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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The President, Cr Moira Girando, welcomed those present and opened the meeting at 3.00 pm.

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

Councillor M J Girando
 Councillor J K Waite
 Councillor M R Bothe
 Councillor B A Jack
 Councillor D B McTaggart
 Councillor G George
 Councillor A K Williams
 Councillor B J McDonald

President
 Deputy President

Mr M J Hook
 Mr S D Billingham
 Mr D R Hadden
 Mr K L Bean
 Mrs B A Johnson

Chief Executive Officer
 Deputy Chief Executive Officer
 Manager Regulatory Services
 Principal Works Supervisor
 Minutes Clerk

Leave of Absence/Apologies

Declarations of Interest

Councillor/Officer	Item	Interest	Nature
Cr McDonald	10.2.3	Direct Financial	Owner of Industrial Property Green Head

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

4. PUBLIC QUESTION TIME:

Mr Ross Crake addressed Council on item 10.2.3. Proposed Scheme Amendment No 9- Industrial Caretakers.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil

7. CONFIRMATION OF MINUTES:

7.1 ORDINARY MEETING HELD WEDNESDAY 18 AUGUST 2010 AT THE LEEMAN ADMINISTRATION CENTRE

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 September 2010

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 18 August 2010 be confirmed as a true and correct record.

RESOLUTION: *2010/164*

Moved: Cr Williams

Seconded: Cr McTaggart

That the Minutes of the Ordinary Meeting held on Wednesday 18 August 2010 be confirmed as a true and correct record.

***CARRIED 8/0
Simple Majority***

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

At any meeting of 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.

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.

Items for which the meeting will be closed include:

- 13.1 Manager of Regulatory Services Remuneration Review
- 13.2 Deputy Chief Executive Officer Contract Review
- 13.3 Chief Executive Officer Performance Review
- 13.4 Principal Works Supervisor Performance Review

10. REPORTS:

10.1 CHIEF EXECUTIVE OFFICER:

10.1.1 FIREBREAK NOTICE 2010/11

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 September 2010
ATTACHMENT	10.1.1
FILE	ADM0306

SUMMARY:

Council is being requested to readopt the Fire Break Notice for the 2010/2011 Bush Fire Season.

BACKGROUND:

At the Ordinary Meeting of Council 28 July 2010 Council adopted the Fire Break Notice

RESOLUTION: 2010/138

Moved: Cr McTaggart

Seconded: Cr Jack

That Council adopt the 2010/11 Fire Break Notice as included at Attachment 10.1.1

***CARRIED 8/0
Simple Majority***

COMMENT:

It has been noted that there is an error in the date of the Restricted Burning Periods (Coastal Portion). It is requested that Council adopt the amended 2010/11 Fire Break Notice upon recommendation from the BFAC to allow for thorough advertising prior to the commencement of the 2010/11 Fire Season.

The amended Fire Break Notice is included at Attachment 10.1.1

STATUTORY ENVIRONMENT:

Bush Fires Act (1954)

Various sections including:

17. Prohibited burning times may be declared by Minister

18. Restricted burning times may be declared by Authority

33. Local government may require occupier of land to plough or clear firebreak

38. Local government may appoint bush fire control officer

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Council Policies:

4.1.2 Bush Fire Advisory Committee

4.1.11 Bush Fire Control

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

Recommendation 1

That Council rescind 2010/11 Fire Break Notice- Resolution- 2010/138

RESOLUTION: 2010/165

Moved: Cr Williams

Seconded: Cr McTaggart

That Council rescind 2010/11 Fire Break Notice- Resolution- 2010/138

CARRIED 8/0
Absolute Majority

Recommendation 2

That Council adopt the amended 2010/11 Fire Break Notice as included at Attachment 10.1.1

RESOLUTION: 2010/166

Moved: Cr Bothe

Seconded: Cr Jack

That Council adopt the amended 2010/11 Fire Break Notice as included at Attachment 10.1.1

CARRIED 8/0
Absolute Majority

**BUSH FIRES ACT 1954
SHIRE OF COOROW**

**NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE
SHIRE OF COOROW**

FIREBREAKS:

Pursuant to the powers in *Section 33 of the Bush Fires Act*, you are hereby required on or before 31 OCTOBER 2009 to plough, scarify, slashed, cultivate or otherwise clear and thereafter keep clear of all inflammable material until 29 MARCH 2010 firebreaks (of not less than two (2) metres in width) in the following dimensions on the land owned or occupied by you:

1. RURAL LAND

Firebreaks of not less than two (2) metres in width immediately inside and along the whole of the external boundaries of the property or properties owned or occupied by you. In addition, where buildings or haystacks are situated on the property, additional firebreaks not less than 3.5 metres in width must be provided within 100 metres of the perimeter of such buildings or haystacks, in such manner as to completely encircle the buildings, haystacks or fuel pumps.

2. TOWNSITES

Coorow, Leeman and Green Head, all town site lots must be cleared or slashed to a maximum height of 10 cm (not ploughed or rotary hoed) by 31 October. (For the purpose of this notice, trees, shrubs and plants in established gardens do not constitute inflammable material).

3. FUEL DUMPS AND/OR DEPOTS

All grass and inflammable material is to be cleared from areas where fuel is stored and such areas are to be maintained free of grass and similar inflammable material until 29 MARCH 2011

**HARVESTING AND STRAW RAKING, BALING AND CHAINING
OPERATIONS**

A person shall not operate any harvesting machine or header or undertake straw raking, baling or chaining activities in any crop or paddock during the restricted and prohibited period unless a readily mobile fire-fighting unit containing a minimum of 400 litres of water capacity powered by an engine driven pump is in attendance in or adjacent to the entrance of the paddock being harvested, raked, baled or chained.

GENERAL PROVISIONS

The term "Inflammable Material" for the purpose of this notice includes bush (as defined in the *Bush Fires Act 1954*), timber, boxes, cartons, paper, and the like inflammable materials, rubbish and any combustible matter, but does not include buildings, green standing trees and bushes or growing bushes or plants in gardens or lawns.

If it is considered to be impractical for any reason to provide firebreaks in the position or adhere to the provisions required by this notice, the written approval of a Bush Fire Control Officer must be obtained to prepare such firebreaks in an alternative position.

If permission is not granted by a duly authorized officer you shall comply with the requirements of this order.

A "Total Movement Ban" includes the movement of vehicles in paddocks, except vehicles carrying water to stock and inspecting water supplies to stock.

Harvesting is not permitted on Christmas Day and New Years Day. Harvesting is permitted on all Sundays and other Public Holidays except where a harvesting or movement of vehicles ban has been imposed due to extreme weather conditions.

The penalty for failing to comply with this order is a fine of not more than one thousand dollars (\$1,000) and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed by this notice, if it is not carried out by the owner or occupier by the date required by this notice.

Council may, in default of compliance with this Order, enter upon the land and perform the requisite works and the owner or occupier shall be responsible for the costs of performing such works.

RESTRICTED BURNING PERIODS:

COASTAL PORTION: (From Coast East to Mudge-Willcocks Road)
29 September 2010 to 31 October 2010
15 February 2011 to 29 March 2011

DISTRICT GENERALLY: (Remainder)
16 September 2010 to 14 October 2010
15 February 2011 to 29 March 2011

PROHIBITED BURNING PERIOD:

COASTAL PORTION: (From Coast East to Mudge-Willcocks Road)
1 November 2010 to 14 February 2011

DISTRICT GENERALLY: (Remainder)
15 October 2010 to 14 February 2011

Chief Bush Fire Control Officer	John Browne
Deputy Chief Bush Fire Control Officer (West)	Ben Plozza
Deputy Chief Bush Fire Control Officer (East)	Kelvin Bean
Harvest Ban Officer – Western Sector	James Raffan, Ian Falconer
Harvest Ban Officer – Eastern Sector	Kelvin Bean, Ian Hunt
Special Permit Clover Burning Officers	Ian Falconer

Fire Control Officers :

Mark Hook, Rob Clement, Ian Hunt, Barry Fowler, Geoff Hortin, Dave Morton, Geoff Angwin, Stuart Billingham, Ben Plozza, Ian Falconer, Graeme Maley, Kelvin Bean

All other appointments are cancelled.

Mark J Hook
Chief Executive Officer

10.1.2	WA STATE ELECTORAL COMMISSION- 2011 ORDINARY ELECTION
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AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	24 September 2010
ATTACHMENT	10.1.2 WA Electoral Commission Letter
FILE	ADM 0308

SUMMARY:

Council is being requested to appoint the WA State Electoral Commission to run the 2011 Ordinary Election for the Shire of Coorow as a Postal Voting Election, and to place an amount of \$12,000 in the 2011/12 budget allocations.

BACKGROUND:

Council has received a letter from the Western Australia Electoral Commission requesting Council to appoint them under section 4.20(4) of the *Local Government Act* and also to declare the annual election as a Postal Election under 4.16(2) of the *Local Government Act*.

Copy of letter attached as attachment 10.1.2

COMMENT:

Council undertook the 2009 Election as a full Postal Election with the WA Electoral Commission appointed to undertake the election.

Even though there was a few errors the Election had a high participation rate due to the effect of running the Annual Election as a full Postal Vote Election. Council should consider running the 2011 Annual Elections as a full Postal Vote Election and appoint the WA Electoral Commissioner to undertake the 2011 Annual Elections.

The WA Electoral Commission must conduct the Local Government Elections under a full cost recovery and this is anticipated to be \$12,000 including GST

The costs not included in the \$12,000 are:

- Non-Statutory advertising
- Any legal expenses other than those that are determined to be borne by the WA Electoral Commission in a court of disputed returns: and
- One Local Government staff member to work in the polling place on Election Day.

STATUTORY ENVIRONMENT:

Local Government Act 1995 section 4.20(4) and 4.16(2)

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

An amount of \$12,000 will need to be included in the 2011/12 budget Allocations.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

- 1) That council place an amount of \$12,000 in the 2011/12 budget estimates to allow for the Annual Elections to be run by the Western Australia Electoral Commission as a full Postal Vote Election.
- 2) That Council, as per section 4.20(4) of the Local Government Act 1995, appoint the Electoral Commissioner responsible for the conduct of the 2011 Ordinary Elections together with any other elections or polls which may also be required and in accordance with section 4.16(2) of the Local Government Act 1995 to conduct the election as a full Postal Vote.

RESOLUTION:**2010/167*****Moved: Cr George******Seconded: Cr McTaggart***

- 1) *That council place an amount of \$12,000 in the 2011/12 budget estimates to allow for the Annual Elections to be run by the Western Australia Electoral Commission as a full Postal Vote Election.*
- 2) *That Council, as per section 4.20(4) of the Local Government Act 1995, appoint the Electoral Commissioner responsible for the conduct of the 2011 Ordinary Elections together with any other elections or polls which may also be required and in accordance with section 4.16(2) of the Local Government Act 1995 to conduct the election as a full Postal Vote.*

CARRIED 8/0
Absolute Majority

H0110508 LCN10787



LGE 028

Mr Mark Hook
 Chief Executive Officer
 Shire of Coorow
 PO Box 42
 COOROW WA 6515



SHIRE OF COOROW		WESTERN AUSTRALIAN Electoral Commission
RECEIVED		
14 SEP 2010		
FILE		
CEO		
MFA		
MWS		
MCD		
CEO		
FINANCE		
INVEST		
PAID		

Dear Mr Hook

Local Government Ordinary Election: 2011

The next ordinary elections are being held on 15 October 2011. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2011/2012 budget preparations.

The estimated cost for the 2011 election is \$12,000.00 inc GST, which has been based on the following assumptions:

- 1,150 electors;
- response rate of approximately 60%;
- 4 vacancies; and
- count to be conducted at the offices of the Shire of Coorow.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

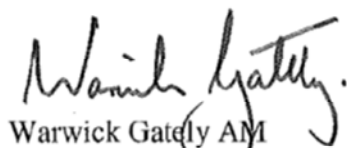
The current procedure required by the *Local Government Act 1995* is that my written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2011 for the Shire of Coorow in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the Shire of Coorow also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council will now need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required; and
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the Shire of Coorow.

Yours sincerely



Warwick Gately AM
ELECTORAL COMMISSIONER

10 September 2010

10.1.3 REFRESHMENTS POLICY FOR ORDINARY, SPECIAL AND ANNUAL ELECTORS MEETINGS OF COUNCIL, CIVIC FUNCTIONS AND RECEPTIONS GENERAL, SPECIFIC FUNCTIONS AND CEREMONIES AND FOR GENERAL ENTERTAINMENT AND HOSPITALITY

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 September 2010
ATTACHMENT	10.1.3- Policy Number 1.1.14 Refreshments policy for Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality
FILE	Policy Manual

SUMMARY:

Council is to consider the adoption of new Policy 1.1.14 - Refreshments Policy for Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality.

BACKGROUND:

Council passed the following resolution at its Ordinary Meeting of Council held on the 28 July 2010.

RESOLUTION: **2010/121**

Moved: Cr Girando

Seconded: Cr Williams

That the Chief Executive officer prepare a policy to cover the provision of Refreshments and Meals giving full consideration to Councils adopted policy 2.1.17 Alcohol and Other Drugs.

