

# Minutes

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:**

The President, Councillor Girando, welcomed those present and declared the meeting open at 3.05pm.

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

Councillor M J Girando	President
Councillor B J O'Callaghan	
Councillor J K Waite	
Councillor S A Beswick	
Councillor B J McDonald	
Councillor T K Pethick	
Councillor G W Eaton	
Mr G A Sherry	Chief Executive Officer
Mr P D Gillis	Manager Works and Services
Mr J A Randall	Manager Community Development
Mr D J Alcock	Manager Finance and Administration

**Visitors**

Mr Jason Mills	OIC Leeman Police Station
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**Leave of Absence:**

Councillor J M Stacy	Deputy President
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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

Nil.

**4. PUBLIC QUESTION TIME:**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Cr McDonald requested Leave Of Absence from 28 February 2006 to 5 March 2006.

Cr Girando requested Leave Of Absence from 26 February 2006 to 2 March 2006.

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**RESOLUTION: 2006-001**

**Moved:** O'Callaghan      **Seconded:** Pethick

*That Leave of Absence from Council be granted to:*

1. *Cr McDonald from 28 February 2006 to 5 March 2006; and*
2. *Cr Girando from 26 February 2006 to 2 March 2006.*

**CARRIED 7/0**

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

Mr Jason Mills made a presentation to Council regarding the establishment of a Leeman Tennis Club Facility, to be located on the north side of the new synthetic Leeman Bowling Green. Mr Mills outlined his proposal to establish both a Tennis Club and the tennis facility with assistance from the Shire of Coorow with the erection of a fence and funds up to \$3,000.

The President advised that this request will be considered at the March 2006 Council Meeting in line with Council Policy.

Mr Mills in his capacity of Officer in Charge of the Leeman Police Station provided a summary of police issues within the towns of Leeman and Green Head including vandalism in Green Head and arson at the Leeman tip and the very successful Leeman Policeman's Ball.

The President thanked Mr Mills for making both his presentations to Council.

**Mr Mills left the meeting at 3.40 pm.**

**7. CONFIRMATION OF MINUTES:**

7.1	ORDINARY MEETING HELD WEDNESDAY 14 DECEMBER 2005 IN THE MALEY PARK FUNCTION CENTRE, COOROW
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<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	20 December 2005

**COMMENT:**

Nil

**OFFICER RECOMMENDATION:**

That the Minutes of the Ordinary Meeting held on Wednesday 14 December 2005 in the Maley Park Function Centre, Coorow be confirmed as a true and correct record.

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**RESOLUTION: 2006-002**

**Moved:** Waite

**Seconded:** McDonald

That the Minutes of the Ordinary Meeting held on Wednesday 14 December 2005 in the Maley Park Function Centre, Coorow be confirmed as a true and correct record.

**CARRIED 6/1**

**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.

The President welcomed the Councillors back to Council business after the Christmas and New Year's break.

**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.

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## **10. REPORTS:**

### **10.1 CHIEF EXECUTIVE OFFICER'S REPORT:**

#### **10.1.1 NORTHERN COUNTRY ZONE OF WALGA - ANNUAL CONFERENCE 2006**

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>ATTACHMENT</b>	10.1.1 <i>Northern Country Congress 06</i> Program
<b>FILE</b>	C10 – Courses and Seminars - General

#### **SUMMARY:**

**Council should consider having Councillor representation attend the Northern Country Zone of WALGA's Annual Conference, *Northern Country Congress 06* in Geraldton from Wednesday 1 March 2005 to Friday 3 March 2005.**

#### **BACKGROUND:**

Council has traditionally attended this conference with delegates including the President, Deputy President and Chief Executive Officer. Other interested Councillors have also attended.

#### **COMMENT:**

The format of the Northern Country Zone of WALGA's Annual Congress is the conference being held on Thursday, a conference dinner Thursday night and the AGM of the zone on the Friday morning. Last year over a 130 delegates from local governments across the state attended.

This year, high profile speakers Phillip Adams and Wayne Jackson have recently been confirmed to speak at the Congress to be held on Thursday 2 and Friday 3 March 2006. In addition the MC for the Congress is Liam Bartlett, well known and respected ABC presenter of the number one ranking Morning Program in Western Australia.

Under the theme "Stronger Together", key topics to be discussed at the Congress are improving relationships between Local, State and Federal Governments, structural reform in Local Government and financial sustainability in Local Government.

The Congress program consists of various keynote speakers from a range of representatives from the three levels of Government, and high profile business and structural reform advocates.

The Congress Program is included at Attachment 10.1.1.

Immediately prior to the Congress, the Crime and Corruption Commission of WA (CCC) has now scheduled a presentation tailored specifically for local government officers and elected members for Wednesday 1 March at 3pm. The presentation will focus on local government responsibility to the CCC and will look at some high risk areas in local government, as well as some practical strategies for minimizing risk.

This seminar is particularly important because the CCC Act is relatively new and there are statutory obligations on all public authorities to inform the CCC of suspected misconduct. Such is the impact of this presentation, Council staff from Coorow will be travelling to Geraldton for just this presentation. Councillors who wish to travel for just this presentation are very welcome.

#### **STATUTORY ENVIRONMENT:**

Nil.

#### **STRATEGIC & POLICY IMPLICATIONS:**

The Congress provides an excellent opportunity for local government representatives, and those dealing with local government, to come together to discuss the issues affecting the region.

#### **FINANCIAL IMPLICATIONS:**

The *Northern Country Congress 06* registration is extremely good value at \$200 per delegate for the entire conference. This should be compared to WALGA's state conference which costs in the region of \$700 per delegate. Accommodation will be required for most delegates for two nights.

At this time it is anticipated that Council's Conference and Seminar budget allocation will not be expended in full. Details of proposed and actual expenditure are detailed below.

Event	Delegates	Conference Registration	Expenses – Eg. Accomm., Meals, etc	Total
Councillor Induction	1	250		250
Local Government Week	4	1,590	1,365	2,955
Waste Management Conference	1	1,332		1,332
Regional Tourism Convention		825*		
Midwest Economic Summit	2	360		360
Small Town Survival Conference		300 *	500 *	-
WA Coastal Conference		500 *	750 *	-
Meetings Training		2,657 @		2,657
Northern Country Zone Conference	4	800 #	900 #	1,700 #
<b>Total (Estimate)</b>		<b>6,989</b>	<b>2,265</b>	<b>9,254</b>
<b>2005/2006 Budget Allocation</b>				<b>13,000</b>

\* - Conferences considered by not undertaken

# - Estimated cost only.

@ Shire of Dandaragan portion excluded.

**PUBLIC CONSULTATION:**

None required.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council have up to four delegates attend the attend the Northern Country Zone of WALGA's Annual Conference, *Northern Country Congress 06* in Geraldton from Wednesday 1 March 2006 to Friday 3 March 2006.

