



# **Minutes Ordinary Council Meeting**

## **16 March 2016**

Held at the Coorow District Hall



## **DISCLAIMER**

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Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'Peter Crispin'.

**Peter Crispin**  
**Chief Executive Officer**

# Minutes

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

The President Cr Moira Girando, welcomed those present and opened the Meeting at 5.05 pm.

2. **RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Councillor M J Girando  
Councillor B A Jack  
Councillor M R Bothe  
Councillor R J Clement  
Councillor E M Cullen  
Councillor V R Oakes  
Councillor D A Rackemann  
Councillor G C Sims

President  
Deputy President

Mr P J Crispin  
Mrs L J Parola (from 5.14 pm)  
Mr T B Brandy  
Mr K L Bean

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Regulatory Services  
Manager of Works & Services

**Member of Public**  
Mr D Melbin

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

Nil

4. **PUBLIC QUESTION TIME:**

Nil

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

The following Councillor/s requested Leave of Absence from Council Meetings and Duties:

Councillor Cullen from 22 March 2016 to 28 March 2016.

**RESOLUTION:**                      **2016/018A**

**Moved: Cr Rackemann**

**Seconded: Cr Bothe**

***That Councillor Cullen be granted Leave of Absence from 22 March 2016 to 28 March 2016.***

***CARRIED 8/0  
Simple Majority***

## **6. DECLARATION OF INTEREST:**

Councillor Sims declared an indirect financial interest in Item 11.2.3 as he is employed by a business that is in competition to the applicant.

Councillor Girando declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Jack declared an impartiality interest in Item 11.2.3 as he owns a business in close proximity to the applicant and is a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Bothe declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Clement declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

## **7. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

Nil

## **8. CONFIRMATION OF MINUTES:**

### **8.1 AUDIT COMMITTEE MEETING HELD WEDNESDAY 10 FEBRUARY AT THE LEEMAN RECREATION CENTRE**

<b>AUTHOR</b>	Peter Crispin
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	2 March 2016

#### **COMMENT:**

Nil

#### **OFFICER RECOMMENDATION/RESOLUTION:**

**2016/018**

**Moved: Cr Sims**

**Seconded: Cr Oakes**

***That the Minutes of the Audit Committee Meeting held on Wednesday 10 February 2016 be received.***

***CARRIED 8/0  
Simple Majority***

8.2	ORDINARY MEETING HELD WEDNESDAY 10 FEBRUARY AT THE LEEMAN RECREATION CENTRE
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AUTHOR	Peter Crispin
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 March 2016

**COMMENT:**  
Nil

**OFFICER RECOMMENDATION/RESOLUTION:** **2016/019**

*Moved: Cr Rackemann*

*Seconded: Cr Sims*

*That the Minutes of the Ordinary Meeting held on Wednesday 10 February 2016 be confirmed as a true and correct record.*

**CARRIED 8/0**  
**Simple Majority**

**9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:**

Nil

**10. MATTERS FOR WHICH MEETING MAY BE CLOSED:**

Nil

## 11. REPORTS:

### 11.1 CHIEF EXECUTIVE OFFICER:

#### 11.1.1 PRE BUDGET COMMITMENT- FIXED WIRELESS BROADBAND

AUTHOR	Ted Jack
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 March 2016
ATTACHMENT	Nil
FILE	ADM0569

#### **SUMMARY:**

**Council is requested to commit funds towards meeting National Stronger Regions Funds in the 2016-17 budget for the construction of the proposed North Midlands Fixed Wireless Network. Funding commitment would be based on Remote allocation contributions of \$1:3 with a total collective contribution of \$100,000 for the 6 North Midlands Councils.**

**This equates to \$16,667 per Council.**

#### **COMMENT:**

As NBN Co released their rollout plans for the Shire of Coorow and other North Midlands Councils for the 2016-17 network roll-out, they designated Coorow as a Long Term Satellite Service area. Green Head and Leeman will both receive Fibre to the Node (FTTN) broadband as they are situated along the NBN fibre transit route.

Those towns on Satellite, also known as the 'Sky Muster' Long Term Satellite Solution (LTTS), will receive maximum speeds up to 25/5Mbps and very high latency (delay in sending voice/data). As FTTN technology currently allows for speeds of 40/20Mbps+ with low latency and cheaper data plans, Coorow will suffer adverse effects of being relegated to inferior communications services at a higher cost to residents.

Town residents can currently access ADSL2+ with speeds up to 22/1Mbps which can service most of our current needs but not those of the immediate future. ADSL2+ service however is not available past 5 kms from the exchange leaving those residents solely reliant on Telstra mobile broadband on vastly expensive and low data plans.

While there are guarantees from Telstra that the standard voice service will be maintained until 2030, there are no firm guarantees from NBN in regards to ADSL being available as a broadband option for a given term.

This is concerning as if such a guarantee is not provided, NBN can 'turn off' ADSL services at any given time.

All other alternative communications service options have been exhausted as either far too expensive or simply not viable.

The proposed NMFVN service will offer Metro competitive speeds and plans at a fraction of the cost. Due to Fixed Wireless having an approximate initial transmission radius of 15-20 kms, far more residents can access the service, especially if they install higher gain antennae on their premises. This distance has been estimated to reach past 30 kms with the right line of sight with options to install small relay poles for those further out.

## STRATEGIC IMPLICATIONS:

### Shire of Coorow Strategic Community Plan (revised) 2014-2024

#### Theme 1: Community Wellbeing

ASPIRATIONS	OBJECTIVES	STRATEGIES
Theme 1: Community Wellbeing		
<b>Safe and Secure</b> <i>All members of our community have access to appropriate facilities and services in a safe environment. People feel safe and secure.</i>	<ul style="list-style-type: none"> <li>Create and maintain safe and attractive places for people to live, work and play</li> </ul>	<ul style="list-style-type: none"> <li>Ensure facilities and infrastructure are well maintained and safe for use</li> <li>Ensure built and natural environments provide a sense of safety and security</li> <li>Advocate for improvements in housing affordability and access to appropriate housing</li> <li>Create safe public places that people want to use during the day and at night</li> </ul>
<b>Healthy Lifestyles</b> <i>We are a healthy community with an active lifestyle and high standard of living.</i>	<ul style="list-style-type: none"> <li>Our communities have active and healthy lifestyles</li> </ul>	<ul style="list-style-type: none"> <li>Facilitate healthy lifestyles within the community through recreation facilities and programs</li> </ul>
<b>A Sense of Community</b> <i>We belong to a cohesive, connected community. There is a strong sense of community pride and identity.</i>	<ul style="list-style-type: none"> <li>A culture that encourages and supports events, community interaction, sport and recreation activities and volunteering in local community organisations</li> </ul>	<ul style="list-style-type: none"> <li>Support live performance, exhibitions and other arts opportunities</li> <li>Encourage increased town site interaction through sport and cultural events</li> <li>Encourage strong community participation and involvement</li> <li><b>Provide social facilities and services to serve the lifestyle needs of our communities</b></li> <li><b>Improve services and facilities that actively support youth, disability and seniors in the region</b></li> </ul>



Theme 2: Economy		
<p><b>Growth and Prosperity</b>  <i>Economic prosperity based on the principles of good practice. There is investment in improving productivity of our economy. Prosperity from investment and employment opportunities is created by a diverse economic base. A growing economy ensures employment of a growing population.</i></p>	<ul style="list-style-type: none"> <li>■ A prosperous community with a range of local business and services</li> <li>■ Diversity of employment with job opportunities available locally</li> <li>■ A favourable business environment</li> </ul>	<ul style="list-style-type: none"> <li>■ Facilitate opportunities for development in the town sites through promotion, the provision of information, and the identification of suitable opportunities</li> <li>■ Work collaboratively with private sector and government organisations in developing and implementing strategies to facilitate development in the Shire</li> <li>■ Implement best practice economic development approaches</li> <li>■ Support local businesses</li> <li>■ Negotiate partnerships with private sector and government agencies to attract investment and enhance service provision to the community</li> <li>■ Work with surrounding Shires and the State Government in developing and implementing regional strategies to increase employment opportunities</li> <li>■ Support targeted skills development to enhance local workforce growth and supply</li> </ul>

This project is also in keeping with the Mid West Development Commission's Regional Blue Print Digital and Communications Strategies.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Pre-budget commitment of \$16,667

**VOTING REQUIREMENT:**  
Simple Majority

**OFFICER RECOMMENDATION/RESOLUTION:**

**2016/020**

***Moved: Cr Bothe***

***Seconded: Cr Sims***

***That the Shire of Coorow commit to expenditure of \$16,667 towards the construction of the North Midlands Fixed Wireless Network should the National Strong Regions Fund grant application be successful.***

***CARRIED 8/0***  
***Simple Majority***

**The Deputy CEO entered the meeting at 5.14 pm**

**11.1.2 REVIEW OF POLICIES 3.6.1 & 3.6.2 – REGIONAL PRICE PREFERENCE & PURCHASE OF GOODS AND SERVICES**

<b>AUTHOR</b>	Peter Crispin
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	4 March 2016
<b>ATTACHMENT</b>	Nil
<b>FILE</b>	ADM0437

**SUMMARY:**

**To review policies 3.6.1 Regional Price Preference and 3.6.2 Purchase of Goods and Services following changes to the Local Government (Function and General) Regulations 1996 gazetted 18 September 2015.**

**BACKGROUND:**

On 18 September 2015, changes to the Local Government (Functions and General) Regulations 1996 were gazetted. These changes essentially revolved around changing the threshold before which a tender must be called, from \$100,000 to \$150,000.

Policy 3.6.1 – Regional Price Preference references this figure and an amendment is proposed to address this.

Policy 3.6.2 – Purchase of Goods and Services also contains references to the \$100,000 figure with an amendment proposed to also change this figure.

**COMMENT:**

Other amendments have been proposed as follows:

- 1) Policy 3.6.1 – increase the amount in objective 2.1 from \$1,000 to \$2,000 to bring it into line with Policy 3.6.2
- 2) Policy 3.6.1 – increase the amounts in objective 2.2 from “\$1,000 to \$10,000” to “\$2,000 to \$20,000”
- 3) Policy 3.6.1 – increase the amounts in objective 2.3 from “\$10,000 to \$50,000” to “\$20,000 to \$75,000”
- 4) Policy 3.6.2 – change “\$10,000 to \$100,000” section to “\$20,000 to \$150,000”
- 5) Policy 3.6.2 – change “\$2,000 to \$10,000” section to “2,000 to \$20,000”.

**STATUTORY ENVIRONMENT:**

**Local Government Act 1995**

**2.7. Role of council**

*(1) The council —*

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

- (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

## **Local Government (Function and General) Regulations 1996**

### **11. When tenders have to be publicly invited**

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

### **11A. Purchasing policies for local governments**

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
- (a) *the form of quotations acceptable; and*
  - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
  - (b) *the recording and retention of written information, or documents, in respect of —*
    - (i) *all quotations received; and*
    - (ii) *all purchases made.*

### **POLICY IMPLICATIONS:**

Review of Policy 3.6.1 – Regional Price Preference and 3.6.2 – Purchase of Goods & Services.

### **FINANCIAL IMPLICATIONS:**

There would be no known financial implications.

### **STRATEGIC IMPLICATIONS:**

The amendments to these policies will continue to provide guidance for staff purchasing goods and services.

**VOTING REQUIREMENT:**  
Simple Majority

**OFFICER RECOMMENDATION/RESOLUTION:**

2016/021

**Moved: Cr Rackemann**

**Seconded: Cr Clement**

***That the updates to Policy 3.6.1 – Regional Price Preference and Policy 3.6.2 Purchase of Goods & Services (as attached) be adopted.***

***CARRIED: 8/0  
Simple Majority***

**POLICY – ADMINISTRATION/FINANCE**

Sub Section: Finance General

Policy Number: 3.6.1

**Policy Subject: Regional Price Preference**

Policy Statement: In order to promote sub-regional development the Shire of Coorow will provide a price preference to local suppliers (located within the stipulated areas) when evaluating and awarding contracts with Council via the purchasing process. Any price preference provided will comply *with part 4A of the Local Government (Functions and General) Regulations 1996* as amended.

Objectives:

1. Price preference will be given to all suppliers submitting quotations for the supply of goods and services to the Shire of Coorow, unless Council resolves that this policy not apply to a particular purchase.
2. The following price preference will be given to suppliers submitting quotations for the purchase of goods and services for suppliers located within the Shire of Coorow.

