

SHIRE OF KOJONUP



Council Minutes

27th August 2009

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 27th August 2009****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	3
3	PUBLIC QUESTION TIME	3
4	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	5
9	DECLARATIONS OF INTEREST	5
10	FINANCE REPORTS	5
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	5
10.2	MONTHLY PAYMENTS LISTING	6
11	ENGINEERING & WORKS REPORTS	7
12	ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS	7
13	CORPORATE & COMMUNITY SERVICES REPORTS	7
14	COMMITTEES OF COUNCIL	7
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	7
16	NEW BUSINESS	7
16.1	CSRFF- SMALL GRANT APPLICATION	8
16.2	PLANNING REQUEST – TEMPORARY GRAIN STORAGE	10
16.3	TOWN PLANNING SCHEME NO.3 – ADDITIONAL DELEGATIONS	13
17	CONFIDENTIAL REPORTS	19
18	NEXT MEETING	19
19	CLOSURE	19
20	APPENDICES AND TABLED DOCUMENTS	19
21	ATTACHMENTS	19

SHIRE OF KOJONUP**MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr Michael Baulch	<i>(Entered Meeting at 3:05pm)</i>
Cr Frank Pritchard	
Cr Will Carrington-Jones	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Ian Pedler	
Cr Greg Marsh	

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Miss Dominique Hodge	Administration Officer

APOLOGIES

Cr John Benn	Applying for Leave of Absence
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Visitor	Mr Keith Ashton
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3 PUBLIC QUESTION TIME

The Shire President formally welcomed Mr Keith Ashton to the Public Gallery.

The following written questions were put to Council by Mr Keith Ashton. Whist the offer was made for the questions to be dealt with at the meeting Mr Ashton stated that his

preference was that the written questions be taken on notice and a formal written response be given:

Mr Keith Ashton

1. Is it true that Cr Mathwin in her capacity as Shire President of Kojonup has signed an agreement with four other Councils to a willingness to consider amalgamation and have indicated their intention to prepare a joint submission to the Minister for Local Government.
2. Has Council through a motion of Council given the CEO an opportunity to prepare a report to Council (5.41B of the Local Government Act) to “ensure that advice and information is available to the council so that informed decisions can be made”. This I presume would show the financial implications and structural reform that would take place.
3. Can Council supply references e.g. minute number date of agenda of the following:
 - a) The CEO report on amalgamation
 - b) The CEO reports recommendation
 - c) The Council decision instructing the Shire President to sign an agreement with four other Councils to a willingness to consider amalgamation and have indicated their intention to prepare a joint submission to the Minister for Local Government.
4. Is it normal practice for The Shire of Kojonup to advertise the dates of its ordinary Council Meetings and then not have them as is the case with August eighteenth 2009.

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

81/09 MOVED Cr Carrington-Jones seconded Cr Hewson that Cr Benn be granted Leave of Absence for the Council meeting held 27th August 2009.

CARRIED 8/0

3:05pm Cr Baulch entered the chamber

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 21st July 2009

Corrections: Nil

COUNCIL DECISION

82/09 MOVED Cr Pedler seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 21st July 2009 be confirmed as a true record.

CARRIED 9/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Mr Keith Ashton gave a presentation regarding any amalgamation proposal.

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Monday, August 24, 2009
FILE NO: 06.15.01
ATTACHMENT: Monthly Statement of Financial Activity 1st July 2008 to 30th June 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement of Financial Activity for the period of 1st July 2008 to 30th June 2009.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2008 to 30 June 2009 confirms the projected opening balance for the 2009/2010 Budget with only minor entries to be finalised for preparation of the Annual Financial Statements. For the year ended 30th June 2009, 98.01% of rates were collected and a total amount of cash holdings of \$3,688,574 of which \$2,165,164 is held in fully cash backed Reserves.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the “Closing Balance” position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement of Financial Activity, as attached, be accepted.