**RESOLUTION: 2006-003**

**Moved:** Eaton

**Seconded:** O'Callaghan

*That Council Cr Girando, Cr Beswick, Cr Eaton and the Chief Executive Officer attend the Northern Country Zone of WALGA's Annual Conference, 'Northern Country Congress 06' in Geraldton from Wednesday 1 March 2006 to Friday 3 March 2006.*

**CARRIED 7/0**

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**Cr O'Callaghan declared a Proximity Interest in Item 10.1.2, in that she is the owner of an adjacent property, and left the meeting at 3.49 pm.**

#### 10.1.2 COOROW DISTRICT HALL

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 February 2006
<b>FILE</b>	H2.1 Halls - Coorow

#### **SUMMARY:**

**Council to consider methods of funding a shortfall in expenditure for the renovation of the Coorow Municipal Hall.**

#### **BACKGROUND:**

At Council's June 2004 Ordinary Meeting the following was resolved:

RESOLUTION:2004-077

Moved: McDonald      Seconded: O'Callaghan

That Council:

1. approve the Coorow Hall Redevelopment project;
2. approve Council's staff management of the Coorow Hall Redevelopment project and the provision of works in kind;
3. approve Council's management of the financial aspects of the Coorow Hall Redevelopment project and make a 2004/05 Council Budget allocation to reflect the Coorow Hall Redevelopment Project; and
4. support the submission of funding applications for the Coorow Hall Redevelopment.

CARRIED 8/0

Subsequently Council was successful, in partnership with the Coorow Telecentre Incorporated, in applying through the Regional Collocation Scheme and LotteryWest for funds to renovate the Coorow District Hall and to construct the expanded Telecentre.

At Council's September 2005 Meeting Council signed the Financial Assistance Agreement for the Department of Local Government and Regional Development (DLGRD) Regional Collocation Scheme (RCS).

RESOLUTION:2005-150

Moved: Waite      Seconded: O'Callaghan

That Council:

1. agree to enter into the Financial Assistance Agreement, as included at Attachment 10.1.3, between Council, the Minister for Local Government and Regional Development and the Coorow Telecentre Incorporated; and
2. authorise the Shire President and Chief Executive Officer to sign and seal the Financial Assistance Agreement as included at Attachment 10.1.3.

CARRIED 5/0



**COMMENT:**

One of the conditions of the project RCS funding was to conclude final specifications for the construction and obtain updated indicative costings from suppliers.

The updated quotations have indicated a significant increase in the costs, particularly in the electrical component. There is a concern with the standard/age of the existing electrical installations at the hall requiring that the project include the total rewiring of the hall to ensure modern electrical safety features such as residual current devices can be installed.

The total cost increase is \$49,648.14.

The DLGRD have advised that it is possible to obtaining additional funding of up to 25% of the original funding approval through an approval of the DLGRD. Applications for additional funds greater than that amount require approval from the Minister.

Council has also requested a variation to the approved Lotterywest funding. Lotterywest may fund up to 50% of the additional cost, but are more likely to fund one third.

Council will need to negotiate a suitable outcome with each of the funding parties, but some financial contribution by Council will be required.

**STATUTORY ENVIRONMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

This project will complete a much needed upgrade to the Coorow District Hall and provide an expanded area for operations of the Coorow Telecentre. In the longer term the upgrade will guarantee its existence as a used building within the town rather than just a heritage relic.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council has provided a budget allocation in their 2005/2006 of \$112,000, equal to the allocation for grant funding revenue that Council will receive. Grant funds currently approved include \$48,780 from the RCS, \$49,047 from Lotterywest and about \$5,142 Telecentre Support Branch.

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<b>Component</b>	<b>Updated Pricing</b>	<b>Original Application</b>
Building Works		
Building	58,587	26,136
Windows & Doors	(Included in Building)	15,867
Air-Conditioning	9,750	(Included in Electrical)
Painting	12,480	8,980
Plumbing	1,994	1,695
Electrics	45,000	22,845
Fit Out		
Carpet	9,080	11,110
Window Treatments	909	1,091
Sound System	3,064	3,173
Furniture	6,611	6,930
<b>Total Project Costing</b>	<b>147,475</b>	<b>97,827</b>
<b>Approved Grant Funding</b>	<b>97,827</b>	
RCS FAA	48,780	
Lotterywest	49,047	
Updated Project Costing	147,475.15	
Approved Grant Funding	97,827.00	
<b>CURRENT FUNDING SHORTFALL</b>	<b>49,648.15</b>	

**PUBLIC CONSULTATION:**

Nil at this time.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council recognises the expected \$49,648.15 increase in cost of the Coorow Municipal Hall Redevelopment Project but remains committed to that project and authorise the Chief Executive Officer to negotiate a funding solution that involves Council contributing up to one third or \$16,549.38 of the deficit.

**RESOLUTION: 2006-004**

**Moved:** Eaton

**Seconded:** Pethick

*That Council recognises the expected \$49,648.15 increase in cost of the Coorow Municipal Hall Redevelopment Project but remains committed to that project and authorise the Chief Executive Officer to negotiate a funding solution that involves Council contributing up to one third or \$16,549.38 of the deficit.*

**CARRIED 5/1**

**Cr O'Callaghan returned to the meeting at 4.01 pm.**

### 10.1.3 STRATEGIC BUILDING MANAGEMENT ISSUES

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 February 2006
<b>ATTACHMENT</b>	10.1.3 Minutes of Building Management Committee Meeting held on Monday 12 December 2005
<b>FILE</b>	B5.12 – Shire Buildings Maintenance Programs

#### SUMMARY:

**Council to review Building Management Committee Recommendations.**

#### BACKGROUND:

Council's Building Management Committee considered a range of strategic building issues at their meeting on Monday 12 December 2005. The minutes of that meeting are included at Attachment 10.1.3.

#### COMMENT:

Council's Building Management Committee recommendations included:

Recommendation No.	Committee Recommendation	Comment
2005-16	<p>That the Building Management Committee recommend that Council:</p> <ol style="list-style-type: none"> <li>1. seek to discuss with LandCorp options for development of residential land in Coorow outside of LandCorp's currently available land on Station Street;</li> <li>2. seek to have any serviced, UCL residential zoned land in Coorow made available for sale with a covenant requiring construction of a residence within a time period;</li> <li>3. seek to recover residential land held by rates debtors as permitted under the Local Government Act;</li> <li>4. have staff complete an initial analysis of the costs of development of residential zoned land surrounding the Catholic Church bordering Bristol North and Spain Streets, Coorow; and</li> <li>5. to begin rezoning Lot 8 Spain Street to residential.</li> </ol>	<p>The recommendations associated with the availability of residential land in Coorow are now a priority with the sale of four vacant lots in Station Street by LandCorp.</p>

