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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.02pm.

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

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

Absent:

Councillor A J Ovens	Deputy President
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Visitors:

Mr Adrian Price	Waste Management Contractor
Ms Jodie Watts	BMRC Officer entered the meeting at 3.14pm

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr McTaggart requested leave of absence from the 4 November to 14 December 2004.

RESOLUTION: 2004-154

Moved: Beswick

Seconded: O'Callaghan

That Leave of Absence from Council be granted to Cr McTaggart from the 4 November to 14 December 2004.

CARRIED 7/0

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

6.1 MR ADRIAN PRICE – WASTE MANAGEMENT CONTRACTOR

Mr Price has an excellent record of setting up transfer stations in small rural Local Governments that make extensive use of recycling. Mr Price will talk to Council about his experiences.

Mr Price is making a similar presentation to the Shire of Carnamah earlier in the day and will meet staff prior to the meeting to be briefed on Council's plans and review the anticipated Coorow Transfer Station Site.

The Manager Community Development met Mr Price at the recent Waste Management Conference and discussed this visit to Coorow.

Mr Price addressed Council on setting up transfer stations in small rural Local Governments that make extensive use of recycling. Mr Price talked about his experiences in setting up waste transfer stations in Boyup Brook and Wickepin.

Ms Jodie Watts, BMRC Officer entered the meeting at 3.14 pm.

The President thanked Mr Price for addressing Council.

Mr Price left the meeting at 3.31pm.

6.2 MS JODIE WATTS - BMRC OFFICER

Ms Jodie Watts is the Buntine Marchagee Recovery Catchment (BMRC) Officer and was responsible for facilitating the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project application in conjunction with the applicant, Coorow LCDC.

Ms Jodie Watts addressed Council on the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project and outlined the objectives of the project application.

The President thanked Ms Watts for addressing Council and invited Ms Watts to stay for Agenda Item 10.1.3. The President advised that Council would debate Agenda Item 10.1.3 immediately.

Cr Stacy declared a financial interest in Item 10.1.3 being he was a landholder in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment and left the meeting 4.04pm.

<p>10.1.3 BUNTINE-MARCHAGEE INTEGRATED SURFACE WATER MANAGEMENT DEMONSTRATION CATCHMENT – L1.1</p>

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	13 October 2004
ATTACHMENT	10.1.3 Buntine Marchagee Integrated Surface Water Management Demonstration Catchment Grant Application

SUMMARY:

Council's involvement in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project in 2005/2006 is sought.

BACKGROUND:

Council would be aware of some of the details of the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project that seeks to better manage water on a 873 hectare demonstration site in Marchagee. To better manage water on the demonstration site requires channeling water across the Marchagee Buntine road to the natural waterway. Currently Marchagee Buntine Road effectively blocks the water resulting in water logging on the farmers property and from time to time, in times of very high water flows, the water flows across Marchagee Buntine Road. The project calls for Council to install a floodway with culverts across Marchagee Buntine Road.

Council does have a culvert installed near to this site and while the culvert is too small to meet demands of relatively normal water flows. In discussion with the Marchagee Catchment Group Council did upgrade the size of the culvert pipe at the request of CALM when completing road works on the site in 2003, however the increase in size does not dramatically improve water flows.

At the September 2004 Ordinary Meeting of Council, Council considered their involvement in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project in 2004/2005 and resolved:

RESOLUTION: 2004-144

Moved: McDonald Seconded: Ovens

That Council:

1. complete the budgeted works to Launer Road;
2. not agree to involvement in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project and complete the unbudgeted works in the estimated amount of \$70,000; and
3. will consider involvement in this project in 2005/06 budget.

CARRIED BY ABSOLUTE MAJORITY 7/0

COMMENT:

Following Council's decision not to be involved in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project in 2004/2005 the Project Manager, Ms Jodie Watts of CALM, is seeking an indication of Council's willingness to participate in 2005/2006.

Believing the works can be rescheduled, Ms Watts has not yet withdrawn the National Landcare Program – Community Assistance Component grant application. However since initial indications are that the project is very highly regarded Ms Watts does not wish to be awarded the grant and then Council resolve not participate in the project in 2005/2006.

Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment

The Coorow LCDC and local landholders, in conjunction with CALM and the Department of Agriculture, are seeking Council's involvement in completing the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project.

The aim of this project is to build a site that can demonstrate best practice surface water management thereby increasing community awareness, understanding and adoption of what is considered for the most part, a manageable land degradation issue contributing to significant loss of agricultural and natural resource values in the Buntine-Marchagee Catchment.

Works will be conducted by a number of groups, including;

- In-kind work from Landholders for fencing, seeding waterways, re-vegetation site preparation, planting and post planting maintenance and maintenance of earthwork structures in-perpetuity
- Landcare technician (SOL consultant) to conduct surveying and marking of all conservation structures. Includes supervision of construction and sign-off that all works have been completed according to SWMP and industry standards
- Construction contractor/s to build conservation structures
- CALM for general project support, administration and project management
- Dept. of Agriculture for provision of training to accredit construction contractors, technical advice, standards control, input and revision of final report
- Shire of Coorow for road works and signage, contract administration and management.

In considering participation in the project at their September 2004 Ordinary Meeting, Council raised concerns that the project may increase peak flows at critical points down stream in the catchment, particularly the culvert on Mamboobie Road. However the specific objectives of the project to demonstrate:

- reduced risk of sheet and gully erosion on the upper slopes;
- reduced peak stream-flow in creeks thereby reducing flooding, channel erosion and sedimentation;
- increase surface water storage and utilisation on-farm; and

- ensure surface water runoff is appropriately transferred through the catchment i.e. use natural drainage lines

Measures implemented and trialed in the demonstration site may prove to be beneficial to install in other catchment areas in the Shire, particularly in areas prone to flood damage.

Council Involvement

There are two stages to the project. The initial works to be completed are construction works to manage water over the site. This involves completion of road works and construction of drainage channels. In completing the construction of drainage channels Council staff would receive accreditation through the Department of Agriculture.

