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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.07 p.m.

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 B R McTaggart	
Councillor J M Stacy	
Councillor J K Waite	
Councillor S A Beswick	
Councillor B J McDonald	
Mr G A Sherry	Chief Executive Officer
Mr P D Gillis	Manager Works & Services
Mr G J Agnew	Manager Community Development

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 18 FEBRUARY 2004 IN THE COOROW ADMINISTRATION CENTRE

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 11March 2004

COMMENT:

Nil

OFFICER RECOMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 18 February 2004 in the Coorow Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-020

Moved: Stacy **Seconded:** Waite

That the Minutes of the Ordinary Meeting held on Wednesday 18 February 2004 in the Coorow Administration Centre be confirmed as a true and correct record.

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.

Nil.

9. MATTERS FOR WHICH MEETING MAY BE CLOSED:

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

Nil.

10. REPORTS:**10.1 CHIEF EXECUTIVE OFFICER'S REPORT:****10.1.1 2003 STATUTORY COMPLIANCE RETURN – L10.5**

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 March 2004
ATTACHMENT	10.1.1 2003 Statutory Compliance Audit Return.

SUMMARY:

The Local Government Department request the Statutory Compliance Return for the period 1 January 2003 to 31 December 2003 to be completed, endorsed and included within an Ordinary Meeting Agenda papers by 31 March 2004.

COMMENT:

The Statutory Compliance Audit Return is a check list of some of the statutory requirements that all Local Governments are required to complete in the twelve months to 31 December 2002.

The Statutory Compliance Audit Return is to be:

- a. presented to council at a meeting of the council;
- b. adopted by the council; and
- c. the adoption recorded in the minutes of the meeting at which it is adopted

After the Statutory Compliance Audit return has been presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director, Department of Local Government by 31 March 2004.

In completing the Statutory Compliance return a number of areas where Council did not complete its statutory requirements were identified. They were:

Local Govt Act Section or Regulation	Statutory Compliance Return		Requirement	Notes
	Item No.	Page No.		
F&G Reg 18(3)	4	4	All the local government's invitations to tender included: <ul style="list-style-type: none"> • Information as to where and how tenders could be submitted; and • The date and time after which tenders were not accepted. 	Some of Council's state wide tender advertisements were abridged to an extent that this information was excluded from the advertisement and included with the information provided to prospective tenderers.

Local Govt Act Section or Regulation	Statutory Compliance Return		Requirement	Notes
	Item No.	Page No.		
F&G Reg 18(3)(4)	5	4	The following information was made available to all prospective tenderers: <ul style="list-style-type: none"> The criteria for deciding which tender would be accepted. 	Criteria for deciding which tender would be accepted were not always constructed. For more simple tender purchases written criteria was not deemed to be required to maintain effective and efficient tendering when clearly transparent Council purchasing was being maintained.
F&G Reg 18(4)	13	5	Tenders that were not rejected were assessed by means of a written evaluation to the extent to which each tender satisfied the criteria for deciding which tender to accept and which tender was most advantageous to the local government to accept.	Tenders were not always assessed by written evaluation to the extent to which each tender satisfied criteria. For simple tender purchases this was not deemed to be required for effective and efficient tendering when clearly transparent Council purchasing was being maintained.
LGA s5.10 (1)(a).	8	21	All members of Council committees during the review period were appointed by an absolute majority other than those person appointed in accordance with section 5.10 (1)(b).	Members of committees were appointed by simple majority at Council's May 2003 Ordinary meeting.
FM Reg 51(2)	20	33	The annual financial report was submitted to the Department of Local Government within 30 days of the receipt by the CEO of the Auditors report.	I cannot confirm that this report was submitted within 30 days.
LGA s5.10 (1)(a).	24	33	Money or Property held in Council's trust fund has in the case of money been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	It has been Council's long standing practice to transfer interest on Trust Fund investments to Council's Municipal Fund.
LGA s6.36	36	36	The local government before imposing any differential general rate or a minimum payment applying to a differential rate category gave local public notice of its intention to do so.	This matter was overlooked.

STATUTORY ENVIRONMENT:

Local Government (Audit) Regulations 1996

14 Compliance audit return to be prepared

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

- (3) A compliance audit return is to be —
- (a) presented to the council at a meeting of the council;
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

There appears no further implications in this regard.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDED:

That the Statutory Compliance Audit Return included at Attachment 10.1.1 2003 Statutory Compliance Audit Return for the period 1 January 2003 to 31 December 2003 as completed by the President and Chief Executive Officer be endorsed and duly signed accordingly.

RESOLUTION: 2004-021

Moved: O'Callaghan **Seconded:** Ovens

That the Statutory Compliance Audit Return included at Attachment 10.1.1 2003 Statutory Compliance Audit Return for the period 1 January 2003 to 31 December 2003 as completed by the President and Chief Executive Officer be endorsed and duly signed accordingly.

CARRIED 8/0

10.1.2 DRAFT PRINCIPAL ACTIVITY PLAN – B4.04

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 10 March 2004

SUMMARY:

That availability of the Draft Principal Activity Plan 2004/2008 be advertised and public comment sought.

