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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	
Mr G A Sherry	Chief Executive Officer
Mr P D Gillis	Manager Works and Services
Mr G J Agnew	Manager Community Development
Mr D J Alcock	Manager Finance and Administration

Visitors

Ms Tanya Henkel	Heritage Adviser
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Leave of Absence

Councillor B R McTaggart

Apologies

Councillor B J McDonald

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:

6.1 MS TANYA HENKEL– MIDWEST HERITAGE COORDINATOR

Ms Henkel is a Heritage Adviser and will be addressing Council on the requirements for updating Council's Municipal Heritage Inventory under the State Heritage Act.

Ms Henkel addressed Council on the requirements for updating Council's Municipal Heritage Inventory. Ms Henkel talked about the responsibility of reviewing Heritage Inventory and funding opportunities for heritage projects from the Heritage Council and Lotterywest.

The President thanked Ms Henkel for addressing Council.

Ms Henkel left the meeting at 3.27pm.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 20 OCTOBER 2004 IN THE COOROW ADMINISTRATION CENTRE

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 November 2004

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 20 October 2004 in the Coorow Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-172

Moved: Stacy **Seconded:** Waite

That the Minutes of the Ordinary Meeting held on Wednesday 20 October 2004 in the Coorow Administration Centre be confirmed as a true and correct record.

CARRIED 6/0

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.

The President asked that questions and comments are to be made through the chair.

10. REPORTS:

10.1 MANAGER COMMUNITY DEVELOPMENT:

10.1.1 PLANNING APPLICATION – SUB-DIVISION, LOT 379 QUANDONG PLACE LEEMAN - LOT L379

NAME OF APPLICANT:	Western Australian Planning Commission
LOCATION	Lot 379 Quandong Place Leeman
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	1 November 2004
ATTACHMENT:	10.1.1a Application for Planning Approval – Lots 379, 380 and 381 10.1.1b Realignment of proposed eastern boundary

SUMMARY:

Application for Planning Approval to subdivide lots 379, 380 and 381 Quandong Place and Morcombe Road Leeman.

COMMENT:

Council is in receipt of advice that the Western Australian Planning Commission (WAPC) has received an application for planning approval to subdivide lots 379, 380 and 381 as shown on Attachment 10.1.1a.

Council is now required to provide any information, comment or recommended conditions pertinent to the application by the 30 November 2004. The WAPC will determine the application after the expiry of this time.

Lots 379, 380 and 382 are all serviced by Water Corporation reticulated sewerage with an R15 low density coding under the Shire of Coorow Town Planning Scheme No. 2. As a consequence the proposed reduction in lot area to lots 380 and 381 remains above the minimum average per lot required by Table 1 of the Residential Design Codes of Western Australia i.e. 666m².

Though the lot areas of the proposed subdivision satisfy the requirement of the Shire of Coorow Town Planning Scheme No. 2 and Residential Design Codes there are issues in conflict.

The boundary setback for the existing steel garage on lot 380, see Attachment 10.1.1a, shows the garage in line with the front boundary building set back of the house on lot 379 - this is incorrect. The actual positioning of the garage is at the Quandong Street boundary line of lot 380. Further, at the rear of the garage is a pergola built to the fence as well as a shed built to the fence on lot 381. Also, the ground surface level of lot 379 is approximately 75mm above the level of lot 380 and 381 with the interface at the proposed new boundary.

It is therefore obvious that the purpose behind this application is to adjust the boundary of lot 379 to reflect the actual physical difference in lot levels and formally acknowledge the existing fence line.

To authorise this Council must give discretion with respect to boundary setbacks required under the Shire of Coorow Town Planning Scheme No. 2 and Residential Design Codes of Western Australia. In doing so, Council would create a precedent and could create a basis for a potential future conflict between neighbours over the position of buildings to the boundary.

It is therefore suggested that Council not support the subdivision as currently proposed. Should the application for subdivision be amended to show realignment of the proposed eastern boundary 1m west, as per Attachment 10.1.1b, support would be recommended.

