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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 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 & Services
Mr G J Agnew	Manager Community Development
Mr D J Alcock	Manager Finance and Administration

Leave of Absence

Councillor A J Ovens	Deputy President
Councillor B J McDonald	

Apologies

Councillor B R McTaggart

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 23 JUNE 2004 IN THE COOROW ADMINISTRATION CENTRE

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 13 July 2004

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 23 June 2004 in the Coorow Administration Centre be confirmed as a true and correct record, with amendment that the heading “10.1.7 Coorow Hall Redevelopment – C8.1” read “10.1.7 Coorow Hall Redevelopment – H2.1”.

RESOLUTION: 2004-099

Moved: O’Callaghan **Seconded:** Stacy

That the Minutes of the Ordinary Meeting held on Wednesday 23 June 2004 in the Coorow Administration Centre be confirmed as a true and correct record, with amendments that the heading “10.1.7 Coorow Hall Redevelopment – C8.1” read “10.1.7 Coorow Hall Redevelopment – H2.1” and Resolution 2004-070 include “in order” before the word research.

CARRIED 5/0

7.2 SPECIAL MEETING HELD WEDNESDAY 23 JUNE 2004 IN THE COOROW ADMINISTRATION CENTRE

AUTHOR Gary Sherry
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 13 July 2004

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Special Meeting held on Wednesday 23 June 2004 in the Coorow Administration Centre be confirmed as a true and correct record.

RESOLUTION: 2004-100

Moved: Waite

Seconded: Stacy

That the Minutes of the Special Meeting held on Wednesday 23 June 2004 in the Coorow Administration Centre be confirmed as a true and correct record, with the amendment that Cr Waite entered the meeting at 10.10am and Cr Stacy was present at the start of the meeting.

CARRIED 5/0

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 COUNCIL NOMINATION FOR WATHEROO-COOMBERDALE LAND DISTRICT CONSERVATION COMMITTEE – L1.5/A2
--

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

SUMMARY:

Council is required to appoint a representative to the Watheroo-Coomberdale LCDC.

COMMENT:

Council's current nominee to the Watheroo-Coomberdale LCDC is Cr John Stacy. Cr Stacy has served a three year term.

This appointment has historically not been included on Council's list of appointments to Committees and should have been included in last month's consideration of such by Council.

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 Watheroo-Coomberdale LCDC expires on 30 September 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 do 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's representatives on the Watheroo-Coomberdale Land Conservation District Committee.

RESOLUTION: 2004-101

Moved: Waite

Seconded: Beswick

That Council confirms Cr Stacy as a nominee and Cr Girando as a proxy delegate as Council's representatives on the Watheroo-Coomberdale Land Conservation District Committee.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.1.2 WALGA ANNUAL GENERAL MEETING – W8

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 July 2004
ATTACHMENTS	10.1.2a Consideration of WALGA AGM Motions 10.1.2b WALGA AGM Executive and Member Motions

SUMMARY:

Council to consider its position in relation to motions to be presented to the WALGA Annual General Meeting.

COMMENT:

Council's voting delegates to the Annual General Meeting of WALGA are Cr's Girando and Ovens, Council's delegates to the Northern Country Zone of WALGA. Cr's O'Callaghan and Waite are also attending sections of Local Government Week.

Included in the Agenda package of Councillor's attending Local Government Week is an Agenda for the Annual General Meeting of WALGA.

Detail of the motions to be debated at the Annual General Meeting of WALGA to be held at Burswood Resort Convention Centre, Perth on Sunday 8 August 2003, are included at Attachment 10.1.2b. Staff consideration and recommendation for a Council position for each motion is at Attachment 10.1.2a.

STATUTORY ENVIRONMENT:

Nil or addressed in Attachments.

POLICY, FINANCIAL & STRATEGIC IMPLICATIONS:

Nil or addressed in Attachments.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council delegates to the Country Shire Councils Association Annual General Meeting at Burswood Resort Convention Centre, Grand Ballroom, Perth on Sunday 8 August 2004, be instructed and authorised to vote on the following Agenda items as follows:

- 1.1 Constitutional Amendment – Term of the Third WA Local Government Association State Council – Support
- 1.2 Constitutional Amendment Proposals – Transfer of Shire of Wiluna from Murchison Country Zone to Esperance-Eastern Goldfields Zone and Renaming of the Esperance-Eastern Goldfields Zone – Support

- 1.3 Groupings of Councils within WALGA Zones – Not Support
- 2.1 Western Power – Lack of Maintenance on Infrastructure - Support
- 2.2 Regional Co-operation & Structural Reform – Support Composite Motion
- 2.3 Visiting Medical Specialist Services – Support
- 2.4 Public Sector Housing – Not Support
- 2.5 Local Government and Aboriginal Communities – Support
- 3.1 Maintenance of Vegetation Adjacent to Power Lines – Support
- 5.1 Amendment to Schedule 2.1 Local Government Act – Support
- 5.2 State Government Consultation with Local Government – Support Composite Motion
- 5.3 Conduct of Postal Elections – Support

RESOLUTION: 2004-102

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

That Council delegates to the Country Shire Councils Association Annual General Meeting at Burswood Resort Convention Centre, Grand Ballroom, Perth on Sunday 8 August 2004, be instructed and authorised to vote on the following Agenda items as follows:

- 1.1 *Constitutional Amendment – Term of the Third WA Local Government Association State Council – Support*
- 1.2 *Constitutional Amendment Proposals – Transfer of Shire of Wiluna from Murchison Country Zone to Esperance-Eastern Goldfields Zone and Renaming of the Esperance-Eastern Goldfields Zone – Support*
- 1.3 *Groupings of Councils within WALGA Zones – Not Support*
- 2.1 *Western Power – Lack of Maintenance on Infrastructure - Support*
- 2.2 *Regional Co-operation & Structural Reform – Support Composite Motion*
- 2.3 *Visiting Medical Specialist Services – Support*
- 2.4 *Public Sector Housing – Not Support*
- 2.5 *Local Government and Aboriginal Communities – Support*
- 3.1 *Maintenance of Vegetation Adjacent to Power Lines – Support*
- 5.1 *Amendment to Schedule 2.1 Local Government Act – Support*
- 5.2 *State Government Consultation with Local Government – Support Composite Motion*
- 5.3 *Conduct of Postal Elections – Support*

CARRIED 5/0

10.1.3 NORTH MIDLANDS VROC MEETING – V4

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	13 July 2004
ATTACHMENTS	10.1.3 Minutes of NMVROC Meeting of 25 May 2004

SUMMARY:

Council to consider its position in relation to a recommendations from the North Midlands VROC Meeting held on 25 May 2004 to retain surplus funds from the CDMA Mobile Phone Project for use by the North Midlands VROC for future regional projects.

BACKGROUND:

Cr Girando and the Chief Executive Officer attended the ordinary meeting of the North Midlands (VROC) Meeting held on 25 May 2004 held in Mingenew. Minutes of that meeting are included at Attachment 10.1.3 Minutes of NMVROC Meeting of 25 May 2004,

The resolutions of this meeting are treated as recommendations to be approved by individual member Councils prior to being implemented.

The North Midlands VROC made one recommendation that requires consideration by Council at Item 8.3 of the minutes titled Networking the Nation Funds Acquittal.

That Recommendation of the North Midlands VROC is:

Moved Cr Cooke seconded Mr Wilkes that the North Midlands Voluntary Regional Organisation of Council's retains the surplus monies from the CDMA Mobile Telephone Project. Said monies to be utilized on projects of a regional nature as determined by the North Midlands VROC from time to time.