COUNCIL DECISION

83/09 MOVED Cr Hewson seconded Cr Marsh that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED

9/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Tuesday 18th August, 2009
 FILE NO: 06.15.01
 ATTACHMENT: Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive a list of payments made since the last similar list was received.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

POLICY IMPLICATIONS

Council’s Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Payment Listing from 01/07/2009 to 31/07/2009 comprising of Municipal Cheques 10496 to 10556, EFTs 4621 to 4716 and Internal Payment Vouchers 1894 to 1930 totaling \$863,917.38 and as attached to this agenda, be received.

COUNCIL DECISION

84/09 MOVED Cr Pedler seconded Cr Pritchard that the Payment Listing from 01/07/2009 to 31/07/2009 comprising of Municipal Cheques 10496 to 10556, EFTs 4621 to 4716 and Internal Payment Vouchers 1894 to 1930 totaling \$863,917.38 and as attached to this agenda, be received.

CARRIED**9/0**

3:31pm Mrs Heather Marland and Miss Dominique Hodge left the chambers.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Nil

13 CORPORATE & COMMUNITY SERVICES REPORTS

Nil

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

of an urgent nature, introduced by a decision of the meeting

On 26th August 2009 the following items (16.1 to 16.3) were provided to Councillors with a request from the Chief Executive Officer for Council to consider these as late items of an urgent nature to be accepted by resolution of the meeting.

The Chief Executive Officer further noted in his advice to Councillors:

"It is up to Councillors whether they wished to accept these items.

In 2004 the Department of Local Government review team noted the practice of late items without reports leading to decisions by previous Councils without adequate information or transparency.

A report is submitted for each of the items, however, if Council feel that they require any further information they are within their rights not to consider the items and defer then to the next meeting.”

COUNCIL DECISION

85/09 MOVED Cr Marsh seconded Cr Hewson that the meeting be opened to discuss items of new business of an urgent nature.

CARRIED

9/0

16.1 CSRFF- SMALL GRANT APPLICATION

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 25th August 2009
 FILE NO:
 APPLICANT: Clay Target Club
 OWNER: Shire of Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a request for funding through the CSRFF program for improvement to the Clay Target facility.

BACKGROUND

The Kojonup Clay Target Club has requested funding to obtain a new trap machine, build a new housing for the machine and repair the existing housing for the existing trap machine. The funding requested includes connection of power to the new housing.

COMMENT

The club currently has 15 active members who shoot on a fortnightly basis. Additionally, there are two major events per year, attracting up to 70 contestants from all over the region. At this stage, the club has not actively recruited for at least the past 5 years, new membership arising from word of mouth. The reason for not recruiting is the outdated and potentially unsafe equipment, and it is predicted that the attendance to competition shoots could be increased to around 100 with little effort if equipment was updated.

The current trap machine is in a poor state of repair but adequate to be the second machine, required for larger shoots. By having two permanent machines they can be better secured and meet the conditions of the CSRFF small grant.

The shooting facilities are on a Shire reserve and require Council approval for the improvements. These will be undertaken in accordance with a building licence.

The Shire is required to support applications put forward under the Community Sport and Recreation Facilities Fund (CSRFF). The small grant round needs to be submitted by the end of August 2009 with confirmation of at least a 1/3 contribution by the Shire.

Under the CSRFF small grant process the grant needs to be acquitted by 10 June 2010. The proposed timeline of the works will meet this requirement if the Department of Sport and Recreation announce successful applications in accordance with the guidelines, as the work will be done in November 2009 ready for the December 2009 regional shoot.

The project budget is as follows:

	Cost ex GST	GST	TOTAL
Trap Machine	7,708.63	770.86	8,479.50
Freight ex NSW	500.00	50.00	550.00
Construction trap house	4,300.00	430.00	4,730.00
Electrical	1,593.16	159.32	1,752.48
Site works & trenching	3,500.00	350.00	3,850.00
TOTALS	17,601.79	1,760.18	19,361.98

The source and application of funds is proposed as follows (excl GST):

Club Cash	\$1,000.00
Shire Cash/ in kind	\$10,734.53
CSRFF grant	\$5,867.26
Total Project	\$17,601.79

Shire officers have verified that the Clay Target Club have approximately \$1,800 in the bank and will contribute \$1,000 of this towards the project. The requested Shire contribution is \$10,734.53 which includes cash and in kind works such as trenching.