CARRIED 8/0
Simple Majority

COMMENT:

The Chief Executive Officer has written a new Policy as requested and is attached as attachment 10.1.3 Policy 1.1.14 - Refreshments policy for Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality.

The Policy has been written to allow for the provision of refreshments during the conduct of Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality.

STRATEGIC ENVIRONMENT:

Shire of Coorow Policy Manual
Councillors Manual
Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS

As above

FINANCIAL IMPLICATIONS:

Refreshments and Receptions are allowed for in the 2010/11 Budget Estimates.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt Policy 1.1.14 - Refreshments policy for Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality.

RESOLUTION:

2010/168

Moved: Cr Waite

Seconded: Cr Williams

That the Officers Recommendation as shown in the Agenda not be adopted and that this item be deferred to the next ordinary meeting of Council to allow for some clarification on issues relating to this item.

CARRIED 8/0
Simple Majority

POLICY- MEMBERS OF COUNCIL

Sub Section: General

Policy Number: 1.1.14

Policy Subject: **Refreshments policy for Ordinary, Special and Annual Electors Meetings of Council, Civic Functions and Receptions General, Specific Functions and Ceremonies and for General Entertainment and Hospitality.**

Policy Statement: At the discretion of the Shire President and Chief Executive Officer allow for the provision of refreshments at Ordinary, Special and Annual Electors Meetings of Council, Civic Functions, Receptions General, Specific Functions, Ceremonies and General Hospitality.

Objectives: To provide direction to the President and Chief Executive Officer in the provision of refreshments during Ordinary, Special and Annual Electors Meetings of Council, Civic Functions, Receptions General, Specific Functions, Ceremonies and General Hospitality.

Guidelines: 1 **Ordinary, Special and Annual Electors Meetings of Council**

At the discretion of the President the President may authorise the provision of refreshments after the closing of Ordinary, Special and Annual Meetings of Council.

2 Civic Function and Receptions – General

At the discretion of the President and Chief Executive Officer, the President may host civic functions and receptions with refreshments for visiting dignitaries, local residents who are recipients of awards or prizes from the Shire of Coorow, and visitors from other local authorities from Australia and overseas. The date, time and invitation list shall be determined by the President, in conjunction with the Chief Executive Officer.

In the absence of the President, the Deputy President may carry out Civic and Ceremonial duties on behalf of the Shire of Coorow, in accordance with s5.34 of the *Local Government Act 1995*.

3 Specific Function and Ceremonies

3.1 Annual Staff Christmas Function

During December each year, Council shall conduct a Staff Christmas Function with the appropriate level of refreshments.

The list of invitees shall include but not be exclusive to the following:

- a) Current Elected Members, and their partners including pre-school and school age children.
- b) The Chief Executive Officer, Executives, Managers and other staff of the Shire of Coorow and their partners including pre-school and school age children, and:
- c) Guests

3.2 Annual Volunteers Appreciation Reception

During December each year, to commemorate Volunteers Day, a function with refreshments will be held to demonstrate the appreciation of the Council to all the Volunteers who undertook community service throughout all Service areas of the Shire of Coorow.

Other invitees shall include all current Elected Members, Freeman of the Shire of Coorow, the Chief Executive Officer, Executive,, and other staff of the Shire of Coorow at the discretion of the Shire President

3.3 Official Openings of Council Facilities

At the discretion of the President and Chief Executive Officer, the President may host receptions with refreshments to commemorate the Official Openings of Council facilities. The invitation list shall be at their discretion but is to include all current Elected Members and Freeman of the Shire of Coorow.

3.4 General Entertainment and Hospitality

The provision of Entertainment and Hospitality including refreshments can only apply where approval has been given by the President or the Chief Executive Officer.

Examples of where approval is considered appropriate would include:

- (a) Entertaining Official visitors to the Shire of Coorow
- (b) Workshops and Seminars involving Councillors and Staff
- (c) Employee farewell functions

Alcohol should only be available for the purpose of hospitality and supplied in modest amounts.

Resolution No:

Resolution Date:

Source: Council

Date of Review: June Annually

Review Responsibility: Chief Executive Officer

10.1.4 REGIONAL BOTANIC GARDENS

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	1 October 2010
ATTACHMENT	10.1.4 Attachment under separate cover
FILE	Report to the Minister for the Environment by Regional Gardens Advisory Group ADM0110/ICR10769

SUMMARY:

Council is being requested to support the establishment of Regional Botanic Gardens within Western Australia

BACKGROUND:

Council has received the following letter from the Mid-West Development Commission regarding support for Regional Botanic Gardens.

REGIONAL BOTANIC GARDENS

Mr Mark Webb, Chief Executive Officer of the Botanic Gardens & Parks Authority (BGPA) has approached the Department of Regional Development and Lands (RDL) to ascertain its support for the establishment of regional botanic gardens within Western Australia. Kings Park is currently the only botanic garden in Western Australia.

This approach follows a September 2000 Report to the Minister for the Environment by the Ministerial Advisory Group (Attachment 1).

The BGPA can offer advice and support to prospective proponents, however it does not have the capacity to take a leadership role in such a project. The accompanying Powerpoint presentation (Attachment 2) provides further information on the diversity, amenity and cultural value of botanic gardens and outlines essential criteria for success.

Botanic gardens are usually managed by local governments and it is expected that local governments will be the proponents for regional botanic gardens.

Potential proponents interested in pursuing this opportunity should discuss this with the Mid West Development Commission initially. The MWDC contact is Adam Murszewski on 9921 0714 or adam.murszewski@mwdc.wa.gov.au. Subsequently interested shires should submit a completed *Regional Strategic Projects - Expression of Interest* form (Attachment 3) to RDL.

Should you be interested in learning more about the opportunities for regional botanic gardens, it is recommended that you contact Mark Webb to discuss your interest and the suitability of your location.

Mr Mark Webb can be contacted on 9480 3605 or mark.webb@bgpa.wa.gov.au.

COMMENT:

A full copy of the report and power point presentation is attached under separate cover for council's information. Although it would be nice to see a botanic garden in the Mid-West, council does not have the resources to construct and maintain a Regional Botanic Garden.

The establishment of a Regional Botanic Garden requires a major investment by the Local Community and ongoing funding would be required to maintain the gardens. It would be debateable as to whether a botanic garden would be able to sustain itself by charging entry fees alone so there would need to be significant ongoing investment from the State Government. The costs for the establishment of a botanical garden as taken from the report to the Minister for the Environment by Regional Botanic Gardens Advisory Group are:

- ☐ Capital Costs \$1.1 to 2.6 Million:
- ☐ Initial establishment costs \$950,000:
- ☐ Annual operating costs \$750,000

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The costs for the establishment of a botanical garden as taken from the report to the Minister for the Environment by Regional Botanic Gardens Advisory Group are:

Costing details and assumptions

Assumptions

- Land minimum 5ha, preferably more, including developed and natural areas.
- Water sufficient quality and quantity accessible, with appropriate delivery system.
- Building(s) multipurpose for visitors; community groups; interpretation; education; research; administration and operations, including suitable housing if required; herbarium; nursery; and potential for commercial retail outlet (food, gifts, craft etc).
- Access roads, carparks, footpaths, signage, management tracks and firebreaks.
- Establishment masterplanning, design, initial plant collections, and staff establishment costs.

Capital costs

- Land \$0 to \$1.5 million, depending on location, ownership and zoning. Preferable to target Crown reserves. Need to purchase private land may make project unviable in some locations.
- Water minimum \$100,000.
- Power minimum \$100,000.
- Building(s) minimum \$500,000.
- Access minimum \$400,000.

Establishment costs

- Masterplanning and design. \$150,000.
- Initial plant collections. \$150,000.
- Garden establishment –minimum. \$400,000.
- Building fit out. \$150,000.
- Plant and equipment –minimum. \$100,000.

Annual operating costs

- Staff costs (5 people to run seven days a week operation). \$400,000.
- Plant collection maintenance and review –minimum. \$200,000.
- Leasing, maintenance and servicing. \$150,000.

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council advise the Mid-West Development Commission that it supports a Regional Botanic Garden but is unable to be the proponent for the establishment of a Regional Botanic Garden.

RESOLUTION:

2010/

Moved: Cr Williams

Seconded: Cr McTaggart

That Council advise the Mid-West Development Commission that it supports a Regional Botanic Garden but is unable to be the proponent for the establishment of a Regional Botanic Garden.

***CARRIED /
Simple Majority***

AMENDMENT

RESOLUTION:

2010/169

Moved: Cr Williams

Seconded: Cr McTaggart

That Council advise the Mid-West Development Commission that it supports a Regional Botanic Garden but is unable to be the proponent for the establishment of a Regional Botanic Garden. The Shire of Coorow would be amenable to a botanical garden being established within its boundaries

***CARRIED 6 / 2
Simple Majority***

This amendment then became the substantive motion and was carried 7/1 Simple Majority

10.1.5	EXEMPTION TO KEEP MORE THAN TWO (2) DOGS AT 37 NAIRN STREET LEEMAN
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AUTHOR	John Richardson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	17.September 2010
ATTACHMENT	10.1.5
FILE	ADM 0437

SUMMARY:

Council is being requested to consider granting an exemption to allow the keeping four (4) dogs at 37 Nairn St Leeman.

BACKGROUND:

Council has received an application from Steve and Sue Beacroft requesting an exemption to keep four (4) dogs on the property at 37 Nairn St Leeman. In support of this application the following information has been provided by the applicant.

- The four (4) dogs are all pedigree Border Collies.
- 1 x Dog is 12 years old and 3 x Dogs Approximately 9 years of age
- The property has a very large fenced rear yard

COMMENT:

The dogs are Border Collies and are well looked after and have been registered in the Shire of York.

I have had discussions with the owners who are relocating from York to Leeman and they appear to be good law abiding citizens and assured me that their dogs are friendly and part of the family.

I have contacted the Shire Ranger at York and he has not received any complaints from neighbours and has not had to call on the applicant in relation to the dogs.

An inspection was carried out of the fencing on the property and is suitable to contain the four (4) dogs.

I would recommend supporting the request from Mr and Mrs Beacroft taking into account the Policy implications as outlined.

STATUTORY ENVIRONMENT:

Dog Act 1976 Section 26 (3)

Where by a local law under this Act a Local Government has placed a limit on the keeping of dogs in any specified area but the Local Government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the Local Government may grant an exemption in respect of those premises but any such exemptions.

- a) *May be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- b) *Shall not operate to authorise the keeping of more than six(6) dogs on those premises; and*
- c) *May be revoked or varied at any time*

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As a result of this request, I am currently developing a Policy in relation to the keeping of more than two dogs which will allow the keeping of up to four (4) dogs in certain circumstances, taking the following into consideration:

1. Whether compassionate grounds exist;
2. The sex, age and breed of the dog;
3. The size of the property where the dogs are kept
4. The containment of dogs on the property (fencing);and
5. Complaints lodged to Council within the twelve (12) month review

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Mr and Mrs Beacroft be given an exemption to keep four (4) dogs at 37 Nairn Street Leeman be granted subject to the following conditions:

1. It applies only to the dogs specified therein;
2. The dogs do not cause a nuisance to occupiers of adjoining properties;
3. The exemption is subject to review after a period of twelve (12) months; and
4. The property at 37 Nairn Street Leeman to be inspected and fencing to conform for adequate containment of the dogs.

RESOLUTION:

2010/170

Moved: Cr George

Seconded: Cr Williams

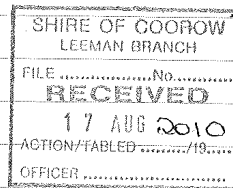
That Mr and Mrs Beacroft be given an exemption to keep four (4) dogs at 37 Nairn Street Leeman be granted subject to the following conditions:

1. *It applies only to the dogs specified therein;*
2. *The dogs do not cause a nuisance.;*
3. *The exemption is subject to review after a period of twelve (12) months; and*
4. *The property at 37 Nairn Street Leeman to be inspected and fencing to conform for adequate containment of the dogs.*

***CARRIED 8/0
Simple Majority***

PH. 96411036.

Mark Hook
 CEO, Coorow Shire
 Morcombe Rd
 Leeman 6514.



Steve & Sue Beacraft
 Daisy Downs
 610 Mackie Rd
 YORK 6302.

Dear Mr Hook,
 we are writing here to ask permission
 of the Shire of Coorow to allow myself
 & my husband to keep four dogs at our
 newly purchased house in Leeman.

Our dogs are pedigree Border Collies, all
 of them are working sheepdogs albeit
 getting a little long in tooth. We are
 retiring from the farm and plan to
 begin moving to Leeman at the end
 of August, to be settled in before
 the end of Spring. Our house is
 37 Noun St in Leeman, the yard is
 very big and fully enclosed. We
 guarantee to keep the yard fully enclosed,
 and the dogs registered. All the dogs have
 been sterilised and are beautifully
 behaved animals. We look very much
 forward to hearing from you with
 your decision.

Kind regards,

S. Beacraft
 Mrs Sue Beacraft.

13-8-2010.

