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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Cr Girando welcomed those present and opened the meeting at 1.00pm.

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

Councillor M J Girando	President
Councillor A K Williams	Deputy President
Councillor M R Bothe	
Councillor G George	
Councillor B J McDonald	
Councillor D B McTaggart	
Councillor D A Rackemann	Entered the meeting at 1.20pm
Councillor J K Waite	
Mr M J Hook	Chief Executive Officer
Mr S D Billingham	Deputy Chief Executive Officer
Mr D R Hadden	Manager Regulatory Services
Mr K L Bean	Acting Manager Works and Services
Ms S G Donohue	Minutes Clerk

Declarations of Interest

Councillor/Officer	Item	Interest	Nature
Nil.			

Visitors

Mrs Sandra Trenowden
Mr Ian Kelley
Mr Luke Sicree
Mr Sean Sicree

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 20 August 2009 to 2 September 2009

Cr Waite requested Leave of Absence from 25 August 2009 to 28 August 2009.

Cr Rackemann requested Leave of Absence from 12 September 2009 to 20 September 2009.

RESOLUTION: **2009-121**

Moved: Cr Bothe

Seconded: Cr McDonald

That Council grant Leave of Absence to:

1. *Cr Williams from 20 August 2009 to 2 September 2009;*
2. *Cr Waite from 25 August 2009 to 28 August 2009; and*
3. *Cr Rackemann from 12 September 2009 to 20 September 2009.*

CARRIED 7/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Mr Ian Kelley and Mr Luke Sicree made a presentation to Council regarding their proposed short stay accommodation items at 10.2.1, 10.2.2 and 10.2.3.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 15 JULY 2009 AT THE COOROW DISTRICT HALL, COOROW

AUTHOR

Mark Hook

DISCLOSURE OF INTEREST

Nil

DATE OF REPORT

1 July 2009

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 15 July 2009 at the Coorow District Hall, Coorow, be confirmed as a true and correct record.

RESOLUTION: **2009-122**

Moved: Cr Williams

Seconded: Cr McTaggart

That the Minutes of the Ordinary Meeting held on Wednesday 15 July 2009 at the Coorow District Hall, Coorow, be confirmed as a true and correct record.

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

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

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

Nil.

9. MATTERS FOR WHICH MEETING MAY BE CLOSED:

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

Items for which the meeting will be closed include:

13.1 CEO Performance Review

RESOLUTION: **2009-123**

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

That Council change the order of business to deal with Item 13.1 CEO Performance Review first.

CARRIED 7/0

RESOLUTION: **2009-124**

Moved: Cr George **Seconded:** Cr Bothe

That Council meet behind closed doors to discuss Item 13.1 CEO Performance Review.

CARRIED 7/0

Mr Mark Hook, Mr Stuart Billingham, Mr Dave Hadden, Mr Kelvin Bean, Ms Stacey Donohue and all members of the public left the meeting at 1.05pm.

13. MATTERS BEHIND CLOSED DOORS:

Cr Rackemann entered the meeting at 1.20pm.

13.1 CEO PERFORMANCE REVIEW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
ATTACHMENT	Confidential Attachment 13.1 CEO Performance Review 2009
FILE	Personnel File

SUMMARY:

Council is to consider the report of the annual Chief Executive Officer Performance Review.

BACKGROUND:

Council has not conducted a performance review for the current Chief Executive Officer since his commencement in January 2008.

Recently, Councillors were provided with a CEO Performance Review document to complete and return to the Shire President for compilation. Included at Confidential Attachment 13.1 is the collated information for the CEO Performance Review.

COMMENT:

Mr Mark Hook, Chief Executive Officer has been employed by Council since January 2008, in this time there has been a full change over of executive staff and other staffing issues that have caused disruption to the day to day running of the Shire of Coorow.

Council offered the Chief Executive Officer a five year Employment Contract which was accepted.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Chief Executive Officer's Contract

STRATEGIC & POLICY IMPLICATIONS:

There appears to be no strategic or policy implications regarding this matter.

FINANCIAL IMPLICATIONS:

Nil.

PUBLIC CONSULTATION:

No public consultation required.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. accept the 2009 Chief Executive Officer's Review as contained in Confidential Attachment 13.1; and
2. complete the 2010 Chief Executive Officer's Performance Review in April 2010 based on criteria to be formalised at the September 2009 Ordinary Meeting.

RESOLUTION: 2009-125

Moved: Cr Waite

Seconded: Cr Williams

That Council:

1. *accept the 2009 Chief Executive Officer's Review as contained in Confidential Attachment 13.1; and*
2. *complete the 2010 Chief Executive Officer's Performance Review in April 2010 based on criteria to be formalised at the October 2009 Ordinary Meeting.*

CARRIED 8/0

The meeting adjourned at 2.57pm.

The meeting resumed at 3.04pm.

Mr Mark Hook, Mr Stuart Billingham, Mr Dave Hadden, Mr Kelvin Bean, Ms Stacey Donohue, Mr Ian Kelley, Mr Luke Sicree and Mr Sean Sicree were in attendance when the meeting resumed.

10. REPORTS:

RESOLUTION: **2009-126**

Moved: Cr McDonald **Seconded:** Cr Rackemann

That Council change the order of business to deal with 10.2.1, 10.2.2 and 10.2.3 first.

CARRIED 7/1

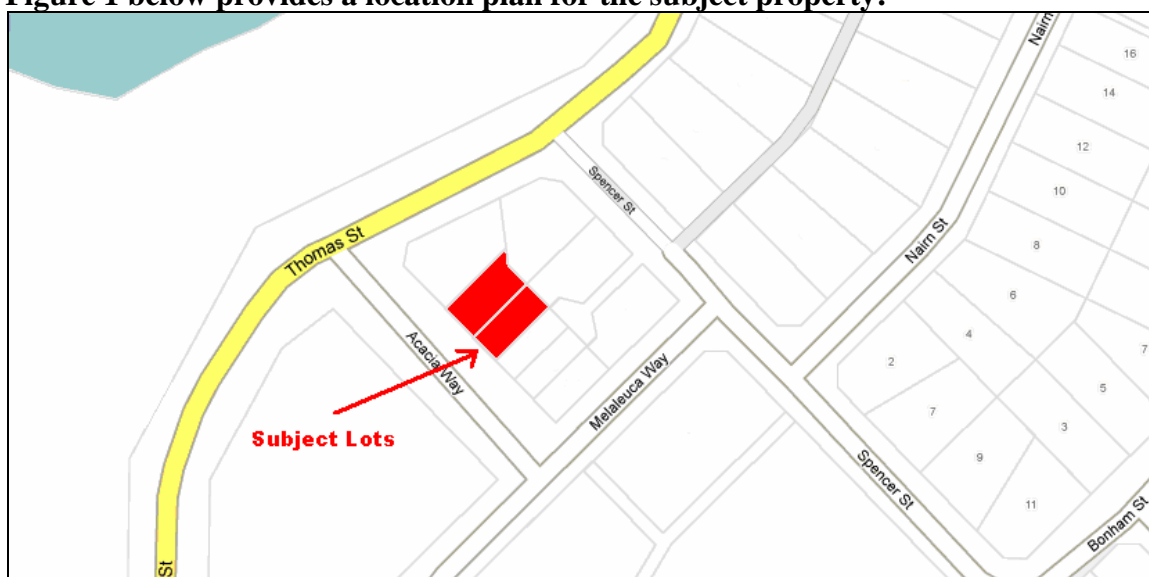
10.2.1	PROPOSED EXTENSION OF PLANNING APPROVAL FOR FIVE SHORT STAY ACCOMMODATION UNITS – LOTS 213 & 477 ACACIA WAY, LEEMAN
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AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	August 2009
ATTACHMENT	10.2.1
FILE	L213 L477

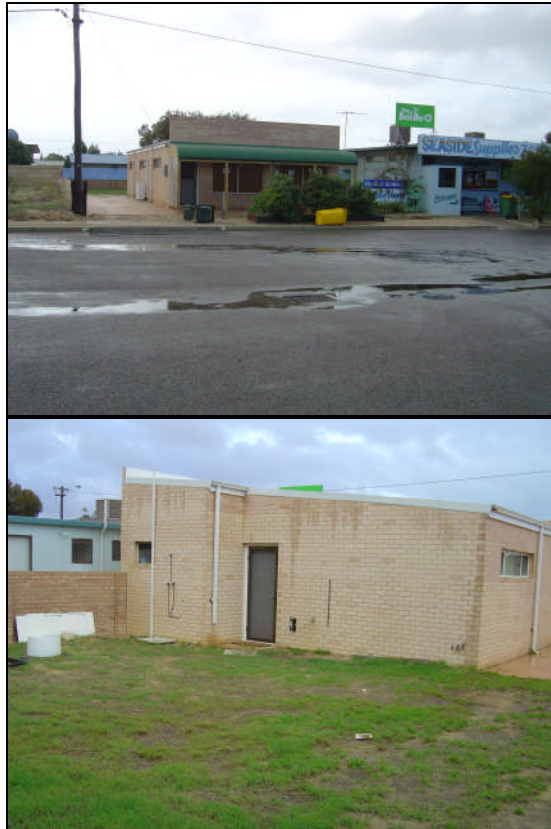
SUMMARY:

Council is in receipt of an application for the extension of an existing planning approval for five (5) Short Stay Accommodation units at Lot 213 & 477 Acacia Way, Leeman. The subject lot is zoned 'Commercial' under Town Planning Scheme No.2 (the 'Scheme'). This report recommends refusal of the application. A copy of the original planning consent and approved plans are included as Attachment 10.2.1.

Figure 1 below provides a location plan for the subject property:



Figures 2 & 3 below are photographs of the existing property



BACKGROUND:

The existing planning approval for five (5) Short Stay Accommodation units across Lot 213 and adjoining Lot 477 was originally presented to a meeting of Council held on 24 October 2007 where it was resolved:

“That Council:

- 1. determine that the proposed holiday accommodation units is consistent with the objectives of the Commercial Area (particularly in this area) and determine that the use proposed is therefore a permitted use;*
- 2. approve the development of Tourist Accommodation upon Lot 213 and Lot 477 Acacia Street, subject to:*
 - a. the developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediate adjacent the development;*
 - b. parking being provided at the rate to 2 spaces per unit (all of which can be provided offsite subject to agreement on suitable cash in lieu payments), plus a requirement for 3 additional spaces for the onsite parking of boats (7.5m minim length and 2.8m minimum width);*
 - c. the developer to reformatting the development to provide suitable sized and equipped area of common open space for bbq’s or similar activities, for the use of premises patrons;*

- d. *no unit within the development being occupied by single or multiple tenants for a period of greater than 3 months at any one time;*
 - e. *the requirement that if the units are to be subject to separate titling, such title shall only be as a strata scheme arrangement, with appropriate management statements being included in the strata by-laws, or the like, to restrict occupancy of the individual units to short-term only and to ensure suitable management structure and agreements are in place to share financial obligations with respect to care and maintenance of common property; and*
 - f. *One of the units being designed for disabled access in accordance with AS 1428.1, and it being made a requirement in any strata management statement that the unit be maintained as such for the life of the strata scheme;*
3. *indicate that the valuations for the calculation of cash in lieu for parking are appropriate starting point for negotiation for this particular development.”*

The application for five (5) Short Stay Accommodation units was considered a ‘use not listed’ and as such there were three options available to Council in its assessment of the application under the requirements of Section 4.4.2 of the Scheme:

“If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus or activity of any other use category the local government may;

- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval;*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

Staff at that time considered the application for Five (5) Short Stay Accommodation units could be determined under a ‘Hotel’ or ‘Motel’ use. The Scheme’s Zoning and Development Table indicates that both these uses are ‘A’ uses and thereby cannot be considered by Council without having first been advertised in accordance with Section 9.4.3 of the Scheme. Alternatively, if the proposal was considered a ‘use not listed’ then Section 9.4.1.b of the Scheme still requires that the proposal be advertised in accordance with Section 9.4.3. However the application for five (5) Short Stay Accommodation units was not advertised before its deliberation by Council and therefore the previous decision of Council did not follow the procedures of Section 4.2 and 9.4 and the decision was in contravention of the Scheme.

The definitions of 'Hotel' and 'Motel' as per the Scheme are as follows:

***"Hotel** – means premises providing accommodation the subject of a hotel licence under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel."*

***"Motel** – means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988."*

In addition it is debatable whether an application for five (5) Short Stay Accommodation units can be considered within the land use definitions of 'Hotel' and 'Motel' and therefore suggests that the 24 October 2007 recommendation for approval of the units may not have been appropriate.

COMMENT:

The existing planning approval is considered a use not listed within the Scheme's Table 1 - Zoning Table, however, two definitions listed within Schedule 1 (2) – Land Use Definitions of Coorow's Town Planning Scheme that could be applied to the proposal these being:

***"Residential Building** – has the same meaning as in the Residential Planning Codes;*

(R-Codes state: A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or*
- permanently by seven or more persons, who do not comprise of a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or residential school."*

***"Tourist Accommodation** – means development and associated tourism uses such as retailing and services, where such uses are an integral part of the development and are of a scale appropriate to the needs of the development."*

Given that the definitions of 'Residential Building' and 'Tourist Accommodation' are uses not listed within the Zoning Table but are defined within Schedule 1 (2) – Land Use Definitions of the Scheme, Council is able to make assessment of the proposal in accordance with Section 4.4.2 of the Scheme.

To enable this right of determination that application for five (5) Short Stay Accommodation Units upon Lots 213 & 477 Acacia Way, Leeman was advertised in accordance with Section 9.4.1 of the Scheme. The advertising was commenced based on Council's decision to approve the application at its 24 October 2007 meeting and to resolve to advertise a short stay land use in a commercial zone upon Lot 213 at its 15 July 2009 meeting. The proposal has been advertised in accordance with Clause 9.4 of

the Scheme with a newspaper advertisement being placed in the Geraldton Guardian and the surrounding land owners & occupiers being notified in writing.

The consultation period has now concluded and as a result of advertising 3 submissions (0 in support and 3 in objection) have been received. Following are the responses received:

- We feel this land would be better used as commercial, as it will be needed in the future. When it was bought they knew it was commercial not accommodation.
- It has come to my attention that a number of people have enquired to the owners of Lot 208 Spencer Street, Leeman and Lot 213 Acacia Way, Leeman to lease the above premises.

The premises have been advertised for short and long term lease, however inquiries made to the owners for the leasing of the properties by individuals, has been they are not available or are currently in negotiation with other parties.

On these occasions there has not been a satisfactory reply from the Agents or owners regarding availability and costs.

On one occasion it was advised that there was a long term rental agreement currently under consideration therefore there would be no point in pursuing the matter further.

As there is already minimal special zoning for commercial development in Leeman it would be to the benefit of the community to leave these properties for commercial use only for future need if required.

There are numerous short-term/holiday rental properties and a budget short term accommodation on our foreshore in Leeman that appear to cater adequately for the current requirements and future use of this type of accommodation.

I believe a questionnaire asking owners of these properties as to their vacancy rate over the past year would show an underutilisation not a demand. This I believe would negate the need for more of the same.

- Located in a commercial zone.

The received submissions raised the following issues and perceptions:

(Object)

- Adequate supply of Short Stay Accommodation in town;
- Minimal land zoned for commercial development, should remain for commercial use only for future needs;
- When it was brought they knew it was commercial, not accommodation
- Located in a commercial zone.

Coorow's Town Planning Scheme No.2 states that the objective of the 'Commercial' zone is:

"To provide for retailing shopping, office and commercial development, and social, recreational, and community activities servicing the town as a whole."

The commercial zone is not considered to encompass such land uses as 'Residential Building' or 'Tourist Accommodation' and therefore the application for five (5) Short Stay Accommodation units is not considered to be aligned with the objective of the 'Commercial' zone. The intent is to protect the area from sensitive land uses that may compromise the use of the area for commercial purposes. Introducing this land use may create a potential land use conflict and over time compromise or prevent the establishment of business-related uses within the commercial area.

Therefore taking into account the submissions received the objectives of the 'Commercial Zone' are not considered to have been satisfied, nor is it considered that the comments received during this advertising period warrant a departure from the objectives of the Scheme and as such the Officer's Recommendation will be for refusal of the application.

However, given Council's 24 October 2007 resolution to approve the application for five (5) Short Stay Accommodation units within the 'commercial zone', should Council consider that the application has merit and wish to grant approval the following wording may be considered appropriate:

"That Council resolve to grant formal planning consent for five (5) Short Stay Accommodation units at Lots 213 & 477 Acacia Way, Leeman subject to compliance with the following:

Conditions

- 1) The development shall be in accordance with the attached approved plan(s) dated 19 August 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.*
- 2) This approval is valid for a period of two (2) years and will expire on 19 August 2011.*
- 3) No extension of the approval period will be granted by Council.*
- 4) 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.*
- 5) 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.*

- 6) *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.*
- 7) *The developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediate adjacent the development.*
- 8) *Parking being provided at the rate to 2 spaces per unit (all of which can be provided offsite subject to agreement on suitable cash in lieu payments), plus a requirement for 3 additional spaces for the onsite parking of boats (7.5m minim length and 2.8m minimum width);*
- 9) *No unit within the development being occupied by single or multiple tenants for a period of greater than 3 months at any one time.*
- 10) *The developer amending the development to provide a suitably sized and equipped common area to facilitate the use of barbeques or similar activities.*
- 11) *The requirement that if the units are to be subject to separate titling, such title shall only be as a strata scheme arrangement, with appropriate management statements being included in the strata by-laws, or the like, to restrict occupancy of the individual units to short-term only and to ensure suitable management structure and agreements are in place to share financial obligations with respect to care and maintenance of common property; and*
- 12) *One of the units being designed for disabled access in accordance with AS 1428.1, and it being made a requirement in any strata management statement that the unit be maintained as such for the life of the strata scheme;*

Notes

- a) *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.*
- b) *The 'cash in lieu' contribution to the Shire for the provision of 10 parking spaces 'off site' and adjacent to the development has been calculated as \$45,687.50 plus GST. Council will deposit these monies from you into a special fund to be applied solely to the provision, construction and maintenance of car parking. Should you wish to discuss these figures used to calculate this contribution, please consult with the Chief Executive Officer."*

STATUTORY ENVIRONMENT:

Section 10.5.2 of the Scheme States:

“A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period...”