STATUTORY ENVIRONMENT:

Town Planning and Development Act.
Shire of Coorow Town Planning Scheme No. 2.
Residential Design Codes of Western Australia.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That:

1. The Western Australian Planning Commission is to be informed that support for subdivision of lots 379, 380 and 381, as proposed on its Application No. 126604 – Leeman, is not supported due to nil boundary setbacks for outbuildings on lots 380 and 381, and
2. Support would be forthcoming if the proposed new eastern boundary for lot 379 is realigned not less than 1m west.

RESOLUTION: 2004-173

Moved: O'Callaghan **Seconded:** Stacy

That:

1. The Western Australian Planning Commission is to be informed that support for subdivision of lots 379, 380 and 381, as proposed on its

- Application No. 126604 – Leeman, is not supported due to nil boundary setbacks for outbuildings on lots 380 and 381, and*
- 2. Support would be forthcoming if the proposed new eastern boundary for lot 379 is realigned not less than 1m west.*

CARRIED 6/0

10.1.2 APPLICATION FOR PLANNING APPROVAL - Lot GH 526

NAME OF APPLICANT:	John & Carolyn Koot.
LOCATION	Lot 526 Hunter Crescent, Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 November 2004
ATTACHMENT:	10.1.2a Lot 526 Hunter Crescent Green Head

SUMMARY:

Application from John & Carolyn Koot for Planning Approval to construct a 93m² ancillary building (shed) at lot 526 Hunter Crescent Green Head.

COMMENT:

Lot 526 Hunter Crescent is a 1000m² "Residential" zoned lot on the corner of Hunter Crescent and Green Head Road Green Head. There are no other outbuildings on the lot – see Attachment 10.1.2a.

John & Carolyn Koot write –

We write to you with regards to our application to build a shed/carport at 1 Hunter Crescent, Green Head. The combined roof/floor area of the proposed construction is 93m sq/mtrs.

It is understood that the size of this structure is outside your standard guidelines for such outbuildings, however we believe the following issues are favourably supportive of this carport/shed.

- 1. The total covered area of the house; patio, verandah & shed/carport do not exceed the allowable 50% coverage of the block.*
- 2. The shed/carport will be constructed of same/similar materials as the house so as not to detract from the aesthetic looks of the main building.*
- 3. The positioning of the shed/carport will be to the rear of the block & away from the Green Head Road (Nth East cnr) so as not to cause an eyesore to others.*
- 4. The roof area of the shed /carport itself does not exceed the max allowable 10% of the block. The block itself is 1000mSq/Mtrs and the shed/carport is 93Sq/Mtrs.*
- 5. We are in the process of forwarding an application to DOLA to purchase an extra 6Mtr wide strip of land along Green Head Road thus taking our block size out to 1200Sq/Mtrs if successful.*

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 outbuilding which exceeds an area of 72m² and/or exceeds 4metres in height.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Shire Policy Number 9.4.4

Building Licence Approvals

The Manager Community Development is authorised to approve:

- a) Standard building plans and specifications up to a maximum of a single residence. All other matters referred to Council.
- b) Outbuildings to a maximum total area of 72m² without reference to Council. This requirement shall apply to individual outbuildings, or the aggregate of outbuildings in excess of 72m² are to be submitted to Council for consideration.

Council will give consideration to proposed outbuildings to a maximum total area of 100m² on land zoned residential. Factors taken into consideration in assessing the maximum total area permitted in individual cases will be the area of the site, plot ratio, the proposed use of the building and other circumstances seen as relevant by Council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Planning Approval is given to John & Carolyn Koot for the construction of 93m² external shed/carport at their lot 526 Hunter Crescent Green Head; subject to:

- 1. the wall cladding and roof sheeting being colour bonded a colour to compliment the residence on site; and
- 2. the shed not being used for any commercial purpose.