10.1.6	COUNCILS MEMBER TO THE NORTH MIDLAND MEDICAL PRACTICE MANAGEMENT COMMITTEE
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AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	1 October 2010
ATTACHMENT	Nil
FILE	ADM 0272/ADM0219

SUMMARY:

The Shire President, Cr Moira Girando has advised the Chief Executive Officer that due to the current work load and being appointed as the Northern Country Zone delegate to the Western Australian Local Government Association Board, Cr Girando would like to step down as Councils Member to the North Midlands Medical Practice Management Committee. It is therefore necessary under the *Local Government Act 1995* for Council to appoint a Member of Council as Councils Member to the North Midlands Medical Practice Management

BACKGROUND:

At the October 2009 Ordinary Meeting of Council the following resolution was passed appointing the following Councillors and Staff as members of Committees of Council and as Delegates of Council to the respective Committee or Organisation.

RESOLUTION: 2009-178

Moved: Cr Jack **Seconded:** Cr Williams

That Council appoint the following as members of Committees of Council and as Delegates of Council to the respective Committee or Organisation as included in the following table:

No	Committee	Member/Delegate(s)	Proxy Member/Delegate
1	Audit Committee	All Councillors	Nil
2	Central Coast Planning and Coordinating Committee	Shire President and CEO	Cr Williams and MRS
3	Waddy Forest LCDC	Cr Waite	Cr Bothe
4	Central Coast Health Advisory Group	Cr George	Cr McDonald
5	North Midlands Sub-Regional Road Group	Cr Girando and PWS	Cr Waite
6	Mid West Regional Council	Shire President	Deputy Shire President
7	Northern Country Zone of WA Local Government Association	Shire President and Deputy Shire President	Cr Williams and Cr McDonald
8	Moore River Catchment Council	Cr Waite	Cr Bothe

9	Leeman/Green Head Local Emergency Management Advisory Committee	Cr McDonald and CEO	Cr Williams and MRS
10	Carnamah Local Emergency Management Advisory Committee	Cr Waite	Cr Girando
11	Coorow School Bus Committee	PWS	CEO
12	Carnamah District High School Bus Committee	PWS	CEO
13	Winchester Cemetery Management Committee	Cr Bothe, PWS and Ms Alison Doley (Community Rep)	Cr Jack
14	DEC Fire Advisory Committee	PWS and Chief BFCO	CEO
15	Leeman Jetty Committee	Cr McTaggart	Cr Williams
16	Green Head Jetty Committee	Cr McTaggart	Cr George
17	Coorow Land Conservation District Committee	Cr Bothe	Cr Waite
18	Coorow Townscape Committee	CEO	Cr Girando
19	North Midlands Medical Practice Management Committee	Cr Girando and CEO	Cr Waite and DCEO
20	Wildflower Country Tourism Steering Committee	Cr McDonald	DCEO
21	Buntine Marchagee Recovery Catchment Group	Cr Girando	Cr Waite
22	Watheroo LCDC	Cr Girando	Cr Waite
23	Bush Fire Advisory Committee Chair	CEO	Cr Jack/ Cr Waite

CARRIED 7/0

The Shire President, Cr Moira Girando has advised the Chief Executive Officer that due to her current work load and being appointed as the Northern Country Zone delegate to the Western Australian Local Government Association Board, Cr Girando would like to step down as Councils member to the North Midlands Medical Practice Management Committee.

COMMENT:

Due to the Shire President, Cr Moira Girando advising the Chief Executive Officer that she would like to step down as Councils member to the North Midlands Medical Practice Management Committee it is necessary under the *Local Government Act 1995* for Council to appoint a member of Council as Councils member to the North Midlands Medical Practice Management.

Cr Michael Bothe has advised that he would like to take over as Council's member to the North Midlands Medical Practice Management Committee. Cr Michael Bothe attended the last meeting of the North Midlands Medical Practice Management Committee.

STATUTORY ENVIRONMENT:

Local Government Act (1995)

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*** Absolute majority required**

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.

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until -*
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) the person resigns from membership of the committee;*

- (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until -*
- (a) *the term of the person's appointment as a committee member expires;*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council appoint Cr Michael Bothe as Council's member to the North Midlands Medical Practice Management Committee.

RESOLUTION:

2010/171

Moved: Cr Girando

Seconded: Cr McDonald

That Council appoint Cr Michael Bothe as Council's member to the North Midlands Medical Practice Management Committee.

CARRIED 8/0
Absolute Majority

10.1.7 PROPOSED JOINT LEMAC COMMITTEE AND COMMUNITY EMERGENCY SERVICES MANAGER- COOROW AND CARNAMAH

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2010
ATTACHMENT	Nil
FILE	ADM 0476

SUMMARY:

Council is being requested, under the *Emergency Management Act 1995*, to establish at least one Local Emergency Management Committee (LEMC) for its district.

Council is also being requested to authorise the Chief Executive Officer with the Chief Executive Officer of Carnamah to discuss with FESA the possibilities of accessing funding from FESA to appoint a Community Emergency Services Manager for the two (2) Shires based on FESA contributing 50% of the recurrent operational costs.

BACKGROUND:

On the 19th August 2010, a meeting was held in Carnamah at which Sgt Adam Bulloch (Carnamah Police), Mr Tex McPherson (FESA), Mr Bill Atkinson (CEO of Carnamah) and Mr Mark Hook (CEO of Coorow) discussed the feasibility of the Shires of Coorow and Carnamah forming a joint Local Emergency Management Committee (LEMC).

COMMENT:

At the meeting on the 19th August 2010 it was resolved that it should be recommended to both Councils of the Shires of Coorow and Carnamah that a joint LEMC be formed and the following arrangements apply:

- ❖ Initial meeting to be held at Coorow on Thursday the 11th November 2010 at 6.00pm:
- ❖ That the following people be invited to the meeting:
- ❖ Two elected members from each Shire
- ❖ Officers in Charge of the Police Stations at Carnamah and Leeman
- ❖ Chief Bush Fire Control Officers from each Shire
- ❖ SES Manager from Eneabba
- ❖ EMR from Leeman
- ❖ St John Ambulance (Mrs Merle Isbister) or delegate
- ❖ Shire Works Managers
- ❖ Representatives from Three Springs Hospital and Eneabba Silver Chain
- ❖ Representative from the Department of Child Protection from Geraldton
- ❖ Administrative Support Officer for the proposed LEMC (Mr Mark Hook)
- ❖ FESA – Mr Tex McPherson
- ❖ The LEMC Chair and Deputy Chair be elected from the two Elected Members representing the Shires of Coorow and Carnamah

Mr Tex McPherson has offered to write up the Emergency Management Plan for the proposed Coorow/Carnamah LEMC and to organize the training for volunteers and agency representatives who would be involved in recovery operations after an emergency.

This report recommends that the Shires of Coorow and Carnamah unite to form one Emergency Management Committee to cover the two (2) Shires.

Discussions also covered the two Shires, in partnership with FESA, accessing funding from FESA to appoint a Community Emergency Services Manager who would be based in the western sector of the proposed LEMC. FESA would contribute 50% of the recurrent operational costs associated with employing this officer.

The task this officer could undertake carrying out the role of Chief Bushfire Control Officer for both Shires (This position has been identified in the organisational chart for a new Shire should the two Shires proceed to amalgamate).

This position could be created and shared even if the amalgamation of the two Shires does not go ahead. The proposal to create the position of a Community Emergency Services Manager has been raised before and has been raised with the CBFCO Mr John Brown who advises that he will be retiring as Councils CBFCO after this fire season.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005 – s 34.2 & 38

Each local government is required, under the *Emergency Management Act 2005*, to establish at least one local emergency management committee for its district.

Two or more local governments, may, with the approval of the State Emergency Management Committee (SEMC), agree to unite for the purposes of emergency management.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Gross Salary for this Officer would be in the vicinity of \$80,000 to \$90,000 plus the provision of a motor vehicle and housing if required. FESA would cover 50% Shire of Coorow 25% Shire of Carnamah 25%.

PUBLIC CONSULTATION:

Discussions have been held with the CEO – Shire of Carnamah, OIC Carnamah Police, and Community Emergency Management Officer - FESA

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council under the *Emergency Management Act 1995*, support and establish the formation of a joint Local Emergency Management Committee for the Shires of Coorow and Carnamah.
2. That the Chief Executive Officer with the Chief Executive Officer of Carnamah discuss with FESA the possibilities of accessing funding from FESA to appoint a Community Emergency Services Manager for the two Shires based on FESA contributing 50% of the recurrent operational costs associated with the employment of this officer.

RESOLUTION:

2010/172

Moved: Cr Bothe

Seconded: Cr Williams

1. *That Council under the Emergency Management Act 1995, support and establish the formation of a joint Local Emergency Management Committee for the Shires of Coorow and Carnamah.*
2. *That the Chief Executive Officer with the Chief Executive Officer of Carnamah discuss with FESA the possibilities of accessing funding from FESA to appoint a Community Emergency Services Manager for the two Shires based on FESA contributing 50% of the recurrent operational costs associated with the employment of this officer.*

***CARRIED 8/0
Simple Majority***

10.1.8 MAIN ROADS- MID WEST LOCAL COUNCILS SERVICE AGREEMENT

AUTHOR	Suzanne Ward- Chief Executive Officer
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	4 October 2010
ATTACHMENT	Attachment 10.1.8 t under separate cover
FILE	ADM0055

SUMMARY:

Council is being asked to: -

- a) Appoint an elected member and the CEO to represent Council on the Mid West Local Governments Services Agreement Governance Team,**
- b) Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid West Local Governments Services Agreement with Main Roads WA, and**
- c) Nominate the CEO of the Mid West Regional Council as (the single point of contact), their parties' representative**

BACKGROUND:

The Agreement

Over the past two (2) years, the Mid West Regional Council, Main Roads and the participating council representatives have held discussions in an attempt to reach agreement as to the manner in which the Local Governments may be involved in the performance of road asset management services on portions of Main Roads' road network.

On 22 February 2010, Main Roads and the Local Governments entered into a memorandum of understanding (MOU) under which Main Roads and the Local Governments undertook to negotiate, agree, finalise and execute an agreement under which the Local Governments will:

- perform certain of the road asset management services in respect of portions of Main Roads' road network; and
- be given status as a potential performer of minor construction and rehabilitation works on Main Roads' road network and be offered opportunities to undertake these works in accordance with Main Roads' delivery strategy for its road network.

In accordance with the MOU, Main Roads and the Local Governments, assisted by the Mid West Regional Council have carried out extensive negotiations and finalised an agreement which is now ready for execution. The Agreement reflecting the terms and conditions agreed between Main Roads and the Local Governments has been provided to members under separate cover.

The Governance Team

Clause 3 of the Agreement refers to a Governance Team whose primary function is to ensure that the Agreement is implemented and managed as smoothly and efficiently as possible. The team will be comprised of 2 Main Roads personnel and 6 nominees from the Councils. The Local Governments will be required to have a combination of 3 Elected Members and 3 CEO's at each meeting.

Councils are required to appoint one person (by name) and the CEO to represent their Council on the Governance Team.

Regular meetings will be held on a monthly basis initially and then on a quarterly basis.

Consultation will take place prior to the meetings to ensure the required quantum of 3 Elected Members and 3 CEO's attend.

Parties Representative

Under Clause 1.4 both Main Roads and the Local Governments are to perform their obligations through a single representative. This person is to be appointed in writing by each Local Government and may be changed by giving notice in writing to Main Roads.

Given Mid West Regional Council has fulfilled this role from the onset; I am suggesting that the CEO of the Mid West Regional Council be nominated as the Local Governments single representative.

COMMENT:

Agreement Summary:

Clause 2 Undertakings & Commitments

The Agreement commits parties to take a "Best for Network" approach at all times and to establish a culture based on agreed principles. This clause sets out the principles and the obligations both parties are committing to.

Clause 3, Clause 4 and Schedule 3 - Governance Team & Joint Process Management Team

Refer to Schedule 3 (Appendix I) Structure Plan.

The Governance Team will be comprised of 2 Main Roads representatives (Regional Manager and 1 other) and a representative from each Council (3 President's and 3 CEO's). Responsibilities of the Governance Team will be:

- a) Strategic Planning and Leadership,
- b) Governance,
- c) Facilitate Outstanding Performance, and
- d) Communication and Reporting

The Joint Process Management Team will comprise nominated personnel from both Councils and Main Roads who must be approved by the Governance Team. Roles and responsibilities of the Joint Process Management team will be:

- a) Develop the Annual Works program,
- b) Develop the Management Plan,
- c) Manage the transition from the current arrangement under the TNC to the performance of the services by Local Governments,
- d) Oversee the integration of Local Government and Main Roads processes and systems,
- e) Monitor performance of the Services by Local Governments, and
- f) Identify opportunities for improvement in Service delivery and ensure the improvements are implemented.

Clause 5 - Term

The initial term is for a period of 5 years with a strategic review by the Governance Team commencing 16 months prior to expiry. The Governance team has 3 months in which they must provide a report to the Local Governments and Main Roads recommending:

- a) Increase or decrease to scope of services,
- b) Extension of the term and period by which it is to be extended, or
- c) Termination of the agreement, and / or
- d) Additional Local Government / s be included in the agreement

The term may not be extended beyond 10 years.

Clauses 6 to 11 and Schedule 6 – Services & Plant

By 31st March each year, Main Roads will notify the Joint Process Management Team the amount of funds allocated to the performance of the Services and the Joint Process Management Team is to develop the Annual Works Program for the next Financial Year.