Recommendation No.	Committee Recommendation	Comment
2005-17	<p>That the Building Management Committee recommend that Council:</p> <ol style="list-style-type: none"> <li>1. adopt a policy of increasing Council's Housing Allowance to staff who provide their own housing within the Shire;</li> <li>2. adopt a policy of moving to not providing accommodation in Council owned housing for coastal based employees;</li> <li>3. investigate options to lease private housing at Leeman and Green Head;</li> <li>4. prepare a program of realising the value of the assets of its coastal housing stocks and especially those residences with the high shorter term maintenance requirements;</li> <li>5. investigate through Department of Planning and Infrastructure the process and cost of obtaining the land at:               <ol style="list-style-type: none"> <li>a. Lot 50 Nairn Street;</li> <li>b. Lot 49 Nairn Street;</li> <li>c. Lot 64 Nairn Street; and</li> </ol> </li> <li>6. present a case to the Minister of Planning and Infrastructure to facilitate Council's retention of as much of the land value as possible from the sale of:               <ol style="list-style-type: none"> <li>a. Lot 50 Nairn Street;</li> <li>b. Lot 49 Nairn Street;</li> <li>c. Lot 64 Nairn Street.</li> </ol> </li> </ol>	<p>Council is investigating the possibility of longer term leasing of coastal residential property. Currently there are no vacant Council coastal properties.</p>
2005-18	<p>That the Building Management Committee recommend that Council:</p> <ol style="list-style-type: none"> <li>1. hold meetings in Maley Park and investigate the refurbished Coorow District Hall when this becomes available;</li> <li>2. refurbish the current chambers as a Chief Executive Officer's Office in 2006/07;</li> <li>3. refurbish the Presidents Room as an Presidents Office with a desk, telephone and visitors chairs in 2006/07;</li> <li>4. refurbish the current Chief Executive Officer's office as committee/meeting room in 2006/07;</li> <li>5. repaint the exterior of the CAC utilising colours from the Coorow Townscape Plans palette of colours in 2006/07;</li> <li>6. retain the library in its current format;</li> <li>7. remove the reticulation and invasive trees in the rear garden area but ensure with replantings that this area will be screened from Bristol Street in 2006/07;</li> <li>8. investigate using the current rear garden area as a car park area for possible completion in 2006/07; and</li> <li>9. investigate constructing a shade shelter for Council's vehicles at the rear of the CAC for possible completion in 2006/07.</li> </ol>	

Recommendation No.	Committee Recommendation	Comment
2005-19	<p>That the Building Management Committee recommend that Council:</p> <ol style="list-style-type: none"> <li>1. investigate possibilities of leasing and purchasing additional suitable employee housing in Coorow;</li> <li>2. construct at least one staff house in 2006/07;</li> <li>3. finance any housing constructed in Coorow from recurrent income and not through debt funding;</li> <li>4. not construct an executive house in Coorow; and</li> <li>5. prepare a design, funding and implementation plan for suitable extensions to the Leeman Administration Centre to locate the Chief Executive Officer and Finance &amp; Administration staff.</li> </ol>	<p>Council is aware of at least one upcoming residence that Council may wish to inspect.</p> <p>The standard of Council's Coorow executive housing in the shorter term places Council in a risky situation should their employee situation change.</p>
2005-20	<p>That the Building Management Committee recommend that Council conduct a review of its current Building Management Program prior to the 2006/07 budget process to ensure that Council does not wish to fund non-essential infrastructure expenditure by debt finance.</p>	<p>Council's Manager Community Development has scheduled his inspections of Council property during February and March 2006 and will have a report available for the Council or the Building Management Committee as required.</p>

#### **STATUTORY ENVIRONMENT & POLICY IMPLICATIONS:**

Nil at this time.

#### **STRATEGIC IMPLICATIONS:**

The Building Management Committee have considered only those strategic Building Management issues.

#### **FINANCIAL IMPLICATIONS:**

All recommendations of expenditure in 2006/07 are subject to consideration for inclusion in Council's 2006/07 Budget.

#### **PUBLIC CONSULTATION:**

Nil at this time.

#### **VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council adopt as decisions of Council recommendations 2005-15, 2005-16, 2005-17, 2005-18, 2005-19 and 2005-20 of Council's Building Management Committee.

**RESOLUTION: 2006-005**

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

*That Council adopt as decisions of Council recommendations 2005-15, 2005-16, 2005-17, 2005-18, 2005-19 and 2005-20 of Council's Building Management Committee.*

**CARRIED 5/2**

**Cr Eaton requested that his vote against the motion be recorded.**

**Cr Beswick requested that her vote against the motion be recorded.**

## **10.2 MANAGER COMMUNITY DEVELOPMENT:**

### **10.2.1 APPLICATION FOR CARETAKER'S ACCOMMODATION - LOT 636 TAILOR STREET, LEEMAN**

NAME OF APPLICANT:	T O'Callaghan
LOCATION	Lot 636 Tailor Street, Leeman
AUTHOR	John Randall
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	Tuesday, 7 February 2006
ATTACHMENT:	10.2.1 - Site Development Plan

#### **SUMMARY:**

**Council is to consider planning approval for the establishment of Caretakers Accommodation on Lot 636 Tailor Street, Leeman.**

#### **BACKGROUND:**

The applicant proposes to convert 2 (in number) 12m x 2.4m sea-containers into a 57.6m<sup>2</sup> caretakers accommodation.

In discussion it has been indicated that the exterior of the sea-containers will be clad in colourbond metal to improve appearance and provide a means of cladding over required insulation.

Council's Planning Policy No 4 indicates the following for Caretaker's Accommodation in Industrial Areas:

- (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 100m<sup>2</sup> 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 verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m<sup>2</sup> referred to in paragraph (c).

As the site of the proposed development already has a business established onsite the development meets requirement "1" of the policy and the policy is met in all other respects.

Approval for two other shipping containers used for storage will be considered as part of the building approval for the development if planning approval for the caretakers is granted by Council.



**COMMENT:**

Provided the Sea-containers are appropriately footed, roofed and otherwise appropriately finished there is no reason that they could not be converted to the purpose proposed. The State Government at one Stage did provide prison accommodation through the use of converted sea-containers.

Further given that the development proposed is in an Industrial Area, buildings of more utilitarian design are acceptable. Similar development in a commercial or residential zone would not likely be appropriate.

