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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.00pm.

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

Councillor M J Girando	President
Councillor A J Ovens	Deputy President
Councillor B J O'Callaghan	
Councillor J M Stacy	
Councillor J K Waite	
Councillor S A Beswick	
Councillor B J McDonald	
Councillor B R McTaggart	
Mr G A Sherry	Chief Executive Officer
Mr P D Gillis	Manager Works & Services
Mr L Welch	Acting Manager Community Development
Mr D J Alcock	Manager Finance and Administration
Mr K Bean	Works Supervisor

Visitors

Mr Richard Hyde
Mr Christopher Bothe

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Stacy requested Leave of Absence from 19 August 2004 to 5 September 2004.

RESOLUTION: 2004-118

Moved: O'Callaghan **Seconded:** Beswick

That Leave of Absence from Council be granted to Cr Stacy from 19 August 2004 to 5 September 2004.

CARRIED 8/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. CONFIRMATION OF MINUTES:

**7.1 ORDINARY MEETING HELD WEDNESDAY 21 JULY 2004 IN THE
LEEMAN ADMINISTRATION CENTRE**

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2004

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 21 July 2004 in the Coorow Administration Centre be confirmed as a true and correct record, with amendment that Item 10.4.3 Resolution 2004-114, 3 January 2004 and 3 March 2004 read 3 January 2005 and 3 March 2005.

RESOLUTION: 2004-119

Moved: *Beswick* **Seconded:** *Stacy*

That the Minutes of the Ordinary Meeting held on Wednesday 21 July 2004 in the Coorow Administration Centre be confirmed as a true and correct record, with amendment that Item 10.4.3 Resolution 2004-114, 3 January 2004 and 3 March 2004 read 3 January 2005 and 3 March 2005.

CARRIED 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

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

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

8.1 COUNCIL QUORUM

Cr Girando outlined her concern that at the last meeting there was only five Councillors present after two Councillors had a leave of absence and one Councillor sent his apologies. Five Councillors only just gave Council a quorum and put enormous pressure on the Councillors present when considering their position on a matter. In one instance a decision could not be made as a quorum was not obtained because a Councillor was required to leave the meeting due to a proximity interest.

Cr Girando requested that Councillors think about when they take their leave and the impact it can have on Council.

9. MATTERS FOR WHICH MEETING MAY BE CLOSED:

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

10. REPORTS:

10.1 CHIEF EXECUTIVE OFFICER'S REPORT:

10.1.1 AIR CONDITIONERS – CHANGE OF WORKS – H5.5/R7.4

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004.

SUMMARY:

Council to consider completing alternative air-conditioning works on Council buildings in preference to those included in Council's 2004/05 Budget.

BACKGROUND:

Council may recall the following recommendation of Council's Building Management Committee subsequently adopted by Council in Resolution 2004-060 at Council's May Meeting:

Recommendation: 2004-02

Moved: Waite *Seconded:* Girando

That Council prioritise the following:

- 1. Construction of the Coorow Swimming Pool Filter Shed;*
- 2. Air conditioning Maintenance and Replacement Program;*
- 3. Include the sale of Lot 17 North Street in the 2004/05 Budget; and*
- 4. Investigate renovating the south end of Coorow District Hall as an office space to allow the Coorow Telecentre to expand.*

CARRIED 4/0

Subsequently Council has had "Paul's Repair and Service" of Moora complete independent inspections and winter maintenance to evaporative air-conditioners, as per Council's 2004/05 Housing Maintenance Budget.

COMMENT:

As part of Council's inspections and winter maintenance, Council has been advised that the air-conditioners in the poorest state of repair are those at Lot 113 Bristol Street, Lot 19 North Street and Lot 5 Bristol Street.

In the 2004/05 Budget Council allocated \$12,000 to replace air-conditioners at Maley Park Community Centre. Advice received from Paul's Repair and Service is that the Maley Park air-conditioners are in better condition and with ongoing maintenance and the addition of drip trays between the air-conditioners and the building's ceiling, replacement can be delayed. The drip trays have now been installed.

Council has been further advised by Paul's Repair and Service that in terms of length of service, performance and reduced maintenance, Breezair are the preferred choice of evaporative air-conditioner. Bonaire is recommended as the second best unit.

FINANCIAL IMPLICATIONS:

Council has allowed for \$12,000 to be expended in replacement of air-conditioners at Maley Park Recreation Centre in Council's 2004/05 Budget.

Council has sought and received quotations from S and L Quantock, Coorow, and Moora Appliances, Moora.

Details of these quotations are:

Address	Current Occupant	S & L Quantock		Moora Appliances	
		Work	Price	Work	Price
Lot 5 Bristol Street	Dacre Alcock	Supply & Install Bonaire evaporative air-conditioner with weather guard dropper	2,750	Disconnect electrical wiring and plumbing. Remove existing air con. Replace with Breezair Homemaker model EX125 Homemaker reconnect electrical and plumbing.	2,491
Lot 113 Bristol Street	John Cortese	Supply & Install Bonaire evaporative air-conditioner with weather guard dropper	2,750	Disconnect electrical wiring and plumbing. Remove existing air con. Replace with Breezair Homemaker model EX125 Homemaker. Reconnect electrical and plumbing. Clean & paint dropper.	2,635
Lot 19 North Street	Marilyn Barks	Supply & Install Bonaire evaporative air-conditioner with weather guard dropper	2,750	Disconnect electrical wiring and plumbing. Remove existing, flashing and dropper. Replace with Breezair Homemaker model EX125 Homemaker reconnect electrical and plumbing.	2,531
Total Cost			8,250		7,657

All pricing is GST Exclusive.

POLICY IMPLICATIONS:

Shire of Coorow

Policy 3.6.1 - Regional Price Preference

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 1995 as amended.