Although the Agreement does not specify, the Annual Works Program will be developed in conjunction with and to integrate with each Local Governments annual works program in order to ensure sufficient resources for delivery of the services. There will be opportunities here for increased efficiencies and effectiveness through working collaboratively with the Local Governments, Main Roads and the Network Provider. (e.g. bitumen seals)

Main Roads may offer to the Local Governments, Minor Improvement Works to be carried out. The Local Government may, (with the prior approval of Main Roads) subcontract out this work.

The Local Governments will provide all of the Plant necessary to provide the Services and purchase new plant in consultation with the Process Management team.

Schedule 6 sets out the specifications relevant to the performance of the Services under the Agreement.

Shire of Coorow – Roadside Rubbish Collection Services

A rubbish collection crew is to be provided by the Shire of Coorow with a purpose built unit, the configuration and design of the unit is yet to be agreed between the parties.

The extent of the rubbish collection service is commensurate with available funding and will be defined in the Annual Works Program. Early indications are approximately \$75,000 per annum may be available for this service therefore the level of service is yet to be determined.

Shires of Coorow and Perenjori – 2 x Maintenance Teams

The Shires of Coorow and Perenjori will provide two purpose built maintenance trucks to be based at Leeman and Perenjori respectively to perform routine maintenance works under this Agreement. The personnel to man the road maintenance trucks will be engaged by the Shires of Coorow and Perenjori and will be based in Leeman and Perenjori respectively.

Within 12 months, the Parties must review the effectiveness and efficiency of having two purpose built road maintenance trucks and if the Parties determine that additional road maintenance capacity is required, further discussions will be held in respect of the most appropriate manner to provide any additional capacity to deliver the Services under this Agreement.

Shires of Mingenew and Morawa – 2 x Road Inspectors

The Local Governments will employ two full time road inspectors to perform the road inspections of the Network. The road inspectors will be provided with appropriate vehicles, equipment, training and direction.

One of the road inspectors is to be employed by and based in the Shire of Mingenew. The other road inspector will be employed by and based in the Shire of Morawa.

The road inspectors will receive directions from a Main Roads' appointed network manager who is to have regular contact with and support the performance of the road inspections.

(A communications plan is to be developed to ensure the Local Government Work's Managers are included and consulted).

Main Roads will provide the equipment and systems required to enable the road inspectors to provide information to Main Roads on the results of the road inspections performed.

Planning of Services (Routine road maintenance)

The Network Manager and the road inspectors will make a significant contribution into the programming phase for the Services under this Agreement.

Clause 12 and Schedule 7 – Payments & Procedures for Payment

Main Roads will reimburse direct costs and pay overheads to the Local Governments for the Services.

Local Governments will provide supported monthly accounts to MWRC for the work carried out and MWRC will compile and submit a monthly account to Main Roads. Any cost involved in this service being delivered by Mid West Regional Council will be recovered from Main Roads by the Local Governments as an overhead component.

MWRC will arrange workshops between Main Roads and Local Government finance staff to ensure the costing methods and the capture of the information required is consistent with Main Roads requirements.

Clause 13 – Reports, Record etc

The Joint Process Management team must supply a monthly report to Main Roads comparing the actual and forecast performance of the services against the Annual Works Program.

The Joint Process Management Team has responsibility for maintaining all invoices, accounts, records etc in relation to the services provided. Main Roads or their auditor has the right to audit records and information held by the shires in relation to the Service Delivery.

Clauses 14 and 15 - Insurance

Both parties are responsible for insuring their own risks. Any excesses of insurance claims relative to the Service Delivery will be a Direct Cost and reimbursable by Main Roads.

Clause 19 - Dispute Resolution

This clause provides a procedure for the resolution of any disputes should they arise.

CONSULTATION:

Main Roads WA representatives and consultants, Local Government CEO's and Work's Managers, Greenfield Technical Services, Paul Breman - UHY Haines Norton, John Woodhouse - Woodhouse Legal, Anthony Quahe - Civic Legal.



STATUTORY ENVIRONMENT:

Governance Team Representative

I have attached under a separate cover to the agenda Attachment 10.1.8 **Mid West Local Governments Service Agreement**.

Clause 3.3 of the **Mid West Local Governments Service Agreement** requires the Governance Team to be comprised of 2 representatives appointed by Main Roads and 1 representative appointed by each of the Councils. Each meeting is to be attended by 3 elected members and 3 CEO's.

Section 5.9 subsection 2 (c) of the **Local Government Act 1995** specifies a committee may comprise council members, employees and other persons.

Section 5.10 subsection 1 (a) of the **Local Government Act 1995** provides for the appointment of committee members. If the council is to appoint a council member or employee to a committee and the president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the president.

The Agreement

Clause 11.2 Mid West Local Governments Services Agreement requires each Local Government to comply with all statutory requirements applicable to the performance of the Services, including obtaining and complying with all authorisations necessary to enter into this Agreement and to perform the Services. The Local Governments must obtain all authorisations relevant to the services prior to performing the Services.

Section 9.49A Execution of Documents – Local Government Act 1995

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Parties' Representative

Clause 1.4 (b) of the Mid West Local Governments Services Agreement requires the Local Governments to appoint in writing a single representative through which to perform their obligations. Main Roads will provide assistance to ensure the Local Governments' representative can perform its obligations. The Local Governments may change their representative at any time by giving joint notice in writing to Main Roads.

STRATEGIC IMPLICATIONS:

Local Government restructure will have minimal impact as the Agreement is a legally binding contract and any newly created Local Authority will inherit from the shires and be obliged to honour any existing contracts.

In the event of a change with MWRC, there is scope in the Agreement for a variation and alternative arrangements would be made for the single point of contact (Parties Representative) and the payment procedures.

POLICY IMPLICATIONS:

Management plans, policies and procedures will be developed as required to fulfil the requirements of the delivery of Services under the Agreement.

FINANCIAL IMPLICATIONS:

Monitoring and management of cash flows will be required by the Local Governments and MWRC.

Local Governments will receive reimbursement for Direct Costs and payment of Overheads through the following process. The Overheads for the year are to be estimated and apportioned over the 12 month period with the 12 month being a balancing month when over or under actual costs are reconciled and billed accordingly. The Direct Costs will be reimbursed on a monthly basis through the certification process of Main Roads.

Mid West Regional Council is to be billed by the Councils monthly and will issue a monthly account to Main Roads. On receipt of payment from Main Roads, MWRC will disburse the funds to the Councils. This will be a cost neutral effort as Councils will code the MWRC cost as an overhead which is in turn recouped from Main Roads (monthly). Cost to provide this service will be contingent on volume of work.

PUBLIC CONSULTATION

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATIONS:

Council resolve to:

- a) Appoint as Council's primary representative on the Mid West Local Governments Services Agreement Governance Team, and
- b) The Chief Executive Officer, as Council's representative on the Mid West Local Governments Services Agreement Governance Team, and
- c) Authorise the President and Chief Executive Officer to sign and to apply the Common Seal to the Mid West Local Governments Services Agreement with Main Roads WA, and
- d) Nominate (in writing) S Ward, CEO of the Mid West Regional Council as their parties' representative.

AMMENDED OFFICER RECOMMENDATION

RESOLUTION:

2010/173

Moved: Cr George

Seconded: Cr Williams

That the Officers Recommendation as shown in the Agenda not be adopted and that this item be deferred to the next Meeting of Council to allow for some clarification on issues relating to this item

***CARRIED 8/0
Absolute Majority***

10.1.9 RURAL WATER COUNCIL OF WA INC

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 October 2010
ATTACHMENT	Attachment 10.1.9 under separate cover Rural Water Council Agenda 10/09/10 Rural Water Council Draft Rules 30/08/10
FILE	ADM 0317

SUMMARY:

Council is being requested to reconsider its withdrawal and membership of the Rural Water Council WA (INC).

BACKGROUND:

The Rural Water Council of WA Inc. has forwarded the following letter inviting Council to become a member of the Rural Water Council of WA Inc.

INVITATION TO JOIN RURAL WATER COUNCIL

In 2008 the Rural Water Council undertook a review of its aims and operations. Feedback from local government as part of this review indicted sufficient support for the Group to continue. Areas which were highlighted as ones in which the Group could play an important role included –

- ☐ *Advocacy and lobby to Government to ensure that effective allocations of funding are made to continue the upgrade of water projects;*
- ☐ *Ensuring that water infrastructure is maintained to an appropriate standard; and*
- ☐ *providing a link into Government Departments and Agencies.*

Following the review of its operations, the Group updated its aims –

- 1) To endeavour to obtain equitable distribution state wide of funds for water supply improvement and minimise the difficulty caused by the inadequate domestic, spraying and stock water in dry land agricultural areas.*
- 2) To work with all relevant Government agencies, Water Advisory Groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies.*
- 3) To raise awareness of the need to maintain rural and town water supplies and infrastructure.*
- 4) To contribute to regional planning for the use of water resources in dry land agricultural areas.*
- 5) To represent the water needs of our member communities in dry land agriculture areas.*
- 6) To raise awareness of the need to effectively manage water resources.*

Representatives of the Department of Water, Water Corporation and the Wheatbelt Development Commission attend and present updates and reports to each meeting of the Group. These agencies have expressed their strong support for the Group. One of the regularly occurring themes at the recent Regional

Infrastructure Planning Forums held by the Wheatbelt Development Commission related to provision of water, including infrastructure, headworks charges and water allocations. Provision and access to adequate water supply was highlighted as a significant impediment to development throughout the Wheatbelt region.

I invite your Council to become a member of the Group. The 2010/2011 membership fee is \$50.00. Each member is entitled to 2 delegates. The next meeting of the Group is on Friday 10 September 2010 at the Water Corporation Building, 263 Fitzgerald Street, Northam, commencing 10.00 am (morning tea from 9.30 am). Representatives of your Council are invited to attend. The meeting will be followed by a light lunch. For catering please confirm attendance by 3 September 2010.

The Rural Water Council believes it provides an effective voice to Government on water issues affecting rural areas and towns and looks forward to your participation with the Group.

If you have any queries or require further information please don't hesitate to contact me.

Yours faithfully

Robert Dew

SECRETARY

17 August

COMMENT:

Council at its Ordinary Meeting of Council on the 18th June 2008 passed the following resolution:

RESOLUTION: 2008-084

Moved: Cr McDonald

Seconded: Cr Rackemann

That Council advises the Rural Water Council of WA Inc. that it feels that the organisation is no longer required.

CARRIED 8/0

This item has been brought back to Council at a request from the Rural Water Council of WA Inc.

Even though they have reinvigorated the group I can still see no reason for the Shire of Coorow to be part of this group as it is not within the boundaries of the Wheatbelt Development Commission.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Cost of Annual membership would be \$50. There has been no allowance in the 2010/11 Budget Estimates for membership to the Rural Water Council of WA INC.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council advise the Rural Water Council of WA INC that it declines there offer to become a member.

RESOLUTION:

2010/174

Moved : Cr George

Seconded: Cr Williams

That Council advise the Rural Water Council of WA INC that it declines their offer to become a member.

CARRIED 6/ 2
Simple Majority

Cr Jack requested his vote against this motion be recorded.

10.1.10 REPORT ON THE FINANCIAL IMPLICATIONS OF AMALGAMATING

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 October 2010
ATTACHMENT	Nil
FILE	ADM0056

SUMMARY:

Council is being requested to accept and adopt the Report on the Financial Implications of Amalgamating.

BACKGROUND:

At the meeting of the Amalgamation Working Group held in the Carnamah Council Chambers at 2.00pm on Tuesday 24th August 2010, Mr Dominic Carbone and Mr Darren Long presented their final draft report on the financial implications of an amalgamation of the Shires of Coorow and Carnamah, and the following points were noted during the presentation:

- The wage disparity between Coorow and Carnamah outside employees was addressed in the report by all employees being engaged under the Coorow model of guaranteed overtime. The 22% over award payment to Carnamah employees was not factored in.
- Financial Assistance Grants (FAG's) beyond the initial 5 year quarantine period after amalgamation was difficult to estimate, however it was unlikely that there would be a major drop in funding. Advice was given to the meeting that if the amalgamation proceeded, current FAG limits would be preserved. This could not be guaranteed for Shires that did not intend to amalgamate.
- Roads to Recovery Grant Funding – The report assumes that this program will continue after the expiry of the current program in 2013/14.
- It was important that the two Shires take early action to be recognized as a region for the purposes of the Royalty for Regions funding program.
- An amalgamated Shire may have increased capacity to attract greater Regional Road Group funding due to being able to better fund the one third matching contribution.
- There would be a rating impact on Coorow's rural (UV) rates (Table 30). These rates would need to increase by between 3 and 6 percent per annum plus a natural growth factor of 1% until the overall UV rating situation in the new Shire was equalized.
- Equalizing the Coorow UV rating situation would be assisted by phasing out the 5% discount that applied for the early payment of rates.

