b>	A2 Administration General

#### **SUMMARY:**

**Consideration of Ordinary/Special/Elector's Meeting dates, locations and starting time for 2009/2010 financial year.**

#### **BACKGROUND:**

Nil

#### **COMMENT:**

It is a legislative requirement for the public in general to be advised in advance of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly.

The suggested meeting days are:

<b>Month</b>	<b>Venue</b>	<b>Time</b>	<b>Date</b>	<b>Type</b>
July	Leeman	6.30 PM	Wednesday 8 July 2009	Special Budget
July	Coorow	3.00 PM	Wednesday 15 July 2009	Ordinary
August	Leeman	3.00 PM	Wednesday 19 August 2009	Ordinary
September	Coorow	3.00 PM	Wednesday 16 September 2009	Ordinary
October	Leeman	3.00PM	Wednesday 21 October 2009	Ordinary
October	Leeman	7.30 PM	Wednesday 21 October 2009	Annual Electors
November	Coorow	3.00 PM	Wednesday 18 November 2009	Ordinary
December	Leeman	3.00 PM	Wednesday 9 December 2009	Ordinary
February	Coorow	2.00 PM	Wednesday 17 February 2010	Council Forum
February	Coorow	3.00 PM	Wednesday 17 February 2010	Ordinary
March	Leeman	2.00 PM	Wednesday 17 March 2010	Council Forum
March	Leeman	3.00 PM	Wednesday 17 March 2010	Ordinary
April	Green Head	2.00 PM	Wednesday 21 April 2010	Council Forum
April	Green Head	2.00 PM	Wednesday 21 April 2010	Ordinary
May	Coorow	3.00 PM	Wednesday 19 May 2010	Ordinary
June	Leeman	10.00 AM	Wednesday 16 June 2010	Special Draft Budget
June	Leeman	3.00 PM	Wednesday 16 June 2010	Ordinary

In selecting Council's meeting schedule Council needs to be aware of the following factors:

1. Eleven Council meetings each year requires an uneven split between Coastal and Rural venues. In this schedule Coorow will hold five ordinary meetings, Leeman five and Green Head one;
2. The requirement to hold the October Meeting in alternative locations each year. This allows Council to hold its Annual Electors meeting in alternative locations in following years. Previous locations for the Annual Electors Meetings have been:

2002	Coastal
2003	Inland
2004	Coastal
2005	Inland
2006	Coastal
2007	Inland

The 2008 Annual Electors meeting was to be held at Leeman in October 2008, however due to staff changeovers this was postponed to March 2009 and held at the Coorow District Hall.

3. Council no longer holds an alternative Special Electors Meeting in the opposite venue to the Annual Electors Meetings because of relatively poor attendances;
4. As Council meets on the third Wednesday of each month, the date for the December Ordinary Meeting of Council is usually changed due to Christmas. To prevent this happening Council staff have changed this date to the second week of the month;
5. Council meetings will be held at the Coorow District Hall, Leeman Administration Centre and Green Head Community Centre.

The meeting schedule also includes Council Forums in Leeman, Green Head and Coorow in early 2010. This presumes that Council considers the Community Forums successful and wishes to repeat this activity. These meetings are technically not meetings of Council and do not have to be advertised, but inclusion has proved to be a good public relations exercise.

To conduct Annual Electors Meeting in October 2008, Council will need to have received it's 2007/08 Audit Report by the September 2008 meeting. Council staff will monitor the progress of the Audit Report with Council's Auditor UHY Haines Norton and will submit a change of meeting date item to Council if it is deemed necessary.

## **STATUTORY ENVIRONMENT:**

Local Government (Administration) Regulations 1996

### **12 Public notice of council or committee meetings**

- (1) "At least once a year Local Government is to give local public notice of the dates on what and the time and place at which:
  - a) the Ordinary Council Meetings
  - b) Committee Meetingsare to be held in the next 12 months.

- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation 1)
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3) then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

#### **STRATEGIC IMPLICATIONS:**

Nil.

#### **POLICY IMPLICATIONS:**

There are no implications at this point in time relating to this matter.

#### **FINANCIAL IMPLICATIONS:**

Local advertising can be carried out at "nil" cost to Council.

#### **PUBLIC CONSULTATION:**

Nil at this time.

#### **VOTING REQUIREMENT**

Simple Majority.

#### **OFFICER RECOMMENDATION:**

That the following Ordinary, Annual Electors and Special Meeting dates, venue and starting time for 2009/2010 financial year be adopted and advertised:

Month	Venue	Time	Date	Type
July	Leeman	6.30 PM	Wednesday 8 July 2009	Special Budget
July	Coorow	3.00 PM	Wednesday 15 July 2009	Ordinary
August	Leeman	3.00 PM	Wednesday 19 August 2009	Ordinary
September	Coorow	3.00 PM	Wednesday 16 September 2009	Ordinary
October	Leeman	3.00PM	Wednesday 21 October 2009	Ordinary
October	Leeman	7.30 PM	Wednesday 21 October 2009	Annual Electors
November	Coorow	3.00 PM	Wednesday 18 November 2009	Ordinary
December	Leeman	3.00 PM	Wednesday 9 December 2009	Ordinary
February	Coorow	2.00 PM	Wednesday 17 February 2010	Council Forum
February	Coorow	3.00 PM	Wednesday 17 February 2010	Ordinary
March	Leeman	2.00 PM	Wednesday 17 March 2010	Council Forum

March	Leeman	3.00 PM	Wednesday 17 March 2010	Ordinary
April	Green Head	2.00 PM	Wednesday 21 April 2010	Council Forum
April	Green Head	2.00 PM	Wednesday 21 April 2010	Ordinary
May	Coorow	3.00 PM	Wednesday 19 May 2010	Ordinary
June	Leeman	10.00 AM	Wednesday 16 June 2010	Special Draft Budget
June	Leeman	3.00 PM	Wednesday 16 June 2010	Ordinary

**RESOLUTION:                      2009-071**

**Moved:** Cr Williams

**Seconded:** Cr George

*That the following Ordinary, Annual Electors and Special Meeting dates, venue and starting time for 2009/2010 financial year be adopted and advertised:*

<b>Month</b>	<b>Venue</b>	<b>Time</b>	<b>Date</b>	<b>Type</b>
July	Coorow	1.00 PM	Wednesday 15 July 2009	Special Budget
July	Coorow	3.00 PM	Wednesday 15 July 2009	Ordinary
August	Leeman	3.00 PM	Wednesday 19 August 2009	Ordinary
September	Coorow	3.00 PM	Wednesday 16 September 2009	Ordinary
October	Leeman	3.00PM	Wednesday 21 October 2009	Ordinary
October	Leeman	7.30 PM	Wednesday 21 October 2009	Annual Electors
November	Coorow	3.00 PM	Wednesday 18 November 2009	Ordinary
December	Leeman	3.00 PM	Wednesday 9 December 2009	Ordinary
February	Coorow	2.00 PM	Wednesday 17 February 2010	Council Forum
February	Coorow	3.00 PM	Wednesday 17 February 2010	Ordinary
March	Leeman	2.00 PM	Wednesday 17 March 2010	Council Forum
March	Leeman	3.00 PM	Wednesday 17 March 2010	Ordinary
April	Green Head	2.00 PM	Wednesday 21 April 2010	Council Forum
April	Green Head	3.00 PM	Wednesday 21 April 2010	Ordinary
May	Coorow	3.00 PM	Wednesday 19 May 2010	Ordinary
June	Leeman	10.00 AM	Wednesday 16 June 2010	Budget Workshop
June	Leeman	3.00 PM	Wednesday 16 June 2010	Ordinary

**CARRIED 8/0**

## 10.1.2 MORPHETT PARK PLAYGROUND

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 June 2009
FILE	G3

### SUMMARY:

**Council is being requested to replace the current surrounds at the Playground situated at Morphett Park Green Head.**

### BACKGROUND:

Council has received the following from the Green Head Community Association:

*At the last community association meeting, a discussion was held regarding the playground area at Morphett Park. It was noted the present black piping surrounding the playground equipment is unsightly and non-functional. We suggest the shire consider erecting a low wall made from limestone bricks in place of the black piping. This would be much more attractive, and could be used as seating, particularly by parents watching their small children using the playground equipment. These low walls are often seen in other playground areas, particularly in the metropolitan area.*

### COMMENT:

Council staff have responded to the Green Head Community Association with the following information:

*Thank you for your letter regarding the present black piping surrounding the playground at Morphett Park.*

*Australian Standards for playgrounds currently prohibit the laying of lime stone blocks around play ground equipment as children may trip and hit their heads etc. However there is a substitute product in use that uses recycled rubber.*

*I will request Council at its Ordinary Meeting on 17 June 2009 to place an amount in the budget estimates to replace the black piping with this product.*

Council are now being requested to place an amount in the 2009/10 Budget Estimates to include new surrounding for the Morphett Park Playground in Green Head.

### STATUTORY ENVIRONMENT:

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:**

If Council agree to include the replacement of the black piping surrounding of the Morphett Park Playground, an amount of \$2,000 will be included in the 2009/10 Budget Estimates.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council places an amount of \$2,000 in the 2009/10 Budget Estimates.

**RESOLUTION:**                      **2009-072**

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

*That Council places an amount of \$4,000 in the 2009/10 Budget Estimates.*

**CARRIED 8/0**

### 10.1.3 COOROW WADDY FORREST CWA HALL REROOFING

<b>AUTHOR</b>	Mark Hook
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 June 2009
<b>FILE</b>	C18

#### **SUMMARY:**

**Council is being requested by the Coorow Waddy Forrest CWA Branch to consider a donation of \$500 to the Reroofing of the Coorow CWA Hall located at Cnr Main and Bristol Streets, Coorow.**

#### **BACKGROUND:**

Several months ago the Coorow CWA Building sustained damage during high winds. This damaged was patched to ensure no damage was caused to the inside of the building. It was noted that the current roof tiles were in a state of disrepair with many broken tiles, the majority of tiles had lost their glazing thus becoming porous and weather beaten.

The Coorow Waddy Forrest Branch of CWA approached a builder to have a quotation for a replacement roof, with a zincalume replacement being the cheapest option. The Coorow CWA approached the CWA for a contribution and loan funding for this project which is expected to cost \$20,571 (GST Exclusive).

The Country Womens Association of WA have agreed to fund the Coorow CWA reroofing project with a donation of a Jubilee Fund Grant of 20% of the total project, being \$4,114.20 and a no interest loan for the remainder to be paid by the Coorow CWA over a period of 10 years.

Council have received a request from the Coorow Waddy Forrest CWA Branch for a one off donation of \$500 towards the reroofing project at the Coorow CWA Building.

#### **COMMENT:**

The roof at the Coorow CWA Building is in quite a poor condition and is in need of replacement. Yarra Building Services have commenced work at the site.

#### **STATUTORY ENVIRONMENT:**

Shire of Coorow 2009/10 Budget

#### **STRATEGIC IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

An amount of \$500, with Council's approval, will need to be placed in the 2009/10 Budget Estimates.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council include \$500 in the 2009/10 Budget Estimates for a one off donation to the Coorow CWA Building Reroofing project.

**RESOLUTION:**                      **2009-073**

***Moved:*** Cr Waite                      ***Seconded:*** Cr Williams

*That Council include \$500 in the 2009/10 Budget Estimates for a one off donation to the Coorow CWA Building Reroofing project.*

**CARRIED 8/0**

## 10.1.4 PUBLIC CONGRATULATIONS FOR ORDER OF AUSTRALIA MEDAL

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 June 2009
FILE	C8.1

### SUMMARY:

**Council is being requested to publicly congratulate former Shire of Coorow Councillors, Betty O'Callaghan and John Stacy on being recipients of the Order of Australia Medal.**

### BACKGROUND:

At the October 2007 Ordinary Meeting, Council was presented a Confidential Item regarding the retirement of former Shire of Coorow Councillors Betty O'Callaghan and John Stacy.

Councillor John Stacy resigned from Council after 16 years service as a Councillor, including 4 years as Deputy President. Councillor Betty O'Callaghan has recently resigned from Council after 16 years service as a Councillor.

Council has a policy to recognise the service of Councillors to the Shire of Coorow. Under this policy, the level of service of former Councillors Stacy and O'Callaghan, Council will provide:

Service in excess of 12 years in office

Certificate of Service, Council plaque and a gift to a maximum value of \$600.

**The** presentation will occur at a special celebratory function with the recipient entitled to invite 12 guests.

Notwithstanding the recognition outlined above, the policy also allows for a retiring Councillor who has performed an extensive range of functions on behalf of the municipality which is beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion, by resolution nominate the Councillor for any awards (where applicable) associated with:

- Queen's Birthday and Australia Day Honours.  
The Australian Honours system includes the award made on Queens Birthday and Australia Day Honours. The Order of Australia has four levels:
  - Companion of the Order (AC)  
For eminent achievement and merit of the highest degree in service to Australia or to humanity at large;
  - Officer of the Order (AO)  
For distinguished service of a high degree to Australia or to humanity at large;
  - Member of the Order (AM)

- For service in a particular locality or field of activity or to a particular group; and
  - Medal of the Order (OAM)
  - For service worth of particular recognition.
- Local Government Association Honours  
Former Councillors Stacy and O'Callaghan had received WALGA service awards after 13 years service.

In consideration of nominating former Councillors Stacy and O'Callaghan for a Member of the Order of Australia Council reviewed the following:

Mr John Stacy - Record of Service to the Community of Coorow

1. as a Councillor of the Shire of Coorow from 1991 to 2007 and as Deputy Shire President from 2003 to 2007; and
2. as inaugural chairman of the Non-profit community group Coorow Community Land Incorporated (CCLI). Under Mr Stacy's guidance CCLI:
  - a. purchased 100 acres of farmland adjoining Coorow which is farmed each year by local volunteers organised by Mr Stacy;
  - b. leased the then vacant Railways Barracks and, after renovation by volunteers, commenced operation as 'Backpacker Accommodation' ;
  - c. purchased and extensively renovated the historic Coorow Hotel which occupies a strategic place in the centre of the town. The business has been subsequently leased commercially while the renovations continue; and
  - d. purchased the closed Coorow Roadhouse, which had been the only fuel outlet in Coorow, renovated the building and re-established the business which was subsequently resold.

All of the ventures of CCLI have been involved in provide services or facilities which have an improved the social and economic conditions for living in Coorow. CCLI provided the community impetus to conduct a community business Retention and Expansion program which identified the key components of the economy and social infrastructure that were required in the town of Coorow.

The financial returns to CCLI from their operations are provided as small grants to local community groups. In the twelve years of operation, over \$75,000 has been returned to the community of Coorow.

3. as inaugural chairman of the Dandaragan Coorow Community Bank. Mr Stacy was key force in establishing the bank that has now opened it first branch in Jurien Bay with other branches and agencies planned for the wide area.

Mrs Betty O'Callaghan - Service to the Community of Coorow

1. as a Councillor of the Shire of Coorow from 1990 to 2007;
2. to the aged people of the Shire of Coorow through the provision of HACC Services via the Non-profit community group Coorow Community Carers and volunteering to provide aged persons recreation activities; and
3. as the founding editor of the non-profit Coorow community newspaper 'The Magpie Squawk'. Proceeds from the newspaper were provided as grants to Coorow community groups.

As per Council Resolution 2007-187 former Councillors Betty O'Callaghan and John Stacy were nominated by Council for an Order of Australia Medal (OAM) for their outstanding service to Council and their community.

**COMMENT:**

Council received notification from the Office of the Governor General and the Secretary of the Order of Australia on 28 May 2009 that the nominations were successful.

The Honours list was published in the West Australian Honours List on Monday 8 June 2009.

On request from Shire President, Cr Girando, Council are being requested to publicly congratulate former Shire of Coorow Councillors Betty O'Callaghan and John Stacy.

**STATUTORY ENVIRONMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council publicly congratulate former Shire of Coorow Councillors Betty O'Callaghan and John Stacy on their Order of Australia Medal.