As Council does not have any policy in place regarding Shipping Containers I have accessed a policy that I helped develop where I worked previously to guide consideration of this matter. That planning policy indicated as follows:

1. *Shipping Containers, where they are used other than for temporary storage during the conduct of building works, require the Planning/Building Approval of Council prior to them being located on a property.*
2. *Shipping Containers are a class of development that Council considers can have an adverse effect on the visual amenity of an area, and therefore there is general presumption against their use, other than in Industrial and Rural areas, unless the applicant demonstrates to the satisfaction of Council that the development will meet acceptable standards in the locality and there is a genuine need for their use.*
3. *Applications for the use of Shipping Containers will be required to address, to the satisfaction of Council, the following:*
  - (a) *Other than in Industrial areas, the development should preferably be located so it has low visibility from any road and/or adjoining property. To achieve this, the development should be located behind existing buildings and/or screening vegetation and not be located in front of the established or proposed building line. Further it will be required that the Shipping Container be painted in a colour to blend with near buildings or vegetation.*
  - (b) *Where the development is unable to be located in accordance with a) above and is to be located in a position where it will be highly visible from any road, adjoining residence, or isolated from existing adjoining buildings, it will generally be required that the external appearance be modified (which may include roofing, cladding and/or painting) in order to 'hide' its appearance as a Shipping Container.*
  - (c) *Where the development is located more than 200m from any road, adjoining residence, and property boundary it will only be necessary that the Shipping Container be painted in an earth tone colour that blends with the natural landscape.*

- (d) *No more than one Shipping Container with a length not exceeding 6m will generally be approved on land other than in industrial areas.*
  - (e) *On industrial land, an approved Shipping Container(s) will be required to be painted a uniform colour to the satisfaction of Council.*
4. *In determining applications for the use of Shipping Containers, Council will require the applicant provide the following information:*
- (a) *A site plan showing the proposed location of the development in relation to boundary setbacks, natural features and adjoining buildings;*
  - (b) *A written submission detailing the proposed works to be undertaken to improve the visual amenity of the development; and*
  - (c) *Any elevation drawings considered appropriate.*

Unless, Council indicates otherwise I will apply similar consideration to that outlined above in the dealing with this development and elsewhere. I don't at this stage propose that Council formally pursue a policy for the use of sea-containers as there does not appear to be a need at this point in time.

General application of the TPS in relation to aesthetics should cover immediate needs

**STATUTORY ENVIRONMENT:**

Town Planning Scheme No 2.

**FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATION:**

The proposed development meets requirements stipulated in Planning Policy No 4 - Caretaker's Accommodation.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council issue planning approval for the establishment of Caretakers Accommodation on Lot 636 Tailor Street, Leeman.

**RESOLUTION: 2006-006**

**Moved:** *Beswick*

**Seconded:** *McDonald*

*That Council issue planning approval for the establishment of Caretakers Accommodation on Lot 636 Tailor Street, Leeman.*

**CARRIED 6/1**

**Cr Eaton requested that his vote against the motion be recorded.**

**Cr Beswick declared a Proximity Interest in Item 10.2.2, in that she owns an adjacent property, and left the meeting at 4.25 pm.**

**10.2.2 PROPOSED SUB-DIVISION LOTS 37 & 38 GREEN HEAD ROAD, GREEN HEAD**

<b>NAME OF APPLICANT:</b>	D & S Hunt
<b>LOCATION</b>	Lots 37 & 38 Green Head Road, Green Head
<b>AUTHOR</b>	John Randall
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	Wednesday, 8 February 2006
<b>ATTACHMENT:</b>	10.2.2 - Copy of plan showing proposed realignment of boundaries

**SUMMARY:**

**Council is to consider if it will support the sub-division as proposed.**

**BACKGROUND:**

When the lot was originally developed, little attention was paid to the location of property boundaries, therefore it is impossible to realise the option of two titles without realigning boundaries or having the site cleared.

One half of the block has been used as a place of residence, the other half being the place of business of Green Head Plumbing (they have now established premises in the Industrial Area and therefore no longer have need for the other half of the block.

The proposal as submitted proposes to relocate the boundary between the lots so that all required building clearances are attained between the boundary and existing buildings (without the need for installing fire walls).

**COMMENT:**

The Land is Zoned Residential R12.5. For this development density it is indicated that single lots need to be a minimum of 800m<sup>2</sup> with a minimum frontage of 17m. The proposal meets the minimum area requirements, however the frontage of the proposed lot is some 2.2m below the minimum indicated by the R-codes.

I would suggest that Council still support the proposed sub-division even though the frontage of the lot to Green Head Road is only 14.8m as the lesser frontage does not unduly impede the development of the block for residential purposes provided agreement is entered into to cede any non-conforming use rights as a condition of sub-division.

A non-conforming use is a use that does not currently conform to the zoning of the block.

To ensure that the land reverts to a residential use as part of the sub-division process the owners should be required to enter into an agreement to discontinue the non-conforming use, without payment of any compensation.

## **STATUTORY ENVIRONMENT:**

Town Planning and Development Act

The Town Planning Scheme provides the following in relation to non-conforming uses;

### 4.8. Non-conforming Uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

*Note: "Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.*

### 4.9. Extensions and Changes to a Non-conforming Use

4.9.1. A person must not -

- (a) alter or extend a non-conforming use;
  - (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
  - (c) change the use of land from a non-conforming use to another non-conforming use,
- without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

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4.10. Discontinuance of Non-conforming Use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11. Termination of a Non-conforming Use

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

*Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.*

**FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATION:**

Nil.

**STRATEGIC IMPLICATIONS:**

This opportunity to ensure that the existing Commercial Use in this residential area ceases is a very worthwhile move.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council indicate its support for the subdivision proposed on the condition that the property owner:

1. enters into an agreement with the Shire to cede any non-conforming use rights, without payment of compensation, that may exist for ongoing commercial or industrial uses of either of the lots; and
2. applies for and has approval granted for the re-classification of the shed to the rear of lot B from Class 8 (factory/warehouse type use) to a class 10a (being a private garage or the like).

**RESOLUTION: 2006-007**

**Moved:** Waite

**Seconded:** Pethick

*That Council indicate its support for the subdivision proposed on the condition that the property owner:*

- 1. enters into an agreement with the Shire to cede any non-conforming use rights, without payment of compensation, that may exist for ongoing commercial or industrial uses of either of the lots; and*
- 2. applies for and has approval granted for the re-classification of the shed to the rear of lot B from Class 8 (factory/warehouse type use) to a class 10a (being a private garage or the like).*

**CARRIED 6/0**

**Cr Beswick returned to the meeting at 4.27 pm.**

**10.2.3 DAMPIER TO BUNBURY GAS PIPE LINE - CONSTRUCTION CAMP FOR UPGRADE WORKS**

<b>NAME OF APPLICANT:</b>	NACAP Australia
<b>LOCATION</b>	Location 10832 Beros Road
<b>AUTHOR</b>	John Randall
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	8 February, 2006
<b>ATTACHMENT:</b>	10.2.3 - Map showing approximate location of camp

**SUMMARY:**

**Council is to consider Planning Approval for a Construction Camp.**

**BACKGROUND:**

The Construction Camp is required for the construction of an approx 42km loop in the pipe line which is to be done in 5 – 6 locations along the length of the pipe line.

The construction camp is proposed to have a maximum capacity of around 200 persons and be in use for around three months for the works here before being uplifted and relocated to a position north of Northampton.