- Retention of Executive Staff during the transition period and into the early period of the amalgamation was important.
- Advice was given that should July 1, 2012 be the intended amalgamation date, elections could be held in October 2012.
- The new Shire could initially be governed by three commissioners with two (2) representatives (i.e. – Presidents or their delegates) from the two (2) Shires and an independent commissioner. This would ensure a continuity of corporate knowledge until a new Council was elected.
- Transitional costs – these were reviewed and adjusted. Advice was given that an early assurance from the State Government should be sought that it would meet these costs.
- The imbalance relating to wage arrangements between the outside employees of Coorow and Carnamah was raised and the necessity to obtain some early assistance to resolve this matter. Advice was given that the Department of Local Government would be responsive to a proposal to vary the existing funding agreement to assist with amalgamation discussions, to accommodate the engagement of a human resource consultant.
- Discussion was had on what would happen if an amalgamation of the two (2) Shires did not proceed. Advice was given that the State Government maintained its position that amalgamations were voluntary. If an amalgamation did not take place, the two (2) Shires could explore the possibility of forming a regional transition group. This would entail the preparation of a business plan and could ultimately lead to an amalgamation. There was no obligation however to progress beyond the business plan stage. Alternatively, the amalgamation option could be reopened if that was the wish of the two (2) Councils.

Mr Dominic Carbone concluded his presentation as follows:

“In summary, the financial forecasts reveal that in the short to medium term, the proposed newly constituted Local Government will have to be prudent in its financial management; however it is anticipated that its financial viability will improve in the longer term. A proposed newly constituted local government will have an increased capacity in relation to financial resources to meet the future demands of its community on the basis that the financial analysis has been built on a conservative basis, increases in the rate base of 3% to 6%, no new loan borrowings and an increase in reserve funds over the forecast period”

COMMENT:

The Meeting was advised that the Shire of Carnamah would be conducting public meetings to discuss the amalgamation question. The meetings will be held at Eneabba on the 15th September 2010 and at Carnamah on the 16th September 2010. The Shire of Carnamah also stated that they would be deciding the question on amalgamation at their Ordinary Meeting of Council being held on the 20th October 2010.

At the meeting of the Amalgamation Working Group held in the Carnamah Council Chambers at 2.00pm on Tuesday 24th August 2010 the following resolution was passed.

Moved Cr Jack

Seconded Cr Bennier

That the Amalgamation Working Group delegate authority to the Presidents of the Coorow and Carnamah Shire Council's to sign off on the final copy of the report on the financial implications of amalgamating the Shires of Coorow and Carnamah and to release the report for public comment.

CARRIED

Both the President of the Shire of Carnamah and the Acting President have signed off on the final report and it has been released for comment.

A copy of the full report was emailed to all Councillors and is available if required.

The Shire of Coorow has not formally adopted the report and this report recommends that Council accept and adopt the Report on the Financial Implications of Amalgamating, undertaken by Mr Dominic Carbone and Mr Darren Long.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:**GOAL 1 - LEADERSHIP**

Achieve positive community outcomes within a financially responsible framework through a process of innovation, consultation and decisive leadership.

GOAL 1 STRATEGIES**Local Government Sustainability**

- **Local government reform**
 - Assess amalgamation opportunities/pitfalls.
 - Explore and develop options for growth and sustainability through regional partnerships.
 - Identify opportunities to deliver services regionally.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council accept and adopt the Report on the Financial Implications of Amalgamating, undertaken and presented by Mr Dominic Carbone and Mr Darren Long to the Amalgamation Working Group.

RESOLUTION:

2010/175

Moved: Cr Williams

Seconded: Cr McDonald

That Council accept and adopt the Report on the Financial Implications of Amalgamating, undertaken and presented by Mr Dominic Carbone and Mr Darren Long to the Amalgamation Working Group.

***CARRIED 8/0
Simple Majority***

10.1.11BMX BIKE TRACK- COOROW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2010
ATTACHMENT	Nil
FILE	ADM0183

SUMMARY:

Council is being requested to construct a BMX Bike Track in Coorow.

BACKGROUND:

Cr Bruce Jack has requested the Chief Executive Officer to prepare a report for Council on the construction of a small BMX Track at the back of the Coorow District Hall.

COMMENT:

The Chief Executive Officer has contacted Council's Insurance LGIS and they have advised the following in relation to BMX Bike Tracks:

- Councils current public liability would cover new Bike Track
- Councils public liability premium would only have a small increase
- BMX Track once constructed would need the appropriate signage
- LGIS would supply a plan and maintenance schedule for BMX Bike Tracks to comply with appropriate standards.

The area Councillor Jack is looking at for the proposed BMX Bike Track is at the back of the hall as per the following picture.



The provision for a BMX Track in Coorow has merit and fits within Councils Strategic Plan of providing Recreation Services for the Community.

The area that Councillor Jack is looking at for the BMX Track is in the main area of the Coorow town site and is adjoining the school grounds and was a playground area until the playground equipment was removed and could be suitable for a small BMX Track.

Council does need to look at the amount of noise that may emanate from the area being used as a BMX Bike Track.

Council would not have to clear the trees in the area as the BMX Bike Track should fit around the existing trees.

As this project has not been previously discussed and it is not in any of Councils Forward Plans it may be pertinent for the proposed BMX Bike Track Project to be put out for public comment.

Council has previously placed all this type of infrastructure at Maley Park where there is currently a skate park and all the other Recreational Facilities.

STATUTORY ENVIRONMENT:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Fits within the following areas of Councils Strategic Plan:

GOAL 2 - SERVICES

Ensure the community has access to quality facilities and services to allow a safe and vibrant lifestyle.

GOAL 2 STRATEGIES

Recreation and Leisure

- Access to facilities and programs
- Maintain and enhance community recreation facilities.
- Provide recreational programs.
- To have inclusive access to all recreation facilities.

Recreational Space

- Beaches and public open space
- Maintain and enhance recreational space.

GOAL 3 - INFRASTRUCTURE

Introduce, maintain and upgrade assets and infrastructure which meet community needs through a timely and cost effective process.

- Recreation
- Develop a recreation facilities plan
- Maintain and upgrade recreation facilities.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There would be some minor costs as there would be advertising costs. The small construction costs would be taken from the existing budget allocations under Maley Park Oval Maintenance as Councils works force could undertake construction of the BMX Bike Track.

PUBLIC CONSULTATION:

There has been no public consultation taken on this matter

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

1. That the Shire of Coorow place in its 2010/11 works program the construction of a BMX Bike Track under Coorow Parks and Reserves 2010/11 budget allocation.
2. That the Shire of Coorow advertises the placement of the construction of a BMX Bike Track in Coorow and request submissions on the best place for the BMX Bike Track.

RESOLUTION:

2010/176

Moved: Cr Bothe

Seconded: Cr Waite

That the Shire of Coorow advertises the request for the construction of a BMX Bike Track in Coorow, and request submissions on the best place for the BMX Bike Track.

***CARRIED 8/0
Simple Majority***

Note: Council requested the Principal Works Supervisor to provide estimates for the construction for the BMX bike track.

10.1.12 REVOKING DECISION TO SELL LOT 19 NORTH STREET COOROW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2010
ATTACHMENT	Nil
FILE	A 1284

SUMMARY:

Council is being requested to revoke Councils Resolution to offer for sale Lot 19 North Street Coorow.

BACKGROUND:

Councillor Bruce Jack has requested the Chief Executive Officer to put forward a report to Council to withdraw Lot 19 North Street Coorow from sale.

The Chief Executive Officer listed the property for sale with Mr Terry McDonald Real Estate Agent with Elders Real Estate Carnamah.

Council passed the following resolution at the Ordinary Meeting of Council held on the 28th July 2010.

RESOLUTION: **2010/114**

Moved: Cr Williams

Seconded: Cr McTaggart

That Council:

1. *Accept the offer from Russell James Hilfers for the purchase of Lot 19 North Street Coorow for the offered price of \$120,000 subject to finance being obtained by Russell James Hilfers and the termite inspection and treatment as required.*
2. *That Council advertise the sale of Lot 19 North as per section 3.58. (3) And (4) Disposing of property of the Local Government Act 1995.*
 - (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property*
 - (a) *it gives local public notice of the proposed disposition —*
3. *describing the property concerned;*
 - (3) *giving details of the proposed disposition; and*
 - (a) (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it*

are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (a)(ii) include —

- (a) the names of all other parties concerned;*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

4. Place the proceeds from the sale of Lot 19 North Street Coorow in Council's Building Reserve.

***CARRIED 6/1
By Absolute Majority***

COMMENT:

The sale of this property has not been settled with Mr Hilfers and is in the process of being cancelled, as Mr Hilfers has not followed through with the purchase.

The Chief Executive Officer has spoken with Council's settlement agent and has been advised that it would not be worthwhile Council pursuing the sale to Mr Hilfers and the offer has been withdrawn by Council. The property is in the process of being relisted for sale with Elders Real Estate Carnamah.

Cr Bruce Jack has advised the Chief Executive the reason for requesting Council to revoke its previous decision to sell Lot 19 North Street Coorow is that Council has had a number of staff leave and he is concerned that there may not be an adequate amount of housing available in the future.

It is the opinion of the Chief Executive Officer in consultation with Council Principle Works Supervisor and the Manager of Regulatory Services that Council currently has the adequate amount of housing in Coorow even if Council is requested to provide housing for new staff members.

If further staff housing is required for the staff at Coorow, Council should be undertaking a plan to purchase or building the relevant style of housing utilising funds from Council's building reserve.

STATUTORY ENVIRONMENT:

Shire of Coorow Standing Orders Local Law 1999

6.4 Adverse Reflection

- (1) *No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.*

Local Government Act 1995

Local Government (Administration) Regulations 1996

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1) (e)

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The proceeds from the sale of Lot 19 North Street Coorow should be placed in Council's Building Reserve.

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Relist and re-advertise the sale of Lot 19 North Coorow as per section 3.58. (3) and (4) of the *Local Government Act 1995*.
2. Place the proceeds from the sale of Lot 19 North Street Coorow in Council's Building Reserve.

RESOLUTION:

2010/177

Moved: Cr George

Seconded: Cr Williams

That Council:

1. *Multi List and re-advertise the sale of Lot 19 North Coorow as per section 3.58. (3) and (4) of the Local Government Act 1995 with a deposit being requested as per Real Estate Institute guidelines at the offer and acceptance stage.*
2. *Place the proceeds from the sale of Lot 19 North Street Coorow in Council's Building Reserve.*

CARRIED 5/3
Absolute Majority

The President adjourned the Meeting at 4.33pm
The President reconvened the Meeting at 4.45pm

10.1.13 PROPOSED NEW CEMETERIES LOCAL LAWS

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2010
ATTACHMENT	10.1.13
FILE	ADM0280

SUMMARY:

The purpose of this report is:

- (1) to allow the Presiding Person to give notice to the meeting of the intent to make a new Cemeteries local law;
- (2) to allow the Presiding Person to give notice of the purpose and effect of the proposed Cemeteries Local Law,
- (3) for the Council to adopt the proposed Local Law, and
- (4) to allow for advertising of the local law for public comment.

BACKGROUND:

The first step in the Local Law making procedure as required by section 3.12(2) of the *Local Government Act 1995*, requires the Presiding person at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose & effect of the proposed local law.

The purpose of this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

The Council has power under section 3.5 of the *Local Government Act 1995* to make local laws for it to perform any of its functions under the *Local Government Act*.

Section 54 of the *Cemeteries Act 1986* provides Council with the power to make local laws, in accordance with Part 3 of the Local Government, for the purposes of those matters set down in section 55 of the Cemeteries Act.

The Shire has recently negotiated the gazettal of land as a cemetery site at Leeman.

It is proposed that the Council introduce a Cemetery Local Law to ensure the site is regulated and managed appropriately.

COMMENT:

This item is submitted to Council for the commencement of the Local Law making Process for the newly gazetted Leeman Cemetery.

The proposed new Cemeteries Local Law is based on the WALGA model gazetted in 1998 and incorporates all changes made to that model by various local governments since its gazettal.

A copy of the proposed Cemeteries local law 2010 is attached.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Part 3, specifically Section 3.12 of the Local Government Act 1995.

Functions and General Regulations 1996, regulation 3, which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Cemeteries Act 1986, Sections 54 & 55.

STRATEGIC IMPLICATIONS:

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

POLICY IMPLICATIONS:

The introduction of the proposed new local law may require Council to consider adopting new policies relating to the administration of the cemetery. The adoption of such policies should be undertaken after the final adoption of the proposed local law, and after considering any comments from the Department of Local Government in relation to the local law.

FINANCIAL IMPLICATIONS:

Advertising costs associated with state-wide advertising.

PUBLIC CONSULTATION:

As required by section 3.12 the *Local Government Act 1995*, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than six (6) weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Local Law, as amended, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment, in this case the Minister for Local Government.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. adopt the proposed Shire of Coorow Cemeteries Local Law 2010, as per Attachment 10.1.13 for advertising purposes;
2. pursuant to section 3.12 of the *Local Government Act 1995*, give State wide public notice that it intends to make the Shire of Coorow Cemeteries Local Law 2010, as contained in the Attachment;
 - (a) the purpose of which is to provide for the orderly management of the cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and
the effect being that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this local law

RESOLUTION:

2010/178

Moved : Cr George

Seconded: Cr McTaggart

That Council:

1. *adopt the proposed Shire of Coorow Cemeteries Local Law 2010, as per Attachment 10.1.13 for advertising purposes;*
2. *pursuant to section 3.12 of the Local Government Act 1995, give State wide public notice that it intends to make the Shire of Coorow Cemeteries Local Law 2010, as contained in the Attachment;*

*(a) the purpose of which is to provide for the orderly management of the cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and
the effect being that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this local law*

CARRIED 8/0
Absolute Majority

Note: The Shire President read aloud the purpose and effect of the proposed Cemeteries Local Law at the start of Item 10.1.13

CEMETERIES ACT 1986

LOCAL GOVERNMENT ACT 1995

Shire of Coorow

CEMETERIES LOCAL LAW 2010

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CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
Shire of Coorow
CEMETERIES LOCAL LAW 2010

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Coorow resolved on [insert adoption resolution date here] to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is cited as the *Shire of Coorow Cemeteries Local Law 2010*.