The second stage of the project would involve installation of measurement instruments, seeding of channels, construction of fencing, fencing of remnant vegetation. Landholders and other partners would complete this work.

Council's significant involvement is to complete alterations to Marchagee Buntine Road to better manage water crossing the road. The construction works to Marchagee Buntine Road are the key component of the project and the project will not proceed without the works being completed.

It is estimated that the road works will take two weeks to complete and the construction of the drainage channels three days.

National Landcare Program – Community Assistance Component

To complete the works the Coorow LCDC has submitted an application for funding under the National Landcare Program – Community Assistance Component. This grant closed on 3 September 2004.

A copy of the grant application that has been submitted to the Northern Agricultural Catchment Council is included at Attachment 10.1.3.

POLICY IMPLICATIONS:

Nil at this time.

FINANCIAL IMPLICATIONS:

Council's contribution in this works has been costed as \$70,000 for the road works and \$9,600 for the construction of the drainage channels.

Council will receive \$30,000 of the grant funds to complete the road works.

The cost of completion of the works is budgeted as:

Activity	Contribution	
	In Kind	Cash
Wages & Overheads	25,390	
Plant Op Costs	26,610	
Culverts		9,000
Rock Headwalls		1,000
Materials		7,000
Signs		1,000
Sub-Totals	52,000	18,000
Total		70,000

STRATEGIC IMPLICATIONS:

Nil at this time.

STATUTORY ENVIRONMENT:

Nil at this time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council agree to involvement in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project in 2005/2006 and include participation in this project in Council's 2005/2006 Budget.

RESOLUTION: 2004-155

Moved: O'Callaghan **Seconded:** Girando

That Council agree to involvement in the Buntine-Marchagee Integrated Surface Water Management Demonstration Catchment project in 2005/2006 and include participation in this project in Council's 2005/2006 Budget.

LOST 2/4

Ms Watts left the meeting at 4.13 pm.

Cr Stacy returned to the meeting at 4.14 pm.

7. CONFIRMATION OF MINUTES:

7.1	ORDINARY MEETING HELD WEDNESDAY 15 SEPTEMBER 2004 IN THE LEEMAN ADMINISTRATION CENTRE
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AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	6 October 2004

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 15 September 2004 in the Leeman Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-156

Moved: Beswick **Seconded:** McTaggart

That the Minutes of the Ordinary Meeting held on Wednesday 15 September 2004 in the Leeman Administration Centre be confirmed as a true and correct record.

CARRIED 7/0

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 AIR CONDITIONERS – INSTALLATION – H5.5

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 September 2004

SUMMARY:

Council is to direct staff on Council's preferred course of action that may be required regarding a contract for the installation of air conditioners into Council housing.

BACKGROUND:

Council would recall the following decision at the August 2004 Ordinary Meeting of Council:

RESOLUTION: 2004-120

Moved: Cr Stacy Seconded: Cr O'Callaghan

That Council:

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

CARRIED BY ABSOLUTE MAJORITY 8/0

As per Council's resolution, Council staff issued a Council Purchasing Order No. 15696 on 24 August 2004 to S&L Quantock Electrics explicitly stating the requirement to have the evaporative air conditioners installed by Monday 25 October 2004.

COMMENT:

Council currently has a number purchase orders with S&L Quantock Electrics for work to be completed. In seeking to arrange to have all these purchase orders completed, staff have become aware that S&L Quantock Electrics have purchased the three air conditioners for installation.

It is considered unlikely that Council's request to have the air conditioner installations completed by 25 October 2004. Therefore Council is required to state their intended re-action from any non-compliance by S & L Quantock.

Should Council seek to cancel Purchase Order No 15696 then it could take several months to have an alternative company to supply a quotation and complete installation.

FINANCIAL IMPLICATIONS:

S & L Quantock Electrics were not the lowest quotation received by Council to complete the installation.

STRATEGIC IMPLICATIONS:

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

STATUTORY ENVIRONMENT:

It is unlikely that Council's resolution to require installation by a certain time would be legally binding upon S & L Quantock Electrics at law.

POLICY IMPLICATIONS:

Nil at this time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That should air conditioners ordered under Council Purchase Order No. 15696 for Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street not be installed by Monday 25 October 2004 Council staff are directed to cancel Purchase Order No. 15696 and arrange for supply and installation of evaporative air conditioners by another installer.

RESOLUTION: 2004-157

Moved: Stacy

Seconded: Waite

That should air conditioners ordered under Council Purchase Order No. 15696 for Lot 5 Bristol, Lot 19 North Street and 113 Bristol Street not be installed by Monday 25 October 2004 Council staff are directed to cancel Purchase Order No. 15696 and arrange for supply and installation of evaporative air conditioners by another installer.

CARRIED 6/1

Cr O'Callaghan asked that her vote against the motion be recorded in the minutes.

10.1.2 CONFERENCES – C.10

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 October 2004
ATTACHMENT	10.1.2a WA Annual Roads Forum 2004 10.1.2b Rural Health Conference 2004 10.1.2c Regional Cooperation & Structural Reform Forum 10.1.2d Regional Economies Conference

SUMMARY:

Council should consider having Council representatives attend four conferences regarding issues that have application to Council.

COMMENT:

WA Annual Roads Forum – Perth - Friday 19 November 2004

This forum is now a landmark event in the annual Local Government calendar and is aimed at encouraging participation of elected members and officers who are involved in transport and roads issues. Run by WALGA the forum will be attended by the Hon Alannah McTiernan MLA Minister for Planning and Infrastructure and the chairs of a significant number of Regional Road Groups. Topics include:

- Land Clearing;
- Heavy Haulage;
- Freight Network Strategy;
- Road funding;
- Road Asset Management;
- Safer Roads strategy; and
- Roman Roads Resource Sharing.

The forum program includes a number of concurrent sessions that would require Council to have a number of delegates attend to optimize the benefit to Council.