RESOLUTION: 2004-174

Moved: *Beswick*

Seconded: *Ovens*

That Planning Approval is given to John & Carolyn Koot for the construction of 93m² external shed/carport at their lot 526 Hunter Crescent Green Head; subject to:

- 1. the wall cladding and roof sheeting being colour bonded a colour to compliment the residence on site; and*
- 2. the shed not being used for any commercial purpose.*

CARRIED 6/0

10.1.3 COOROW WASTE TRANSFER & RECYCLING DEPOT - R 21.1

LOCATION	Part Lot 10, Loc 2023 Coorow.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 November 2004
ATTACHMENT:	10.1.3a Conceptual Plan of Loc 2023 South Street Coorow 10.1.3b Coorow Town Map 10.1.3c Layout of Proposed Transfer Station

SUMMARY:

Conceptual design for the proposed Coorow Waste Transfer Station and Recycling Depot, Part 10, Loc 2023 South Street, Coorow.

COMMENT:

Council will recall the presentation by Mr. Adrian Price at its October 2004 Meeting (Item 6.1) and it being agreed that the Manager Community Development was to prepare a sketch plan of a proposed Coorow Transfer Station/Recycling Depot for consideration by Council at the November 2004 Meeting.

Council is informed that the Manager Community Development consulted with Mr. Adrian Price regarding the proposed Coorow Transfer Station/Recycling Depot to be located at Part lot 10 Loc 2023 South Street Coorow. Mr. Price has informed that, in his view, the selected site is considered ideal for the proposed Depot; in terms of convenience, access, control, management and natural camouflage.

Following further consultation with the Manager Finance and Administration, and Manager Works Services, Attachments 10.1.3a, 10.1.3b and 10.1.3c are presented for Council consideration and comment.

It is imperative that Council reaches consensus on a design for the Coorow Waste Transfer/Recycling Depot so that arrangements can be made for a Community Meeting to be held in mid December 2004. Community consultation and input is essential if there is to be community understanding of the reasons behind the necessity to close the existing Coorow Tip and the environmental factors that support the development of a Transfer Station/Recycling Depot.

STATUTORY ENVIRONMENT:

Environmental Protection Act 1986.

FINANCIAL IMPLICATIONS:

Council has budgeted \$45,000 in expenditure for the development of the Coorow Waste Transfer Station.

POLICY AND STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That the conceptual design for the proposed Coorow Waste Transfer Station/Recycling Depot, as attached, is agreed to and the Chief Executive Officer is to make appropriate arrangements for a community meeting to be held in Coorow prior to the December 2004 Meeting to explain the proposal to the community and gain community support and input.

RESOLUTION: 2004-175

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

That the conceptual design for the proposed Coorow Waste Transfer Station/Recycling Depot, as attached, is agreed to and the Chief Executive Officer is to make appropriate arrangements for a community meeting to be held in Coorow prior to the December 2004 Meeting to explain the proposal to the community and gain community support and input.

CARRIED 6/0

10.2 MANAGER WORKS AND SERVICES:

10.2.1 SEED COLLECTION – R.12

AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 November 2004

SUMMARY:

Council to consider permission for CALM's Midwest Office to collect seed from Council's road reserves.

COMMENT:

The Department of Conservation and Land Management, Midwest Region have requested renewal of permission to collect seed from Crown Reserve 21788 Wubin Gunyidi Road and Walton Road and Crown Reserve 12301 Wubin Gunyidi Road. The seed will be used to propagate seedlings for the Buntine Marchagee Recovery Catchment to be planted on private property within the catchment.

Council may recall resolution 2003-134 from the October 2003 meeting to permit the Department of Conservation and Land Management permission to collect seed from land vested in the Shire of Coorow.

*RESOLUTION: 2003-134
Moved: Beswick Seconded: Ovens
That the Department of Conservation and Land Management, Merredin District be granted permission to collect seed from roadsides and reserves vested in the Shire of Coorow for a 12 month period.*

CARRIED 8/0

All contractors are licensed and trained in the procedure of harvesting seed so as to have minimal impact on the environment. Contractors strictly adhere to all the conditions and rules set out by CALM and their code of ethics for seed picking.