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 \$1,000 excluding GST.
 - 10% to all suppliers located within the Shire of Coorow
 - 5% to all suppliers located within the North Midlands VROC and other Shires sharing a common boundary with the Shire of Coorow
 - 2.2 **Goods and Services** – from \$1,000 - \$10,000 excluding GST.
 - 7.5% to all suppliers located within the Shire of Coorow
 - 3.75% to all suppliers located within the North Midlands VROC and other Shires sharing a common boundary with the Shire of Coorow
 - 2.3 **Goods and Services** – valued between \$10,000 - \$50,000 excluding GST
 - 5% all suppliers located within the Shire of Coorow
 - 2.5% to all suppliers located within the North Midlands VROC 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 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.

STRATEGIC IMPLICATIONS:

Council is embarking on a program of replacement and improvement of evaporative air-conditioners. Replacement of air-conditioners at Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street will replace the worst air-conditioners from Council's buildings.

STATUTORY ENVIRONMENT

Local Government Act (1995)

6.8 Expenditure From Municipal Fund Not Included In Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - (a) is incurred in a financial year before the adoption the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
- * Absolute majority required
- (c) is authorised in advance by the mayor or president in an emergency.
- (1a) In subsection (1) –
“Additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council:

1. replace air-conditioners at Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street and not replace air-conditioners at Maley Park Community Centre as included in Council's 2004/05 budget because the air-conditioners at Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street are in worse condition; and
2. select the quotation for installation of the new air-conditioners from Moora Appliances for \$7,657 (GST Exclusive) because it is the lowest quotation received after consideration of Council's Regional Price Preference Policy and it provides for the installation of the preferred brand of Breezair air-conditioners.

RESOLUTION: 2004-120

Moved: Cr Stacy

Seconded: Cr O'Callaghan

That Council:

- 1. replace air-conditioners at Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street and not replace air-conditioners at Maley Park Community Centre as included in Council's 2004/05 budget because the air-conditioners at Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street are in worse condition; and*
- 2. select the quotation for installation of the new air-conditioners from S & L Quantock \$8,250 (GST Exclusive), with the contract to be completed within two months of the issued purchase order, as Council prefers to support the local supplier.*

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr O'Callaghan declared a Proximity Interest in Item 10.1.2 in that she owns a adjoining property and left the meeting at 3.19pm.

RESOLUTION: 2004-121

Moved: Cr McDonald **Seconded:** Cr Waite

That Council allows Cr O'Callaghan to return to the meeting but not vote on item 10.1.2.

CARRIED 7/0

Cr O'Callaghan returned to the meeting at 3.22 pm.

10.1.2 MAINTENANCE OF GROUNDS OF COOROW CWA ROOMS – C.18

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004.

SUMMARY:

Council has been requested to recommence gardening works at the Coorow CWA rooms.

BACKGROUND:

In response to a request for assistance with the mowing of lawns and general maintenance of the grounds around the CWA building in Main Street Coorow, Council resolved at their Ordinary Meeting on Monday 13 April 1992:

That one hours overtime each day be authorised for the town maintenance person in Coorow, and that only the mowing of lawns at the CWA Rooms be carried out.

However the mowing of lawns at the Coorow CWA Rooms has not been undertaken by Council for some considerable time. In recent years the lawns have been mowed largely by the Coorow Playgroup, in particular Mr Paul Jefferys, as a contribution by the Coorow Playgroup to the CWA for Coorow Playgroup's use of the CWA rooms.

COMMENT:

The CWA have requested that the mowing of the lawns at the Coorow CWA rooms resume in line with the 1992 agreement. The Coorow CWA members are relatively older, are few in number and are largely based outside of the Coorow town. To complete the mowing their members are required to bring lawn mowers into Coorow to complete the mowing.

FINANCIAL IMPLICATIONS:

Council has not provided resources for this activity in Council's 2004/05 budget.

To complete this activity to proceed Council would need to either authorise additional overtime or reduce alternative town maintenance activities.

For Council to complete these works the cost would be allocated at \$30.4570 per hour (Calculated as wages of \$16.03 and 90% overheads). The lawn/grass area at the CWA rooms is particularly large and will take about three hours to mow. Therefore, on the basis of mowing the lawns once each month for the year, the annual Council costs allocated to this activity would be \$1,096.45.

Council's Coorow town maintenance workload has increased and is about to increase further. New town maintenance works programmed include maintenance of the new Town Park, Coorow Medical Centre and new street trees on Main Street, Coorow.

POLICY IMPLICATIONS:

Nil at this time.

STRATEGIC IMPLICATIONS:

Council need to be aware of the precedent in completing these works, when there are other community groups who may seek similar assistance in completing gardening type maintenance of their facilities. Such groups could include bowling and golf clubs and playgroup and childcare centres. Currently these other groups within our communities either complete these activities themselves or pay private individuals for the service to be provided.

STATUTORY ENVIRONMENT

Local Government Act (1995)

6.8 Expenditure From Municipal Fund Not Included In Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - (d) is incurred in a financial year before the adoption the annual budget by the local government;
 - (e) is authorised in advance by resolution*; or
- * Absolute majority required
- (f) is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) –

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

VOTING REQUIREMENTS:

An Absolute Majority would be required for the expenditure of unbudgeted funds.

OFFICER RECOMMENDATION:

That Council not complete the mowing of lawns at the CWA rooms and advise the Coorow CWA accordingly.

RESOLUTION: 2004-122

Moved: McDonald **Seconded:** Ovens

That Council expends \$500 (16 hours) on the mowing of lawns for the Coorow CWA at the CWA rooms, as the CWA are few and aging and are a group who have in the past have provided great service to the community.

CARRIED BY ABSOLUTE MAJORITY 6/1

Cr Stacy declared an Impartiality Interest in Item 10.1.3 in that he is the Chairman of the Coorow Community Land Inc.

10.1.3 COOROW COMMUNITY LAND INC – APPLICATION FOR LOAN – L8.81

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004
ATTACHMENT	10.1.3 Business Plan – Coorow Community Roadhouse

SUMMARY:

Coorow Community Land Inc. (CCLI) has applied for a self supporting loan of \$120,000 through Council to fund the purchase of the Coorow Roadhouse and be repaid over ten years.