The existing planning consent is due to expire on 19 February 2010 and therefore as the applicant has requested formal extension before this time Council can consider extension of the existing approval.

Lots 213 & 477 Acacia Way, Leeman are zoned ‘Commercial’ under Coorow’s Town Planning Scheme No.2 and potential land uses that can be considered by Council are listed within the Table 1 - Zoning Table and/or are required to comply with the objectives of the commercial zone as stated in Section 4.2 of the Scheme.

Section 9.4.1.b of the Scheme states that if a use is not listed in the zoning table that a Local Government can not grant approval to that application unless notice is given in accordance with Section 9.4.3 in which case the advertising period for the application has closed and the application is before Council for a determination.

Section 5.11.2 of the Scheme does allow for some consideration of residential accommodation within the ‘Commercial’ zone but sets specific requirements as follows:

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

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

This proposal does not meet the requirements of Section 5.11.2 of the Scheme as the application proposes no commercial aspect and to accommodate patrons that are not the owners and/or occupiers of the properties.

STRATEGIC IMPLICATIONS:

The subject lot is located within the only sizeable commercially zoned land in the Leeman locality, and on this basis this report recommends refusal of the application to reduce potential land use conflicts that may arise from introducing short term accommodation uses into commercially zoned areas. To introduce these sensitive land uses may in the future compromise the establishment of permitted commercial uses which cannot be located on other zoned land thereby hindering the expansion of commercial ventures for the Leeman locality. The Scheme establishes two ‘Tourist Accommodation’ zones elsewhere in the Leeman town site that are intended to cater for application of this type.

POLICY IMPLICATIONS:

There are no policy implications as Council has not adopted a Local Planning Policy relevant to Short Stay, Tourist Accommodation or the like.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority required.

OFFICER RECOMMENDATION:

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse planning approval for five (5) Short Stay Accommodation units upon Lots 213 & 477 Acacia Way, Leeman for the following reasons:

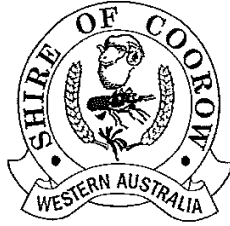
1. The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;
2. The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;
3. Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;
4. The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;
5. Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications;
6. There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.
7. The received submissions during the advertising period do not indicate a level of support for any departure from the Scheme.

RESOLUTION:**2009-127****Moved:** Cr McTaggart**Seconded:** Cr Bothe

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse the extension of an existing planning approval for five (5) Short Stay Accommodation units upon Lot 213 & 477 Acacia Way, Leeman for the following reasons:

- 1. The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;*
- 2. The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;*
- 3. Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;*
- 4. The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;*
- 5. Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications;*
- 6. There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.*
- 7. The received submissions during the advertising period do not indicate a level of support for any departure from the Scheme.*

CARRIED 8/0



Shire of Coorow

TOWN PLANNING SCHEME No 2

Notice of determination on Application for Planning Approval

[cl. 10.4.1]

Applicant: SEAN AND LUKE SICREE
UNIT 2 / 3 WEATHERBURN WAY
KARDINYA WA 6163

Address of Development:

Lot:	213 / 477	Plan / Diagram:	N/A
Vol. No.:	N/A	Folio No:	N/A
Application date:	N/A	Received on:	N/A

Description of proposed development:

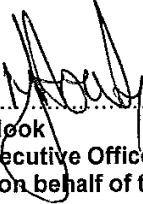
FIVE (5) "SHORT TERM STAY" TOURIST ACCOMMODATION UNITS – LOTS 213 & 477 ACACIA WAY, LEEMAN

The application for planning approval is granted subject to the following conditions/~~refused for the following reason(s):~~

- the developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediately adjacent to the development;
- parking being provided at the rate to 2 spaces per unit (all of which can be provided offsite subject to agreement on suitable cash in lieu payments), plus a requirement for 3 additional spaces for the onsite parking of boats (7.5m minimum length and 2.8m minimum width);
- the developer to reformat the development to provide suitably sized and equipped area of common open space for bbq's or similar activities, for the use of premises patrons;
- no unit within the development being occupied by single or multiple tenants for a period of greater than three (3) months at any one time;
- the requirement that if the units are to be subject to separate titling, such Title shall only be as a Strata Scheme arrangement with appropriate management statements being included in the Strata By-Laws, or the like, to restrict occupancy of the individual units to short term only and to ensure suitable management structure and agreements are in place to share financial obligations with respect to care and maintenance of common property; and
- one of the units being designed for disabled access in accordance with AS1428.1 and it being made a requirement in any Strata Management Statement that the unit be maintained as such for the life of the Strata Scheme.

Take note: The "cash in lieu" contribution to the Shire for the provision of 10 parking spaces "off site" and adjacent to the development has been calculated as \$45,687.50 plus GST. Council will deposit these monies from you into a special fund to be applied solely to the provision, construction and maintenance of car parking. Should you wish to discuss the figures used to calculate this contribution, please consult with the Chief Executive Officer.

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant is aggrieved by this determination there is a right of appeal to the State Administrative Appeals Tribunal within 28 days of the receipt of this advice. Application forms can be obtained from the Tribunals Website: www.saat.justice.wa.gov.au
- Note 4:** The Buildings are not to be used for any other purpose other than that detailed in this approval without the prior planning consent of Council.

.....

Mark J Hook
Chief Executive Officer
For and on behalf of the Shire of Coorow

19 February 2008





SHIRE OF COOROW
Approved Site Development Plan
Development is to be carried out strictly in
accordance with the conditions of Planning
Approval and the details contained on its plan

[Signature]
26/6/08
2010

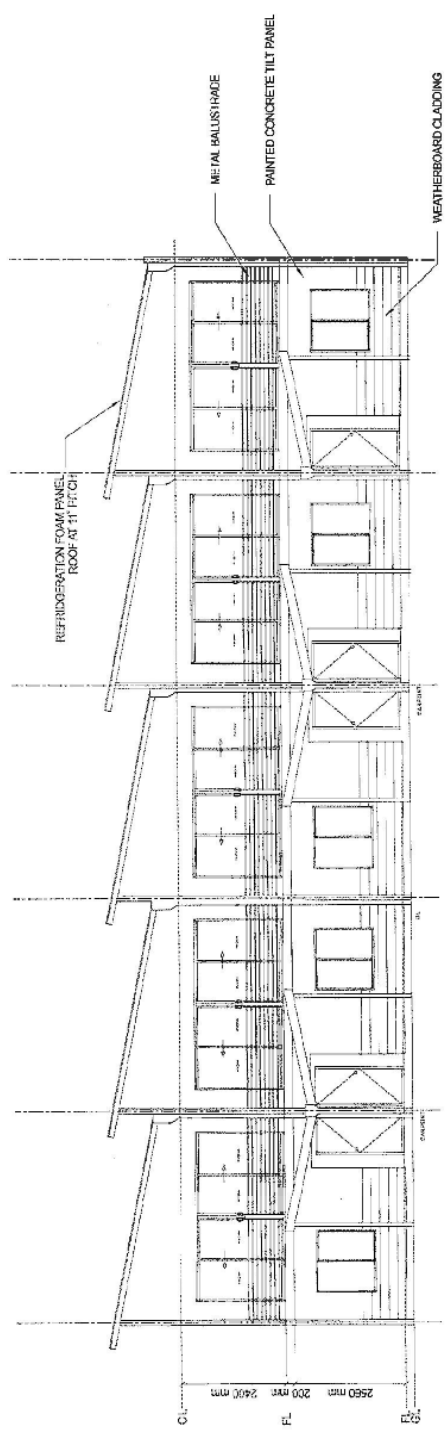
SHIRE OF COOROW
Development Control Manager

TOOLTIME

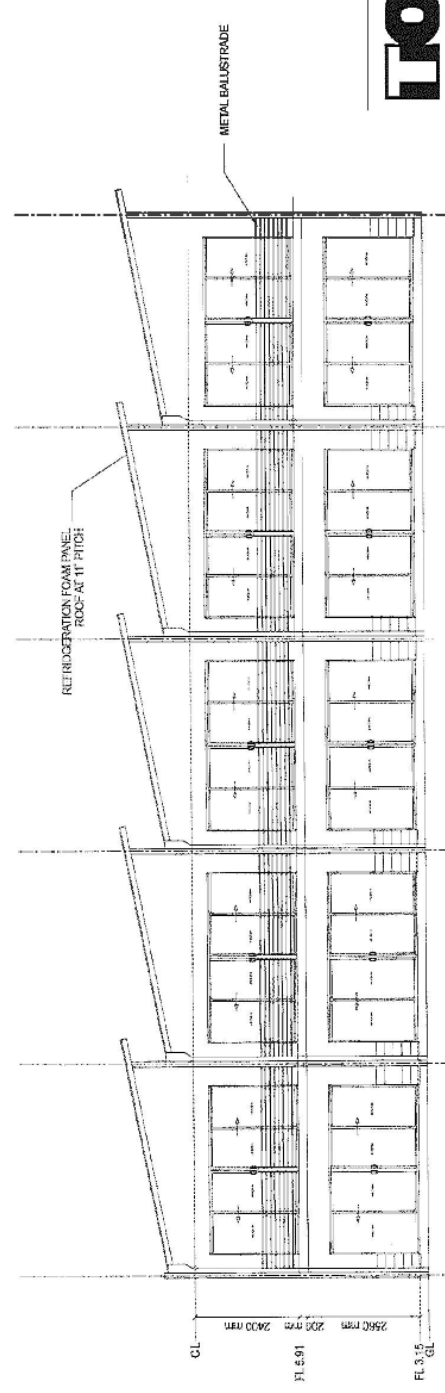
UNIT 2/3 WEATHERBURN WAY
MORRISVILLE, NC 27555
Phone : (919) 5331 6389
Fax : (919) 5331 6425

A02	WAG	TITLE: FLOOR PLAN PROPOSED ENERGY EFFICIENT SHORT TERM LUXURY ACCOMMODATION LOT 213 & LOT 477 ALACAZA WAY SHIRE OF COOROW, LEEEMAN
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CAD NAME: COOR-002-02 B:\CH\A\ 13/09/07



FRONT ELEVATION
SCALE 1:100

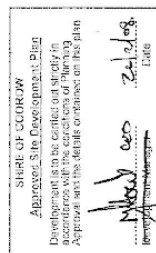


REAR ELEVATION
SCALE 1:100

SHIRE OF COOROW
Approved Site Development Plan
Development is to be carried out strictly in
accordance with the conditions of Planning
Approval and the details contained on this plan
Date: 24/6/09
Signature: [Signature]
Name: [Name]

TOOLTIME
construction
UNIT 2/3 WEATHERBURN WAY
KARDINYA WA 6163
Phone: (08) 9331 6386
Fax: (08) 9331 6388

TITLE: ELEVATIONS	
A03	PROPOSED ENERGY EFFICIENT SHORT TERM
DWG	UNIT 2/3 WEATHERBURN WAY LOT 213 & LOT 417 ACACIA WAY SHIRE OF COOROW, LEEMAN
00	CAD NAME: COOR-001-03
REV	BIMOFFAT 130807



TOOLTIME
construction

UNIT 2/3 WHAREHELEN WAY
 AUCKLAND 1063
 Phone : (09) 5331 6385
 Fax : (09) 5331 6485
 Builders Pay No. 12082
 ACN: 115 232 098
 ARN: 30 135 232 094

A04	DWG	TITLE: ROOF PLAN	
		PROPOSED ENERGY EFFICIENT SHORT TERM LUXURY ACCOMMODATION LOT 213 & LOT 477 ACADEMY WAY SHIRE OF COORON, LEEMAN	CAD NAME: COOR-001-04 B/C OFF: 13/06/07



TOOLTIME
construction

[illegible]

REV	CAD NAME: COOR-001-05	IS.MOFFAT	14JDSG
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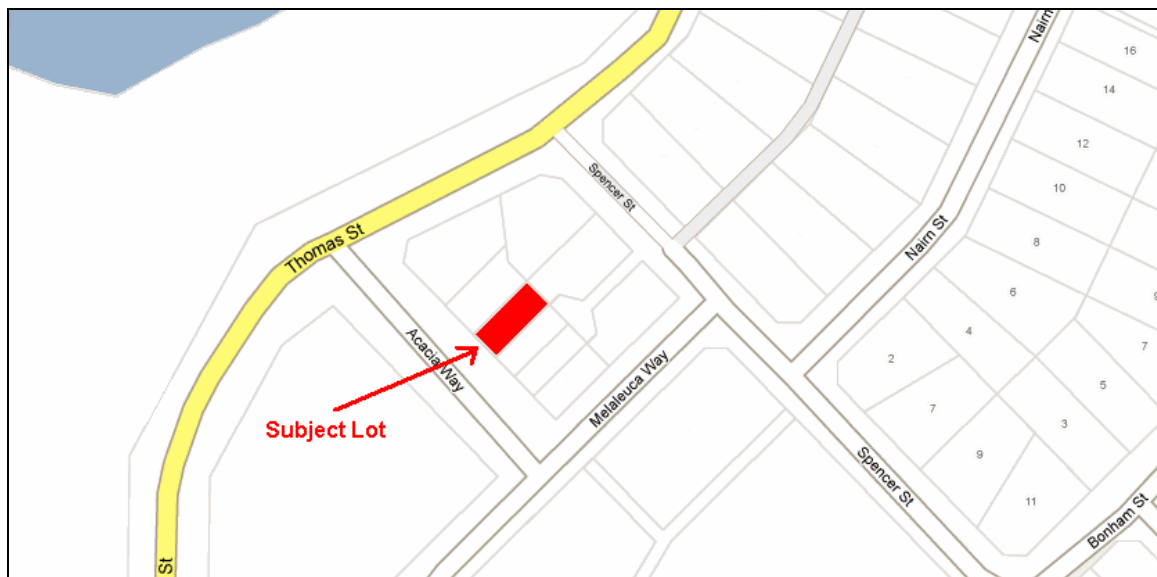
10.2.2	PROPOSED SHORT STAY ACCOMMODATION UNIT – LOT 213 ACACIA WAY, LEEMAN
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AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	August 2009
ATTACHMENT	10.2.2 Site plans
FILE	L213

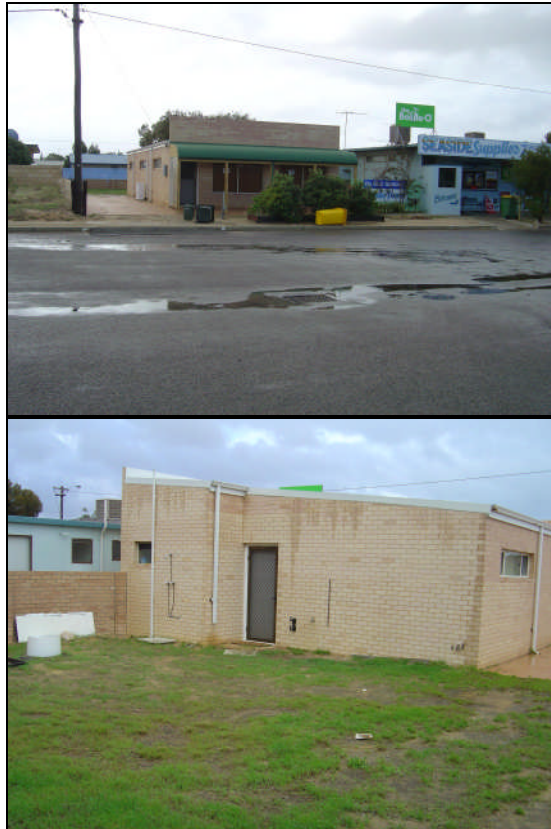
SUMMARY:

Council is in receipt of an application for one (1) Short Stay Accommodation unit at Lot 213 Acacia Way, Leeman. The subject lot is zoned ‘Commercial’ under Town Planning Scheme No.2 (the ‘Scheme’). This report recommends refusal of the application.

Figure 1 below provides a location plan for the subject property:



Figures 2 & 3 below are photographs of the subject property



BACKGROUND:

The application for one (1) Short Stay Accommodation unit was brought before a meeting of Council on 15 July 2009 at which it was resolved:

“That Council advertise the application for one (1) Short Stay Accommodation unit at Lot 213 Acacia Way, Leeman for a period of fourteen (14) days in accordance with Clause 9.4.3 of the Shire of Coorow Town Planning Scheme No.2, and at the expiration of the specified advertising period the application be brought back to Council for its determination.”

The Minutes from the 15 July 2009 meeting record that Council believes that there is a shortage of Short Stay Accommodation in the coastal areas of the Shire of Coorow and that this application addresses this shortage and should be supported.

The application proposes to convert an existing office building at Lot 213 Acacia Way, Leeman into one Short Stay Accommodation unit. The existing building is 8m x 17m (136m²) and is of brick construction and additionally seeks to construct a verandah and ablution facility at the rear of the building. Copies of the applicant’s submitted site, floor and elevation plans are included as Attachment 10.2.2.

The proposal seeks to accommodate groups of 4-6 people for stays between two nights to a week with the applicant providing the following justification in regards to their proposal:

- The proposal will bring money into the town with guests buying food, fuel etc from local businesses;
- Development will help promote the area and bring new life to the town;
- Development would see the tidy up, landscaping and furnishing of the existing site.