COMMENT:

The Draft Principal Activity Plan 2004/2008 is a plan for Council's principal activities for the financial years 2004/05, 2005/06 2006/07 and 2007/08 is now available for release.

A Draft Principal Activity Plan 2004/2008 has been included with Councillor's Agenda package and will be available from Council offices and libraries.

In addition electors who traditionally provide comment to Council on the Principal Activity Plan each year will be forwarded a copy of their own.

Council has received initial comment from organisations including the Leeman Ratepayers and Progress Association, which will be provided to Council upon their consideration of wider comment from the community at Council's May 2004 ordinary meeting following the public comment process.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.57. Notice of proposed plans for principal activities

- (1) After preparing a plan under section 5.56, the local government is to -
 - (a) give local public notice in accordance with subsection (2); and
 - (b) make available for public inspection copies of the proposed plan at the local government offices and at each local government library in the district.
- (2) The local public notice is to contain -
 - (a) notification that a plan for the local government's principal activities for the next 4 or more years has been prepared;
 - (b) details of where and when the plan may be inspected; and
 - (c) an invitation for submissions in relation to the plan to be made by members of the public within 42 days of the day on which local public notice was first given.

Local Government Act 1995

5.58. Acceptance of plans for principal activities

The local government is to consider any submissions received in relation to a plan prepared under section 5.56 and may accept the plan with or without modification.

STRATEGIC IMPLICATIONS:

The adopted Principal Activity Plan 2004/2008 will form the basis of Council's 2004/05 Budget and longer term planning for future budgets.

POLICY AND FINANCIAL IMPLICATIONS:

There are no policy or financial implications regarding this matter.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council give local public notice of the existence of Council's Draft Principal Activity Plan 2004/2008 and that submissions be invited for period of not less than 42 days after the date of the advertisement.

RESOLUTION: 2004-022

Moved: McDonald

Seconded: Beswick

That Council give local public notice of the existence of Council's Draft Principal Activity Plan 2004/2008 and that submissions be invited for period of not less than 42 days after the date of the advertisement.

CARRIED 8/0

Cr O'Callaghan declared an Impartiality Interest in this item in that Cr O'Callaghan is the daughter-in-law of Michael William (Bill) O'Callaghan. Cr O'Callaghan did not leave the meeting.

10.1.3 GREEN HEAD ROAD NAMES – G1

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 March 2004
ATTACHMENT	10.1.3 Proposed Subdivision – Lot 720 The Lakes Road Green Head

SUMMARY:

Council is to advise of road names for the Stage 2 of the Green Head South Bay subdivision.

COMMENT:

Council has been advised by Landcorp that the Geographic Names Committee of the Department of Land Information has revealed only the name “Doney” on the Reserved Name Index. Therefore Council is required to nominate additional names for the five new streets to be named in this subdivision.

It is the belief of staff that the names “Folland”, “Carruthers” and “Maxwell” were used in the original structure plan for this subdivision and would be, with clarification, suitable for use.

Council sought input from Councillors and from community groups including the Leeman Ratepayers and Progress Association, Green Head Ratepayers and Progress Association and Coorow Townscape Committee for suitable names for submission. Only one submission was received.

This submission was for the name “O'Callaghan” from Gerry and Betty O'Callaghan in recognition of Michael William (Bill) O'Callaghan. Michael William (Bill) O'Callaghan 3.7.01 – 3.6.85 first came to Coorow in 1929 taking up a land grant before joining the Midland Railway. Returning to Coorow he joined the Carnamah Roads Board as a grader operator before purchasing a garage and shop in Coorow. He established a large Machinery and car dealership from this business and later purchased a farming property. He was actively involved in the community particularly the sporting field.

Should Council accept this nomination, it will provide only enough names to complete the South Bay Subdivision. Should any future names be required Council will need to complete more.

STATUTORY ENVIRONMENT:

Nil

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council submit the name "O'Callaghan" to the Geographic Names Committee of the Department of Land Information and seek further input from the public and community groups to establish additional names on the Geographic Names Committee of the Department of Land Information's Reserved Name Index.

RESOLUTION: 2004-023

Moved: Waite

Seconded: Ovens

That Council submit the name "O'Callaghan" to the Geographic Names Committee of the Department of Land Information and seek further input from the public and community groups to establish additional names on the Geographic Names Committee of the Department of Land Information's Reserved Name Index.

CARRIED 8/0

10.1.4 FINANCIAL MANAGEMENT REVIEW – A7

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 March 2004

SUMMARY:

Council is to consider completing a Financial Management Review.

COMMENT:

Under Local Government Financial Management Regulation 5(2)(c) the CEO is to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government every four years and report to the Council on the results of that review. To the authors knowledge such a review has not been completed before.

A quotation has been received from Council's newly appointed auditor Howarths to complete such a review.

Howarths would review all of Council's financial systems including (but not limited to):

- Payments/Creditors
- Receipts/Debtors
- Payroll
- Rates
- Fees & Charges
- Cost allocations
- Administration allocation
- Purchasing
- Job Costing
- Financial Reports
- Budgets
- Principal Activity Plan
- Acquisition and Disposal of Property
- Registers
- General Compliance Issues

The review would necessarily examine compliance with provisions of the Act or Regulations which are not financial in nature.