**2.1 Goods and Services – up to a maximum price of \$2,000 excluding GST.**

15% to all suppliers located within the Shire of Coorow

5% to all suppliers located within the Mid West Regional Council and other Shires sharing a

common boundary with the Shire of Coorow

**2.2 Goods and Services – from \$2,000 - \$20,000 excluding GST.**

10% to all suppliers located within the Shire of Coorow

3.75% to all suppliers located within the Mid West Regional Council other Shires sharing a common boundary with the Shire of Coorow

**2.3 Goods and Services – valued between \$20,000 - \$75,000 excluding GST**

7.5% all suppliers located within the Shire of Coorow

2.5% to all suppliers located within the Mid West Regional Council and other Shires sharing a common boundary with the Shire of Coorow

3. Price Preference will only be given to suppliers located within the stipulated areas for more than six (6) months prior to the advertising date of the tender.

Located within the area stipulated is defined as a supplier having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area. An example is a franchise of a multinational company.

4. Only those good and services identified, as being from a source located within the stipulated area will have the price preference applied when assessing the purchase.
5. Price is only one factor that Council considers when evaluating a purchase. There is nothing contained within this policy that compels Council to accept the lowest price or any tender based on price offered.
6. The quotation of any supplier shall be excluded by an attempt by a supplier or employee to exploit the policy to the advantage of either party.
7. The following classes of purchase are specifically excluded from the local price preference policy due to specialised skills, after sales support, special concessions to Council or other limiting factors.

- 7.1 ANY tender called by the Shire of Coorow whether required by regulation or not.
- 7.2 The purchase of diesel or petroleum products in bulk.
- 7.3 The ongoing changeover of Council vehicles.
- 7.4 The purchase and maintenance of electronic equipment and software.

Resolution No: 2003-161, 2006-195, 2009-176, 2016-021

Resolution Date: 19 November 2003, 20 September 2006, 21 October 2009, 16 March 2016

Date of Review: May annually

Review Responsibility: Deputy Chief Executive Officer

## **POLICY – ADMINISTRATION/FINANCE**

Sub Section: Finance

**Policy Number:** 3.6.2

**Policy Subject:** Purchases of Goods & Services

**Objectives:** To provide guidelines in obtaining best value in procurement of goods and services to the Shire of Coorow through the competitive process of calling for expressions of interest, public tenders and quotations.

**Policy Statement:** Purchase of Goods and Services - \$150,000 or more

All contracts for the purchase of goods and services with the value of \$150,000 or more shall be by public tender and made in accordance with the provisions for the *Local Government (Functions and General) Regulations 1996*.

Council will also enforce the following additional requirements:

- Acceptance of a tender for construction projects will be subject to the execution of a contract based on the standard contract supplied by the Master Builders' Association; and
- Any decision not to call tenders for Goods or Services valued at more than \$150,000 because of one of the exceptions listed in Regulation 11(2) shall be by Council resolution.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold.

### Purchase of Goods and Services – \$20,000 – \$150,000

Goods valued at over \$20,000 and less than \$150,000 staff will seek three (3) written quotes from alternative suppliers.

The following conditions will also apply:

- Staff will allow a minimum of ten (10) working days for a quote to be provided. If more than ten (10) working days are provided, all suppliers will be allowed that same time to respond. Shorter periods to provide quotations may be approved by the CEO should circumstances require. These circumstances shall be documented.
- The request for quotation should include as a minimum the following:
  - Written Specification
  - Price Schedule
  - Conditions of responding



- Validity period of offer
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.
- If staff are unable to obtain three (3) written quotes this should be documented and the purchase approved by the CEO.
- A specific exemption is the purchasing of fuel where a request for quotation will only operate for one (1) day and verbal quotations will be accepted.

#### Purchase of Goods and Services – \$2,000 – \$20,000

Goods and services valued at over \$2,000 and less than \$20,000 staff will obtain quotes from two (2) suppliers, whenever possible.

The following conditions will also apply:

- If staff are unable to obtain two (2) quotes this should be documented and **reported to a Manager/CEO for a decision on further action.**
- All quotations will be documented.

#### Purchase of Goods and Services – up to \$2,000

Goods and services valued at up to \$2,000 may be purchased with a single satisfactory quotation.

Guidelines:

Staff engaged in procurement should ensure that they obtain value for money and be accountable for their action.

If staff have any doubt about whether value for money is being obtained, additional quotes should be sought.

Resolution Date: 2007-036, 2009-176, 2014-063, 2016-021

Resolution Date: 21 March 2007. 21 October 2009. 21 May 2014, 16 March 2016

Source: Deputy Chief Executive Officer

Date of Review: May annually

Review Responsibility: Council and Chief Executive Officer

## 11.2 MANAGER REGULATORY SERVICES:

### 11.2.1 PROPOSED MOBILE FOOD OUTLET – RESERVE 32639 OPPOSITE THOMAS AND RUDDUCK STREET INTERSECTION, LEEMAN

AUTHOR	Simon Lancaster
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	1 March 2016
FILE	11.2.1(a) & 11.2.1(b) under separate attachment
ATTACHMENT	R32639

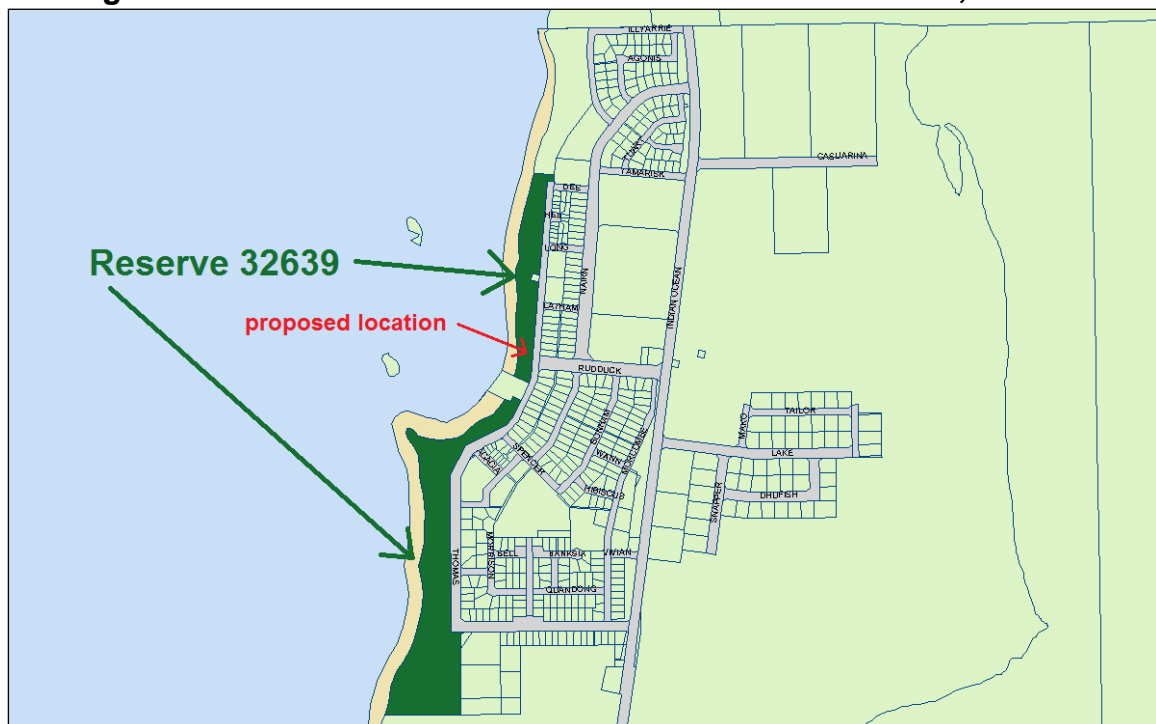
#### SUMMARY:

Council is in receipt of an application seeking to operate a mobile food outlet from Reserve 32639 opposite the Thomas and Rudduck Street intersection in Leeman. The application has been advertised for public comment and this report recommends refusal of the application.

#### BACKGROUND:

Reserve 32639 is the 16.2534 ha foreshore reserve that stretches from the southern end of the Leeman townsite northwards to Dee Street.

**Figure 1 – Location Plan for Reserve 32639 Thomas Street, Leeman**



**COMMENT:**

The applicant is seeking approval to site a mobile food outlet upon Reserve 32639 opposite the Thomas and Rudduck Street intersection on the north side of the gravel access track that leads to the beach boat launching area. The applicant is seeking to operate from 1 October to 30 May with anticipated operating times of 8:00 am till 8:00 pm Wednesday to Saturday, and on public holidays. The applicant's submitted information has been included as **Attachment 11.2.1(a)**.

**Figure 2 - Applicant's submitted site plan**



**Figure 3 – View looking north-east at proposed mobile food outlet location**



The staff recommendation is for the refusal of the application, however, should Council consider that the application has merit and wish to move a motion different to the officer recommendation, it might consider the following wording as a basis for commencement of discussion/consideration:

*“That Council resolve to grant formal planning consent for a mobile food outlet to operate upon Reserve 32639 Thomas Street, Leeman, subject to compliance with the following:*

*Conditions:*

- 1 The mobile food outlet shall only operate in the location indicated upon the approved plan, and as directed by the local government.*
- 2 This approval is valid for a period of 12 months from the date of this advice, after which the development will be returned to Council for further consideration.*
- 3 Prior to commencement of the land use, the proponent is required to obtain written approval from the Shire’s Environmental Health Officer regarding the final design/presentation of the mobile food outlet and compliance with relevant health/food legislation.*
- 4 This planning consent shall remain valid while the necessary food premise registration remains current and upon expiration or earlier termination of the food premise registration this planning consent shall cease to be valid.*
- 5 This approval is issued only to Peter Wood and is not transferable to any other person. Should there be any change in respect of which this planning approval is issued this approval shall no longer be valid.*
- 6 The mobile food outlet is required to be removed from the area at the close of business each day.*
- 7 The applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times.*
- 8 The land 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.*
- 9 The applicant must possess a certificate of currency in respect of public liability insurance cover of \$10,000,000, including reference to the Shire of Coorow as an interested party or within the definition of the insured. A copy of the insurance policy is required to be received by the Shire prior to the commencement of operation of the mobile food outlet.*

- 10 *No freestanding signs or hoardings advertising the operation of the mobile food outlet are permitted to be erected whether temporary or permanent in nature.*
- 11 *The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The mobile food outlet shall at all times comply with the Environmental Protection (Noise) Regulations 1997.*
- 12 *A licence agreement being entered into for the use of Reserve 32639 between the applicant, the Shire of Coorow and the Department of Lands.*
- 13 *This Planning Approval shall remain valid whilst the licence agreement remains current, and on the expiration or in the termination of such licence agreement, this Planning Approval shall cease to be valid.*

#### *Advice Notes*

- (a) *Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.*
- (b) *The applicant is advised in relation to condition 12 that an annual fee payable by the applicant to the Shire of Coorow shall form part of the licence agreement.*
- (c) *Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision."*

#### **STATUTORY ENVIRONMENT:**

Schedule 1 of the Shire of Coorow Local Planning Scheme No 3 ('the Scheme') defines 'development' as having the same meaning as given to it in the *Planning & Development Act 2005* ('the Act'). Part 1 Section 4 of the Act defines development as follows:

*"development means the development or **use of any land**, including —*

- (a) *any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) *the carrying out on the land of any excavation or other works;*
- (c) *in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
  - (i) *is likely to change the character of that place or the external appearance of any building; or*

- (ii) *would constitute an irreversible alteration of the fabric of any building.”*

Whilst the proposed siting of a mobile food outlet does not constitute a development as defined within parts (a)-(c) it should still be considered a development as by operating a commercial/retail activity from the land it does constitute the “use of any land”.

The proposal is further considered to constitute the use of land as it would be established for extended periods, in this case up to 12 hours a day, 4 days a week (plus public holidays), 8 months a year. The proposal should therefore be viewed differently to a more transitory operation such as an ice cream van that is generally in motion and might typically only be stationary when hailed by customers, that might be able to be considered under the exemption provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Section 1.5 of the Scheme lists the purpose of the Scheme as follows:

- “(d) control and guide land use and development.  
(e) set out procedures for the assessment and determination of planning application.”*

Section 1.6 of the Scheme lists a number of the aims of the Scheme as follows:

- “• To facilitate the protection, enhancement and consolidation of townsites within the Shire in an orderly and proper manner.*
- To assist employment and economic growth by facilitating the timely provision of suitably located land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment.*
- To ensure there are sufficient opportunities for housing, employment, commercial activities, community facilities, recreation and open space to meet the needs of the local community....*
- ...• To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.”*

Reserve 32639 is zoned ‘Local Scheme Reserves-Parks & Recreation’ under the Scheme. The proposed land use is commercial/retail in nature and should be considered against the purpose of the zoning.