Carried 7/0

COMMENT:

CDMA Mobile Phone Project

Funding for the CDMA Mobile Phone Project was obtained by the North Midlands VROC from the Federal Government's "Networking the Nation". Each member Council contributed \$60,000 to the Project costing a total of \$1,760,000. The project installed mobile telephone base stations in Leeman, Coorow, Three Springs, Mingenew, Mullewa, Morawa and Perenjori and repeater stations in Green Head and Carnamah. Later base stations were installed in Canna and Carnamah.

The Shire of Morawa obtained the grant and administered the project for the North Midlands VROC over some four years.

Excess Funds

Following completion of the project, and acquittal of the grant, an amount of excess funds of \$105,943.66 is now available for distribution. The funds are made up of interest earned on the substantial amounts of funds deposited for long periods of time. The \$105,943.66 equates to \$15,134.81 per shire.

Included as project funds were monies retained by the Shire of Morawa for administrative costs, agreed at the time of the grant application

Eradu Wireless West Project

In 2002, although the Shire of Coorow voted against, an \$11,000 contribution to the Eradu Wireless West site in the Shire of Mullewa was made by resolution of a majority of North Midlands VROC members. The rationale for this decision was that the Eradu Wireless West project was the installation of CDMA mobile telephone services to a shire in the region and could therefore be seen as part of the North Midlands VROC CDMA Mobile Phone Project. The payment was made from excess funds.

Wireless West was a state government initiative that required local governments to contribute either \$20,000 or \$40,000 for the installation of remote mobile telephone installations. At the Eradu site, located in the west of the Shire of Mullewa the \$20,000 contribution required by the Shire of Mullewa obtained from the North Midlands VROC and the nearby Shires of Chapman Valley and Greenough.

The Watheroo Mobile Telephone site, very near to Councils southern border with the Shire of Moora, was also Wireless West site to which Council resolved not to make a contribution.

STRATEGIC IMPLICATIONS:

The proposal by the VROC to retain the surplus funds will allow Councils to jointly expend funds on various projects of a regional nature. This will give the North Midlands VROC a financial capacity that it has lacked in completing various projects.

However to say that these funds should be retained and to be allocated to projects of a regional nature as determined from time to time maybe false economics. If the projects the funds are eventually spent on are not worthwhile, then the money has been wasted.

Councils should allocate money in annual budgets to the most worthwhile projects. As an example Council is allocating funds to signage projects developed by the Wildflower Country Tourism Committee because it sees the project as worthwhile. If Council would not provide funds in an annual budget to fund a project, then the project is not worthwhile and should not be funded.

FINANCIAL IMPLICATIONS:

Although Council will receive \$15,134.81, Council has included this transfer in the lesser amount of \$11,000 as income in Council's draft 2004/2005 Budget.

POLICY IMPLICATIONS & STATUTORY ENVIRONMENT:

Nil at this time.

CONSIDERATION:

As yet the North Midlands VROC has not yet decided how these funds should or will be applied. Council may resolve not to support a project, however be overruled by majority of other North Midlands Councils. Already the North Midlands VROC has spent funds that would have otherwise been returned to Council to fund an initiative which Council did not support.

Given that Council's draft budget allows for \$11,000 of these monies to be received by Council to expended over 2004/2005, Council could agree to the sentiment of the North Midlands VROC recommendation and place any excess funds into a Council Reserve Fund for the purpose of funding regional projects that Council may support from time to time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. not support the North Midlands VROC retaining the surplus monies from the CDMA Mobile Telephone Project; and
2. place any funds in excess of \$11,000 included in Council's 2004/2005 budget to be received from the North Midlands VROC into a Regional Projects Reserve to expend on future, as yet undetermined, projects of a regional nature as Council determines from time to time.

RESOLUTION: 2004-103

Moved: *Beswick*

Seconded: *Waite*

That Council:

1. *not support the North Midlands VROC retaining the surplus monies from the CDMA Mobile Telephone Project; and*
2. *place any funds in excess of \$11,000 included in Council's 2004/2005 budget to be received from the North Midlands VROC into a Regional Projects Reserve to expend on future, as yet undetermined, projects of a regional nature as Council determines from time to time.*

CARRIED 5/0

10.1.4 SALE OF ABANDONED VEHICLE – TENDER 6/04

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	13 July 2004

SUMMARY:

Council to consider tenders for the purchase of an impounded vehicles.

COMMENT:

Council has impounded an abandoned, unregistered, 1982 White Ford Laser vehicle in poor condition at the Green Head Works Depot.

After unsuccessfully following the prescriptions of the Local Government Act 1995 to notify the owner, Council subsequently tendered the sale of the vehicle on Friday 18 June 2004.

Only one tender was received, just before the close of tenders on Friday 9 July 2004. This tender was from Ms Glenda McKenzie of Leeman for the sum of \$20.

Council is to keep funds from the sale, less any Council costs, in Trust for the owner of the vehicle.

POLICY IMPLICATIONS:

Delegation 2.1.3 gives Council staff have authority to call tenders.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC & FINANCIAL IMPLICATIONS:

It should be noted that the tender is for an extremely small amount. Given Council's current agreement with a steel recycling contractor, it may be better financially to hold the vehicle at Council's Leeman tip for recycling.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council exercise its right to not accept any tender and re-advertise the sale of the impounded vehicle for sale by tender.

RESOLUTION: 2004-104

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

That Council exercise its right to not accept any tender and re-advertise the sale of the impounded vehicle for sale by tender.

CARRIED 5/0

Cr Stacy declared an Impartiality Interest in Item 10.1.5, in that he is related by marriage to Mr A D Frost.

10.1.5 GEOGRAPHIC NAMES COMMITTEE – NAMING OF PLACES & ROADS – L2.1

AUTHOR	Gary Sherry
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 April 2004
ATTACHMENT	10.1.5a Suggested Names of Green Head Identities 10.1.5b Map of Marchagee CBH Receiving Point Access Road

SUMMARY:

Council to consider names to be provided to the Geographic Names Committee.

BACKGROUND:

Council has previously been advised by Landcorp that, with regard to the new South Bay Subdivision at Green Head, the Geographic Names Committee (GNC) of the Department of Land Information (DLI) had revealed only the name “Doney” on the Reserved Name Index. Therefore Council was requested to nominate additional names for the five new streets to be named in this subdivision.

In March Council submitted the name “O’Callaghan” and the names “Folland”, “Carruthers” and “Maxwell” that were used in the original structure plan for this subdivision and were replaced on the Reserved name Index.

COMMENT:

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

Council has subsequently received a list of possible candidates and historical information for each candidate from Mrs Lyn Armstrong of Green Head. The names of candidates are included at attachment 10.1.5a.

The GNC has requested a name that Council intends applying to the relatively newly constructed road that access the Marchagee CBH Receiving Point. This road was constructed by Council staff in completing a private works job for the term network contractor in 2002. A map of the site is included at Attachment 10.1.5b.

A suggested name for this road in Marchagee could be that of Frost. Marchagee resident Mr AD (Arnold) Frost was a Shire Councillor from 1962 to 1974 and Shire President from 1971 to 1974.

STATUTORY ENVIRONMENT:

GNC Guidelines For Names

General guidelines for geographical naming are set forth in the "Principles, Policies and Procedures" booklet, published by the Geographic Names Committee. Copies of this booklet are available from the Secretariat. The Principles of Nomenclature for the naming of features within Western Australia have been listed briefly below.