The review would be conducted by Howarths staff Bob Waddell and Council's Auditor Tony Bevan.

The auditor would complete the two day review in conjunction with Council's interim audit in June 2004 entailing three days in total in Coorow.

It is appropriate to engage an outside entity to complete this review to ensure that an independent view on Council's financial management systems.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Part 2-General financial management-s 6 10

5. FINANCIAL MANAGEMENT DUTIES OF THE CEO

- (1) Efficient systems and procedures are to be established by the CEO of a local government-
 - (a) for the proper collection of all money owing to the local government;
 - (b) for the safe custody and security of all money collected or held by the local government;
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
 - (d) to ensure proper accounting for municipal or trust -
 - (i) income received or receivable;
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;
 - (e) to ensure proper authorization for the incurring of liabilities and the making of payments;
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, accounts and reports required by the Act or these regulations.
- (2) The CEO is to -
 - (a) ensure that the resources of the local government are effectively and efficiently managed;
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

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.

FINANCIAL IMPLICATIONS:

The quoted price for the Financial Management Review is \$2,500 (GST Exclusive).

Council has not made an allocation in Council’s 2003/04 Budget to complete this review.

POLICY IMPLICATIONS:

Nil at this time.

STRATEGIC IMPLICATIONS:

Having Council’s recently appointed auditors complete this review at the beginning of their audit contract will allow the auditors to more quickly gain an understanding of Council’s financial management systems, financial position and the issues and environment in which Council is operating. Given the Auditors are in the Shire of 3 days, it should allow time for a visit to the Leeman Administration Centre and for the Auditors to meet a range of Councillors and staff.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council accept the quotation of \$2,500 (GST Exclusive) for the preparation of a Financial Management Review.

RESOLUTION: 2004-024

Moved: Beswick

Seconded: McTaggart

That Council accept the quotation of \$2,500 (GST Exclusive) for the preparation of a Financial Management Review.

CARRIED BY ABSOLUTE MAJORITY 8/0

10.1.5 SALE OF LOT M587, SOUTH STREET COOROW – L1.6

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 March 2004
ATTACHMENT	10.1.5 Map of Lot M587, South Street Coorow

SUMMARY:

Council has received an offer of purchase from employee Mr Lindsay Barker to purchase Lot M587 South Street Coorow for \$7,500.

COMMENT:

Council would recall the following resolutions from the December 2003 and the February 2004 Meeting of Council the following was resolved:

RESOLUTION: 2003-185

Moved: O'Callaghan Seconded: Owens

- 1. That Council agree to offer Lot M587 South Street, Coorow for sale to Mr Lindsay Barker of Coorow Transport for \$7,500 and accept a counter offer of at least \$6,500; and*
- 2. Should Mr Barker of Coorow Transport not wish to purchase Lot M587 at least \$6,500 that Council not allow Mr Barker of Coorow Transport continued use of Council's Coorow Depot.*

CARRIED 8/0

RESOLUTION: 2004-005

Moved: O'Callaghan Seconded: McDonald

That Council advertise statewide the proposed sale of Lot M587, valued at \$15,000, to Mr Lindsay Barker for consideration of \$7,500 and receive public submissions on the proposed sale until Tuesday 9 March 2004.

CARRIED 8/0

Under the requirements of the Section 3.58 of the Local Government Act Council has advertised statewide the proposal to sell this property to Mr Barker and asked for public submissions on the proposal until Tuesday 9 March 2004. In addition Council advertised in local papers.

Council received one public submission from Mr Brian Jack of Coorow. Mr Jack's submission reads:

I have looked at the abovementioned land and surrounding properties and have also spoken to Mr Lindsay Barker as well as yourself.

My submission is thus:

The Coorow Shire Council (the Council) as an act of encouraging new businesses or facilities to develop in Coorow should give the land to Mr Barker and charge him for

his proportion of proposed dividing fence between the Shire depot and the Lot L587 thereby creating a revenue neutral transaction.

This is certainly consistent with other shires and it would demonstrate to both the Coorow residents and outsiders that Coorow is serious about encouraging people to come to this town.

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.58 Disposing of property

- (1) In this section:
dispose~ includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property~ includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to:
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:
 - (a) it gives Statewide public notice of the proposed disposition:
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:
 - (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to:
 - (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Standing Order Local Law 1999

Section 16.1.2:

The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

FINANCIAL IMPLICATIONS:

Council has included the sale of Lot M587 South Street for \$6,000 in Council's 2003/04 Budget and expects matching expenses to complete the sale, including fencing and surveying. It is not anticipated that Council will make a large windfall profit from this transaction.

POLICY & STRATEGIC IMPLICATIONS:

Nil at this time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMENDATION:

That:

1. Council accept the offer of Mr Lindsay Barker to purchase Lot M587 South Street, Coorow, valued at \$15,000, for consideration of \$7,500; and
2. the President and Chief Executive Officer be authorised to sign and seal Transfer of Land documentation for the sale of Lot M587 South Street, Coorow to Mr Lindsay Barker.