**LOCAL SCHEME ZONES**  
(see scheme text for additional information)

Commercial	Residential
Development	Rural
Industrial	Rural residential
Mixed use	R Special use: Associated with fishing industry
CS Place of public assembly: Church site	G&R&NP Special use: Grain receipt and associated purposes
Private clubs and institutions	SS Special use: Service station
Major road	Tourist accommodation
Nature reserves/national parks	
Parks and recreation	
Public purposes	

**OTHER CATEGORIES**  
(see scheme text for additional information)

Scheme boundary	SCA1 Rudduck street precinct
Local Government boundary	SU1 Special use area
R20 R Codes	SCA2 Leeman wastewater treatment plant buffer
A1 Additional uses	No zone
R1 Restricted uses	Waterbodies

**“3.3.1**     *A person must not —*

**(a)**     *use a Local Reserve; or*

**(b)**     *commence or carry out development on a Local Reserve,*  
              *without first having obtained planning approval under Part 9 of the*  
              *Scheme.*

3.3.3 *In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”*

*“10.2 Matters to be considered by local government*

- (a) *the aims and provisions of the Scheme*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- ...(g) *in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
- ...(i) *the compatibility of a use or development with its setting;...*

- ...(j) *any social issues that have an effect on the amenity of the locality;...*
- ...(n) *the preservation of the amenity of the locality;*
- (o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(x) *the potential loss of any community service or benefit resulting from the planning approval;*
- (y) *any relevant submissions received on the application;*
- (z) *the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) *any other planning consideration the local government considers relevant."*

Separate to the matters relevant to the Scheme, *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, the approval of the Shire is required to operate upon Reserve 32639 as it is land under the management control of the Shire of Coorow. Reserve 32639 has a management order issued to the Shire of Coorow with the purpose of 'Recreation'. The proposed land use is commercial/retail in nature and should be considered against the management purpose of the reserve. The Shire's management order for Reserve 32639 issued by the Department of Lands has no power to lease or licence, and were Council to consider supporting the application it would need to apply for, and receive from, the Department of Lands the power to lease or licence over the reserve, and then issue a licence under Section 91 of the *Land Administration Act 1997* to the applicant.

#### **STRATEGIC IMPLICATIONS:**

Section 3.1.6 of the Leeman and Green Head Townsite Local Planning Strategy ('the Strategy') notes that tourism will play a growing role in the economic development of Leeman, and the provision of additional food/retail outlets may be viewed as assisting in catering for and attracting tourism. However, the Strategy also recommends that Rudduck Street should be established as the main street to host the main retail function within Leeman and enhance the role of the town in the region, and does not identify the foreshore reserve for a commercial/retail purpose.

*"The existing commercial area in Leeman suffers from a lack commercial development, isolation from Indian Ocean Drive and a layout which is not conducive to a successful commercial environment.*

*In order to create a focal point for the community and commercial services, the Shire will facilitate the transition of Rudduck Street between Nairn Street and Indian Ocean Drive into a traditional main street servicing Leeman and Green Head and capturing passing trade."*



The Leeman and Green Head Townsite Local Planning Strategy was underpinned by extensive community consultation and Workshop Outcomes Report included as Appendix A to the Strategy noted that:

*“Both towns acknowledge the need for improved retail/commercial facilities within one dedicated precinct being the preference as opposed to ad-hoc development.”*

Section 3.5.2 of the Strategy also noted that a Thomas Street Foreshore Masterplan should be prepared with a direction that the coastal recreational area at the terminus of Rudduck Street should be enhanced and expanded to create a community and visitor focal point. However, the Strategy continued to identify that this recreation focused area will need to establish a clear distinction between the recreational uses and professional jetty users to avoid conflict. The draft Leeman Foreshore Plan (2014) identifies the proposed location for the mobile food outlet as having a ‘Recreation’ focus.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Applications with a development cost of less than \$50,000 are charged an application fee of \$147 under the Shire’s adopted Fee Schedule.

In the event that Council were to approve the application it may seek to charge an annual licence/lease fee, and it would be reasonable to base such a fee on the Shire time and resources required to manage the land use. Council may also be guided in the setting of an appropriate annual charge by the equivalent cost borne by other food retail outlets in Leeman (inclusive of annual rates and food premises inspection fees) to ensure an equitable basis for all operations within the townsite, and the annual fee might also give regard for the value of the coastal reserve setting and land area as commercial floor space.

**PUBLIC CONSULTATION:**

The application was advertised for public comment from 12 January 2016 until 5 February 2016 with the following actions being undertaken inviting comment:

- placement of an advisory sign on-site;
- direct notification being sent to the seven Thomas Street residents/landowners located opposite the proposed mobile food outlet location;
- direct notification being sent to the Department of Transport (being the managing authority of adjoining Reserve 38735) and the Department of Lands;
- direct notification being sent to the Leeman commercial operations of a comparable nature;
- information relating to the proposal was made available for viewing at the Leeman Shire office.

At the conclusion of the advertising period, 12 submissions had been received, all in objection to the proposal, and one of these submissions being a petition signed by

20 people. A copy of the received submissions has been included as **Attachment 11.2.1(b)** which has been provided as a separate attachment to the agenda due to its size.

The objections to the proposal raised the following issues and perceptions:

- will negatively impact on the ongoing viability of local businesses and damage them financially;
- will negatively impact on the ability of local businesses to expand;
- will create an unlevel playing field whereby permanent local businesses are required to pay greater fees, rates and other outgoings (gas, electricity, insurance) in comparison to a competitor who is seeking to operate temporarily during peak periods from a prominent townsite location;
- is seeking a prime position to get first option on beach front visitors, thus denying established business an opportunity that they could never access;
- mobile food outlets operated by visitors to the town during peak tourism periods do not contribute to the local economy;
- application seeks to 'cherry pick' and will only be there for the good times;
- permanent local businesses need encouraging and have invested in the future;
- permanent local businesses offer services to the local community all year round and work hard in a seasonal town;
- local existing business can manage holiday trade;
- the proposed business is more than a hot dog van, offering an extensive menu;
- the Rudduck Street Commercial Precinct is designed as a visual corridor to the very desirable coastal foreshore, why 'plonk' a mobile van at the end of it obliterating the visual enticement;
- will discourage future business from establishing in the Rudduck Street Commercial Precinct;
- the proposed site is a community focus eg ANZAC Day, Australia Day events, playground and picnic area, secondary boat ramp and local and tourist vista point;
- the ongoing activity of vehicles and boat trailers moving in and out of that area continues to be a safety hazard for children, pedestrians and the general accessing to the boat ramp;
- car parking has always been an issue in the immediate and surrounding areas;
- will take public parking;
- local permanent businesses have to provide car parks or pay several thousand dollars in lieu of to allow our business to operate;
- local permanent businesses employ local people and buy from the same suppliers and support local businesses all year round;
- by virtue of trading in such a prime location the applicant would get an advertising advantage that no other business is allowed to enjoy, we are governed with regards to signage and where they can be placed;
- we did not make a significant investment on the understanding the Shire would approve a commercial outlet directly opposite our home, we have no interest in the immediate area being denigrated;
- will increase litter;
- business owners should be able to rely on the Shire to best protect their interests especially when a mobile van in a small community would do a lot of financial

damage to those who have chosen real estate and have established businesses for the long term;

- we are too small a business community to allow a mobile food van to deny existing venues \$1000s of dollars of revenue which they so desperately need to get themselves through the winter months when these vans are parked up;
- Leeman's population has halved due to local fishermen leaving our community due to regulatory changes to fishing and the closure of the Eneabba mine, local business proprietors needs should come first as they are the ones committed to our local community for the long term.

It is noted that competition and impact on existing local businesses is a common theme amongst the received submissions. Whilst this may be an issue that Council can have some regard for under the provisions of Section 10.2 of the Scheme (including the requirements of orderly and proper planning, having regard for any social issues that have an effect on the amenity of the locality, the relationship of the proposal to development on other land in the locality, and any relevant submissions received on the application) it is an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

*"The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community."*

*This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:*

*"economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter".*

*Stephen J at [687] noted that:*

*"...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."*

However, it is also noted that Section 2.10 of the *Local Government Act 1995* lists one of the roles of a Councillor as being:

*"A councillor —*

- (a) represents the interests of electors, ratepayers and residents of the district;"*

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION/RESOLUTION:**

2016/022

**Moved: Cr Jack**

**Seconded: Cr Rackemann**

***That Council refuse the application for a mobile food outlet to operate upon Reserve 32639 Thomas Street, Leeman for the following reasons:***

- 1 Reserve 32639 has the purpose of 'Recreation' assigned to it by the Department of Lands and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the purpose of the reserve.***
- 2 The Shire's management order for Reserve 32639 issued by the Department of Lands has no power to lease or licence to a third party to operate upon the reserve.***
- 3 Reserve 32639 is zoned 'Parks & Recreation' under the Shire of Coorow Local Planning Scheme No 3 and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the nature of the zoning.***
- 4 The proposed land use is not considered to be in accordance with the aims and purposes of the Shire of Coorow Local Planning Scheme No 3.***
- 5 The proposed land use is not considered to satisfy the matters to be considered pertaining to Section 10.2 of the Shire of Coorow Local Planning Scheme No 3.***
- 6 The subject area is not identified for retail/commercial activity by the Leeman and Green Head Townsite Local Planning Strategy and it is considered approval of the development would undermine the Strategy's direction of developing the Rudduck Street Precinct and Leeman foreshore masterplan.***
- 7 The submissions received during the public consultation period for the application, and the issues raised therein, do not indicate a level of support for the following to be considered by Council:***
  - (a) the initiation by Council of the rezoning of the land to accommodate land uses of a commercial/retail nature;***
  - (b) an application by Council to change the purpose of the reserve;***
  - (c) an application by Council to amend the management order to enable lease/licence to be issued to a third party***
  - (d) an application to be considered in conformity with Section 10.2 of the Shire of Coorow Local Planning Scheme No 3 and Part 9 Section 67***

***the Planning and Development (Local Planning Schemes) Regulations 2015.***

- 8    *It is considered that approval of the proposed use upon Reserve 323639 would set an undesirable precedent for future applications which would be detrimental to the use and enjoyment of the area.***

***Notes***

- a)    *Should the applicant be aggrieved by the decision of the Council there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.***

***CARRIED 8/0  
Simple Majority***





Reserve 38735 Thomas Street, Leeman is a 5,242 m<sup>2</sup> foreshore reserve that contains the marine fuel facility, sealed car park and Leeman Jetty. Reserve 38735 has a management order issued to the Department of Transport for 'Harbour Purposes'.

The map displays the Port Phillip Coastal Park area, which is highlighted in blue. The park includes a large green space, a parking lot, and a building. The surrounding urban area is shown with residential streets and houses. Key features include the UCL (University of Canberra Library) building, the Port Phillip Coastal Park, and the surrounding residential area. The map includes various labels for streets, buildings, and land parcels.

An aerial photograph showing a park area. On the left, there is a body of water with a concrete pier extending into it. A paved road runs horizontally across the middle of the image. To the right of the road is a residential neighborhood with several houses. To the left of the road is a parking lot with several cars parked. Further left, there is a grassy area with trees and a small building. The overall scene is a mix of natural and developed areas.



**Figure 4 – View looking west across Reserve 38375**



Reserve 31365 Rudduck Street, Leeman is the 2.8639 ha reserve that contains the Leeman Recreation Centre and associated car parking area. Reserve 31365 has a management order issued to the Shire of Coorow for the management purpose of 'Recreational Centre & Club Premises Site'.

**Figure 5 – Aerial Photograph of Reserve 31365 with cadastral information overlaid**





**Figure 6 – Aerial Photograph of proposed mobile food outlet location upon Reserve 31365**



**Figure 7 – View looking west across Reserve 31365**



Reserve 50828 Illyarrie Street, Leeman is the 4.184 ha reserve that contains the Leeman Boat Ramp and associated car parking area, facilities and drainage area. Reserve 50828 has a management order issued to the Shire of Coorow for the management purpose of 'Recreation and Drainage'.



An aerial photograph of a proposed development site. The site is located on a peninsula or near a body of water. It features a large, paved parking lot with several rows of spaces. A small, white, rectangular building is situated near the water's edge. A paved area, possibly a road or driveway, runs along the water. The surrounding area includes some vegetation and a body of water.

**Figure 10 – View looking west across Reserve 50828**



**COMMENT:**

The applicant is seeking approval to operate their mobile food outlet from the sealed car parks upon the three reserves, a copy of the applicant's submitted information has been included as **Attachment 11.2.2(a)**.