Works will commence sometime in late February, early March with some 500 truck movements being involved in the process. Truck movement are for camp establishment and uplifting and delivery of construction materials.

Not all these movements will be on Beros Road. Some will be within the gas pipe line easement coming out onto the Coorow-Green Head Road.

**COMMENT:**

A Construction Camp is not a use delineated within the Town Planning Scheme Zoning Table and therefore it is a use over which Council has general discretion.

Broadly, the development being ephemeral in nature does not have any long term land use effects and there should be no real impediment to approval.

The most significant issue that arises is the use of Beros Road (approx 5.2 km of light duty Gravel Road, of which half appear to be on a gravel sub-base and the remainder on a sand base). The section of road on the gravel sub-base is not likely to fail, but the section on the sand base is likely to fail in a number of localities.

The developer has indicated that he will reconstruct soft areas of the road, prior to their occupation of the site and will maintain the road for the duration of the works and ensure the road is left in an equivalent if not better condition than before works commenced.



The option of charging a bond of \$13,000 to guarantee that the works as promised in respect of the road are carried out. The bond is of sufficient amount to cover the reconstruction of around 650m of gravel road being 12.5% of the length of Beros Road that will be used for the duration of this development. The only comment received in respect of the bond is that the levying of such a charge would in their thought be unusual, conversely if the development was of a more permanent nature a road upgrade requirement would be likely be part of any planning approval.

The recommendation covers a number of other issues relating to the conduct of works, and the establishment and operation of the camp not specifically addressed in this report.

**STATUTORY ENVIRONMENT:**

Town Planning Scheme No 2

**FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATION:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

Council determine that the Construction Camp and the undertaking of Construction Work on the Dampier to Bunbury Pipe line is a use that is not inconsistent with the objectives of the Rural Zone and give planning approval for its establishment subject to:

1. Suitable arrangement being made for the uplift and removal off site of all refuse generated from the operation of the Construction Camp and Construction Operations. The developer is to note that no tip located within the Shire of Coorow is likely to be suitable for the disposal of refuse from the site operations;
  2. Prior to the commencement of hot-work (eg welding) on the pipe line a fire management plan is to be developed and submitted to the Shire for it general reference. Any permits to allow vehicular movements in paddocks and the undertaking of hot-work will require compliance with the agreed fire management plan;
-

3. The construction camp being provided with appropriate means of fire protection as required by the Building Code of Australia;
4. The Developer maintaining all roads within the Shire that it uses for the establishment and uplift of the construction camp, and the delivery of construction materials for the duration of works;
5. The developer entering into an agreement with Council to ensure that the roads it uses within the shire for the establishment and uplift of the construction camp and the delivery of construction materials will be maintained and left in the same or better condition than existed before the commencement of works. This agreement should be underwritten by the payment of a \$13,000 bond to the Shire of Coorow or by an equivalent or better agreed form of guarantee;
6. The Developer providing to the Shire with a copy of its transport management plans when completed as it pertains to the transport of materials within the Shire of Coorow; and
7. Where works are to involve the boring under or cutting through any Shire Road the developer is to submit to the Council a Traffic Management plan for the duration of the works and is to enter into an appropriate form of agreement with the Shire to provide guarantee for the repair of any failure of road reinstatement or general road failure resulting from the construction works for a period of not less than two years from the date of conduct of the work.

**RESOLUTION: 2006-008**

**Moved:** Eaton

**Seconded:** O Callaghan

*Council determine that the Construction Camp and the undertaking of Construction Work on the Dampier to Bunbury Pipe line is a use that is not inconsistent with the objectives of the Rural Zone and give planning approval for its establishment subject to:*

1. *Suitable arrangement being made for the uplift and removal off site of all refuse generated from the operation of the Construction Camp and Construction Operations. The developer is to note that no tip located within the Shire of Coorow is likely to be suitable for the disposal of refuse from the site operations;*
  2. *Prior to the commencement of hot-work (eg welding) on the pipe line a fire management plan is to be developed and submitted to the Shire for its general reference. Any permits to allow vehicular movements in paddocks and the undertaking of hot-work will require compliance with the agreed fire management plan;*
  3. *The construction camp being provided with appropriate means of fire protection as required by the Building Code of Australia;*
-

4. *The Developer maintaining all roads within the Shire that it uses for the establishment and uplift of the construction camp, and the delivery of construction materials for the duration of works;*
5. *The developer entering into an agreement with Council to ensure that the roads it uses within the shire for the establishment and uplift of the construction camp and the delivery of construction materials will be maintained and left in the same or better condition than existed before the commencement of works. This agreement should be underwritten by the payment of a \$13,000 bond to the Shire of Coorow or by an equivalent or better agreed form of guarantee;*
6. *The Developer providing to the Shire with a copy of its transport management plans when completed as it pertains to the transport of materials within the Shire of Coorow; and*
7. *Where works are to involve the boring under or cutting through any Shire Road the developer is to submit to the Council a Traffic Management plan for the duration of the works and is to enter into an appropriate form of agreement with the Shire to provide guarantee for the repair of any failure of road reinstatement or general road failure resulting from the construction works for a period of not less than two years from the date of conduct of the work.*

**CARRIED 7/0**

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### **10.3 MANAGER WORKS AND SERVICES:**

Nil.

### **10.4 MANAGER FINANCE AND ADMINISTRATION**

#### **10.4.1 ACCOUNTS FOR PAYMENT**

<b>AUTHOR</b>	Dacre Alcock
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>ATTACHMENT</b>	10.4.1 Accounts Due and Submitted To Council Meeting 15 February 2006

#### **SUMMARY:**

**Council approval is required for payment of accounts made within the months of December 2005 and February 2006 and to approve payments of accounts due in February 2006.**

#### **COMMENT:**

Approval is sought for the following list of payments of accounts made since Council's last meeting on 14 December 2005 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 15 February 2006.

#### **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;

**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 15 February 2006 including:

1. Vouchers 15752 to 16000 payments, DPI71010206 to DPI72310106, TP81071205, PR81080206 to PR81250106, DD83211205, DD87151205, PRES, MFA, CEO, MCD, MWS VISA CARDS totalling \$787,850.70 from Council's Municipal Fund; and
2. Vouchers 1982 to 1985 totalling \$1,423.57 from Council's Trust Fund; be authorised and passed for payment.