RESOLUTION: 2004-025

Moved: Ovens

Seconded: McDonald

That:

1. *Council accept the offer of Mr Lindsay Barker to purchase Lot M587 South Street, Coorow, valued at \$15,000, for consideration of \$7,500; and*
2. *the President and Chief Executive Officer be authorised to sign and seal Transfer of Land documentation for the sale of Lot M587 South Street, Coorow to Mr Lindsay Barker.*

CARRIED 8/0

10.1.6 MANAGER FINANCE CONTRACT OF EMPLOYMENT – S7.12

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 March 2004
ATTACHMENT	10.1.6a Manager Finance & Administration Contract of Employment
CONFIDENTIAL ATTACHMENT	10.1.6b Manager Finance & Administration Contract of Employment – Schedule

SUMMARY:

It is necessary for Council to confirm the appointment of and enter into a contract of employment with Mr Dacre Alcock as for the Shire of Coorow.

COMMENT:

Council will recall advice that the Deputy Chief Executive Officer/Manager Finance & Administration position had been advertised in the West Australian with applications closing on Friday 30 January 2004.

For Council's further information, 11 applications were received from which only one applicant Mr Darce Alcock, was invited for interview. The Chief Executive Officer in conjunction with Cr's Girando and O'Callaghan interviewed the applicant via teleconference in the Coorow Telecentre on 6 February 2004.

Subsequently it was agreed to offer the position to Mr Dacre Alcock, currently employed by the Shire of Wyndham East Kimberly. Mr Alcock has accepted Council's offer and is available to take up the position on Monday 5 April 2004.

Should Council resolve to appoint Mr Alcock as Manager Finance & Administration, Council will also need to resolve by absolute majority to amend Council's Policy Manual and Delegation Register to reflect Mr Alcock's appointment to the position.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.39. Contracts for CEO's and senior employees

- (1) The employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.

- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

Standing Order Local Law 1999

Section 16.1.2:

The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

FINANCIAL IMPLICATIONS:

Council to refer to the confidential Contract of Employment Schedule – remuneration clauses enclosed separately in this Agenda which details a gross annual salary of \$48,000 with a total annual package of \$75,150.

POLICY IMPLICATIONS:

Council Policy

Staff General 2.1.4 “Appointment and Termination of Staff”

The appointment and termination of Council employees can only be as follows:

- Deputy Chief Executive Officer - Chief Executive Officer on recommendation to Council.

STRATEGIC IMPLICATIONS:

There appears to be no strategic implications regarding this matter.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMENDATION:

That:

1. Mr Dacre Alcock be appointed as Manager Finance & Administration for the Shire of Coorow;
2. A three (3) year Contract of Employment with term and conditions as at Attachments 10.1.6a and 10.1.6b be entered into between Mr Dacre Alcock and the Shire of Coorow;
3. Council’s Policy Manual and Delegation Register be amended replacing " Deputy Chief Executive Officer Mr Peter Mason" with "Manager Finance & Administration Mr Dacre Alcock” on all relevant policies and delegations; and
4. The President and Chief Executive Officer be authorised to sign the contract included at Attachments 10.1.6a and 10.1.6b under common seal.

RESOLUTION: 2004-026

Moved: McDonald **Seconded:** Stacy

That:

1. Mr Dacre Alcock be appointed as Manager Finance & Administration for the Shire of Coorow;
2. A three (3) year Contract of Employment with term and conditions as at Attachments 10.1.6a and 10.1.6b be entered into between Mr Dacre Alcock and the Shire of Coorow;
3. Council's Policy Manual and Delegation Register be amended replacing "Deputy Chief Executive Officer Mr Peter Mason" with "Manager Finance & Administration Mr Dacre Alcock" on all relevant policies and delegations; and
4. The President and Chief Executive Officer be authorised to sign the contract included at Attachments 10.1.6a and 10.1.6b under common seal.

CARRIED BY ABSOLUTE MAJORITY 8/0

10.1.7 ACCOUNTS FOR PAYMENT

AUTHOR	Kylie-Sue Yeo
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 March 2004
ATTACHMENT	10.1.7 Accounts Due and Submitted To Council Meeting 17 March 2004

SUMMARY:

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

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 18 February 2004 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.1.7 Accounts Due and Submitted To Council Meeting on 17 March 2004.

As at 10 March 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 10.1.7 Accounts Due and Submitted To Council Meeting on 17 March 2004 including:

1. vouchers 13636 to 13753 and payments CEO, MC, MWS, DD-022 - DD-026, T090204C to T080304L totaling \$333,898.87 from Council's Municipal Fund; and
 2. vouchers 1919 to 1922 totaling \$797.00 from Council's Trust Fund;
- be authorised and passed for payment.

RESOLUTION: 2004-027

Moved: *Beswick*

Seconded: *McTaggart*

That payments listed at Attachment 10.1.7 Accounts Due and Submitted To Council Meeting on 17 March 2004 including:

- 1. vouchers 13636 to 13753 and payments CEO, MC, MWS, DD-022 - DD-026, T090204C to T080304L totaling \$333,898.87 from Council's Municipal Fund; and*
 - 2. vouchers 1919 to 1922 totaling \$797.00 from Council's Trust Fund;*
- be authorised and passed for payment.*

CARRIED 8/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

10.2.1 APPLICATION FOR PLANNING APPROVAL – STORAGE, MECHANICAL REPAIR & MAINTENANCE SHED (BOAT, CRAY POTS ETC) - LOT L649

NAME OF APPLICANT:	Capia Pty Ltd 31 Odin Road Innaloo (Brian Robinson)
LOCATION	Lot 649 Barracuda Drive Leeman
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 th March 2004
ATTACHMENT:	10.2.1a Map of Leeman 10.2.1b Site Plan 10.2.1c Structural Plan of Building 10.2.1d Structural Plan of Building

SUMMARY:

Application for Planning Approval to develop a general storage, boat repair and maintenance shed at “Industrial” zoned lot 649 Barracuda Drive Leeman.