The staff recommendation is for the refusal of the application, however, should Council, consider that the application has merit and wish to move a motion different to the officer recommendation it might consider the following wording as a basis for commencement of discussion/consideration:

*"That Council resolve to grant formal planning consent for a mobile food outlet to operate upon Reserve 38735 Thomas Street (Leeman Jetty Car Park), Reserve 31365 Rudduck Street (Leeman Recreation Centre Car Park) & Reserve 50828 Illyarrie Street (Leeman Boat Ramp Car Park), subject to compliance with the following:*

*Conditions:*

- 1 The mobile food outlet shall only operate in the locations indicated upon the approved plan, and as directed by the local government.*
- 2 This approval is valid for a period of 12 months from the date of this advice, after which the development will be returned to Council for further consideration.*
- 3 Prior to commencement of the land use, the proponent is required to obtain written approval from the Shire's Environmental Health Officer regarding the final design/presentation of the mobile food outlet and compliance with relevant health/food legislation.*

- 4 *This planning consent shall remain valid while the necessary food premise registration remains current and upon expiration or earlier termination of the food premise registration this planning consent shall cease to be valid.*
- 5 *This approval is issued only to Gary Schroder and is not transferable to any other person. Should there be any change in respect of which this planning approval is issued this approval shall no longer be valid.*
- 6 *The mobile food outlet is required to be removed from the area at the close of business each day.*
- 7 *The applicant is required to provide adequate rubbish disposal facilities, remove all rubbish associated with the operation and maintain clean and sanitary conditions at all times.*
- 8 *The land 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.*
- 9 *The applicant must possess a certificate of currency in respect of public liability insurance cover of \$10,000,000, including reference to the Shire of Coorow and the Department of Transport as interested parties or within the definition of the insured. A copy of the insurance policy is required to be received by the Shire prior to the commencement of operation of the mobile food outlet.*
- 10 *No freestanding signs or hoardings advertising the operation of the mobile food outlet are permitted to be erected whether temporary or permanent in nature.*
- 11 *The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The mobile food outlet shall at all times comply with the Environmental Protection (Noise) Regulations 1997.*
- 12 *A licence agreement being entered into for the use of Reserves 31365 & 50828 between the applicant, the Shire of Coorow and the Department of Lands.*
- 13 *A licence agreement being entered into for the use of Reserve 38735 between the applicant, the Department of Transport and the Department of Lands.*
- 14 *This Planning Approval shall remain valid whilst the licence agreements remain current, and on the expiration or in the termination of such licence agreements, this Planning Approval shall cease to be valid.*



### Advice Notes

- (a) *Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.*
- (b) *The applicant is advised in relation to condition 12 that an annual fee payable by the applicant to the Shire of Coorow shall form part of the licence agreement.*
- (c) *Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision."*

### STATUTORY ENVIRONMENT:

Schedule 1 of the Shire of Coorow Local Planning Scheme No 3 ('the Scheme') defines 'development' as having the same meaning as given to it in the *Planning & Development Act 2005* ('the Act'). Part 1 Section 4 of the Act defines development as follows:

*"development means the development or **use of any land**, including —*

- (a) *any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) *the carrying out on the land of any excavation or other works;*
- (c) *in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
  - (i) *is likely to change the character of that place or the external appearance of any building; or*
  - (ii) *would constitute an irreversible alteration of the fabric of any building."*

Whilst the proposed siting of a mobile food outlet does not constitute a development as defined within parts (a)-(c) it should still be considered a development as by operating a commercial/retail activity from the land it does constitute the "use of any land".

The proposal is further considered to constitute the use of land as it would be established for extended periods, and should therefore be viewed differently to a more transitory operation such as an ice cream van that is generally in motion and might typically only be stationary when hailed by customers, that might be able to be considered under the exemption provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Section 1.5 of the Scheme lists the purpose of the Scheme as follows:

- “(d) control and guide land use and development.*
- (e) set out procedures for the assessment and determination of planning application.”*

Section 1.6 of the Scheme lists a number of the aims of the Scheme as follows:

- “• To facilitate the protection, enhancement and consolidation of townsites within the Shire in an orderly and proper manner.*
- To assist employment and economic growth by facilitating the timely provision of suitably located land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment.*
- To ensure there are sufficient opportunities for housing, employment, commercial activities, community facilities, recreation and open space to meet the needs of the local community....*
- ...• To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.”*

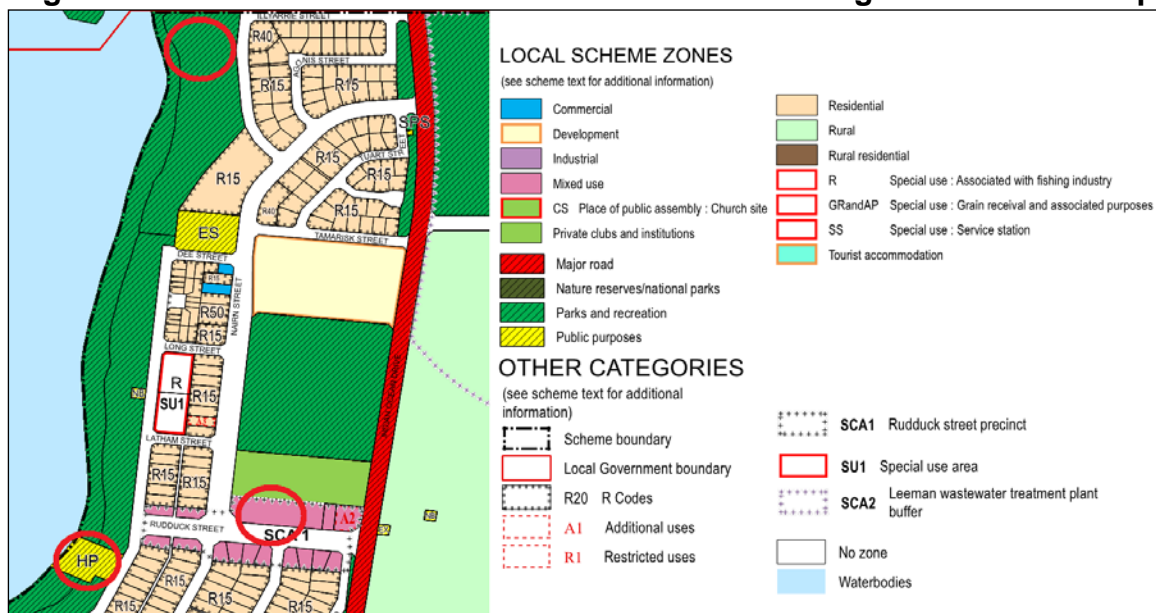
Reserve 38735 Thomas Street, Leeman is zoned ‘Local Scheme Reserves-Public Purposes-Harbour Purposes’ under the Scheme. The proposed land use is commercial/retail in nature and should be considered against the purpose of the zoning.

The southern portion of Reserve 31365 Rudduck Street, Leeman is zoned is zoned ‘Mixed Use’ under the Scheme, the property also lies within the ‘Special Control Area 1 - Rudduck Street Precinct’ zoning. The proposed land use is commercial/retail in nature and should be considered against the objective of the zoning, with Section 4.2.3 of the Scheme noting that:

*“The objective of the Mixed Use Zone is to facilitate the establishment of a mix of residential development with small retail and small commercial businesses in a residential scale environment and to ensure that future buildings, facilities and uses are sympathetic with the urban character of the area.”*

Reserve 50828 Illyarrie Street, Leeman is zoned ‘Local Scheme Reserves- Parks & Recreation’ under the Scheme. The proposed land use is commercial/retail in nature and should be considered against the purpose of the zoning.

**Figure 11 – Extract from Shire of Coorow Local Planning Scheme No.3 Map**



Section 3.3 'Use and development of Local Reserves' of the Scheme notes that:

**“3.3.1 A person must not —**  
 (a) *use a Local Reserve; or*  
 (b) *commence or carry out development on a Local Reserve,*  
*without first having obtained planning approval under Part 9 of the*  
*Scheme.*

**3.3.2 In determining an application for planning approval the local government is to have due regard to —**  
 (a) *the matters set out in clause 10.2; and*  
 (b) *the ultimate purpose intended for the Reserve.*

**3.3.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”**

Section 10.2 lists the following matters that Council may wish to consider in its determination upon this application:

**“10.2 Matters to be considered by local government**

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

- (a) *the aims and provisions of the Scheme*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or*

- region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- ...(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
  - ...(i) the compatibility of a use or development with its setting;...*
  - ...(j) any social issues that have an effect on the amenity of the locality;...*
  - ...(n) the preservation of the amenity of the locality;*
  - (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
  - (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
  - (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
  - ...(x) the potential loss of any community service or benefit resulting from the planning approval;*
  - (y) any relevant submissions received on the application;*
  - (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
  - (za) any other planning consideration the local government considers relevant."*

Separate to the matters relevant to the Scheme, *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, the approval of the Shire is required to operate upon Reserve 31365 & 50828 as it is land under the management control of the Shire of Coorow.

Reserve 31365 Rudduck Street, Leeman has a management order issued to the Shire of Coorow for the purpose of 'Recreational Centre & Club Premises Site'. The proposed land use is commercial/retail in nature and should be considered against the management purpose of the reserve. The Shire's management order for Reserve 31365 issued by the Department of Lands grants Council the power to lease for any term not exceeding 21 years subject to the consent of the Minister of Lands.

Reserve 38735 Thomas Street, Leeman has a management order issued to the Department of Transport for 'Harbour Purposes'. The proposed land use is commercial/retail in nature and should be considered against the management purpose of the reserve. The applicant has not provided evidence of their obtaining the written consent of the Department of Transport to use Reserve 38735. The Department of Transport's management order for Reserve 38735 does not indicate that it has the authority to lease or licence the reserve, and were Council to consider supporting the application, and were the Department of Transport to be in agreeance to the proposed use of the land, then the Department of Transport would need to apply for, and receive from, the Department of Lands the power to lease or licence over the reserve, and then issue a licence under Section 91 of the *Land Administration Act 1997* to the applicant.



Reserve 50828 Illyarrie Street, Leeman has a management order issued to the Shire of Coorow for the management purpose of 'Recreation and Drainage'. The proposed land use is commercial/retail in nature and should be considered against the management purpose of the reserve. The management order for Reserve 50828 does not provide the power to lease or licence, and were Council to consider supporting the application it would need to apply for, and receive from, the Department of Lands the power to lease or licence over the reserve, and then issue a licence under Section 91 of the *Land Administration Act 1997* to the applicant.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Applications with a development cost of less than \$50,000 are charged an application fee of \$147 under the Shire's adopted Fee Schedule.

In the event that Council were to approve the application it may seek to charge an annual licence/lease fee, and it would be reasonable to base such a fee on the Shire time and resources required to manage the land use. Council may also be guided in the setting of an appropriate annual charge by the equivalent cost borne by other food retail outlets in Leeman (inclusive of annual rates and food premises inspection fees) to ensure an equitable basis for all operations within the townsite, and the annual fee might also give regard for the value of the reserves' setting and land area as commercial floor space.

**PUBLIC CONSULTATION:**

The application was advertised for public comment from 27 January 2016 until 19 February 2016 with the following actions being undertaken inviting comment:

- placement of advisory signs on-site at the three locations;
- direct notification being sent to the 11 Thomas Street residents/landowners located opposite the proposed Reserve 38735 mobile food outlet location;
- direct notification being sent to the eight Rudduck Street, Nairn Street and Bonham Street residents/landowners located opposite the proposed Reserve 31365 mobile food outlet location;
- direct notification being sent to the four Illyarrie Street residents/landowners located opposite the proposed Reserve 50828 mobile food outlet location;
- direct notification being sent to the Department of Transport (being the managing authority of Reserve 38735) and the Department of Lands;
- direct notification being sent to the Leeman commercial operations of a comparable nature;
- information relating to the proposal was made available for viewing at the Leeman Shire office.

At the conclusion of the advertising period, 11 submissions had been received, all in objection to the proposal, and one of these submissions being a petition signed by 20 people. A copy of the received submissions has been included as **Attachment 11.2.2(b)** which has been provided as a separate attachment to the agenda due to its size.

The objections to the proposal raised the following issues and perceptions:

- we have purchased and set up our business at a massive expense to provide the local community with inexpensive and fresh meals with huge outgoings such as gas, electricity, insurances and rates;
- it would be detrimental to our economic survival if any mobile food van were able to start up, we would have to close up the doors to the disappointment of our many loyal customers;
- local businesses are struggling already and are open seven days a week, all year round not just in the good times and holidays;
- local businesses are contributing to rates, taxes etc;
- will take public parking;
- will increase litter;
- they wish to operate in the periods when the existing businesses rely on to sustain their viability over the rest of the year;
- it will impact on the community feel of the area as it is not a permanent structure;
- will not provide local employment opportunities for the residents of Leeman;
- Leeman is not big enough for these kinds of operators;
- when they have collected money from their business operations they will be gone;
- local businesses should be allowed to enjoy benefit from the busy times without opposition from other business not prepared to stick it out year round;
- if you allow one business to operate then suddenly you will have multiple businesses wanting to join them;
- will negatively impact on the ability of local businesses to expand and upgrade;
- will create an unlevel playing field whereby permanent local businesses are required to pay greater fees, rates and other outgoings (gas, electricity, insurance) in comparison to a food trailer;
- it is in the town's interest to keep existing businesses viable.