**RESOLUTION: 2006-009**

**Moved:** *Beswick*

**Seconded:** *O'Callaghan*

*That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 15 February 2006 including:*

1. *Vouchers 15752 to 16000 payments, DPI71010206 to DPI72310106, TP81071205, PR81080206 to PR81250106, DD83211205, DD87151205, PRES, MFA, CEO, MCD, MWS VISA CARDS totalling \$787,850.70 from Council's Municipal Fund; and*
2. *Vouchers 1982 to 1985 totalling \$1,423.57 from Council's Trust Fund; be authorised and passed for payment.*

**CARRIED 7/0**

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**10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – DECEMBER 2005**

<b>AUTHOR</b>	Dacre Alcock
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>FILE</b>	F8.06 – Finance - 2005/06
<b>ATTACHMENT</b>	10.4.2 Statement of Financial Activity to 31.12.2005

**SUMMARY:**

**In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month.**

**COMMENT:**

The form of the Monthly Financial Statements presented to Council is a Statement of Financial Activity, which also includes supplementary information including an Operating Statement Function and Activity, Balance Sheet, Cash Flow Graph and Plant Cost Recovery Report. A copy of the Statement of Financial Activity for the month ended 31 December 2005 is included at Attachment 10.4.2 for Councillor's information.

Council is required to prepare the Statement of Financial Activity as per Local Government (FM) Reg 36, but can resolve to have supplementary information included 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 each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement 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.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 31 December 2005.

**RESOLUTION: 2006-010**

**Moved:** O'Callaghan      **Seconded:** Pethick

*That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the period ended 31 December 2005.*

**CARRIED 7/0**

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**10.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – JANUARY 2006**

<b>AUTHOR</b>	Dacre Alcock
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>FILE</b>	F8.06 – Finance - 2005/06
<b>ATTACHMENT</b>	10.4.3 Statement of Financial Activity to 31.01.2006

**SUMMARY:**

**In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month.**

**COMMENT:**

The form of the Monthly Financial Statements presented to Council is a Statement of Financial Activity, which also includes supplementary information including an Operating Statement Function and Activity, Balance Sheet, Cash Flow Graph and Plant Cost Recovery Report. A copy of the Statement of Financial Activity for the month ended 31 January 2006 is included at Attachment 10.4.3 for Councillor's information.

Council is required to prepare the Statement of Financial Activity as per Local Government (FM) Reg 36, but can resolve to have supplementary information included 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 each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.



- (3) The information in a statement of financial activity may be shown -
  - (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -
  - (a) presented to the council -
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement 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.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.3 for the period ended 31 January 2006.

**RESOLUTION: 2006-011**

**Moved:** *Beswick*

**Seconded:** *Waite*

*That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.3 for the period ended 31 January 2006.*

**CARRIED 7/0**

**10.4.4 SUNDRY DEBTOR WRITE-OFF**

<b>AUTHOR</b>	Dacre Alcock
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>FILE</b>	D6.1
<b>DATE OF REPORT</b>	7 February 2006

**SUMMARY:**

**Council is to consider debts deemed uncollectible to be written off.**

**COMMENT:**

In August 2005 Council invoiced the following persons for lost books;

- |                          |   |         |
|--------------------------|---|---------|
| 1. Ms Natalie Hutchcraft | - | \$14.30 |
| 2. Ms Lucy Bascombe      | - | \$14.30 |

Staff have pursued these outstanding debtors over the past 5 months without success and now consider them uncollectible.

Council could put the debt into the hands of its debt recovery agent, but this will only increase the cost to Council if the debt is not paid. Given the very small size of each debt it would be considered as not worthwhile to be pursued.

Council may decide to withdraw library services to Ms Hutchcraft and Ms Bascombe until the cost of the lost books has been reimbursed.

**STATUTORY ENVIRONMENT:**

Nil.

**FINANCIAL, STRATEGIC AND POLICY IMPLICATIONS:**

Council can write off this amount.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. writes off the \$14.30 debt owed by Ms Natalie Hutchcraft due to the debt being uncollectible;
2. writes off the \$14.30 debt owed by Ms Lucy Bascombe due to the debt being uncollectible; and
3. not permit Ms Hutchcraft and Ms Bascombe to utilise services from the Shire of Coorow's libraries until such time that the cost of the lost books has been reimbursed to Council.

**RESOLUTION: 2006-012**

**Moved:** Waite

**Seconded:** Beswick

*That Council:*

1. *writes off the \$14.30 debt owed by Ms Natalie Hutchcraft due to the debt being uncollectible;*
2. *writes off the \$14.30 debt owed by Ms Lucy Bascombe due to the debt being uncollectible; and*
3. *not permit Ms Hutchcraft and Ms Bascombe to utilise services from the Shire of Coorow's libraries until such time that the cost of the lost books has been reimbursed to Council.*

**CARRIED 7/0**

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**Cr McDonald declared a Proximity Interest in Item 10.4.5, in that she owns an adjacent property, and left the meeting at 4.39pm.**

**10.4.5 PROPOSED PURCHASE OF LOT 104 COMMERCIAL ST, COOROW**

<b>AUTHOR</b>	Dacre Alcock
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>FILE</b>	L1.6
<b>ATTACHMENT</b>	10.4.5a Letter from Department for Planning and Infrastructure 10.4.5b Contract of Sale 10.4.5c Deposited Plan 10.4.5d Conditions for the Sale of Crown Land

**SUMMARY:**

**Council to consider purchasing Lot 104 Commercial Street, Coorow for the siting of Joint Venture Program, Aged Persons Units.**

**BACGROUND:**

Council has recently submitted an application to the Department of Housing and Works for a Joint Venture Program, Aged Persons Units within the townsite of Coorow.

Under that proposal Council needs to provide the land for the project. However Council does not own any land suitable for this development as the vacant lots owned by Council are of not sufficient size for this development.

**COMMENT:**

Lot 104 Commercial Street has been identified as the preferred site due to the size of the lot (3035m<sup>2</sup>) and its close proximity to the local shopping precinct and the medical centre. The land is also zoned residential.

Council wrote to the Department for Planning and Infrastructure indicating Council's interest in purchasing Lot 104 Commercial Street, Coorow. The Department for Planning and Infrastructure has since indicated that approval has been given to make Lot 104 Commercial Street available for sale to the Shire of Coorow for the purchase price of \$6,000.

The Community and Economic Development Officer, Ms Kylie Yeo, Manager Community Development, Mr John Randall and I recently met with area manager for the Department of Housing and Works, Mr Trevor Gregory to review the grant application prior to submission. Mr Gregory stressed that it was important that Council's project be ready to go at 1 July 2006, otherwise other projects that are considered more ready to proceed will be given priority.

Mr Gregory indicated that due to Council not owning the land, Council will need to show that it is in the process of purchasing Lot 104 Commercial Street, otherwise the application will receive a lesser priority and may not receive funding in this round.

**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.

**FINANCIAL IMPLICATIONS:**

Council did not budget for this expenditure.

**STRATEGIC AND POLICY IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council:

1. authorises out of budget expenditure of \$6,000 (GST Inclusive) for the purchase of Lot 104 Commercial Street, Coorow;
2. authorise the Chief Executive Officer to sign the Contract of Sale and forward a 10% deposit of \$545.45 to the Department for Planning and Infrastructure; and
3. that the President and Chief Executive Officer be authorised to sign and seal any Transfer of Land documentation for the purchase of Lot 104 Commercial Street, Coorow.