**RESOLUTION:                      2009-074**

***Moved:*** Cr Girando                      ***Seconded:*** Cr Waite

*That Council publicly congratulate former Shire of Coorow Councillors Betty O'Callaghan and John Stacy on their Order of Australia Medal.*

**CARRIED 8/0**

**Council requested that Chief Executive Officer Mr Mark Hook leave the room during discussions on Item 10.1.5. Mr Mark Hook left the room at 5.19pm.**

<b>10.1.5</b>	<b>CHIEF EXECUTIVE OFFICERS MOVE TO 50 NAIRN STREET LEEMAN</b>
---------------	--

<b>AUTHOR</b>	Mark Hook
<b>DISCLOSURE OF INTEREST</b>	Impartiality Interest as staff member is the person currently residing in the house
<b>DATE OF REPORT</b>	9 June 2009
<b>FILE</b>	H5.5

**SUMMARY:**

**Council needs to revisit Resolution 2009-058 passed at the May 2009 Ordinary Meeting regarding the Chief Executive Officers move to 50 Nairn Street, Leeman.**

**BACKGROUND:**

At the May 2009 Ordinary Meeting, Council was presented with the following agenda item:

***SUMMARY:***

***Council is being requested to allow the Chief Executive Officer to remain at 7 Spain Street Coorow until the full ramifications and outcomes of the structural reform process is fully known and understood and placing the Government Housing Authority on a month by month lease for 50 Nairn Street Leeman at the current rental price of \$430 per week.***

***BACKGROUND:***

***Council has been advised by the Officer in charge of the Leeman Police Station that the Government Employment Housing Authority (GEHA) who had been negotiating to lease a house in Leeman for them to move into after the expiry of the lease for 50 Nairn has fallen through and currently they are unable to find a house to lease in Green Head or Leeman.***

***Council passed the following resolution at the Ordinary Meeting of Council held on 19 November 2008 in relation to the lease.***

**RESOLUTION: 2008-191**

***Moved: Cr George Seconded: Cr Rackemann***

***That Council advise GEHA that the Shire of Coorow requires the residence at 50 Nairn Street for the Chief Executives Officers Residence at the completion of the lease being 29 June 2009.***

***CARRIED 6/1***

**COMMENT:**

*When the Chief Executive Officer was advised of this by the Officer in Charge the Chief Executive Officer did advise that he felt that Council would not kick them out until they had a house to move too as the Policing of the district is a major service to the Leeman and Green Head communities.*

*However this did bring up the debate with my family what the move would mean that we would be moving again in a short period of time due to the structural reform process.*

*With the current uncertainty with the position of Chief Executive Officer and the proposed structural reforms being outlined by the Minister for Local Government, Council needs to consider the costs involved in moving the Chief Executive Officer to Leeman and what benefit it will gain with anticipated relocation costs in the vicinity of \$4,000 to \$5,000.*

*My family is already uncertain of our future and the move will be unsettling for us all, as I won't know what the full ramification of the structural reform will be, and what it means for my family until the full process has started.*

*As Council is fully aware under the structural reform process the only position that is made redundant is the Chief Executives Officer's position.*

*Council needs to ensure that the Police do have a place to house their Officer in Charge for the policing of the district. Council can place the tenancy on a month to month basis until they can find a place to rent or it may be more pertinent to revisit the rental of the house at 50 Nairn Street, Leeman to GEHA.*

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995.*

*Deed of Agreement with State Housing Commission.*

**STRATEGIC IMPLICATIONS:**

*Until the outcome of all the Structural Reform process is completed it is hard to work out the strategic implications.*

**POLICY IMPLICATIONS:**

*Nil*

**FINANCIAL IMPLICATIONS:**

*The implications to the 2009/10 Annual Budget would be the rental income of \$430 per week on a monthly basis.*

*Also the cost of relocating the CEO may not be required this could save approximately \$5,000.*

*The figures reported in the 19 November 2008 Agenda were:*

*The implications to the 2009/10 Annual Budget would be the loss of GEHA rental income of \$22,360 plus the continued loan repayments of interest and principal of \$12,162.*

*The difference to the 09/10 Annual Budget would require a net increase of \$22,275 in rates to cover the loss of the rental income. This equates to approximately 1.15% of rates based on the 2008/09 Budget Estimate of \$1,924,914.*

**PUBLIC CONSULTATION:**

*Nil*

**VOTING REQUIREMENT:**

*Simple Majority*

**OFFICER RECOMMENDATION:**

*That Council:*

- 1. allow the Chief Executive Officer to remain at 7 Spain Street Coorow until the full ramifications and outcomes of the structural reform process is fully known and understood; and*
- 2. advise the Government Housing Authority that it will place them on a month by month lease for 50 Nairn Street Leeman at the current rental price of \$430 per week.*

**RESOLUTION: 2009-058**

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

*That Council:*

- 1. allow the Chief Executive Officer to remain at 7 Spain Street Coorow until the full ramifications and outcomes of the structural reform process is fully known and understood; and*
- 2. advise the Government Housing Authority that it will offer a 12 month lease for 50 Nairn Street Leeman at the current rental price of \$430 per week with an option for Council to extend the lease for a further 12 months.*

**CARRIED 4/0**

Since the above resolution was passed the Chief Executive Officer has been requested to research the decision made at the May Ordinary Meeting of Council regarding item 10.1.4 Chief Executive Officers Move to 50 Nairn Street Leeman as to whether the decision should have been made by an absolute majority.

**COMMENT:**

Discussions have been held with Mr Tim Fowler of the Department of Local Government and Regional Development who has advised that if the new Motion changes the intent of the last motion then Regulation Ten of the Local Government (Administration) Regulations 1996 needs to be used.

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 motion it needs to be passed by an Absolute Majority of Council.

Discussions have been held with the Shire President, Cr Moira Girando and the President requested that the item be relisted for a decision by Council for a decision by an Absolute Majority.

The resolution to allow the CEO to stay at 7 Spain Street, Coorow may not technically require an Absolute Majority as this was not part of the previous motion passed at the Ordinary Meeting of Council held on 19 November 2008 in relation to the lease. However it could be argued that the intent of the motion where it states “for the Chief Executives Officers Residence at the completion of the lease being 29 June 2009” implies that the current CEO would be moving into the residence therefore this motion should be passed by an Absolute Majority.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995

Local Government (Administration) Regulations 1996

**10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1) (e)**

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) 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.

**STRATEGIC IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The only financial implications would be the relocation cost of approximately \$5,000 not being required.

**VOTING REQUIREMENTS:**

Absolute Majority for both recommendations.

**OFFICER RECOMMENDATION ONE:**

That Council allow the Chief Executive Officer to remain at 7 Spain Street Coorow until the full ramifications and outcomes of the structural reform process is fully known and understood.

**RESOLUTION:                      2009-075**

**Moved:** Cr Waite

**Seconded:** Cr Bothe

*That Council allow the Chief Executive Officer to remain at 7 Spain Street Coorow until the full ramifications and outcomes of the structural reform process is fully known and understood.*

**LOST 5/4**

**President used her Casting Vote**

***Motion was lost due to an Absolute Majority of Council not being reached as per the interpretation under Section 1.4 of the 'Local Government Act 1995'. An Absolute Majority must be more than 50% of the number of offices (whether vacant or not) of member of the Council (this does not include the President's Casting Vote).***

***Cr Waite requested all votes be recorded***

***For – McDonald, Waite, Bothe, Girando***

***Against – McTaggart, Rackemann, George, Williams***

**Ms Stacey Donohue left the meeting at 5.35pm**

**Ms Stacey Donohue returned to the meeting at 5.37pm**

**Mr Stuart Billingham left the meeting at 5.42pm**

**Mr Stuart Billingham returned to the meeting at 5.44pm**

**OFFICER RECOMMENDATION TWO:**

That Council advise the Government Housing Authority that it will offer a 12 month lease for 50 Nairn Street Leeman at the current rental price of \$430 per week with an option for Council to extend the lease for a further 12 months.

**RESOLUTION:                      2009-076**

**Moved:** Cr Girando

**Seconded:** Cr Bothe

*That Recommendation 2 lay on the table until the July 2009 meeting.*

**CARRIED 8/0**

Council's Resolution differed from the Officers Recommendation as Council would like clarification of Resolution 2009-075 before considering Officer Recommendation 2.

**Mr Kelvin Bean left the meeting at 6.02pm**

**Mr Kelvin Bean returned to the meeting at 6.05pm**

## 10.1.6 POS CASH IN LIEU THOMAS ST SUBDIVISION-LEEMAN

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 June 2009
FILE	L2.2 Landcorp General

### SUMMARY:

**Council is being requested to offer LandCorp the amount of \$295,000 for the POS cash in lieu for the Thomas Street Subdivision in Leeman as per the Valuation received from Direct Property Valuations.**

### BACKGROUND:

The following is an extract from the March 2009 Minutes in relation to the POS for lots 58 and 59 Thomas Street Leeman:

#### *SUMMARY:*

*Council is being requested to accept an amount of \$228,500 for the POS cash in lieu for the Thomas Street Subdivision in Leeman.*

#### *BACKGROUND:*

*Discussions have been held between the Chief Executive Officer and the Shire President with representatives of Landcorp in relation to the amount of Landcorp's contribution as the cash in lieu component for the Thomas Street Subdivision. The CEO and the Shire President made it very clear during these discussions that this would be a decision of Council and not one for the CEO and President to make.*

*Attached is the letter containing the formal offer of \$300,000 as Landcorp's Contribution to the Shire of Coorow for the POS as part of the Thomas Street subdivision in Leeman. As stated in this letter the valuer has put an amount of \$450,000 on the POS contribution and Landcorp believes this should be discounted due to the reasons outlined in their letter.*

*Council discussed this issue at the August 2008 Ordinary Meeting, after an offer of \$300,000 was offered by Landcorp and Council resolved the following:*

#### *RESOLUTION: 2008-131*

*Moved: Cr George Seconded: Cr McDonald  
That Council*

- 1. does not accept the formal offer of \$300,000 for the Public Open Space contribution for the Leeman Thomas Street Subdivision; and*
- 2. accept the initial offer of \$450,000 for Public Open Space contribution for the Leeman Thomas Street Subdivision; and*

*CARRIED 8/0*

*Council has recently received further correspondence from LandCorp regarding the Leeman Thomas Street Development Cash in Lieu WAPC 131387 Condition 4. As follows:*

*I refer to previous communications concerning the cash in lieu of public open space payment required by Landcorp to the Shire of Coorow to enable the above condition to be satisfied.*

*As previously advised, in light of the age of the previous valuation provided to the Shire (May 2008), economic downturn and lack of sales in Leeman and the region, Landcorp engaged the services of a licensed valuer (Jeff Cadd of Locum Valuation Services) to determine the current value of the cash in lieu condition.*

*The report compiled by Locum Valuation Services which has determined that as of 16 January 2009, the current cash in payment amount due to the Shire of Coorow to clear condition 4 is \$228,500 inclusive of GST.*

*Based upon this advice, Landcorp offers the Shire of Coorow \$228,500 to settle WAPC condition 4 noting that as per the Planning and Development Act 2005, this offer is only valid for 90 days (as of 16 January 2009).*

**COMMENT:**

*Quite a significant amount of time has lapsed since the offer of \$300,000, with quite a bit of economical uncertainty arising in this time. It should be noted that the change and timing of the valuation was not of the Shire of Coorow making, and Council can still require Landcorp to contribute the \$450,000 if Council feels that the offer of \$228,500 is not acceptable.*

*It seems inappropriate of Landcorp to use a current valuation considering the Thomas Street Leeman Subdivision was completed nearly two years ago.*

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995,  
Planning and Development Act 2005  
Land Administration Act 2007*

**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 \$228,500 when the original offer was \$450,000, and an offer of \$300,000 has already been refused will mean there is less monies to undertake the development of POS in Leeman.*

**PUBLIC CONSULTATION:**

*No Public Consultation required on this issue.*

**VOTING REQUIREMENTS:**

*Simple Majority*

**OFFICER RECOMMENDATION:**

*That Council:*

- 1. decline the formal offer of \$228,500 for the Public Open Space contribution for the Leeman Thomas Street Subdivision; and*
- 2. request Landcorp to forward the initial valuation amount of \$450,000 for Public Open Space contribution for the Leeman Thomas Street Subdivision.*

**RESOLUTION: 2009-024**

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

*That Council:*

- 1. decline the formal offer of \$228,500 for the Public Open Space contribution for the Leeman Thomas Street Subdivision; and*
- 2. request Landcorp to forward the initial valuation amount of \$450,000 for Public Open Space contribution for the Leeman Thomas Street Subdivision.*

*CARRIED 8/0*

## COMMENT:

LandCorp has advised verbally that they are not willing to pay Council the \$450,000 for POS for Lots 58 and 59 Thomas Street as per their previous valuations. The Manager of Regulatory Services and the Chief Executive Officer have discussed this with LandCorp and they are waiting for Council to go into mediation as per the *Planning and Development Act 2005* which states under section 156, *the valuation may be varied by agreement between the parties or the dispute may be settled by such method as they may agree upon.*

Land Corp has also discussed this item with the Western Australian planning Commission who has forwarded the following email to the Shire of Coorow Chief Executive Officer.

*Has the owner complied with section 155(5) (b) P&D Act 2005?*

*The two valuations are very different given the relatively short period within which valuations were conducted. While I'm not a licensed valuer, I don't accept that the land is worth what it was 2-3 years ago. It is also difficult to accept that the value of land has dropped so sharply.*

*I note there is provision for the valuation to be varied by agreement and would suggest this as the best outcome to pursue for both parties in the circumstances. I have discussed this matter with Mark Hook from the Shire of Coorow and based on that discussion, would suggest its worthwhile going back to Council with a compromise position. If Council at that point are not prepared to move on its requested figure, I think the onus will then be on the Council to get a valuation to demonstrate the land is still worth that amount. Either party can always get a separate independent valuation and/or take the matter to commercial arbitration.*

*I do not see a need for the Commission to intervene.*

The Chief Executive Officer has commissioned a revaluation of the Lots 58 and 59 which is included at Attachment 10.1.6.

As stated under *Section 156 Planning and Development Act 2005* 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.

I believe the best option for Council is now to advise LandCorp that it is willing to enter into an agreement with them to negotiate the value of \$295,000 for the Public Open Space Contribution for Lots 58 and 59 Thomas Street Leeman.

## 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 \$295,000 is only \$5,000 under their original offer.

### **PUBLIC CONSULTATION:**

No Public Consultation required on this issue.

### **VOTING REQUIREMENTS:**

Simple Majority.

### **OFFICER RECOMMENDATION:**

That Council request the amount of \$295,000 from LandCorp as per the valuation received from Direct Property Valuations for the settlement of the Public Open Space contribution for Lots 58 and 59 Thomas Street Leeman.

### **MOTION**

**Moved:** Cr Williams

**Seconded:** Cr Bothe

*That Council request the amount of \$295,660 from LandCorp as per the valuation received from Direct Property Valuations including the valuation costs for the settlement of the Public Open Space contribution for Lots 58 and 59 Thomas Street Leeman.*

## **AMENDMENT ONE**

**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 5/4**

**Amendment One then became the substantial motion and was put and carried 7/1.**

## **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 believed this to be a reasonable compromise on the original valuation of \$450,000 as originally supplied by LandCorp for the settlement of the Public Open Space contribution for Lots 58 and 59 Thomas Street Leeman.



# DIRECT PROPERTY VALUATIONS

LICENSED VALUERS & PROPERTY CONSULTANTS

## TAX INVOICE

**Invoice No:** 22194  
**Date of Issue:** 04 Jun 2009  
**Invoice to:** Mr Mark Hook  
Coorow Shire Council  
PO BOX 42  
COOROW WA 6515

### Residential Valuation and Security Assessment

**Re:/To Account Of:**  
**Property Address:** Lot 58, 59 Thomas Street  
Leeman WA 6514  
**Property Type:** Vacant land  
**TAX INVOICE** 22194  
**FEE + GST** \$600.00 + \$60.00

<b>Report Fee:</b>	\$600.00
<b>Expenses:</b>	\$0.00
<b>Sub Total:</b>	\$600.00
<b>Plus GST:</b>	\$60.00
<b>Plus GST Free Expenses:</b>	\$0.00
<b>Total Now Due:</b>	<b>\$660.00</b>

*Thank you for your instructions.*



# DIRECT PROPERTY VALUATIONS

LICENSED VALUERS & PROPERTY CONSULTANTS

## REVIEW OF POS VALUATION

FOR

THOMAS STREET SUBDIVISION

LEEMAN

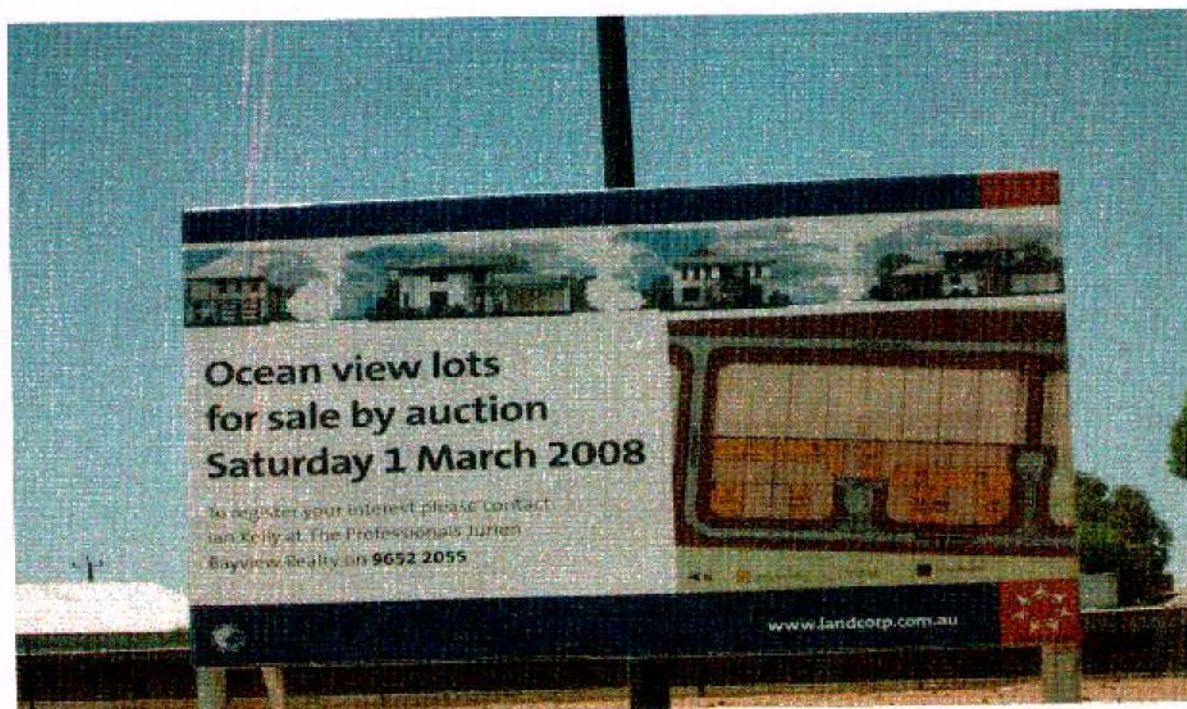
WESTERN AUSTRALIA

**PREPARED UNDER INSTRUCTIONS FROM:** MR M HOOK  
COOROW SHIRE COUNCIL  
PO BOX 42  
COOROW WA 6515

**PREPARED BY:** DIRECT PROPERTY VALUATIONS  
PO BOX 2293  
MALAGA W.A. 6944

**DATE:** 30<sup>th</sup> May 2009

**REFERENCE:** 22194



**CERTIFICATE OF VALUATION**

**VALUATION FOR:** Mr M Hook  
Coorow Shire Council

**PROPERTY ADDRESS:** Thomas Street, Leeman

**PURPOSE OF VALUATION:** Fair Market Value (Public Open Space Contribution).

**DATE OF INSPECTION AND VALUATION:** 27<sup>th</sup> May 2009

*This valuation is arrived on the basis of:*

- An orderly marketing campaign in the open market rather than a forced sale.
- A willing buyer, willing seller.
- Values will remain constant throughout the marketing period.
- Consideration has not been given to an additional bid/ offer by a special purchaser.