It is noted that several of the objecting parties also made a submission in relation to the previous mobile food outlet application (Council Agenda Item 11.2.1) and in making their submission on this application referenced their previous submission (and the issues raised therein) which raised the following issues and perceptions:

- Leeman's population has halved due to local fishermen leaving our community due to regulatory changes to fishing and the closure of the Eneabba mine, local business proprietors needs should come first as they are the ones committed to our local community for the long term.
- car parking has always been an issue in the immediate and surrounding areas;
- we did not make a significant investment on the understanding the Shire would approve a commercial outlet directly opposite our home, we have no interest in the immediate area being denigrated;
- the ongoing activity of vehicles and boat trailers moving in and out of that area continues to be a safety hazard for children, pedestrians and the general accessing to the boat ramp.

Finally it is noted that the previous mobile food outlet application (Council Agenda Item 11.2.1) was advertised concurrently with this application and Council may consider

that the following issues raised by the community in objection to the other application are relevant to its consideration of this matter also:

- is seeking a prime position to get first option on beach front visitors, thus denying established business an opportunity that they could never access;
- mobile food outlets operated by visitors to the town during peak tourism periods do not contribute to the local economy;
- application seeks to 'cherry pick' and will only be there for the good times;
- permanent local businesses need encouraging and have invested in the future;
- permanent local businesses offer services to the local community all year round and work hard in a seasonal town;
- local existing business can manage holiday trade;
- will discourage future business from establishing in the Rudduck Street Commercial Precinct;
- local permanent businesses have to provide car parks or pay several thousand dollars in lieu of to allow our business to operate;
- local permanent businesses employ local people and buy from the same suppliers and support local businesses all year round;
- by virtue of trading in such a prime location the applicant would get an advertising advantage that no other business is allowed to enjoy, we are governed with regards to signage and where they can be placed;
- business owners should be able to rely on the Shire to best protect their interests especially when a mobile van in a small community would do a lot of financial damage to those who have chosen real estate and have established businesses for the long term;
- we are too small a business community to allow a mobile food van to deny existing venues \$1000s of dollars of revenue which they so desperately need to get themselves through the winter months when these vans are parked up.

It is noted that competition and impact on existing local businesses is a common theme amongst the received submissions. Whilst this may be an issue that Council can have some regard for under the provisions of Section 10.2 of the Scheme (including the requirements of orderly and proper planning, having regard for any social issues that have an effect on the amenity of the locality, the relationship of the proposal to development on other land in the locality, and any relevant submissions received on the application) it is an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

*"The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community."*

*This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:*

*“economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter”.*

*Stephen J at [687] noted that:*

*“...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.”*

However, it is also noted that Section 2.10 of the *Local Government Act 1995* lists one of the roles of a Councillor as being:

*“A councillor —*

*(a) represents the interests of electors, ratepayers and residents of the district;”*

#### **VOTING REQUIREMENT:**

Simple Majority

#### **OFFICER RECOMMENDATION/RESOLUTION:**

**2016/023**

**Moved: Cr Rackemann**

**Seconded: Cr Oakes**

***That Council refuse the application for a mobile food outlet to operate upon Reserve 38735 Thomas Street (Leeman Jetty Car Park), Reserve 31365 Rudduck Street (Leeman Recreation Centre Car Park) and Reserve 50828 Illyarrie Street (Leeman Boat Ramp Car Park) for the following reasons:***

- 1 Reserve 38735 has the purpose of ‘Harbour Purposes’ assigned to it by the Department of Lands and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the purpose of the reserve.***
- 2 The Department of Transport have not provided their written consent for the use of Reserve 38735, and the management order for Reserve 50828 issued by the Department of Lands has no power to lease or licence to a third party to operate upon the reserve.***
- 3 Reserve 31365 has the purpose of ‘Recreational Centre & Club Premises Site’ assigned to it by the Department of Lands and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the purpose of the reserve.***
- 4 Reserve 50828 has the purpose of ‘Recreation & Drainage’ assigned to it by the Department of Lands and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the purpose of the reserve.***

- 5 ***The Shire's management order for Reserve 50828 issued by the Department of Lands has no power to lease or licence to a third party to operate upon the reserve.***
- 6 ***Reserve 38735 is zoned 'Local Scheme Reserves-Public Purposes-Harbour Purposes' under the Shire of Coorow Local Planning Scheme No 3 and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the nature of the zoning.***
- 7 ***Reserve 31365 is zoned 'Mixed Use' and 'Special Control Area 1 - Rudduck Street Precinct' under the Shire of Coorow Local Planning Scheme No 3 and the proposal is not considered to be consistent and in keeping with the nature and intent of the zoning.***
- 8 ***Reserve 50828 is zoned 'Local Scheme Reserves-Parks & Recreation' under the Shire of Coorow Local Planning Scheme No 3 and the proposed land use is commercial/retail in nature and is not considered to be consistent and in keeping with the nature of the zoning.***
- 9 ***The proposed land use is not considered to be in accordance with the aims and purposes of the Shire of Coorow Local Planning Scheme No 3.***
- 10 ***The proposed land use is not considered to satisfy the matters to be considered pertaining to Section 10.2 of the Shire of Coorow Local Planning Scheme No 3.***
- 11 ***Reserves 38735 & 50828 are not identified for retail/commercial activity by the Leeman and Green Head Townsite Local Planning Strategy and it is considered approval of the development would undermine the Strategy's direction of developing the Rudduck Street Precinct and Leeman foreshore masterplan.***
- 12 ***The submissions received during the public consultation period for the application, and the issues raised therein, do not indicate a level of support for the following to be considered by Council:***
  - (a) ***the initiation by Council of the rezoning of the land to accommodate the proposed land use;***
  - (b) ***an application by Council to change the purpose of Reserves 31365 & 50828;***
  - (c) ***an application by the Council and the Department of Transport to change the purpose of Reserves 38735;***
  - (d) ***an application by Council and the Department of Transport to amend the management orders to enable lease/licence to be issued to a third party***
  - (e) ***an application to be considered in conformity with Section 10.2 of the Shire of Coorow Local Planning Scheme No.3 and Part 9 Section 67 the Planning and Development (Local Planning Schemes) Regulations 2015.***

- 13 It is considered that approval of the proposed use upon Reserves 38735, 31365 & 50828 would set an undesirable precedent for future applications which would be detrimental to the use and enjoyment of the area.**

**Notes**

- a) Should the applicant be aggrieved by the decision of the Council there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.**

**CARRIED 8/0  
Simple Majority**

Councillor Sims declared an indirect financial interest in Item 11.2.3 as he is employed by a business that is in competition to the applicant and left the meeting at 5.20 pm.

Councillor Girando declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Jack declared an impartiality interest in Item 11.2.3 as he owns a business in close proximity to the applicant and is a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Bothe declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

Councillor Clement declared an impartiality interest in Item 11.2.3 as a committee member of the Coorow Community Land Inc who owns the property opposite the applicant.

**11.2.3 PROPOSED RELOCATION OF EXISTING OUTBUILDING & SITING OF TRANSPORTABLE BUILDING – 19-21 (LOTS 1, 2 & 3) POYNTON PARADE, COOROW**

<b>AUTHOR</b>	Simon Lancaster
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	4 March 2016
<b>ATTACHMENT</b>	11.2.3(a) & 11.2.3(b)
<b>FILE</b>	A17

**SUMMARY:**

Council gave consideration to an application to relocate an existing outbuilding and site a transportable building upon 19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow at its 10 February 2016 meeting and resolved that this matter should be deferred to allow for further research and consultation. The application has been advertised for comment and this report recommends conditional approval.

**BACKGROUND:**

19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow is a 1,012 m<sup>2</sup> x 3 (3,036 m<sup>2</sup> total area) row of properties on the eastern side of Poynton Parade that are used for the Coorow Hardware business.

The business has its main frontage facing south onto Main Street but does also provide vehicular access to the west onto Poynton Parade, and abuts a 5 m wide laneway to the east.

**Figure 1 –Location Plan for 19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow**



The applicant is seeking approval for the following:

- site a transportable 3x10 m (30 m<sup>2</sup>) building in the south-eastern corner of Lot 1 with a nil setback to the Main Street frontage, and a nil setback to the laneway on the rear (east) property boundary. The applicant seeks to use the transportable building for storage and would replace the damaged panels, and repaint the external walls cream;
- replace the existing link mesh fence that commences at the vehicle access point onto Main Street and runs around the eastern corner of Lot 1 and then along the laneway for 24.72 m, with a 2.1 m high cream colorbond fence that would obscure the relocated building;
- relocate an existing 6x12 m (72 m<sup>2</sup>) metal storage and maintenance shed from Lot 2 to Lot 3 and site it 0.9m from the side (northern) property boundary with Lot 4, and with a nil setback to the laneway on the rear (east) property boundary;
- install a concrete floor for the relocated shed and hardstand area about the western and southern ends of the shed totalling 19.22x15.5 m (297.91 m<sup>2</sup>) linked to stormwater drainage mechanisms including soakwells.



**Figure 2 – Aerial Photograph of 19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow**



**Figure 3 – View from Main Street prior to, and following, siting of transportable building**



The applicant's submitted site plan and supporting correspondence have been included as **Attachment 11.2.3(a)**.

**Figure 4 – View looking south-west from laneway at transportable building**



The Shire of Coorow Heritage Inventory (2015) notes that development of the site dates back to 1916 and that Casey's Store and the King George Hostel operated from Lots 1 & 2, and that the boarding house, shop and residence were removed from the site in 1975 and the properties were then re-developed for the current hardware store land use.

**COMMENT:**

It is considered that the relocation of the existing shed and the proposed concrete hard stand area are relatively minor matters and should be supported subject to conditions.

The siting of the transportable building with a nil setback to Main Street and the installation of a 2.1 m high colorbond fence will have a higher level of visual impact on the streetscape and warrant closer Council consideration.

The existing built form along this section of Main Street generally has a nil setback and it can be argued that the siting of the building against the boundary would be in keeping with the existing streetscape. However it may also be argued that the transportable building has limited visual appeal and could detract from the town's main thoroughfare which is populated by several historic buildings.

The applicant has stated of their intention to sand and paint the building and undertake some repair work and erect a colorbond fence to screen the building and Council may be satisfied with this level of work.

Alternatively Council might consider it appropriate to require that the applicant install gable trusses and colorbond roof sheeting atop the transportable building to reduce the building's appearance of being a site office and create a roof outline more in keeping with the existing buildings along Main Street, which is Coorow townscape's focus/entry point for its community and visitors.

Besides the visual appearance of the transportable building the other issue raised for consideration is the siting of the building and a visually impervious colorbond fence in



the corner of the property with a nil setback to both Main Street and the laneway, and the resultant potential to reduce driver visibility for vehicles entering Main Street from the laneway, and for pedestrians walking along the Main Street footpath. Whilst this may be a consideration it should be noted that the transportable building would be merely replicating the nil setback already provided on the other corner of the laneway/Main Street intersection by the Coorow Co-operative building.

**Figure 5 – View illustrating driver/vehicle visibility from laneway onto Main Street**



#### **STATUTORY ENVIRONMENT:**

19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow are zoned 'Commercial' under Shire of Coorow Local Planning Scheme No 3 ('the Scheme').

**Figure 6 – Extract from Shire of Coorow Local Planning Scheme No 3 Map**



Section 4.2.1 of the Scheme notes that:

*“The objective of the Commercial Zone is to provide for retail shopping, office and other commercial development, and social, recreational and community activities servicing the town as a whole.”*

The proposed developments comprising the received application would be considered as incidental to the overall permitted 'Showroom' activities upon the properties.

Table 2 – Development Requirements does not prescribe a minimum boundary setback for shop, showroom and most other commercial land uses, instead noting them “to be determined by the local government in each particular case” to provide flexibility to Council in its assessment of applications on-merit and also recognising that the existing built form for many commercial operations is with a nil boundary setback.

Section 5.15 of the Scheme addresses the issue of the appearance of land and buildings:

- “5.15.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.*
- 5.15.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.*
- 5.15.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”*

**STRATEGIC IMPLICATIONS:**

Section 6.2 of the Coorow Townsite Local Planning Strategy (2013) notes that Main Street will continue to be the focal point of the town, offering a service and community meeting point role.