**RESOLUTION: 2006-013**

**Moved:** Waite

**Seconded:** Eaton

*That Council:*

1. *authorises out of budget expenditure of \$6,000 (GST Inclusive) for the purchase of Lot 104 Commercial Street, Coorow;*
2. *authorise the Chief Executive Officer to sign the Contract of Sale and forward a 10% deposit of \$545.45 to the Department for Planning and Infrastructure; and*

3. *that the President and Chief Executive Officer be authorised to sign and seal any Transfer of Land documentation for the purchase of Lot 104 Commercial Street, Coorow.*

**CARRIED 6/0**

**Cr McDonald returned to the meeting at 4.46 pm.**

**Cr Beswick declared a Financial Interest in Item 10.4.6, being that she is contracted to sell 9 Spencer Street Leeman, and left the meeting 4.48 pm.**

**10.4.6 WITHDRAWAL OF CAVEAT – 9 SPENCER STREET - LEEMAN**

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	7 February 2006
<b>ATTACHMENT</b>	10.4.6 Withdrawal of Caveat Document
<b>FILE</b>	R3.10 Rates – Solicitors and Collections

**SUMMARY:**

**Council to consider withdrawal of a caveat on the title of a property to allow the sale of that property to proceed.**

**BACKGROUND:**

Council has outstanding rates of \$5,751.38 at 24 January 2006 charged against the property of Lot 88, 9 Spencer Street Leeman, currently owned by AF & SL Stokes. As part of Council's collection strategy a caveat was placed on the property, preventing sale.

**COMMENT:**

AF & SL Stokes now wish to sell the property which requires that Council removes the caveat. Processing the sale of the property will allow Council to collect all outstanding rates and charges, legal fees and penalty interest.

The Withdrawal of Caveat documentation is included at Attachment 10.4.6.

**STATUTORY ENVIRONMENT:**

The lifting of the caveat requires a decision of Council to sign and seal the document.

**Shire of Coorow**

**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 IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

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**FINANCIAL IMPLICATIONS:**

Council will receive all the outstanding rates and charges through the settlement process. An amount of the proceeds of the property sale will be collected and provided to Council by the settlement agents.

At this time Council cannot calculate the exact amount of monies outstanding because Council charges penalty interest, calculated daily, on all overdue rates and property charges.

**PUBLIC CONSULTATION:**

None required.

**VOTING REQUIREMENT**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. approves the Withdrawal of Caveat on Lot 88, 9 Spencer Street Leeman; and
2. that the President and Chief Executive Officer be authorised to sign and seal the Withdrawal of Caveat as included at Attachment 10.4.6.

**RESOLUTION: 2006-014**

**Moved:** O'Callaghan      **Seconded:** Pethick

*That Council:*

1. *approves the Withdrawal of Caveat on Lot 88, 9 Spencer Street Leeman, and*
2. *that the President and Chief Executive Officer be authorised to sign and seal the Withdrawal of Caveat as included at Attachment 10.4.6.*

**CARRIED 6/0**

**Cr Beswick returned to the meeting at 4.50 pm.**

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

Nil.

**12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:****12.1 LATE ITEMS – APPROVAL TO CONSIDER**

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	10 February 2006
<b>FILE:</b>	C8.1 Council - General

**SUMMARY:**

**Council is requested to consider a Late Agenda Items for the February 2006 Meeting in respect to Council:**

- reviewing and prioritising the remainder of Council's 2005/06 Road Program; and
- providing direction to Council's delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting.

**COMMENT:**

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

It would appear that community groups need again to be reminded that Council Policy requires that information regarding matter to be the subject of a agenda item needs to be received by Council two weeks prior to an ordinary meeting of Council.

**STATUTORY ENVIRONMENT:**

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

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

**FINANCIAL, POLICY AND STRATEGIC IMPLICATIONS:**

There appear to be no implications in this regard.

**OFFICER RECOMMENDATION:**

That the Late Agenda Items, in respect to:

1. reviewing and prioritising the remainder of Council's 2005/06 Road Program; and
  2. providing direction to Council's delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting;
- be raised without notice and decided by the meeting.

**RESOLUTION: 2006-015**

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

*That the Late Agenda Items, in respect to:*

1. *reviewing and prioritising the remainder of Council's 2005/06 Road Program; and*
  2. *providing direction to Council's delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting;*
- be raised without notice and decided by the meeting.*

**CARRIED 7/0**

## 12.2 REVIEW OF 2005/06 ROAD PROGRAM

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	10 February 2006
<b>ATTACHMENT</b>	12.2 Road Program – February to June 2006
<b>FILE</b>	R8.19 – Roads General

### SUMMARY:

**Due to delays in weather Council is required to review and prioritise the remaining 2005/06 Road Program.**

### BACKGROUND:

Council has experienced weather delays that have had an impact on Council's 2005/06 Road Program. In particular the impact of rain through August, September and October 2005 delayed the reconstruction project on Coorow Latham Road. The cost overrun on this project is attributable to the additional labour required to complete the project.

Council is currently experiencing difficulty in replacing a vacancy in Council's works crew.

The current status of Council's Road Program is outlined in the table below:

Project	Expenditure		Income as per 2005/06 Budget					
	Budget	Actual 31/1/06	Total	RRG	Blackspot	R2R	Bikewest	Private
Reconstruction - Coorow-Latham Road	91,082	137,482	-					
Shoulders - Coorow Green Head Rd	180,700	208,395	120,466	120,466				
Widening - Coorow- Latham Road 2005/06	228,125	19,020	152,083	152,083				
Realignment – Gunyidi Wubin Rd	165,257	5,227	165,257		110,171	55,086		
Culvert - Marchagee Buntine Road	70,000	-	68,991			38,991		30,000
Resheet - Launer Rd	59,000	-	59,000			59,000		
Resheet - Penn Road	32,370	-	32,370			32,370		
Footpath - Bryant St, Green Head	32,000	34,446	16,000				16,000	
Drainage - Morcombe Rd	47,063	3,616	47,063			47,063		
<b>TOTALS</b>	<b>905,597</b>	<b>408,186</b>	<b>661,230</b>	<b>272,549</b>	<b>110,171</b>	<b>232,510</b>	<b>16,000</b>	<b>30,000</b>

### COMMENT:

Given the further possibility of inclement weather, Council needs to prioritise the remainder of Council's 2005/06 Road Program.

Council staff has prioritised the remaining works and have included them in an updated program for the remainder of 2005/06. The revised 2005/06 Works Program includes Council staff working additional overtime and makes allowances for normal weather conditions. It does not allow for unseasonably wet weather or an early opening of winter rain. This program is included at attachment 12.2. The projects included in this program include:

Widening - Coorow-Latham Road 2005/06

This project will widen and make safer a 5km section of Coorow Latham Road that was the site of triple fatality in 2003. This project is funded by Regional Road Group (RRG) and failure to complete the project this financial year will almost certainly result in loss of all funds. This project was begun upon Council's road crew's return from annual leave.