COMMENT:

The Planning Approval Application from Capia Pty Ltd of 31 Odin Road Innaloo to develop a general storage (crayfish pots), boat repair and general maintenance shed at lot 649 Barracuda Drive Leeman satisfies the requirements of Table 1 of the Shire of Coorow Town Planning Scheme No. 2.

Lot 649 Barracuda Drive Leeman is zoned “Industrial” under the Shire of Coorow Town Planning Scheme No. 2 and the proposed activity is determined to be “Industry – Light”. “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 do not cause any injury to or adversely affect the amenity of the locality; and
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.

Notwithstanding the above, as the proposed development involves persons working on-site the Planning Application presented does not satisfy the requirements of 2.1.3 of the Shire of Coorow Local Health Laws.

- 2.1.3(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless –
- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part.

In conclusion the Planning Application is acceptable subject to the provision of a toilet, hand basin and possibly a shower.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2.

PART 8 – DEVELOPMENT OF LAND.

Clause 8.1 Requirement for Approval to commence Development.

Subject to Clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

Note: 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).

2. Development includes the erection, placement and display of any advertisements.

Shire of Coorow Local Health Laws.

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Approval is granted to Capia Pty Ltd of 31 Odin Road Innaloo for the development of a general storage, boat repair and maintenance shed at “Industrial” zoned lot 649 Barracuda Drive Leeman, conditional upon:

1. obtaining a formal Building Licence for the building;
2. the provision of toilet, hand basin and shower facilities connected to an approved sewage disposal system (to be shown with the building application);
3. the provision of landscaping forward of the front boundary building set back line;
4. the provision of car parking bays for employees;
5. the building **not** being used for habitation by any person at any time;
6. obtaining a Classification Certificate from the Building Surveyor at the completion of the building work and before use of the building, pursuant to the requirements of the Building Regulations 1989; and
7. the deposit with the Fire Brigades Board plans and specifications of sufficient detail to enable the Fire Brigades Board to assess their compliance with the Fire Requirements of the Building Code of Australia.

RESOLUTION: 2004-028

Moved: Waite

Seconded: O'Callaghan

That Planning Approval is granted to Capia Pty Ltd of 31 Odin Road Innaloo for the development of a general storage, boat repair and maintenance shed at "Industrial" zoned lot 649 Barracuda Drive Leeman, conditional upon:

- 1. obtaining a formal Building Licence for the building;*
- 2. the provision of toilet, hand basin and shower facilities connected to an approved sewage disposal system (to be shown with the building application);*
- 3. the provision of landscaping forward of the front boundary building set back line;*
- 4. the provision of car parking bays for employees;*
- 5. the building **not** being used for habitation by any person at any time;*
- 6. obtaining a Classification Certificate from the Building Surveyor at the completion of the building work and before use of the building, pursuant to the requirements of the Building Regulations 1989; and*
- 7. the deposit with the Fire Brigades Board plans and specifications of sufficient detail to enable the Fire Brigades Board to assess their compliance with the Fire Requirements of the Building Code of Australia.*

CARRIED 8/0

**10.2.2 PLANNING APPLICATION – SUBDIVISION OF LOT 1 THOMAS STREET,
LEEMAN – LOT L1**

NAME OF APPLICANT:	Kieran McNeil per F. R. Rodda & Co
LOCATION	Lot 1 Thomas Street Leeman
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 th March 2004
ATTACHMENT:	10.2.2a Map of Leeman 10.2.2b Plan of Subdivision Proposal

SUMMARY:

Application for Planning Approval to subdivide lot 1 Thomas Street Leeman into two separate titled lots.

COMMENT:

The Western Australian Planning Commission has advised that it has received an application from F. R. Rodda & Co, on behalf of Kieran Francis McNeil, to subdivide 2342m² lot 1 Thomas Street Leeman into two separate titled lots – one 874m² and the other 1468m².

Council is required to provide information, comment or recommended conditions pertinent to the application by the 15th April 2004 being 42 days from the date of the letter.

Lot 1 Thomas Street Leeman is serviced by Water Corporation Sewerage and is Zoned R15 under the Shire of Coorow Town Planning Scheme No.2.

Under the Residential Design Codes of Western Australia R15 is a Low Density Coding requiring a minimum site area per dwelling (single house or grouped dwelling) of 580m² and an average site area of 666m².

The proposed two lots each exceed the minimum site requirements under the Residential Design Codes therefore comply.

STATUTORY ENVIRONMENT:

Town Planning and Development Act 1928

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the Western Australian Planning Commission to be informed that as 2342m² lot 1 Thomas Street Leeman has a Low Density Coding of R15 the application to subdivide as per the presented plan is supported.