- Names established by a statutory authority are accepted unchanged.
- Names in public use shall have primary consideration.
- Name duplication and dual naming should be avoided.
- Names of living persons should only be used in exceptional circumstances.
- Names characterised as follows are to be avoided where possible:
 - ◆ incongruous, given and surname combinations;
 - ◆ qualified names;
 - ◆ double names;
 - ◆ corrupted, unduly cumbersome, obscene, derogatory or discriminating names;
 - ◆ commercialised names.

The preferred sources of names are:

- Descriptive names appropriate to the features;
- Pioneers;
- war casualties and historical events connected with the area;
- Names from Aboriginal languages currently or formerly identified with the general area.

Generic terms must be appropriate to the features described. New names proposed must be accompanied by exact information regarding location, feature identification, origin or, if alteration is proposed, by rationale. The use of the genitive apostrophe is to be avoided (eg. Butcher's). Hyphenated words in place names shall only be used where these have been adopted in local usage.

FINANCIAL AND POLICY IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Should Council not wish to nominate all past residents, Council should look to nominate only people with a reasonably distinguished record of service to the community. This may be difficult for Council when questioned by relatives of nominees over time, but Council's decisions will stand scrutiny over time.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. forward to the names Adams, Halden, Hodgson, Pethick to the Geographic Names Committee to be included on the Reserved Name Index; and
2. advise that the name Frost be applied to the newly constructed road that access the Marchagee CBH Receiving Point

RESOLUTION: 2004-105

Moved: Waite

Seconded: Beswick

That Council:

1. *forward to the names Adams, Halden, Hodgson, Pethick and Craike to the Geographic Names Committee to be included on the Reserved Name Index; and*
2. *advise that the name Frost be applied to the newly constructed road that access the Marchagee CBH Receiving Point.*

CARRIED 5/0

10.2 MANAGER COMMUNITY DEVELOPMENT:

10.2.1 APPLICATION FOR PLANNING APPROVAL – WORKSHOP AND CARETAKER’S DWELLING – LOT 646 TAILOR STREET LEEMAN – LOT 646
--

NAME OF APPLICANT:	Mr. D. Southern
LOCATION	Lot 646 Tailor Street Leeman
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 th July 2004
ATTACHMENT:	10.2.1a Site Plan Lot 646 Tailor Street, Leeman 10.2.1b Floor Plan Lot 646 Tailor Street Leeman

SUMMARY:

Application from Mr. Don Southern of 13 Swan Road, Swan View WA 6056 for Planning Approval to develop an ‘Industrial Workshop and Caretaker’s Temporary Residence’ on lot 646 Tailor Street, Leeman.

COMMENT:

For Council’s information plans enclosed with the Planning Application are included at Attachment 10.2.1a and 10.2.1b.

The plans display a proposed development that suggests an aesthetically pleasing aspect from the street.

Mr. Southern has advised that he operates an earth moving business with bases in the Perth metropolitan area and Mount Magnet. The proposed development at lot 646 Tailor Street is to support his earth moving activities in the growing coastal region covering Leeman, Green Head, Jurien and Cervantes. He also informs that he expects the proposed Leeman base will be operated for approximately 6 months of the year.

Lot 646 Tailor Street Leeman is zoned “Industrial” under the Shire of Coorow Town Planning Scheme No. 2.

“Industrial Zone” – to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from the residential areas.

“Light Industry” means an industry –

- (a) in which the process carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the area.
- (b) The establishment or conduct of which does not, or will not impose an undue load on any existing or proposed service for the supply or provision of essential services.

Council is informed that the proposed workshop satisfies the essential criteria for *light industry* in an “Industrial” zoned area under the Shire of Coorow Town Planning Scheme No. 2.

However, the proposal does not satisfy the criteria for a *Caretaker’s Dwelling* as specified in the proposed Shire of Coorow Local Planning Policy No. 4 – Caretaker’s Dwellings in “Industrial Zoned’ Areas.

PROPOSED LOCAL PLANNING POLICY NO. 4

- (1) *A Caretaker’s Dwelling is not to be developed and /or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;*
- (2) *only one Caretaker’s Dwelling is permitted on a lot; for purposes of this clause “lot” excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;*
- (3) *a Caretaker’s Dwelling is to have a total floor area that does not exceed 100m² measured from the external face of the walls;*
- (4) *positioning of a Caretaker’s Dwelling on a lot shall be so that the Caretaker’s Dwelling is located behind the front building line of the industrial building; and*
- (5) *open verandah’s may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² referred to in paragraph (c).*

Considering the requirements of the Proposed Shire of Coorow Local Planning Policy No. 4, the proposal satisfies criterion 1, 2, 3, and 5, however not criterion 4 and this concern has been expressed to Mr. Southern. Mr. Southern’s response was that the Caretaker’s Dwelling will also double as an office and reception area.

It is therefore suggested that if a minor amendment is made to the Caretaker’s Dwelling design/layout to embrace a small separate office/reception area the application could satisfy all applicable requirements under the Shire of Coorow Town Planning Scheme No. 2 as well Planning Policy No. 4.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2.

PART 8 – DEVELOPMENT OF LAND.

Clause 8.1 Requirement for Approval to commence Development.

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

- Note:*
- 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
 - 2. Development includes the erection, placement and display of any advertisements.*

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

PROPOSED LOCAL PLANNING POLICY NO. 4
CARETAKERS DWELLINGS IN "INDUSTRIAL ZONED" AREAS

The objectives of this 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.
- (d) To provide clarification and consistency in terms of Council's application of its discretionary power to approve.

PROPOSED LOCAL PLANNING POLICY NO. 4 CRITERIA

- (1) A *Caretaker's Dwelling* is not to be developed and /or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (2) only one *Caretaker's Dwelling* is permitted on a lot; for purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;
- (3) a *Caretaker's Dwelling* is to have a total floor area that does not exceed 100m² measured from the external face of the walls;
- (4) positioning of a *Caretaker's Dwelling* on a lot shall be so that the *Caretaker's Dwelling* is located behind the front building line of the industrial building; and
- (5) open verandah's may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² referred to in paragraph (c).

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Approval is granted for Mr. Don Southern of 13 Swan Road Swan View WA 6056 to develop a light industry workshop and caretaker's dwelling at lot 646 Tailor Street Leeman, as conceptually displayed on the plans submitted with the application conditional upon, without changing the front aspect of the building:

- (a) incorporating an office/public reception room into the planned staff kitchen/dining area that has access from the front of the building;
- (b) providing signed designation for the office/public reception area that is legible from the street; and
- (c) obtaining a formal Building Licence prior to commencing any work on the building.

RESOLUTION: 2004-106

Moved: *Beswick*

Seconded: *Stacy*

That Planning Approval is granted for Mr. Don Southern of 13 Swan Road Swan View WA 6056 to develop a light industry workshop and caretaker's dwelling at lot 646 Tailor Street Leeman, as conceptually displayed on the plans submitted with the application conditional upon, without changing the front aspect of the building:

- (a) incorporating an office/public reception room into the planned staff kitchen/dining area that has access from the front of the building;*
- (b) providing signed designation for the office/public reception area that is legible from the street; and*
- (c) obtaining a formal Building Licence prior to commencing any work on the building.*

CARRIED 5/0

10.2.2 APPLICATION FOR PLANNING APPROVAL – CARETAKER’S DWELLING AND KENNELS – LOT 468 WHISTLER CRESCENT GREEN HEAD - LOT GH 468

NAME OF APPLICANT:	Wayne Mol
LOCATION	Lot 468 Whistler Crescent Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 th July 2004
ATTACHMENT:	10.2.2a, 10.2.2b, 10.2.2c and 10.2.2d

SUMMARY:

Application for Planning Approval to develop a Caretaker’s Dwelling and Kennels at lot 468 Whistler Crescent, Green Head.