Previously planning approval was granted for five (5) Short Stay Accommodation units across Lot 213 (subject lot) and adjoining Lot 477 Acacia Street, Leeman, at a meeting of Council held on 24 October 2007 where it was resolved:

“That Council:

1. *determine that the proposed holiday accommodation units is consistent with the objectives of the Commercial Area (particularly in this area) and determine that the use proposed is therefore a permitted use;*
2. *approve the development of Tourist Accommodation upon Lot 213 and Lot 477 Acacia Street, subject to:*
 - a. *the developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediate adjacent the development;*
 - b. *parking being provided at the rate to 2 spaces per unit (all of which can be provided offsite subject to agreement on suitable cash in lieu payments), plus a requirement for 3 additional spaces for the onsite parking of boats (7.5m minim length and 2.8m minimum width);*
 - c. *the developer to reformatting the development to provide suitable sized and equipped area of common open space for bbq’s or similar activities, for the use of premises patrons;*
 - d. *no unit within the development being occupied by single or multiple tenants for a period of greater than 3 months at any one time;*
 - e. *the requirement that if the units are to be subject to separate titling, such title shall only be as a strata scheme arrangement, with appropriate management statements being included in the strata by-laws, or the like, to restrict occupancy of the individual units to short-term only and to ensure suitable management structure and agreements are in place to share financial obligations with respect to care and maintenance of common property; and*
 - f. *One of the units being designed for disabled access in accordance with AS 1428.1, and it being made a requirement in any strata management statement that the unit be maintained as such for the life of the strata scheme;*

3. *indicate that the valuations for the calculation of cash in lieu for parking are appropriate starting point for negotiation for this particular development.*

The five (5) Short Stay Accommodation units were considered a ‘use not listed’ and as such there were three options available to Council in its assessment of the application under the requirements of Section 4.4.2 of the Scheme:

“If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus or activity of any other use category the local government may;

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval;*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

Staff at that time considered the application for five (5) Short Stay Accommodation units could be determined under a ‘Hotel’ or ‘Motel’ use. The Scheme’s Zoning and Development Table indicates that both these uses are ‘A’ uses and thereby cannot be considered by Council without having first been advertised in accordance with Section 9.4.3 of the Scheme.

Alternatively, if the proposal was considered at the time as a ‘use not listed’ then the Scheme still required under Section 9.4.1.b that the proposal be advertised in accordance with Section 9.4.3. However, the application for five (5) Short Stay Accommodation units was not advertised before its deliberation by Council and therefore the previous decision of Council did not follow the procedures of Sections 4.4 and 9.4 of the Scheme and the decision was in contravention of the Scheme.

The definitions of ‘Hotel’ and ‘Motel’ as per the Scheme are as follows:

***“Hotel** – means premises providing accommodation the subject of a hotel licence under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel.”*

***“Motel** – means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988.”*

Furthermore it is also contentious whether an application for five (5) Short Stay Accommodation units can be considered within the land use definitions of 'Hotel' and 'Motel' and therefore suggests that the 24 October 2007 recommendation for approval of the units may not have been appropriate.

COMMENT:

The current proposal before Council for one (1) Short Stay Accommodation unit upon Lot 213 Acacia Way, Leeman is considered a use not listed within the Scheme's Table 1 - Zoning Table. There are however, two definitions listed within Schedule 1 (2) – Land Use Definitions of the Scheme that could be applied to the proposal, these being:

***“Residential Building** – has the same meaning as in the Residential Planning Codes;*

(R-Codes state: A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or*
- permanently by seven or more persons, who do not comprise of a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or residential school.)”*

***“Tourist Accommodation** – means development and associated tourism uses such as retailing and services, where such uses are an integral part of the development and are of a scale appropriate to the needs of the development.”*

Given that the definitions of 'Residential Building' and 'Tourist Accommodation' are not listed within the Zoning Table but are defined within Schedule 1 (2) – Land Use Definitions of the Scheme, Section 4.4.2 of the Scheme allows for Council to make determination on a 'use not listed' only after the application has been advertised in accordance with Section 9.4.1.

Therefore Council resolved at its 15 July 2009 meeting to advertise the proposal which has been undertaken in accordance with Clause 9.4 of the Scheme with a newspaper advertisement being placed in the Geraldton Guardian and the surrounding land owners & occupiers being notified in writing.

The consultation period has now concluded and as a result of advertising 4 submissions (1 in support and 3 in objection) has been received. Following are the submission received from adjoining landholders:

- We feel there are enough short stay accommodation in town already but not enough commercial buildings for lease or sale for up and coming business.
- It has come to my attention that a number of people have enquired to the owners of Lot 208 Spencer Street, Leeman and Lot 213 Acacia Way, Leeman to lease the above premises.

The premises have been advertised for short and long term lease, however inquiries made to the owners for the leasing of the properties by individuals, has been they are not available or are currently in negotiation with other parties.

On these occasions there has not been a satisfactory reply from the Agents or owners regarding availability and costs.

On one occasion it was advised that there was a long term rental agreement currently under consideration therefore there would be no point in pursuing the matter further.

As there is already minimal special zoning for commercial development in Leeman it would be to the benefit of the community to leave these properties for commercial use only for future need if required.

There are numerous short-term/holiday rental properties and a budget short term accommodation on our foreshore in Leeman that appear to cater adequately for the current requirements and future use of this type of accommodation.

I believe a questionnaire asking owners of these properties as to their vacancy rate over the past year would show an underutilisation not a demand. This I believe would negate the need for more of the same.

- Located in a commercial zone.
- Although we are proposing the same on our property we feel this use will enhance this area and we can see that this area may be more suited to tourism zoning than commercial in the future.

The received submissions raised the following issues and perceptions:

(Support)

- Proposing the same use on our property;
- Use will enhance the area;
- Area may be more suited to a tourism zoning rather than a commercial zoning in the future.

Note: The supporting submission was received from the landowner of Lot 208 Spencer Street, Leeman whose own application for one (1) Short Stay Accommodation unit is being placed before the 19 August 2009 meeting of Council.

(Object)

- Adequate supply of Short Stay Accommodation in town;
- Not enough commercial buildings for lease or sale;
- Minimal land zoned for commercial development, should remain for commercial use only for future needs;
- Located in a commercial zone.

In relation to the comments received, Coorow's Town Planning Scheme No.2 states that the objective of the 'Commercial' zone is:

"To provide for retailing shopping, office and commercial development, and social, recreational, and community activities servicing the town as a whole."

The commercial zone is not considered to encompass such land uses as 'Residential Building' or 'Tourist Accommodation' and therefore the application for one (1) Short Stay Accommodation unit is not considered to be aligned with the objective of the 'Commercial' zone. The intent is to protect the area from sensitive land uses that may compromise the use of the area for commercial purposes. Introducing this land use may create a potential land use conflict and over time compromise or prevent the establishment of business-related uses within the commercial area.

Therefore taking into account the submissions received the objectives of the 'Commercial Zone' are not considered to have been satisfied, nor is it considered that the comments received during this advertising period warrant a departure from the objectives of the Scheme and as such the Officer's Recommendation will be for refusal of the application.

However, given Council's 15 July 2009 resolution to advertise the application and its previous approval of five (5) Short Stay Accommodation units across the subject and neighbouring lot, should Council consider that the application has merit and wish to grant approval the following wording may be considered appropriate:

"That Council resolve to grant formal planning consent for one (1) Short Stay Accommodation unit at Lot 213 Acacia Way, Leeman subject to compliance with the following:

Conditions

- 1) The development shall be in accordance with the attached approved plan(s) dated 19 August 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.*
- 2) This approval is valid for a period of two (2) years and will expire on 19 August 2011.*
- 3) No extension of the approval period will be granted by Council..*
- 4) 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.*
- 5) 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.*
- 6) 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.

- 7) A building licence is required to be obtained from Council's Building Surveyor for the additions (verandah and ablutions) and change of building class of the existing facility. The additional works are required to be completed before the commencement of the Short Stay Accommodation to ensure compliance with the Building Code of Australia and relevant Health Regulations.*
- 8) The developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediate adjacent the development.*
- 9) No unit within the development being occupied by single or multiple tenants for a period of greater than 3 months at any one time.*

Notes

- a) 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."*

STATUTORY ENVIRONMENT:

Lot 213 Acacia Way, Leeman is zoned 'Commercial' under the Scheme and potential land uses that can be considered by Council are listed within the Table 1 - Zoning Table and/or are required to comply with the objectives of the commercial zone as stated in Section 4.2 of the Scheme.

Section 9.4.1.b of the Scheme states that if a use is not listed in the Zoning Table that a Local Government can not grant approval to that application unless notice is given in accordance with Section 9.4.3. Therefore Council resolved at its 15 July 2009 meeting to undertake public advertising and consultation with affected landowners and occupiers which has now concluded and the application brought back before Council for deliberation.

Section 5.11.2 of the Scheme does allow for some consideration of residential accommodation within the 'Commercial' zone but sets specific requirements as follows:

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

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

Therefore in considering the merits of this proposal it does not meet the requirements of Section 5.11.2 of the Scheme as the existing building is single storey, the application seeks to accommodate patrons that are neither the owners and/or occupiers of the property, and there is no business proposed to be operated from the subject lot.

STRATEGIC IMPLICATIONS:

The subject lot is located within the only sizeable commercial zone in the Leeman locality, and on this basis this report recommends refusal of the application to reduce potential land use conflicts that may arise from introducing short term accommodation uses into commercially zoned areas. To introduce these sensitive land uses may in the future compromise the establishment of permitted commercial uses which cannot be located on other zoned land thereby hindering the expansion of commercial ventures for the Leeman locality. The Scheme establishes two 'Tourist Accommodation' zones elsewhere in the Leeman town site that are intended to cater for application of this type.

POLICY IMPLICATIONS:

There are no policy implications as Council has not adopted a Local Planning Policy relevant to Short Stay, Tourist Accommodation or the like.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority required.

OFFICER RECOMMENDATION:

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse planning approval for one (1) Short Stay Accommodation unit upon Lot 213 Acacia Way, Leeman for the following reasons:

1. The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;
2. The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;
3. Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;
4. The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the

locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;

5. Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications; &
6. There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.

RESOLUTION: 2009-128

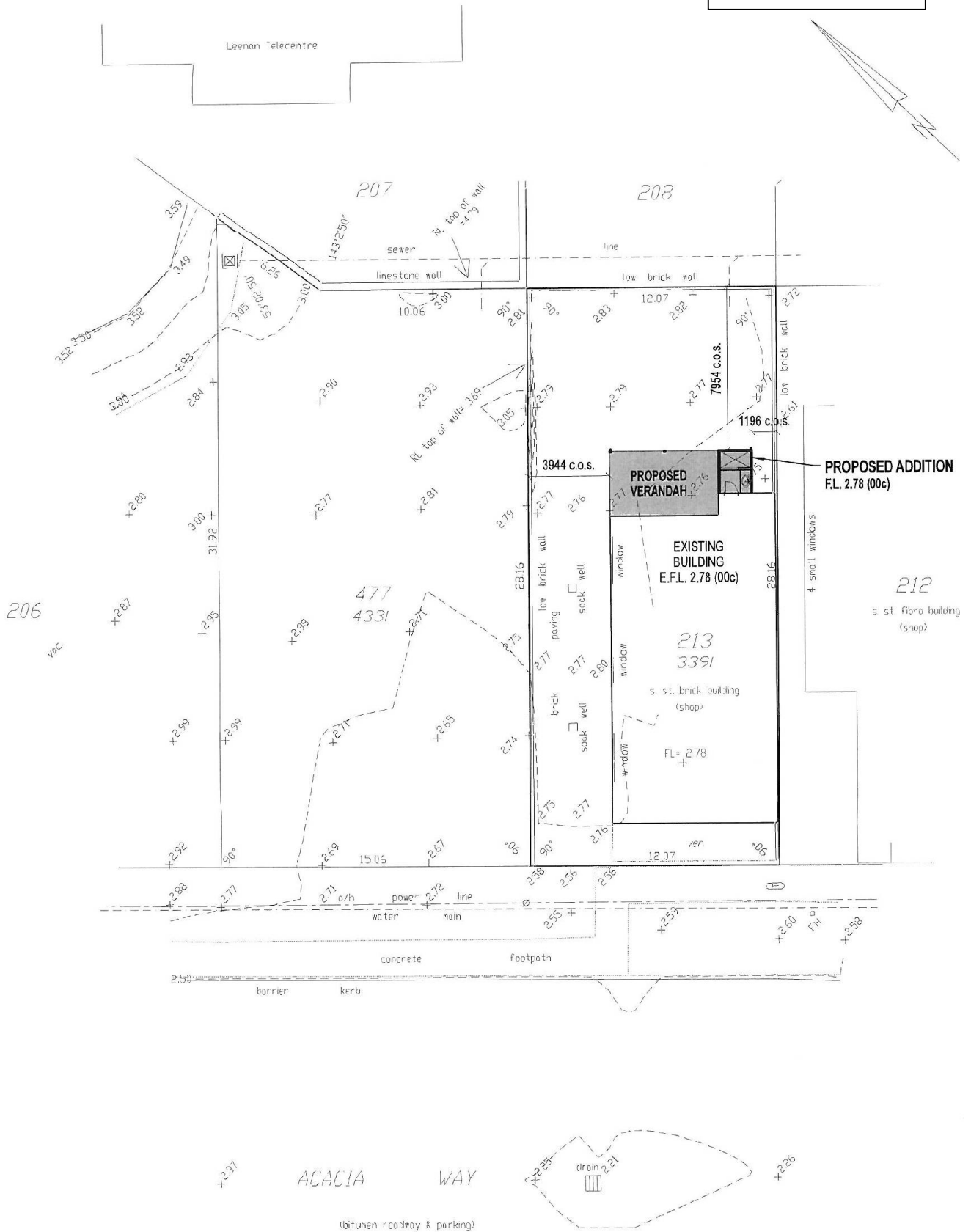
Moved: Cr George

Seconded: Cr Waite

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse planning approval for one (1) Short Stay Accommodation unit upon Lot 213 Acacia Way, Leeman for the following reasons:

1. *The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;*
2. *The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;*
3. *Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;*
4. *The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;*
5. *Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications; &*
6. *There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.*

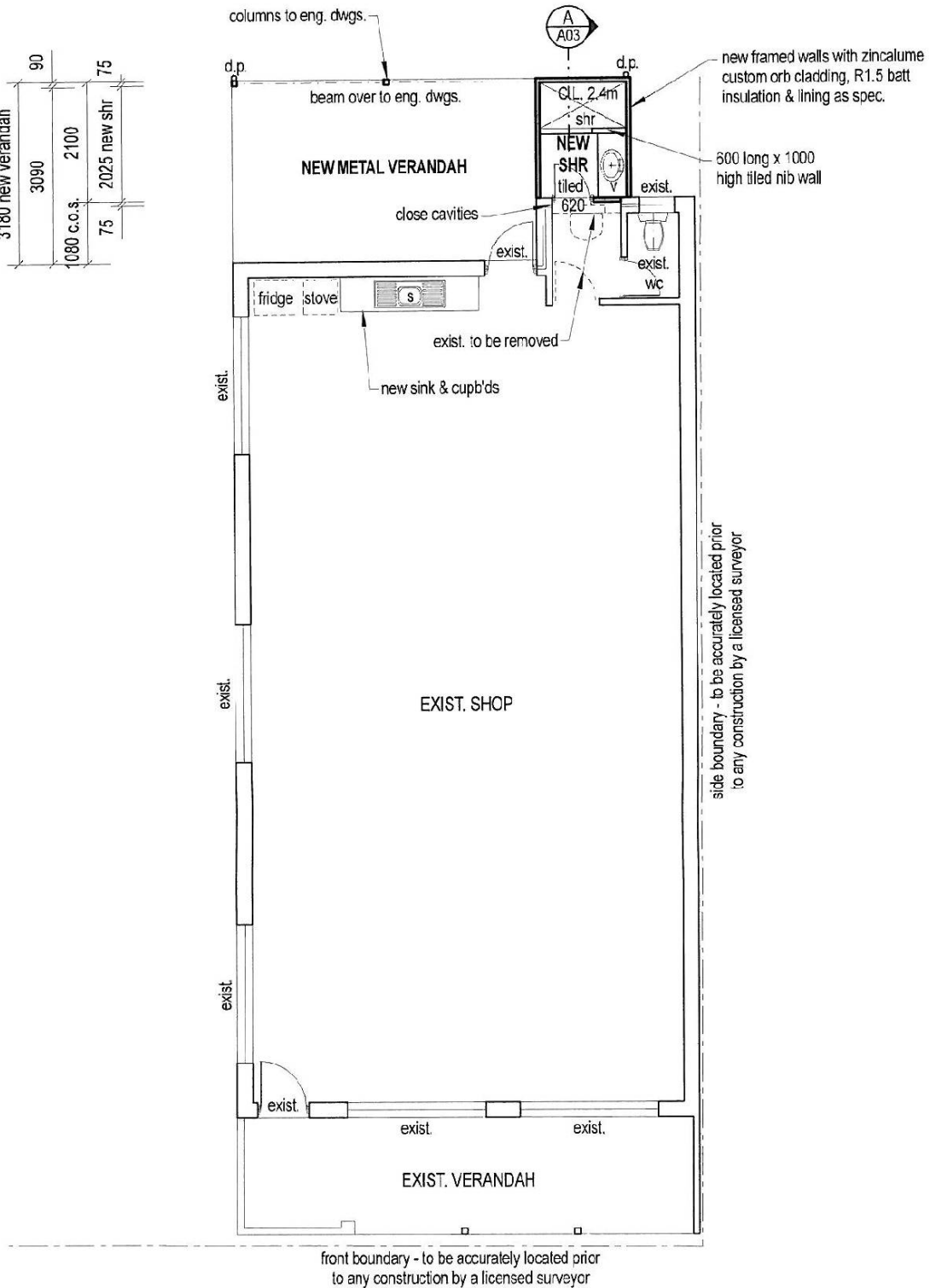
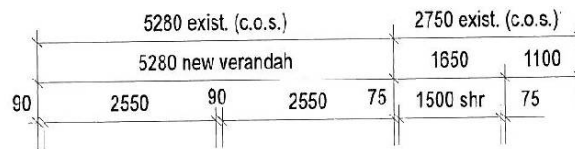
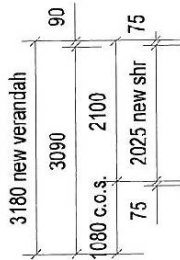
CARRIED 8/0