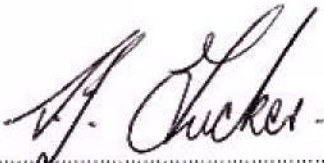
*In arriving at my valuation I have considered:*

- The location of the property.
- Sales evidence.
- The highest and best use of the land.
- The replacement cost of the land and buildings (if applicable).
- The Offer and Acceptance document (if applicable).
- Likely subdivisional and development costs (if applicable).

The undermentioned assessment represents the market value including chattels of the fee simple of the property free of encumbrances: -

**REVIEWED POS CONTRIBUTION**      \$295,000 (Two Hundred and Ninety Five Thousand Dollars)

*Neither the valuer, nor Direct Property Valuations Pty Ltd has any pecuniary interest in this property. In conclusion, this report has been prepared for the confidential use of the party to whom it is addressed and to their mortgage insurers (if applicable) for the specific purposes to which it refers. No responsibility is accepted to any third party and neither the whole of the report nor any part or reference thereto may be published in any document, statement or circular or in any communication with third parties without prior written approval from the writer.*



.....  
S.J. TUCKER, AAPI  
CERTIFIED PRACTISING VALUER  
LICENSED VALUER No 624  
E-mail: [steve@dpvals.com.au](mailto:steve@dpvals.com.au)

**DATE:** 30<sup>th</sup> May 2009

**LAND DETAILS:** Original lots  
Shape: Slightly irregular  
Site Drainage: Well-drained sandy soils.  
Topography: Generally level with the road. Adjacent to the foreshore reserve.  
Facilities: GPO: 300 km    Shops: 1 km    Transport: 1 km    School: 1 km

**LOCATION/NEIGHBOURHOOD:**

Leeman is an established residential townsite approximately 300 kilometres north of the Perth Central Business District. Surrounding properties comprise mixed aged single and two storey dwelling.

Townsite caters for cray fishing industry, holiday accomodation and surrounding farming community.

All essential residential amenities and facilities including shopping, schooling, transport and recreational reserves are located within 1-2 kilometres.

**ZONING:**

Local Authority: Shire of Coorow  
R-code: R50

**ROAD:**

Surface: Bitumen sealed with concrete kerbing.

**SERVICES AVAILABLE:**

Scheme Water, Deep Sewerage, Bottle Gas, Telephone.

**DESCRIPTION OF IMPROVEMENTS:**

Type: 20 vacant residential lots. Landcorp guidelines only allow unit development on Lots 709 and 712. Valuation undertaken on this basis.

**ANCILLARY IMPROVEMENTS:**

Limestone retaining where required and Colorbond fencing to lots adjoining existing residential.

**PURPOSE OF VALUATION:**

Fair Market Value (Public Open Space Contribution).

**GENERAL COMMENTS:**

At the date of inspection the site had recently been subdivided with lot ready for sale.

Subdivision is located within established residential area opposite foreshore reserve and approximately 50 to 100 metres from the beach. All lots can obtain 2<sup>nd</sup> storey ocean views some lots however could be built with surrounding developments. The three lots at the northern end also have ground floor views.

A power pad is located on the boundary of Lot 2 and 3 which does detract, particularly Lot 3.

Values have been determined using Detailed Area Plan by Town Planning consultants Koltasz Smith which has been supplied.

There is no directly comparable sales evidence in Leeman or surrounding townsites with which to gauge a value range. Values determined are the opinion of this company using the little evidence available, discussions with local real estate agents and local knowledge.

Auction held in March 2008 resulted in only one lot being sold at \$383,000 which was below reserve this has subsequently been handed back to Landcorp. New values have been adjusted to show lower value realised and lack of sales which has occurred. Asking prices have continued to be reduced due to current economic climate and lack of interest.

Enquiries with local selling agent confirm more properties listed on the market with longer selling periods. Subject subdivision has had no enquiry and no lots are presently under contract.

**Individual Lots:**

<b>Reviewed Values:</b>	Lot 701	\$270,000	Lot 702	\$290,000
	Lot 703	\$345,000	Lot 704	\$250,000
	Lot 705	\$215,000	Lot 706	\$215,000
	Lot 707	\$235,000	Lot 708	\$235,000
	Lot 709	\$315,000	Lot 710	\$195,000
	Lot 711	\$195,000	Lot 712	\$315,000
	Lot 713	\$235,000	Lot 714	\$235,000
	Lot 715	\$215,000	Lot 716	\$215,000
	Lot 717	\$250,000	Lot 718	\$290,000
	Lot 719	\$250,000	Lot 720	\$235,000

**Gross Realisation:** **\$5,000,000**

**Public Open Space Contribution:**

As per Section 155 of the Planning and Development Act 2005. Value determined on the following basis:

1. As at the date on which valuation is made (27<sup>th</sup> May 2009).
2. On basis that there is no buildings, fences or other improvements are on the land.
3. Assuming any rezoning has come into force.
4. Taking into account any other improvements (i.e. subdivision works had been undertaken as at 27<sup>th</sup> May 2009 and lots are ready for sale). Cost of subdivision is therefore not included in calculation.

Gross Realisation		\$5,000,000
Less Selling & Advertising Costs @ 2%		\$4,635,000
Profit & Risk @ 20%	$\frac{100}{120} \times \$4,635,000$	\$3,862,500
Interest on Selling Period of 24 months @ 9%	$\frac{100}{122.5} \times \$3,862,500$	\$3,273,305
Rates & Taxes @ 5% for 24 months	$\frac{100}{112.5} \times \$3,273,305$	\$2,975,732

Public Open Space Contribution - 10% of the land value or \$297,573 ADOPT: \$295,000

NOTE: Due to current economic circumstances and the lack of demand/interest in the lots the profit and risk to the developer and selling period has been adjusted. This along with reduction in gross realisation of individual lots has determined a englobo land value substantially lower than previous valuation undertaken.

**OTHER PHOTOGRAPHS:**





**CLIENT SPECIFIC INFORMATION:**

This valuation has been prepared on specific instructions from Shire of Coorow for fair market value purposes (public open space contribution). The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold consent or to review the contents of this report in the event that our consent is sought.

**CONDITION OF IMPROVEMENTS:** The Valuer is not a building construction and/or structural expert and has no formal qualifications in these fields. This report is not a building construction or structural report and we are not aware if the construction complies with the Local Authority planning approval. We would recommend that advice be sought from suitably qualified experts in respect of building construction or structural issues related to the improvements located on the subject property.

**INTEREST:** We advise that the Valuer and Direct Property Valuations have no pecuniary in the property.

**MARKET VALUE:** Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller, in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

**VALUATION DATE:** This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market improvements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comments, we do not assume responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any affect on the valuation.

**G.S.T:** The valuation of this property is on the basis of GST free status.

**ENVIRONMENTAL, HERITAGE AND CULTURAL ISSUES:** We consider that none of the above factors currently affect the subject property's value. However, we are not qualified as experts in the above fields and we therefore cannot be certain of the existence or otherwise of any of the above factors which may affect the property's current value.

**HIGH RISK FLOOD AREA:** The property does not appear to be situated in a high-risk flood area.

**WHITE ANT CERTIFICATE:** We advise that we are not experts in white ant damage or infestation and we therefore recommend that a white ant certificate be obtained for confirmation. However, during our inspection we did not note any signs of white ant infestation on the subject property.

**CONTAMINATION:** We did not note any signs of contamination of the property or adjacent land with particular reference to activities carried out now or in the past, however, as we did not conduct a sub-soil survey we are unable to confirm that the sub-soil is not contaminated. While comment is made on any readily noticeable environmental hazard or contamination issues, the Valuer does not hold himself out to be an expert in such matters and the valuation is based on the property being unaffected to any significant degree by environmental hazards or contamination. The parties relying on this report should make their own judgement in relation to these matters and seek appropriate expert advice if they consider if necessary. This valuation assumes that no contamination exists.

**SURVEY:** A current survey has not been sighted. The valuation is made on the basis that there are no encroachments by or upon the property. This should be confirmed by a current survey report and/or advice from a Registered Surveyor. If any encroachment is noted by the Survey report, the Valuer should be consulted to reassess any effect on the value stated in this report.

## 10.1.7 LOCAL GOVERNMENT STRUCTURAL REFORM

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 June 2009
FILE	L10.9

### SUMMARY:

**Council is being requested to pass the following ‘Notice Motion’.**

*‘That Council progresses the formal amalgamation of the Shires of Coorow and Carnamah’*

### BACKGROUND:

During the debate on item 10.1.2 Local Government Structural Reform at the May Ordinary Meeting of Council the following resolution was passed

**RESOLUTION:** 2009-056  
Moved: Cr Waite      Seconded: Cr Girando  
That Council accept the following Notice of Motion for the June 2009 Ordinary Meeting of Council:  
Notice of Motion  
‘That Council progresses the formal amalgamation of the Shires of Coorow and Carnamah’

CARRIED 4/0

### COMMENT:

The Shire of Coorow has already undertaken some minor consultation with the Shire of Carnamah and they are also looking at this issue and it should be progressed with the Shire of Carnamah.

### STATUTORY ENVIRONMENT:

Local Government Act 1995

### STRATEGIC IMPLICATIONS:

During the development of this Strategic Plan there were contributions from the broader community as well as councillors and shire staff. A number of key challenges which will confront the Shire were clearly evident

One of these was;

- Local government reform and the potential for change to the existing structure.

## GOAL 1 - LEADERSHIP

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

### LOCAL GOVERNMENT REFORM

- Assess amalgamation opportunities/pitfalls.
- Explore and develop options for growth and sustainability through regional partnerships.
- Identify opportunities to deliver services regionally.

### POLICY IMPLICATIONS:

Nil.

### FINANCIAL IMPLICATIONS:

Nil

### PUBLIC CONSULTATION:

Council has held two public meetings that were facilitated by Joanne Burgess of the Western Australian Local government Association and sent out a questionnaire to all residents and ratepayers in the Shire of Coorow.

### VOTING REQUIREMENT:

Simple Majority

### OFFICER RECOMMENDATION:

That Council progresses the formal amalgamation of the Shires of Coorow and Carnamah.

**Mr Mark Hook returned to the meeting at 6.11pm.**

### **MOTION**

**Moved:** Cr Waite

**Seconded:** Cr Girando

*That Council progresses the formal amalgamation of the Shires of Coorow and Carnamah.*

### **AMENDMENT ONE**

**Moved:** Cr George

**Seconded:** Cr Williams

*That Council progresses the formal amalgamation of the Shires of Coorow and Carnamah and Irwin.*

**CARRIED 6/2**

### **AMENDMENT TWO**

**Moved:** Cr Waite

**Seconded:** Cr Bothe

*That Council progresses the formal amalgamation of the Shires of Coorow, Carnamah, Irwin, Perenjori, Morawa, Mingenew and Three Springs.*

**LOST 2/6**

### **AMENDMENT THREE**

**Moved:** Cr McDonald

**Seconded:** Cr Waite

*That Council progresses the formal amalgamation of the Shires of Coorow, Carnamah, Mingenew, Three Springs and Irwin.*

**CARRIED 5/4**

***Passed with the Presidents Casting Vote***

***Amendment Three then became the substantial motion and was put and Carried 5/3.***

### **RESOLUTION:**

**2009-078**

**Moved:** Cr McDonald

**Seconded:** Cr Waite

*That Council progresses the formal amalgamation of the Shires of Coorow, Carnamah, Mingenew, Three Springs and Irwin.*

**CARRIED 5/3**

Council's Resolution differed from the Officers Recommendation as Council felt it was a better mix of Council's for future mergers.

## **10.2 MANAGER REGULATORY SERVICES:**

### **10.2.1 PLANNING APPLICATION – REQUEST FOR RETROSPECTIVE APPROVAL FOR A CHILLER UNIT LOCATED ON LOT 167, 4 BINGHAM STREET GREEN HEAD**

<b>AUTHOR</b>	Dave Hadden
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	11 May 2009
<b>ATTACHMENTS</b>	10.2.1a Photos and block plan 10.2.1b Proposed usage of chiller unit
<b>FILE</b>	G167

#### **SUMMARY:**

**An Application has been received from the owners of Lot 167, 4 Bingham Street, Green Head seeking retrospective approval to allow them to leave a fibreglass chiller unit on their property.**

#### **BACKGROUND:**

The chiller unit has been placed at the front of Lot 167 due to the topography of the block and is quite visible to surrounding land owners, photos and the block plan are included at Attachment 10.2.1a. The chiller unit is proposed to be used for storage of equipment as listed in Attachment 10.2.1b.

This chiller unit has been placed on Lot 167, 4 Bingham Street, Green Head by the owners without planning approval or a building licence being issued and was brought to Council's attention through a complaint.

In considering the merits of this application, staff determined to write to nearby neighbouring properties over a 14 day consultation period to more accurately scope the sentiment of those neighbouring land owners prior to the June 2009 Council meeting.

One written comment was received during this period which has requested that the chiller unit be placed behind the small shed as indicated on the attached site map as Option 1.

#### **COMMENT:**

The chiller unit is quite visible in its current location from neighbouring properties.

The owners propose to move the unit slightly to sit in a north/south direction which will reduce the visible aspect of the structure from Rowlands Road properties.

The owners also propose to construct a 1.8m timber frame with shade cloth around the units northern and eastern side to screen the unit from Bingham Street.

Many local authorities have policies in place to provide control of sea containers / chiller units to ensure an acceptable standard of development is achieved that does not detrimentally affect the amenity of the locality.

**STATUTORY ENVIRONMENT:**

Council's Town Planning Scheme No. 2.

**STRATEGIC IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Currently, no policy control. However it is recommended that a Policy be investigated to assist Council in making decisions under the Scheme when dealing with box-type storage units.

**FINANCIAL IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATIONS:**

**Recommendation 1:**

That Council approve the Applicant's request to allow the chiller unit to remain on Lot 167, 4 Bingham Street Green Head, subject to the following:-

**Conditions**

- (a) the development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- (b) The chiller unit being re-positioned in a north/south direction as indicated on approved plans as Option 1.
- (c) a 1.8m high timber frame, clad in shade cloth, to be constructed around the northern and eastern sides of the chiller unit to screen the building from Rowlands Road and Bingham Street.

**Notes**

- (i) 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.
- (ii) The Applicant is reminded that a Building Licence for the chiller unit is required in accordance with the West Australian Building Regulations 1989.

- (iii) Should the Applicant be aggrieved by the decision of the Council (in part of whole) a right exists of appeal to the State Administrative Tribunal within twenty-eight (28) days from the date of the decision.