STATUTORY ENVIRONMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Policy Number:	8.1.1
Policy Subject:	Management of Road Reserves

- 10 Picking Wildflowers - NO picking of blooms or seeds to be permitted on any road verge under the control of the Council, and on all Reserves vested in or under the control of Council

STRATEGIC IMPLICATIONS:

By allowing the collection of seed, Council provides the appropriate mechanism for a supply of local species of plant to available for revegetation works.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the Department of Conservation and Land Management, Midwest District be granted permission to collect seed from roadsides and reserves vested in the Shire of Coorow for a 12 month period.

RESOLUTION: 2004-176

Moved: *Beswick*

Seconded: *Ovens*

That the Department of Conservation and Land Management, Midwest District be granted permission to collect seed from roadsides and reserves vested in the Shire of Coorow for a 12 month period.

CARRIED 6/0

10.3 MANAGER FINANCE AND ADMINISTRATION

10.3.1 ACCOUNTS FOR PAYMENT

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 November 2004
ATTACHMENT	10.3.1 Accounts Due and Submitted To Council Meeting 17 November 2004

SUMMARY:

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

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 20 October 2004 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.3.1 Accounts Due and Submitted To Council Meeting on 17 November 2004.

As at 9 November 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 10.3.1 Accounts Due and Submitted To Council Meeting on 17 November 2004 including:

1. Vouchers 14479 to 14579 and payments VISAMCD, VISACEO, VISAMFA, VISAMWS, VISAPRES, DD57 to DD60, T290904C to T091104C totalling \$527,211.12 from Council's Municipal Fund be authorised and passed for payment.
2. Vouchers 1945 to 1948 totaling \$1,480.34 from Council's Trust Fund be authorized and passed for payment.

RESOLUTION: 2004-177

Moved: Stacy

Seconded: O'Callaghan

That payments listed at Attachment 10.3.1 Accounts Due and Submitted To Council Meeting on 17 November 2004 including:

1. *Vouchers 14479 to 14579 and payments VISAMCD, VISACEO, VISAMFA, VISAMWS, VISAPRES, DD57 to DD60, T290904C to T091104C totalling \$527,211.12 from Council's Municipal Fund be authorised and passed for payment.*
2. *Vouchers 1945 to 1948 totaling \$1,480.34 from Council's Trust Fund be authorized and passed for payment.*

CARRIED 6/0

10.3.2 TRIENNIAL FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 OCTOBER 2004

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 November 2004
ATTACHMENTS	Triennial Financial Statements for the Period ended 31 October 2004

SUMMARY:

Approval is sought of Council’s Triennial Financial Statement for the Period Ended 31 October 2004.

COMMENT:

The Triennial Statement for the Period Ended 31 October 2004 has been prepared. The statements include some information that is not required by the Local Government Finance Regulations but may be of interest to Councillors and ratepayers.

Council is required to include in its minutes the Operating Statement, Statement of Capital Expenditure and Statements of Significant Variations To Budget. The Operating Statement and Statement of Capital Expenditure are presented as a separate Attachment.

STATUTORY ENVIRONMENT:

34. Financial reports to be prepared — s. 6.4

- (2) *A monthly, quarterly or triennial 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.*

FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accept the Triennial Financial Statements for the period ended 31 October 2004.

RESOLUTION: 2004-178

Moved: Stacy

Seconded: Ovens

That Council accept the Triennial Financial Statements for the period ended 31 October 2004.

CARRIED 6/0

- (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.*

FINANCIAL IMPLICATIONS:

Council has included the sale of Lot 121 Commercial Street in Council's 2004/05 Budget.

POLICY AND STRATEGIC IMPLICATIONS:

Council's Building Maintenance Plan has identified the sale of this property in upgrading Council's stock of housing.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council accept the offer of Mr Paul Biddle to purchase Lot 121 Commercial Street, valued at \$38,000, for consideration of \$29,750.

RESOLUTION: 2004-179

Moved: Stacy

Seconded: O'Callaghan

That Council accept the offer of Mr Paul Biddle to purchase Lot 121 Commercial Street, valued at \$38,000, for consideration of \$29,750 and that the President and Chief Executive Officer be authorised to sign and seal legal documents to complete this transaction.