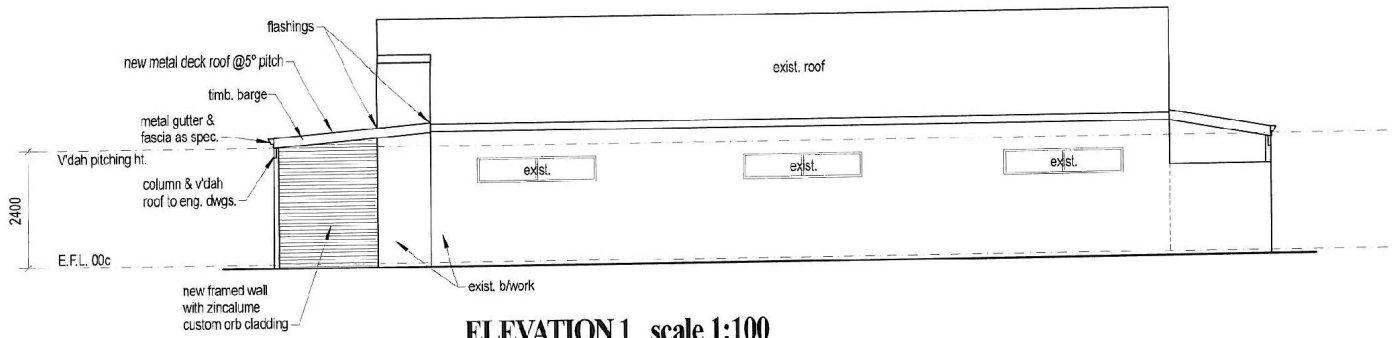
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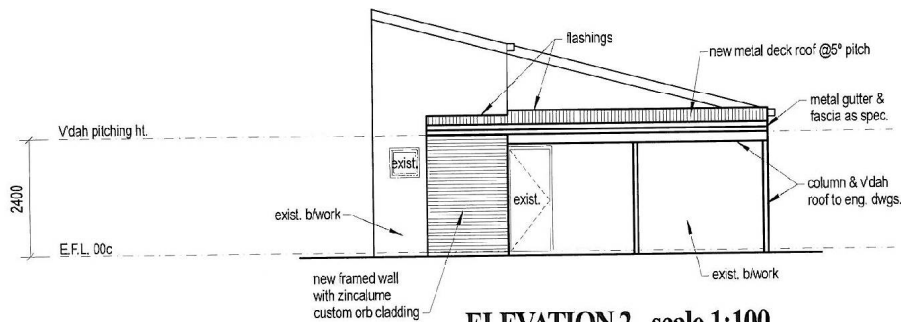
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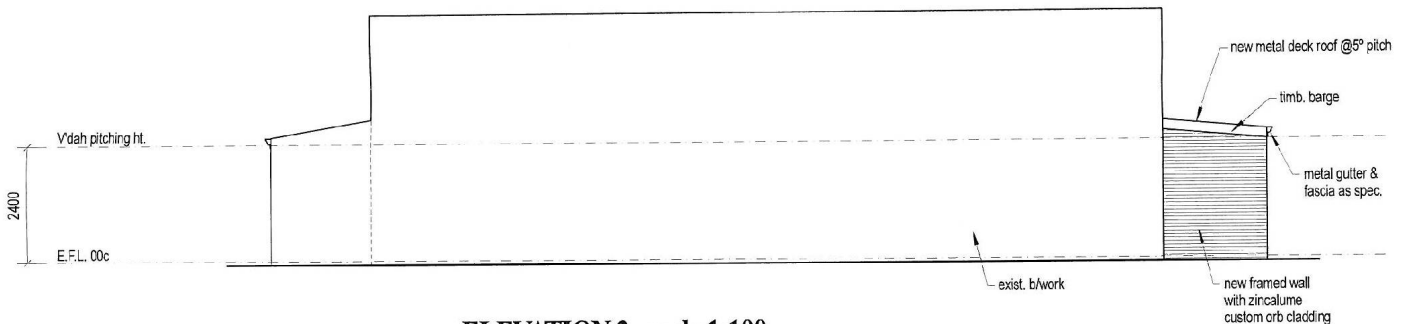
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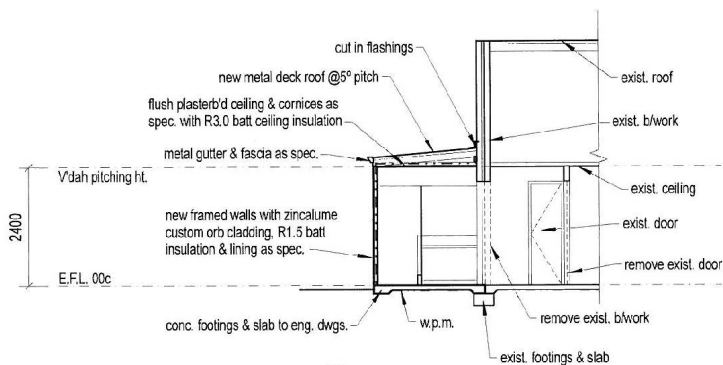
ELEVATION 1 scale 1:100



ELEVATION 2 scale 1:100



ELEVATION 3 scale 1:100



SECTION A-A
A02 SCALE 1:100

NOTES:
CHECK ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.
REFER TO ENG. DWGS. FOR ALL STRUCTURAL REQUIREMENTS.
ALLOW FOR SMOKE DETECTORS.
ALL MATERIALS TO MATCH EXISTING.
T.M.E. = TO MATCH EXISTING.
C.O.S. = CHECK ON SITE.
ALL AREAS ARE APPROXIMATE ONLY.
MASONRY TO COMPLY WITH AS3700.
WINDOWS TO COMPLY WITH AS2047.
DIMENSIONS TO STRUCTURE - ALLOW FOR FINISHES.
OWNER TO CONFIRM SIZE OF APPLIANCE RECESSES PRIOR TO CONSTRUCTION.
DESIGN SUBJECT TO CONFIRMATION OF SITE CONDITIONS, LOCATION
OF SERVICES & APPROVAL OF LOCAL & OTHER RELEVANT AUTHORITIES.
LOCATION OF BOUNDARIES TO BE CONFIRMED AND REPEGGED
BY A LICENSED SURVEYOR PRIOR TO ANY CONSTRUCTION.

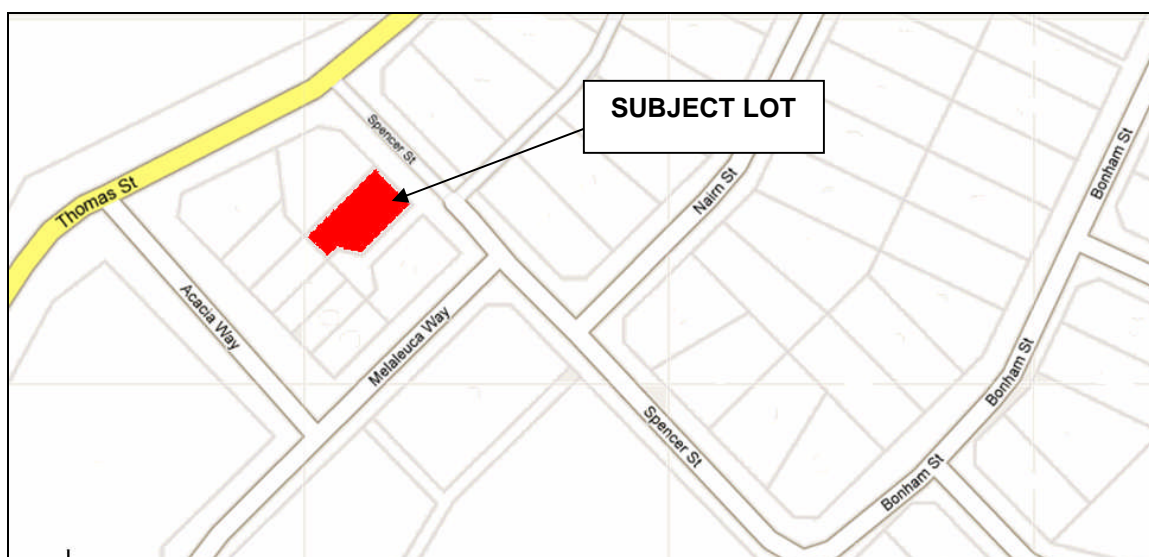
10.2.3 PROPOSED SHORT STAY ACCOMMODATION UNIT – LOT 208 SPENCER STREET, LEEMAN

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	August 2009
ATTACHMENT	10.2.3a Additional information from applicant 10.2.3b Site plans
FILE	L208

SUMMARY:

Council is in receipt of an application for one Short Stay Accommodation unit at Lot 208 Spencer Street, Leeman. The subject lot is zoned ‘Commercial’ under Town Planning Scheme No.2 (the ‘Scheme’). This report recommends refusal of the application.

Figure 1 below provides a location plan for the subject property:



BACKGROUND:

The application for one (1) Short Stay Accommodation unit at Lot 208 Spencer Street, Leeman was brought before a meeting of Council on 15 July 2009 at which it was resolved:

“That this matter lay on the table until the August 2009 Ordinary Meeting to allow for further information to be sought.”

The applicant has since provided additional information a copy of which is included as Attachment 10.2.3a.

The application proposes to convert an existing real estate office building into one Short Stay Accommodation unit at Lot 208 Spencer Street, Leeman. The existing building is of a framed construction with fibre cement cladding with a verandah on the

front elevation. Copies of the applicant's submitted site plan/floor plan are included as Attachment 10.2.3b.

Figure 2 & 3 – Subject property as seen from Spencer Street



The proposal seeks is for a mixed use development of accommodation and commercial uses. The applicant proposes to provide short stay accommodation within the existing 1 bedroom building and use the site (including the walls of the building) to advertise real estate through the use of signage.

COMMENT:

The proposal for one (1) Short Stay Accommodation unit at Lot 208 Spencer Street, Leeman is considered a use not listed within the Scheme's Table 1 - Zoning Table. There are however, two definitions listed within Schedule 1 (2) – Land Use Definitions of Coorow's Town Planning Scheme that could be applied to the proposal, these being:

“Residential Building – has the same meaning as in the Residential Planning Codes;

(R-Codes state: A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or*

- *permanently by seven or more persons, who do not comprise of a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or residential school.”*

*“**Tourist Accommodation** – means development and associated tourism uses such as retailing and services, where such uses are an integral part of the development and are of a scale appropriate to the needs of the development.”*

Given that the definitions of ‘Residential Building’ and ‘Tourist Accommodation’ are not listed within the Zoning Table but are defined within Schedule 1 (2) – Land Use Definitions of the Scheme, Section 4.4.2 of the Scheme allows for Council to make determination on a ‘use not listed’ only after the application has been advertised in accordance with Section 9.4.1.

To enable Council to make a determination upon the application, and given that Council had resolved that the same land use be advertised on an adjacent ‘Commercial’ zoned lot at its 15 July 2009 meeting, upon receipt of the additional information advertising of the application was commenced in accordance with Clause 9.4 of the Scheme. A newspaper advertisement was placed in the Geraldton Guardian and surrounding land owners & occupiers notified in writing.

The consultation period has now concluded and as a result of advertising 3 submissions (0 in support and 3 in objection) have been received. Following are the comments received from adjoining landowners:

- We feel there are enough short stay accommodation in town already but not enough commercial buildings for lease or sale.
- It has come to my attention that a number of people have enquired to the owners of Lot 208 Spencer Street, Leeman and Lot 213 Acacia Way, Leeman to lease the above premises.

The premises have been advertised for short and long term lease, however inquiries made to the owners for the leasing of the properties by individuals, has been they are not available or are currently in negotiation with other parties.

On these occasions there has not been a satisfactory reply from the Agents or owners regarding availability and costs.

On one occasion it was advised that there was a long term rental agreement currently under consideration therefore there would be no point in pursuing the matter further.

As there is already minimal special zoning for commercial development in Leeman it would be to the benefit of the community to leave these properties for commercial use only for future need if required.

There are numerous short-term/holiday rental properties and a budget short term accommodation on our foreshore in Leeman that appear to cater adequately for the current requirements and future use of this type of accommodation.

I believe a questionnaire asking owners of these properties as to their vacancy rate over the past year would show an underutilisation not a demand. This I believe would negate the need for more of the same.

- Leeman already has perfect accommodation ie. Caravan Park, backpackers and houses available for short term accommodation. The above proposal is a commercial zoned property and should be left that way.

The received submissions raised the following issues and perceptions:

(Object)

- Adequate supply of Short Stay Accommodation in town;
- Not enough commercial buildings for lease or sale;
- Minimal land zoned for commercial development, should remain for commercial use only for future needs;
- Should be left a commercially zoned property

In addition to the comments received, the Scheme states that the objective of the 'Commercial' zone is:

"To provide for retailing shopping, office and commercial development, and social, recreational, and community activities servicing the town as a whole."

The commercial zone is not considered to encompass such land uses as 'Residential Building' or 'Tourist Accommodation' and therefore the application for one (1) Short Stay Accommodation unit is not considered to be aligned with the objective of the 'Commercial' zone. The intent is to protect the area from sensitive land uses that may compromise the use of the area for commercial purposes. Introducing this land use may create a potential land use conflict and over time compromise or prevent the establishment of business-related uses within the commercial area.

Therefore taking into account the submissions received, the objectives of the 'Commercial Zone' are not considered to have been satisfied, nor is it considered that the comments received during this advertising period warrant a departure from the objectives of the Scheme and as such the Officer's Recommendation will be for refusal of the application.

However, should Council consider that the application has merit and wish to grant approval the following wording may be considered appropriate:

"That Council resolve to grant formal planning consent for one (1) Short Stay Accommodation unit at Lot 208 Spencer Street, Leeman subject to compliance with the following:

Conditions

- 1) *The development shall be in accordance with the attached approved plan(s) dated 19 August 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.

- 2) This approval is valid for a period of two (2) years and will expire on 19 August 2011.*
- 3) No extension of the approval period will be granted by Council.*
- 4) 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.*
- 5) 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.*
- 6) 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.*
- 7) Car parking area to be upgraded to a minimum compact gravel standard to the satisfaction of the Local Government.*
- 8) Rear yard to be fenced to Local Government approval.*
- 9) The developer amending the development to incorporate all parking onsite, or the developer coming to an agreement with Council that will have all parking spaces provided within the road reserve immediate adjacent the development.*
- 10) No unit within the development being occupied by single or multiple tenants for a period of greater than 3 months at any one time.*

Notes

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."

STATUTORY ENVIRONMENT:

Lot 208 Spencer Street, Leeman is zoned 'Commercial' under the Scheme and potential land uses that can be considered by Council are listed within the Table 1 - Zoning Table and/or are required to comply with the objectives of the commercial zone as stated in Section 4.2 of the Scheme.

Section 9.4.1.b of the Scheme states that if a use is not listed in the Zoning Table that a Local Government can not grant approval to that application unless notice is given in accordance with Section 9.4.3. Therefore on receipt of the applicant's additional information Council Staff undertook public advertising and consultation with affected landowners and occupiers which has now concluded and the application has been brought back to Council for deliberation.

Section 5.11.2 of the Scheme does allow for some consideration of residential accommodation within the 'Commercial' zone but sets specific requirements as follows:

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

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

Therefore in considering the merits of this proposal it does not meet the requirements of Section 5.11.2 of the Scheme as the existing building is single storey and the application is for patrons that are neither the owners and/or occupiers of the property.

STRATEGIC IMPLICATIONS:

The subject lot is located within the only sizeable 'Commercial' zone in the Leeman locality, and on this basis this report recommends refusal of the application to reduce potential land use conflicts that may arise from introducing short term accommodation uses into commercially zoned areas. To introduce these sensitive land uses may in the future compromise the establishment of permitted commercial uses which cannot be located on other zoned land thereby hindering the expansion of commercial ventures for the Leeman locality. The Scheme establishes two 'Tourist Accommodation' zones elsewhere in the Leeman town site that are intended to cater for application of this type.

POLICY IMPLICATIONS:

There are no policy implications as Council has not adopted a Local Planning Policy relevant to Short Stay, Tourist Accommodation or the like.

FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse planning approval for one (1) Short Stay Accommodation unit upon Lot 208 Spencer Street, Leeman for the following reasons:

1. The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;
2. The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;
3. Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;
4. The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;
5. Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications;
6. There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.
7. The received submissions during the advertising period do not indicate a level of support for any departure from the Scheme.

RESOLUTION: 2009-129

Moved: Cr Williams

Seconded: Cr McTaggart

That Council having taken into consideration the provisions of Town Planning Scheme No.2 and the objectives of the 'Commercial' zone, refuse planning approval for one (1) Short Stay Accommodation unit upon Lot 208 Spencer Street, Leeman for the following reasons:

1. *The proposed use of 'Short Stay Accommodation' is not a listed use for the 'Commercial' zone under Table 1 – Zoning Table of the Scheme;*
2. *The proposed land use is not considered consistent with the objectives of the 'Commercial' zone as outlined in Section 4.2 of the Scheme;*

3. *Council is not satisfied that there is sufficient circumstances that warrant departure from the objectives of the 'Commercial' zone;*
4. *The proposed development is not considered consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. The proposed use is considered likely to cause potential land use conflicts that may impose unnecessary restrictions on the development of the 'Commercial' zone;*
5. *Approval of this application may well set an undesirable precedent for further approvals for Short Stay Accommodation applications;*
6. *There is undeveloped land currently zoned 'Tourist Accommodation' within the Leeman town site that has been identified for short stay purposes.*
7. *The received submissions during the advertising period do not indicate a level of support for any departure from the Scheme.*

CARRIED 8/0

K Jackson
 Planning Officer
 Planning Department
 Shire of Chapman Valley

Dear Kathryn,

Re- Planning Application Lot 208 Spencer Street, LEEMAN

Thanks you for your advice on the outcome of Planning Application that was discussed at the meeting of Council held on the 15th July 2009.