2004 Rural Health Conference – York – Saturday 13 November 2004

Convened by the Australian Medical Association (AMA) this conference aims to focus on developing sustainable solutions to the many problems which exist as barriers to providing quality health care services in rural WA. The program incorporates presentations from speakers representing the medical profession, Federal State and Local Government and community business and industry groups, including:

- Federal Health Minister, the Hon Tony Abbot, MHR;
- State Minister for Health, the Hon Jim McGinty MLA;
- Federal President of the AMA Dr Bill Glasson;
- Director WACRRM, Dr Felicity Jefferies; and
- WA Country Health Service CEO, Ms Christine O’Farrell.

Regional Cooperation and Structural Reform Forum – Perth – Monday 1 November 2004

Convened by the WALGA in response to a motion at the WALGA AGM this forum will inform participants how structural change and resource sharing has been addressed in other states. The workshops will explore the challenges and identify opportunities for WA. The program incorporates presentations from speakers representing including:

- the Hon Jeff Kennett, Former Premier of Victoria;
- Professor Brian Dollery;
- Jeff Tate, CEO, City of Onkaparinga, SA;
- Mayor John Rich, Shire of Walkerville, SA;
- Don Ramsland, Wellington Blaney Cabonne Strategic Alliance, NSW; and
- Mayor Charlie Gregorini, Chair, Local Government Advisory Board WA.

Regional Economies Conference – Mandurah – 8-10 March 2005

The program will be based on the following four themes:

- Ready - fire – aim – Economic innovation – project approaches that act on opportunities
- Empowering local government and unlocking local creativity. Good governance, clear directions, regional cooperation, shared infrastructure and resources, mergers – do they work.
- Trends – What is driving Australia’s future?
- Knowing your product where you are going and being open and ready for business

FINANCIAL IMPLICATIONS:

WA Annual Roads Forum – Perth - Friday 19 November 2004

4 Delegates (2 Councillors and 2 Staff)			
Registration	\$ per delegate	\$0	
Accommodation	\$100 per delegate	\$400	<u>\$400</u>

2004 Rural Health Conference – York – Saturday 13 November 2004

2 Delegates (2 Councillors)			
Registration	\$275 per delegate	\$550	
Accommodation	\$120 per delegate	\$240	
Travel	(if Council vehicle not available)	\$360	
Total			<u>\$1,150</u>

Regional Cooperation and Structural Reform Forum – Perth – Monday 1 November 2004

2 Delegates (2 Councillors)			
Registration	\$125 per delegate	\$250	
Accommodation	\$120 per delegate	\$240	
Travel Allowance	(if Council vehicle not available)	\$364	
Total			<u>\$854</u>

Regional Economies Conference – Mandurah – 8-10 March 2005

1 Delegate			
Registration	\$500 per delegate (estimated)	\$500	
Accommodation	\$400 per delegate	\$400	
Travel	(if Council vehicle not available)	\$340	
Total			<u>\$1,240</u>

Council's 2004/05 Budget and Actual

0192	Conference & Seminars	Budget	\$8,500
		Actual (to 30 September 2004)	\$8,000

Council would still be expecting to consider attending other conferences and seminars including having delegates attend the annual Northern Country Zone of WALGA conference and AGM in Geraldton in March 2005.

POLICY & STRATEGIC IMPLICATIONS:

Council has increasing involvement with these policy areas. Council should be taking a proactive stance to maintain appropriate Council policy development that meets Council's statutory requirements and future needs. In particular:

- Council's road expenditure is the single biggest component of Council's operating and capital budget;
- Council has a developing requirement to provide medical services including the provision of General Practice doctors services and other allied health services from Council owned and managed buildings;
- Council has had discussions with neighbouring Councils relating to structural reform and resource sharing; and
- Council is very mindful of using Council influence to enhance our local economy.

STATUTORY ENVIRONMENT:

Local Government Act (1995):

6.8 Expenditure From Municipal Fund Not Included In Annual Budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- (a) is incurred in a financial year before the adoption the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or

* Absolute majority required

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

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

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council has:

1. four delegates, Cr Girando and another Councillor, the Manager Works and Services and Works Supervisor, attend the WA Roads Forum on Friday 19 November 2004;
2. two delegates, Cr Girando and another Councillor, attend the 2004 Rural Health Conference in York on Saturday 13 November 2004;
3. two Councillor delegates attend the Regional Cooperation and Structural Reform Forum in Perth on Monday 1 November 2004; and
4. one Councillor delegate attend the Regional Economies Conference in Mandurah from 8 to 10 March 2005.

RESOLUTION: 2004-158

Moved: McTaggart **Seconded:** McDonald

That Council has:

1. *four delegates, Cr Girando and Cr Waite, the Manager Works and Services and Works Supervisor, attend the WA Roads Forum on Friday 19 November 2004;*
2. *two delegates, Cr Girando and Cr Beswick, attend the 2004 Rural Health Conference in York on Saturday 13 November 2004;*
3. *two delegates, Cr O’Callaghan and Cr Stacy, attend the Regional Cooperation and Structural Reform Forum in Perth on Monday 1 November 2004; and*
4. *two Councillor delegates attend the Regional Economies Conference in Mandurah from 8 to 10 March 2005.*

CARRIED BY ABSOLUTE MAJORITY 7/0

10.1.4 COMMUNITY SPORTING AND RECREATION FACILITIES FUND –
S8.1

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 October 2004
ATTACHMENT	10.1.4 Leeman Bowling Club CSRFF Grant

SUMMARY:

Applications for Community Sporting and Recreation Facilities Fund (CSRFF) for the 2005/06 financial year require assessment and prioritisation before submission to the Ministry for Sport and Recreation by 31 October 2004.

COMMENT:

An application for Community Sporting and Recreation Facilities Fund has been received from the Leeman Bowling Club.

The Leeman Bowling Club are seeking a grant of \$59,416 (GST Exclusive) to upgrade the Leeman bowling green to a synthetic turf. The project will cost \$148,540 (GST Exempt) with funding and works in kind of \$44,562 required from Council. The club will provide funds of \$44,562.