**Figure 7 – Coorow Townsite Local Planning Strategy Map**

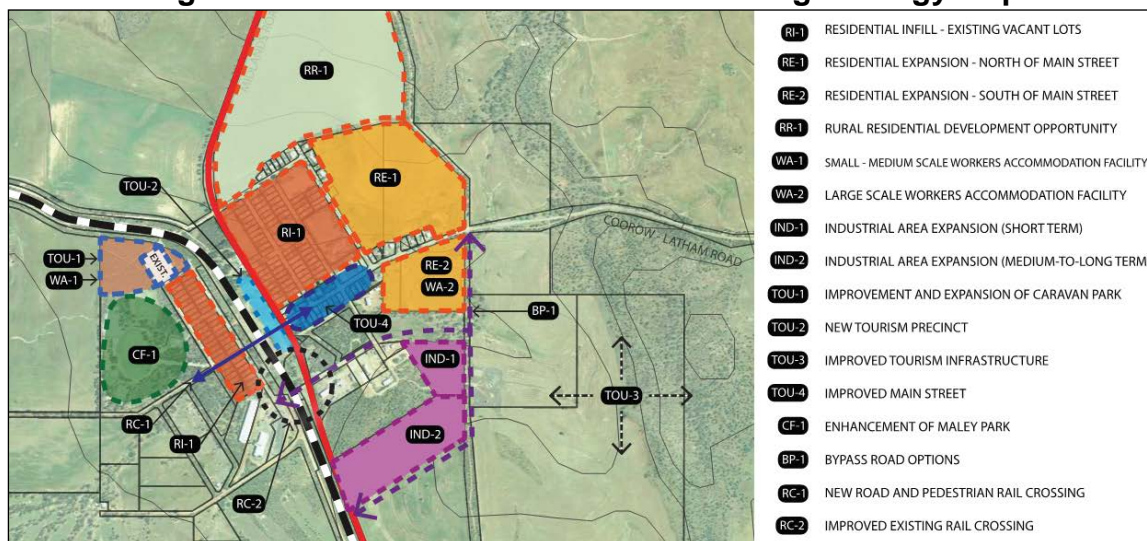


Table 13 of the Strategy notes that Main Street should be enhanced in the following ways:

- “• *Enhancement of street facilities, including the undergrounding of power lines, and installation of new light poles that accommodate banners. This will improve the appearance of the street and enable the Shire to advertise local events.*
- *Encouraging the facilitation of upgrades of existing buildings through grants, particularly heritage buildings.*
- *Selling surplus Council lots along Main Street below market cost to encourage the development of new business and/or housing (subject to requirement to develop within a specified timeframe). This should be done on a limited basis on selected sites to avoid any continued situation where lot production costs exceed sale values.*

*As a general rule, development on Main Street should follow the following principles:*

- *Nil or minimal setback to the street, with major entrances and presentation to Main Street.*
- *Landmark buildings or building elements at the junction of Main Street and Midlands Road.*
- *Parking should be located at the rear of buildings or on the street, with shared parking and access to be encourage to minimise crossovers and maximise the efficiency of parking area's.”*

#### **POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The application has been charged the \$147 planning application fee for developments with a cost of less than \$50,000 as per the Shire's adopted Fee Schedule, and in the event that the application was approved by Council would incur additional fees relevant to the building permit stage.

**PUBLIC CONSULTATION:**

The application was presented to the 10 February 2016 meeting of Council where it was resolved:

*"That this item be deferred until the 16 March 2016 meeting to allow for further research and consultation."*

The application was advertised for public comment from 15 February 2016 until 2 March 2016 with the following actions being undertaken inviting comment:

- placement of an advisory sign on-site;
- direct notification being sent to the five surrounding landowners;
- information relating to the proposal was made available for viewing at the Coorow Shire office.

At the conclusion of the advertising period, two submissions had been received, and a copy of the received submissions have been included as **Attachment 11.2.3(b)**.

The main issues arising from the submission period are as follows:

- do not want the old bakery hidden from public view, new fence should only go along back laneway;
- hope there is a huge fee for being retrospective;
- concerned with the future of the old butcher's shop facing Main Street, Coorow Heritage Group has discussed the proposal and believe the building should be preserved as part of the town streetscape.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council resolve to grant formal planning consent for the relocation of an existing shed and the siting of a transportable building upon 19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow subject to compliance with the following:

**Conditions**

- 1 The development shall be in accordance with the attached approved plan dated 16 March 2016 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plan shall not be modified or altered without the prior written approval of the local government.

- 2 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.
- 3 The transportable building is to be painted and repaired to the approval of the local government to the approval of the local government.
- 4 The applicant is required to install gable roof trusses and colorbond roof sheeting atop the transportable building to improve the visual appearance of the structure as viewed from Main Street and create a roof outline in keeping with the existing and historic buildings along Main Street to the approval of the local government.
- 5 The proposed 2.1 m high cream colorbond fence is approved along the laneway (eastern) property boundary only and shall be of a colour and standard to the approval of the local government.
- 6 The existing link mesh fence along the Main Street property frontage shall remain or be replaced with a new visually permeable style fencing that is to the approval of the local government.
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 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.
- 9 The conditions of approval shall be completed by the applicant within a period of 12 months to the approval of the local government.

Advice Notes:

- (a) The applicant/landowner is encouraged to contact the Coorow Heritage Group in regards to the former butcher's shop building upon the property, as they may be able to provide advice on the upgrading/conservation of the building.
- (b) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.

**RESOLUTION:**

**2016/024**

**Moved: Cr Bothe**

**Seconded: Cr Rackemann**

***That Council resolve to grant formal planning consent for the relocation of an existing shed and the siting of a transportable building upon 19-21 (Lots 1, 2 & 3) Poynton Parade, Coorow subject to compliance with the following:***



## Conditions

- 1 The development shall be in accordance with the attached **drawing** dated 16 March 2016 and subject to **the transportable building being set back 1.5 m from the Main Street frontage and** any modifications required as a consequence of any conditions of this approval. The endorsed plan shall not be modified or altered without the prior written approval of the local government.
- 2 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.
- 3 The transportable building is to be painted and repaired to the approval of the local government to the approval of the local government.
- 4 The applicant is required to install gable roof trusses and colorbond roof sheeting atop the transportable building to improve the visual appearance of the structure as viewed from Main Street and create a roof outline in keeping with the existing and historic buildings along Main Street to the approval of the local government.
- 5 The proposed 2.1 m high cream colorbond fence is approved along the laneway (eastern) property boundary **and along the eastern boundary to the north eastern corner of the butchers shop only** and shall be of a colour and standard to the approval of the local government.
- 6 The existing link mesh fence along the Main Street property frontage shall remain or be replaced with **fencing to the colour and standard** to the approval of the local government **to the south eastern corner of the Butcher's Shop.**
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 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.
- 9 The conditions of approval shall be completed by the applicant within a period of **6** months to the approval of the local government.
- 10 The Butcher's Shop not be demolished.**

## Advice Notes:

- (a) The applicant/landowner is encouraged to contact the Coorow Heritage Group in regards to the former butcher's shop building upon the property, as they may be able to provide advice on the upgrading/conservation of the building.

- (b) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.**

**CARRIED 4/3  
Simple Majority**

**Reason for variation from Officer's recommendation:**

**Councillors did not want fencing across the front of the Butchers Shop and wanted to ensure it is retained. They also wanted the works completed sooner than recommended.**

**Councillor Sims returned to the meeting at 5.49 pm**

## **11.4 DEPUTY CHIEF EXECUTIVE OFFICER:**

### **11.4.1 ACCOUNTS FOR PAYMENT**

<b>AUTHOR</b>	Leanne Parola
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	2 March 2016

#### **SUMMARY:**

**Council approval is required for payment of accounts made within the months January 2016 and February 2016 and to approve payments of accounts due in March 2016.**

#### **COMMENT:**

Approval is sought for the following list of payments of accounts made since Council's last meeting on 10 February 2016 and of accounts that are now due.

#### **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 authorisation 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.

*[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]*

# **STRATEGIC, POLICY & FINANCIAL IMPLICATIONS:**

There is no financial policy or strategic implications regarding this matter.

# **VOTING REQUIREMENT:**

Simple Majority

# **OFFICER RECOMMENDATION/RESOLUTION:**

**2016/025**

**Moved: Cr Jack**

**Seconded: Cr Oakes**

***That payments listed in 11.4.1 Accounts Due and Submitted to Council up to 2 March 2016 including:***

# **MUNICIPAL FUND**

<b>Cheque:</b>	<b>19908 – 19917</b>	<b>\$47,874.06</b>
<b>Collection Summaries:</b>	<b>71010316-72290216</b>	<b>\$63,800.55</b>
<b>Payroll DDs:</b>	<b>16/12/15-27/01/16</b>	<b>\$117,948.71</b>
<b>EFTs:</b>	<b>9546 -9765</b>	<b>\$201,029.28</b>
<b>Superannuation</b>	<b>16/12/2015 – 27/01/2016</b>	<b>\$29,505.18</b>
<b>Credit Card</b>	<b>13101115</b>	<b>\$2,223.46</b>
<b>Totalling:</b>		<b>\$462,381.24</b>

# **TRUST FUND**

**Trust Cheques:** **Nil**

**Totalling:** **\$nil**

***be authorised and passed for payment***

**CARRIED 8/0**  
**Simple Majority**

### List of Accounts Due & Submitted to Council 2/03/2016

<u>Chq/EFT</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Muni</u>
EFT9786	04/02/2016	AUSTRALIAN TAXATION OFFICE	BAS JANUARY 2016	\$ 24,031.00
EFT9787	05/02/2016	AUSTRALIA POST-LPO	POSTAGE FOR JANUARY 2016	\$ 168.56
EFT9788	05/02/2016	AVON WASTE	WASTE REMOVAL SERVICES - JANUARY 2016	\$ 15,208.60
EFT9789	05/02/2016	AMPAC DEBT RECOVERY	DEBT RECOVERY	\$ 8,158.72
<i>EFT9790</i>	<i>05/02/2016</i>	<i>AGWEST MACHINERY &amp; MIDWEST ISUZU</i>	<i>255000KM SERVICE FOR ISA TRUCK</i>	<i>\$ 1,213.74</i>
EFT9791	05/02/2016	COURIER AUSTRALIA	FREIGHT - LIBRARY, FORPARK, JASON SIGNS, STRATCO	\$ 65.12
EFT9792	05/02/2016	COVS	RAGS, GREASE GUNS, OIL, HEADLAMP, BOLT ON LIGHT, IGNITION SWITCH, FUSES, CLEAN-R-CARB, OIL	\$ 1,342.01
EFT9793	05/02/2016	COASTAL MOBILE AUTO REPAIRS	SUPPLY & FIT PITMAN ARM - CW3494	\$ 367.45
EFT9794	05/02/2016	DEPARTMENT OF FIRE & EMERGENCY SERVICES	ESL JANUARY 2016	\$ 2,789.87
EFT9795	05/02/2016	FAMILY SHOPPING CENTRE	MILK, TEA, COFFEE, BATTERIES	\$ 371.37
EFT9796	05/02/2016	GERALDTON MOWER & REPAIRS	SPARK PLUG	\$ 27.00
EFT9797	05/02/2016	GREEN HEAD GENERAL STORE	FUEL - CW0055, CW0045	\$ 294.50
EFT9798	05/02/2016	GUARDIAN PRINT GERALDTON	PRE-START CHECKLIST BOOKS, PRIVATE WORKS APPLICATION BOOKS	\$ 2,205.00
EFT9799	05/02/2016	GREEN HEAD MEN'S SHED	ABLUTION BLOCK CLEANING FOR JANUARY 2016	\$ 770.00
EFT9800	05/02/2016	GREAT SOUTHERN FUELS	CORRECTION - SHORTPAY OF ORIGINAL INVOICE #935	\$ 545.01
EFT9801	05/02/2016	GRAY DOMESTIC & COMMERCIAL SERVICES	CLEANING	\$ 450.00
<i>EFT9802</i>	<i>05/02/2016</i>	<i>GINGIN ROADHOUSE &amp; CARAVAN PARK</i>	<i>ACCOMMODATION AND EXPENSES FOR ISA WORKERS 12/01/16 &amp; 13/01/16</i>	<i>\$ 1,464.00</i>
EFT9803	05/02/2016	HERSEY JR & A PTY LTD	HAND TOWLES, TOILET PAPER, DEGREASER, BABLE TIES, BOLTS, WASHER SPRING, ZINC ENAMEL	\$ 836.79
EFT9804	05/02/2016	HARE & FORBES MACHINERY HOUSE	PARTING BLADE, KNURLING TOOL, INSERT PARTING	\$ 318.45
EFT9805	05/02/2016	JURIEN HOME TIMBER & HARDWARE	DOOR HANDLES, BUILDING FILLER, ASSORTED TIMBER, FUSE HOLDERS	\$ 527.80
EFT9807	05/02/2016	LEWIS MOTORS	AIR FILTER, FUEL FILTER, OIL FILTER	\$ 138.35
<i>EFT9808</i>	<i>05/02/2016</i>	<i>LGIS RISK MANAGEMENT</i>	<i>AWARE- EMERGENCY MANAGEMENT PROJECT</i>	<i>\$ 7,700.00</i>