The request is within budget as the Shire has \$20,000 allocated towards the CSRFF small grants or recreation projects this year.

CONSULTATION

The Clay Target Club have consulted with the Regional Manager of the Department of Sport and Recreation, as required for the grant application and has been assisted by Terri Neuzerling, Community Development Project Officer, to complete the application.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost to the Shire is \$10,734.53 which is within the approved budget.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council confirms its support for the Kojonup Clay Target Club application for small grant funding through the Community Sport and Recreation Facilities Fund, August 2009 round, with a Shire of Kojonup contribution of \$10,734.53 exclusive of GST.

COUNCIL DECISION

86/09 MOVED Cr Pritchard seconded Cr Hewson that Council confirms its support for the Kojonup Clay Target Club application for small grant funding through the Community Sport and Recreation Facilities Fund, August 2009 round, with a Shire of Kojonup contribution of \$10,734.53 exclusive of GST.

CARRIED

8/1

16.2 PLANNING REQUEST – TEMPORARY GRAIN STORAGE

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 25th August 2009
FILE NO: 13.04.01
APPLICANT: CBH
OWNER: Shire of Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a request to allow temporary grain storage within the Kojonup Show Grounds reserve.

BACKGROUND

CBH have approached the Shire of Kojonup to assist them with the provision of temporary grain storage for the 2009/10 harvest. This is required to assist with the projected increase in grain received at the Kojonup site.

COMMENT

The Show Ground area is vested in the Shire of Kojonup for the purpose of recreation. The Shire can approve any use that assists the purpose of the reserve or maintenance of the area.

CBH made the same request for the 2008/09 season and the request was progressed to planning and building licence stage, however, was never finalised because of conditions relating to earthworks. One of the perceived benefits to the Shire of Kojonup was the sealing of the area and possible subsequent use for parking and other options.

There was significant variation between the quotes submitted to CBH by earthwork contractors and it was apparent to the Shire that CBH's preferred contractor specification would leave the site with no residual value to the Shire of Kojonup community. The cost of earthworks to a useful specification for other purposes in the future was viewed cost prohibitive by CBH and the option did not progress.

To prevent similar issues for 2009/10 the negotiations can be simplified to allow CBH to store grain in an open bulkhead by applying the following conditions:

- CBH can undertake any earthworks for the storage of grain and containment of all materials on site, on the condition that the site is returned to clean and level condition.
- All earthworks and clearing are to be at CBH's cost.
- No earthworks are to commence before the Kojonup P&A Show.
- The capacity of the bulkhead(s) will not exceed 20,000 tonnes
- CBH indemnify the Shire of Kojonup for all operations on the site
- CBH control all environmental, noise, and dust issues associated with the temporary storage of grain in accordance with appropriate health and environmental regulations.
- The site must be made good by July 2010.

The payment to the Shire for access and use of the site will be \$20,000. This equates to the cost of constructing a permanent sealed entrance road to the showgrounds area to Australian Standards. The Shire of Kojonup will construct the road with the proceeds above and have it completed by 31 October 2009 to allow access to the site.

The conditions above will need to be documented in a lease agreement.

CONSULTATION

The P&A society committee for Kojonup were consulted last year and were supportive if there are no implications on the scheduling of the annual show, and the outcome has a benefit of better access to the site.

The MORAB association are no longer active and the yards are in disrepair.

Adjacent landholders will be notified of the proposal in writing and given the opportunity to meet on site with Shire and CBH representatives when any environmental issues or possible conditions are discussed.