1.2 Commencement

This local law comes into operation fourteen days after the date of its publication in the *Government Gazette*.

1.3 Content and Intent

This local law provides for rules and guidelines for the management and control of cemeteries located in Leeman (Reserve No. 50328).

1.4 Interpretation

(1) In this local law unless the context otherwise requires—

“**Act**” means the *Cemeteries Act 1986*;

“**animal**” means any animal;

“**ashes**” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“**authorised officer**” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

“**Board**” means the Shire of Coorow;

“**burial**” has the same meaning as is given to it in the Act;

“**Cemetery**” means the Coorow and Leeman Cemeteries, which the Governor, by order, has placed under the care control and management of the Board;

“**CEO**” means the Chief Executive Officer for the time being, of the Shire of Coorow and includes an Acting Chief Executive Officer;

“**dead body**” has the same meaning given to it in the Act;

“**funeral**” includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

“**Funeral Director**” means a person holding a current funeral director’s licence;

“**grant**” means a grant issued by the Board, of an exclusive right of burial in a grave;

“grave” means a specified area of the cemetery for burial;

“guide dog” has the same meaning as is given to that expression in the Dog Act 1976;

“holder” in relation to a grant includes-

- (a) a person issued with a grant by the Board;
- (b) a person for the time being appearing to the Board to be the holder of a grant;

“local government” means the Shire of Coorow;

“Memorial” means a memorial plaque or memorial as described in this local law or as otherwise approved by the Board;

“Minister” means the Minister for Local Government;

“monumental mason” means a person holding a current monumental mason’s licence;

“personal representative” means the administrator or executor of an estate of a deceased person;

“remains” means ashes or what remains of a dead body after burial;

“set fee” refers to fees and charges set by a resolution of the Board in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995* and published in the *Government Gazette*, and under section 53 of the Act;

“single funeral permit” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;

- (2) Unless otherwise defined herein the terms and expressions used in this local law shall have the same meaning given to them in the Act;
- (3) Where a term is not defined in this local law, the Act or Regulations, the term is to be taken from the Oxford Dictionary.

PART 2—ADMINISTRATION

2.1 Powers and Functions of Chief Executive Officer.

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS

3.1 Grant of right of burial

The Board may issue to a person a grant of right of burial, for the term specified in the Act, from time to time, upon –

- (a) written application by that person; and
- (b) payment of the set fee.

3.2 Application for Burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.3 Applications to be Accompanied by Certificates etc

All applications referred to in clause 3.2 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.4, in respect of the body.

3.4 Certificate of Identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.
- (2) Where—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,then the Funeral Director shall complete a certificate in the form determined by the Board from time to time.

3.5 Minimum Notice Required

All bookings to hold a funeral shall be made with the Board at least 2 working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.6 Time for burials

- (1) A person shall only carry out a burial between the hours of 6:00am and 6:00pm Monday to Sunday.
- (2) A person shall not carry out a burial –
 - (a) on Christmas Day; or
 - (b) on Good Friday.

PART 4—FUNERAL DIRECTORS

4.1 Funeral Director's Licence Expiry

A funeral director's licence shall expire on the 30th day of June in each year.

4.2 Application for a Single Funeral Permit

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application may be Refused

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the

gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for Funerals and Coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height.

5.2 Funeral Processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle Access and Speed Limitations

- (1) Subject to subclause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the interment area.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs;
- (3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

5.4 Offenders may be Expelled

A person committing an offence under sub-clause 5.3(3) may be expelled from the cemetery by the CEO or an authorised officer.

5.5 Conduct of Funeral by Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury a dead body within cemeteries under the delegation of the Shire of Coorow and in conjunction with the *Cemeteries Act 1986*.
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;

- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 2—Placement of Ashes

5.6 Disposal of Ashes

- (1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—

Niche Wall,

Scattering to the Winds, or

other memorials approved by the Board.

- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board's approval provided—
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS

6.1 Depth of Graves

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600mm.
- (2) The permission of the authorised officer in subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Re-opening a Grave

- (1) Subject to subclause (2), if for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

- (2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the cost referred to in subclause (1) should be met.

6.3 Exhumation of a Coffin

- (1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

6.4 Opening of Coffin

- (1) A person shall not open a coffin in the cemetery unless –
- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
 - (b) that person has produced to the Board an order signed by the Commission of Police and the Board has approved the opening of that coffin.

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for Monumental Work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations in accordance with the Board's specifications.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Minor Maintenance and Repair Works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning, touch up painting, etc on graves, without seeking the approval of the Board.

7.12 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.13 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.

Division 2 – Lawn Section

7.14 Specifications of Monuments

- (1) All monuments in the lawn section of the cemetery shall
 - (a) be in accordance with the Board's specifications; and
 - (b) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.15 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3—Memorial Plaque Section

7.16 Requirements of a Memorial Plaque

All memorial plaques placed in a memorial plaque section of the cemetery shall be in accordance with the Boards' specifications.

Division 4—Licensing of Monumental Masons

7.17 Monumental Mason's Licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.18 Expiry Date, Non-Transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.19, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

7.19 Carrying out Monumental Work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.15 or does so as the employee of a person who holds such a licence;
- (b) is authorised by the Board to do so; or
- (c) has received from the Board permission to do so during a funeral service.

7.20 Responsibilities of the Holder of a Monumental Mason's Licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.21 Cancellation of a Monumental Mason's Licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.
- (3) An aggrieved person whose licence has been terminated under subclause (1) may

appeal to the State Administrative Tribunal for a review of the decision of the Board under this clause in the manner stated in section 19(2) of the Act.

PART 8—GENERAL

8.1 Animals and Guide Dogs

- (1) Subject to sub-clause (2), a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.
- (2) Sub-clause (1) shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

8.2 Damaging and Removing of Objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Flowers

- (1) All flowers must be placed in vases or receptacles;
- (2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board; and
- (3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and Vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board thinks fit.

8.6 Obeying Signs and Directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in the addition to any penalty provided by this local law, be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

8.8 Fireworks or Firearms

- (1) A person shall not bring or discharge any fireworks within the cemetery;

- (2) A person shall not bring or discharge any firearms within the cemetery except in the case of a military funeral when firearms may be brought into the cemetery and discharged by members of the Defence Force.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified Penalties

- (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63 (1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63 (3) of the Act is set out in the Third Schedule.

FIRST SCHEDULE

CEMETERIES ACT 1986

Shire of Coorow

CEMETERIES LOCAL LAW 2010

MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.3	Excessive speed	\$100.00
2	5.3	Unauthorised use - driving of vehicles	\$100.00
3	7.3	Placing and removal of rubbish and surplus materials	\$100.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$100.00
5	8.1(1)	Animal at large	\$100.00
6	8.4	Dumping of Rubbish	\$100.00
7	8.5	Unauthorised advertising, and/or trading	\$100.00
8	8.6	Disobeying sign or lawful direction	\$100.00
9		All other offences not specified	\$100.00

SECOND SCHEDULE

CEMETERIES ACT 1986

Shire of Coorow

CEMETERIES LOCAL LAW 2010

INFRINGEMENT NOTICE

TO: _____

(Name)

(Address)

It is alleged that at _____: _____ hours on _____ day

of _____ 20 _____ at _____

you committed the offence indicated below by an (x) in breach of clause of the *Shire of Coorow Cemeteries Local Law 2010*.

(Authorised Officer)

Offence

- ☐ Animal at large
 - ☐ Dumping rubbish
 - ☐ Excessive speed in vehicle
 - ☐ Leaving uncompleted works in an untidy or unsafe condition
 - ☐ Non removal of rubbish
 - ☐ Unauthorised advertising or trading
 - ☐ Unauthorised vehicle use
 - ☐ Disobeying sign or lawful direction
 - ☐ Other Offence _____
- \$ _____

You may dispose of this matter—

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the *Shire of Coorow* at Main Street Coorow, or Morcombe Road, Leeman, between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to the Shire of Coorow. Payments by mail should be addressed to—

The Chief Executive Officer

Shire of Coorow

PO Box 42

COOROW WA 6515

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be

made and heard and determined by a court.

THIRD SCHEDULE

Shire of Coorow

CEMETERIES LOCAL LAW 2010

WITHDRAWAL OF INFRINGEMENT NOTICE

No. _____

_____ Date ____/____/____
____/____

To

(1) _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of ⁽²⁾

Penalty ⁽³⁾ \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of penalty prescribed.

(Authorised Officer)

Dated this [date]

The Common Seal of the Shire of Coorow was affixed by authority of a resolution of the Council in the presence of:-

M GIRANDO, Shire President

M J HOOK, Chief Executive Officer

10.1.14 SALE- STAFF HOUSING – RESERVE 41406 LOT 10/102

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2010
ATTACHMENT	Nil
FILE	ADM0104 Property File

SUMMARY:

Council is being requested to revert vesting order 41406 Shire Housing, Lot 10/102 Thomas St Coorow to freehold land and to sell the property to the existing residents.

BACKGROUND:

The Chief Executive Officer has been asked by the staff employees currently residing in the swimming pool managers house at lot 10/102 Thomas Street Coorow as to whether Council would be willing to sell this property to them.

COMMENT:

Currently the property is under a vesting order in the name of the Shire of Coorow for “Shire Housing”. This would require Council if it wishes to sell this property to have the vesting order changed to a title deed. This would entail Council purchasing the land at the current market value.

Council could utilise the funds it holds in the current building Reserve Funds to purchase the land from the Crown. Once this is done Council could then have the property valued and listed for sale.

The House situated at lot 10/102 Thomas St is one of council’s better houses and has been reasonably maintained. Council however should look at the aspect of selling this property to the current residents as a way of retaining staff with the Shire of Coorow work force.

As this has not been part of Councils Budget Deliberations under the *Local Government Act 1995* it will require an Absolute Majority vote.



STATUTORY ENVIRONMENT:

Land Administration Act 1997, Local Government Act 1995

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The proceeds from the sale of Lot 10/102 Thomas Street Coorow should be placed in Council's Building Reserve.

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Inform Mr Mathew Johnson and Miss Emma Gladman that Council is willing to sell the property situated at Lot 10/102 Thomas Street Coorow at the current market value once the land has been reverted to free hold title from the Crown to the Shire of Coorow.
2. The Chief Executive Officer commence the process of reverting Reserve 41406 to free hold title in the name of the Shire of Coorow and
3. Utilise funds from Council Building Reserve Funds to purchase the land at the current market value from the Crown.

RESOLUTION:

2010/179

Moved : Cr Williams

Seconded: Cr George

That Council:

- 1. Inform Mr Mathew Johnson and Miss Emma Gladman that Council is willing to sell the property situated at Lot 10/102 Thomas Street Coorow at the current market value once the land has been reverted to free hold title from the Crown to the Shire of Coorow.*
- 2. The Chief Executive Officer commence the process of reverting Reserve 41406 to free hold title in the name of the Shire of Coorow and*
- 3. Utilise funds from Council Building Reserve Funds to purchase the land at the current market value from the Crown.*

CARRIED 8/0
Absolute Majority

10.1.15 DONATION – COOROW COMMUNITY CHRISTMAS TREE

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 October 2010
ATTACHMENT	Nil
FILE	ADM0051

SUMMARY:

Council is being requested to donate \$3,000 towards the Coorow Xmas Tree evening being held on Saturday 11th December 2010 at Maley Park.

BACKGROUND:

Council has received the following letter of request from the Coorow Community Christmas Tree Committee.

The Coorow Community Christmas Tree is an annual event for the local children to celebrate the festive season together and enjoy a visit from Father Christmas. In light of a poor farming season this year, the committee would like to create a special event for the children of Coorow and surrounding area. The event will be held on Sat Dec 11 at Maley Park from 3 to 6pm. We would like the children to enjoy a carnival atmosphere with games, rides, activities and performers. We are asking for the support of the Shire of Coorow to make this event a great success. We hope that the Shire would be able to contribute up to \$3000.00 towards the cost of the hire of the amusement equipment for this event.

COMMENT:

Council has normally donated to this event by way of a small donation of \$100, which has been included in the 2010/11 Budget Estimates.

Council does have money allocated in the budget for other donations under the Donations and Grants account.

I am sure this year will be a hard year due to the very dry season and something such as this may be a good idea around Xmas time.

The Chief Executive Officer has contacted the Drought Assistance Hotline under the Pilot of Drought Reform Measures in WA and they have advised that a one off function such as the Coorow Xmas Tree does not qualify for funding under the current Pilot of Drought Reform Measures in WA.

Council has currently allocated \$800 from the section as other under the donations account leaving a balance of \$9200 to allocate.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Nil

Nil

Cost of the donation to the Coorow Xmas Tree is \$3,000.