BACKGROUND:

Councillors would recall the following Resolution from the Ordinary Meeting in August 2003:

***RESOLUTION:** 2003-098*

Moved: Stacy Seconded: Ovens

That the Coorow Community Land Inc. be advised that their request for a self supporting loan of \$120,000 over ten years be approved in principle subject to the provisions of Section 6.20(2) of the Local Government Act (1995) and conditional upon:

- a business plan for the purchase and operation of the Coorow Roadhouse by the Coorow Community Land Inc. be provided for Council's consideration;*
- Council be provided with an indication of community acceptance of the proposed purchase through the holding of a public meeting or some other display of public support; and*
- in addition to the signing of an agreement of debt, a mortgage be prepared over Coorow Community Land Inc.'s fixed assets to provide security acceptable to Council for the loan.*

CARRIED 8/0

COMMENT:

Councillors would be aware of the recent developments regarding the Coorow Roadhouse, which has not operated since January 2004. Since that time the Coorow Roadhouse has been on the market.

CCLI have facilitated three public meetings to determine the communities support for the purchase of the Coorow Roadhouse. The outcome of these meetings determined the need for a fuel service incorporating a takeaway and restaurant in Coorow. The price to be offered the vendor was also determined at one of these meetings.

CCLI have provided a business plan of their proposed operations, as required by Council Resolution 2003-098. This business plan is included at Attachment 10.1.3. CCLI intends, at this time to operate the business by appointing a manager, kitchen and casual staff, rather than installing a lessee. CCLI's business plan anticipates that the business will be recording

a monthly cash surplus within four months of operation and an overall cash surplus by the end of thirteen months.

STRATEGIC IMPLICATIONS:

Council has successfully undertaken self supporting loans for community organizations in the past. CCLI received a self-supporting loan from Council of \$160,000 in July 2003 for the purchase of the Coorow Hotel.

Council has previously undertaken four self-supporting loans with the Leeman Country and Sporting Club, three of which have been fully discharged.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The loan has been requested over a term of ten years, 6.17% repayments would equate to \$16,258.81 pa. Over the ten year term of the loan, interest repayments would amount to \$42,588.10.

In allowing the CCLI's \$160,000 self supporting loan for the purchase of the Coorow Hotel, Council required a mortgage be prepared for the CCLI's fixed assets to provide security for the loan. This was also the case for the Leeman Country and Sporting Club's most recent \$60,000 self supporting loan.

Analysis of the CCLI purchase of the Roadhouse and their first year of operations after the proposed self-supporting loan is set out below:

INCOME		EXPENDITURE	
Capital Purchase			
Cash CCLI	\$ 20,000	Purchase of Roadhouse	\$ 32,650
Loan from Council	\$ 120,000	S-Duty/Commission/Prof Services	\$ 8,400
		Tank/ Card Machine/Office Equip	\$ 37,500
		Building Maintenance	\$ 10,000
First 12 Months Of Operation			
Operating Income	\$ 569,738	Loan Repayments	\$ 16,258
		CCLI Repayments	\$ 20,000
		Operating Costs	\$ 579,889
	\$ 709,738		\$ 704,697
Surplus			\$ 5,041
	\$ 709,738		\$ 709,738

STATUTORY ENVIRONMENT

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money;
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
 - (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (“**power to borrow**”) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
 - (3) Where a local government has exercised a power to borrow and —
 - (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,
the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.
- * *Absolute majority required.*
- (4) A local government is not required to give local public notice under subsection (3) —
 - (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
 - (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

CONSIDERATION:

After carrying out an analysis the Business Plan for the Coorow Community Roadhouse I point out the following concerns that Council needs to be aware;

- From the \$120,000 self supporting loan, expenditure after capital items totalled \$88,550, the remainder is to fund initial operating costs and consumables. I do not believe this to be a sound financial move.
- Only \$10,000 has been allocated for Repairs and maintenance of the building. This figure will most likely be higher than this, in particular to achieve compliance with the requirements with the Health Act (1911) and the building is used as a residence. This compliance may delay the opening of the Roadhouse. In the normal course of events, the changing of ownership of a business is an opportunity to improve the compliance of food premises.

- Estimated wages looks to be understated unless the manager is going to work 7 days a week to cover the expected weekly staffing hours (allows for 4 hours a day for two staff). There does not seem to be any provision for the Managers annual leave.

In conclusion the financial viability of the Roadhouse business plan is very heavily reliant on the roadhouse selling food. This is the most significant income source because of its large profit margin. If the projected sales are not obtained the Roadhouse will not be able to meet its operating costs.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That:

1. the Coorow Community Land Inc. be advised that their request for a self supporting loan of \$120,000 over ten years be approved subject to the provisions of Section 6.20(2) of the Local Government Act(1995); and
2. in addition to the signing of an agreement, a mortgage be prepared for Coorow Community Land Inc.'s fixed assets to provide security for the loan.
3. local public notice be placed stating the intention to borrow \$120,000 on behalf of the Coorow Community Land Inc.

RESOLUTION: 2004-123

Moved: O'Callaghan **Seconded:** Waite

That:

1. *the Coorow Community Land Inc. be advised that their request for a self supporting loan of \$120,000 over ten years be approved subject to the provisions of Section 6.20(2) of the Local Government Act(1995); and*
2. *in addition to the signing of an agreement, a mortgage be prepared for Coorow Community Land Inc.'s fixed assets to provide security for the loan.*
3. *local public notice be placed stating the intention to borrow \$120,000 on behalf of the Coorow Community Land Inc.*

CARRIED BY ABSOLUTE MAJORITY 8/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

Cr Beswick declared a Proximity Interest in Item 10.2.1 in that she owns a neighbouring property to lot 37/38 Green Head Road, Green Head and left the meeting at 3.53pm.