COMMENT:

Application for Planning Consent has been received from Mr. Wayne Mol of 101 Crawford Street East Cannington WA 6107 to develop a Caretaker’s Dwelling and Kennels at lot 468 Whistler Crescent Green Head. Attachments 10.2.2a, 10.2.2b, 10.2.2c and 10.2.2d set out for Councillor’s information details of the application.

Mr. Mol advised that as he lives in Perth he wishes to build the residence first, under an Owner-Builder Licence. Once the residence is complete and suitable for accommodation he hopes to start on the kennels as he is unsure, at this stage, on the final design of them.

When questioned about the purpose of the kennels he stated that they would be used primarily for breeding with some boarding.

Council is informed that staff have concerns with the way this proposed development is presented and I example:

- (1) Lot 468 Whistler Crescent Green Head is zoned “Industrial” under the Shire of Coorow Town Planning Scheme No. 2.
- (2) Kennels are not a legitimate “Industrial” activity.
- (3) Under the Town Planning Scheme a *caretakers dwelling* means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building.
- (4) Would the proposed development compromise the integrity of the Green Head industrial area by creating a pseudo residential use on an industrial zoned lot?
- (5) If approval is granted and the residence completed what guarantee is there that the kennels will be built immediately thereafter.

Notwithstanding the above:

- (a) Council **does** have discretionary approval authority under the Scheme to approve the development of kennels in an “Industrial” zone (subject to Special Notice).
- (b) There is no other land available or zoned under the Shire’s Town Planning Scheme on which kennels could be approved other than in the “Rural” area.

Further, under the Shire of Coorow Dogs Local Law a person shall not operate a kennel establishment without first obtaining a Licence from the local government.

STATUTORY ENVIRONMENT:

SHIRE OF COOROW TOWN PLANNING SCHEME NO. 2

“Industrial Zone” - to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from the residential areas.

“Industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations.

Pursuant to Table 1 of the Shire of Coorow Town Planning Scheme No. 1 Kennels have an ‘A’ symbol.

TABLE 1: Zoning Table

P - Permitted D - Discretion A - Special Notice X- Not Permitted

Use Classes	ZONES*							
	Residential	Commercial	Industrial	Tourist Accom	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions
Aged Persons Hostel	D	X	X	A	D	D	D	X
Agriculture Intensive	X	X	X	X	A	X	X	X
Animal Establishment	X	X	X	X	P	D	X	X
Aquaculture	A	X	D	D	P	A	X	X
Caretaker's Dwelling	P	D	D	D	D	D	D	D
Carpark	A	D	D	D	D	D	D	D
Civic Use	X	D	X	X	X	X	P	P
Consulting Room	A	P	D	X	A	A	X	D
Dog Kennels	X	X	A	X	A	A	X	X
Dry Cleaning Premises	X	A	A	X	X	X	X	X
Dwelling	P	X	X	D	P	P	X	X
Educational Establishment	A	D	D	X	A	A	D	D
Fast Food Outlet	X	P	D	A	X	X	X	X

Use Classes	ZONES*							
	Residential	Commercial	Industrial	Tourist Accom	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions
Fuel Depot	X	X	A	X	X	X	X	X
Funeral Parlour	X	P	D	X	A	X	X	X
Health Club	X	P	X	A	X	A	X	D
Home Occupation	D	X	X	X	D	D	X	X
Hospital	X	A	X	X	A	X	X	X
Hotel	X	A	X	A	A	X	X	X
Industry Cottage	A	P	P	A	A	A	X	X
Industry Extractive	X	X	X	X	A	X	X	X
Industry General	X	X	P	X	X	X	X	X
Industry Hazardous	X	X	A	X	A	X	X	X
Industry Light	X	X	P	X	A	X	X	X
Industry Rural	X	X	P	X	D	A	X	X
Industry Service	X	D	P	X	A	X	X	X
Milk Depot	X	P	A	X	A	X	X	X
Motel	X	A	X	P	A	X	X	X
Motor Vehicle Repair	X	A	P	X	A	X	X	X
Motor Vehicle Wrecking	X	X	D	X	X	X	X	X
Office	X	P	A	A	A	A	D	D
Place of Worship	A	D	X	X	A	A	P	D
Public Utility	X	D	P	D	D	D	D	D
Reception Centre	X	P	X	D	A	A	D	D
Recreation Private	X	P	D	D	A	A	D	P

Clause 4.3. – Zoning Table

4.3.2. ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

Clause 9.4. - ADVERTISING OF APPLICATIONS

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is –
 (a) an ‘A’ use as referred to in clause 4.3.2; or
 (b) a use not listed in the Zoning Table
 the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways-
 (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;

(b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local

government by a specified day being not less than 14 days from the day the notice is published;

- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5. Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6. After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

Schedule 1- General Definitions

“Caretakers dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

SHIRE OF COOROW DOGS LOCAL LAW

Part 4 - Approved Kennel Establishments

4.1 Interpretation

In this Part and in Schedule 2 –

“licence” means a licence to keep an approved kennel establishment on premises;

“licensee” means the holder of a licence;

“premises”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“transferee” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made on Form 1 of Schedule 1, and must be lodged with the local government together with –

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgment that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment on Form 2 of Schedule 1, after the application for a licence has been lodged –
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.

The notices in subclause (1) must specify that –

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 21 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

SCHEDULE 2

Conditions of a licence for an approved kennel establishment

An application for a licence for an approved kennel establishment may be approved subject to the following conditions –

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than –
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be –
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;

- (h) the kennel floor must have a durable up stand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of –
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheathed internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside –
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Proposed Shire of Coorow Local Planning Policy No. 4.

CARETAKERS DWELLINGS IN “INDUSTRIAL ZONED” AREAS

The objectives of this 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.

- (d) To provide clarification and consistency in terms of Council's application of its discretionary power to approve.

PROPOSED LOCAL PLANNING POLICY NO. 4

- (1) A *Caretaker's Dwelling* is not to be developed and /or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (2) only one *Caretaker's Dwelling* is permitted on a lot; for purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;
- (3) a *Caretaker's Dwelling* is to have a total floor area that does not exceed 100m² measured from the external face of the walls;
- (4) positioning of a *Caretaker's Dwelling* on a lot shall be so that the *Caretaker's Dwelling* is located behind the front building line of the industrial building; and
- (5) open verandah's may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² referred to in paragraph (c).

VOTING REQUIREMENTS:

Simple majority.

CONSIDERATION:

Council is advised that Mr. Mol has been informed that approval of his application for kennels would be subject to Council discretion due to the 'A' symbol in Table 1. Also, as the plans enclosed with his Planning Application appeared to place greater importance on the development of the residence Council's approval may not be anticipated.

It is the view of staff that this application should not be given Planning Approval in its current form and that the applicant be advised to resubmit an amended application that is in line with the requirements of Shire of Coorow Town Planning Scheme No.2 and Shire of Coorow Dogs Local Law.