**RESOLUTION:                      2009-079**

**Moved:** Cr Williams

**Seconded:** Cr Waite

*That Council approve the Applicant's request to allow the chiller unit to remain on Lot 167, 4 Bingham Street Green Head for a period of two years from the date of issue of building licence, subject to the following:-*

**Conditions**

- (a) *the development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.*
- (b) *The chiller unit being re-positioned in a north/south direction as indicated on approved plans as Option 1.*
- (c) *a 1.8m high timber frame, clad in shade cloth, to be constructed around the northern and eastern sides of the chiller unit to screen the building from Rowlands Road and Bingham Street within 30 days of planning approval.*

**Notes**

- *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.*
- *The Applicant is reminded that a Building Licence for the chiller unit is required in accordance with the West Australian Building Regulations 1989.*
- *Should the Applicant be aggrieved by the decision of the Council (in part of whole) a right exists of appeal to the State Administrative Tribunal within twenty-eight (28) days from the date of the decision.*

**CARRIED 7/1**

**Cr Girando requested her vote against the motion be recorded**

**Recommendation 2:**

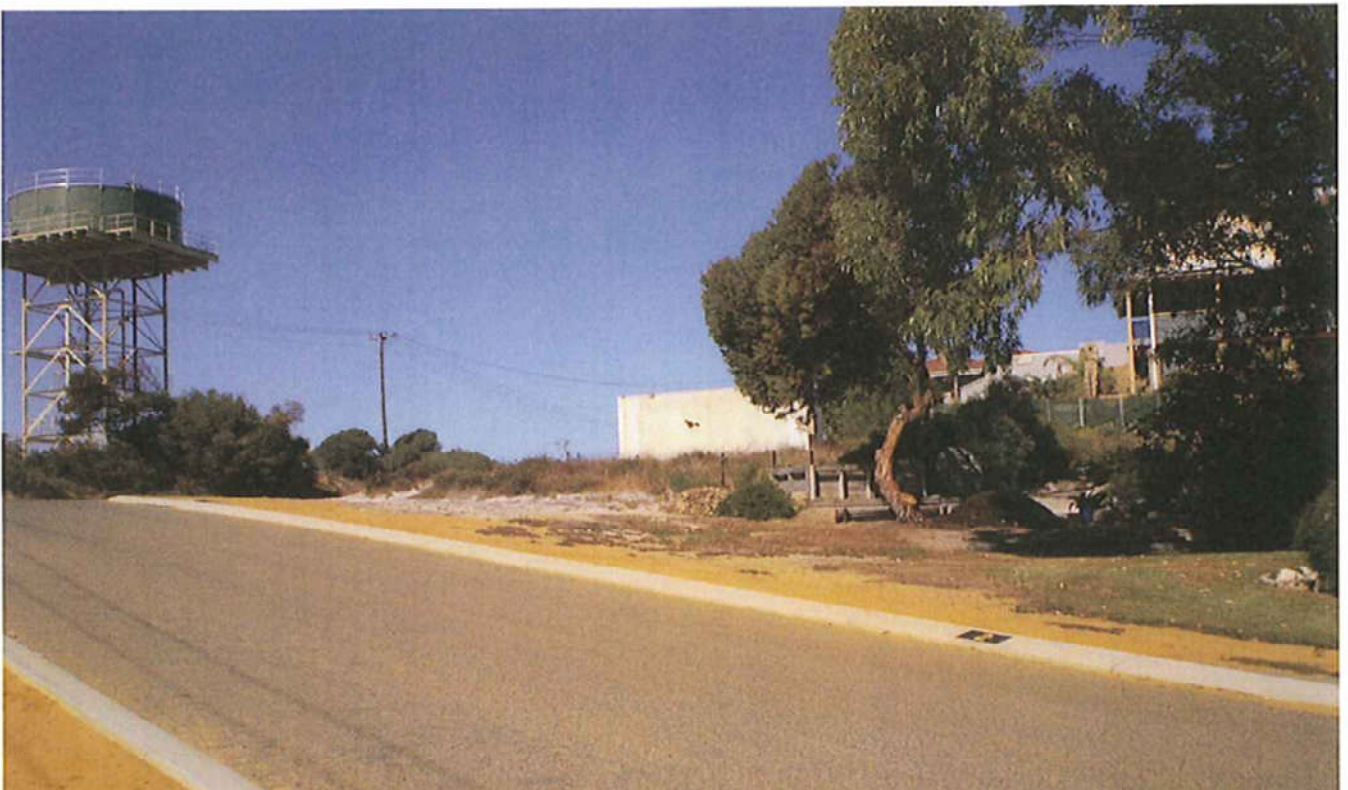
That Council request the Shire of Chapman Valley Planning Department prepare a Local Planning Policy to establish guidelines for the assessment of proposals to place sea containers or other similar relocatable storage units on land within the Municipality.

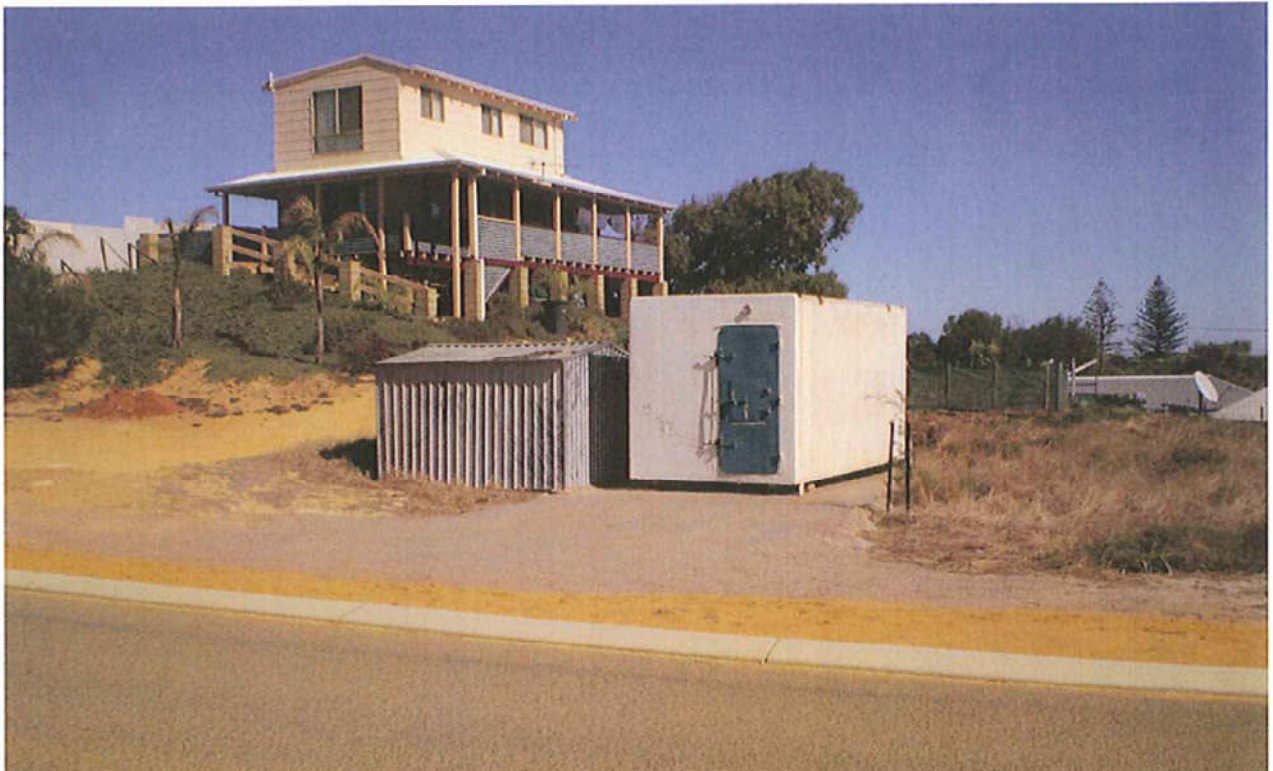
**RESOLUTION:**                      **2009-080**

**Moved:** Cr McTaggart              **Seconded:** Cr Rackemann

*That Council request the Shire of Chapman Valley 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 townsites in the Municipality.*

**CARRIED 8/0**





Dave Hadden

---

**From:** Lee Albert [leealbert@bigpond.com]  
**Sent:** Thursday, 7 May 2009 9:35 PM  
**To:** Dave Hadden  
**Subject:** Planning Application for 4 Bingham Street, Green Head

Dear Dave,

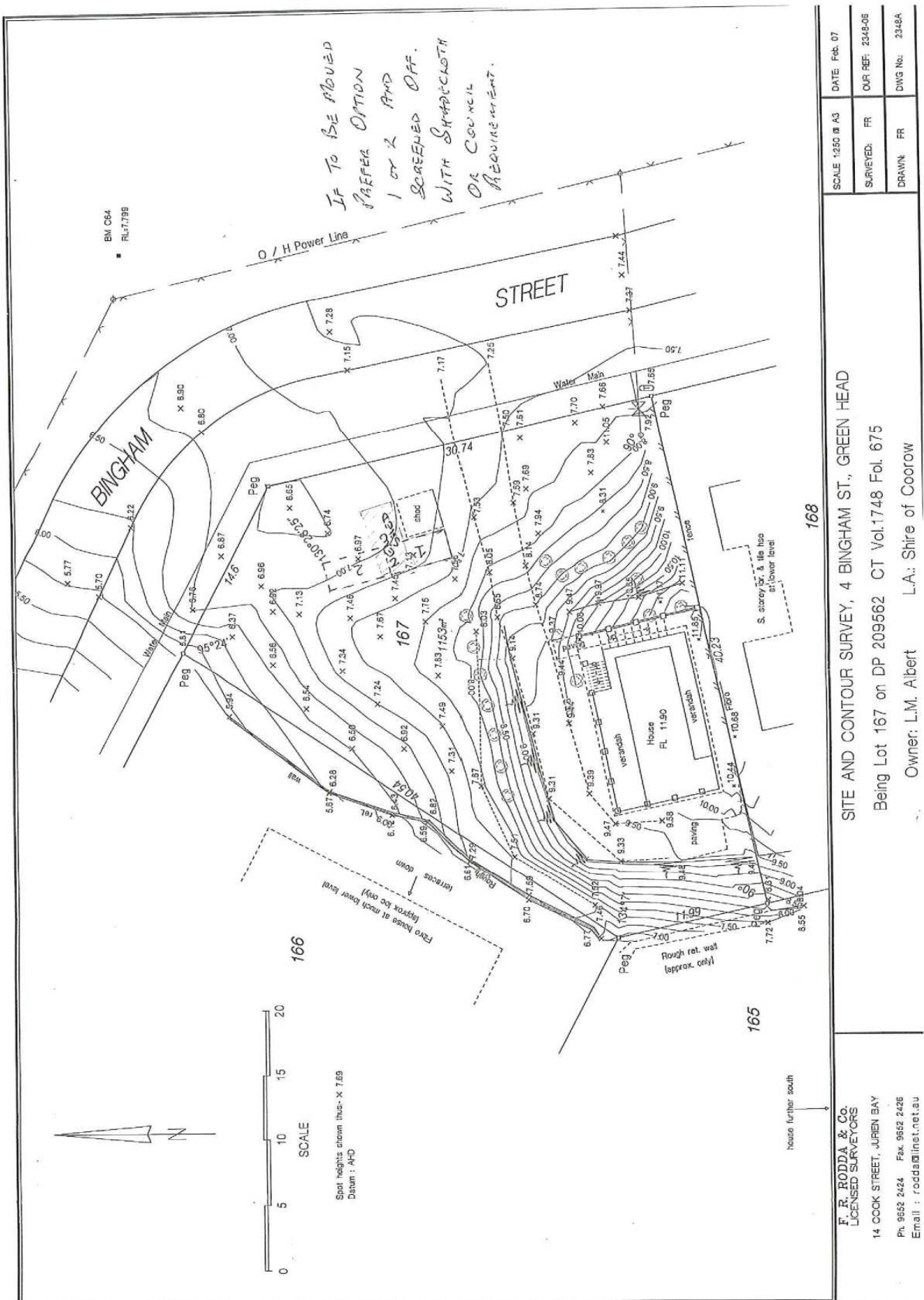
We plan to use the box on our property as a garden shed to store bicycles, surfing and windsurfing gear, camping gear, garden tools and manures, etc. We would like to stress that the box cannot be used as a chiller because the equipment has long ago been removed. We plan to screen the box from view by erecting a timber frame, with shade cloth attached, around its northern and eastern sides. We will build the screen approximately 1 metre away from the box. Our aim is to obscure the view of the box for people coming up Bingham Street from the north. We propose that the height of the shade cloth screen be 1.8 metres, unless we are required to build it higher.

Our long term plans for the property include a 1.8 metre high fence, built as a retaining wall where necessary, on all sides of our block. We aim to perform significant earthworks in order to construct a two- car garage on the level where we currently park our car. Where our vegetable garden is, we plan to build a shed. Once we have this new shed, we will move the box behind the shed so that it cannot be seen from Bingham Street.

We would have liked to plant fast-growing shrubs and trees to screen the box, but our plans for the property involve retaining walls and earthworks. Until we know, and have constructed, the final levels we don't think that it is sensible to plant anything permanent.

Regards,

Lee Albert and Glenn Alexander



## 10.2.2 DISPOSAL OF PROPERTY – LOT 113, 37 BRISTOL STREET COOROW

<b>AUTHOR</b>	Dave Hadden
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	9 June 2009
<b>FILE</b>	C113 BRI

### SUMMARY:

**Lot 113, 37 Bristol Street Coorow has a three bedroom transportable dwelling located on the property and has been listed in Council's five (5) year Building Maintenance Plan as being extra to its needs.**

**As such staff believe that this property should be sold with the profits placed in Council's Building Reserve.**

### BACKGROUND:

This property previously housed Council's mechanic who now occupies a new premises in Commercial Street. Lot 113, 37 Bristol Street Coorow was listed as being extra to Council's needs during production of Council's new five (5) year Building Maintenance Plan. The best long term option for this property is disposal with the proceeds of sale being placed in reserve.

### STATUTORY IMPLICATION:

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.

**VOTING REQUIREMENT:**

Absolute Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. request staff to arrange disposal of Lot 113, 37 Bristol Street Coorow through sale at a public auction; and
2. proceeds from the sale of Lot 113, 37 Bristol Street Coorow to be placed in Council's Building Reserve.

**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**

Council's Resolution differed from the Officers Recommendation as Council believed that it would be easier to sell this property under Section 3.58(3) of the *Local Government Act 1995*.

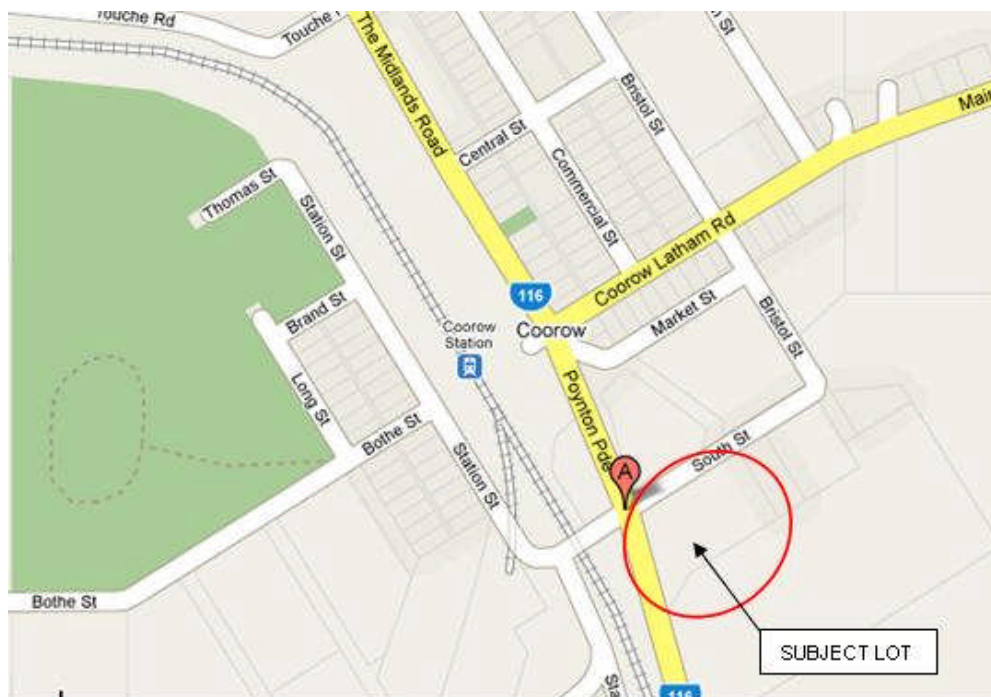
### 10.2.3 PROPOSED TRANSPORTABLE OFFICE – LOT 61 SOUTH STREET, COOROW

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 June 2009
ATTACHMENT	10.2.3 Site Plans and Photos of proposed office
FILE	CW61SOU

#### SUMMARY:

**Council is in receipt of an application for a transportable office at Lot 61 South Street, Coorow. The subject land is zoned ‘Industry’ under Town Planning Scheme No.2. This report recommends conditional approval of the application.**

Figure 1 - Provides an understanding of the location and nature of the subject property:



#### BACKGROUND:

The application proposes a transportable office to be relocated to Lot 61 South Street, Coorow. The proposed office is 3m x 6m (18m<sup>2</sup>) and is constructed of a white colorbond roof with white aluminium flush panels. Copies of the applicant's submitted site plan and photos of the office building are included as Attachment 10.2.3.