10.2.1 APPLICATION FOR PLANNING APPROVAL – LOT 37/38 GREEN HEAD ROAD GREEN HEAD - Lot GH 38

NAME OF APPLICANT:	Sandie and David Hunt.
LOCATION	Lot 38 Green Head Road, Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 th July 2004
ATTACHMENT:	10.2.1 Plans of Development

SUMMARY:

Application for Planning Approval to develop an external games room at lot 38 Green Head Road, Green Head.

BACKGROUND:

This application was presented to the July 2004, Ordinary Meeting of Council but due to a lack of a quorum this item was deferred to the August meeting of Council.

COMMENT:

Application has been received from Sandie and David Hunt of 41 Green Head Road Green Head for Planning Approval to develop an external games room at lot 38. Included as Attachment 10.2.1 are plans of the developments for Councillor's information.

Sandie and David Hunt own and occupy both lots 37 and 38 Green Head Road from which they operate an approved commercial Home Business.

Their application states:

I am writing to seek approval for the construction of a games room on our property. I have enclosed our proposed drawings for the games room & also proposed drawings for a future house. We will not be doing the house part of our plans yet but we have drawn the concept to show why we wish to build the games room at the rear of our property. As we have two blocks we want to build on lot 38 so if in the future we wish to subdivide our blocks we can.

Under the Shire of Coorow Town Planning Scheme No. 2 the games room is an ancillary building and there already exists other ancillary buildings (sheds) over the site, which in aggregate area exceed 72m². Notwithstanding, as this proposal relates to the residential component of the existing development approval is recommended.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2.

8.2 PERMITTED DEVELOPMENT

Except as otherwise provided in the Scheme, for the purpose of the Scheme the following development does not require planning approval of the local government –

- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where –
 - (i) the proposal requires the exercise of discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) is a Relocated Dwelling, or Transportable Dwelling;
 - (iv) is a dwelling which exceeds 8 metres in height;
 - (v) is an ancillary out building which exceeds an area of 72m² and/or exceeds 4metres in height.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Approval is granted to Sandie and David Hunt for the construction of an external games room at lot 38 Green Head Road Green Head, conditional upon a formal building Licence being obtained prior to commencement of any building work.

RESOLUTION: 2004-124

Moved: Waite

Seconded: O'Callaghan

That Planning Approval is granted to Sandie and David Hunt for the construction of an external games room at lot 38 Green Head Road Green Head, conditional upon a formal building Licence being obtained prior to commencement of any building work.

CARRIED 7/0

Cr Beswick returned to the meeting at 3.56pm

**10.2.2 APPLICATION FOR PLANNING APPROVAL – VICTORIA LOCATION 10667
FOLIO 1767/983 – T 9.6**

NAME OF APPLICANT:	P Longley
LOCATION	Victoria Location 10667
AUTHOR	Len Welch
DISCLOSURE OF INTEREST	Survey Plan
DATE OF REPORT	9 th August 2004
ATTACHMENT:	10.2.2 Application for Planning

SUMMARY:

Application for Planning Approval to create two lots from Victoria Location 10667 due to the realignment of Pen Road

COMMENT:

An application has been received through the Western Australian Planning Commission on behalf of Peter Longley Surveyors acting for the owners Noel & Sandra Haldern.

The Planning Commission is seeking information from Council, comment or recommended conditions pertinent to the application.

The realignment of Pen Road at the intersection of the Coorow Green Head Road has severed a portion of Victoria Location 10667 creating a long triangular area of 3.57 ha.

The applicant suggests that the severed triangular piece of land is difficult to efficiently continue to farm, and the owners have identified that there is a demand for smaller holdings in the area.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2.

4.2 Rural Zone

To provide for a range of rural pursuits such as broadacre and diversified farming which are compatible with the compatibility of the land and retain the rural character and amenity of the locality.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

The creation of a small rural block of 3.57 ha, on which if sold, could have a residence constructed on it may be seen by others that Council is opening up land for the purpose “Rural Residential Zoning”.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the Western Australian Planning Commission be advised that:

1. due to the realignment of Pen Road at the junction with the Coorow Green Head Road that Council consents to the formation of Lots 1 & 2 of Victoria Location 10667.
2. should they grant the subdivision of Victoria Location 10667 into Lots 1 & 2, these lots will remain zoned under the Shire of Coorow Town Planning Scheme No. 2 as "Rural".

RESOLUTION: 2004-125

Moved: *Beswick*

Seconded: *Stacy*

That the Western Australian Planning Commission be advised that:

1. *due to the realignment of Pen Road at the junction with the Coorow Green Head Road that Council consents to the formation of Lots 1 & 2 of Victoria Location 10667.*
2. *should they grant the subdivision of Victoria Location 10667 into Lots 1 & 2, these lots will remain zoned under the Shire of Coorow Town Planning Scheme No. 2 as "Rural".*

CARRIED 8/0

10.3 MANAGER WORKS AND SERVICES:

10.3.1 ANNUAL MATERIALS TENDER – T4

AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2004
ATTACHMENT	10.3.1 Results of Bituminous and Aggregate Products Tender

SUMMARY:

Council is to consider the annual tender for the supply of Bituminous and Aggregate products for the 2004/05 financial year.

COMMENT:

Last financial year Council joined with the Shires of Three Springs and Carnamah to issue a tender for materials on a joint basis, where the one supplier for each product would be chosen as the successful tenderer by all Councils.

This process has appeared to be successful as last financial year the Shire of Coorow paid \$0.57 per litre for bitumen and up to \$24 per tonne for aggregate. The best prices obtained this financial year are bitumen \$0.58 per litre and \$25 per tonne for aggregate.

Tenders were recalled by the Shire of Carnamah and closed on Friday 23 July 2004.