I apologise for the confusion with the application which we submitted for Accommodation approval. I had been of the understanding that an adjoining property had Council Approval for Long Term Accommodation so that was our preferred option, but the Short Stay Accommodation option is suitable to improve the economic return of the vacant property and to improve the maintenance and appearance of the property.

* The approval being sort would only be for an interim 2 year period. After that time, we would be of the understanding that Council may not extend the approval.

* The site will continue to promote our Real Estate business through the onsite signage and a wall box to display properties for sale.

* The current premises which are vacant will be furnished to provide quality holiday accommodation for a couple to stay for holidays. This could be for periods of 1 day to 1 week at a time.

* The couple may have a boat which could easily be stored on the property. If the demand requires, we may look at building a shed at the back that could be utilised to house a car or boat.

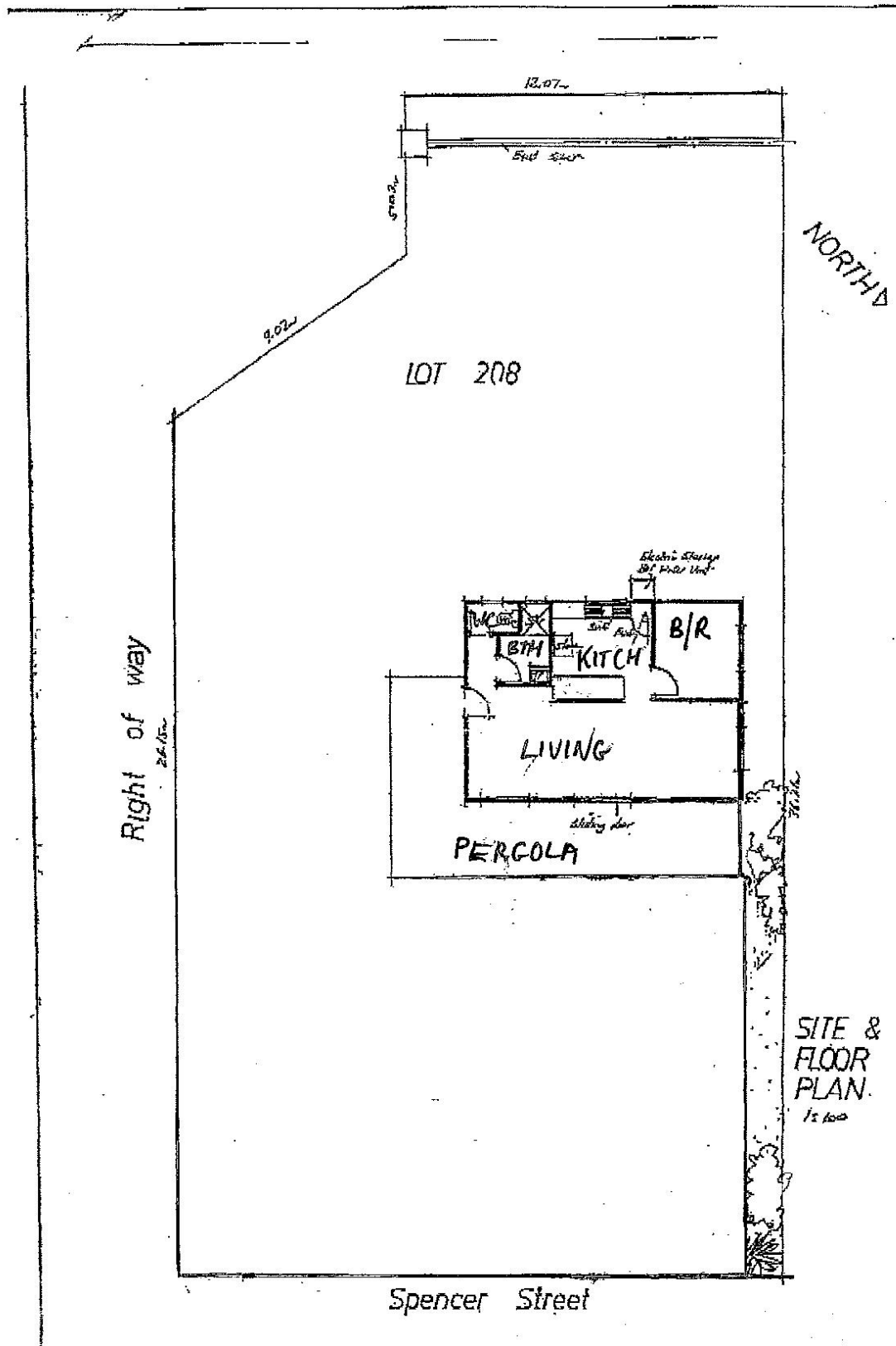
* The existing building would be tidied up to make it more appealing for accommodation. The front of the property has plenty of parking and we would provide landscaping across the front of the pergola to improve the overall appearance. With only enough room to accommodate one couple, there would only be a need to park one car on site and occasionally a boat.

* Visitors are required to vacate by 10.00am and new arrivals come at 2.00pm.

* Our office currently manages Holiday Accommodation properties in Leeman, so this property would be managed by our office with local service providers cleaning the property and attending to any immediate concerns in regards to the property.

If you have any queries, please contact me on 9652 2055 or 0419 969 244.

Yours faithfully
 Ian & Jewell Kelly



10.1 CHIEF EXECUTIVE OFFICER:

10.1.1 STAFF HOUSING SCHEME – SHIRE OF COOROW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 August 2009
ATTACHMENT	10.1.1 Shire of Coorow Draft Staff Housing Scheme

SUMMARY:

Council is being requested to adopt the Draft Staff Housing Scheme as included at Attachment 10.1.1.

BACKGROUND:

Council owns 15 houses of varying size and throughout the Shire of Coorow, 10 houses are located in Coorow and 5 houses are located in Leeman. These houses are offered to full time staff members at a subsidised rental.

To attract employees to reside in Coorow, the provision of suitable housing is a key component of the employment package, particularly for families.

Council currently owns ten residences for employees in Coorow including:

Lot 29 Spain Street	–	Chief Executive Officer;
Lot 131 Spain Street	–	Currently empty (Previously Manager Works & Services);
Lot 42 Commercial Street	–	Deputy Chief Executive Officer – Council built in 1997 – outstanding loan to end in 2012;
Lot 5 Bristol Street	–	Plant Operator;
Lot 19 North Street	–	Plant Operator;
Lot 113 Bristol Street	–	Currently for sale;
Lot 11 Spain Street	–	Plant Operator. This house was purchased in May 2006 for \$90,000;
Lot 103 Bristol Street	–	Plant Operator;
Lot 9 Thomas Street	–	Pool Manager – located on Reserve 41406 therefore Council is unable to sell this property;
Lot 123 Commercial Street	–	Mechanics Residence.

Council currently owns five residences for employees in Leeman including:

Lot 520 Tuart Street	–	Manager Regulatory Services;
Lot 11 Tamerisk Street	–	Currently Vacant (ex GEHA rental);
Lot 64 Nairn Street	–	Currently Vacant (Rangers Residence);
Lot 49 Nairn Street	–	Coastal Leading Hand;
Lot 50 Nairn Street	–	Currently Vacant (to be used to house CEO).

Council currently has 10 full time employees who provide their own accommodation, and offers a housing subsidy to these employees of \$80 per week.

It should be acknowledged that, given the relatively low cost of purchasing established housing in Coorow, the Council policy of increasing the value of Council's Housing Allowance has been effective in encouraging Coorow based employees to purchase housing in Coorow.

Council does not currently have any tenancy agreement with staff members residing in Council owned housing and no guidelines for employees to follow upon commencing tenancy or terminating tenancy in Council's housing.

COMMENT:

Council staff have been working on creating a standard agreement for staff members residing in Council owned housing.

This scheme introduces a set of allowances and conditions for full time staff who, in order to meet their employment obligations, are required to live away from their normal place of residence. The allowances and conditions of the Shire of Coorow Housing Policy are to be reviewed annually and changes may be made.

A Housing budget exists for the ongoing maintenance and repairs, renovations, rates and insurances associated with the running of the staff housing portfolio.

The houses owned by Council for the purposes of staff housing vary in size and are used to maximise their ability to house the mix of staff, single or married, in each location.

Staff members should also be aware that from time to time due to unforeseen circumstances they might be required to move into alternative accommodation if there are changes to the number and composition of full time staff. Though this is an inconvenience that shall be avoided if at all possible, staff shall relocate to housing allocated to them.

The locations, which apply to the Shire of Coorow Housing Scheme have been categorised into 2 groups. The eligibility and conditions for Housing vary between these groups.

Group 1

Executive Housing – housing reserved for Council's Executive Staff members as per contract agreements.

Group 2

Outside Staff Housing – housing reserved for Works Crew Employees. Housing ranges in size and if possible, larger houses will be made available for staff members with families.

The Shire of Coorow Staff Housing Scheme, as included at Attachment 10.1.1 covers the responsibilities of both the Tenant and Council and will be signed by both the incoming Tenant and Council's representative, being the Chief Executive Officer, Deputy Chief Executive Officer or Manager Regulatory Services.

STATUTORY ENVIRONMENT:

Draft Shire of Coorow Staff Housing Scheme

STRATEGIC IMPLICATIONS:

The Draft Shire of Coorow Staff Housing Scheme will provide Council with Tenancy Agreements for Council owned housing, and will give both Council and the Tenant a clear understanding of their rights and responsibilities.

POLICY IMPLICATIONS:

This will form part of Council's Policy Manual.

FINANCIAL IMPLICATIONS:

Council will be formalising the agreement between Council and the employee, including the rental value and payment of utilities.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council adopt the Shire of Coorow Staff Housing Scheme as included at Attachment 10.1.1.

RESOLUTION: **2009-130**

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

That this matter lay on the table until a future meeting of Council.

CARRIED 8/0

Council's Resolution differed from the Officers Recommendation as Council would like staff to further develop the Shire of Coorow Housing Scheme before it is bought back to Council.

10.1.2 POLICY MANUAL REVIEW 2009

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
ATTACHMENT	10.1.2 Working Draft Shire of Coorow Policy Manual (under separate cover)

SUMMARY:

Council is to consider the adoption of the reviewed and updated Policy Manual.

BACKGROUND:

Due to Executive Staff changeovers in the past 18 months and lack of procedures in place to cope with staff changes, the review of Council's Policy Manual has been identified as an area of concern by Council's Auditors.

The Shire of Coorow Policy manual has been recently reviewed by staff and several areas of the manual were discovered to require changes. Changes include correction of typographical errors, updates to name changes and improvements for readability and understanding. Some policies have been removed in the Working Draft Shire of Coorow Policy Manual as they were considered outdated or were covered under various sections of Legislation.

COMMENT:

Councillors were provided with a copy of the current Policy Manual at the beginning of 2009 in the Councillors Manual.

Following is a list of changes made to the current Policy Manual, these changes are incorporated into the Working Draft Shire of Coorow Policy Manual as included at Attachment 10.1.2

Policy	Title	Changes
1.1.1	Matters to be discussed at Council meetings/Tabling or Reports	Guidelines 3) removed
1.1.3	Councillor's Requests and Works Requests	Change of wording, title changes
1.1.4	Attendance at Local Government Week	Change CSCA Ward Delgates to NCZ of WALGA Delegates
1.1.6	Members attendance at Conferences, Seminats, Training and Induction Courses	Change CSCA Ward Delgates to NCZ of WALGA Delegates
1.1.8	Members Travelling Allowances	Formatting, travelling claim changed
1.1.9	Presidential Credit Card	Rescinded & Removed. 2008/09 Audit recommendation
1.1.10	Resource Sharing	Formatting, slight wording variation
1.1.11	Deadline for Council Agenda	Slight wording variation
1.1.12	Complaints Handling Policy	Slight wording variation
1.1.13	Recognition of Councillors	Gift value increase
1.2.1	Use of Council Chambers/Other Rooms	Rescinded & Removed. No Council Chambers

Policy	Title	Changes
2.1.1	Partners Expenses	Rescinded & Removed. Not a policy
2.1.2	Entertainment Expenses	Staff Position Changes
2.1.3	Telephone Rental and Calls	Rangers Coast Residence removed
2.1.4	Appointment and Termination of Staff	Insert section 5.37(2) LG Act 1995
2.1.5	Authorisation to Purchase Goods and Services	Insert all staff able to issue PO
2.1.6	Vehicle Usage	Rescinded & Removed. Contracts override policy
2.1.7	Employee Removal Expenses	Reworded, \$ amount lifted
2.1.12	Injury Management and Rehabilitation Policy and Procedures	Rescinded & Removed. Covered under other acts
2.1.13	Authorisation to Call Tenders	Rescinded & Removed. Included as part of 2.1.5
2.1.15	Acting Chief Executive Officer	Slight wording variation
2.1.16	Accrual of Long Service Leave and Annual Leave	Rescinded & Removed. Covered under LSL Regs.
3.2.2	Payment of Accounts	Staff Position Changes, value increased,
3.2.3	Bank Card	Staff Positions Changed, values changed per person
3.2.4	Cash Advances	Swimming Pool Float increase
3.2.5	June Triannual Financial Reporting	Rescinded & Removed. Covered under other acts
3.2.7	Rates Discount	Bill Express removed and replaced. Source and Review Responsibility changed
3.2.8	Waiving of Fees and Charges for Council Facilities	Included Snag Island Coastal Kids and Youth Groups within the Shire of Coorow
3.6.1	Regional Price Preference	Changed North Midlands VROC to Mid West Regional Council
3.6.2	Purchases of Goods and Services	Increase in \$ values
4.1.1	Bush Fires	Rescinded & Removed. Covered under Bush Fires Act
4.1.2	Bush Fire Advisory Committee	Updated brigades etc.
4.1.3	Duties of a Fire Control Officer	Slight wording variation
4.1.5	Volunteer Bush Fire Brigades	Rescinded & Removed. Covered under BF Act
4.1.6	Hazard Reduction Operations	Slight wording variation
4.1.7	Administration	Slight wording variation
4.1.8	Infringement Notices	Rescinded & Removed. Covered under BF Act
4.1.9	Firebreak Infringement Notices	Rescinded & Removed. Covered by Firebreak Notice
4.1.10	Fire Occurrence Statistics	Slight wording variation
4.1.11	Bush Fire Control	Wording variation
4.1.12	Vehicles	Wording variation
4.1.13	Equipment and Tools	Rescinded & Removed. Supplied under ESL
4.1.14	Safety Clothing and Footwear	Slight wording variation
4.1.15	Food and Drink	Slight wording variation
4.1.16	Communications	Rescinded & Removed.
4.1.17	Insurance	Rescinded & Removed. Part of BF Act
4.1.18	Subdivisions	Rescinded & Removed. Funded under ESL
4.1.19	Safety and Health of Volunteer Bush Fire Fighters	Slight wording variation
4.1.20	Response to Hazardous Materials	Rescinded & Removed. No Brigade Hazchem Trained
4.1.21	Insurance of Fire Fighters	Rescinded & Removed. Not a policy
4.1.22	Chemical Spills	Rescinded & Removed. Standard operating procedures
4.1.24	Profiles of Fire Fighters	Slight wording variation
4.3.1	No Camping - Shire of Coorow	Wording variation, delegation included as part of policy
6.1.1	Water Rates and Charges/Rubbish Charges	Wording variation
6.5.1	Dieback Management	Rescinded & Removed.

Policy	Title	Changes
6.5.2	Waddy Hall (Vic Loc 2023 Lot M1521)	Remove Policy Statement e)
6.6.1	Time Limit on Planning Consent	Rescinded & Removed. Covered under act
6.6.2	Car Parking Requirements	Formula change
6.6.4	Conditions for Subdivisions	Wording variation
7.1.1	Pianos - District Hall - Function Centre	Slight wording variation
7.2.1	Operational Hours Variation	wording variation
7.3.2	Sponsor Advertisements - Sporting Grounds	Slight wording variation
7.3.3	Marking of Ovals and Sprots Grounds	Slight wording variation
8.1.1	Management of Road Reserves	Wording variation
8.5.1	Road Verge Policy	Rescinded & Removed. Not required
8.7.1	Clearing of Trees from Raod Verges - Subdivisions	Rescinded & Removed. Part of Subdivision Conditions
8.8.1	Truck and Bus Parking Bays on Road Reserves	Rescinded & Removed. Council Decision
9.4.1	Second Hand Housing	Rescinded & Removed.
9.4.2	Building Licences - Period of Currency	Rescinded & Removed. Covered in Building Regs
9.4.4	Building Licence Approvals	Rescinded & Removed. Covered under legislation
9.4.7	PVC Leach Drains	Rescinded & Removed. Covered under Regs
9.4.8	Postage of Building Licenses	Rescinded & Removed.
9.4.10	Renewal Fees for Building Licences	Wording variation
9.4.11	Septic Tank Application Fees	Rescinded & Removed. Rescinded July 2005
9.4.12	Shade Cloth Covering - Pergolas	Rescinded & Removed. Part of other policies
9.6.1	Payment of Gravel Royalties	Wording variation

STATUTORY ENVIRONMENT:

Shire of Coorow Policy Manual
Councillors Manual
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

As above.

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council adopt the Updated Policy Manual as included at Attachment 10.1.2.