Realignment – Gunyidi Wubin Road

This substantial project will improve an unsafe intersection with the Midlands Road. This project is funded by a combination of Blackspot and Roads to Recovery (R2R). Failure to complete the project this financial year will almost certainly result in loss of all Blackspot funds. Unspent R2R funds may be accessed by Council in 2008/09.

Drainage - Morcombe Road

This project to kerb and drain a notoriously poor draining road in Leeman. This project has very high visibility in the Leeman community. Council has already purchased some drainage materials for this project. This project will not require the full Council Works Crew and can be completed in combination with the Coorow Latham Road project. This project is funded by R2R and unspent R2R funds may be accessed by Council in 2008/09.

Woolmulla Road

This project will finalise widening of a single lane culvert with the installation of the culvert pipe. The approaches to this culvert and purchase of the culvert pipe were completed in 2004/05. The final installation of the pipe was delayed by wet weather in 2004/05.

Resheet - Penn Road

This project will resheet a section of road that has a high clay content and is extremely slippery when wet. The road services a number of large cattle properties that have frequent movements of road trains. This project has been earmarked by Council for a number of years but has never been completed. This project is funded by R2R and unspent R2R funds may be accessed by Council in 2008/09.

Resheet - Launer Road

This project will resheet a section of road that is very sandy and requires frequent maintenance to maintain condition. This project has been earmarked by Council for a number of years but has never been completed. This project is funded by R2R and unspent R2R funds may be accessed by Council in 2008/09.

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#### Culvert - Marchagee Buntine Road

This project will significantly improve drainage across a section of road as part of the Buntine Marchagee Demonstration Recovery Catchment Project (BMDRC). Council must still formally approve the scope of works for this project, but whilst this has been delayed, staff do not presently have issues with the scope of works. This project seeks to improve drainage of farming land and there is a risk that rain during the project could seriously impact on the time taken to complete any works.

The new culverts are required as part of a drainage project on farmland to the south and will not improve the road which was substantially upgraded in 2003/04.

This project is part funded by grant funds associated with BMDRC, and the amount of these funds has increased since budget. Council's contribution to the project is funded by R2R and unspent R2R funds may be accessed by Council in 2008/09.

#### **STATUTORY ENVIRONMENT:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

Council's road program reflects those road projects that are considered by Council to be of the highest priority. Other projects that are worthwhile, whilst considered by Council do not make Council's budget.

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Council has budgeted to receive all of the \$661,230 of grant funds. Failure to complete any of the jobs will negatively effect Council's financial position.

If RRG or Blackspot projects are not completed in the 2005/06 financial year, Council will almost certainly have foregone these funds. Funds for incomplete R2R projects may be accessed at the final year, 2008/09 of the R2R Program.

#### **PUBLIC CONSULTATION:**

BMDRC staff are aware of Council's concerns with delays of Council's 2005/06 Road Program and the ability to complete the program.

#### **CONSIDERATION:**

The 2005/06 Works Program, included as attachment 12.2, already includes the works crew working additional overtime and makes allowances for normal weather conditions. It does not allow for unseasonally wet weather or an early opening of winter rain.

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With the onset of winter, it is Council's normal practice to begin the program of winter maintenance grading. During this time no road construction jobs are undertaken. **Therefore whilst the works program includes all jobs, those jobs not completed by the onset of winter, will not be completed.**

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council adopt the Road Program included as Attachment 12.2 Road Program – February to June 2006 aware that:

1. Council staff will begin winter grading with the onset of winter rain; and
2. projects not completed by the onset of winter rain will not be completed in 2005/06 financial year.

**RESOLUTION: 2006-016**

**Moved:** *Beswick*

**Seconded:** *Pethick*

*That Council adopt the Road Program included as Attachment 12.2 Road Program – February to June 2006 aware that:*

1. *Council staff will begin winter grading with the onset of winter rain; and*
2. *projects not completed by the onset of winter rain will not be completed in 2005/06 financial year.*

**CARRIED 7/0**

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**12.3 NORTHERN COUNTRY ZONE OF WALGA - VOTING**

<b>AUTHOR</b>	Gary Sherry
<b>DISCLOSURE OF INTEREST</b>	Nil
<b>DATE OF REPORT</b>	10 February 2006
<b>FILE</b>	C9.2 Country Shire Council's Association – Northern Ward

**SUMMARY:**

**Council to direct delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting.**

**BACKGROUND:**

Council would be aware of the upcoming Annual General Meeting of the Northern Country Zone of WALGA.

Council has also received an agenda for that meeting that will be available at the Council Meeting.

**COMMENT:**

Council has received the nominees for the positions of President and Deputy President of the Northern Country Zone of WALGA to be elected at the Northern Country Zone of WALGA's Annual General Meeting to be held in Geraldton on 3 March 2006.

The nominees for the two positions are:

President of the Northern Country Zone of WALGA

1. Cr Vicki Peterson City of Geraldton
2. Cr Michael Pearse Shire of Mingenew

Deputy President of the Northern Country Zone of WALGA

1. Cr Michael Pearse Shire of Mingenew

**STRATEGIC IMPLICATIONS:**

Council's strategic interest will be best served by the President of the Northern Country Zone of WALGA being the best lobbyist for Council's interest.

**STATUTORY ENVIRONMENT, FINANCIAL & POLICY IMPLICATIONS:**

Nil.

**PUBLIC CONSULTATION:**

None required.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council advise delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting to vote for:

1. Cr Vicki Peterson for the position of President of the Northern Country Zone of WALGA; and
2. Cr Michael Pearse for the position of Deputy President of the Northern Country Zone of WALGA.

**RESOLUTION: 2006-017**

**Moved:** Eaton

**Seconded:** O'Callaghan

*That Council advise delegates to the Northern Country Zone of WALGA 2006 Annual General Meeting to vote for:*

1. *Cr Vicki Peterson for the position of President of the Northern Country Zone of WALGA; and*
2. *Cr Michael Pearse for the position of Deputy President of the Northern Country Zone of WALGA.*

**CARRIED 6/1**

**13. MATTERS BEHIND CLOSED DOORS:**

Nil at this time

**14. DATE OF NEXT MEETING:**

**14.1 NEXT MEETING OF COUNCIL**

3.00 pm Wednesday 15 March 2006 at the Green Head Community Centre, Green Head.

**15. CLOSURE:**

**15.1 CLOSURE OF MEETING OF COUNCIL**

There being no further business, the President, Councillor Girando, closed the meeting at 5.17pm.

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These Minutes, consisting of pages 1 to 49 were confirmed by Council in Resolution No. 2006- , as a true and correct record on 15 March 2006.

Presiding Member: \_\_\_\_\_