A table showing tenders received is as follows for Council consideration:

ANNUAL SUPPLY TENDER 06/04 JULY 2004

Bitumen Supplier	98/2 337,031lt	CRS170 73,758ltr	90/10	Total Cost
Boral Asphalt (WA)	0.59 198,848	0.59 43,517	0.62 28,598 =	\$270,983
Bitumen Emulsions	0.62 208,959	0.56 41,305	0.62 28,598 =	\$278,862
Pioneer Road Services	0.59 198,848	0.57 42,042	0.59 27,214 =	\$268,086
RnR Contracting P/L	0.58 195,478	0.58 42,780	0.58 26,753 =	\$265,011

Aggregate Supplier	Type	7mm	10mm	14mm
Ready Mix	Supply Plus GST	30.00	30.00	30.00
	Supply & Delivery Plus GST	45.00	45.00	45.00
Winchester Industries	Supply Plus GST	25.00	25.00	25.00
	Supply & Delivery Plus GST	27.50	27.50	27.50

POLICY AND STRATEGIC IMPLICATIONS:

Nil

STATUTORY ENVIRONMENT:

Nil

FINANCIAL IMPLICATIONS:

The budgeted estimates for bituminous and aggregate products were slightly higher than that received in the tender process.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATIONS:

That Council accept:

1. the tender from RnR Contracting P/L for the supply and spray of Bituminous products for the tendered price of \$0.58 per litre; and
2. the tender from Winchester Industries for the supply of Aggregate at the tendered price of \$25.00 per tonne.

RESOLUTION: 2004-126

Moved: Ovens

Seconded: Waite

That Council accept:

1. *the tender from RnR Contracting P/L for the supply and spray of Bituminous products for the tendered price of \$0.58 per litre; and*
2. *the tender from Winchester Industries for the supply of Aggregate at the tendered price of \$25.00 per tonne.*

CARRIED 8/0

10.3.2 CONSULTANTS ROAD SAFETY AUDIT REPORT – REMOVAL OF VEGETATION SOUTH WADDY ROAD – R8.21

AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 August 2004
ATTACHMENT	10.3.2a Road Safety Audit Report 10.3.2b Public Comment 10.3.2c Legal Advice 10.3.2d Council's Policy

SUMMARY:

Council has received Mr Peter Moses Road Safety Audit Report and must consider the recommendations included.

BACKGROUND:

Council will recall the following resolution at the June meeting of Council, after staff recommended that two Morrel trees be removed from a curve on South Waddy Road 2.065 Kms west of the Mamboobie Road intersection:

RESOLUTION: 2004-070
Moved: Waite Seconded: Ovens
That Council:

- 1. conduct a road safety audit on the section of South Waddy Road two kilometres west of Mamboobie Road, complete further community consultation prior to a future decision of Council, and*
- 2. complete minimum verge clearing works on Randell Road to remove vegetation that is a road hazard.*

Council did not accept the officer's recommendation in order to research all possible avenues of preserving the Morrell trees on South Waddy Road.

CARRIED 8/0

COMMENT:

The Road Safety Audit took place on site on Monday 12 July 2004. Present at the Audit were Cr Girando, Cr Ovens, Mr Kelvin Bean, Works Supervisor, Mr Peter Gillis, Manager Works and Services and Mr Peter Moses, Road Safety Consultant. Mr Moses is one of the most qualified Road Safety Auditors in Australia. He has a long employment history in this field with Main Roads and has worked and studied road safety across the world. Mr Moses recently completed Council's Road Safety Audit for a Black Spot Grant Funding application for Gunyidi Wubin Road, Martin Road and Midlands Road intersection.

A copy of the Road Safety Audit Report received by Council from Mr Moses is included at Attachment 10.3.2a.

CONSULTATION:

Upon receipt of the Road Safety Audit Report Council has published the recommendations and advertised locally for public comment. Recommendations from the Road Safety Audit Report has been made available to residents by way of advertising in the local newsletters. A copy of public comment is included at Attachment 10.3.2b for Council consideration.

STATUTORY ENVIRONMENT:

The statutory environment of this matter is contained in the legal opinion from Minter Ellison included at Attachment 10.3.2c.

POLICY IMPLICATIONS:

Council's policy on Road Construction is included at Attachment 10.3.2d. This policy is regarded to be obsolete and is to be replaced with policy that reflects the new Statutory Environment that is to be implemented with the Land Clearing Act.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Completion of the recommended works on South Waddy Road could be completed for negligible cost and completed using funds allocated in Council's Road Maintenance Budget allocation.

CONSIDERATION:

Staff, as Council would also be, are acutely aware of the environmental value of the vegetation in this area and do not make this recommendation lightly.

It is the opinion of staff that this vegetation remains a very real and significant risk to road users. This opinion has been supported by the Road Safety Audit recommendations.

The officer's recommendation represents Council placing a slightly higher importance on road safety over environmental concerns in this instance only.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council remove the vegetation and erect signage on South Waddy Road as recommended in the Road Safety Audit included at Attachment 10.3.2a.

RESOLUTION: 2004-127

Moved: Waite

Seconded: McDonald

That Council:

- 1. remove the vegetation and erect signage on South Waddy Road as recommended in the Road Safety Audit included at Attachment 10.3.2a; and*
- 2. liaise with the local LCDC and land owners with regards to supplying trees of the same variety to be planted on nearby private land if desired.*

CARRIED 8/0

10.3.3 BUSH FIRE ADVISORY COMMITTEE – B6.1

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004
ATTACHMENTS	10.3.3a Minutes of Bush Fire Advisory Committee Annual General Meeting held on Tuesday 10 August 2004 10.3.3b 2004/05 Bush Fire Notice

SUMMARY:

Council is to adopt a Bush Fire Notice and appoint Fire Control Officers as recommended by the Annual General Meeting of the Shire of Coorow Bush Fire Advisory Committee.

COMMENT:

Council's Bush Fire Advisory Committee held its Annual General Meeting on Tuesday 10 August 2004 at the Coorow Administration Centre, Coorow. Minutes of this meeting are included at Attachment 10.3.4a.

From this Meeting, the committee has made recommendations to Council regarding appointments to positions carrying statutory powers under the Bush Fires Act (1954) and the conditions to be contained in Council's Fire Break Notice, included at Attachment 10.3.3.b. The adoption of the conditions contained with the Fire Break Notice is required to give statutory power to the construction of Fire Breaks and dates for Restricted and Prohibited Burning Periods.