OFFICER RECOMMENDATION:

That:

1. Planning Approval is not given to Mr. Wayne Mol of 101 Crawford Street East Cannington to develop kennels and a caretaker's dwelling on lot 648 Whistler Crescent Green Head as proposed in his Application for Planning Approval dated 8th June 2004.
2. Mr. Mol is to be advised that Council may re-consider this decision following receipt of acceptable amended detailed plans showing –
 - (a) how the kennels are to be constructed in accordance with the Conditions of Licence for an Approved Kennel Establishment in Schedule 2 of the Shire of Coorow Dogs Local Law; and
 - (b) the caretaker's dwelling being repositioned in closer proximity to the kennels for control of the dogs, ease of assessment of their health and welfare and to reduce the perception that the integrity of the industrial area is being compromised.

RESOLUTION: 2004-107

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

That:

1. *Planning Approval is not given to Mr. Wayne Mol of 101 Crawford Street East Cannington to develop kennels and a caretaker's dwelling on lot 648 Whistler Crescent Green Head as proposed in his Application for Planning Approval dated 8th June 2004.*
2. *Mr. Mol is to be advised that Council may re-consider this decision following receipt of acceptable amended detailed plans showing –*
 - (a) how the kennels are to be constructed in accordance with the Conditions of Licence for an Approved Kennel Establishment in Schedule 2 of the Shire of Coorow Dogs Local Law; and*
 - (b) the caretaker's dwelling being repositioned in closer proximity to the kennels for control of the dogs, ease of assessment of their health and welfare and to reduce the perception that the integrity of the industrial area is being compromised.*

CARRIED 5/0

Cr Beswick declared a Proximity Interest in Item 10.2.3 in that she owns a neighbouring property to lot 37/38 Green Head Road, Green Head and left the meeting at 3.58pm.

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

NAME OF APPLICANT:	Sandie and David Hunt.
LOCATION	Lot 38 Green Head Road, Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 th July 2004
ATTACHMENT:	10.2.3 Plans of Development

SUMMARY:

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

COMMENT:

Application has been received from Sandie and David Hunt of 41 Green Head Road Green Head for Planning Approval to develop an external games room at lot 38. Included as Attachment 10.2.3 are plans of the developments for Councillor's information.

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

Their application states:

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

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

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No. 2.

8.2 PERMITTED DEVELOPMENT

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

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

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

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

Due to the lack of a quorum Council deferred this item to the next meeting of Council.

Cr Beswick returned to the meeting at 3.59 pm.

10.2.4 APPLICATION FOR PLANNING APPROVAL – SUBDIVISION – Lot GH 200

NAME OF APPLICANT: Marco D’Addario.
LOCATION Lot 200 Ocean View Drive Green Head.
AUTHOR Garry Agnew
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 8th July 2004
ATTACHMENT: 10.2.4 Maps of Development

SUMMARY:

Application Planning Approval to subdivide lot 200 Ocean View Drive Green Head.

COMMENT:

The Western Australian Planning Commission (WAPC) has advised that it is in receipt of an application from Mr. Marco D’Addario to subdivide his 2428m² lot 200 Ocean View Drive Green Head into 3 separate lots (809m², 809m² and 810m²). Maps of the proposed Subdivision are included at Attachment 10.2.4.

The WAPC requires a response from Council by the 29th July 2004 being 42 days after the date of the letter.

Lot 200 Ocean View Drive Green Head is zoned “Residential” under the Shire of Coorow Town Planning Scheme No. 2 with an R 12.5 Density Coding.

Pursuant to the Residential Design Codes the minimum area for an R12.5 Density Coded lot is 700m² with an average of 800m².

The minimum frontage of an R12.5 Density Coded lot is 17m therefore this proposal does not satisfy this criteria in that the proposal shows 3 lots each with a 13.41m frontage.

Council is informed that as it does have a degree of discretion with respect to the frontage of the lots and that as each of the lots exceed the minimum area for R12.5 it is suggested the proposal be supported.

STATUTORY ENVIRONMENT:

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 Subdivision of lot 200 Ocean View Drive Green Head into three 800m² lots with 13.41m frontages is agreed to.

RESOLUTION: 2004-108

Moved: Waite **Seconded:** Stacy

That Subdivision of lot 200 Ocean View Drive Green Head into three 800m² lots with 13.41m frontages is agreed to.

CARRIED 5/0

10.2.5 DELEGATION – ACTING MANAGER COMMUNITY DEVELOPMENT - S7.14

AUTHOR Garry Agnew
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 12th July 2004

SUMMARY:

Delegation of Authority to Acting Manager Community Development (MCD) Mr Lennard Welch.

COMMENT:

During the absence of Council's MCD Mr Garry Agnew on accumulated annual leave from 9th August to 20th September 2004, Mr Lennard Welch will be Acting MCD.

Mr. Welch will be responsible for all Shire Environmental Health, Building Control and Town Planning responsibilities, together with Executive Management functions at the Leeman Administration Centre. Therefore Council needs to delegate specific authorities to Mr Welch.

Though most delegations can be passed on by the CEO pursuant to 5.44 of the Local Government Act 1985, Council is required to appoint Mr Welch:

- Principal Environmental Health Officer;
- As an "Authorised Officer" under the Caravan Parks and Camping Grounds Act; and
- Shire of Coorow Building Surveyor

STATUTORY ENVIRONMENT:

Health Act 1911.
Local Government Act 1985.
Local Government (Miscellaneous Provisions) Act 1960.

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute majority.

OFFICER RECOMMENDATION:

That for the period 9th August 2004 to 20th September 2004 Mr Lennard Welch is appointed Acting Manager Community Development and specifically appointed:

1. Principal Environmental Health Officer pursuant to the Health Act 1911;
2. Shire Building Surveyor pursuant to the Local Government (Miscellaneous Provisions) Act 1960;
3. "Authorised Person" under Section 17 of the Caravan Parks and Camping Grounds Act; and delegated the authorities that the position of Manager Community Development holds.

RESOLUTION: 2004-109

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

That for the period 9th August 2004 to 20th September 2004 Mr Lennard Welch is appointed Acting Manager Community Development and specifically appointed:

- 1. Principal Environmental Health Officer pursuant to the Health Act 1911;*
- 2. Shire Building Surveyor pursuant to the Local Government (Miscellaneous Provisions) Act 1960;*
- 3. Authorised Person" under Section 17 of the Caravan Parks and Camping Grounds Act;*

and delegated the authorities that the position of Manager Community Development holds.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.2.6 SHIRE OF COOROW DOGS AMENDMENT LOCAL LAW - B 7.8

NAME OF APPLICANT: MCD
AUTHOR Garry Agnew
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 12th July 2004
ATTACHMENT:

SUMMARY:

Council is required to make an amendment to the Shire of Coorow Dogs Local Law.

COMMENT:

On the 28th May 2004 the Shire of Coorow Dogs Local Law 2003 was gazetted.

A procedural stage in the final adoption of a local law is approval by the State Parliament's Joint Standing Committee on Delegated Legislation.

The Joint Standing Committee's function is to assess the purpose and effect of new legislation in terms of the Statutory Head of Power, legal expression and the Government's Competition Policy etc.

The Shire of Coorow Dogs Local Law 2003 was assessed by the Joint Standing Committee on the 23rd June 2004 and the Committee has written to the Shire regarding the following matters.