RESOLUTION: 2004-029

Moved: Beswick

Seconded: McTaggart

That the Western Australian Planning Commission to be informed that as 2342m² lot 1 Thomas Street Leeman has a Low Density Coding of R15 the application to subdivide as per the presented plan is supported.

CARRIED 8/0

<p>10.2.3 PLANNING APPLICATION – COMMERCIAL / RESIDENTIAL DEVELOPMENT, LOT 401 OCEAN VIEW DRIVE GREEN HEAD - LOT GH401</p>
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NAME OF APPLICANT:	K. & D. Wells
LOCATION	Lot 401 Ocean View Drive Green Head
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 th March 2004
ATTACHMENT:	10.2.3a Letter of Application 10.2.3b Site Map of Proposed Development 10.2.3c Sketch of Possible Development of Parking Facilities 10.2.3d Green Head Townscape Plan – Town Centre Concept.

SUMMARY:

Application for Planning Consent – amended plans for commercial/residential development at lot 401 Ocean View Drive Green Head.

COMMENT:

Council is referred to Resolution 2003-152 from Council's November 2003 Ordinary Meeting.

RESOLUTION: 2003-152

Moved: Waite *Seconded:* McTaggart

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman for the development of two attached commercial shops with upper floor private residential accommodation at lot 401 Ocean View Drive Green Head as per the submitted concept plans, conditional upon Council approval of amended plans:

- 1. showing 8 bitumised on site customer car parking bays at the front of the development that are accessible from Ocean View Drive;*
- 2. owner-occupier vehicle parking at the rear from Banksia Way; and*
- 3. laundry facilities be positioned within the upper floor residential units.*

CARRIED 8/0

Council is also referred to Item 10.2.7 of Council's February 2004 Ordinary Minutes.

MOTION:

Moved: Waite *Seconded:* O'Callaghan

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the Commercial/Residential development, as specified by item 1 of Council's Planning Determination issued on the 19th November 2003 (Resolution 2003-152), by providing two customer street parking bays, one customer bay beside the shop, three parking bays at the rear of the lot with four staff/resident parking bays, as shown on the plan included at Attachment 10.2.7, conditional upon:

- 1. construction of the parking bays and pathway being completed to the satisfaction of Manager Works and Services prior to occupation of the Commercial/Residential development;*

2. *the pathway and parking bays being paved;*
3. *the cost of constructing the street parking bays to be borne totally by the developer and that a bond covering that cost, as determined by the Manager Works and Services, is to be lodged with Council as a condition for the issue of a Building Licence; and*
4. *the plans of the proposed development being submitted to the Fire Brigades Board of WA for stamped approval prior to making application for Building Licence.*

LOST 3/5

In not accepting the Officer's Recommendation, Council did not believe that the reduced street verge that would result from construction of street parking would complement the amenity of the area.

Council is now in receipt of the following amended application for Planning Consent from Dianne Wells. The application is included as Attachments 10.2.3a and 10.2.3b.

Following the February 2004 Ordinary Meeting I contacted Council's Town Planning Consultant Paul Bashall to consult on the preparation of a Local Town Planning Scheme Policy to cover the desired long-term streetscape of Ocean View Drive where it passes through the "Commercial" area in Green Head. That discussion prioritised the customer parking and front boundary building set back issues that are central to this application.

At the time of preparing this Agenda Item a draft proposal was not available however Paul Bashall did suggest that maybe inter connecting on-site customer parking could be a consideration for the area. I have tried to show that interconnecting concept by the preliminary sketch at Attachment 10.2.3c. The sketch is **not** a proposal, **nor** a suggestion, but rather an effort to display that there are options for Council to consider.

When discussing with Dianne Wells on Tuesday 9th March 2004 her intention to submit this amended application I did inform her that Council's Planning Consultant was to prepare a Streetscape Policy for the Green Head Ocean View Drive Commercial area and he had mentioned the concept of an interconnecting on-site customer parking area.

Another development proposal of the Green Head "Commercial" area was included in the 'Town Centre Concept' in the adopted Green Head Townscape Plan, included at Attachment 10.2.3d

In that 1999 adopted Plan it is intended that all Ocean View Drive commercial premises face Banksia Way with existing lots 396 and 405 set aside for general parking. As lots 396 and 401 Patton Street are now privately owned those conceptual dedicated parking areas (as displayed on the Green Head Townscape Plan Town Centre Concept Map) are no longer available, sequentially decision on customer parking for the Green Head Town Centre Commercial area is now essential.

CONSIDERATION:

The Residential Design Codes suggest that the street setback area should be open, enabling a clear view of the building from the street and vice versa.

From a social point of view, the street setback area forms a zone of transition between the street and the shops, allowing for ease of communication and interaction between shoppers and the general public. The opportunity for casual and safe interaction enhances a sense of community.

At the same time, an open setback area provides for the mutual surveillance between the street and building, enhancing security both for the building (and its occupants) and for people passing by. Further, vehicle and pedestrian thoroughfares should be open and clearly visible for public safety and security.

It is therefore important when reaching a decision in respect to this matter that issues of public safety, ease of pedestrian and vehicle access and general security are considered equally with area amenity and building aesthetics.