At this time the Leeman Bowling Club have only sought quotations from contractors able to complete all the works required. Substantial works in kind will be identified with the contractors that can be completed by Council. In particular transport of aggregate and sand for the bowling green and foundations is one area of works in kind for Council staff.

Council is required by the Department of Sport and Recreation to endorse and in the event of receiving multiple applications, prioritise the grant applications received for facilities within the Shire of Coorow.

STATUTORY ENVIRONMENT:

The Leeman Bowling Club is situated on Reserve 31365, Rudduck Street, Leeman, vested in Council and leased to the Leeman Country and Sporting Club Inc.

FINANCIAL IMPLICATIONS:

SCRFF Grants once provided a grant equal to one third of the total project cost including volunteer labour and in kind works. However the Ministry for Sport and Recreation see the Shire of Coorow as a disadvantaged area and now allow for a grant contribution of 40% of the project cost. Historically Council has contributed a further third of the project cost and the community group the remaining third of project cost, but with changes, this application has Council and the Leeman Bowling Club each contributing 30%.

A break up of the costs and funding of the project is:

	Cash Costs	LBC Volunteer	Shire Inkind Works	Total	GST	GST Inclusive
Project Expenditure						
Turf	128,978		19,562	148,540	12,898	161,438
Contingency						0
Totals	128,978	0	19,562	148,540	12,898	161,438
Project Funding Sources						
Local Government	25,000		19,562	44,562	2,500.00	47,062
Applicant Cash	44,562			44,562	4,456.20	49,018
Volunteer Labour				0	0.00	0
Donated Materials				0	0.00	0
Other				0	0.00	0
CSRFF Grant	59,416			59,416	5,941.60	65,358
Totals	128,978	0	19,562	148,540	12,898	161,438

The Leeman Bowling Club ask that Council consider a Self Supporting Loan of \$44,000 to the club to allow them to install the synthetic green. The club are confident of meeting the repayments to the loan, however Council would require safeguards including:

1. An agreement that by the club acknowledging the debt. The club does not have any significant financial assets for Council to mortgage; and
2. The agreement of the Leeman Country and Sporting Club Inc. to provide the club continuing and unhindered access to the green.

The club does not have access to financial reserves possible to other clubs through the operation of selling alcohol, operating from the Leeman Country and Sporting Club Inc.

The annual repayment for a \$44,000 loan is \$5,915. Currently the club fund raises annual income of \$12,000 per annum and expend most of this income on turf green maintenance. The club would establish a sinking fund with the surplus funds to finance the upkeep of the green in the future.

STRATEGIC IMPLICATIONS:

The Leeman Bowling Club is seeking this upgrade to reduce the work load of green maintenance on their members. The club are responsible for meeting all the maintenance requirements and costs associated with maintaining their turf green. The club believe they will significantly reduce the costs of maintenance and the volunteer maintenance workload on their members with this project.

The move of bowling clubs from turf greens to a synthetic is particular popular one at present. Currently staff are aware of such renovations at Carnamah, Mullewa and Three Springs. Council should expect similar applications in the near future for the Coorow and Green Head bowling clubs.

POLICY IMPLICATIONS:

There do not appear to be any policy implications in this matter.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. endorse the application of the Leeman Bowling Club for Community Sporting and Recreation Facilities Fund Grant including the Council contribution of \$44,562; and
2. approve in principle a Self Supporting loan of up to \$44,000 for the Leeman Bowling for the club's cash contribution Club to the project subject to agreement with Leeman Country and Sporting Club Inc. over continued access of the Leeman Bowling Club and Leeman community to the site.

RESOLUTION: 2004-159

Moved: Waite

Seconded: McTaggart

That Council:

1. *endorse the application of the Leeman Bowling Club for Community Sporting and Recreation Facilities Fund Grant including the Council contribution of \$44,562; and*
2. *approve in principle a Self Supporting loan of up to \$44,000 for the Leeman Bowling for the club's cash contribution Club to the project subject to agreement with Leeman Country and Sporting Club Inc. over continued access of the Leeman Bowling Club and Leeman community to the site.*

CARRIED 7/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

10.2.1 SHIRE OF COOROW DOGS AMENDMENT LOCAL LAW - B7.8

AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 th October 2004
ATTACHMENT:	10.2.1 Amendments to the Shire of Coorow Dogs Local Law 2003

SUMMARY:

Council is to approve amendment to the Shire of Coorow Dogs Local Law 2003.

BACKGROUND:

Following gazettal of the Shire of Coorow Dogs Local Law 2003 on the 28th May 2004 the Joint Standing Committee on Delegated Legislation advised Council of minor drafting error and an inconsistency with the Dog Act in terms of a stated penalty relating to dangerous dogs.

The Joint Standing Committee has been informed that Council would undertake to address the errors identified.

Council is referred to Council's resolution at the July 2004 Ordinary Meeting of Council – Resolution 2004-110.

Resolution 2004-110

Moved: O'Callaghan Seconded: Stacy

That Council resolves to make the following Shire of Coorow Dogs Amendment Local Law:

SHIRE OF COOROW DOGS AMENDMENT LOCAL LAW 2004

Under the powers conferred by the Dog Act 1976 and all other powers enabling it, the Council of the Shire of Coorow resolved on the 21st July 2004 to make the Shire of Coorow Dogs Amendment Local Law 2004.

- 1. Preliminary
The Shire of Coorow Dogs Local Law published in the Government Gazette on the 28th May 2004 is hereby amended in the following manner.*
- 2. Amendments*
 - 2.1 Delete Clause 3.1.*
 - 2.2 Delete Clause 4.4.*
- 3. Purpose and Effect*

The purpose of the Shire of Coorow Amendment Local Law is to correct a drafting error as well as an inconsistency with the Dog Act 1976 in the Shire of Coorow Dogs Local Law gazetted on the 28th May 2004.