Drafting Error –

Clause 3.1 of this local law inserts “...under section 9.10 of the Act...” into the definition of ‘authorised person’ in the adopted local law. It appears as though the Shire is attempting to refer to the *Local Government Act 1995*, but under clause 1.3 of the adopted local law, the term ‘Act’ is defined as the *Dog Act 1976*, which does not exist.

Inconsistency with the Dog Act 1976 –

Clause 4.4 of this local law inserts a penalty provision into clause 3.2(2) of the adopted local law. The penalties relate to the keeping of dogs in excess of the maximum number prescribed by the local law, and are as follows.

Penalty: *Where the dog is a dangerous dog, \$250 per dog exceeding approved number to be kept; otherwise \$100 per dog exceeding approved number to be kept.*

Section 50(2) of the *Dog Act 1976* only authorises local laws to impose penalties of up to \$2,000. Under the Committee's interpretation of clause 3.2(2), keeping a number of dogs in excess of the allowed maximum amounts to one breach of the local law, regardless of how many excess dogs are kept. That is, where 2 excess dogs are kept, the penalty of \$200 would relate to one breach of the local law rather than two breaches. The Committee is concerned that, where the number of dogs kept in excess of the allowed maximum is large, the total

penalty for each contravention could exceed \$2,000. In the case of dangerous dogs, the property owner only needs to keep an excess of 4 dogs to be fined \$2,500 by a court.

Clause 3.2(2) as amended by Clause 4.4 of this local law has the potential to be inconsistent with section 50(2) of the *Dog Act 1976*. It would be void to the extent of any inconsistency pursuant to section 43(1) of the Interpretation Act 1984.

Correspondence has been sent to the Joint Standing Committee acknowledging the Committee's comments and agreeing with its determination.

Undertaking –

The Joint Standing Committee on Delegated Legislation has been informed of the following undertaking to address the errors identified.

1. Clause 3.1 of the Shire of Coorow Dogs Local Law to be deleted, thereby adopting *by-reference* the approved definition in the Shire of Moora Dogs Local Law i.e. “*authorised person*” means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law.
2. Delete Clause 4.4.

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 imposition of penalty does not exceed \$2,000 as specified in section 50(2) of the Dog Act 1976.

STATUTORY ENVIRONMENT:

Dog Act 1976.
Section 49 - Local Laws

Local Government Act 1995
Section 3.12 – Procedures for making Local Laws

Shire of Coorow Standing Orders Local Law 1999
Section 16.1.2

FINANCIAL IMPLICATIONS:

Advertising costs in accordance with the procedure for making a local law are accommodated in the 2004/05 Budget.

10.2.7 LANNING APPLICATION – OVER SIZED GARAGE – GH 378

NAME OF APPLICANT:	Edward Brockman.
LOCATION	Lot 378 Green Head Road Green Head.
AUTHOR	Garry Agnew
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	15 th July 2004
ATTACHMENT:	10.2.7 Plan of Lot 378 Green Head Road

SUMMARY:

Application for Planning Approval to extend external garage to 85m².

COMMENT:

Mr Edward Brockman is in the process of altering the existing external garage at his lot 378 Green Head Road Green Head under Building Licence 41/03 but now seeks Council approval to amend the alteration to extend the building work to embrace the recessed area shown on Attachment 10.2.7

Council is informed that the proposed extension will increase the finished area of the garage to 85.5m² therefore discretionary approval is required.

As the two storey residence on this site is a significant building that overshadows the garage and as the garage is constructed in brick it is suggested that the application be approved.

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No.2.

8.3 PERMITTED DEVELOPMENT

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

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

FINANCIAL IMPLICATIONS:

Nil.

POLICY AND STRATEGIC IMPLICATIONS:

Shire of Coorow Policy No. 9.4.4 states that Council will give consideration to proposed outbuildings to a maximum area of 100m² on land zoned residential – taking into account the area of the site, plot ratio, proposed use and other circumstances.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Planning Approval is granted to Mr Edward Brockman to increase the area of his external garage at lot 378 Green Head Road to 85m².

RESOLUTION: 2004-111

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

That Planning Approval is granted to Mr Edward Brockman to increase the area of his external garage at lot 378 Green Head Road to 85m².

CARRIED 5/0

10.3 MANAGER WORKS AND SERVICES:

Nil.

10.4 MANAGER FINANCE AND ADMINISTRATION

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 July 2004
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 21 July 2004

SUMMARY:

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

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 23 June 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 21 July 2004.

As at 13 July 2004 accounts are on hand to the value of \$326,851.29.

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 21 July 2004 including vouchers 14070 to 14171 and payments CEOVISA, MWSVISA, MFAVISA, MCDVISA, DD-040 to DD045, T150604C to T120704L totalling \$326,851.29 from Council's Municipal Fund be authorised and passed for payment.

RESOLUTION: 2004-112

Moved: Stacy

Seconded: O'Callaghan

That payments listed at Attachment 10.4.1 Accounts Due and Submitted To Council Meeting on 21 July 2004 including vouchers 14070 to 14171 and payments CEOVISA, MWSVISA, MFAVISA, MCDVISA, DD-040 to DD045, T150604C to T120704L totalling \$326,851.29 from Council's Municipal Fund be authorised and passed for payment.

CARRIED 5/0

10.4.2 MONTHLY FINANCIAL REPORT

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	13 July 2004
ATTACHMENTS	10.4.2a Statement of Financial Position 10.4.2b Operating Statement 10.4.2c Cash Flow Graph 10.4.2d 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, Cash Flow Graph and Plant Cost Recovery. A copy of all four reports are attached for the month ended 30 June 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:

Policy 3.2.5 June Triannual Financial Reporting requires staff to prepare a Triannual Financial Report but not the production of a Triannual Financial Report at 30 June each year.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

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

RESOLUTION: 2004-113

Moved: Stacy

Seconded: O'Callaghan

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

CARRIED 5/0

10.4.3 ADOPTION OF COUNCIL'S 2004/2005 DRAFT BUDGET – B4/04

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 July 2004
ATTACHMENTS	2004/2005 Draft Budget

SUMMARY:

Council's 2004/2005 Draft Budget is presented to Council for adoption.

BACKGROUND:

Council considered the first Draft Budget at the Special Meeting on Wednesday 23 June 2004.

Amendments discussed at the Special Meeting on Wednesday 23 June 2004 are outlined below. These amendments have been made to the 2004/2005 Draft Budget.

- Borrow \$100,000 for Swimming Pool Upgrade
- Do not upgrade Coorow Administration (due to loan net result \$0)
- Do not carry out Green Head Drainage (due to loan net result \$0)
- Delete/reduce the following expenditure

Coorow Caravan Park Reticulation		2,000
Green Head Parks & Gardens	Power to Cliff Park	4,000
Volvo Tip Truck		15,000
Mechanics Vehicle		6,000
Lot 5 Bristol St	Reticulate front and back yards	2,500
Maley Park Hall Mtce	Recess lights in footy change rooms	1,000
Maley Park Hall Mtce	Replace cupboards and benches in kitchen	5,000
G Head Comm. Hall Mtce	Prepare Concept plans for Disabled Toilets	5,000
Lot 42 Commercial St	Construct pergola - southern side of house	3,000
Lot 19 North St	Replace air conditioner	4,000
Lot 17 North St	Tile passage and laundry floors	2,500
Lot 113 Bristol St	New evaporative air-conditioner	3,000
Wann Park Fencing Bore & Tank	staff to complete - not contractor	2,000
Upgrade Leeman Recreation Centre	Do only plans	73,000
Lot 64 Nairn St	Provide fence across rear boundary	2,000
Coorow Parks & Reserves	Railway Reserve Survey Costs	3,000
Reduce - Refreshments & Receptions	No Christmas Function	5,000
Bendigo Bank Feasibility Study		6,500
Morphett Park Shelter		5,000
Child Minding Centre		2,400
Leeman Office Grounds	Reticulation Repairs	2,000
Leeman Public Toilets	Paint internal and external	2,500
Strategic Planning		3,000
Maley Park Hall Mtce	Maintain substandard evaporative air-cons	2,000