RESOLUTION: 2009-131

Moved: Cr George

Seconded: Cr Williams

That this matter lay on the table until the October 2009 meeting of Council and that a committee is formed to workshop the policy manual.

CARRIED 8/0

Council's Resolution differed from the Officers Recommendation as Council would like staff to further develop the Policy Manual Review before it is brought back to Council.

10.1.3 CERTIFICATE OF APPRECIATION – GREEN HEAD VOLUNTEER BUSH FIRE BRIGADE MEMBERS

AUTHOR Mark Hook
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 5 August 2009
FILE C8.1 Council – General

SUMMARY:

Council is to consider awarding Mr Roly Green and Mr Graham Grover a Certificate of Appreciation for their outstanding service to the Green Head Volunteer Bush Fire Brigade.

BACKGROUND:

Council has awarded Certificates of Appreciation to citizens who have significantly assisted Council in the provision of services or who have made an outstanding contribution to their community.

Previous awarded Certificates have included:

1999	Jim Grehan	Jurien Pharmacy	Jurien Bay
2000	Baxter Bothe	St John Ambulance	Coorow
2001	Betty O'Callaghan	Magpie Squawk	Coorow
	Lyle Kuhne	Planting and watering of Trees	Green Head
2002	Ray Adams	Planting of Trees	Green Head
	Ron Carruthers	Cliff Park	Green Head
	Winston Broun	Various volunteer works	Coorow
2003	Iluka Resources	Provision of native trees for Townscape works	Eneabba
2004	Richard Waldron	St John's Ambulance	Coorow
	Mrs Heni Tracey	St John's Ambulance	Leeman
	Mrs Fay Rabjones	St John's Ambulance	Leeman
	Mrs Elaine Reid	Volunteer with the elderly	Coorow
	Green Head Townscape Committee	Townscape Works	Green Head
2005	Coorow Volunteer Bush Fire Brigade		Coorow
	Mrs Glenda Reed	Townscape Works	Green Head
	Mrs Margaret Falconer	Volunteer with the elderly	Coorow
	Mrs Maxine Kau	Volunteer with the elderly	Coorow
	Mr Terry Pow	Sea Search Volunteers	Leeman
	Mr Bill Tracey	Sea Search Volunteers	Leeman
	Leeman Bowling Club	Facility Construction	Leeman
2006	Mr Arthur Patton	Widening of Coorow Latham Road Project	Coorow

COMMENT:

Council have received a request from the Green Head Volunteer Bush Fire Brigade to present members Roly Green and Graham Grover with Certificates of Appreciation for their outstanding community service through their roles as Volunteer Bush Fire Fighters.

Mr Roly Green was an inaugural Fire Control Officer with the GHVBFB and was an active volunteer Brigade member up until earlier this year. Mr Graham Grover was the inaugural Weather Communications Officer with the GHVBFB and continues in this role.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Council's recognition seeks to recognise the contribution of volunteers to communities within the Shire.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. award Mr Roly Green and Mr Graham Grover a Certificate of Appreciation in recognition of their contribution to the Green Head Volunteer Bush Fire Brigade; and
2. invite Mr Roly Green and Mr Graham Grover to Council's dinner after the October 2009 Ordinary Meeting of Council in Coorow to present the Certificate of Appreciation.

RESOLUTION: **2009-132**

Moved: Cr Rackemann **Seconded:** Cr Waite

That Council:

1. *award Mr Roly Green and Mr Graham Grover a Certificate of Appreciation in recognition of their contribution to the Green Head Volunteer Bush Fire Brigade; and*
2. *invite Mr Roly Green and Mr Graham Grover to Council's October 2009 Ordinary Meeting of Council in Leeman to present the Certificate of Appreciation.*

CARRIED 7/1

10.1.4 WAIVING OF RUBBISH SERVICE FEES FOR LEEMAN RECYCLING DEPOT

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
FILE	R21.6

SUMMARY:

Council is being requested to waive the rubbish bin service charge for the Leeman Recycling Depot.

BACKGROUND:

Council has received the following request from the Leeman Telecentre regarding the rubbish service for the Leeman Recycling Depot:

I would like to request a green rubbish bin service for our Recycling Depot in Leeman. Our Recycling depot has proven to be quite popular with our local community and it is great to see our local community doing their part in recycling. I know there is a charge that comes with a rubbish service, but as we are a not for profit organisation it would be much appreciated if the shire could waiter any costs that may occur with this service.

COMMENT:

Council charges \$200 per residential rubbish bin up and \$220 per commercial rubbish bin and considerably more for larger skip bins.

These charges are calculated on a cost recovery basis.

STATUTORY ENVIRONMENT:

Shire of Coorow 2009/10 Budget

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

If Council were to grant the Leeman Telecentre Request to waive the fees for a rubbish bin for the Leeman Recycling Depot, a cost of \$220 would need to be covered by Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council do not waive the fees for the Leeman Recycling Depot 240L Mobile Garbage Bin service.

RESOLUTION: 2009-133

Moved: Cr Rackemann ***Seconded:*** Cr Bothe

That Council does not waive the fees for the Leeman Recycling Depot 240L Mobile Garbage Bin service.

CARRIED 5/3

10.1.5 AUSTRALIAN OF THE YEAR AWARDS 2010

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
FILE	V5.1

SUMMARY:

Council is being requested to nominate persons for the Citizen of the Year awards for 2010 under the following categories.

- **Australian of the Year**
- **Senior Australian of the Year (60 years and over)**
- **Young Australian of the Year (16 to 30 years) and**
- **Local Hero (Metropolitan & Regional).**

BACKGROUND:

The nomination period for the 2010 Australian of the year is now open.

Council can nominate a worthy Australian who would be eligible for recognition in one of the following categories.

- Australian of the Year
- Senior Australian of the Year (60 years and over)
- Young Australian of the Year (16 to 30 years) and
- Local Hero (Metropolitan & Regional)

COMMENT:

The Australian of the year awards recognizes Australians who have made outstanding achievements in their field.

Nominations close on the 31st August 2009.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

PUBLIC CONSULTATION:

Nil.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. nominate _____ as Australian of the Year;
2. nominate _____ as Senior Australian of the Year (60 years and over);
3. nominate _____ as Young Australian of the Year (16 to 30 years); and
4. nominate _____ as Local Hero (Metropolitan & Regional).

10.1.6 MID WEST REGIONAL COUNCIL – WELL FUNDING PROGRAM

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
FILE	W14

SUMMARY:

Council is being requested to indicate support for the WELL Funding Project administered through the Mid West Regional Council.

BACKGROUND:

Council has received a request from the Mid West Regional Council to indicate support for the proposed WELL Program.

At the Mid West Regional Council held Wednesday 1 July 2009, the Council resolved the following:

1. *Council authorises the Chief Executive Officer (of the Mid West Regional Council) to approach each member council requesting:*
 - a) *an indication of their interest in participation in the WELL Funding project in 2009/10 to deliver training to participating Councils.*
 - b) *An indication of the level of funding they wish to contribute which will be commensurate with the level of training they will have access to.*
2. *Council authorises the Chief Executive Officer to proceed with a WELL Funding application to deliver training to Councils who indicate they wish to participate in the WELL funding project.*

The WELL Program is funded by the Australian Government to assist organisations to train workers in English language, literacy and numeracy skills. Funding is available for three types of projects:-

- training
- resource; and
- strategic projects.

WELL funds will assist the Shires in a collaborative venture with Mid West Regional Council and Interactive Training Network to develop joint training plans and suitable training programs. Training activities can include (but is not restricted to) manual labour, road construction and maintenance, maintenance of parks and gardens, emergency services, mechanical services, equipment maintenance, office and administration duties, supervisory, planning and management activities, and governance.

WELL funding is supplied on a \$3 for \$1 basis. Therefore, should the participating Council's contribute \$70,000 in total (ie \$10,000 per Council), the program will return \$280,000. Interactive Training Network will charge 10% administration and the Mid West Regional Council will also charge 10% administration. This will result in

\$224,000 of training or \$32,000 per council of training credits. The training requirements will be planned from goals set at Staff Appraisals/Reviews and also by surveying individual Council managers for their staff training requirements.

Council's have been advised not to include allocations for training in SyergySoft in the WELL funding contribution. Particularly industry software training is usually not funded by the program.

COMMENT:

The WELL program will benefit the Shire of Coorow increasing its value for money on staff training.

STATUTORY ENVIRONMENT:

Shire of Coorow 2009/10 Budget

STRATEGIC IMPLICATIONS:

Short and Long term staff training.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council has an allocation of \$5,000 in the 2009/10 Budget for Staff Training.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council advise the Mid West Regional Council that:

1. the Shire of Coorow wishes to participate in the WELL funded training program; and
2. Council will contribute \$5,000 to the Mid West Regional Council for the WELL funded training program.

RESOLUTION: **2009-134**

Moved: Cr Waite

Seconded: Cr Williams

That Council advise the Mid West Regional Council that:

1. *the Shire of Coorow wishes to participate in the WELL funded training program; and*
2. *Council will contribute \$5,000 to the Mid West Regional Council for the WELL funded training program.*

CARRIED 8/0

10.1.7 DELEGATED AUTHORITY MANUAL REVIEW 2009

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2009
ATTACHMENT	10.1.7 Working Draft Shire of Coorow Delegated Authority Manual (under separate cover)

SUMMARY:

Council is to consider the adoption of the reviewed and updated Delegated Authority Manual.

BACKGROUND:

Due to Executive Staff changeovers in the past 18 months and lack of procedures in place to cope with staff changes, the review of Council's Delegated Authority Manual has been identified as an area of concern by Council's Auditors.

The Shire of Coorow Delegated Authority Manual has been recently reviewed by staff and several areas of the manual were discovered to require changes. Changes include correction of typographical errors, updates to name changes and improvements for readability and understanding.

COMMENT:

Councillors were provided with a copy of the current Delegated Authority Manual at the beginning of 2009 in the Councillors Manual. A copy of the Working Draft Delegated Authority Manual is included at Attachment 10.1.7.

The only Delegated Authority to be rescinded by Council and removed is Delegated Authority 2.1.2 – Authorisation to Call Tenders as the CEO will only call tenders for items that are included in Council's Annual Budget. Any tender for out of budget expenditure has to come to Council for authorisation by Absolute Majority as required under the *Local Government Act 1995*.

Any other changes to the Delegated Authority Manual were minor typographical changes or name changes to reflect the change in staff positions.

STATUTORY ENVIRONMENT:

Shire of Coorow Policy Manual
Councillors Manual
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Changes to Delegated Authority Manual.

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council adopt the Updated Delegated Authority Manual as included at Attachment 10.1.7.

RESOLUTION: 2009-135

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

That this matter lay on the table until the October 2009 meeting of Council and that a committee is formed to workshop the delegated authority manual.

CARRIED 8/0

Council's Resolution differed from the Officers Recommendation as Council would like staff to further develop the Delegated Authority Manual Review before it is brought back to Council.

10.2 MANAGER REGULATORY SERVICES:

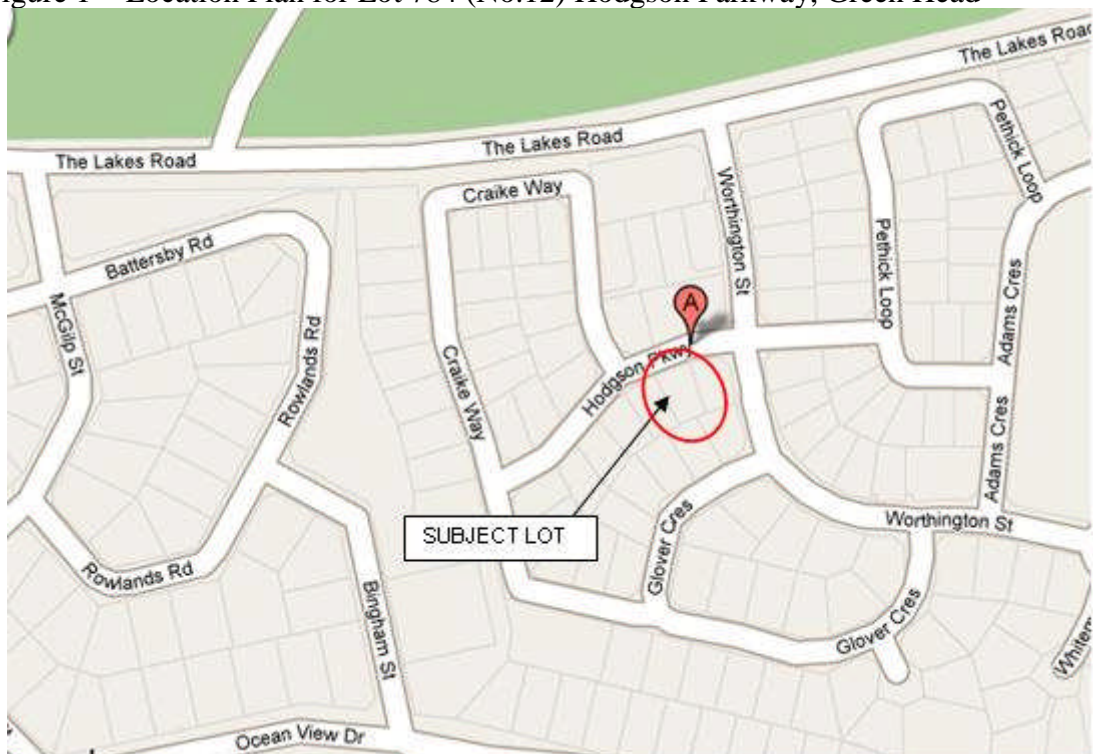
10.2.4 PROPOSED OUTBUILDING – LOT 784 HODGSON PARKWAY, GREEN HEAD

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2009
ATTACHMENT	10.2.4 Site Plans
FILE	GH784

SUMMARY:

Council is in receipt of an application for an outbuilding 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 conditional approval 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 and aggregate area of the Shire's 'Outbuildings' Local Planning Policy.

The proposed outbuilding is 9m x 10m (90m²) with a wall height of 3.75m and an overall height of 4.375m. 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 10.2.4.

STATUTORY ENVIRONMENT:

The subject land is zoned 'Residential - 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 adopted 'Outbuildings' Local Planning Policy stipulates maximum standards for outbuildings as follows:

"Residential zoned land - 75m² 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.”

Council resolved at its 15 July 2009 meeting to undertake public consultation for an amended ‘Outbuildings’ Local Planning Policy which intends to increase the maximum size of outbuildings as follows:

“Residential zoned land - 90m² in area or 20% in aggregate of the site area, whichever is the lesser, with a maximum wall height of 3.6m and a total maximum height of 4.5m measured from natural ground level. (These area requirements do not override the open space requirements of Table 1 of the Residential Design Codes (2008) or any specific Scheme requirement).”

The proposed outbuilding is 9m x 10m (90m²) with a wall height of 3.75m and an overall height of 4.375m and therefore the outbuilding is not compliant with the maximum requirements for wall heights and aggregate area as permitted under the currently adopted ‘Outbuildings’ Policy. However given Council’s adoption of the amended ‘Outbuildings’ Policy it can be argued that these amendments have been seriously considered and therefore the aggregate area is compliant with the new Policy (currently under advertisement until 21 August 2009) changes.

In most circumstances the Council will adhere to the standards prescribed in the ‘Outbuildings’ Policy, however, the Council is not bound by the Policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

Previously the below-mentioned outbuildings have been given approval by Council in excess of the current policy requirements:

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

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

Therefore given that the applicants have applied for a wall height that is 150mm above the amended ‘Outbuildings’ Policy maximum wall height of 3.6m to allow sufficient clearance for the storage of a boat, it is considered that for Council to support this

application would not set an undesirable precedent and warrants support in this instance.

The 'Outbuildings' Local Planning Policy also requires that for a residentially zoned lot a residence is to be completed up to slab height or the sub-floor be installed before the approval of an outbuilding. In considering the merits of this application approval of the outbuilding is recommended with a condition being imposed binding the applicant that the concrete slabs for the dwelling and outbuilding be poured concurrently, or the dwelling constructed to slab height before the erection of the outbuilding. A building licence has previously been issued by Council Staff for the erection of a residence upon the subject lot and a sand pad constructed on-site.

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.

The outbuilding does however meet the overall maximum apex height allowable under the Policy and given that the outbuilding will be entirely located behind a dwelling, the structures impact on the amenity and streetscape of Hodgson Parkway is deemed minimal. Therefore in considering the above objectives it is deemed that the proposed outbuilding meets the intent of the policy and therefore approval is recommended in this instance.

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.

Recommendation 1 directs Council staff to undertake a 14 day advertising period with affected adjoining landowners, and should no objections be received delegates authority to the CEO to approve the planning application in accordance with Recommendation 2.

COMMENT:

The proposed outbuilding is compliant with the required setbacks and site coverage as per the Residential Design Codes of Western Australia (2008). The proposed outbuilding meets the maximum overall height as specified under the Shire's 'Outbuildings' Policy, however the outbuilding does not comply with the required maximum wall height and aggregate area (as contained in the current Policy) and therefore the proposal requires Council deliberation.

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

- is to be located entirely behind a proposed dwelling and therefore the outbuilding will not have an impact on the streetscape of Hodgson Parkway.
- is proposed to be used for domestic purposes only and therefore is not foreseen to be detrimentally impacting on the amenity of the area.
- meets the maximum overall heights of the 'Outbuildings' Policy and therefore the impact of the wall height on affected adjoining landowners would be similar if the

proposal was for a 3m wall height and a 4.5m overall height compared to this application which proposes a 3.75m wall height and a 4.5m overall height.

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 involvement in the appeal process.

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

Recommendation No.1

That Council staff proceed with a fourteen (14) day advertising period with affected adjoining landowners inviting comment regarding the construction of the proposed outbuilding (shed) on Lot 784 (No.12) Hodgson Parkway, Green Head.