STATUTORY ENVIRONMENT:

Town Planning and Development Act 1928.
Shire of Coorow Town Planning Scheme No 2.
Residential Planning Codes of Western Australia.
Green Head Town Scape Plan.

FINANCIAL & POLICY IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The development of the commercial area of Green Head is a matter of great importance. Council's planning decisions will have ramifications for development of the town for the twenty to thirty years.

Development and application of planning policies and principles that maximise the amenity of this area must be a priority of Council.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATIONS:

That Planning Consent is given to Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head, as specified in Resolution 2003-152 by providing only four on-site front of shop customer street parking bays, as shown on the amended plan included at Attachment 10.2.3b, conditional upon:

1. construction of the parking bays, access ways and verge cross-over being completed to the satisfaction of Manager Works and Services prior to occupation of the Commercial/Residential development;
2. all captured surface rain water being directed (piped) to the storm compensation area immediately south of lot 401;
3. the plans of the proposed development being submitted to the Fire Brigades Board of WA for stamped approval prior to making application for Building Licence; and
4. a formal Building Licence being obtained from the Shire prior to any building work being commenced; and
5. the submission of scaled detailed site plans displaying the exact dimensions of all on-site customer parking bays and kerbing.

OR

That Planning Consent is not granted to Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head, as specified in Resolution 2003-152.

OR

That:

1. Planning Consent is not granted to for Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head as shown with this Application for Planning Consent;
2. Council develop a Customer Parking Area Concept for the Green Head “commercial” area; and
3. should a future application be made to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head, as specified in Resolution 2003-152 to be in line with the developed Customer Parking Area Concept, Planning Approval will be forthcoming.

RESOLUTION: 2004-030

Moved: Stacy

Seconded: O'Callaghan

That:

1. *Planning Consent is not granted to for Kim and Dianne Wells of 10 Hibiscus Street Leeman to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head as shown with this Application for Planning Consent;*
2. *Council develop a Customer Parking Area Concept for the Green Head "commercial" area; and*
3. *should a future application be made to amend the car parking arrangements for the proposed Commercial/Residential development for lot 401 Ocean View Drive Green Head, as specified in Resolution 2003-152 to be in line with the developed Customer Parking Area Concept, Planning Approval will be forthcoming.*

CARRIED 6/2

10.3 MANAGER WORKS AND SERVICES:

10.3.1 GAZETTAL OF FIREBREAK NOTICE – B6.9

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

SUMMARY:

Council is required to submit a request to FESA to amend the Restrictive Burning Time Dates for the district generally.

COMMENT:

When the restrictive burning period dates were submitted to FESA and consequently gazetted in 1996 incorrect dates were quoted.

The dates originally quoted were 2 September to 29 March when the correct dates were 16 September to 14 October for the District Generally. All other dates submitted were correct, including Restricted Burning Period Coastal (from Coast east to Mudge-Willcocks Road) – 19 September to 31 October – 15 February to 29 March.

The Prohibited Burning Periods are for the District Generally from 15 October to 14 February and for Coastal (from Coast east to Mudge-Willcocks Road) from 1 November to 14 February.

STATUTORY ENVIRONMENT:

Under the Bushfires Act (1954) the Restrictive Burning Period Dates must be declared by FESA after recommendation by Council.

FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council recommend that the dates for a 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.

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

Cr Stacy declared a Proximity Interest in this item in that Cr Stacy owns property adjoining the works to be completed and left the meeting at 4.00 p.m.

10.3.2 CHANGE SCOPE OF WORKS - MARCHAGEE-BUNTINE ROAD – R8.2

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

SUMMARY:

Council to consider changing the scope of works Marchagee/Buntine Road.

COMMENT:

In Council's 2003/04 Budget \$61,737 has been allocated to complete seal widening of crests on Marchagee/Buntine Road.

However since adoption of Council's 2003/04 Budget the floodway at the eastern end of Marchagee/Buntine Road has failed and now requires urgent attention. In addition there are several sections of road that has "tram lined" and are potentially quite dangerous.

I would recommend that the scope of works scheduled for the widening of crests be amended to complete the repair of the failed flood crossing and the "tram lining" sections.

If Council were to agree with this the works could commence on the completion of the works on the Brand Highway.

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.

STRATEGIC IMPLICATIONS:

Changing the scope of works on the Marchagee/Buntine Road will enable staff to bring the road up to a safer standard than it is at the present.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council has an allocation of \$61,737.00 for the widening of crests on the Marchagee/Buntine Road.

Council has made no allocation for the completion of repair of the failed flood crossing and the "tram lining" sections.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council change the scope of works on the Marchagee/Buntine Road from widening of crests and curves to repair of flood crossing and tram lining.

RESOLUTION: 2004-032

Moved: *Beswick*

Seconded: *Waite*

That Council change the scope of works on the Marchagee/Buntine Road from widening of crests and curves to repair of flood crossing and tram lining.

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr Stacy returned to the meeting at 4.02 p.m.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

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

Nil.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING:

13.1 LATE ITEMS – APPROVAL TO CONSIDER

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	15 March 2004

SUMMARY:

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

- **Delegation & Policy – Permission To Conduct Activities On Council Property.**

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 RECOMENDATION:

That Late Agenda Items, in respect to

- Delegation & Policy – Permission To Conduct Activities On Council Property be considered.