STATUTORY ENVIRONMENT

The land is zoned as a recreation reserve under Town Planning Scheme No. 3. The proposal is considered consistent with these objectives.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. All costs to be worn by the applicant

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council gives planning approval conditional upon:

- a) agreement on lease conditions
- b) submission of a building licence for the bulkhead

That Council authorise the Chief Executive Officer to negotiate, and execute a lease document for access to the site for one year under the following conditions:

- a) CBH to undertake any earthworks for the storage of grain and containment of all materials on site, on the condition that the site is returned to clean and level condition.
- b) All earthworks and clearing are to be at CBH's cost.
- c) No earthworks are to commence before the Kojonup P&A Show.
- d) The capacity of the bulkhead(s) will not exceed 20,000 tonnes
- e) CBH indemnify the Shire of Kojonup for all operations on the site
- f) CBH control all environmental, noise, and dust issues associated with the temporary storage of grain in accordance with appropriate health and environmental regulations.
- g) The site must be made good by July 2010
- h) the lease is tabled at the following Council meeting for noting.

ORIGINAL MOTION

MOVED Cr Marsh seconded Cr Baulch

That Council gives planning approval conditional upon:

- a) agreement on lease conditions
- b) submission of a building licence for the bulkhead

That Council authorise the Chief Executive Officer to negotiate, and execute a lease document for access to the site for one year under the following conditions:

- a) CBH to undertake any earthworks for the storage of grain and containment of all materials on site, on the condition that the site is returned to clean and level condition.
- b) All earthworks and clearing are to be at CBH's cost.
- c) No earthworks are to commence before the Kojonup P&A Show.
- d) The capacity of the bulkhead(s) will not exceed 20,000 tonnes
- e) CBH indemnify the Shire of Kojonup for all operations on the site
- f) CBH control all environmental, noise, and dust issues associated with the temporary storage of grain in accordance with appropriate health and environmental regulations.
- g) The site must be made good by July 2010
- h) the lease is tabled at the following Council meeting for noting.

CARRIED/LOST /

AMENDMENT TO THE MOTION

Cr Marsh, with Cr Baulch's agreeance, accepted the amendment to the original motion.

COUNCIL DECISION

87/09 MOVED Cr Marsh seconded Cr Baulch that Condition i) be added to the Officer Recommendation.

CARRIED 8/1

The Presiding Member put the amended motion to the meeting as follows:

COUNCIL DECISION

88/09 MOVED Cr Marsh seconded Cr Baulch that Council gives planning approval conditional upon:

- a) agreement on lease conditions
- b) submission of a building licence for the bulkhead

That Council authorise the Chief Executive Officer to negotiate, and execute a lease document for access to the site for one year under the following conditions:

- a) CBH to undertake any earthworks for the storage of grain and containment of all materials on site, on the condition that the site is returned to clean and level condition.
- b) All earthworks and clearing are to be at CBH's cost.
- c) No earthworks are to commence before the Kojonup P&A Show.
- d) The capacity of the bulkhead(s) will not exceed 20,000 tonnes
- e) CBH indemnify the Shire of Kojonup for all operations on the site
- f) CBH control all environmental, noise, and dust issues associated with the temporary storage of grain in accordance with appropriate health and environmental regulations.
- g) The site must be made good by July 2010
- h) the lease is tabled at the following Council meeting for noting.
- i) That CBH agree to any cost associated with control of weeds on the site.

CARRIED 8/1

REASON FOR CHANGE

Councillors felt that it is important that CBH are responsible for the control of weeds on the site.

16.3 TOWN PLANNING SCHEME NO.3 – ADDITIONAL DELEGATIONS

AUTHOR: Phil Shephard/Stephen Gash
DATE: 26 August 2009
FILE NO: 14.04.01
ATTACHMENT: Yes (Land Use Table/Delegation Sought)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the introduction of additional delegations of authority from the Council under the Shire of Kojonup Town Planning Scheme No. 3.

BACKGROUND

In May 2009, Council resolved (Item 12.3 Resolution 56/09) to delegate approval to the Chief Executive Officer to approve certain applications on behalf of Council to achieve improved processing and turnaround times.