EFT9809	05/02/2016	ML COMMUNICATIONS	PHONE SYSTEM RENTAL - LEEMAN	\$ 321.25
EFT9810	05/02/2016	MIDWEST CHEMICAL & PAPER	CLEANING SUPPLIES FOR LEEMAN & GREENHEAD PUBLIC ABLUTIONS	\$ 950.62
EFT9811	05/02/2016	MAIN STREET HARDWARE COOROW	WATER FITTINGS	\$ 340.54
EFT9812	05/02/2016	OFFICEWORKS BUSINESS DIRECT	STATIONARY SUPPLIES	\$ 451.88
EFT9813	05/02/2016	T-QUIP	IGNITION SWITCH - SUNDRY MOWERS	\$ 30.90
EFT9814	05/02/2016	THREE SPRINGS FAMILY PRACTICE	FEE FOR SERVICES RENDERED 20/01/16	\$ 880.00
EFT9815	05/02/2016	VIGILANTE LANDSCAPE ARCHITECTURE PTY LTD	LEEMAN FORESHORE MASTERPLAN- STAGE ONE, STAGE TWO	\$ 4,950.00
EFT9816	05/02/2016	WESTRAC EQUIPMENT	FLANGE	\$ 506.26
EFT9817	05/02/2016	WURTH AUSTRALIA PTY LTD	ASSORTED NUTS AND BOLTS - EXPANDABLE STORES	\$ 207.86
EFT9818	05/02/2016	WATERMAN IRRIGATION	STANDPIPE REMOTE ACCESS CHARGE JAN16-JUN16	\$ 376.20
EFT9819	05/02/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	\$ 154.80
EFT9820	05/02/2016	EASIFLEET	MOTOR VEHICLE LEASE MRS	\$ 455.70
EFT9821	05/02/2016	WA & MF BROUN	GRAVEL	\$ 5,055.05
EFT9822	15/02/2016	SG FLEET	LEASE - ISA TRUCK	\$ 4,168.32
EFT9823	18/02/2016	LEADING EDGE COMPUTERS	BROADBAND CABLE TO ACCESS WIFI	\$ 135.00
EFT9824	18/02/2016	AVON WASTE	WASTE REMOVAL SERVICE - EXTRA SERVICE - SKIP BIN DYNAMITE BAY	\$ 493.00
EFT9825	18/02/2016	BOQ ASSET FINANCE & LEASING PTY LTD	LEASE CHARGES PHOTOCOPIERS 27.02.2016	\$ 1,465.20
EFT9826	18/02/2016	AFLEX TECHNOLOGY	VALVE CAP, VALVE TOOL	\$ 66.00
EFT9827	18/02/2016	BOC GASES	ARGOSHIELD GAS	\$ 374.04
EFT9828	18/02/2016	BINDOON TRACTORS	FILTERS FOR CW3512	\$ 435.53
EFT9829	18/02/2016	TUTT BRYANT EQUIPMENT	SCRAPER PLATE RUBBER	\$ 387.64
EFT9830	18/02/2016	COURIER AUSTRALIA	FREIGHT - GH LIBRARY, POOL CHEMICALS, COVS, WESTRAC	\$ 509.89
EFT9831	18/02/2016	COVS	BATTERY, COLD GALVANISING, ENAMEL	\$ 1,529.40
EFT9832	18/02/2016	CUNNINGHAMS AG SERVICES	TWO WAY RADIO	\$ 483.22
EFT9833	18/02/2016	COASTAL MOBILE AUTO REPAIRS	TYRE REPAIR - CW0050	\$ 33.00
EFT9834	18/02/2016	EASIFLEET	MOTOR VEHICLE LEASE - MRS	\$ 455.70
EFT9835	18/02/2016	FARMWORKS MITRE 10 CARNAMAH	DOOR HANDLE	\$ 40.14
EFT9836	18/02/2016	FIVE STAR BUSINESS MACHINES	PHOTOCOPIER METER PLAN CHARGES - COOROW	\$ 874.88
EFT9837	18/02/2016	GH COUNTRY COURIERS	FREIGHT - GUARDIAN PRINT	\$ 34.49

EFT9838	18/02/2016	GRAY DOMESTIC & COMMERCIAL SERVICES	CLEANING 24/01/2016 - 07/02/2016	\$ 795.00
EFT9839	18/02/2016	MOORE STEPHENS (UHY HAINES NORTON)	WEBINAR - FBT BASICS - DCEO & SFO - 11/02/2016	\$ 220.00
EFT9840	18/02/2016	HERSEY JR & A PTY LTD	UNIFORM - OUTSIDE STAFF	\$ 231.68
EFT9841	18/02/2016	HUGHGOES CONTRACTING	BOAT RAMP CLEANING - LEEMAN, GREEN HEAD	\$ 935.00
EFT9842	18/02/2016	JASON SIGNMAKERS	SIGNS - CHILDREN CROSSING, BUS TURNAROUND	\$ 330.00
EFT9843	18/02/2016	JURIEN HOME TIMBER & HARDWARE	WASHERS, DOOR HANDLE, JARRAH DOOR STOPPER	\$ 71.65
EFT9844	18/02/2016	JURIEN BAYVIEW REALTY	LEASE 10 TUART STREET LEEMAN TO 07/04/16	\$ 1,430.00
EFT9845	18/02/2016	LANDMARK	STRAINER ASSY	\$ 147.11
EFT9846	18/02/2016	LEEMAN COUNTRY & SPORTING CLUB INC	COUNCIL MEETING 10/02/16 - REFRESHMENTS	\$ 231.50
EFT9847	18/02/2016	LANDGATE	GROSS RENTAL VALUATION	\$ 265.58
EFT9848	18/02/2016	LEWIS ELECTRICS	VARIOUS ELECTRICAL WORKS	\$ 1,356.59
EFT9849	18/02/2016	LEEMAN POST AND FUEL	POSTAGE FOR JANUARY 2016	\$ 240.37
EFT9850	18/02/2016	LEEMAN PLUMBING & EXCAVATION	PLUMBING REPAIRS	\$ 638.00
EFT9851	18/02/2016	MCLEODS	ANNUAL AUDIT - 2015	\$ 165.00
EFT9852	18/02/2016	NIGEL'S SERVICE CENTRE	HYGIENE CONTRACT 22/02/2016-21/02/2017, LEEMAN & GREEN HEAD	\$ 1,584.00
EFT9853	18/02/2016	SIGMA CHEMICALS	CHEMICALS	\$ 748.00
EFT9854	18/02/2016	SEASIDE SUPPLIES	CLEANING MATERIAL, MILK	\$ 24.80
EFT9855	18/02/2016	SIGMA CHEMICALS	POOL CHEMICALS	\$ 748.00
EFT9856	18/02/2016	STAR TRACK EXPRESS	FREIGHT X HITACHI	\$ 169.55
EFT9857	18/02/2016	TRUCKLINE	HAND CLEANER, DUSTBLOWER ASSY SEAT MOUNT	\$ 89.80
EFT9858	18/02/2016	THREE SPRINGS FAMILY PRACTICE	FEE FOR SERVICES RENDERED 10/02/2016	\$ 440.00
EFT9859	18/02/2016	WA LOCAL GOVERNMENT ASSOCIATION	COUNCILLOR TRAINING - MOIRA GIRANDO	\$ 50.00
EFT9860	18/02/2016	WESTERN GREY	FABRICATION OF ROAD COUNTER STRAPS	\$ 583.00
EFT9861	18/02/2016	WESTRAC EQUIPMENT	REPAIRS - CW0035	\$ 55,552.43
EFT9862	18/02/2016	W A TREASURY CORPORATION	LOAN 88 PAYMENT -PURCHASE HOUSE	\$ 38,608.38
EFT9863	18/02/2016	PACIFIC BRANDS - WORKWEAR GROUP	UNIFORM - DCEO	\$ 169.09
EFT9864	18/02/2016	SAMANTHA ZUIDAM	NATIONAL POLICE CLEARANCE - SAM ZUIDAM	\$ 44.90
			<b>TOTAL EFT PAYMENTS</b>	<b>\$ 201,029.28</b>
19908	05/02/2016	SYNERGY	ELECTRICITY TO 18/02/16	\$ 2,114.60



19910	10/02/2016	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 140.00
19911	10/02/2016	TELSTRA	PHONE ACCOUNT TO 01/02/16	\$ 2,799.69
19912	24/02/2016	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 150.00
19913	18/02/2016	SYNERGY	ELECTRICITY ACCOUNTS JANUARY 2016	\$ 13,213.05
19914	18/02/2016	TELSTRA	MANAGERS MOBILE PHONE ACCOUNT TO 02/02/2016	\$ 428.00
19915	18/02/2016	WATER CORPORATION	WATER ACCOUNTS TO 09/02/2016	\$ 28,823.72
19917	25/02/2016	CCAWA CEMETERIES & CREMATORIA ASSOCIATION	CCAWA SEMINAR 18/03/2016 - BRENDA JOHNSON	\$ 205.00
			<b>TOTAL CHEQUES PAYMENTS</b>	<b>\$ 47,874.06</b>
DD23676.1	10/02/2016	WA SUPER PAYROLL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 11,981.55
DD23676.2	10/02/2016	ULTIMATE SUPER AND PENSION SERIVCE	SUPERANNUATION CONTRIBUTIONS	\$ 1,201.57
DD23676.3	10/02/2016	TWUSUPER	SUPERANNUATION CONTRIBUTIONS	\$ 355.48
DD23676.4	10/02/2016	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	\$ 169.20
DD23676.5	10/02/2016	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 205.81
DD23676.6	10/02/2016	ONE PATH SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 209.96
DD23676.7	10/02/2016	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 61.78
DD23676.8	10/02/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$ 57.37
DD23705.1	10/02/2016	WA SUPER PAYROLL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 820.41
DD23705.2	15/02/2016	WA SUPER PAYROLL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 367.10
DD23739.1	24/02/2016	WA SUPER PAYROLL SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 11,727.50
DD23739.2	24/02/2016	ULTIMATE SUPER AND PENSION SERIVCE	SUPERANNUATION CONTRIBUTIONS	\$ 1,201.57
DD23739.3	24/02/2016	TWUSUPER	SUPERANNUATION CONTRIBUTIONS	\$ 357.96
DD23739.4	24/02/2016	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	\$ 185.26
DD23739.5	24/02/2016	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 205.81
DD23739.6	24/02/2016	ONE PATH SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 187.73
DD23739.7	24/02/2016	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 75.26
DD23739.8	24/02/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$ 133.86
			<b>TOTAL SUPERANNUATION PAYMENTS</b>	<b>\$ 29,505.18</b>
13120116	01/02/2016	BANKWEST	MASTERCARD DCEO	\$ 112.50
13120116	01/02/2016	BANKWEST	MASTERCARD DCEO	\$ 1658.01
13120116	01/02/2016	BANKWEST	MASTERCARD DCEO	\$ 227.95
13120116	01/02/2016	BANKWEST	MASTERCARD DCEO	\$ 225.00

			<b><u>TOTAL CREDIT CARD PAYMENTS</u></b>	<b>\$ 2,223.46</b>
71010316	01/03/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 814.75
71020216	02/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 622.15
71030216	03/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,348.90
71040216	04/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 66.00
71050216	05/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,091.15
71080216	08/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 60.75
71090216	09/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 931.95
71100216	10/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,827.90
71110216	11/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 350.15
71120216	12/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 192.70
71150216	15/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 12,393.25
71160216	16/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 343.85
71170216	17/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,359.55
71180216	18/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 792.70
71190216	19/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,006.10
71230216	23/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 788.25
71240216	24/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 6,135.65
71250216	25/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,741.30
71260216	26/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,535.35
71290116	29/01/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 200.00
71290216	29/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 7,586.90
72010216	01/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 3,381.25
72010216	01/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,887.30
72010316	01/03/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 292.00
72020216	02/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 601.30
72030216	03/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 560.30
72040216	04/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,323.35
72050216	05/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 619.10
72080216	08/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 23.00
72090216	09/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 126.00
72110216	11/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 886.10

72120216	12/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 810.85
72150216	15/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 3,895.20
72160216	16/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 342.55
72170216	17/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 622.15
72180216	18/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 598.85
72190216	19/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 150.00
72220216	22/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 483.65
72250216	25/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 387.10
72260216	26/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 401.90
72290116	29/01/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 552.80
72290216	29/02/2016	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,666.50
			<b><u>TOTAL LICENSING PAYMENTS</u></b>	<b>\$ 63,800.55</b>
DDEBIT	10/02/2016	PAYROLL	PAYROLL	\$ 57,829.00
DDEBIT	15/02/2016	PAYROLL	PAYROLL	\$ 4,153.71
DDEBIT	24/02/2016	PAYROLL	PAYROLL	\$ 55,966.00
			<b><u>TOTAL PAYROLL PAYMENTS</u></b>	<b>\$ 117,948.71</b>
			<b><u>TOTAL PAYMENTS</u></b>	<b>\$ 462,381.24</b>