North Midlands Ag Society	\$150		
Coorow Primary School	\$100		
Leeman Primary School	\$100		
Leeman Playgroup	\$500		
Midwest Group Affiliated Ag Societies	\$150		
Volunteers Week Function	\$2,000		
Coorow Xmas Party and Business Sun downer	\$100		
Christmas Lights Prizes \$100 x 3 Towns	\$300		
Aust Day Coorow	\$200		
Aust Day Leeman	\$200		
Aust Day Green Head	\$200		
RSL Quiet Lion Tour	\$400		
Jurien Bay Youth Care District Council	\$500		
Coorow Seniors Expo	\$200		
Coastal Seniors trip to Mt Lesiuer	\$100		
Leeman Progress Association-Citizen of the Year Function	\$200		
Green Head Anzac Day Service	\$300		
Leeman Anzac Day Service	\$300		
Leeman Volunteer Search and Sea Rescue Group Naiad Boat	\$20,000		
St John Ambulance - Leeman	\$0		
St John Ambulance - Coorow	\$0		
Other	\$10,000	E Muller	\$400
		JB Dist	\$400
		High School	
		Balance	
		\$9,200	

\$36,000

PUBLIC CONSULTATION:

Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council donate the amount of \$3,000 to the Coorow Xmas tree from the other under the donations and grants account 0212 allocated in the 2010/11 adopted budget.

RESOLUTION:

2010/180

Moved : Cr Waite

Seconded: Cr Williams

That Council donate the amount of \$1,000 to the Coorow Xmas tree from the other under the donations and grants account 0212 allocated in the 2010/11 adopted budget.

That Should the proposed State Government Community Event of \$10,000 to drought affected Rural Communities be forth coming then a sum of \$5,000 also be donated to the Coorow Xmas Tree for a combined community event.

***CARRIED 8/0
Simple Majority***

Note: The Officers recommendation was not adopted due to Council being advised by the Shire President that there was a possibility of State Government Drought funding may be available in the near future.

10.2 MANAGER REGULATORY SERVICES:

10.2.1 MENS SHED REQUEST- GREEN HEAD COMMUNITY ASSOCIATION

AUTHOR	Dave Hadden
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 August 2010
ATTACHMENT	10.2.1
FILE	ADM 0213*1- ICR101001

SUMMARY:

The Green Head Community Association is requesting Council support for the creation of a Men's Shed in Green Head. The association would like to position the Men's Shed next to the Fire and Ambulance sheds on Lot 709 Greenhead Rd Green Head once funding has been sourced and approved. As it will take time to source funding for this proposal the Association is seeking Council approval to use the old Westar Depot on Lot 395 Johns Street, Green Head temporarily until a permanent facility is funded. Further to this request the Association is asking Council to donate \$1,000 towards setting up the temporary shed with benches, chairs, locks, shelving and materials to secure the rear yard.

BACKGROUND:

Lot 395 Johns Street Green Head is currently vested with Council for "Purposes Associated with the Fishing Industry". Council could approve a temporary use of the old Westar Depot but would need to apply for a new vesting if the use was to become more permanent.

If a fishing company were to request use of the old Westar Depot during the temporary Men's Shed use, Council would be obliged to make the building available to the fishing company. If Council approves the temporary use of the depot the Association would need to be advised that the Men's Shed use would have to cease at the depot if a request was received from a fishing company to lease the depot.

STATUTORY ENVIRONMENT:

Compliance with the current Vesting Order.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

If Council determines to approve the \$1000 funding request which is unbudgeted, it would need to be funded from account GL 0212 Donations and Grants.

Further costs that Council can expect will be the ongoing power costs associated with the buildings use unless Council determines that the Green Head Community Association should be responsible for these costs.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:**Recommendation 1)**

That Council, approve the Green Head Community Associations request to temporarily use the old Westar Depot at Lot 395 Johns Street Green Head as a Men's Shed, subject to the following conditions:

- a) The approval being for a period of twelve (12) months from the date of the Council approval,
- b) Noise levels being maintained at the building in accordance with the *Environmental Protection (Noise) Regulations 1997* at all times,
- c) The Green Head Community Association agreeing to vacate the building within thirty (30) days upon Council request if a lease application is received from a fishing industry company.

Recommendation 2)

That Council, approve the request from the Green Head Community Association to contribute \$1,000 from GL 0212 (Donation and Grants) towards the setup costs of the temporary Men's Shed, subject to the following condition,

- a) The Green Head Community Association agreeing to cover all outgoings (power/water costs) associated with the buildings use of as a Men's Shed.

Recommendation 3)

That Council approve the request from the Green Head Community Association to locate a Men's Shed on Lot 709 Greenhead Rd Green Head next to the existing Fire and Ambulance sheds, once funding has been sourced by Green Head Community Association.

RESOLUTION:

2010/181

Moved: Cr Williams

Seconded: Cr Girando

Recommendation 1)

That Council, approve the Green Head Community Associations request to temporarily use the old Westar Depot at Lot 395 Johns Street Green Head as a Men's Shed, subject to the following conditions:

- a. The approval being for a period of twelve (12) months from the date of the Council approval,*
- b. Noise levels being maintained at the building in accordance with the Environmental Protection (Noise) Regulations 1997 at all times,*
- c. The Green Head Community Association agreeing to vacate the building within thirty (30) days upon Council request if a lease application is received from a fishing industry company.*

Recommendation 2)

That Council, approve the request from the Green Head Community Association to contribute \$1,000 from GL 0212 (Donation and Grants) towards the setup costs of the temporary Men's Shed, subject to the following condition,

- a) The Green Head Community Association agreeing to cover all outgoings (power/water costs) associated with the buildings use of as a Men's Shed.*

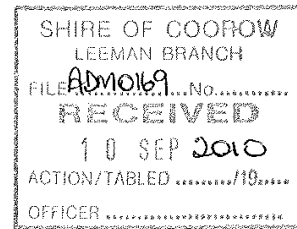
Recommendation 3)

That Council approve the request from the Green Head Community Association to locate a Men's Shed on Lot 709 Greenhead Rd Green Head next to the existing Fire and Ambulance sheds, once funding has been sourced by Green Head Community Association.

***CARRIED 8/0
Absolute Majority***

ATTACHMENT 10.2.1

GREEN HEAD COMMUNITY ASSOCIATION
Care of Mrs. Sandra Trenowden.
Green Head WA 6514



06.09.2010

CEO Shire of Coorow,
PO BOX 238
Leeman WA 6514.

Mr. Mark Hook,

We are going through the process of setting up a Men's Shed at Green Head and at present it is in the early stage of progress. However there is a chance they will have a temporary base in one of the old Lobster receival sheds.

The aim of the Men's Shed is to accommodate the retired men from the town in the way of building a men's community in the town. The men's community will offer to do work around the town for the Green Head Community especially for pensioners.

To get started there will be some costs for insurance, chairs, locks for the temporary shed, material for shelving plus benches and material to secure the yard of the shed.

This letter is to request that the Shire donate a sum of \$1000.00 towards the setting up the shed. As the men's group would like to offer their services to the seniors of the town in doing small maintenance jobs and repair work we feel council could also benefit by the extra services the group could provide.

I'm sure that council will give this matter full consideration and reply to this request as soon as possible.

Thank You

A handwritten signature in cursive script, appearing to read 'Sandra Trenowden'.

Mrs. Sandra Trenowden
Acting President

10.2.2 LOCAL PLANNING POLICY-6.6.15 SEA CONTAINERS

AUTHOR	Simon Lancaster
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 October 2010
ATTACHMENT	10.2.2
FILE	Policy Manual

SUMMARY:

Shire staff have prepared a revised Local Planning Policy 6.6.15 – Sea Containers and recommend commencement of its advertising.

BACKGROUND:

All Local Planning Policies are to be reviewed annually by the Chief Executive Officer and during the operation of Policy 6.6.15 – Sea Containers it has become apparent that some minor amendments to the Policy will improve its ability to meet the strategic direction of Council, and enable greater consistency when dealing with applications, thereby providing an improved level of service to the community.

The purpose of this report is to present a draft update of Local Planning Policy 6.6.15 – Sea Containers for the Council’s consideration under Section 2.4 of its Town Planning Scheme No.2 (‘the Scheme’).

A copy of the October 2010 draft version of Policy 6.6.15 – Sea Containers has been included for Council’s consideration as Attachment 10.2.3.

COMMENT:

The operation of Local Planning Policy 6.6.15 – Sea Containers has revealed that there are three areas where the policy could be amended to meet with Council’s direction and improve consistency when dealing with applications:

- Currently the Policy allows for applications to be made for the placement of sea containers upon ‘Residential’ zoned land for storage associated purposes, however given the impact of these structures upon the appearance of a locality it is recommended that sea containers not be supported upon ‘Residential’ zoned land unless there is a current building licence issued for that property. In this instance the owner/applicant would be exempt from making an application to Council but would be required to remove the sea container at the completion of the structure or within 24 months from the date of issue of the building licence.
- Applications are currently not required for sea containers proposed to be placed upon land zoned ‘Industrial’ or upon ‘Rural’ zoned land greater than 20 hectares in area. It is recommended that applications be required for sea containers to be placed upon ‘Industrial’ zoned land in order to assist in protecting the visual appearance and amenity standards of the Shire’s industrial areas.

- Proposed that sea containers to be placed upon ‘Industrial’ zoned land be able to be located indefinitely on-site, provided the sea container is kept in good repair with no rust marks and is of a uniform colour which is matching and/or complementary to the existing development on-site.

STATUTORY ENVIRONMENT:

A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Section 2.2 of the Scheme allows for Council to formulate, review or rescind Local Planning Policies:

“2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area;*

and may amend or add to or rescind the Policy.”

Sections 2.4.6 and 2.5 of the Scheme requires the Council to publish a notice of the proposed amendments to its Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the amended Policy, where it may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days). At the conclusion of the advertising period the Council is required to review the amended Policy in the light of any submissions made, and may resolve to adopt the amended Policy with or without modification, or not proceed with the amended Policy. Should no written, author-identified objections be received the Council can delegate authority to its CEO to proceed to adopt draft Local Planning Policy 6.6.15 – Sea Containers and proceed to publish a notice advising of this adoption in a local newspaper pursuant to Section 2.4.3 of the Scheme.

STRATEGIC IMPLICATIONS

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. As previously mentioned, Policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

This report and the draft updated Policy highlight the importance of a continued review of Local Planning Policies to keep pace with current development trends, demands and Council expectations.

POLICY IMPLICATIONS:

It is suggested that the October 2010 version of Local Planning Policy 6.6.15 – Sea Containers be initiated by Council, and that should no written, author-identified objections be received the Council delegate authority to the CEO to proceed to adopt draft Local Planning Policy 6.6.15 – Sea Containers and proceed to publish a notice to this effect in a local newspaper pursuant to Section 2.4.3 of the Scheme. In the event that written, author-identified objections are received then the draft Policy and the received submissions should be returned to Council for its deliberation.

FINANCIAL IMPLICATIONS:

The minor advertising cost of Local Planning Policies is covered by the Council's existing Planning budget allocation.

Planning Applications lodged for the siting of a sea container are charged in accordance with the Planning Services Fees schedule adopted annually by Council.

PUBLIC CONSULTATION:

The Scheme requires the Council to publish a notice of a Local Planning Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the amended Policy, where it may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days).

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council resolve to:

1. Adopt draft Local Planning Policy 6.6.15 – Sea Containers as a draft for public comment and advertise it for a period of 21 days pursuant to Sections 2.4.1 and 2.4.6 of the Shire of Coorow Town Planning Scheme No.2;
2. Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval Local Planning Policy 6.6.15 – Sea Containers pursuant to Sections 2.4.2 and 2.4.6 of the Shire of Coorow Town Planning Scheme No.2 (thereby revoking Local Planning Policy 6.6.15 – Sea Containers as adopted by Council at its 21 October 2009 meeting pursuant to Section 2.5.a of the Scheme) and proceed to publish a notice to this effect in the local newspaper pursuant to Clause 2.4.3 the Shire of Coorow Town Planning Scheme No.2; and
3. Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report for its consideration.

RESOLUTION:

2010/182

Moved: Cr Waite

Seconded: Cr Girando

That the Officers Recommendation as shown in the Agenda not be adopted and that this item be deferred to: the next ordinary meeting of Council to allow for some clarification on issues relating to this item.

***CARRIED 8/0
Simple Majority***

POLICY – HOUSING AND COMMUNITY AMENITIES

Sub Section: Town Planning and Regional Development

Policy Number: 6.6.15

Policy Subject: Sea Containers

Policy Statement:

1. For the purpose of this policy the term sea container shall also include a re-locatable 'box type' storage container, shipping container or unit. A sea container modified for the purpose of human habitation is not addressed by this Policy and an application of this nature would be required to be placed before a meeting of Council for its deliberation.
2. Sea containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, in general the Shire carries a presumption against the use of sea containers other than upon 'Industrial' or 'Rural' zoned land unless the Council can be satisfied a genuine need exists for short term storage of materials and equipment, and the use and placement of a sea container/s can meet acceptable amenity standards in the locality.
3. The placement of a sea container will not be permitted on land zoned Residential.
4. The placement of a sea container, requires the planning approval of the local government as it is considered to fall within the definitions of 'development' under the Town Planning Scheme. Sea Containers to be placed upon 'Rural' zoned land (greater than 20ha in area) are exempt from this policy provided the sea container is not able to be seen from any road frontages.
5. Sea containers will not be supported upon vacant land unless a building licence has been issued by the Local Government for the subject property, and in any case the placement of the sea container upon the property shall not exceed 24 months.
6. In general, a sea container being used temporarily by a builder to store equipment, tools and building materials during the construction of a building will be exempt from

this Policy. This exemption will apply during the construction of the building, and in any case shall not exceed 24 months from the date of issue of the building licence. The sea container must be located to the satisfaction of the Chief Executive Officer, and in the event of a substantial written, author-identified complaint being received the matter may be referred to Council for its consideration.