COMMENTS

Staff has now completed a review on the types and nature of planning applications that are expected to be received by Council. It is expected that many of the planning applications received are relatively minor and officers are seeking delegated authority to deal with these so they can be processed and approved in the most responsive manner.

The table shows the particular land uses and zones within the scheme. The delegation covers land uses that are either 'P' permitted, 'AA' discretionary or 'IP' incidental to the predominant use of the land under the scheme. The attached table contains the zones, land uses (and their definitions) that are requested, or alternatively Council can remove any land use class as it sees fit and these applications would then need to be reported to Council.

The Chief Executive Officer retains the option of declining to use the delegation and requiring the proposal be reported to Council for determination. This is especially the case where it is felt there are strategic implications that may be appropriate for the Council to consider. The specific delegation and conditions are outlined below and will be formalised in the Shires standard instrument of delegation to the Chief Executive Officer.

There is no delegated authority to refuse an application (other than for advertising signs). If the Chief Executive Officer is not in a position to approve an application under delegation then it must be referred to the Council. It is intended that prior to the exercise of any delegation, the Chief Executive Officer will circulate to elected members notice of the name of the applicant, property address and nature of planning proposal. As above, any contentious applications will be referred to Council.

All delegated decisions will be circulated monthly in an information bulletin to Councillors. The additional delegations are proposed to be reviewed with the delegations register.

CONSULTATION

Nil required.

STATUTORY ENVIRONMENT

Shire of Kojonup Town Planning Scheme No 3

Local Government Act 1995

Planning and Development Act 2005

Town Planning Regulations 1967

POLICY IMPLICATIONS

These delegations will support the response required under the Customer Service Charter.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This will support a more responsive administration process.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council delegate planning authority to the Chief Executive Officer to determine land use proposals within the particular zones as set out in the attached table for a period not exceeding two years.

COUNCIL DECISION

89/09 MOVED Cr Hewson seconded Cr Pedler that Council delegate planning authority to the Chief Executive Officer to determine land use proposals within the particular zones as set out in the attached table for a period not exceeding two years.

CARRIED

9/0

Land Use	Definition (from TPS 3)	Zone				
		Residential	Commercial	Industrial	Special Rural	Rural
Agroforestry	Means land used commercially for both tree production and agriculture where trees are planted in blocks of more than 1 hectare				X	X*
Ancillary Accommodation	Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling	X			X	X
Animal Boarding House	Means land and buildings used for the boarding and breeding of animals where such premises are registered or required to be registered by the Council, these premises include a cattery; and may include the sale of animals where such use is incidental to the predominant use			X		
Bed & Breakfast	Means short-stay residential accommodation offering overnight lodgings, with or without breakfast, in a domestic environment		X			X
Betting Agency	Means a totalisator agency established and operated in accordance with <i>Totalisator Agency Board Act 1960</i>		X			
Caretaker's Dwelling	Means a building used as a residence by the proprietor or manager of an industry, business, office building or recreation area existing upon the same site and occupied by a person having the care of the building, plant, equipment or grounds thereof		X	X		
Civic Use	Means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose		X	X		
Community Use	Means land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and includes any land appurtenant thereto used for recreation, and includes a residential club		X			
Convenience Store	Means land and buildings, used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may not extend beyond normal trading hours and provide associated parking. The buildings associated with a convenience store shall not exceed 200m ² gross leasable area.		X			
Day Care Centre	Means land and buildings used for the daily or occasional care of children in accordance with the <i>Child Welfare (Care Centres) Regulation 1968 (as amendment)</i>		X			
Fast Food Outlet	Means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, including drive in facilities, but does not include a fish shop		X			
Garden Centre	Means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings		X	X		
Grouped Dwelling	A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property	X*	X			
Holiday Accommodation	Means accommodation comprising two or more cabins, apartments, chalets, cottages or flats which, by way of trade or business, or for the purpose of any trade or business is held out as being available or is made available for holiday		X			