Council would recall Council Resolution 2004-031 from the March 2004 meeting of Council:

RESOLUTION: 2004-031

Moved: Ovens *Seconded: Waite*

That Council recommend that the dates for Restrictive Burning Period for the District General be from 16 September to 14 October and request that FESA have these dates for the District General Restrictive Burning Period advertised in the Government Gazette.

CARRIED 8/0

On the basis of this resolution, restrictive and prohibitive burning periods suggested are:

RESTRICTIVE PERIOD (Section 18).

Coastal Portion (Coast East to Mudge/Willcocks Road)

19 September 2004 to 31 October 2004 and

15 February 2005 to 29 March 2005

District Generally (Remainder)

16 September 2004 to 14 October 2004 and

15 February 2005 to 29 March 2005.

Permits required (all dates inclusive)

PROHIBITED PERIOD (Section 17)

Coastal Portion (Coast East to Mudge/Willcocks Road)

1 November 2004 to 14 February 2005

District Generally (Remainder)

15 October 2004 to 14 February 2005.

STATUTORY ENVIRONMENT:

Bush Fires Act (1954)

Various sections including:

17. Prohibited burning times may be declared by Minister

18. Restricted burning times may be declared by Authority

33. Local government may require occupier of land to plough or clear firebreak

38. Local government may appoint bush fire control officer

FINANCIAL IMPLICATIONS:

Council is required to advertise the Fire Break Notice in the Government Gazette at a considerable cost. Advertising within our community newspapers will be done for no direct cost to Council.

POLICY AND STRATEGIC IMPLICATIONS:

Nil at this time.

VOTING REQUIREMENT

Simple Majority

RECOMMENDED RESOLUTION:

That Council:

1. accept the recommendations of the Shire of the Coorow Bush Fire Advisory Committee and adopt the conditions included in the Bush Fire Notice as contained at Attachment 10.3.4b; and
2. Make the following appointments:

Chief Bush Fire Control Officer -	John Browne
Deputy Chief Bush Fire Control Officer (West) -	Jay Wann
Deputy Chief Bush Fire Control Officer (East) -	Kelvin Bean
Harvest Ban Officer – Western Sector -	James Raffan

Harvest Ban Officer – Western Sector -
Harvest Ban Officer – Eastern Sector -
Harvest Ban Officer – Eastern Sector -
Special Permit Clover Burning Officers -
Fire Control Officers -

Ian Falconer
Kelvin Bean
Ian Hunt
Ian Falconer
Peter Gillis, Gary Sherry, Ian
Hunt, Barry Fowler, Jim Scott,
Geoff Hortin, Doug Van Bavel,
Jay Wann, Danny Johns, Simon
Brockman and Alistair Adams.

RESOLUTION: 2004-128

Moved: Beswick

Seconded: Ovens

That Council:

1. *accept the recommendations of the Shire of the Coorow Bush Fire Advisory Committee and adopt the conditions included in the Bush Fire Notice as contained at Attachment 10.3.4b; and*

2. *Make the following appointments:*

Chief Bush Fire Control Officer -

John Browne

Deputy Chief Bush Fire Control Officer (West) -

Jay Wann

Deputy Chief Bush Fire Control Officer (East) -

Kelvin Bean

Harvest Ban Officer – Western Sector -

James Raffan

Harvest Ban Officer – Western Sector -

Ian Falconer

Harvest Ban Officer – Eastern Sector -

Kelvin Bean

Harvest Ban Officer – Eastern Sector -

Ian Hunt

Special Permit Clover Burning Officers -

Ian Falconer

Fire Control Officers -

*Peter Gillis, Gary Sherry, Ian
Hunt, Barry Fowler, Jim Scott,
Geoff Hortin, Doug Van Bavel,
Jay Wann, Danny Johns,
Simon Brockman and Alistair
Adams.*

CARRIED 8/0

10.3.4 PURCHASE OF TURF AERATOR – R7.4

AUTHOR Peter Gillis
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 11 August 2004

SUMMARY:

Council to consider out of budget expenditure of \$1,500 for the purchase of a turf aerator.

COMMENT:

Each year Council budgets for a turf specialist to carry out turf maintenance on the ovals throughout the Shire. This maintenance varies from major renovations to minor works like aerating to improve turf growth and water penetration.

Council has been offered to purchase a reconditioned turf aerator by “Lawn Doctor” turf specialists for the cost of \$1,500.

While Council completes verti-mowing each year to remove oval thatch and provide some aeration, Council has been advised to complete a higher degree of aeration this year. This aeration takes place once a year because of the cost and availability of contractors. The advantage of owning our own aerator would be that we could aerate the ovals more often which would in turn lessen the cost of maintenance when contractors were required as they would not have to mobilise extra plant to do this work.

The cost of contract aerating is \$300 per hectare. Council has some 7 hectares of turf ovals plus various parks that would also benefit from aeration. As Councillors can see the cost of one pass per year is \$2,100, which more than covers the purchase price of the machine.

Should Council purchase the reconditioned aerator, the Lawn Doctor has recommended that aeration be done at least 5 times per year per oval. The aerator is a three point linkage machine that will attach to our Massey Ferguson tractors.

POLICY IMPLICATIONS:

Nil.

STATUTORY ENVIRONMENT:

Local Government Act (1995)

6.8 Expenditure From Municipal Fund Not Included In Annual Budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

(g) is incurred in a financial year before the adoption the annual budget by the local government;

(h) is authorised in advance by resolution*; or

* Absolute majority required

(i) is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) –
“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

STRATEGIC IMPLICATIONS:

If Council were to purchase this machine there would be cost benefits as staff could aerate the ovals more often throughout the year and therefore gain the benefits of better playing surfaces, through stronger turf growth and reduced water consumption.