The effect of the Shire of Coorow Dogs Amendment Local Law will clarify the authority under which "authorised person" is appointed and ensure that the

POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That the Shire of Coorow Dogs Amendment Local Law, as included at Attachment 10.2.1 Amendments to the Shire of Coorow Dogs Local Law 2003, is made and the Shire President and Chief Executive Officer are authorised to sign the documentation and affix the Common Seal.

RESOLUTION: 2004-160

Moved: McDonald **Seconded:** Beswick

That the Shire of Coorow Dogs Amendment Local Law, as included at Attachment 10.2.1 Amendments to the Shire of Coorow Dogs Local Law 2003, is made and the Shire President and Chief Executive Officer are authorised to sign the documentation and affix the Common Seal.

CARRIED BY ABSOLUTE MAJORITY 7/0

10.2.2 APPLICATION FOR TRADER'S PERMIT – T15

NAME OF APPLICANT:	D. H. Thompson.
LOCATION	Coorow Town site
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 th October 2004

SUMMARY:

Council to consider an application for a Trader's Permit to operate within the Shire.

COMMENT:

An application has been received from D. H. Thompson, Highway Fruit & Veg, 190 Leake Street Belmont WA 6104, for the issue of a Trader's Permit to sell Fruit & Veg in Coorow from his vehicle.

Mr. Thompson had been operating in Coorow without the approval of Council and was informed that it could not continue without a Trader's Permit.

The correspondence included with the application from D. H. Thompson state:

Further to your letter of 17 September 2004, I believe I am already the holder of a Trader's Permit within your Shire. However, due to change of address by me, and problems with Australian Post in redirecting mail, there may have been a miscommunication, resulting in my permit not being renewed.

I have completed a new Application for Trader's Permit, and in anticipation of your renewing my permit, I enclose a cheque for \$200.00, being application fee and \$150.00 annual fee.

My thanks in anticipation of renewal of my Trader's Permit.

Council is informed that there is no record on file that a Trader's Permit had been issued to D. H. Thompson, Highway Fruit & Veg 190 Leake Street Belmont WA 6104.

In addition correspondence has also been received from Mr Bruce Jack, Family Shopping Centre Main Street Coorow. It states:

It is with regret that I feel the need to write this letter.

This morning (9th Sept) as usual I was delivering freight to the Shire and other businesses around the town and to my amazement I observed the so called Veg Man parked at the rear of the Shire office and assume he was trading out of his van.

It is bad enough that this Veg Man is trading in the town at all, let alone at the Shire Office.

The Shire supports my business also and I am grateful for the support.

The family Shopping Centre try very hard to provide a high level of service and diverse range of goods in the hope that the community will support us.

Alison and myself are members of most clubs and organizations in our community and put as much back into our community as possible whether it be via sponsorship or playing an active role in teams, committees and general support of all things Coorow.

We don't believe that the Shire should be seen to support outside vendors trading in our town at the detriment of two local businesses. Namely, Family Shopping Centre and the Highway Store.

We live in, contribute to and support our community as well as employing other members of our community. We are charged rates, pay taxes and support any Coorow business before even considering shopping elsewhere.

I believe the Fruit and Veg market is adequately provided for in this town without the need for an outside vendor.

The outside vendors obviously have a role to play outside the town precinct but I don't believe they should be tolerated in the town whilst genuine businesses are providing an adequate service. Who knows, if we got more support we might be able to grow our business and provide more service, range and employ more staff.

Lastly, would you kindly pass this letter on to the next Council meeting.

STATUTORY ENVIRONMENT:

Shire Of Coorow
Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law –

Clause 6.3 Trader's Permit

- (1) A person shall not carry on trading unless that person is –
- (a) the holder of a valid trader's permit; or
 - (b) an assistant as specified in a valid trader's permit.

Clause 6.5 Relevant considerations in determining application for permit.

- (1) In determining an application for a permit for the purposes of this division, the local government is to have regard to –
- (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;

- (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit;
 - (c) that –
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;
 - (d) that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or
 - (c) such other grounds as the local government may consider to be in the circumstances of the case.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Council has a number of policies to assist and support local enterprises.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That the Application for a Trader's Permit from D. H. Thompson of Dave's Highway Fruit & Veg is refused on the grounds that the needs of the district are adequately catered for by established shops.

MOTION:

Moved: McDonald **Seconded:** O'Callaghan

That the Application for a Trader's Permit from D. H. Thompson of Dave's Highway Fruit & Veg is refused on the grounds that the needs of the district are adequately catered for by established shops.

AMENDMENT TO THE MOTION:

Moved: Waite

Seconded:

That the Application for a Trader's Permit from D. H. Thompson of Dave's Highway Fruit & Veg is refused for the townsites of Coorow, Green Head and Leeman including a 5km radius around these townsites, on the grounds that the needs of these areas are adequately catered for by established shops. However a traders permit is granted to DH Thompson of Daves Highway Fruit & Veg in the remainder of the shire.

The motion has been amended due to the distances from the townsite shops of some local residents.

Amendment lapsed due to lack of a seconder.

RESOLUTION: 2004-161

Moved: McDonald

Seconded: O'Callaghan

That the Application for a Trader's Permit from D. H. Thompson of Dave's Highway Fruit & Veg is refused on the grounds that the needs of the district are adequately catered for by established shops.

CARRIED 6/1

10.2.3 LOCAL PLANNING POLICY No.4 – CARETAKERS’ DWELLINGS IN INDUSTRIAL AREAS - T9.16

AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	27th May 2004
ATTACHMENT	10.2.3 Local Planning Policy No 4

SUMMARY:

Resolution to adopt Local Planning Policy No. 4 – Caretakers’ Dwellings in “Industrial” zoned areas.

BACKGROUND:

RESOLUTION: 2004-081

Moved: McDonald Seconded: Beswick

That Council agree to the Town Planning Scheme No. 2 Local Planning Policy, included as Attachment 10.2.3 and the Chief Executive Officer is authorized to initiate the appropriate procedures under clause 2.4 of the Shire of Coorow Town Planning Scheme No. 2 to inform the community of Council’s intention to adopt this policy.