RESOLUTION: 2009-136

Moved: Cr Waite

Seconded: Cr Rackemann

That Council staff proceed with a fourteen (14) day advertising period with affected adjoining landowners inviting comment regarding the construction of the proposed outbuilding (shed) on Lot 784 (No.12) Hodgson Parkway, Green Head.

CARRIED 8/0

Recommendation No.2

That Council delegate to the CEO the capacity to grant formal Planning Approval (following a fourteen (14) day neighbour consultation period and should no written, author identified objections / concerns being raised) for a outbuilding to be constructed on Lot 784 (No.12) Hodgson Parkway, Green Head, subject to the following:

Conditions

1. Development shall be in accordance with the attached approved plan(s) dated 19 August 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.
2. The outbuilding is not permitted to be constructed unless the slabs for both the residence and the outbuilding are poured concurrently, or alternatively the residence has been completed up to slab height.

3. 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.
4. 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.
5. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
6. The development shall be consistent or complementary in colour with the existing building to the approval of the local government.
7. All stormwater is to be disposed of on-site to the specifications and approval of the local government. On application for a building licence a detailed design of stormwater collection and disposal system of developed areas is to be supplied.

Notes

- a) 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.
- b) Compliance is required with the Building Code of Australia.
- c) 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: 2009-137

Moved: Cr Waite

Seconded: Cr Rackemann

That Council delegate to the CEO the capacity to grant formal Planning Approval (following a fourteen (14) day neighbour consultation period and should no written, author identified objections / concerns being raised) for a outbuilding to be constructed on Lot 784 (No.12) Hodgson Parkway, Green Head, subject to the following:

Conditions

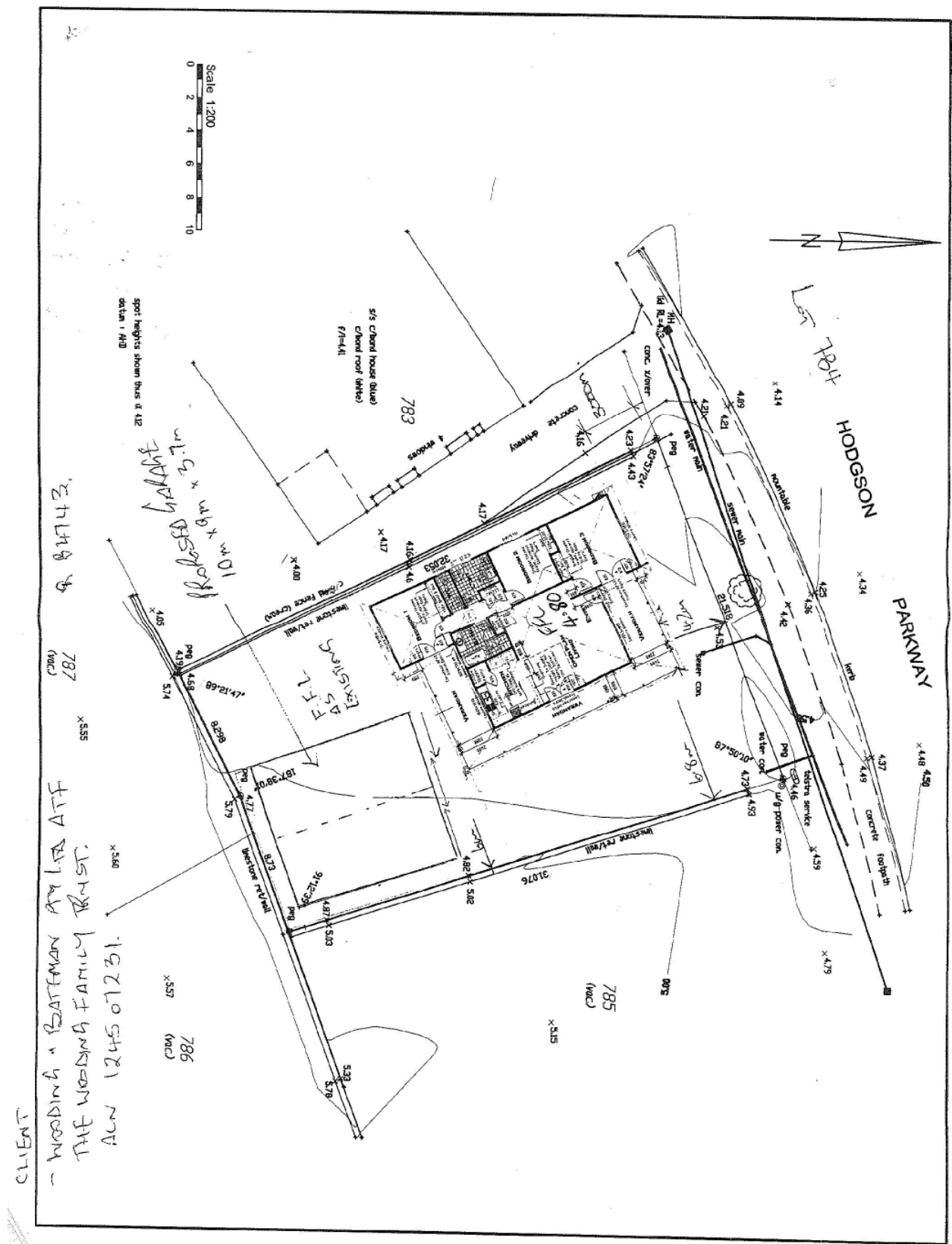
1. *Development shall be in accordance with the attached approved plan(s) dated 19 August 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.*

2. *The outbuilding is not permitted to be constructed unless the slabs for both the residence and the outbuilding are poured concurrently, or alternatively the residence has been completed up to slab height.*
3. *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.*
4. *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.*
5. *The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.*
6. *The development shall be consistent or complementary in colour with the existing building to the approval of the local government.*
7. *All stormwater is to be disposed of on-site to the specifications and approval of the local government. On application for a building licence a detailed design of stormwater collection and disposal system of developed areas is to be supplied.*

Notes

- a) *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.*
- b) *Compliance is required with the Building Code of Australia.*
- c) *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



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10.3 PRINCIPAL WORKS SUPERVISOR:

10.3.1 TENDER 01/09 – CONSTRUCTION OF DUAL USE FOOTPATH, THOMAS STREET LEEMAN

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2009
FILE	Tender Register 2009

SUMMARY:

Council is to consider tenders for the construction of a Dual Use Footpath for Thomas Street Leeman.

BACKGROUND:

Tenders were called on Saturday 25 July 2009 for the construction of a dual use footpath for Thomas Street Leeman.

Tenders closed at 12 noon on Monday 10 August 2009 with twelve companies supplying a conforming tender and, at the date of writing this report, two tenders received after the closing time.

Tenders were opened at 12.05 pm on Monday 10 August 2009 Mr Kelvin Bean, Principal Works Supervisor in the presence of Mr Stuart Billingham, Deputy Chief Executive Officer and Mr John Barker or JPB Builders and Developers.

COMMENT:

Other than the two tenders received late, the remainder of the tenders all met the specification requirements that were included in the Tender Document.

FINANCIAL IMPLICATIONS:

Funding for this project is from the 2008/09 Royalties for Regions program.

Following is a table of tenders received:

Company	Conforming Tender	Completion Date	Tender Price (GST Inc)	\$ Price per m² (GST Inc)
Nextside Pty Ltd	Yes	As specified	\$93,600	42.90
Double H Concrete	Yes	As specified	\$145,200	60.50
JPB Builders and Developers	Yes	As specified	\$146,809	61.17
Tuss Concrete	Yes	As specified	\$126,720	52.80
Earthwest Stone	Yes	As specified	\$216,920	90.38
Cobble Stone Concrete	Yes	As specified	\$147,840	61.60
Graysons Concrete	Yes	As specified	\$179,520	74.80
Riverlea Corporation	Yes	As specified	\$189,058.82	78.77

Company	Conforming Tender	Completion Date	Tender Price (GST Inc)	\$ Price per m ² (GST Inc)
Red Earth Group Pty Ltd	Yes	As specified	\$168,356.50	70.14
BLS Constructions	Yes	As specified	\$188,940.40	78.72
DC Dowsing Concrete	Yes	As specified		59.40
Jackson Beive	Yes	As specified		62.00
Capel Concrete	No	RECEIVED LATE – NON CONFORMING TENDER		
Stonecivil	No	RECEIVED LATE – NON CONFORMING TENDER		

CONSIDERATION:

Nextside Pty Ltd submitted a tender price significantly lower than any of the other tenderers.

STRATEGIC IMPLICATIONS:

GOAL 3 – INFRASTRUCTURE

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

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council accept the tender from Nextside Pty Ltd for the construction of a dual use footpath at Thomas Street Leeman for up to \$93,600 (GST Inclusive).

The meeting adjourned at 4.02pm for Council to inspect the Thomas Street footpath site.

The meeting resumed at 4.45pm.

RESOLUTION: 2009-138

Moved: Cr Williams

Seconded: Cr George

That Council accept the tender from Nextside Pty Ltd for the construction of a dual use footpath at Thomas Street Leeman for up to \$93,600 (GST Inclusive).

CARRIED 8/0

10.4 DEPUTY CHIEF EXECUTIVE OFFICER:

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Erika Clement
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2009
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 19 August 2009

SUMMARY:

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

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 15 July 2009 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 19 August 2009.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

13 Lists of Accounts

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

STRATEGIC, POLICY & FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 19 August 2009 including Vouchers 18111 to 18120, 18455 to 18144 PR71030809 to PR72310709, DD220709 to DD050809, EFT1999 to EFT2069, DCEO, CEO, MRS VISA CARDS totalling \$555,181.36 from Council's Municipal Fund be authorised and passed for payment.

RESOLUTION: 2009-139

Moved: Cr Bothe

Seconded: Cr Williams

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 19 August 2009 including Vouchers 18111 to 18120, 18455 to 18144 PR71030809 to PR72310709, DD220709 to DD050809, EFT1999 to EFT2069, DCEO, CEO, MRS VISA CARDS totalling \$555,181.36 from Council's Municipal Fund be authorised and passed for payment.

CARRIED 8/0

Accounts Due and Submitted to Council 18 August 2009

Chq/EFT	Date	Name	Description	MUNI
EFT1999	22/07/2009	POLITE ENTERPRISES CORPORATION PTY LTD	50% DEPOSIT SOLAR LIGHTING GREEN HEAD SPORTING CLUB	\$ 35,937.00
EFT2000	22/07/2009	W A TREASURY CORPORATION	LOAN REPAYMENT #77	\$ 14,425.16
EFT2001	04/08/2009	WEST AUSTRALIAN NEWSPAPERS LIMITED	ADVERTISING WEST AUSTRALIAN 8.8.09 WILDFLOWERS FEATURE	\$ 600.00
EFT2002	10/08/2009	MIDWEST AUTO GROUP	PURCHASE OF DCEO VEHICLE	\$ 10,881.20
EFT2003	11/08/2009	AUSTRALIA POST-LPO	POSTAGE	\$ 666.08
EFT2004	11/08/2009	BEAN KJ	FRUIT TREES AGED UNITS COOROW	\$ 94.95
EFT2005	11/08/2009	STUART BILLINGHAM	FUEL, TAXI FARES LOCAL GOVT WEEK	\$ 99.00
EFT2006	11/08/2009	COOROW HIGHWAY STORE	CONSUMABLES	\$ 73.50
EFT2007	11/08/2009	CUNNINGHAMS AG SERVICES	12V BATTERY CW0032	\$ 514.78
EFT2008	11/08/2009	COOROW HOTEL	REFRESHMENTS - COUNCIL MEETING 15/07/2009	\$ 484.50
EFT2009	11/08/2009	COOROW AG PTY LTD	HARDWARE, BLACK PLASTIC ,STORMWATER PIPES, FERTILISER, CHLORINE	\$ 1,558.39
EFT2010	11/08/2009	CARNAMAH ENGINEERING	REPAIRS TO ROLLER	\$ 1,185.80
EFT2011	11/08/2009	DERRICK'S AUTO-AG	BOLTS, GRINDER, PLIERS	\$ 232.10
EFT2012	11/08/2009	DRUMMOND JOE ELECTRICS	GREEN HEAD COMMUNITY CENTRE - EXIT SIGN	\$ 222.20
EFT2013	11/08/2009	FAMILY SHOPPING CENTRE	REFRESHMENTS & GAS	\$ 288.42
EFT2014	11/08/2009	FARMWORKS	HOLES AW & BENDERS	\$ 116.15
EFT2015	11/08/2009	GREEN HEAD PLUMBING & GAS	LEEMAN PUMP PIT	\$ 20,439.81
EFT2016	11/08/2009	GERALDTON EXTINGUISHER SERVICE & SALES	SERVICE TO FIRE EXTINGUISHERS	\$ 404.00
EFT2017	11/08/2009	GH COUNTRY COURIERS	FREIGHT - COVENTRYS	\$ 162.39
EFT2018	11/08/2009	GREEN HEAD COMMUNITY CENTRE MANAGEMENT	CLEANING GREEN HEAD COMMUNITY CENTRE	\$ 225.00
EFT2019	11/08/2009	GERALDTON NEWSPAPERS LIMITED	ADVERTISING TOWN PLANNING	\$ 83.40
EFT2020	11/08/2009	GIRANDO MJ	TRAVELLING & SITTING FEES	\$ 969.30
EFT2021	11/08/2009	HALF WAY MILL ROADHOUSE	REFRESHMENTS - FUEL CW 0055	\$ 138.30
EFT2022	11/08/2009	JULIE ANNE BLOM	REFRESHMENTS - TOURISM MEETING	\$ 182.00
EFT2023	11/08/2009	LEEMAN HARDWARE	HARDWARE,DYNAMIC LIFTER,CEMENT	\$ 209.25
EFT2024	11/08/2009	LANDMARK	CEMENT	\$ 1,099.47

Accounts Due and Submitted to Council 18 August 2009

Chq/EFT	Date	Name	Description	MUNI
EFT2025	11/08/2009	ML COMMUNICATIONS	REPAIRS TO SATELLITE DISHES - COOROW	\$ 10,559.19
EFT2026	11/08/2009	MIDWEST CHEMICAL & PAPER	CLEANING SUPPLIES	\$ 471.26
EFT2027	11/08/2009	MIDWEST AUTO GROUP	SERVICE CW001	\$ 423.51
EFT2028	11/08/2009	MIDALIA STEEL PTY LTD	HINGES	\$ 51.13
EFT2029	11/08/2009	MCINTOSH & SON	BEARING CW0013	\$ 999.88
EFT2030	11/08/2009	NORTH MIDLANDS MOTORS	TUB LOK FITTINGS CW 004,CW005,CW0010	\$ 94.50
EFT2031	11/08/2009	NORTH MIDLANDS SEPTIC SERVICE	WASTE REMOVAL - 64 NAIRN ST	\$ 852.00
EFT2032	11/08/2009	QUANTOCK S & L ELECTRICS	ELECTRICAL REPAIRS - FIRE SHED,CEO,NETBALL LIGHTS,MALEY PARK,HALL TOILETS,BRISTOL ST,NORTH ST,AGED UNITS	\$ 18,493.60
EFT2033	11/08/2009	SNAG ISLAND ROADHOUSE	POSTAGE	\$ 137.15
EFT2034	11/08/2009	SEASIDE SUPPLIES	CONSUMABLES	\$ 303.13
EFT2035	11/08/2009	SHIRE OF MINGENEW	LEGAL EXPENSES - MWRC MEMBER COUNCIL	\$ 971.76
EFT2036	11/08/2009	THREE SPRINGS SHIRE COUNCIL	CONTRIBUTION TO THREE SPRINGS MEDICAL CENTRE	\$ 2,756.18
EFT2037	11/08/2009	WALTONS STORES	OIL,AIR & FUEL FILTERS CW0017/CW0023	\$ 708.08
EFT2038	11/08/2009	WAITE JAN	TRAVELLING & SITTING FEES	\$ 98.61
EFT2039	11/08/2009	AUSTRALIAN SAFETY ENGINEER (WA)	REPAIRS & SERVICE PROTEK 321/360	\$ 796.53
EFT2040	11/08/2009	AVON WASTE	WASTE REMOVAL	\$ 10,319.28
EFT2041	11/08/2009	BUNNINGS BUILDING SUPPLIES PTY LTD	END CAPS POOL	\$ 4.76
EFT2042	11/08/2009	BOC GASES	GAS	\$ 456.03
EFT2043	11/08/2009	COURIER AUSTRALIA	FREIGHT- LISWA, WATTLEUP, RBC, MCINTOSH, STATEWIDE BEARINGS	\$ 188.43
EFT2044	11/08/2009	COVENTRY GROUP LTD	LICENSE PLATE HOLDERS	\$ 81.46
EFT2045	11/08/2009	CHEM DRY POWER	CARPET CLEANING	\$ 1,081.00
EFT2046	11/08/2009	ENZED SERVICE CENTRE WELSHPOOL	HYDRAULIC HOSE MANUFACTURE CW005	\$ 318.09
EFT2047	11/08/2009	HERSEY JR & A PTY LTD	PROTECTIVE CLOTHING	\$ 1,368.79
EFT2048	11/08/2009	HERRING STORER ACOUSTICS	SAT APPEAL REPORT	\$ 643.50
EFT2049	11/08/2009	JIM DAVIS & ASSOCIATES PTY LTD	REPORT GROUNDWATER WANN PARK	\$ 1,100.00
EFT2050	11/08/2009	ABnote Australasia Pty Ltd	LIBRARY BAR CODES	\$ 261.80