Computer System Upgrade	Hardware/Software/Training	20,000
Area Promotion	Regional Signage	3,000
Lot 520 Tuart St	Provide clothes wardrobe in main bedroom	3,000
Lot 29 Spain St	Provide new rain water tank/upgrade stand	1,000
Building Reserve	Reduce transfer by \$20,000	20,000

- Increase the following Expenditure

Coorow Office Refurbishment	9,000
Road Safety Audit SouthWaddy Rd	1,500

- Increase the following Income

Rubbish Bins - Domestic	additional \$5 per bin increase	4,000
Rubbish Bins - commercial	increases	1,500
4% total Rate increase		14,000
5% total Rate increase		14,000
VROC Funds		11,000
6% total Rate increase		14,000
7% total Rate increase		14,000

After these alterations the Draft Budget had a deficit of \$7,300.

COMMENT:

Since Council's Special Meeting on 23 June 2004, further changes have been made to the Draft Budget including:

- Increase in Grants Commission Grant of \$60,235
- Decrease in Sundry Creditors of \$55,000
- Increase in LSL Leave liability of \$18,043
- Decrease in Stock on Hand (Fuel) of \$6,020
- Further minor adjustments to various income and expenditure items resulting from improved budget information.

Following these changes there is a surplus of \$122,451 available to be used on discretionary items. The following options have been provided.

	Option 1	Option 2	Option 3
Maley Park – Upgrade Air-cons/roof repairs	12,000		
Coorow Office Refurbishment	34,000	15,000	8,000
Leeman CRC – Separation wall	16,000		
Leeman CRC – Separation wall and toilets		73,000	
Computer Upgrade	20,000	20,000	
Do not reduce Building Reserve Transfer by \$20,000	20,000		
Delete 7% Rate increase	14,000	14,000	14,000
Lot 520 Tuart St - Wardrobe main bedroom	3,000		
Leeman Office Grounds Reticulation Repairs	2,000		
Lot 29 Spain St -Rain water tank & stand	1,000		
Do not take out Loan for Pool			100,000
	122,000	122,000	122,000

All these options will result in having a budget surplus of \$451

The 2004/05 Draft Budget provided to Councillors includes all the changes made from the Special Meeting held on the 23rd June 2004. It also includes the changes provided in Option 1.

Option 1 provides for a 6% rate increase and does not reduce the Building Reserve Transfer by \$20,000. This option allows for air-conditioning and further office renovations to be carried out on the Coorow Office. The separation of the Leeman CRC function room from the Leeman Club would commence in the latter part of the financial year, the works would only include the separation wall. Also urgent upgrade of air-conditioners/ roof repairs would be carried out at Maley Park.

Option 2 provides for a 6% rate increase. This option allows for the Leeman CRC function room to be separated from the Leeman Club, the works would provide for the separation wall and toilets. The \$15,000 for the Coorow Office would allow for five air-conditioners.

Option 3 provides for a 6% rate increase. It would also reduce the loan debt by not taking out the loan for the Coorow Swimming Pool Upgrade. The \$8,000 for the Coorow Office would allow for two air-conditioners.

STATUTORY ENVIRONMENT:

Council’s 2004/2005 document contains a number of items that require adoption by Council under the Local Government Act. They are that in accordance with:

- Section 6.32 (1) of the Local Government Act 1995 that the Rates and Minimum Rates to be levied on all rateable property be as follows:

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2004/05 Budgeted Rate
Differential General Rate				
GRV - Townsite	11.8440	689	4,218,920	499,689
UV - Agricultural	2.6425	194	35,894,500	948,511
UV - Mining	5.7196	14	545,868	31,221
Total		897	40,659,288	1,479,420
Minimum Rates				
	\$			
GRV - Townsite	400	135	252,534	54,000
UV - Agricultural	400	7	39,900	2,800
UV - Mining	400	22	44,098	8,800
Total		164	336,532	65,600
Total Rates Levied				1,545,021

Differential rating has been adopted in the past for Unimproved Values based on the land use of either Agriculture or Mining. Council has advertised the proposed differential rates, as required by Section 6.36 of the Local Government Act 1995, and no submissions have been received;

- Section 6.33(3) of the Local Government Act 1995 that the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate,
- Section 6.35 (5) of the Local Government Act 1995 that the Minister for Local Government's approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%,
- Section 6.46 of the Local Government Act a discount of 6 % be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;
- Section 6.45 of the Local Government Act a 5 % interest charge be levied on rates instalments, Deferred Pensioners Rates' excluded;
- Section 6.51 of the Local Government Act an 11% interest charge be levied on all overdue rates outstanding, Deferred Pensioners' Rates excluded;
- Section 6.45 of the Local Government Act an administration charge of \$5 be levied for the second and each of the subsequent rates instalments;
- Section 6.32 (1) of the Local Government Act 1995 the Schedule of Rents, Leases and Charges as detailed in the budget document;
- Section 64 (2) of the Local Government (Financial Management) Regulations 1996 that the due date for instalments be set as follows;

Two Instalment Option

1 st Instalment due	3 September 2004
2 nd Instalment due	3 November 2004

Two Instalment Option

1 st Instalment due	3 September 2004
2 nd Instalment due	3 November 2004
3 rd Instalment due	3 January 2004
4 th Instalment due	3 March 2004

- Section 6.19 of the Local Government Act 1995 requires a local government to give local public notice of any fees or charges it wishes to impose after adoption of the annual budget.

FINANCIAL AND POLICY IMPLICATIONS:

The budget sets the Council approved expenditure for the 2004/2005 financial year.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council adopt:

1. the Revenue and Expenditure as detailed in the 2004/2005 Draft Budget;
2. the Capital Expenditure as detailed in the 2004/2005 Draft Budget;
3. the Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value		
Townsite	11.8440	400
Unimproved Value		
Agricultural	2.6425	400
Mining	5.7196	400

4. apply to the Minister for Local Government for approval to impose differential rates which are more than twice the lowest differential general rate;
5. apply to the Minister for Local Government for approval to impose a UV Mining minimum payment where the number of separately rated UV Mining properties in the district on which a minimum payment is imposed is greater than 50%;
6. a discount of 6% be allowed for payment of rates in full within 35 days of the date of issue of Council's rate notice;
7. a 5% interest charge to be levied on rates instalments, Deferred Pensioners Rates' excluded;
8. an 11% interest charge to be levied on all overdue rates outstanding, Deferred Pensioners Rates' excluded;
9. an 11% interest charge to be levied on all overdue service charges and rubbish charges outstanding;
10. an administration charge of \$5 to be levied for the second and each of the subsequent rates instalments;
11. that the due date for instalments of rates payments be set as follows;

Two Instalment Option

- 1st Instalment due 3 September 2004
2nd Instalment due 3 November 2004

Two Instalment Option

- 1st Instalment due 3 September 2004
2nd Instalment due 3 November 2004
3rd Instalment due 3 January 2004
4th Instalment due 3 March 2004

and

12. the Schedule of Rents, Leases and Charges as detailed in the 2004/2005 Draft Budget.