CARRIED 8/0

COMMENT:

Council is referred to Council’s decision of the June 2004 Ordinary Meeting;

The objectives of the Policy are:

- (a) To prevent the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments;
- (b) To provide for “Caretakers Dwellings” in industrial areas in limited circumstances and subject to appropriate planning controls;
- (c) To establish specific development criteria to limit the scale of “Caretakers Dwellings” in industrial areas so that they remain *incidental* to the predominant industrial use; and
- (d) To provide clarification and consistency in terms of Council’s application of its discretionary power to approve.

In accordance with Clause 2.4 of the Shire of Coorow Town Planning Scheme No. 2 a public notice giving details of the proposed Policy was placed in the local papers:

- SIN - 2nd July 2004 and 30th July 2004.
- Squawk - 1st July 2004 and 29th July 2004.

Staff Comment:

Council is informed that only one submission was received, that being from the Green Head Community Association. That submission reads:

At the last meeting of our Association it was resolved to make a submission regarding this policy. Members noted that Council allows the inclusion of living accommodation in commercial developments in Green Head. This included the approval of development at lot 406 Green Head Rd which also included a workshop. Council also allows a degree of commercial activity to be carried out at residential lots in Green Head.

We believe that the proposed plan is unreasonably restrictive in allowing living accommodation in the Light Industrial Area. We see no good reason why owners should not be allowed to have living accommodation as is the case with commercial lots. This would permit them to develop and operate their business more efficiently and economically, and encourage the provision of services to the Green Head community.

We recommend that Council create a more liberal policy that allows a reasonable amount of owner/occupier accommodation in the Green Head L/A.

Staff Comment:

Approval for living accommodation has not been granted for lot 406 Green Head Road Green Head and further the proposed Planning Policy does not restrict living accommodation in the Light Industrial area. The Policy formalises the conditions under which “Caretaker’s Dwellings” may be approved in the Light Industrial area.

“Caretakers Dwellings” are included as permissible uses, with Council discretion, in “Industrial” zoned areas of the Shire under the Shire of Coorow Town Planning Scheme No. 2.

Pursuant to Clause 2.4.2 of the Shire of Coorow Town Planning Scheme No. 2 Council must review the proposed Policy in the light of the submission above and resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No.2.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

This Local Planning Policy will establish consistency in respect to Council’s application of its discretionary approval process for Caretaker’s Dwellings and maintain clarity in respect to the fundamental purpose for “Industrial” zoned areas.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That:

1. Local Planning Policy No. 4 (Caretaker's Dwellings in "Industrial Zoned" Areas) as included at Attachment 10.2.3 Local Planning Policy No 4, is adopted without modification; and
2. Pursuant to Clause 2.4.3 (a) of the Shire of Coorow Town Planning Scheme No. 2, public notice of adoption of Local Planning Policy No. 4 is to be placed in the local newspapers circulating in the Scheme area.

RESOLUTION: 2004-162

Moved: *Beswick*

Seconded: *Stacy*

That:

1. *Local Planning Policy No. 4 (Caretaker's Dwellings in "Industrial Zoned" Areas) as included at Attachment 10.2.3 Local Planning Policy No 4, is adopted without modification; and*
2. *Pursuant to Clause 2.4.3 (a) of the Shire of Coorow Town Planning Scheme No. 2, public notice of adoption of Local Planning Policy No. 4 is to be placed in the local newspapers circulating in the Scheme area.*

CARRIED 7/0

10.3 MANAGER WORKS AND SERVICES:

10.3.1 TEMPORARY GRAIN AND FERTILIZER CARTING PERMIT MINGENEW – R8.12

NAME OF APPLICANT	Main Roads Western Australia
AUTHOR	Peter Gillis
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 October 2004
ATTACHMENT	10.3.1 Council Policy 8.1.3 Issuing of Long Vehicle Permits

SUMMARY:

Council is to consider a request for 36.5 metre Road Trains to use Rose Road and a section of Coorow Green Head Road.

COMMENT:

Mr Ian Hamilton, Customer Services Manager, Main Roads WA, has requested that Council allow 36.5 metre Road Trains to use Rose Road and Coorow/Green Head Road to Brand Highway on a temporary permit for the period 1 October to 31 December 2004 and then yearly on review and agreement, for the cartage of fertilizer and grain.

Council Policy No. 8.1.3 Issuing of Long Vehicle Permits clearly states that long vehicles cannot exceed 27.5 metres on Council roads.

Since this request from Main Roads WA contravenes Council's Policy on long vehicle permits, Mr Hamilton has been informed it would require a decision of Council at the October 2004 meeting. Permission to operate 36.5 metre long vehicles in the interim was not agreed to.

At the present time Rose Road would not attract Regional Road Group Funding.

POLICY IMPLICATIONS:

Coorow Green Head and Rose Roads are classified as Priority Roads under Council's Policy 8.1.3 Issuing of Long Vehicle Permits.

Council permits long vehicles to use Coorow Green Head and Rose Roads subject to the following conditions:

1. Vehicle length is not to exceed 27.5 metres
2. Gross combined mass not to exceed 100 tonne
3. 80 km/hr maximum speed limit
4. Council may close roads to heavy traffic in times of unfavourable conditions.
Long vehicles may not operate on wet gravel roads
5. Consideration be given to the passage of school buses

STATUTORY ENVIRONMENT:

Nil.

FINANCIAL IMPLICATIONS:

There is no financial allocation apart from ongoing minor road maintenance for Rose Road in Council's 2004/05 Budget.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority.

CONSIDERATION:

Councillors will recall that Rose Road was one of the poorest roads in terms of current condition inspected on the recent road inspection. Rose Road is also a School Bus route. Whilst I can understand some transport operators wish to use Rose Road, alternative routes are available. By approving this request Council will require immediate unbudgeted works on the road that have not been budgeted.

I strongly recommend against opening Rose Road to 36.5 metre road trains.