As the application before Council is defined by the Scheme as ‘office’, the proposal is considered an ‘A’ use within the Scheme zoning and development table and is therefore required to be advertised under Section 9.4.3 of Coorow’s Town Planning Scheme and placed before a meeting of Council for deliberation.

## **COMMENT:**

In considering the merits of this application this proposal is supported at an officer level as:

- The proposed office is sufficiently setback from all boundaries.
- The proposed transportable office is consistent in colour and material to the existing transportable office onsite and other existing infrastructure and therefore will not detrimentally affect the appearance of the area.
- There are no specific requirements within policies or the Town Planning Scheme regarding transportable buildings and their permissibility within an area. Therefore the building can be supported as it meets the requirements of a normal construction in terms of setbacks, open space, car parking and use.
- The site already contains an existing transportable office and therefore this application may be considered not so much a new 'land use' but rather the extension of the 'office' use already operating on-site.

## **Consultation**

This report recommends approval of the transportable office subject to Council undertaking the necessary advertising in accordance with Section 9.4.3 of the Town Planning Scheme. This would entail a 14 day advertising period in which surrounding landowners would be formally advised of the application and comment sought.

Should no objection be received it is recommended that Council delegate authority to the Chief Executive Officer to approve the application under delegation. However, should a substantial objection be received that is considered a relevant planning consideration, the application be referred back to a meeting of Council.

## **STATUTORY ENVIRONMENT:**

Under Town Planning Scheme No.2 the subject land is zoned 'Industry' and the use of 'office' defined as:

*“means premises used for administration, clerical, technical, professional or other like business activities.”*

## **STRATEGIC IMPLICATIONS:**

Nil.

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

Nil.

## **VOTING REQUIREMENT:**

Simple Majority required.

## **OFFICER RECOMMENDATION:**

### **Recommendation 1**

That Council staff proceed with a fourteen (14) day advertising period with affected adjoining landowners to obtain their written consultation regarding the construction of the proposed transportable office on Lot 61 South Street, Coorow.

### **Recommendation 2**

That Council delegate to the CEO the capacity to grant formal Planning Approval (following a fourteen (14) day neighbour consultation period and no objections/concerns being raised) for a transportable office to be constructed on Lot 61 South Street, Coorow, subject to the following:

### **Conditions**

- (a) The development shall be in accordance with the attached approved plan(s) dated 17 June 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) 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.
- (c) 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.
- (d) The transportable office shall be sited on the lot in accordance with the site plan endorsed 17 June 2009.
- (e) The development shall be consistent or complementary in colour with the existing office building to the approval of the local government.
- (f) 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.
- (g) An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained by the applicant/landowner.

## Notes

- i. 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.
- ii. Compliance is required with the Building Code of Australia.
- 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:                      2009-082**

**Moved:** Cr Bothe

**Seconded:** Cr Waite

*That Council:*

1. *staff proceed with a fourteen (14) day advertising period with affected adjoining landowners to obtain their written consultation regarding the construction of the proposed transportable office on Lot 61 South Street, Coorow; and*
2. *delegate to the CEO the capacity to grant formal Planning Approval (following a fourteen (14) day neighbour consultation period provided no objections/concerns being raised) for a transportable office to be constructed on Lot 61 South Street, Coorow, subject to the following:*

### **Conditions**

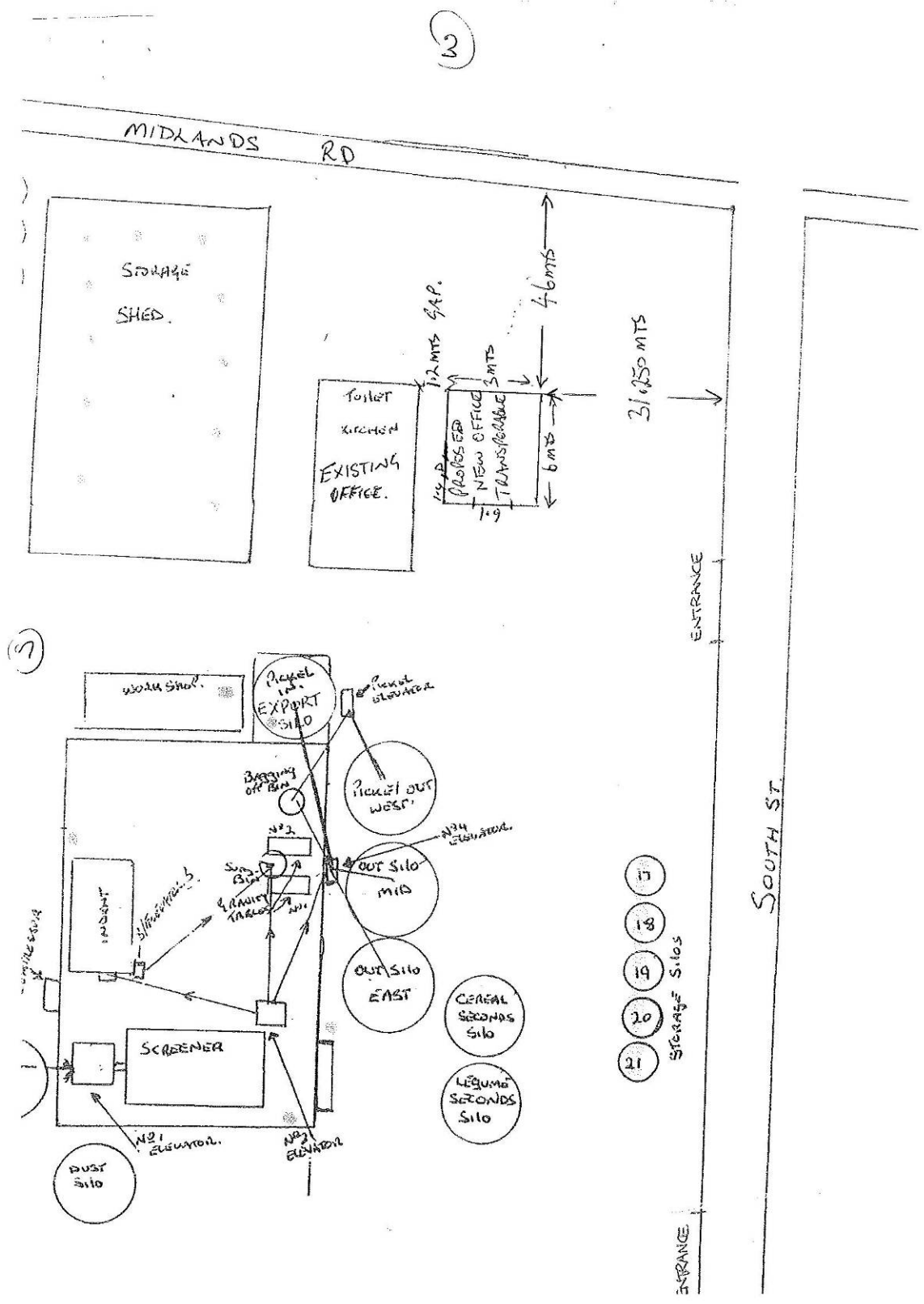
- (a) *The development shall be in accordance with the attached approved plan(s) dated 17 June 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.*
- (b) *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.*
- (c) *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.*
- (d) *The transportable office shall be sited on the lot in accordance with the site plan endorsed 17 June 2009.*
- (e) *The development shall be consistent or complementary in colour with the existing office building to the approval of the local government.*

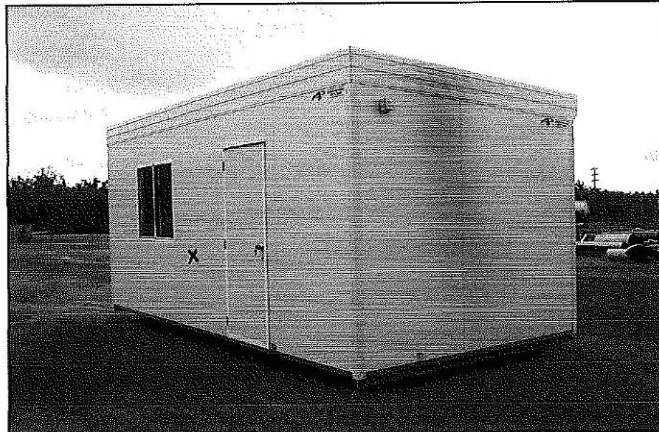
- (f) *All storm-water runoff from impervious surfaces (roof and paved areas) shall be contained within the property boundaries, and re-used or disposed of through an acceptable drainage system such underground soak wells.*
- (g) *An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained by the applicant/landowner.*

**Notes**

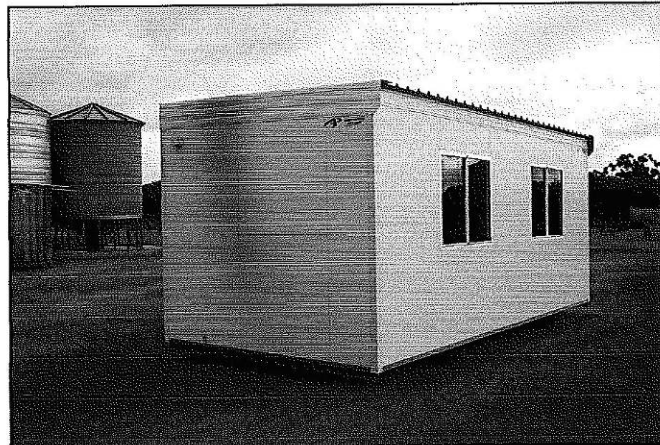
- i. *This approval is valid for a period of two (2) years from the date of approval and will deemed to have lapsed if the development has not substantially commenced before the expiration of this period.*
- ii. *Compliance is required with the Building Code of Australia.*
- iii. *Should the applicant 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 8/0**





SOUTH  
FACING  
DOOR.  
+  
EAST  
FACING  
END.



NORTH  
FACING  
WINDOWS



SITE  
FOR  
NEW  
OFFICE.

EXISTING  
OFFICE.

## 10.2.4 PROPOSED FINAL ADOPTION OF LOCAL PLANNING POLICIES

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 June 2009
ATTACHMENT	10.2.4a Response from Forestry Commission 10.2.4b Amended Agro-Forestry/Tree Plantations Policy 10.2.4c Intensive Agriculture Policy
FILE	Policy Manual

### SUMMARY:

**Previously Council moved to advertise draft Local Planning Policies ‘Intensive Agriculture’ and ‘Agro-Forestry/Tree Plantations’ pursuant to Clause 2.4.2 of Coorow’s Town Planning Scheme No.2.**

**Advertising is now complete and the purpose of this report is to present the final local planning policies for Council’s consideration and formal adoption.**

### BACKGROUND:

The ‘Intensive Agriculture’ and ‘Agro-forestry/Tree Plantations’ policies have been formulated in response to current and anticipated growth pressures to ensure that Council is prepared to meet the challenge associated with such growth.

Council adopted the draft ‘Intensive Agriculture’ policy for the purpose of advertising on 25 March 2009 and draft ‘Agro-forestry/Tree Plantations’ at its 15 April 2009 meeting.

In accordance with the Council’s direction, both Local Planning Policies were advertised pursuant to Clause 2.4.2 of the Town Planning Scheme. In response there has been 1 submission received for draft policy ‘Agro-forestry/Tree Plantations’.

### COMMENT:

For the most part Policies are formulated to align with a Strategic Planning direction as principally set by the Council and, accordingly, used by staff to disseminate information to the Community on the minimum standards for development as prescribed by Council.

With this said, a Local Planning Policy, once adopted, is not binding on Council in determining Applications for Planning consent although it is strongly recommended that Council adhere to the Policy, where practical or, at the very least, give due consideration to the Policy to maintain a level of consistency.

### Consultation

At the conclusion of the advertising period one (1) submission was received relating to draft policy ‘Agro-forestry/Tree Plantations’ from Forest Products Commission

Western Australia. A copy of the Forest Products Commission submission that outlines their suggested changes is included as 10.2.4a for Council's information.

Attachment 10.2.4b to this report is a copy of the advertised Draft 'Agro-forestry/Tree Plantations' policy with the recommended modifications that have been made as an outcome of the submission received during the advertising period. The changes have been indicated in red for ease of reference.

#### **STATUTORY ENVIRONMENT:**

Council is able to formulate, review or rescind Planning Policies in accordance with the provisions specified in Clause 2.4 of Coorow's Town Planning Scheme No.2.

#### **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.

#### **POLICY IMPLICATIONS:**

A copy of the Intensive Agriculture Policy is included as Attachment 10.2.4c to this report for Council's information.

#### **FINANCIAL IMPLICATIONS:**

The cost of advertising the Local Planning Policies is covered by the Councils existing Planning budget allocation.

#### **VOTING REQUIREMENT:**

Simple Majority required.

#### **OFFICER RECOMMENDATION:**

That Council:

1. amend draft Agro-forestry/Tree Plantations Policy 6.6.13 as per Attachment 10.2.4b; and
2. adopt new Local Planning Policy 6.6.13 Agro-Forestry, Plantations & Tree Crops (including the modifications as detailed above) and Local Planning Policy 6.6.14 Intensive Agriculture pursuant to Clause 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 Clause 2.4.3 of the Shire of Coorow Town Planning Scheme No.2.

**RESOLUTION:**                      **2009-083**

**Moved:** Cr George

**Seconded:** Cr Williams

*That Council:*

1. *amend draft Agro-forestry/Tree Plantations Policy 6.6.13 as per Attachment 10.2.4b; and*
2. *adopt new Local Planning Policy 6.6.13 Agro-Forestry, Plantations & Tree Crops (including the modifications as detailed above) and Local Planning Policy 6.6.14 Intensive Agriculture pursuant to Clause 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 Clause 2.4.3 of the Shire of Coorow Town Planning Scheme No.2.*

**CARRIED 8/0**

**Head Office**

Level 1  
117 Great Eastern Highway  
Rivervale  
Western Australia 6103

**Postal Address**

Locked Bag 888  
Perth Business Centre  
Western Australia 6849

Phone: (08) 9475 8888  
Facsimile: (08) 9475 8899

www.fpc.wa.gov.au

ABN 69 101 683 074

Our Ref: 3310RV  
Enquiries: Paul Brennan  
Phone: 08 9475 8809  
Fax: 08 9475 8899



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

Dear Mr Hook

### REVIEW OF SHIRE OF COOROW DRAFT AGRO-FORESTRY/TREE PLANTATIONS POLICY

Thank you for the opportunity to comment on the draft tree crop policy.

The WA Forest Products Commission (FPC) is a statutory authority that undertakes business with and promotes the forest products industries. The FPC is the lead agency for forestry and is charged with implementing the WA Government's 2008 *State Strategy for Plantations and Farm Forestry*. This state strategy seeks to facilitate further development in tree farming and related industries.

#### Background and Guiding Principles

The *State Strategy for Plantations and Farm Forestry* includes 10 actions, one of which (Action 8) seeks "to develop a planning process for plantations and farm forestry that is consistent, equitable and efficient for the industry and local communities." Planning requirements differ greatly between local government authorities and this can become an impediment to the future development of a robust and sustainable farm forestry industry.

FPC is having ongoing discussions with the Department of Planning and Infrastructure about revision of the following documents to ensure they are consistent with the intent of the *State Strategy for Plantations and Farm Forestry*:

- State Planning Policy (SPP) 2.5 which deals with protection of agricultural land; and
- WAPC Planning Bulletin 56 (PB56) *Farm Forestry Policy*.

The basic principles that we feel should guide, not only the documents already mentioned, but also Local Government planning policies on tree crop development include:

- The right of landowners and tree farm managers to pursue tree farming as a legitimate use of agricultural land;



- The efficient processing of planning applications and a schedule of fees that is equitable with relevant uses of agricultural land;
- No extra conditions outside of National and State guidelines should be imposed; and
- Regulations should be equitable with other forms of agricultural land use.

Guided by these basic principles we offer the following comments specific to the Shire of Coorow 'Draft Agro-forestry/Tree Plantations' policy:

#### Policy Subject

As the policy distinguishes between and provides definitions for 'agro-forestry', 'plantations' and 'tree crops', we suggest that this be reflected in the title e.g. Draft Agro-forestry/Plantations and Tree Crops'.

#### Policy Statement

In the interest of balance we suggest the addition of a phrase to acknowledge the multiple benefits of tree crops in the following paragraph.

Given the increasing opportunities and interest in tree crop development it is timely for local governments to ensure that these developments where possible are adequately managed to avoid environmental and/or land-use conflict that could potentially arise. and optimise the potential benefits to the community.

It may also be appropriate to mention the *State Strategy for Plantations and Farm Forestry* in your Policy. I have attached a copy of the Strategy with this submission.

#### Objectives

The objectives are generally reasonable and logical. However, we have some suggested modifications, or queries regarding the following:

4) As there must be many current and proposed activities that have significant impacts on local road infrastructure and/or fire/risk management, it may be appropriate to add an additional objective that states that tree crop developments will be considered without discrimination. It is recommended that the FESA Guidelines for Plantation Fire Protection (1998)<sup>1</sup> be used to assess fire management plans in applications, and for this to be stated in the policy.

5) 'Close proximity' needs to be defined.

8) This objective is unclear in intent.