RESOLUTION: 2004-114

Moved: Stacy

Seconded: O'Callaghan

That Council adopt:

1. the Revenue and Expenditure as detailed in the 2004/2005 Draft Budget;
2. the Capital Expenditure as detailed in the 2004/2005 Draft Budget;
3. the Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value		
Townsite	11.8440	400
Unimproved Value		
Agricultural	2.6425	400
Mining	5.7196	400

4. apply to the Minister for Local Government for approval to impose differential rates which are more than twice the lowest differential general rate;
5. apply to the Minister for Local Government for approval to impose a UV Mining minimum payment where the number of separately rated UV Mining properties in the district on which a minimum payment is imposed is greater than 50%;
6. a discount of 6% be allowed for payment of rates in full within 35 days of the date of issue of Council's rate notice;
7. a 5% interest charge to be levied on rates instalments, Deferred Pensioners Rates' excluded;
8. an 11% interest charge to be levied on all overdue rates outstanding, Deferred Pensioners Rates' excluded;
9. an 11% interest charge to be levied on all overdue service charges and rubbish charges outstanding;
10. an administration charge of \$5 to be levied for the second and each of the subsequent rates instalments;
11. that the due date for instalments of rates payments be set as follows;

Two Instalment Option

1st Instalment due 3 September 2004

2nd Instalment due 3 November 2004

Two Instalment Option

1st Instalment due 3 September 2004

2nd Instalment due 3 November 2004

3rd Instalment due 3 January 2004

4th Instalment due 3 March 2004

and

12. the Schedule of Rents, Leases and Charges as detailed in the 2004/2005 Draft Budget.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.4.4 FINANCIAL MANAGEMENT REVIEW

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 July 2004
ATTACHMENT	10.4.4 Financial Management Review

SUMMARY:

Executive staff actions/responses to the recommendations from Council's Financial Management Review report.

BACKGROUND:

Council would recall the following resolution from Council's March 2004 Ordinary Meeting:

RESOLUTION: 2004-024

Moved: Beswick Seconded: McTaggart

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

CARRIED BY ABSOLUTE MAJORITY 8/0

Council would recall the following resolution from Council's June 2004 Special Meeting:

RESOLUTION: 2004-067

Moved: Beswick Seconded: McTaggart

That Council:

1. Accept the Financial Management Review of Council's financial management systems and procedures; and

2. Staff prepare a comprehensive assessment of and response to the Financial Management Review to the July Ordinary Meeting of Council.

CARRIED 7/0

COMMENT:

Council's new auditors, Howarth Perth, subsequently completed Council's Financial Management Review in conjunction with Council's Interim Audit on Wednesday 9 June 2004 through to Friday 11 June 2004.

Council received the Financial Management Review report on Wednesday 23 June 2004 at the Special Meeting of Council. At this meeting it was resolved that staff prepare a comprehensive assessment and response to the Financial Management Review to the July Ordinary Meeting of Council. This response is provided at Attachment 10.4.4.

Where possible immediate procedural changes have been made. For Receipts/Debtors, Creditors, Payroll and Rates the relevant procedural changes have been implemented. In some instances recommendations made by Horwath's will be implemented during the 2004/05 financial year.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Part 2-General financial management-s 6 10

5. FINANCIAL MANAGEMENT DUTIES OF THE CEO

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

STRATEGIC AND POLICY IMPLICATIONS:

Policy 10.1.1 Private Works – Local Clubs and Organisations needs to be reviewed.

A purchasing policy will be developed and presented to Council for adoption in the near future.

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorses the actions implemented and responses made to the Financial Management Review.

RESOLUTION: 2004-115

Moved: Waite

Seconded: O'Callaghan

That Council endorses the actions implemented and responses made to the Financial Management Review.

CARRIED 5/0

10.4.5 LOAN NO. 80 – VOLVO GRADER – FILE L8.80

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

SUMMARY:

Council authorisation is sought to execute loan debentures relating to Loan 80.

COMMENT:

Loan 80 is a new debenture of \$100,000 raised to finance purchase of a Volvo Grader. This loan was included in Council's 2003/2004 budget. The new terms of the loan are:

Lending Amount	\$100,000
Lending Date	28 June 2004
Maturity Date	16 June 2009
Interest Rate	5.96 % pa
Schedule	10 Semi-Annual repayments
Repayment Amount	\$11,711.09

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.

STRATEGIC & POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Repayments for Loan 80 have been included in Council's 2004/2005 Budget.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

The President and Chief Executive Officer be authorised to sign under common seal the Debenture Documents for the financing of Loan No. 80.

RESOLUTION: 2004-116

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

The President and Chief Executive Officer be authorised to sign under common seal the Debenture Documents for the financing of Loan No. 80.

CARRIED 5/0

10.4.6 EXTENSION OF CONTRACT FOR THE PROVISION OF AN ON-LINE LICENSING AND REGISTRATION SERVICE – L6.7

AUTHOR	Dacre Alcock
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	12 June 2004
ATTACHMENTS	10.4.6 Contract Variation to <i>Provision of an On-line Licensing and Registration Services</i>

SUMMARY:

Seeking Council’s agreement to a Contract Variation to extend Council’s Licensing Agency Contract with the Department for Planning and Infrastructure (DPI).

COMMENT:

Council’s contract for the “Provision of an On-line Licensing and Registration Service” is due to expire on 30 June 2004. The DPI’s intention has been to develop a new contract for local government agencies in consultation with WALGA. Due to other factors including the implementation of a new computer system TRELIS the development of a new contract has slowed.

Therefore DPI seeks Council’s agreement to extend the current contract for a further 12 months from the date of expiry. The Contract Variation is included at Attachment 10.4.6.

STATUTORY ENVIRONMENT:

The form of the Contract variation is in keeping with the requirements of the original contract and does not need to be signed and sealed by Council.

POLICY IMPLICATIONS:

Nil

STRATEGIC AND FINANCIAL IMPLICATIONS:

Council provides the Licensing and Registration services on the basis of a community service to residents. While Council’s direct income received exceeds direct expenses, Council absorbs a significant amount of indirect, particularly labour, costs. The increasing complexity of the tasks has required considerable training of employees.

Increasingly the Licensing business transacted at Council offices is the more complicated tasks that often require face to face contact with the customer. These tasks are the most costly in terms of Council resources. However the more simple transactions, such as renewals of vehicle registrations, that are least costly in terms of Council resources are increasingly being done by other transaction methods including mail using credit cards and in the future payment through the internet.

DPI, as of the 6 July 2004, implemented a new computer system, "TRELIS", that combines the vehicle and driver databases. All Coorow and Leeman Administration Centre staff will be attending two and half day training sessions in October and September respectively. Council can claim up to \$1,000 for each agency for training costs.

DPI have promised a review of Agency rates, that would reflect an increase in commissions for the more costly and time consuming tasks. This will be done with the development of the new contract.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the Contract Variation of the "Provision of an On-line Licencing and Registration Service" as included at Attachment 10.4.6.

RESOLUTION: 2004-117

Moved: O'Callaghan Seconded: Waite

That Council endorse the Contract Variation of the "Provision of an On-line Licencing and Registration Service" as included at Attachment 10.4.6.

CARRIED 5/0

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:

Ordinary Meeting of Council
3pm, Wednesday 18 August 2004 at the Coorow Administration Centre.

16. CLOSURE:

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