#### 11.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JANUARY 2016

<b>AUTHOR</b>	Leanne Parola
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	9 February 2015
<b>ATTACHMENT</b>	11.4.2 Statement of Financial Activity for January 2016 Under separate cover (refer to attachment file)
<b>FILE</b>	ADM 0426 – Finance – 2015/16

#### **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 and Cash Flow Graph. A copy of the Statement of Financial Activity for the month ended 31 January 2016 is included at Attachment 11.4.2 for Councillors' 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 sub regulation (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 sub regulation (2), is 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/RESOLUTION:**

**2016/026**

***Moved: Cr Cullen***

***Seconded: Cr Clement***

***That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.2 for the period ended 31 January 2016 as prepared and presented by the Deputy Chief Executive Officer.***

***CARRIED 8/0  
Simple Majority***



#### 11.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2016

<b>AUTHOR</b>	Leanne Parola
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 March 2016
<b>ATTACHMENT</b>	11.4.3 Statement of Financial Activity for February 2016 Under separate cover (refer to attachment file)
<b>FILE</b>	ADM 0426 – Finance – 2015/16

#### **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 and Cash Flow Graph. A copy of the Statement of Financial Activity for the month ended 29 February 2016 is included at Attachment 11.4.3 for Councillors' 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 sub regulation (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 sub regulation (2), is 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/RESOLUTION:**

**2016/027**

***Moved: Cr Jack***

***Seconded: Cr Bothe***

***That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.3 for the period ended 29 February 2016 as prepared and presented by the Deputy Chief Executive Officer.***

***CARRIED 8/0  
Simple Majority***

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

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

**13.1 LATE AGENDAS – FLORA COLLECTION, WITHDRAWAL OF INFRINGEMENT NOTICE AND REVIEW OF FINANCIAL ASSISTANCE TO THREE SPRINGS – ARRINO RSL**

AUTHOR	Peter Crispin
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 March 2016
ATTACHMENT	Nil
FILE	ADM0569

**SUMMARY:**

Council is requested to accept three (3) late agenda items regarding 'flora collection', 'withdrawal of infringement notice' and 'review of financial assistance to Three Springs-Arrino RSL'.

**BACKGROUND:**

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

**COMMENT:**

Three late items are being presented for consideration as follows:

- 13.1.1 Request for the collection of flora including native seed and cuttings from within the Shire of Coorow
- 13.1.2 Camping fine review – Andrew Redmond
- 13.1.3 Review of Financial Assistance to Three Springs-Arrino RSL

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995 Part 3 — Functions of local governments*

*Shire of Coorow - Standing Orders Local Law 2011*  
*5.5 New business of an urgent nature*

**STRATEGIC IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:****OFFICER RECOMMENDATION/RESOLUTION:**

2016/028

**Moved: Cr Rackemann**

**Seconded: Cr Sims**

***That three (3) items of late business be accepted as follows:***

- 13.1.1     *Request for the collection of flora including native seed and cuttings from within the Shire of Coorow***
- 13.1.2     *Camping fine review – Andrew Redmond***
- 13.1.3     *Review of Financial Assistance to Three Springs-Arrino RSL.***

**CARRIED 8/0  
Simple Majority**

<b>13.1.1     REQUEST FOR THE COLLECTION OF FLORA INCLUDING NATIVE SEED AND CUTTINGS FROM WITHIN THE SHIRE OF COOROW</b>
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<b>AUTHOR</b>	Peter Crispin
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	11 March 2016
<b>FILE</b>	ADM0109 – Environmental Management – Collection of Seeds
<b>ATTACHMENT</b>	Letter from Cathy Galli, Senior Rehabilitation Specialist, Iluka Resources (13.1.1.1)

**SUMMARY:**

**To consider a request from Iluka Resources for the collection of flora including native seed and cuttings from reserves and other areas managed by the Shire of Coorow for a twelve month period beginning 17 March 2016.**

**BACKGROUND:**

Council has received an application from Iluka resources for permission to collect native seeds and cuttings in reserves and other areas managed by the Shire of Coorow.

In the past permission has been given to Government departments and environmental groups for the collection of various native seeds and cuttings, but not to commercial enterprises for profit.

In 2008 Council investigated the need for staff inductions and Public Liability Insurance for people working in Council Vested Reserves. As Iluka Resources is not a contractor or an employee of Council, there is no need for Council to undertake an induction.

Council must however insist on a current Public Liability Certificate to be provided before any work or seed collection takes place.

**COMMENT:**

Seed collected from within reserves and other areas managed by the Shire of Coorow will be utilised in rehabilitation of areas at Eneabba's Mineral Sand Mine.

It is recommended that the following conditions be imposed on all applications for the collection of native seeds and cuttings including:

1. Permission is for a twelve month period commencing 17 March 2016;
2. All persons collecting native seed are to be Iluka Resources staff members and licensed according to the Wildlife Conservation Act (1950) and abide by the condition of the license
3. All staff are to wear high visibility safety vests;
4. Any stationary vehicles are to use revolving amber flashing lights;
5. Appropriate hygiene measures be followed at all times to prevent the spread of plant disease and weeds;
6. All care be taken to avoid the disturbance of fauna habitat;
7. All care be taken to avoid any disturbance that may lead to soil degradation; and
8. No work to commence in Shire reserves until the Shire has received a current Certificate for Public Liability Insurance.

**STATUTORY ENVIRONMENT:**

Wildlife Conservation Act 1950

**STRATEGIC IMPLICATIONS:**

By allowing the collection of seed, Council provides a mechanism for the survival of various and endangered native flora.

**POLICY IMPLICATIONS:**

Policy 8.1.1 - TRANSPORT/ENGINEERING – Management of Road Reserves

**FINANCIAL IMPLICATIONS:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority



***Moved: Cr Bothe***

***Seconded: Cr Oakes***

***That Iluka Resources be granted permission to collect seed and cuttings from native vegetation within reserves and other areas managed by the Shire of Coorow subject to the following conditions:***

- 1. Permission is for a twelve month period commencing 17 March 2016;***
- 2. All persons collecting native seed are to be Iluka Resources staff members and licensed according to the Wildlife Conservation Act 1950 and abide by the condition of the license***
- 3. All staff are to wear high visibility safety vests;***
- 4. Any stationary vehicles are to use revolving amber flashing lights;***
- 5. appropriate hygiene measures be followed at all times to prevent the spread of plant disease and weeds;***
- 6. All care be taken to avoid the disturbance of fauna habitat;***
- 7. All care be taken to avoid any disturbance that may lead to soil degradation; and***
- 8. No work to commence in Shire reserves until the Shire has received a current Certificate for Public Liability Insurance.***

***CARRIED 8/0  
Simple Majority***

### 13.1.2 CAMPING FINE REVIEW – ANDREW REDMOND

AUTHOR	Peter Crispin
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 March 2016
ATTACHMENT	Email from Andrew Redmond, Copy of Infringement Notice
FILE	ADM0279

#### **SUMMARY:**

**To review the camping fine (0269) issued to Andrew Redmond.**

#### **BACKGROUND:**

On 23 February 2016, the Shire Ranger discovered a vehicle illegally camping at Milligan Island. A fine of \$100 was issued to the occupant of the vehicle, Andrew Redmond from Parkerville.

Mr Redmond believes that the Shire has breached a 'duty of care' and that he therefore should have the infringement withdrawn. The grounds that Mr Redmond claims cause the 'duty of care' breach by the Shire are:

1. No return call from the ranger
2. Being fined for staying on the track when there was inadequate camping sites provided by the Shire
3. Expecting people to drive tired at night and put themselves at risk
4. They did not an environmental footprint and cleaned up the existing rubbish at the site.

#### **COMMENT:**

Each of the claims of a breach of 'duty of care' have been examined and responses are as follows:

1. It is unfortunate that the ranger was unable to return the call, but the Billy Goat Bay camping site is not controlled or monitored constantly and as no booking can be made, it is incumbent on the user to ensure they are able to fit in or have alternative plans.
2. The Shire has no legal obligation to provide any camping sites.
3. The Shire cannot be held responsible for people who do not have alternative arrangements in place when free camping sites are full.
4. Being self contained and cleaning up has no bearing on illegal camping.

As such, it is the reporting officer's belief that there are no extenuating circumstances or 'duty of care' breaches and that the infringement should not be withdrawn.

#### **STATUTORY ENVIRONMENT:**

*Caravan Parks and Camping Grounds Regulations 1997*  
– Part 2 Caravanning and camping generally  
Regulation 10 - Where person may camp

*Local Government Act 1995*

- 6.12 Power to defer, grant discounts, waive or write off debts

**STRATEGIC IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

If withdrawn, the Shire would be foregoing the \$100 penalty imposed.

**VOTING REQUIREMENT:**

Simple Majority (Absolute Majority if the infringement notice is withdrawn)

**OFFICER RECOMMENDATION/RESOLUTION:**

**2016/030**

***Moved: Cr Jack***

***Seconded: Cr Cullen***

***That Mr Andrew Redmond be informed that Infringement Notice 0269 will NOT be withdrawn as Council do not believe there were extenuating circumstances for the illegal camping.***

***CARRIED 8/0  
Simple Majority***

### 13.1.3 REVIEW OF FINANCIAL ASSISTANCE REQUEST FROM THREE SPRINGS-ARRINO RSL

AUTHOR	Peter Crispin
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	14 March 2016
ATTACHMENT	Letter previously circulated with 10 February 2016 Agenda
FILE	ADM0051

#### **SUMMARY:**

**To review the request from the Three Springs-Arrino RSL sub branch for financial assistance to transport an Armoured Personnel Carrier (APC) from Victoria to Three Springs, where it will be put on permanent display.**

#### **BACKGROUND:**

At the meeting held 10 February 2016, Council considered a request from the Three Springs-Arrino RSL sub branch for financial assistance to meet the costs of transporting an Armoured Personnel Carrier (APC) from Victoria to Three Springs. The Three Springs-Arrino RSL sub branch had been successful in securing the APC (via a competitive tender process) from the Department of Defence.

At that meeting the following resolution was LOST:

#### **RESOLUTION:**

**2016/**

**Moved: Cr Sims**

**Seconded: Cr Clement**

***That a contribution (to match the contributions from the Shires of Carnamah and Three Springs) be made to the Three Springs-Arrino RSL sub branch, up to a maximum of \$2,500, towards the transportation costs of an Armoured Personnel Carrier (APC) from Victoria to Three Springs where it will be permanently displayed.***

**VOTE 4/2**

***Motion lost for lack of Absolute Majority***

The member of the Three Springs-Arrino RSL sub branch who resides in the Shire has been in contact with the Chief Executive Officer and some Councillors requesting that this matter be reviewed as the Shire of Coorow are the only shire not making a contribution. Cr Cullen (who was an apology for the 10 February 2016 meeting) has requested that this item be reconsidered with a reduced contribution of \$500.

#### **COMMENT:**

The Three Springs-Arrino RSL is one of the most active RSL Clubs in the Mid West region and maintains a high profile in interacting with schools and coordinating Anzac Day ceremonies in the North Midlands. The procurement and display of the APC will further enhance the recognition of the role and local commitment made to the defence of Australia.

**STATUTORY ENVIRONMENT:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

There is no budgeted amount for this purpose, but if supported, it could be funded from the expected savings in Account 0162 - Councillor Training (budgeted \$10,000 – expended \$640).

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That a contribution of \$500 be made to the Three Springs-Arrino RSL sub branch towards the transportation costs of the Armoured Personnel Carrier (APC) from Victoria to Three Springs where it will be permanently displayed.

**MOTION:**

***Moved: Cr Bothe***

***Seconded: Cr Clement***

***That a contribution of \$1,000 be made to the Three Springs-Arrino RSL sub branch towards the transportation costs of the Armoured Personnel Carrier (APC) from Victoria to Three Springs where it will be permanently displayed.***

**AMENDMENT RESOLUTION:**

**2016/031**

***Moved: Cr Rackemann***

***Seconded: Cr Sims***

***That the motion be amended to increase the contribution to \$2,500.***

**CARRIED 5/3**

**AMENDED RESOLUTION:**

***That a contribution of \$2,500 be made to the Three Springs-Arrino RSL sub branch towards the transportation costs of the Armoured Personnel Carrier (APC) from Victoria to Three Springs where it will be permanently displayed.***

**CARRIED 6/2  
Absolute Majority**

*Reason for variation to officer recommendation:*

*Councillors felt that an increased contribution should be made.*

**14. MATTERS BEHIND CLOSED DOORS:**

**15. DATE OF NEXT MEETING:**

**15.1 ORDINARY MEETING OF COUNCIL**

**Council Forum**

Council Forum will be held on Wednesday 20 April 2016 at the Green Head Community Hall from 4.00 pm

**Ordinary Meeting**

Next meeting of Council will be held on Wednesday 20 April 2016 at the Green Head Community Hall from 5.00 pm.

**16. CLOSURE:**

There being no further business, the President, Councillor Girando closed the meeting at 6.01 pm.