#### Guidelines

Again, most of the guidelines are reasonable and logical. However, we are concerned that some could lead to an expensive and unwieldy application

<sup>1</sup> The FESA Guidelines are currently being reviewed.

process for both Coorow Shire and the applicant. In particular we are referring to:

- Dot point 10 pertaining to 'visual impact assessment'. Currently this guideline is 'open-ended' and needs clarification. Presumably the impact can be positive or negative? How is that determination made? What level of assessment is the Shire expecting in applications? Depending on the level of detail expected this could constitute a costly requirement for the applicant. Are horticultural developments, for example, subject to the same requirements?
- Dot point 11 pertaining to a 'Water Management Strategy'. Tree crops use significantly less chemicals and fertiliser than traditional agricultural systems, and can therefore improve water quality. The positive impacts of tree planting on water quality have been demonstrated in the Denmark catchment where salinity trends have been reversed. Again, can you provide clarification as to the level of detail that would be expected?
- Dot point 12 and associated notes pertaining to 'Harvest/Transport Plan'. The Shire reasonably indicates that a plan is to be prepared and submitted 12 months prior to the commencement of harvesting. However, the expected transport routes to be used are required in the initial application. We wonder what benefit there would be to such information in the initial application, and how the response would be assessed when the Shire acknowledges that the future locations of processing facilities are currently unknown?
- Dot point 13 pertaining to 'application fee'. Is the Shire Schedule of Fees based on WAPC Planning Bulletin 93 Local Government Planning Fees? If so, can that be stated in the policy?
- The automatic advertisement of all applications for 'a minimum of 30 days' will lead to unnecessary and possibly costly delays in the approval process. This Policy, which provides clear and concise guidelines and is being developed with stakeholder consultation, should enable the Shire to expedite the approval process. We recommend only applications that fall outside the scope of the Policy be advertised.

Again thank you for providing the opportunity to comment and I would be happy to discuss further any of the points raised.

Yours sincerely



Emer O'Gara  
Coordinator – Strategic Tree Farming Project  
May 21 2009.

**POLICY – HOUSING AND COMMUNITY AMENITIES**

Sub Section: Town Planning and Regional Development

Policy Number: 6.6.13

Policy Subject: **DRAFT AGRO-FORESTRY, PLANTATIONS & TREE CROPS**

Policy Statement: This Policy applies to agro-forestry, plantations and tree crops, otherwise termed 'Tree Crops' for the purpose of this Policy, that has the potential to become a prominent land-use across the Shire where landholders and private investors seek to:

- capitalise on emerging opportunities for farm forestry;
- diversify income streams; and
- gain on farm environmental benefits that can be realised from integrated tree crops.

Given the increasing opportunities and interest in tree crop development it is timely for local governments to ensure that these developments where possible are adequately managed to avoid environmental and/or land-use conflict that could potentially arise, and optimise the potential benefits to the community.

Therefore, this Policy seeks to clarify the Council's position on the establishment of tree crops.

Objectives: The objectives of this Local Planning Policy are to:

1. Achieve a consistent, efficient, and equitable system for assessing and approving tree crop applications;
2. Actively encourage the establishment of tree crops in appropriate locations across the Shire of Coorow;
3. Actively encourage tree crops in areas subject to land degradation, including areas of high salinity, water logging, and high levels of chemical contamination where there are clear natural resource management benefits;
4. Consider impacts on local road infrastructure and fire risk/management issues in all applications;
5. Consider the visual impact of tree crops in close proximity and/or viewing distance to town sites, roads of local and regional significance, and areas of scenic beauty;
6. Encourage operators, managers, government and non-government agencies, investors, and land holders to work in partnership wherever possible;
7. Encourage operators to abide by the Industry Code of Practice, relevant legislation, State Strategy for Plantations and Farm Forestry and this policy;
8. Outline the matters required to be addressed for assessment to be undertaken under the planning system and other legislation.

The Council recognises that other matters, not listed above, may be raised during assessment of applications, such as submissions by third parties, which will be noted but not necessarily used in determining an application. As such matters may be covered by other legislation, fall under the responsibility of other agencies, or may not be considered relevant or valid planning considerations.

Definitions: 'Agro forestry' means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.

'Plantation' has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia (2006)* published by the department of Conservation and Land Management and the Australian Forest Growers.

'Tree Crop' means trees planted under the management of one Applicant with an aggregate area greater than 40 hectares and with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as carbon and potentially environmental services.

Guidelines:

This policy applies to all 'Rural' zoned land in the Shire of Coorow Town Planning Scheme No.2 (TPS2) given agro forestry/tree plantations are uses defined, but not specifically listed in any zone.

In the absence of more prescriptive details as to what the Council considers to constitute 'agro forestry' and 'plantations', and recognising there could be a degree of overlap between the respective definitions, for the purpose of this policy in assessing applications, the Council will require the following:

1. Completion of an application for Planning Consent Development Application Form (this is required to be signed by the landowner).

NOTE: An application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant (the form is required to be signed by the relevant landowners).

2. The application is to include or be accompanied by the following:

- Title details of the subject land;
- Name of Landowner(s);
- Name of the Applicant(s) (Manager);
- Address and contact details of the Applicant(s);
- Signature(s) of the Applicant(s) and the Landowner(s);
- Management Plan as per checklist based on the Code of Practice;
- Map showing location of trees, access roads, structures and buildings, natural features (including native vegetation and water courses) and other relevant information, such as hazards and significant features;
- Level of compliance with the specifications and guidelines in the *Code of Practice for Timber Plantations in Western Australia (2006)*.
- The preparation of a Fire Management Plan, to be included as a part of an overall Management Plan, that details access, firebreaks, water supplies, separation distance between plantings and setbacks from off-site dwellings. (FESA's Guidelines for Plantation Fire Protection (1998) will be used to assess Fire Management Plans in applications)
- A visual impact assessment may be required where the development site is in close proximity and/or viewing distance from townsite boundaries, roads of regional or local significance, or areas deemed by the Council to have a high level of scenic or heritage value;
- A Water Management Strategy that includes an impact statement relating to water quantity and quality regarding the anticipated effects on adjacent land uses and downstream users – refer to Notes below;
- Provide an estimated harvest time(s). Note: It will be a condition of any development approval that a Harvest/Transport Plan be submitted to Council for separate approval 12 months prior to the commencement of harvesting that details expected transport routes, and proposed machinery requirements – refer to notes below;
- Planning application fee, as per the Shire Schedule of Fees.

NOTES:

*Additional Approvals*

Proposed new buildings and structures relating to a tree crop development may be subject to additional/other applications and approvals of the local government and other agencies.

*Water Management*

The Council may seek advice from the Department of Conservation and Environment and/or Department of Water to assist in determining the application, with specific reference to ground and surface water impacts. Should the Department of Conservation and Environment and/or Department of Water raise significant concerns or objections to the proposal the application may ultimately be refused by the Council.

*Harvest and Transport*

The Council recognises the future locations of processing facilities in or near the 'Midlands/ Central Wheatbelt' region is currently unknown, and it is therefore difficult to prepare a transport plan prior to commencement of tree crop development. Nevertheless, the Council will require an understanding of expected harvest and transport routes through the Shire at the application stage, with the requirement a transport plan/strategy to be prepared and submitted twelve (12) months prior to the commencement of harvesting depending on scale and nature of harvest.

Where the Council considers the existing road infrastructure is not adequate to service the future harvest, the applicant/operator will be required to make suitable and safe access arrangements. If a suitable and safe arrangement can not be identified and there is likelihood that this can not be secured or improved, the Council may refuse the application.

In processing an application for tree crops the Council **may**:

- publicly advertise the proposal for a minimum of 14 days through writing to adjoining/nearby landowners as deemed appropriate by the Council; (Note: the Chief Executive Officer (CEO) retains the right to extend the length of the advertising period)
- seek comments, as determined by the Council, from relevant government agencies and other stakeholders or affected parties.

Should there be no objection, and the application accord with the relevant provisions of this Policy as well as the Shire of Coorow Town Planning Scheme No.2 and Local Planning Strategy, the proposal may be approved by the Shire's Chief Executive Officer (CEO) under delegated authority afforded by the Shire Council.

However, if, in the opinion of the CEO, substantive objection and/or relevant concerns have been raised the application will be referred to the Council for consideration and accordingly be determination in consideration of concerns and pursuant to compliance with this Policy, and the Shire of Coorow Town Planning Scheme No.2 and Local Planning Strategy.

Resolution No:

Resolution Date:

Source: Shire of Chapman Valley Planning Department, South East Avon Voluntary Regional Organisation of Council, Shire of Manjimup, *Code of Practice for Timber Plantations in Western Australia (2006)*, *State Strategy for Plantations and Farm Forestry*, *FESA Guidelines for Plantation Fire Protection (1998)*.

Date of Review: June Annually

Review Responsibility: Chief Executive Officer

**POLICY – HOUSING AND COMMUNITY AMENITIES**

Sub Section: Town Planning and Regional Development

Policy Number: 6.6.14

**Policy Subject: Intensive Agriculture**

Policy Statement: 1. Council may support an intensive agricultural use / development on 'Rural' zoned land subject to:

a) the following minimum criteria can be achieved:

Intensive Agricultural Use	Min. Lot Size	Min. Setback from Boundaries	Min. Setback from Neighbouring Residence	Min. Setback from a Watercourse or Dam	Min. Vegetation Screening & Buffers
Horticulture	20 ha	40 metres	200 metres	100 metres	5 metres
Viticulture	30 ha	40 metres	200 metres	100 metres	5 metres
Floriculture	10 ha	15 metres	100 metres	100 metres	5 metres
Aquaculture	2 ha	15 metres	100 metres	100 metres	-
Turf Farm	20 ha	15 metres	100 metres	100 metres	-

\* Depending on the nature of the proposed intensive agricultural use, local wind, topography and vegetation conditions, setbacks may need to be varied to those specified above. When determining such setbacks the Council will consider existing characteristics and potential land-uses on adjoining and nearby properties.

- b) an acceptable water supply, endorsed/licenced by the Water and Rivers Commission, exists on the property with confirmation to this effect being submitted in writing at the time of application for planning consent.
- c) information is submitted at the time of application for planning consent demonstrating the proposed intensive agricultural use will not impact on any neighbouring agricultural practice or be detrimental to the subject land, surrounding locality or environment by way of land degradation or erosion, noise, dust, odour, spray drift, effluent disposal or leaching, waste water disposal or runoff etc.
- d) it can be demonstrated the proposed intensive agricultural use/development will not adversely affect a known drinking water source.

2. The Council will not support the damming of a watercourse or valley area for the purpose of servicing a proposed intensive agricultural use/development unless:
  - a) a separate application for planning consent for the proposed dam has been submitted detailing:
    - the overall area and holding capacity of the dam;
    - a profile of the dam wall including the provision of an overflow so as not to prohibit or substantially restrict the flow of water down stream;
    - the location of the dam in relation to property boundaries and existing residential development; and
  - b) the Water and Rivers Commission has given its endorsement for the proposed dam.
3. The Council will only support retailing of produce from the subject property where:
  - a) a separate application for planning consent for wayside stall, produce store or cellar door sales outlet has been submitted detailing:
    - location and form of building;
    - vehicular access;
    - disabled access (maybe required in some instances);
    - provision for on-site car parking;
    - provision of landscaping;
    - hours of operation; and
  - b) the retailing is incidental to an approved intensive agricultural use/development;
  - c) access to the property is by a 12.0 metre form/8.0 metre gravel paved road;
  - d) the proposed development will not result in unacceptable environmental impacts as a result of noise, odour, light spill, or visual intrusion, contamination.
4. The Council will only support the establishment of buildings for an intensive agricultural use where they are clustered with other buildings on the site and are located well away from hills, mesa tops, and ridge-lines.
5. The Council will only support the establishment of a feed lot where:

- a) the subject property is serviced by a minimum 12.0 metre form/8.0 metre gravel or bitumen paved road;
- b) favourable comment to the proposal has been received from AGWA, DoP, DEC and any other government agency as determined by Council;
- c) the Council is satisfied the feed lot proposal will not result in any negative impact on neighbouring agricultural / residential uses or be detrimental to the subject land, surrounding locality or environment by way of land degradation or erosion, noise, dust, odour, effluent disposal or leaching, waste water disposal or runoff.
- d) the proposal complies with the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia;

Note: All applications seeking planning consent for a feed lot shall be referred to Council for determination.

- 6. The Council will not be bound to accept any request for additional maintenance or upgrading of roads directly resulting from increases in traffic volumes from an approved intensive agricultural use, unless a financial contribution for such works has been agreed to and received from the respective business owner/proprietor.
- 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:

There are a number of land-uses that fit into the common usage interpretation of 'intensive agriculture' including yet not limited to horticulture, aquaculture, viticulture, floriculture, feed lots, and turf farms. Some of these uses may also fit into the Scheme definition of 'Rural Pursuit', however, either use is deemed to be a material change in land-use, thus requiring planning consent to be applied for and obtained from Council.

'Intensive Agriculture' is specified as an 'A' use (advertising prior to Council decision) within the Rural Zoned Areas of the Shire of Coorow Town Planning Scheme No. 2.

This Policy has been prepared to provide clarity and direction with regard to the approval of intensive agricultural uses in consideration of potential conflict issues with other land-uses.

Guidelines:

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, Shire of Coorow Local Planning Strategy, Agriculture WA/DEP/Water and Rivers Commission -Draft Environmental Code of Practice for Vineyards and Draft Environmental Code of Practice for Feed Lots.

Resolution No:

Resolution Date:

Source: Shire of Coorow

Date of Review: June Annually

Review Responsibility: Chief Executive Officer

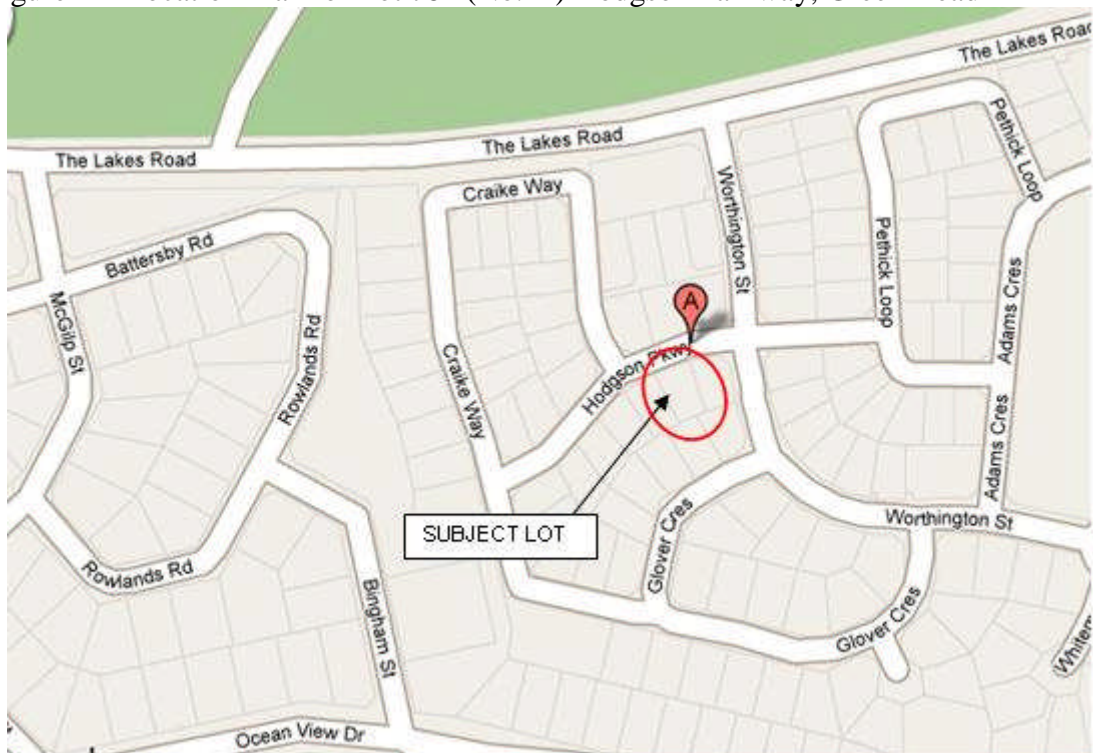
## 10.2.5 PROPOSED OUTBUILDING – LOT 784 HODGSON PARKWAY, GREEN HEAD

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 June 2009
ATTACHMENT	10.2.5 Elevation and Site Plans
FILE	GH784

### SUMMARY:

Council is in receipt of an application for an outbuilding (shed) at Lot 784 (No.12) Hodgson Parkway, Green Head that exceeds maximum size limits permitted under Council's 'Outbuildings' Local Planning Policy. The subject land is zoned 'R15' under Town Planning Scheme No.2. This report recommends refusal of the application.

Figure 1 – Location Plan for Lot 784 (No.12) Hodgson Parkway, Green Head



### BACKGROUND:

Council is in receipt of an application to construct an outbuilding at the above property that exceeds the maximum wall height, overall height and aggregate area as per the Shire's 'Outbuildings' Local Planning Policy.