Land Use	Definition (from TPS 3)	Zone				
		Residential	Commercial	Industrial	Special Rural	Rural
	purposes for occupation by persons other than the proprietor					
Home Occupation	Means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant	X*	X*	X*	X*	X*
Industry – Cottage	means a trade or light industry producing arts and craft goods which does not fall within the definition of a home occupation and which: a) does not cause injury to or adversely affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products; b) where operated in a residential zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land; c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m ² ; d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and e) does not display a sign exceeding 0.2m ² in area		X	X		
Industry – General	means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry			X		
Industry – Light	means an industry: a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour steam, soot, ash, dust, waste water or other waste products; and b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services		X	X		
Industry – Rural	means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality					X
Industry – Service	means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced		X	X		
Liquor Store	means premises in respect of which a store licence has been granted under the <i>Liquor Act 1970</i>		X			
Market	means land and buildings used for a fair, a framer's or producer's market, or a swap meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business		X			

Land Use	Definition (from TPS 3)	Zone				
		Residential	Commercial	Industrial	Special Rural	Rural
	or activities independently of the market operator save for the payment where appropriate of a fee or rental					
Medial Centre	means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioner(s) mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists		X			
Medical Clinic	means premises in which facilities are provided for two or more of the following: a medical practitioner, a dental practitioner, physiotherapist, chiropractor, masseur		X			
Office	means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature		X	X		
Plant Nursery	means the growing of trees, plants, shrubs or flowers, for replanting in domestic, commercial or industrial gardens		X	X		
Private Recreation	means premises used for leisure, recreation or sporting activities which are not normally open to the public without charge (from new draft TPS)		X			
Public Utility	Means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services	X	X	X	X	X
Restaurant	means a building or portion of a building wherein food is prepared for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, café or nightclub, and also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that it forms a minor part of the business only		X			
Rural Pursuit	means the use of land for any of the purposes set out hereunder and shall include such outbuildings normally associated therewith: a) growing of vegetable, fruit, cereals or food crops; b) the rearing or agistment of poultry, sheep, cattle or beasts of burden; c) the stabling, agistment or training of horses; d) the sale of produce grown solely on the lot but does not include the following except as approved by the Council: i) the keeping of pigs; ii) the processing, treatment or packing of produce; iii) the breeding, rearing or boarding of domestic pets					X
Shop	means land and a building or portion of a buildings wherein goods are kept, exposed or offered for sale by retail, and includes a convenience store or an establishment by any name retailing convenience goods but does not include a bank, fuel depot, a wholesale market, service station, milk depot, marine store, timber yard or land or buildings used for the sale of vehicles or for any purpose falling within the definition of industry and does not include a warehouse		X	X		
Service Station	means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray		X	X		

Land Use	Definition (from TPS 3)	Zone				
		Residential	Commercial	Industrial	Special Rural	Rural
	painting, major repairs or wrecking					
Showroom	Means a building wherein goods are displayed and may be offered for sale by wholesale and/or retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel; magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment		X	X		
Single House	A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property	X*				X
Trade Display	Means land and buildings used for the display of trade goods and equipment for the purposes of advertisement		X	X		
Transport Depot	Means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance of such vehicles			X		
Tree Plantation	Has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia (1997)</i> published by the CALM and the Australian Forest Growers					X*
Warehouse	means: a) a building or enclosed land, or part of a building or enclosed land, used for the storage of goods, the carrying out of commercial transactions involving the sale of such goods by wholesale; or b) a bulk store or depot			X		
Wineshop	Means premises in respect of which a winehouse licence has been granted under the <i>Liquor Act 1970</i> .		X			

* DELEGATION ALREADY IN PLACE

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 15th September 2009 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:23 pm.

20 APPENDICES AND TABLED DOCUMENTS

Written Questions from Mr Keith Ashton

21 ATTACHMENTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

10.2 MONTHLY PAYMENTS LISTING

Presiding Member

Date