Accounts Due and Submitted to Council 18 August 2009

Chq/EFT	Date	Name	Description	MUNI
EFT2051	11/08/2009	O'CONNER LAWNMOWER & CHAINSAW CENTRE	REPAIRS TO STIHL CHAIN SAW TS360	\$ 645.60
EFT2052	11/08/2009	PAPER PLUS OFFICE NATIONAL	STATIONARY LEEMAN	\$ 43.72
EFT2053	11/08/2009	RBC-RURAL	METERPLAN CHARGES PHOTOCOPIERS	\$ 1,893.88
EFT2054	11/08/2009	RICOH FINANCE	PHOTOCOPIER LEASE	\$ 663.49
EFT2055	11/08/2009	RURAL PRESS REGIONAL MEDIA (WA)	TURQUOISE COASTAL DIRECTORY	\$ 148.50
EFT2056	11/08/2009	SHERIDANS FOR BADGES	PLAQUE FOR COOROW TOWN PARK	\$ 151.25
EFT2057	11/08/2009	STAR TRACK EXPRESS	FREIGHT PURCHER SPECIFIED FORCES HERSEY ADAPT A LIFT	\$ 135.83
EFT2058	11/08/2009	STATEWIDE BEARINGS	B TYPE COVER ROAD ROLLER	\$ 267.30
EFT2059	11/08/2009	STRUCTERRE CONSULTING GROUP	INSPECTION REPORT MALEY PARK FUNCTION CENTRE	\$ 1,199.00
EFT2060	11/08/2009	SHARED SERVICES- DEPT OF TREASURY & FINANCE	LOCAL GOVERNMENT ACT - CR WILLIAMS	\$ 66.35
EFT2061	11/08/2009	TUSS CONCRETE	CONCRETE PRODUCTS- GRATES,HEADWALLS,PIPES	\$ 8,821.78
EFT2062	11/08/2009	WATTLEUP TRACTORS	CLEVIS PIN - CW 0026	\$ 13.80
EFT2063	11/08/2009	MIDWEST REGIONAL COUNCIL	LONG SERVICE LEAVE COMMITMENTS - GARY AGNEW-ENGINEERING CONSULTANT-RECORD MANAGEMENT PROJECT	\$ 12,116.69
EFT2064	11/08/2009	GERALDTON FUEL CO PTY LTD	DIESEL	\$ 28,455.98
EFT2065	11/08/2009	RELIANCE PETROLEUM	DIESEL & UNLEADED FUEL	\$ 49,164.50
EFT2066	11/08/2009	IT VISION	ANNUAL LICENSE FEE- SYNERGYSOFT	\$ 16,368.00
EFT2067	11/08/2009	IT VISION USER GROUP (INC)	USER GROUP SUBSCRIPTION	\$ 484.00
EFT2068	11/08/2009	WA LOCAL GOVERNMENT ASSOCIATION	09.10 MEMBER SUBSCRIPTIONS	\$ 15,158.30
EFT2069	11/08/2009	GIRANDO SJ& MJ	COOROW HALL REPLACEMENT	\$ 45,550.50
18111	09/07/2009	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 180.00
18112	20/07/2009	SHIRE OF COOROW	PETTY CASH COOROW	\$ 188.00
18113	20/07/2009	SYNERGY	ELECTRICITY	\$ 2,820.15
18114	22/07/2009	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 20,231.47
18115	22/07/2009	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 180.00

Accounts Due and Submitted to Council 18 August 2009

Chq/EFT	Date	Name	Description	MUNI
18116	22/07/2009	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS	\$ 1,367.32
18117	24/07/2009	CENTRE FORD	TRADE IN FOR MRS VEHICLE	\$ 6,894.45
18118	29/07/2009	AUSTRALIAN TAXATION OFFICE	JUNE BAS	\$ 14,727.00
18119	29/07/2009	LION PROPERTIES PTY LTD	REFUND OF RATES BALANCE DUE TO TENEMENT DEATH	\$ 27.50
18120	29/07/2009	QUADRIO RESOURCES	REFUND OF RATES BALANCE DUE TO TENEMENT DEATH	\$ 360.62
18122	04/08/2009	WATER CORPORATION	NON RESIDENTIAL MIXED USE APPLICATION FEE	\$ 25.00
18123	05/08/2009	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 180.00
18124	11/08/2009	AUSTRALIAN COMMUNICATIONS AUTHORITY	LICENSES - SBS58 COOROW & SBS60 LEEMAN	\$ 72.00
18125	11/08/2009	AUSTRALIA'S CORAL COAST	AUST CORAL COAST WILDFLOWER MAP	\$ 100.00
18126	11/08/2009	BULLIVANTS HANDLING SAFETY	WIRE ROPE SLING ASSEMBLY - CW004/CW005	\$ 158.40
18127	11/08/2009	ESPLANADE HOTEL FREMANTLE	ACCOMODATION - PWS TRAINING COURSE	\$ 561.70
18128	11/08/2009	GREEN HEAD BUSHFIRE BRIGADE	HAZARD REDUCTION BURNS- GRIGSON ST-GREEN HEAD RD	\$ 600.00
18129	11/08/2009	JASON SIGNMAKERS	BRACKETS FOR SIGNS	\$ 926.31
18130	11/08/2009	LANDGATE	RURAL VALUATIONS - INTERIMS	\$ 97.86
18131	11/08/2009	MCDONALD BJ	TRAVELLING & SITTING FEES	\$ 140.02
18132	11/08/2009	MITCHELL & BROWN	LASER PRINTER - COOROW	\$ 750.00
18133	11/08/2009	NEW TOWN TOYOTA	SHIFT CABLE CW0032	\$ 1,473.44
18134	11/08/2009	PERFECT COMPUTER SOLUTIONS	LABOUR HOURS COMPUTER SERVER 31/03/2009	\$ 3,112.50
18135	11/08/2009	SHIRE OF COOROW	TV & RUBBISH SERVICE CHARGES 09.10	\$ 13,890.00
18136	11/08/2009	SYNERGY	ELECTRICITY ACCOUNTS	\$ 9,155.60
18137	11/08/2009	SHIRE OF CHAPMAN VALLEY	PLANNING SERVICES JULY 09	\$ 2,980.00
18138	11/08/2009	SHARED SERVICES CENTRE-STATE LIBRARY OF WA	LOST BOOKS LEEMAN	\$ 19.80
18139	11/08/2009	TELSTRA	TELEPHONE ACCOUNTS	\$ 2,405.04
18140	11/08/2009	WA COUNTRY HEALTH SERVICE - MIDWEST	MEDICAL WORKERS COMP GRAHAM BURGOYNE	\$ 156.00
18141	11/08/2009	WILLIAMS AK & P	SITTING FEES	\$ 60.00
18142	11/08/2009	WATER CORPORATION	WATER ANNUAL SERVICE FEE	\$ 15,652.63

Accounts Due and Submitted to Council 18 August 2009

Chq/EFT	Date	Name	Description	MUNI
18143	11/08/2009	WARRADARGE BUSHFIRE BRIGADE	DONATION WARRADARGE FIRE BRIGADE MEETING ROOM	\$ 180.00
18144	11/08/2009	YARRA BUILDING SERVICES	REPAIRS TO DOOR SEAL MALEY PARK	\$ 198.00
13100709	10/08/2009	BANKWEST	MASTERCARD MRS	\$ 1,339.91
		BANKWEST	MASTERCARD CEO	\$ 225.68
		BANKWEST	MASTERCARD DCEO	\$ 643.54
71030809	03/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,340.65
71040809	04/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,861.75
71060809	06/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 535.40
71070809	07/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,392.60
71100809	10/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 469.50
71310709	31/07/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 25,291.25
72030809	03/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,751.50
72040809	04/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 670.05
72050809	05/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 947.25
72060809	06/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 142.45
72070809	07/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 485.05
72100809	10/08/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 550.00
72310709	31/07/2009	TRANSPORT DEPT OF	TRANS LICENSING	\$ 15,674.70
DDEBIT	22/07/2009	PAYROLL	PAYROLL	\$ 36,911.00
DDEBIT	05/08/2009	PAYROLL	PAYROLL	\$ 36,898.00
				\$555,181.36

10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JUNE 2009

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2009
ATTACHMENT	10.4.2 Statement of Financial Activity to 30 June 2009
FILE	F8.08 – 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 30 June 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 30 June 2009.

RESOLUTION: **2009-140**

Moved: Cr George

Seconded: Cr McTaggart

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 30 June 2009.

CARRIED 8/0

10.4.3 CREATION OF LEEMAN PUBLIC OPEN SPACE RESERVE

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2009
FILE	R7.3

SUMMARY:

Council is being requested to approve the creation of a new ‘Leeman Public Open Space Reserve’ to quarantine the funds from LandCorp for future Public Open Space facilities in the Leeman Townsite.

BACKGROUND:

Council has been awaiting funds from LandCorp as a cash in lieu payment for Public Open Space for the Thomas Street, Leeman subdivision.

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 again discussed this matter at the March 2009 Ordinary Meeting and resolved the following:

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

Following the March 2009 Meeting, Council received an independent valuation to determine the amount required from LandCorp for POS. At the June 2009 Ordinary Meeting, Council resolved the following:

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.

COMMENT:

Council has received \$295,000 from LandCorp as its contribution for Public Open Space (POS) from the Thomas Street, Leeman subdivision. Council currently has a Green Head POS Reserve and this report is seeking Council approval to create a Leeman POS Reserve.

The purpose of the Leeman POS Reserve Fund would be to isolate and quarantine funds from the developer, LandCorp, for the purpose of providing future POS in the Leeman Town Site.

In order to Quarantine the POS contribution by Land Corp it is supported that the \$295,000 be transferred into a new Reserve Fund titled Leeman Public Open Space Reserve.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 6.11

‘(1) where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.’

Shire of Coorow 2009/10 Budget

STRATEGIC IMPLICATIONS:

GOAL 2 – SERVICES

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

GOAL 3 – INFRASTRUCTURE

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Listed in 2009/10 Budget as income \$295,000 (COA 2273) at Schedule 10 Town Planning and shown as a Transfer to Reserve \$295,000 (COA 6472).

VOTING REQUIREMENTS:

That Council:

1. approves the creation of a new 'Leeman Public Open Space Reserve'; and
2. transfer \$295,000 to the Leeman Public Open Space Reserve for future Public Open Space facilities in the Leeman Townsite.

RESOLUTION: **2009-141**

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

That Council approves the creation of a new 'Leeman Public Open Space Reserve'.

CARRIED 8/0
BY ABSOLUTE MAJORITY

Council's resolution differed from the Officer Recommendation as Council advised the Chief Executive Officer that this was not to be seen as an acceptance of the \$295,000 and clearing Condition 4, this matter will be brought back to the September 2009 Ordinary Meeting of Council.

10.4.4 2009/10 BUDGET AMENDMENT

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2009
FILE	B4.09

SUMMARY:

Council is being requested to endorse amendments to the Shire of Coorow 2009/10 Budget.

BACKGROUND:

Council adopted the 2009/10 Budget at the 15 July 2009 Ordinary Meeting of Council. After the adoption of the budget Council staff entered the Roads to Recovery (RTR) 2009/10 program into the RTR Website. Soon afterwards Council received advice back from Roads to Recovery that the project for Bingham St Footpath was not an eligible project for RTR funding.

A replacement project of Rose Thomson Road has been accepted by Roads to Recovery as an eligible project for 2009/10. This report is to seek Council endorsement of swapping two projects as set out below.

COA 3164

Remove Bingham St Footpath \$22,313 and replace with Rose Thomson Road \$22,313.

COA 3194

Remove Rose Thomson Road \$24,559 and replace with Bingham St Footpath \$24,559.

COMMENT:

In view of advice received from Roads to Recovery Canberra it is supported that Council approves the swapping of the two below listed projects with a resulting nil impact on the Rate Setting statement for 2009/10.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Shire of Coorow 2009/10 Budget.

STRATEGIC IMPLICATIONS:

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:

Overall there is no financial impact from budget amendment by swapping Bingham Street Footpath with Rose Thomson Road.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council approves the following amendments to the 2009/10 Budget:

1. COA 3164 – remove Bingham Street Footpath \$22,313 and replace with Rose Thomson Road \$22,313; and
2. COA 3194 – remove Rose Thomson Road \$24,559 and replace with Bingham Street Footpath \$24,559.

RESOLUTION: 2009-142

Moved: Cr Waite

Seconded: Cr Rackemann

That Council approves the following amendments to the 2009/10 Budget:

1. *COA 3164 – remove Bingham Street Footpath \$22,313 and replace with Rose Thomson Road \$22,313; and*
2. *COA 3194 – remove Rose Thomson Road \$24,559 and replace with Bingham Street Footpath \$24,559.*

**CARRIED 8/0
BY ABSOLUTE MAJORITY**

10.4.5 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2009
FILE	B6.2

SUMMARY:

Council is being requested to appoint Mr Geoff Angwin of the Green Head Volunteer Bush Fire Brigade as a Bush Fire Control Officer for the Shire of Coorow.

BACKGROUND:

In August each year, Council's Bushfire Advisory Committee (BFAC) meet to appoint Bush Fire Control Officers and set prohibited and restricted burning times. Council then resolves on the recommendations from the Bush Fire Advisory Committee.

COMMENT:

Since the last Bush Fire Advisory Committee meeting, there has been some restructuring of Volunteer Bush Fire Brigades within the Shire of Coorow.

This has lead to some of the Bush Fire Control Officers no longer being current.

Following is a list of the Fire Control Officers upon recommendation from the BFAC:

Chief Bush Fire Control Officer	John Browne
Deputy Chief Bush Fire Control Officer (West)	Jay Wann
Deputy Chief Bush Fire Control Officer (East)	Kelvin Bean
Harvest Ban Officer – Western Sector	James Raffan, Ian Falconer
Harvest Ban Officer – Eastern Sector	Kelvin Bean, Ian Hunt
Special Permit Clover Burning Officers	Ian Falconer
Fire Control Officers	Mark Hook, Rob Clement, Ian Hunt, Barry Fowler, Geoff Hortin, Jay Wann, Dave Morton, Geoff Angwin

All other appointments are to be cancelled.

If Council accept the above list as Fire Control Officers, Council will need to advertise these appointments in the Government Gazette.

STATUTORY ENVIRONMENT:

Bush Fires Act (1954)

Various sections including:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Council Policies:

- 4.1.3 Duties of a Bush Fire Control Officer
- 4.1.26 Profiles of a Bush Fire Control Officer

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION:

That Council:

1. accept the Bush Fire Control Officers as recommended by the Bush Fire Advisory Committee; and
2. advertise these appointments in the Government Gazette.

RESOLUTION: **2009-143**

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

That Council accept the Bush Fire Control Officers as recommended by the Bush Fire Advisory Committee and advertise these appointments.

CARRIED 8/0

10.4.6 ADOPTION OF 2009/10 FIREBREAK NOTICE

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2009
ATTACHMENT	10.4.6 2009/10 Fire Break Notice
FILE	B6.2

SUMMARY:

Council is being requested to adopt the Fire Break Notice for the 2009/2010 Bush Fire Season.

BACKGROUND:

In August each year, Council's Bushfire Advisory Committee meet to appoint Bush Fire Control Officers and set prohibited and restricted burning times. Council then resolves on the recommendations from the Bush Fire Advisory Committee.

COMMENT:

The Shire of Coorow Annual Bush Fire Advisory Committee (BFAC) meeting was held Tuesday 11 August 2009. The minutes of this meeting will be presented to Council at the September 2009 Ordinary Meeting for adoption.

It was requested, however that Council adopt the 2009/10 Fire Break Notice upon recommendation from the BFAC to allow for thorough advertising prior to the commencement of the 2009/10 Fire Season. The Fire Break Notice is included at Attachment 10.4.6.

This information no longer needs to be advertised in the Government Gazette.

STATUTORY ENVIRONMENT:

Bush Fires Act (1954)

Various sections including:

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

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Council Policies:

4.1.2 Bush Fire Advisory Committee

4.1.11 Bush Fire Control

FINANCIAL IMPLICATIONS:

Nil.

PUBLIC CONSULTATION:

Advertising will commence once adopted.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council adopt the 2009/10 Fire Break Notice as included at Attachment 10.4.6.

RESOLUTION: **2009-144**

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

That Council adopt the 2009/10 Fire Break Notice as included at Attachment 10.4.6.

CARRIED 8/0

**BUSH FIRES ACT 1954
SHIRE OF COOROW**

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

FIREBREAKS:

Pursuant to the powers in Section 33 of the Bush Fires Act, you are hereby required on or before 31 OCTOBER 2009 to plough, scarify, cultivate or otherwise clear and thereafter keep clear of all inflammable material until 29 MARCH 2008 firebreaks (of not less than two (2) metres in width) in the following dimensions on the land owned or occupied by you:

1. RURAL LAND

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

2. TOWNSITES

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

3. FUEL DUMPS AND/OR DEPOTS

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

HARVESTING AND STRAW RAKING, BALING AND CHAINING OPERATIONS

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

GENERAL PROVISIONS

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

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

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

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

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

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

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

RESTRICTED BURNING PERIODS:

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

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

PROHIBITED BURNING PERIOD:

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

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

Fire Control Officers	
Chief Bush Fire Control Officer	John Browne
Deputy Chief Bush Fire Control Officer (West)	Jay Wann
Deputy Chief Bush Fire Control Officer (East)	Kelvin Bean
Harvest Ban Officer – Western Sector	James Raffan, Ian Falconer
Harvest Ban Officer – Eastern Sector	Kelvin Bean, Ian Hunt
Special Permit Clover Burning Officers	Ian Falconer
Fire Control Officers	Mark Hook, Rob Clement, Ian Hunt, Barry Fowler, Geoff Hortin, Jay Wann, Dave Morton, Geoff Angwin

All other appointments are cancelled.

Mark J Hook
Chief Executive Officer

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

Nil.

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

Nil at this time.

14. DATE OF NEXT MEETING:

14. ORDINARY MEETING OF COUNCIL

Wednesday 16 September 2009 at the Coorow District Hall, Coorow from 3pm.

15. CLOSURE:

There being no further business, the President Cr Girando closed the meeting at 5.02pm.