The proposed outbuilding is 9m x 10m (90m<sup>2</sup>) with a wall height of 3.9m and an overall height of 4.85m. The outbuilding is proposed to be constructed of colorbond and will be white (colorbond - surf mist) in colour.

The outbuilding is proposed to be located 1m from the Eastern (side) boundary and 1m from the Southern (rear) boundary. Setbacks are in accordance with the provisions of the Residential Design Codes of WA 2008 (R-Codes).

A copy of the applicant's submitted site and elevation plans are included as Attachment 10.2.5.

#### **STATUTORY ENVIRONMENT:**

The subject land is zoned 'R15' under the Shire's Town Planning Scheme No.2.

The proposed outbuilding is compliant with the required setbacks and site coverage as per the Residential Design Codes of Western Australia (2008).

#### **STRATEGIC IMPLICATIONS:**

Nil.

#### **POLICY IMPLICATIONS:**

The Shires 'Outbuildings' Local Planning Policy stipulates maximum standards for outbuildings as follows:

*"Residential zoned land - 75m<sup>2</sup> in area or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3.0m 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);"*

A Local Planning Policy 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.

Objectives of the policy are:

*"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 complement the landscape and amenity of the surrounding areas.*

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

The proposed outbuilding is 9m x 10m (90m<sup>2</sup>) with a wall height of 3.9m and an overall height of 4.85m and therefore the shed is not compliant with the maximum requirements for wall heights, overall heights and aggregate area as permitted under the Policy.

The underlying intention of the Outbuildings Local Planning Policy is to provide for adequate domestic storage to meet landowner's needs, whilst regulating the size of outbuildings to minimise the impact on neighbouring development.

Whilst the submitted site plan shows an indicative position of a dwelling, to date, the Council has not received a building licence application for the construction of a dwelling on the subject site. In this regard the 'Outbuildings' Policy states:

*“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.”*

Council Staff are unable to approve a building licence for the outbuilding at this time as the above Clause of the Local Planning Policy cannot be satisfied. To this end the assessment of the planning approval without the confirmation of the style, height and positioning of the proposed dwelling by the applicant means that the determination of the impact of the outbuilding on surrounding landowners and streetscape is not conclusive. Therefore it is recommended that the application be refused and that Council's policy should not be departed from in the circumstances of this application.

### **Consultation**

Under the Shire's 'Outbuildings' Policy it is a requirement that should a proposed outbuilding not comply with the requirements of the policy that neighbours consultation is required to be undertaken with the affected adjoining landowners.

Council staff have undertaken the required 14 day advertising to surrounding landowners and no submissions were received during this time.

### **COMMENT:**

Whilst Council staff realise the need for increased wall heights for the necessary clearance for the storage of large vehicles and/or boats it is considered that an overall maximum apex height of 4.5m is more than sufficient for an area which is zoned R15 where the permitted average size lot under the Residential Design Codes (2008) is 666m<sup>2</sup>.

Approval of concessions in the absence of adequate justification could potentially set a precedent and result in further applications being lodged challenging the validity and effectiveness of having a size limit on outbuildings to the detriment of the overall area in the long term.

In addition, the absence of an approved building licence and commencement of the construction of a dwelling for the subject property provides further reason for Council to not relax its Policy requirements for this area.

**FINANCIAL IMPLICATIONS:**

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost is likely to be imposed on the Shire through its involvement in the appeal process.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council having taken into consideration the provisions of Town Planning Scheme No. 2 and the Shire's 'Outbuildings' Local Planning Policy, refuse planning approval for the application for an outbuilding on Lot 784 Hodgson Parkway, Green Head for the following reasons:

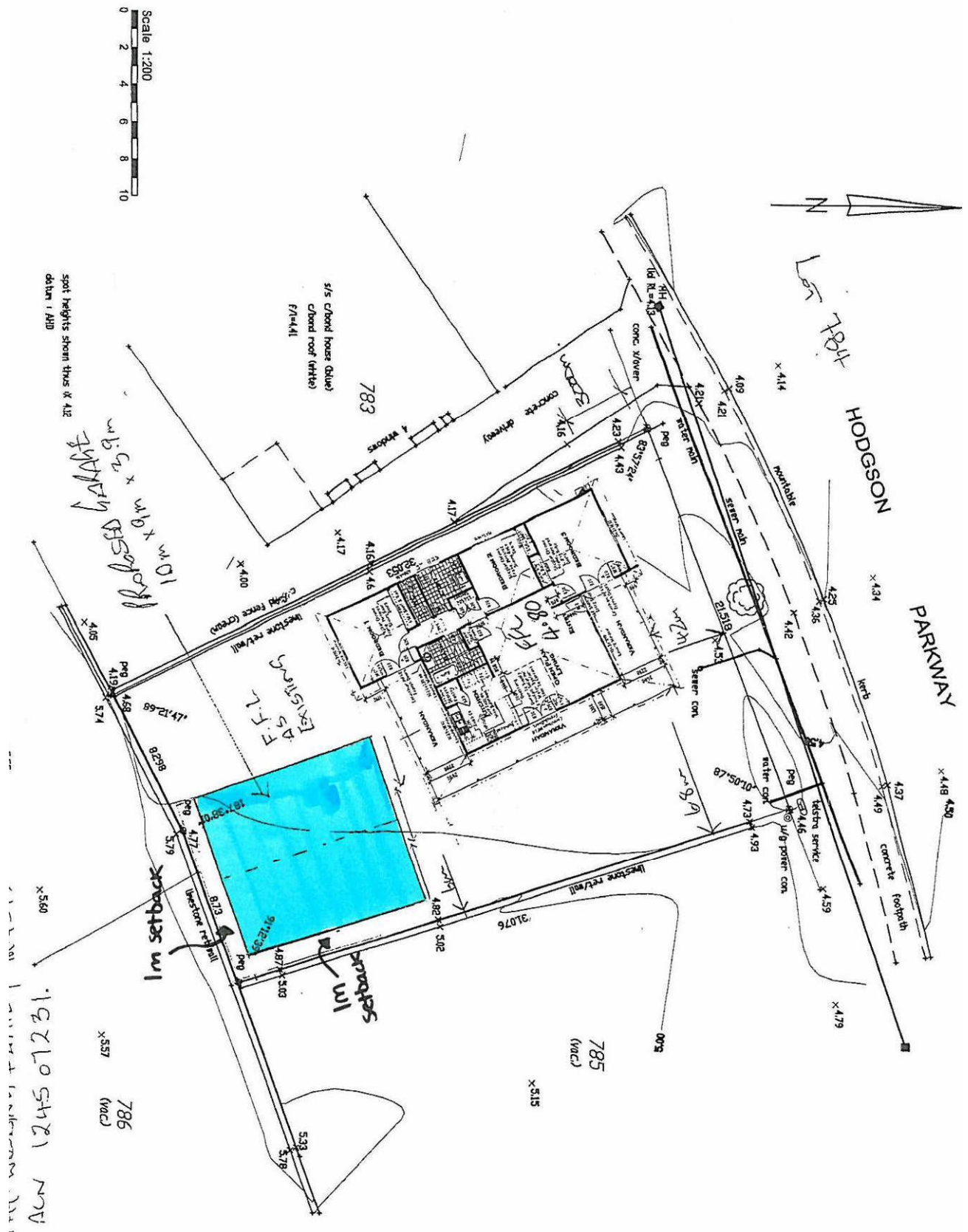
- a. The proposed outbuilding is in excess of the aggregate allowable area as specified under the Shire's 'Outbuildings' Local Planning Policy;
- b. The proposed outbuilding is in excess of the allowable height as specified under the Shire's 'Outbuildings' Local Planning Policy;
- c. Council is not satisfied that there is sufficient justification to warrant a concession being granted in this instance;
- d. Approval of this application may well set an undesirable precedent for continued increases in the maximum allowable aggregate area and height, which in time could prove to be detrimental to the residential amenity and lifestyle opportunities of the locality.
- e. The proposed outbuilding is proposed before the approval and commencement of the construction of a residence and therefore does not accord with Shire's 'Outbuildings' Local Planning Policy.

**RESOLUTION:****2009-084****Moved:** Cr McTaggart**Seconded:** Cr Bothe

*That Council having taken into consideration the provisions of Town Planning Scheme No. 2 and the Shire's 'Outbuildings' Local Planning Policy, refuse planning approval for the application for an outbuilding on Lot 784 Hodgson Parkway, Green Head for the following reasons:*

- a. The proposed outbuilding is in excess of the aggregate allowable area as specified under the Shire's 'Outbuildings' Local Planning Policy;*
- b. The proposed outbuilding is in excess of the allowable height as specified under the Shire's 'Outbuildings' Local Planning Policy;*
- c. Council is not satisfied that there is sufficient justification to warrant a concession being granted in this instance;*
- d. Approval of this application may well set an undesirable precedent for continued increases in the maximum allowable aggregate area and height, which in time could prove to be detrimental to the residential amenity and lifestyle opportunities of the locality.*
- e. The proposed outbuilding is proposed before the approval and commencement of the construction of a residence and therefore does not accord with Shire's 'Outbuildings' Local Planning Policy.*

**CARRIED 8/0**



MATERIALS SPECIFICATION			
HEIGHT	2.1m TO 3.3m	3.6m TO 4.2m	
BOTTOM CHORD	50x30x3.0 L G300	50x30x3.0 L G300	
TOP CHORD	50x30x3.0 L G300	50x30x3.0 L G300	
WEBBING	40x40x3.0 L G300	40x40x3.0 L G300	
END WEBS	50x30x3.0 L G300	50x30x3.0 L G300	
CENTRAL WEBS *	40x40x3.0 L G300	40x40x3.0 L G300	
FLY BRACE	25x25x2 L WITH 1X1/2 BOLT		
BRACING	5550 STUD FRAME WITH 2x HIE20 TEAS EACH END		
PURLINS	100C10 DR UNISPAN 10mm MAX SPAN 3000mm		
GIRTS	100C10 DR UNISPAN 10mm MAX SPAN 3000mm		
COLUMN CONNECTION	40x40x4.0 L G450 WITH 2x HIE20 BOLTS		
<b>COLUMNS</b>			
2400 HIGH CODE 7	50x50x4 L G450 DURAGAL		
2700 HIGH CODE 8	50x50x5 L G450 DURAGAL		
2700 HIGH CODE 9	55x65x4 L G450 DURAGAL		
3000 HIGH CODE 10	75x75x4 L G450 DURAGAL		
3300 HIGH CODE 11	75x75x5 L G450 DURAGAL		
3600 HIGH CODE 12	75x75x6 L G450 DURAGAL		
3900 HIGH CODE 13	90x90x5 L G450 DURAGAL		
4200 HIGH CODE 14	90x90x6 L G450 DURAGAL		
<b>FOOTINGS</b>			
TO 4250 HIGH	200x200x400 IF 75mm SLAB INSTALLED 200x200x600 IF NO FLOOR SLAB		
<b>OPTIONAL ITEMS</b>			
LOCATION AND SIZE TO CLIENT REQUIREMENTS			
ROLLER DOORS			
VINDOVS			
SKYLIGHTS			
CLADDING	-TRIMDEK OR CUSTOM ORB TO MANUFACTURERS SPEC. -EX 0.4mm THICK -FINISHED IN GREY PRIMER PAINT TO MANUFACTURERS SPEC.		
FLASHINGS	-30x30x1.6 GALV RHS		
PURLINS/GIRTS	-ELTRAK 200KG SYSTEM		
DOOR FRAME	-6000mm SPAN 25GCI9		
DOOR TRACK	-9000mm SPAN 300C30		
EAVES BEAM	-12"		
RIDGE PITCH	-MAX 3 BAYS UNBRACED		
BRACING	-IN ANY WALL CONCRETE TO CLIENT SPEC.		
FLOOR	-MIN 75mm THICK		
TERRAIN CATEGORY	-3		
REGION	-A1		
WIND SHIELDING	-0		
IMPORTANCE LEVEL	-1		
STRUCTURAL ENGINEER	DR. JAMES M. HODGSON, INC. 11000 FIRE AVE. SUITE 100, NEWTON, MA 02459		
DATE	2/2/05		
DRAWING No.	84-743		
DATE:	REF: REV 3 28/11/04		
HIGHLINE	ISO 9001 CERTIFIED		
CUSTOMER	GREENFIELD'S		

**TYPICAL SECTION**

**PLAN**

**END ELEVATION**

**SIDE ELEVATION**

DOORS AND WINDOW LOCATIONS AS REQUIRED BY CLIENT

PROPOSED GABLE ROOF GARAGE FOR: **Wooding Bateman P/L**

SITE LOCATION: **Lot 784 Hodgson Parkway - GREENFIELDS**

### **10.3 ACTING MANAGER WORKS AND SERVICES:**

Nil.

## **10.4 DEPUTY CHIEF EXECUTIVE OFFICER:**

### **10.4.1 ACCOUNTS FOR PAYMENT**

<b>AUTHOR</b>	Erika Clement
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	10 June 2009
<b>ATTACHMENT</b>	10.4.1 Accounts Due and Submitted To Council Meeting 17 June 2009

#### **SUMMARY:**

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

#### **COMMENT:**

Approval is sought for the following list of payments of accounts made since Council's last meeting on 20 May 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 17 June 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 17 June 2009 including Vouchers 18058 to 18081 PR71020609 to PR72290509, DD130509 to DD270509, EFT1889 to EFT1946, DCEO, CEO, MRS VISA CARDS totalling \$420,895.61 from Council's Municipal Fund be authorised and passed for payment.

### **RESOLUTION:                      2009-085**

**Moved:** Cr George

**Seconded:** Cr McTaggart

*That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 17 June 2009 including Vouchers 18058 to 18081 PR71020609 to PR72290509, DD130509 to DD270509, EFT1889 to EFT1946, DCEO, CEO, MRS VISA CARDS totalling \$420,895.61 from Council's Municipal Fund be authorised and passed for payment.*

**CARRIED 8/0**

Chq/EFT	Date	Name	Description	Muni
EFT1889	09/06/2009	ARROWSMITH COMPUTER COMPANY	PATCH LEAD CABLES	62.50
EFT1890	09/06/2009	AUSTRALIA POST-LPO	POSTAGE COOROW	152.13
EFT1891	09/06/2009	ADAPT-A-LIFT	PARTS FOR FORKLIFT CW0033	345.27
EFT1892	09/06/2009	AVON WASTE	WASTE REMOVAL	10,740.11
EFT1893	09/06/2009	BOC GASES	GAS	301.70
EFT1894	09/06/2009	COURIER AUSTRALIA	FREIGHT LIBRARY,MIDWEST CHEMICALS,MERCURY,SNAP PRINT	150.47
EFT1895	09/06/2009	COVENTRY GROUP LTD	SWITCHES,HEATER HOSE,SEAL & CLAMP KITS	229.90
EFT1896	09/06/2009	COOROW HIGHWAY STORE	REFRESHMENTS	141.92
EFT1897	09/06/2009	CUNNINGHAMS AG SERVICES	FILTERS,TUBE,BATTERY,S,TOWBALL	1,241.74
EFT1898	09/06/2009	COOROW HOTEL	REFRESHMENTS REGIONAL ROAD GROUP MEETING	165.00
EFT1899	09/06/2009	COOROW AG PTY LTD	HARDWARE,SILICONE,BOLTS	218.92
EFT1900	09/06/2009	DRUMMOND JOE ELECTRICS	ELECTRICAL FAULT LEEMAN DEPOT	154.00
EFT1901	09/06/2009	FAMILY SHOPPING CENTRE	REFRESHMENTS-RRG	698.00
EFT1902	09/06/2009	FARMWORKS	SILCONE BRICK & CONCRETE	144.00
EFT1903	09/06/2009	FLASH FLOWERS	WREATHS - ANZAC DAY SERVICE	202.50
EFT1904	09/06/2009	FLETCHER COMMUNICATIONS	REPAIRS TO BUSHFIRE RADIOS	209.00
EFT1905	09/06/2009	GREEN HEAD PLUMBING & GAS	PLUMBING REPAIRS TO COOROW CARAVAN PARK	948.86
EFT1906	09/06/2009	GERALDTON NEWSPAPERS LIMITED	TOWN PLANNING ADVERTISING	83.40
EFT1907	09/06/2009	GIRANDO MJ	TRAVELLING & SITTING FEES	1,278.30
EFT1908	09/06/2009	HERSEY JR & A PTY LTD	TYRE LEVERS, ELECTRICAL TAGS, TAPE,WELDING HELMET,RAGS	1,439.77
EFT1909	09/06/2009	JULIE ANNE BLOM	REFRESHMENTS COUNCIL MEETING 20.05.09	175.00
EFT1910	09/06/2009	KENWORTH DAF W.A.	REPLACEMENT WINDSCREEN CW005	1,116.78
EFT1911	09/06/2009	LEEMAN HARDWARE	PAINT,HARDWARE,PICKETS,MOUSE BAIT,PADLOCK	516.59
EFT1912	09/06/2009	LANDMARK	SAFETY CLOTHING - GRAEME SPENCE	52.80
EFT1913	09/06/2009	ML COMMUNICATIONS	PHONE RENTAL LEEMAN& MEDICAL CENTRE	396.25
EFT1914	09/06/2009	MIDALIA STEEL PTY LTD	CORNER MOULDING NETBALL COURTS	110.90
EFT1915	09/06/2009	MIDVALE DISCOUNT TYRES	TYRE - CW0055	660.00
EFT1916	09/06/2009	MCINTOSH & SON	FILTERS - CW0027	146.83
EFT1917	09/06/2009	NEAT N' TRIM UNIFORMS PTY LTD	UNIFORMS - CSO,RO,DCEO.MRS,CSO LE	2,492.00
EFT1918	09/06/2009	NORTH MIDLANDS MOTORS	FILTERS-CW0033/CW006	236.50