FINANCIAL IMPLICATIONS:

Council has budgeted \$94,150 for maintenance of ovals in Coorow and Leeman which includes \$5,600 of maintenance provided by contractors. The cost of a reconditioned aerator is \$1,500 which could be paid for by transferring \$1,500 from Council’s maintenance budget into capital.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATIONS:

That Council:

1. purchase a reconditioned turf aerating machine for \$1,500; and
2. complete aerating works to Council’s Coorow and Leeman ovals using Council’s own staff and the purchased machine rather than using a contractor as included in Council’s 2004/05 Budget.

RESOLUTION: 2004-129

Moved: McTaggart **Seconded:** O’Callaghan

That Council:

1. *purchase a reconditioned turf aerating machine for \$1,500; and*
2. *complete aerating works to Council’s Coorow and Leeman ovals using Council’s own staff and the purchased machine rather than using a contractor as included in Council’s 2004/05 Budget.*

CARRIED BY ABSOLUTE MAJORITY 8/0

10.4 MANAGER FINANCE AND ADMINISTRATION

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 18 August 2004

SUMMARY:

Council approval is required for payment of accounts made within the months of July 2004 and August 2004 and to approve payments of accounts due in August 2004.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 21 July 2004 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 18 August 2004.

As at 11 August 2004 accounts are on hand to the value of \$0.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

13 Lists of Accounts

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

amount is to be presented to the council at the meeting referred to in subregulation (3) (a).

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 18 August 2004 including:

1. vouchers 14172 to 14258 and payments CEOVISA, MWSVISA, DCEOVISA, MCDVISA, PRESVISA, DD46 to DD48, T140704C to T100804L totalling \$317,141.79 from Council's Municipal Fund be authorised and passed for payment.
2. Vouchers 1936 to 1941 totaling \$1,464.86 from Council's Trust Fund be authorised and passed for payment.

RESOLUTION: 2004-130

Moved: Beswick

Seconded: Stacy

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 18 August 2004 including:

1. *vouchers 14172 to 14258 and payments CEOVISA, MWSVISA, DCEOVISA, MCDVISA, PRESVISA, DD46 to DD48, T140704C to T100804L totalling \$317,141.79 from Council's Municipal Fund be authorised and passed for payment; and*
2. *vouchers 1936 to 1941 totaling \$1,464.86 from Council's Trust Fund; be authorised and passed for payment.*

CARRIED 8/0

10.4.2 MONTHLY FINANCIAL REPORT – F8.05

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 August 2004
ATTACHMENTS	10.4.2a Statement of Financial Position 10.4.2b Operating Statement – Function & Activity 10.4.2c Operating Statement – Nature and Type 10.4.2d Cash Flow Graph 10.4.2e Plant Cost Recovery

SUMMARY:

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local authority is to prepare monthly financial reports in such a form, as the local authority considers appropriate.

COMMENT:

The form of the Monthly Financial Statements presented to Council is Statement of Financial Position, Operating Statement Function and Activity, Operating Statement Nature and Type, Cash Flow Graph and Plant Cost Recovery. A copy of all five reports is attached for the month ended 31 July 2004.

Council can amend the form of Council's financial information 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 –
 - (a) monthly financial reports in such form as the local government considers to be appropriate; and
 - (b) subject to subregulation (1a), either -
 - (i) quarterly financial reports for the periods ending on 30 September, 31 December, 31 March and 30 June; or
 - (ii) triannual financial reports for the periods ending on 31 October, 28 February and 30 June,
- (1a) A local government need not prepare a quarterly or triannual report for the period ending on 30 June in any year if, before that date, the council resolves* that such a report is not necessary.

**Absolute majority required.*

- (2) A monthly, quarterly or triannual financial report is to be –
 - (a) presented to the council –
 - (i) at the next ordinary meeting of the council following the end of the period to which the report relates; or
 - (ii) if the report 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.

(3) A quarterly or triannual report may be presented to a local government in lieu of a monthly report.

FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Financial Report as presented for the period ended 31 July 2004.

RESOLUTION: 2004-131

Moved: Waite

Seconded: O'Callaghan

That Council accepts the Monthly Financial Report as presented for the period ended 31 July 2004.

CARRIED 8/0

10.4.3 ANNUAL FINANCIAL STATEMENTS – A.5/04

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004
ATTACHMENTS	Annual Financial Statements

SUMMARY:

The Annual Financial Statements for the Year Ended 30 June 2004 have now been completed for acceptance by Council.

COMMENT:

The Annual Financial Statements for the Year Ended 30 June 2004 will be distributed to Councillors prior to the Council Meeting.

STATUTORY ENVIRONMENT:

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to:
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

OTHER IMPLICATIONS:

There do not appear to be any financial, policy or strategic implications.

OFFICER RECOMMENDATION:

That Council accept the Financial Statements for the Year Ended 30 June 2004.

RESOLUTION: 2004-132

Moved: Stacy **Seconded:** Waite

That Council accept the Financial Statements for the Year Ended 30 June 2004.

CARRIED 8/0

Cr McDonald declared a Financial Interest in Item 10.4.4 in that she operates a business that was undercharged for a 3m³ skip bin and left the meeting at 4.29pm.

10.4.4	UNDERCHARGE OF 3M ³ SKIP RUBBISH COLLECTION CHARGE – R21.5
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AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 August 2004

SUMMARY:

Council to consider writing off the additional rubbish charges invoiced to nine commercial property owners.

COMMENT:

In May 2004 it was discovered that an error had occurred with the charging of the 3m³ skip bins for the 2003/04 rates. In nine cases 3m³ skip bins were being charged at the rate of 1.5m³ skip bins. These 3m³ skips should have been charged \$1,900 instead of \$1,300. Collex, Councils waste contractor, charges Council \$1,794 per annum for each of the 3m³ Skips.

To correct this error invoices were sent out in June for \$600 to each of the property owners. The following property owners were invoiced:

- Wesfarmers Landmark, Coorow
- WJ & M Brassington, Coorow
- Billeroo Nominees, Leeman
- Bellquip Holdings, Leeman
- Leeman Country Club, Leeman
- Leeman Primary School, Leeman
- TM McDonald, Green Head
- SP Murray, Leeman
- PM & MK Treloar, Leeman

Two invoices of these invoices have been paid and seven remain outstanding. Of the seven outstanding 4 property owners have written to Council objecting to the charge and stating their intention of not paying the invoice.