RESOLUTION: 2004-033

Moved: O'Callaghan **Seconded:** Ovens

That Late Agenda Items, in respect to

- Delegation & Policy – Permission To Conduct Activities On Council Property be considered.

CARRIED 8/0

13.2 DELEGATION & POLICY – PERMISSION TO CONDUCT ACTIVITIES ON COUNCIL PROPERTY – R7.4

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	15 March 2004
ATTACHMENTS	13.2a Draft Delegation 7.3.3 - Permission to Conduct Activities on Council Land 13.2b Draft Policy 7.3.5 - Permission to Conduct Activities on Council Land – Helicopter Landings 13.2c Civil Aviation Safety Authority Australia CAAP92-2(1) Guidelines for the establishment and use of helicopter landing sites (HLS)

SUMMARY:

The Chief Executive Officer to be delegated Council's authority to issue permits under the powers of Council's Local Government Property Local Law.

BACKGROUND:

Council has received an application from Coorow Community Land Incorporated to conduct Helicopter Joy Flights from the Maley Park Recreation complex on Saturday 20 March 2004. The Helicopter Joy Flights to be undertaken by Mr Allan Griffith of Carnamah will be conducted as part of the Coorow Muster fundraising event for the King and Jefferys Family Appeal.

COMMENT:

Council has not delegated any authority to staff to issue permits or licences under any local laws, other than for those dealing with liquor licences.

Council's Local Government Property Local Law governs the use of Council's property. Activities that require a permit under Council's Property Local Law include:

13.3 Activities needing a Permit

- (1) *A person shall not without a permit –*
- (a) *subject to subclause 3, hire local government property;*
 - (b) *advertise anything by any means on local government property;*
 - (c) *erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;*
 - (d) *teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;*
 - (e) *plant any plant or sow any seeds on local government property;*
 - (f) *carry on any trading on local government property unless the trading is conducted -*
 - (i) *with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or*
 - (ii) *by a person who has a licence or permit to carry on trading on local government property under any written law;*

- (g) *unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -*
 - (i) *drive or ride or take any vehicle on to local government property; or*
 - (ii) *park or stand any vehicle on local government property;*
- (h) *conduct a function on local government property ;*
- (i) *charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;*
- (j) *light a fire on local government property except in a facility provided for that purpose;*
- (k) *parachute, hang glide, abseil or base jump from or on to local government property;*
- (l) *erect a building or a refuelling site on local government property;*
- (m) *make any excavation on or erect or remove any fence on local government property;*
- (n) *erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or*
- (o) *depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.*

In exercising any delegation of Council's powers, staff must be guided by any relevant Council policies.

Given that Council approve the draft delegation and policy contained at Attachment 13.2 and 13.3, the Chief Executive Officer will give permission to Coorow Community Land Incorporated to operate the Helicopter Joy Flights under the following conditions:

1. Landing is only permitted on the hockey oval at Maley Park;
2. No spectators are permitted to be on the Hockey Oval when the Helicopter is operational;
3. A ground attendant will supervise any spectators and participants nearby to the hockey oval whilst the flights are occurring;
4. Permission is granted from 4pm until sunset;
5. Taking off and landing should occur in a northerly direction, away from the residences and the crowd at Maley Park;
6. Any damage caused by the landing will be repaired at the cost of the applicant; and
7. all landings and take-offs being conducted in a manner consistent with Civil Aviation Safety Authority Australia CAAP92-2(1) Guidelines for the establishment and use of helicopter landing sites (HLS).

STRATEGIC IMPLICATIONS:

Council staff, in times of emergency, have allowed the Department of Conservation and Land Management to use Wann Park oval to service and operate helicopters for purposes associated with fighting bush fires.

FINANCIAL & POLICY IMPLICATIONS:

Nil at this stage.

STATUTORY ENVIRONMENT:

Local Government Act (1995)

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Shire of Coorow – Local Government Property Local Law

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) *be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.*
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMENDATION:

That Council adopt:

1. Attachment 13.2a - Draft Delegation 7.3.3 - Permission to Conduct Activities on Council Land; and
2. Attachment 13.2b - Draft Policy 7.3.5 - Permission to Conduct Activities on Council Land – Helicopter Landings.

RESOLUTION: 2004-034

Moved: McDonald

Seconded: O'Callaghan

That Council adopt:

1. Attachment 13.2a - Draft Delegation 7.3.3 - Permission to Conduct Activities on Council Land; and
2. Attachment 13.2b - Draft Policy 7.3.5 - Permission to Conduct Activities on Council Land – Helicopter Landings.

CARRIED BY ABSOLUTE MAJORITY 8/0

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. DATE OF NEXT MEETING:

Ordinary Meeting of Council
3pm, Wednesday 21 April 2004 at the Coorow Administration Centre.

Special Elector's Meeting
7.30 p.m. Wednesday 21 April 2004 at the Coorow Administration Centre.

16. CLOSURE:

There being no further business, the President, Councillor Girando closed the meeting at 4.05 p.m.