Chq/EFT	Date	Name	Description	Muni
EFT1919	09/06/2009	NIGEL'S SERVICE CENTRE	HYGIENE CONTRACT	1,320.00
EFT1920	09/06/2009	PEERLESS JAL PTY LTD	DUSTBAGS - MALEY PARK	130.00
EFT1921	09/06/2009	PERRELLA AUTO ELECTRICS	STARTER MOTOR- CW0016	583.00
EFT1922	09/06/2009	PURCHER-INTERNATIONAL PTY LTD	SOLENOID - CW0011	605.13
EFT1923	09/06/2009	PAPER PLUS OFFICE NATIONAL	CHAIR - MRS	208.20
EFT1924	09/06/2009	RBC-RURAL	METERPLAN CHARGES PHOTOCOPIERS	1,863.78
EFT1925	09/06/2009	RICOH FINANCE	LEASE PHOTOCOPIERS	663.49
EFT1926	09/06/2009	SNAG ISLAND ROADHOUSE	POSTAGE LEEMAN	65.80
EFT1927	09/06/2009	SUNNY SIGN COMPANY PTY LTD	SIGNS FOR DANGEROUS COAST LINE	4,618.35
EFT1928	09/06/2009	SEASIDE SUPPLIES	REFRESHMENTS,ANIMAL CONTROL	617.21
EFT1929	09/06/2009	STAR TRACK EXPRESS	FREIGHT- WESTRAC,ROSHER,HERSEY	346.53
EFT1930	09/06/2009	RELIANCE PETROLEUM	OILS - CW007	903.27
EFT1931	09/06/2009	SEASIDE CARTAGE	FREIGHT - SUNNY SIGNS	154.00
EFT1932	09/06/2009	STARICK TYRES	TYRE REPAIRS CW009 & CW007	191.65
EFT1933	09/06/2009	THREE SPRINGS SHIRE COUNCIL	CONTRIBUTION FOR UTILITIES -DR Y.INOUE 1/07/08-COMPLETION	661.19
EFT1934	09/06/2009	T-QUIP	V BELTS TORO MOWER	642.15
EFT1935	09/06/2009	TUSS CONCRETE	CONCRETE PIPE CW GREEN HEAD ROAD	518.38
EFT1936	09/06/2009	WATTLEUP TRACTORS	SEALS & O RINGS CW 0026	197.60
EFT1937	09/06/2009	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING PLANT OPERATOR & MWS SEMINAR - WHO DO PEOPLE THINK YOU ARE-ALLAN WILLIAMS	3,040.43
EFT1938	09/06/2009	WALTONS STORES	OIL FILTER - CW006	6.00
EFT1939	09/06/2009	WESTRAC EQUIPMENT	STARTER MOTOR CW0035	2,579.16
EFT1940	09/06/2009	WAITE JAN	COUNCILLOR TRAVEL & SITTING FEES	253.05
EFT1941	09/06/2009	MIDWEST REGIONAL COUNCIL	ENGINEERING SERVICES MRWA ISA	550.00
EFT1942	09/06/2009	RNR CONTRACTING PTY LTD	BITUMEN - CW GH RD,CW LA RD, MAR BUN RD	70,236.21
EFT1943	09/06/2009	RNR CONTRACTING PTY LTD	BITUMEN - CW-LA ROAD,CW-GH ROAD & MAMBOOBIE FLOODWAY	58,805.01
EFT1944	09/06/2009	UHY HAINES NORTON	INTERIM AUDIT	6,658.32
EFT1945	09/06/2009	W A TREASURY CORPORATION	LOAN REPAYMENT L#84	15,629.58
EFT1946	09/06/2009	W A TREASURY CORPORATION	LOAN REPAYMENT L#85	55,776.10
18058	25/05/2009	SHIRE OF COOROW	PETTY CASH LEEMAN	173.50

Chq/EFT	Date	Name	Description	Muni
18059	27/05/2009	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS	1,367.32
18060	27/05/2009	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	20,387.91
18061	27/05/2009	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	180.00
18062	09/06/2009	AMBASSADOR HOTEL PERTH	SAT HEARING ACCOMODATION	821.00
18063	09/06/2009	AMPOL SERVICE STATION	DIESEL - CW0050 & CW00	200.00
18064	09/06/2009	BAYSIDE BUTCHER	REFRESHMENTS COUNCIL MEETING 20.05.09	67.11
18065	09/06/2009	GREEN HEAD CARAVAN PARK	GAS - CLIFF PARK	30.00
18066	09/06/2009	GREEN HEAD BOWLING CLUB	PAINTING OF KERBING NUMBERS GREEN HEAD	1,000.00
18067	09/06/2009	INFRINGEMENT PAYMENT CENTRE	INFRINGEMENT CW 004 OVERWIDTH	400.00
18068	09/06/2009	INTERACTIVE TRAINING NETWORK	TAGGING & TESTING MECHANIC & APPRENTICE	440.00
18069	09/06/2009	JASON SIGNMAKERS	SIGNS- THE LAKES ROAD & HUNTER CRESCANT	165.00
18070	09/06/2009	LANDGATE	VALUATION CHAGRES - UV	147.60
18071	09/06/2009	MCDONALD BJ	COUNCILLOR TRAVELLING & SITTING FEES	900.84
18072	09/06/2009	MERCURY FIRESAFETY PTY LTD	DRIP TORCH	262.35
18073	09/06/2009	PERFECT COMPUTER SOLUTIONS	COMPUTER SUPPORT ROUTER	1,962.00
18074	09/06/2009	ROSHER E & MJ PTY LTD	THRUST BEARING-SCREWS - ROAD BROOM	330.40
18075	09/06/2009	SYNERGY	ELECTRICITY ACCOUNTS JUNE 09	4,507.55
18076	09/06/2009	SHIRE OF CHAPMAN VALLEY	TOWN PLANNING CHARGES	247.50
18077	09/06/2009	SHARED SERVICES CENTRE-STATE LIBRARY OF WA	DAMAGED BOOKS LEEMAN LIBRARY	15.40
18078	09/06/2009	SPENCE GRAEME	REIMBURSEMENT MEDICAL	60.00
18079	09/06/2009	TELSTRA	PHONE ACCOUNT	1,657.60
18080	09/06/2009	WILLIAMS AK & P	COUNCILLOR TRAVELLING FEES	210.93
18081	09/06/2009	WATER CORPORATION	WATER ACCOUNTS MAY 2009 LEEMAN	22,868.44
13120509	01/06/2009	BANKWEST	MASTERCARD DCEO	652.06
13120510	02/06/2009	BANKWEST	MASTERCARD CEO	546.66
13120511	03/06/2009	BANKWEST	MASTERCARD MRS	392.41
71020609	02/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,035.40
71030609	03/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,008.05
71040609	04/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	900.65

Chq/EFT	Date	Name	Description	Muni
71050609	05/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	3,612.00
71150509	15/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,186.45
71180509	18/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	397.30
71190509	19/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	41.00
71210509	21/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	254.40
71250509	25/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	5,282.10
71260509	26/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	611.90
71270509	27/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,517.60
71280509	28/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	2,092.20
71290509	29/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	322.40
72020609	02/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,036.05
72030609	03/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	392.40
72040609	04/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	645.70
72050609	05/06/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,623.15
72140509	14/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	57.00
72150509	15/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	2,198.00
72180509	18/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	57.00
72190509	19/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,285.60
72200509	20/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	608.40
72210509	21/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	661.30
72220509	22/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	723.60
72250509	25/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,238.00
72260509	26/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	450.80
72270509	27/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,839.70
72280509	28/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	711.50
72290509	29/05/2009	TRANSPORT DEPT OF	TRANS LICENSING	1,404.65
DDEBIT	13/05/2009	PAYROLL	PAYROLL	37,444.00
DDEBIT	27/05/2009	PAYROLL	PAYROLL	37,629.00
				<b>420,895.61</b>

## 10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – MAY 2009

<b>AUTHOR</b>	Stuart Billingham
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	10 June 2009
<b>ATTACHMENT</b>	10.4.2 Statement of Financial Activity to 31 May 2009
<b>FILE</b>	F8.07 – Finance – 2008/09

### **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 May 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 May 2009.

**RESOLUTION:**                      **2009-086**

**Moved:** Cr Rackemann      **Seconded:** Cr Williams

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

**CARRIED 8/0**

### 10.4.3 DIFFERENTIAL RATES

<b>AUTHOR</b>	Stuart Billingham
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 June 2009
<b>FILE</b>	R3.15 – Differential Rates

#### **SUMMARY:**

**The proposed imposition of differential Unimproved Value Rates for 2009/10 according to land use requires advertising.**

#### **COMMENT:**

Differential rating has been adopted by Council in the past for Unimproved Values based on the land use of either Agriculture or Mining.

Section 6.36 of the Local Government Act 1995 requires a local government to give local public notice when it intends to impose a differential general or minimum rate. The notice must contain details of each rate and minimum and an invitation for submissions to be made by an elector or ratepayer within 21 days.

The draft Budget, to be reviewed by Council at the Special Meeting to be held on Wednesday 17 June 2009, will allow for a 5% increase in rates.

The rates in the dollar for Differential UV rates for 2009/10 and the percentage rate increased will be tabled at the meeting to allow Staff to undertake rates modelling.

The advertising of differential rates does not bind Council to adopt them in the 2009/2010 Budget. Council still has an opportunity to alter the figures but must give reasons for doing so in accordance with Regulation 23(b) of the Local Government (Financial Management) Regulations 1996.

#### **STATUTORY ENVIRONMENT:**

Section 6.36 of the Local Government Act 1995 requires a local government to give local public notice when it intends to impose a differential general or minimum rate. The notice must contain details of each rate and minimum and an invitation for submissions to be made by an elector or ratepayer within 21 days.

#### **Local Government Act**

##### **6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1):

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain:
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government:
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

#### **FINANCIAL IMPLICATIONS:**

There will be no cost as the local advertising can be placed in local publications.

#### **STRATEGIC AND POLICY IMPLICATIONS:**

There is no policy implication regarding this matter.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. give local public notice of the proposed differential Unimproved Value rates according to land use from 1 July 2009 as tabled; and
2. submissions be invited from electors and ratepayers.

Kelvin left the meeting at 7.09pm

**RESOLUTION:                      2009-087**

***Moved:*** Cr Rackemann      ***Seconded:*** Cr George

*That Council:*

1. *give local public notice of the proposed differential Unimproved Value rates of UV Mining 6.9037 and UV Agriculture 1.9654 according to land use from 1 July 2009; and*
2. *submissions be invited from electors and ratepayers.*

**CARRIED 8/0**

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

Nil.

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

Nil at this time.

**13. MATTERS BEHIND CLOSED DOORS:**

**Mr Kelvin Bean, Acting Manager Works and Services declared a Direct Financial Interest in Item 13.1 being that he is the successful applicant for the Principal Works Supervisor position and left the meeting at 7.09pm.**

**13.1 APPOINTMENT OF PRINCIPAL WORKS SUPERVISOR**

<b>AUTHOR</b>	Mark Hook
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 July 2008
<b>FILE</b>	S7.3 Staff Appointments
<b>CONFIDENTIAL ATTACHMENT</b>	13.1a Principal Works Supervisor Position Description 13.1b Principal Works Supervisor Contract

**SUMMARY:**

**That Council appoints Mr. Kelvin Bean to the position of Principal Works Supervisor.**

**BACKGROUND:**

The position of Manager of Works and Services was advertised in the West Australian. Council received two written applications. Both applicants were listed for an interview for the position of Manager of Works and Services and were interviewed on the 4 June 2009.

The interviewing panel consisted of the Shire President Cr Girando, Deputy Shire President Cr Williams, and the Chief Executive Officer.

**COMMENT:**

The interview panel believe Mr Kelvin Bean to be the best possible candidate for the position.

However the interview panel believe that the position needed to be that of a Principal Works Supervisor rather than that of a Manager of Works and Services.

The position of Principal Works Supervisor requires a new position description which is included at Confidential Attachment 13.1a, under separate cover, outlining the new position requirements.

The interview panel also felt the need to add within the contract, a section that requires the Principal Works Supervisor to attend and undertake relevant training in the area of Management.

Discussions have been held with Mr Kelvin Bean and he has agreed to the training clause and also a clause amending the type of vehicle supplied with the position.

The interview panel also felt that as there was no need for housing this should be passed on to the successful applicant in the way of a housing allowance, all these requirements are within the attached contract for endorsement.

## **STATUTORY ENVIRONMENT:**

### **Local Government Act 1995**

#### **5.37. Senior employees**

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

*[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4).]*

## **STRATEGIC IMPLICATIONS:**

Nil.

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

As per the negotiated contract, included at Confidential Attachment 13.1b for Council's adoption.

## **VOTING REQUIREMENT:**

Absolute Majority.

## **OFFICER RECOMMENDATION:**

That Council:

1. accept the appointment of Mr Kelvin Bean to the position of Principle Works Supervisor, and enter into a 5 year employment contract with Kelvin Bean based on the contract included at Confidential Attachment 13.1b; and
2. authorise the President and Chief Executive Officer to sign and seal the employment contract.

## **RESOLUTION: 2009-088**

**Moved:** Cr Bothe

**Seconded:** Cr McDonald

That Council:

1. *accept the appointment of Mr Kelvin Bean to the position of Principal Works Supervisor, and enter into a 5 year employment contract as included in Confidential Attachment 13.1 with Kelvin Bean based on the contract with the following clause inserted at 14.:*

### **14 TERMINATION**

#### **Conclusion of Fixed Term**

*The employment of the Officer shall, unless the Term is extended, conclude on the expiry date specified in clause 4 of the Agreement without the requirement of either party giving notice.*

#### **14.1 Termination by Local Government: Officer's Default**

- (a) *The Local Government may terminate the employment of the Officer on a date specified by the Local Government prior to the expiry of the Term by notice in writing if:*
  - (i) *the Officer is guilty of any wilful or grave misconduct or wilful neglect in the discharge of the Officer's responsibilities or obligations under this Agreement;*
  - (ii) *the Officer wilfully disobeys any reasonable and lawful direction of the Council;*
  - (iii) *the Officer commits a serious or persistent breach of any of the provisions or of this Agreement;*

- (iv) *the Officer is convicted and under sentence for a crime or has been convicted of a "serious local government offence" within the meaning of section 2.22 of the Act;*
  - (v) *the Officer becomes incapacitated by injury or illness from discharging in full the responsibilities and obligations which the Officer is required to fulfil under this Agreement for an aggregate period of more than 90 days in any period of 12 consecutive months during the Term (but such period shall not include any accumulated leave taken);*
  - (vi) *the Guardianship and Administration Board makes a guardianship order in relation to the Officer pursuant to Section 43 or Section 64 of the Guardianship and Administration Act 1990;*
  - (vii) *the Officer becomes of unsound mind;*
  - (viii) *the Officer fails to substantially measure up to and achieve the Performance Criteria and continues to do so for a period of 28 days after the Local Government serves on the Officer written notice of that failure and of the course of action which the Local Government wishes the Officer to follow in order to address and correct that failure.*
- (b) *The termination of the employment of the Officer by the Local Government shall be without prejudice to the rights and remedies of the parties under this Agreement or at law or in equity which have accrued before or on such termination.*
  - (c) *The parties acknowledge that, notwithstanding clause 9.2(a), the Award provides that "termination of employment by an employer shall not be harsh, unjust or unreasonable".*

#### **14.2 Termination by Officer: for any reason**

*The Officer may, for any reason, terminate his employment on a date specified by the Officer prior to the expiry of the Term by three (3) months' notice in writing. This period may be varied by mutual agreement.*

#### **14.3 Confidential Information and property**

*Upon termination, the Officer must deliver up to the Local Government all:*

- (a) *Confidential Information, which may be in custody, possession or control of the Officer and all copies thereof and the Officer may not keep or retain or make any copies (whether electronic or otherwise) whatsoever; and*

- (b) *all property of the Local Government including equipment, credit cards, keys and motor vehicles which may be in the custody, possession or control of the Officer.*
2. *authorise the President and Chief Executive Officer to sign and seal the employment contract.*

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**14. DATE OF NEXT MEETING:**

**14.1 BUDGET WORKSHOP**

Wednesday 15 July 2009 at the Coorow District Hall from 1pm.

**14.2 ORDINARY MEETING OF COUNCIL**

Wednesday 15 July 2009 at the Coorow District Hall from 3pm.

**15. CLOSURE:**

There being no further business the President, Cr Girando closed the meeting at 7.30pm