OFFICER RECOMMENDATION:

That Council do not deviate from Council Policy 8.1.3 and do not agree to the request from Main Roads WA to allow 36.5 metre long Road Trains to use Rose Road and Coorow Green Head Road to the Brand Highway.

RESOLUTION: 2004-163

Moved: Waite

Seconded: O'Callaghan

That Council do not deviate from Council Policy 8.1.3 and do not agree to the request from Main Roads WA to allow 36.5 metre long Road Trains to use Rose Road and Coorow Green Head Road to the Brand Highway.

CARRIED 7/0

10.4 MANAGER FINANCE AND ADMINISTRATION

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 October 2004
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 20 October 2004

SUMMARY:

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

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 15 September 2004 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 20 October 2004.

As at 20 October 2004 accounts are on hand to the value of \$0.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

13 Lists of Accounts

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

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

FINANCIAL, POLICY & STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 20 October 2004 including vouchers 14367 to 14478 and payments CEOVISA, MWSVISA, DCEOVISA, MCDVISA, DD53 to DD56, T130904L to T121004 totalling \$356,902.87 from Council's Municipal Fund be authorised and passed for payment.

RESOLUTION: 2004-164

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

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 20 October 2004 including vouchers 14367 to 14478 and payments CEOVISA, MWSVISA, DCEOVISA, MCDVISA, DD53 to DD56, T130904L to T121004 totalling \$356,902.87 from Council's Municipal Fund be authorised and passed for payment.

CARRIED 7/0

10.4.2 MONTHLY FINANCIAL REPORT – F8.05

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

SUMMARY:

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

COMMENT:

The form of the Monthly Financial Statements presented to Council is Statement of Financial Position, Operating Statement Function and Activity, Operating Statement Nature and Type, Cash Flow Graph and Plant Cost Recovery. A copy of all five reports is attached for the month ended 30 September 2004.

Council can amend the form of Council's financial information as required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996.

34. Financial reports to be prepared — s. 6.4

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

**Absolute majority required.*

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

- (ii) if the report is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (3) A quarterly or triannual report may be presented to a local government in lieu of a monthly report.

FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Financial Report as presented for the period ended 30 September 2004.

RESOLUTION: 2004-165

Moved: Cr McDonald **Seconded:** McTaggart

That Council accepts the Monthly Financial Report as presented for the period ended 30 September 2004.

CARRIED 7/0

10.4.3 2003/2004 ANNUAL REPORT– F8.4

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 October 2004
ATTACHMENT	2003/2004 Annual Report

SUMMARY:

The annual report for the Shire of Coorow must be adopted in accordance with the requirements of the Local Government Act (1995).

COMMENT

The contents of the Annual Report will be discussed at the Electors Meeting in Green Head on 17 November 2004, held after the November Council meeting.

The annual report consists of the Presidents Report, the Chief Executive Officer's Report and the audited financial statements as required by the Local Government Act (1995). Council's auditor signed off on the Financial Statements for the year ended 30th June 2004 on the 11 October 2004.

STATUTORY ENVIRONMENT:

Local Government Act (1995)

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - (c) a report of the principal activities commenced or continued during the financial year;
 - (d) an assessment of the local government's performance in relation to each principal activity;
 - (e) an overview of the principal activities that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (i) such other information as may be prescribed.

5.54. Acceptance of Annual Reports

- (1) Subject to subsection (2) the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.
- (2) If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after than financial year, then annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC & POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council's 2003/2004 Annual Report be accepted.

RESOLUTION: 2004-166

Moved: Waite

Seconded: Stacy

That Council's 2003/2004 Annual Report be accepted.

CARRIED 7/0

10.4.4 SALE OF LOT 3 POYNTON PARADE COOROW – L1.6

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 October 2004
ATTACHMENT	10.4.4 Map of Coorow Townsite

SUMMARY:

Council has received an offer of purchase from Mr Brian Pover of Pover’s Rural Traders to purchase Council’s vacant block at lot 3 Poynton Parade Coorow for \$1,000.

COMMENT:

Mr Pover operates and owns Pover’s Rural Traders which operates 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 20 September 2004. The valuation is two thousand dollars (\$2,000).

Before Council can accept the offer, Council must 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 November Meeting of Council.

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 Commercial Street 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 may decide for the proceeds of sale 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:

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.

RESOLUTION: 2004-167

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.*

CARRIED 7/0

10.4.5 TENDER - SALE OF LOT 119 COMMERCIAL STREET, COOROW – H5.5

AUTHOR Dacre Alcock
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 12 October 2004

SUMMARY:

Council is to consider tenders for the sale of Lot 119 Commercial Street, Coorow.

COMMENT:

Tenders were called on Saturday 2 September 2004 for the sale of residence at lot 119 Commercial Street, Coorow.

Tenders closed at 12.00 noon on Wednesday 6 October 2004, with Council receiving two tenders.

Tenders were opened at 12.05 p.m. on Wednesday 6 September 2004 by the Chief Executive Officer in the presence of the Manager Finance and Administration and Mr Bart Mailey.

FINANCIAL IMPLICATIONS:

Council has included the sale of Lot 119 Commercial Street, Coorow for \$20,000 in Council's 2004/05 Budget. The proceeds of sale have been budgeted to go to a Building Reserve.

Council received the following tenders:

Name	Tender Price
Coorow Ag Pty Ltd	\$9,000
A & M Ferster	\$30,000
Budget	\$20,000

A & M Ferster listed inspection of the property as a condition of sale.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council accept the tender from A & M Ferster for the purchase of Lot 119 Commercial Street, Coorow for \$30,000.

RESOLUTION: 2004-168

Moved: *Beswick*

Seconded: *Stacy*

That Council accept the tender from A & M Ferster for the purchase of Lot 119 Commercial Street, Coorow for \$30,000.

CARRIED 7/0

10.4.6 POLICY 2.1.17 – ALCOHOL AND OTHER DRUGS

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 October 2004
ATTACHMENT	10.4.6 Draft Policy 2.1.17 – Alcohol and other drugs

SUMMARY:

Council to consider a policy on alcohol and other drugs.