CARRIED 6/0

10.3.4 SALE OF LOT 3 POYNTON PARADE COOROW – H5.5

AUTHOR Dacre Alcock
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 10 November 2004

SUMMARY:

Council has received an offer of purchase from Mr Brian Pover to purchase Council residence Lot 3 Poynton Parade Coorow for \$1,000.

COMMENT:

Mr Pover operates and owns Pover's Rural Traders from lots 1 & 2 Poynton Parade, Coorow which adjoins lot 3 Poynton Parade. Mr Pover has indicated that he seeks to expand the size of his yard to accommodate trucks loading and unloading. The purchase of lot 3 would accommodate this.

Council has obtained a professional valuation from the Valuer General's Office for this property on 21 September 2004. The valuation is two thousand dollars (\$2,000).

At the October 2004 Meeting of Council the following was resolved:

Resolution 2004-145

Moved: O'Callaghan Seconded: McDonald

That Council:

- 1. advise Mr Brian Pover that Council will consider an offer of \$1,000;*
- 2. advertise statewide the details of the proposed sale, as per Local Government Act 1995, Section 3.58 (3), and consider any public submissions at the next available Meeting of Council; and*
- 3. direct proceeds from the sale to a Council Building Reserve.*

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 Pover and asked for public submissions on the proposal until Wednesday 10 November 2004. In addition Council advertised in local papers. No public submissions were received.

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.*

FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:

Lot 3 Poynton Parade is vacant land zoned “Commercial”.

The likelihood of Council selling this block to another commercial enterprise is considered unlikely. While this land is the only vacant commercial property owned by Council in Coorow, other privately owned land zoned Commercial is available in Coorow.

Council has not included the sale of Lot 3 Poynton Parade in Council’s 2004/05 Budget. Council has decided that the proceeds of sale are to go to the building reserve.

Mr Pover has also requested a quotation from Council for private works to bring the property to a gravel hardstand suitable for his use. This quotation is \$5,472.50 (GST Inclusive).

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council accept the offer of Mr Brian Pover to purchase Lot 3 Poynton Parade, Coorow valued at \$2,000 for consideration of \$1,000.

RESOLUTION: 2004-180

Moved: Ovens

Seconded: Beswick

That Council accept the offer of Mr Brian Pover to purchase Lot 3 Poynton Parade, Coorow valued at \$2,000 for consideration of \$1,000 and that the President and Chief Executive Officer be authorised to sign and seal legal documents to complete this transaction.

CARRIED 6/0

10.3.5 NATIONAL SEA CHANGE TASKFORCE – INVITATION FOR MEMBERSHIP – N8

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 November 2004
ATTACHMENT	10.3.5 National Sea Change – Information for Councils

SUMMARY:

Council is invited to become a member of the National Sea Change Taskforce.

COMMENT:

In February 2004, 27 Coastal Councils from across Australia met in Queensland, to discuss the issue of sea change growth and the impact it is having on their communities. This resulted in a group being formed to act to progress the issue.

Given the support for its activities, the interim committee of Mayors/Presidents and CEO's from coastal councils in each state propose to formally establish the National Sea Change Taskforce as a national body to represent coastal councils.

The interim committee believes the formation of a national body to address the issues associated with the sea change phenomenon will have significant benefit for individual councils. Coastal Councils are more likely to achieve their objectives by acting collectively to address the issues than by attempting to deal with them separately.

The inaugural general meeting of the Association is proposed be held in conjunction with the AGM of ALGA in Canberra on the 10th November 2004 to facilitate attendance by member Councils.

Cr Girando, Cr McDonald and the Chief Executive Officer attended the WA Sea Change Conference on Friday 1 October 2004, where the work of the National Sea Change Taskforce was discussed.

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

Council has increasing involvement within this policy area. Council should be taking a proactive stance to maintain appropriate Council policy development that meets Council's statutory requirements and future needs. Council has a developing coastal urban area whose future development will be shaped by the decisions made by Council today.

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 REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. support the National Sea Change Taskforce by becoming a member of the formally constituted organization, and
2. authorise the payment of \$500 to the Taskforce for membership dues for the period November 2004 to October 2005.