In one of these cases the business was only purchased in the last seven months and that owner believed that all rates and charges were paid on settlement. In two other cases I have verbally spoken to the property owner and their concerns were similar.

Five of these property owners have requested that the 3m skip service be removed from their property and be replaced with 240L rubbish collection services. This has been done for 2004/05. The remaining property owners have been charged for a 3m³ skip on their 2004/05 rates notice.

Prior to 2003/04 while Council was charged for collection of rubbish skips by Collex on a m³ rate, Council's rubbish charges reflected a Council assessment of each businesses rubbish created. Following renegotiation of Council's Waste Collection Contract just prior to 2003/04 financial year, Collex's charges increased substantially. In an attempt to recover this increased cost, Council shifted to a cubic metre charge structure. Had Council correctly invoiced these higher charges, property owners may have not continued with this level of service through 2003/04. Not all ratepayers with a 3m³ skip were incorrectly invoiced.

Council needs to decide one of the following;

- That the additional late charge was reasonable as the property owners were receiving a 3m³ skip service and should have been paying for that service. If this is the case staff will continue to collect payment for the outstanding invoices; or
- That the additional charge was unreasonable as it was Council's mistake and that people may not have continued the service had they been aware of the full cost in July 2003. If this is the case Council will need to write off \$4,200 and refund \$1,200.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC & FINANCIAL IMPLICATIONS:

Council can write off these amounts.

POLICY IMPLICATIONS

Nil.

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION:

That Council writes off the \$600 invoices for the additional charge for 2003/04 for 3m³ Skip bins or provide a refund for any invoices that have been paid for the following businesses:

1. Wesfarmers Landmark, Coorow
2. WJ & M Brassington, Coorow
3. Billeroo Nominees, Leeman
4. Bellquip Holdings, Leeman
5. Leeman Country Club, Leeman
6. Leeman Primary School, Leeman
7. TM McDonald, Green Head
8. SP Murray, Leeman
9. PM & MK Treloar, Leeman

RESOLUTION: 2004-133

Moved: Waite

Seconded: McTaggart

That Council writes off the \$600 invoices for the additional charge for 2003/04 for 3m³ Skip bins or provides a refund for any invoices that have been paid by the following businesses, or any other businesses that paid the full price for a 3m³ skip bin in 2003/04:

1. *Wesfarmers Landmark, Coorow*
2. *WJ & M Brassington, Coorow*
3. *Billeroo Nominees, Leeman*
4. *Bellquip Holdings, Leeman*
2. *Leeman Country Club, Leeman*
3. *Leeman Primary School, Leeman*
4. *TM McDonald, Green Head*
5. *SP Murray, Leeman*
6. *PM & MK Treloar, Leeman*

CARRIED 7/0

Cr McDonald returned to the meeting at 4.37pm.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

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

Nil.

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

13.1 LATE ITEMS – APPROVAL TO CONSIDER

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	16 August 2004

SUMMARY:

Council is requested to consider a Late Agenda Items for the July Meeting in respect to:

- **Election of Local Government Representative to Board of Midwest Development Commission.**

COMMENT:

The requirement of Council approval of these matters arose after completion of Council's Agenda.

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

STATUTORY ENVIRONMENT:

Shire of Coorow – Standing Orders Local Law 1999 – Section 2.10:

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

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

There appear to be no implications in this regard.

OFFICER RECOMMENDATION:

That Late Agenda Items, in respect to

- Election of Local Government Representative to Board of Midwest Development Commission;
be considered.

RESOLUTION: 2004-134

Moved: Ovens

Seconded: Waite

That the Late Agenda Item, in respect to Election of Local Government Representative to Board of Midwest Development Commission be considered.

CARRIED 8/0

**13.2 ELECTION OF LOCAL GOVERNMENT REPRESENTATIVES TO
MIDWEST DEVELOPMENT COMMISSION – G5**

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 16 August 2004.
ATTACHMENTS: 13.2 List of Candidates & Resumes

SUMMARY:

Council is able to cast a vote in the election of a local government representative to the Board of the Midwest Development Commission.

COMMENT:

Council has just received notice of the election to select a local government representative to the Midwest Development Commission. Council has until Friday 27 August 2004 to respond. Council may choose one candidate in the first-past-the-post voting system.

The Councillors who are standing include:

- Cr Pauline Forrester– Shire of Chapman Valley
- Cr John Brown – Shire of Mt Magnet
- Cr Kevin Anthony – Shire of Cue
- Cr Don Anderson – Shire of Yalgoo
- Cr Gary Collins – Shire of Morawa

A substantial resume has been provided by each applicant, included at Attachment 13.2.

STRATEGIC IMPLICATIONS:

The Board of the Midwest Development Commission provides oversight over the Commission and play an instrumental role in guiding the focus of the Commission. While the employees of the Commission are public servants who are restricted in their political influence and activity, it is the Board who sets the agenda of the Commission and gives the Commission political direction. Therefore in making their selection, Council may wish to select candidates who will best represent the Council in their dealings with the board.

STATUTORY ENVIRONMENT AND FINANCIAL & POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council elect to vote for Cr Gary Collins of Morawa for the position of Local Government Representative to the Board of the Mid West Development Commission since the Shire of Morawa is part of the North Midlands VROC.

RESOLUTION: 2004-135

Moved: Beswick

Seconded: McTaggart

That Council elect to vote for Cr Gary Collins of Morawa for the position of Local Government Representative to the Board of the Mid West Development Commission since the Shire of Morawa is part of the North Midlands VROC.

CARRIED 8/0

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. DATE OF NEXT MEETING:

Ordinary Meeting of Council
3pm, Wednesday 15 September 2004 at the Leeman Administration Centre.

16. CLOSURE:

There being no further business, the President, Councillor Girando closed the meeting at 4.43pm.