COMMENT:

The Occupational Safety and Health Act 1984 imposes on all employers a general duty of care to their employees. Although the provisions do not explicitly refer to alcohol and drugs, it is implied that the Shire must minimize employees' exposure to any hazards or incidences in the workplace that may be caused by an intoxicated or drug affected employee.

The Shire of Coorow is committed to providing a safe, healthy and productive working environment for all staff. The Shire recognizes that employees affected by alcohol and other drugs may present a hazard in the workplace, causing injury to themselves and others. Co-workers may also be placed in difficult situations, expected to cover for unsafe work practices or faced with reporting a fellow employee.

This Alcohol and other drugs policy has been developed to provide guidance to Councillors, Executive Staff, Employees, Contractors and Volunteers as to the procedures and consequences arising from the use of alcohol and other drugs at the Shire of Coorow workplace.

This policy will apply to Shire of Coorow:

- Councillors;
- Employees;
- Contractors; and
- Volunteers.

STATUTORY ENVIRONMENT:

Local Government Officers (WA) Award 1999
Municipal Employees (WA) Award 1999

This draft policy has been reviewed by Council's Industrial Relations consultant and he has asked to distribute this policy amongst other Local Governments as an example of a very good policy.

STRATEGIC & FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS

Should Council adopt this policy, it will become part of Councils Policy Manual. This manual is reviewed annually in June.

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council adopt the Policy contained at Attachment 10.4.6 Policy 2.1.17 Alcohol and Other Drugs.

RESOLUTION: 2004-169

Moved: *Beswick*

Seconded: *Waite*

That Council adopt the Policy contained at Attachment 10.4.6 Policy 2.1.17 Alcohol and Other Drugs.

CARRIED 7/0

10.4.7 GRANT – LEEMAN ROADWISE COMMITTEE – R.19

AUTHOR Dacre Alcock
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 12 October 2004

SUMMARY:

Council to consider managing the Road Safety Grant Funding on behalf of the Leeman RoadWise Committee and authorise out of budget expenditure.

COMMENT:

The Leeman RoadWise Committee has been successful in obtaining a \$1,000 grant from RoadWise. The purpose of the grant is to provide for a drink driving awareness night and a speed alert program.

The Leeman RoadWise Committee has approached Council to manage the income and expenditure of the grant as they do not have an ABN. Council will also be required to acquit the grant.

There will be no associated cost to the Shire of Coorow, though out of budget expenditure needs to be authorised in advance by Council resolution.

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 & FINANCIAL IMPLICATIONS:

There will be no financial cost to Council.

POLICY IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council authorizes out of budget expenditure managing the grant received by the Leeman RoadWise Committee.

RESOLUTION: 2004-170

Moved: McTaggart **Seconded:** O'Callaghan

That Council authorises out of budget expenditure managing the grant received by the Leeman RoadWise Committee.

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr Stacy declared an Impartiality Interest in Item 10.4.8 in that he is the President of the non profit community group, Coorow Community Land Inc.

10.4.8 CCLI SELF SUPPORTING LOAN NO. 81 – L8.81

AUTHOR DacreAlcock
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 14 October 2004

SUMMARY:

Council authorisation is sought to execute loan debentures relating to Loan 81.

BACKGROUND:

At the February 2003 Meeting of Council, the following decision was resolved:

RESOLUTION: 2004-123

Moved: O'Callaghan Seconded: Waite

That:

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

CARRIED BY ABSOLUTE MAJORITY 8/0

COMMENT:

This loan has been drawn and the debenture document now requires the Council seal. It is anticipated that the agreement of debt and mortgage will be ready within the week.

The loan has been raised to allow Coorow Community Land Inc (CCLI) to fund the purchase of the Coorow Roadhouse. The loan has been taken out over 4 years based on a 10 year term at an interest rate of 5.75% pa. At the end of 4 years the loan can either be refinanced or paid out (\$87,931.33). A mortgage is currently being prepared as security for the loan.

Loan 81 is a new debenture of \$120,000 raised as Self Supporting for CCLI. The new terms of the loan are:

Lending Amount	\$120,000
Lending Date	14 October 2004
Maturity Date	14 October 2008

Interest Rate	5.75 % pa
Schedule	8 Semi-Annual repayments
Repayment Amount	\$8,024.56

Geraldton Solicitor, Mr Gary Nixon is preparing mortgage documents over the Roadhouse and Community Farm as part of the agreement between Council and CCLI. The documents will also be ready for signing and sealing prior to Council's November Meeting.

STATUTORY ENVIRONMENT:

Local Government Act 1995:
Sections 6.20 (power to borrow) and 6.21 (Treasurer's approval required)

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.

POLICY IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Council's principal and interest payments will be offset by repayments from CCLI.

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That the President and Chief Executive Officer be authorised to sign and seal:

1. the debenture document for Loan No. 81; and
2. mortgage documents for the Coorow Roadhouse (Lots 8, 9, 10, 11 Poynton Parade) and Coorow Community Farm (Lots M1640 & M634 and locations 385 & 1274)

RESOLUTION: 2004-171

Moved: McDonald **Seconded:** Waite

That the President and Chief Executive Officer be authorised to sign and seal:

1. the debenture document for Loan No. 81; and

2. *mortgage documents for the Coorow Roadhouse (Lots 8, 9, 10, 11 Poynton Parade) and Coorow Community Farm (Lots M1640 & M634 and locations 385 & 1274)*

CARRIED 7/0

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:

Nil.

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. DATE OF NEXT MEETING:

15.1 NOVEMBER ORDINARY MEETING OF COUNCIL

3.00 pm Wednesday 17 November 2004 at the Leeman Administration Centre.

15.2 ANNUAL ELECTOR'S MEETING

7.30 pm Wednesday 17 November 2004 at the Green Head Community Centre.

16. CLOSURE:

There being no further business, the President, Councillor Girando closed the meeting at 5.26pm.