RESOLUTION: 2004-181

Moved: *Beswick* **Seconded:** *Waite*

That Council:

1. *support the National Sea Change Taskforce by becoming a member of the formally constituted organization, and*
2. *authorise the payment of \$500 to the Taskforce for membership dues for the period November 2004 to October 2005.*

CARRIED BY ABSOLUTE MAJORITY 6/0

10.3.6 AUDIT MANAGEMENT REPORT – F8.4

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10 November 2004
ATTACHMENT	10.3.6 Management Report

SUMMARY:

Executive staff actions/responses to the recommendations from Council's Management Report for the year ended 30 June 2004.

COMMENT:

Council's auditors, Horwath Perth have highlighted two management issues in the Management Report for the year ended 30 June 2004. They have asked for comment on these issues.

Infrastructure Revaluations

"At the time of our final audit we noted that the balance of Council's Asset Revaluation Reserve was nil. This is an unexpected balance, as it does not reflect the movement in Council's infrastructure assets, which would have happened as a result of the Management Valuation carried out in 2001. We recommend that this matter be investigated and corrected."

When the Management Valuation was carried out in 2001 it was decided that the written down value of Infrastructure Assets would be the revalued amount, resulting in a nil movement of the Asset Revaluation Reserve. Horwath's are stating that it is highly unlikely that this would have been the case and recommend for this to be corrected.

Infrastructure assets will be reviewed and revalued during the 2004/05 financial year. This will result in a movement in Council's Asset Revaluation Reserve and will be reported in the 2004/05 financial statements.

Financial Position of Council

"As part of this years Financial Management Report we made note of certain adverse indicators with respect to the Council's financial position. We make the following comments with respect to these indicators as at 30 June 2004.:

- *The current ratio (an indicator of short term solvency or liquidity) as disclosed in note 17 of the financial report is 0.39 at June 2004, (it was 0.72 at June 2003 and 1.24 at June 2002). This result is a significant degradation and extremely low. A current ration of 1.0 indicates that current (unrestricted) assets are sufficient to meet current liabilities."*

Staff have noted these comments and are aware of the situation. The main reason for the adverse trend was that at 30 June 2004 there was \$132,516 of unspent grant funding (Roads to Recovery), which is classified as restricted cash. There was also a significant increase in Council's leave liability during 2003/04. An upward trend in the current ratio is expected if Council can increase its restricted assets by minimising unspent grant funding and decrease its current liabilities by decreasing the leave liability.

- *“Council’s overall level of debt (\$1,274,857 at June 2004) is relatively high for a wheatbelt Council of its size and larger than the previous year (\$1,138,526 at June 2003). We also note that that the budget for the year ended 30 June 2005 contains further loan borrowings of \$170,000 for the purchase of a new truck and \$100,000 for the upgrade of the swimming pool.”*

Staff are aware that loans have been in used in the past seven years to balance budgets. Council was made aware of this during the 2004/05 budget deliberations. It should be noted that self supporting loans make up 20% of the debt. The budgeted loan for the purchase of the truck should be reduced this financial year as the changeover was \$48,000 under budget.

STATUTORY ENVIRONMENT:

Nil.

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council endorses the responses made to the Management Report for the year ended 30 June 2004.

RESOLUTION: 2004-182

Moved: Beswick **Seconded:** Ovens

That Council endorses the responses made to the Management Report for the year ended 30 June 2004.

CARRIED 6/0

**10.3.7 COUNCIL NOMINATION FOR WADDI FOREST LAND
CONSERVATION COMMITTEE – L1.5**

AUTHOR Dacre Alcock
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 10 November 2004

SUMMARY:

Council is required to appoint a representative to the Waddi Forest LCDC.

COMMENT:

Council's current nominee to the Waddi Forest LCDC is Cr Jim Ovens. Cr Ovens has served a three year term.

STATUTORY ENVIRONMENT:

There is currently provision to appoint one representative from the Shire of Coorow. The term of the current appointment for members of the Waddi Forest LCDC expires on 31 December 2004.

5.10. Appointment of committee members

- (1) A committee is to have as its members -
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish -
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

POLICY, FINANCIAL & STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council confirm a nominee and proxy delegate as Council representatives on the Waddi Forest Land Conservation District Committee.

RESOLUTION: 2004-183

Moved: *Beswick*

Seconded: *O'Callaghan*

That Council confirms Cr Ovens as a delegate and Cr Waite as a proxy delegate as Council representatives on the Waddi Forest Land Conservation District Committee.

CARRIED 6/0

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	12 November 2004

SUMMARY:

Council is requested to consider a Late Agenda Items for the November 2004 Meeting in respect to Tender 11/04 - 3 Axle Low Loader.

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 the Late Agenda Item, in respect to Tender 11/04 3 - Axle Low Loader be considered.

RESOLUTION: 2004-184

Moved: Stacy

Seconded: O'Callaghan

That the Late Agenda Item, in respect to Tender 11/04 3 - Axle Low Loader be considered.

CARRIED 6/0

13.2 TENDER 11/04 – SUPPLY ONE TRI AXLE LOW LOADER- T4.7

AUTHOR Peter Gillis
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 12 November 2004
ATTACHMENT 10.3.2 Tender Specifications

SUMMARY:

Council is to consider tenders for the supply of one new tri axle Low Loader.

BACKGROUND:

Tenders were called on Wednesday 27 October 2004 for the supply of a new 3 axle Low Loader.

Tenders closed at 12.00 noon on Friday 12 November 2004, with five (5) tenders being received.

One tenderer (Howard Porter) did not comply with the conditions of Council’s tender.

Two tenders were for the outright purchase of Council’s 3 axle Low Loader.

Tenders were opened at 12.05 p.m. on Friday 12 November 2004 by the Manager for Works and Services, Mr Peter Gillis in the presence of Administration Officer, Ms Kylie-Sue Yeo.

COMMENT:

Tenderers met all Specifications.

FINANCIAL IMPLICATIONS:

Council budgeted a changeover of \$30,000 for the purchase of a new low loader.

Company	Make	Purchase Price	Trade	Change Over
Roadwest Transport Equipment & Sales P/L	Roadwest	62,910	20,000	42,910
SFM Engineering	SFM	57,000	22,000	35,000
Howard Porter*	Howard Porter	51,150	0	51,150
Bus & Truck	Outright Purchase		25,150.90	
I V Paternostro	Outright Purchase		23,500	
Budget		50,000	20,000	30,000

All Prices GST Exclusive.

*Tender did not comply.

CONSIDERATION:

Although the Tender submitted by Howard Porter was the lowest quoted, the Tender was received by facsimile and therefore disqualified. The original tender arrived by mail after the close of tenders.

Bus & Truck quoted the most favourable trade price for outright purchase. When contacted regarding the delivery of the traded low loader, they advised that if their tender was accepted, they would require low loader immediately. Council are unable to let the current low loader go until we can take delivery of new low loader.

The specifications between Roadwest Transport Equipment and Sales Pty Ltd and S.F.M. Engineering are very similar. Roadwest Transport Equipment and Sales Pty Ltd will take 18-20 weeks from placement of order. S.F.M. Engineering will be available by end of January 2005.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council accept the tender from S.F.M Engineering for the supply of a Tri-Axle Low Loader for \$57,000 (GST Exclusive), and the sale of Council's Loadmaster Low Loader for \$22,000 (GST Exclusive) being a changeover of \$35,000 (GST Exclusive).

RESOLUTION: 2004-185

Moved: Ovens

Seconded: O'Callaghan

That Council accept the tender from S.F.M Engineering for the supply of a Tri-Axle Low Loader for \$57,000 (GST Exclusive), and the sale of Council's Loadmaster Low Loader for \$22,000 (GST Exclusive) being a changeover of \$35,000 (GST Exclusive).

CARRIED 6/0

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. DATE OF NEXT MEETING:

15.1 DECEMBER ORDINARY MEETING OF COUNCIL

3.00 pm Wednesday 15 December 2004 at the Coorow Administration Centre.

16. CLOSURE:

There being no further business, the President, Councillor Girando closed the meeting at 4.15pm.