7. Applications for the use of a sea container are required to address the following;
 - a) The submission of:
 - a completed and signed planning application form and payment of application fee;
 - a site plan (drawn to scale) showing the proposed location of the development in relation to boundary setbacks, natural features and existing development;
 - a written submission detailing the use, condition, unit dimensions and visual amenity associated with the sea container;
 - any elevation drawings and/or photographs illustrating the presentation and appearance of the sea container to demonstrate that the structure is in good repair and in uniform colour with no visible rust marks.
 - b) The placement of a sea container, or similar, shown on a scaled site plan located behind an existing building and/or screen vegetation to minimise the visual impact from a road and adjoining properties.
8. Other than Industrial zoned land the local government will generally not support:
 - a) More than one (1) sea container on a property;
 - b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height;
 - c) Sea containers that are visible from the street; &
 - d) As such it is necessary that conditions be imposed should approval be granted to ensure an acceptable quality of development is achieved. Any approval granted will not exceed 24 months, and an application for an extension of time will not generally be supported.
- 9 All sea containers are required to be in good repair and in a uniform colour with no visible rust marks. Should a sea container not meet these standards the Local Government will give written notification to the landowner/applicant to

undertaken the necessary upgrades or alternatively remove the sea container from the property within 21 days from the date of the written notification.

10. Should there be any conflict between this Policy and the Shire of Coorow Town Planning Scheme, the Town Planning Scheme shall prevail.

Objectives: To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.

Establish guidelines for the assessment of proposals to place sea containers or other similar re-locatable storage units on land within the municipality.

Guidelines: Applications in accordance with this Policy and located upon industrial zoned land will be dealt with under delegated authority by Shire Staff, however, all other applications will be placed before a meeting of Council for its deliberation.

The Council at its discretion may advertise the proposed use of sea (shipping) containers within a designated locality to ascertain the views of neighbouring and nearby residents prior to the application being considered.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

The Shire of Coorow Town Planning Scheme.

Resolution No: 2009-178

Resolution Date: 21 October 2009

Source: Shire of Coorow

Date of Review: June Annually

Review Responsibility: Chief Executive Officer

Cr McDonald declared a Direct Financial Interest and left the Meeting at 5.16pm

10.2.3 PROPOSED SCHEME AMENDMENT NO.9 - INDUSTRIAL CARETAKERS

AUTHOR	Simon Lancaster
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2010
ATTACHMENT	10.2.3.21,10.2.3.2,10.2.3.3 and 10.2.3.4 Under separate cover
FILE	Town Planning Scheme

SUMMARY:

Council initiated an amendment to its Town Planning Scheme No.2 at its 15 October 2008 meeting to reclassify a caretaker's dwelling within the 'Industrial' zone from discretionary to not-permitted. The necessary advertising of the Scheme Amendment has been completed with 20 submissions being received, including 12 objections from landowners in the Leeman industrial area and 2 objections from landowners in the Green Head industrial area. This report recommends support for the Scheme Amendment.

BACKGROUND:

The primary purpose of an Industrial zone is to provide an area where industrial operations may be undertaken, and it is often the case that such operations, be it through the emission of noise, odour, light, vibration or dust; their hours of operation; the hours of arrival and departure of heavy vehicles associated with the industry; and even the visual appearance of the industrial operations are not compatible with residential uses, and should be separated from them.

The introduction of additional caretaker dwellings into the 'Industrial' zones within the Shire of Coorow will compromise the on-going operations of existing industrial uses due to the increasing potential for conflict issues associated with health, amenity and safety. Further introduction of caretaker dwellings within the 'Industrial' zones will also restrict the expansion of existing industrial operations, and the introduction of additional industrial operations within these areas. Furthermore it will diminish the confidence of an industrial operator that they can invest in their business when their operations may be curtailed or closed down despite them being established in an area allegedly set aside for industrial purposes. For these reasons the Council initiated Scheme Amendment No.9 to remove the permissibility of 'Caretaker's Dwellings' from the 'Industrial' zone under the Shire of Coorow Town Planning Scheme No.2 ('the Scheme').

COMMENT:

The Scheme Map identifies only one area of 'Industrial' zoning within each of the Coorow, Leeman and Green Head townsites, and the approval of further habitable buildings within these zones will introduce sensitive land uses that will be in conflict with the primary purpose of this zone. The introduction of a conflicting land use will impinge on each of the townsites' 'Industrial' zones and create potential for restricting the operation and establishment of industrial land uses within the only 'Industrial' zoned land within each townsite.

The primary purpose and function of the 'Industrial' zone requires protection from land uses that create potential for complaint given that there are existing industrial operations within the area and potential for existing land uses to expand their industrial operations and further industry to establish within this 'Industrial' zone.

The approval of further caretaker's dwellings in industrial areas will result in the development of 'defacto' residential estates that are likely to generate conflict and health concerns to the detriment of residents and legitimate industrial activities.

It is not considered that the circumstances such as a caretaker's dwelling providing affordable accommodation have a planning basis, and the crime figures provided by the local police do not substantiate a security based concern as grounds for approving caretaker's residences in the 'Industrial' zones.

An application for a caretaker's dwelling in the Leeman 'Industrial' zone was considered at the Shire of Coorow meeting of Council held on 15 October 2008 at which it was resolved to refuse the application for the following reasons:

- "a) Council is not satisfied justification offered in support of the caretakers dwelling is sufficient to warrant planning consent being issued;*
- b) The application fails to provide any substantiated justification for a caretaking residence, such as a demonstrated need for on-site security due to a high level of crime in the area;*
- c) Lot 640 is located within the 300-500m setback distance from the existing concrete batching plant, deemed to be a required buffer for a sensitive land use to a residential development as prescribed by the Environmental Protection Authority;*
- d) Council is of the view the grant of planning consent for the caretaker residences will erode the primary purpose and function of the Leeman Industrial Area, and over time may compromise a range of existing and future industrial uses and businesses resulting in serious conflict issues arising between residential and industrial uses;*
- e) Council is concerned the continued promotion of caretaker dwellings in the Leeman Industrial Area without sufficient justification will basically result in the development of the area as a defacto residential estate that is likely to generate on-going conflict and compounding enforcement issues for the Shire; &*
- f) application is contrary to the Council's Local Planning Policy 6.6.7 - Residential Living in Industrial Zoned Areas and the Western Australian Planning Commissions Planning Bulletin No.70, whereby both Policy documents discourage the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments."*

When the matter was appealed to the State Administrative Tribunal (Matter Number DR 425 2008) the Tribunal dismissed the appeal on 30 June 2009 and affirmed the Council's decision. The Tribunal found in its summary of its decision that:

“The principal issue that emerged for consideration was whether the approval of a caretaker's dwelling within the industrial area would create a potential for land use conflict and impact on the operation of future and existing businesses within the industrial area.

The Tribunal found that there were no special circumstances in this case and that the proposal could lead to possible land use conflicts, particularly as it was to be located within 300 metres of an existing concrete batching plant.”

STATUTORY ENVIRONMENT:

Shire of Coorow Town Planning Scheme No.2 was gazetted on 27 July 2001 and is the District Zoning Scheme for the subject area.

Section 4.2 of the Scheme states that the objective of the 'Industrial' zone is:

“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 residential areas.”

It is considered that the further introduction of residential land uses within the 'Industrial' zones will compromise this stated objective. The Zoning Table (Table 1) for the Scheme lists light, service, and general industry uses as 'Permitted' uses for the 'Industrial' zone. The purpose of the zone is to cater for industrial uses, and uses (such as residential) that may conflict or compromise the primary intent of this zone should not be supported.

Schedule 1 of the Scheme defines a 'Caretaker's Dwelling' as follows:

“caretaker's 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.”

Section 1.6 of the Scheme 'Aims of the Scheme' states that Council shall ensure that there is a sufficient supply of suitable land for employment, and it is considered that the further introduction of residential land uses within the 'Industrial' zones will create potential for land use conflict and complaint that can prevent the continuing operation of businesses within an 'Industrial' zone, and prevent the establishment of further businesses within an 'Industrial' zone.

The Scheme's Zoning Table currently assigns the following use class to a 'Caretaker's Dwelling' within the 'Industrial' zone:

‘D- means that the use is not permitted unless the local government has exercised its discretion by granting planning approval’.

Scheme Amendment No.9 proposes to change this to the following use class:

‘X – means a use that is not permitted by the Scheme’

The Scheme makes provision that the existing Council approved caretaker’s dwellings within the ‘Industrial’ zone would be permitted to continue and would be afforded a level of protection as Non-Conforming Uses, as follows:

“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 authorise the development to be carried out, were duly obtained and are current;*
- (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 Planning and Development 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 to another 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.

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: Part 11 of the Planning and Development Act enables the Local Government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

4.12 Destruction of Non-Conforming Use Buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Local Government.”

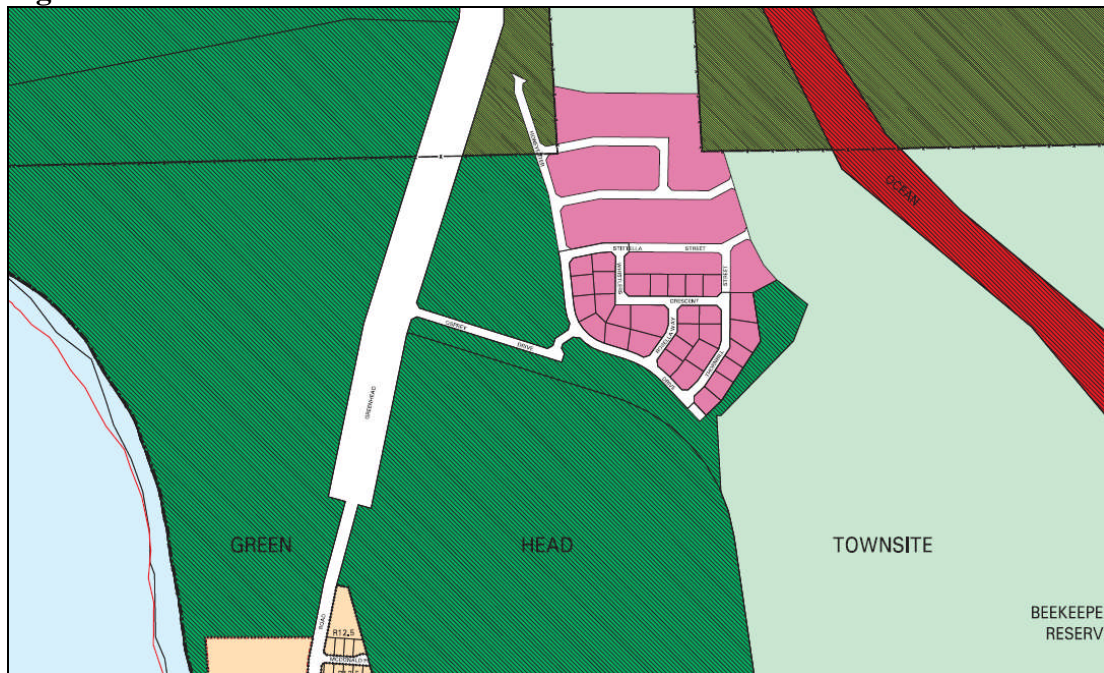
The Shire of Coorow contains three ‘Industrial’ zones that are located in the townsites of Coorow, Leeman and Green Head.

The relevant extracts from the Scheme Map illustrating these ‘Industrial’ zones (shown in pink) are attached as Figures 1, 2 and 3.

[illegible]

The map shows a residential area with several streets and lots. The streets include RUDDOCK STREET, THOMAS STREET, TAILOR STREET, and TAILOR DRIVE. The lots are numbered R15, R18, R45, and S. A red line runs along the right side of the map, separating the residential area from the Leeman area. A yellow box highlights a specific lot near the red line.

Figure 3 – Green Head ‘Industrial’ zone



The 'Industrial' zone in the Coorow townsite does not contain any caretaker's dwellings and as such there would be no such non-conforming use rights for that zone.

There are five (5) caretaker's dwellings that have previously been approved by Council within the Leeman 'Industrial' zone and these have been identified upon Figure 4 and would be entitled to remain as recognised Non-Conforming Uses.

There are two (2) caretaker's dwellings that have previously been approved by Council within the Green Head 'Industrial' zone and these have been identified upon Figure 5 and would be entitled to remain as recognised Non-Conforming Uses.

Figure 4 – Location of Existing Previously Approved Caretaker’s Dwellings in the Leeman ‘Industrial’ zone to be considered as Non-Conforming Uses in the event of gazettal of Scheme Amendment No.9

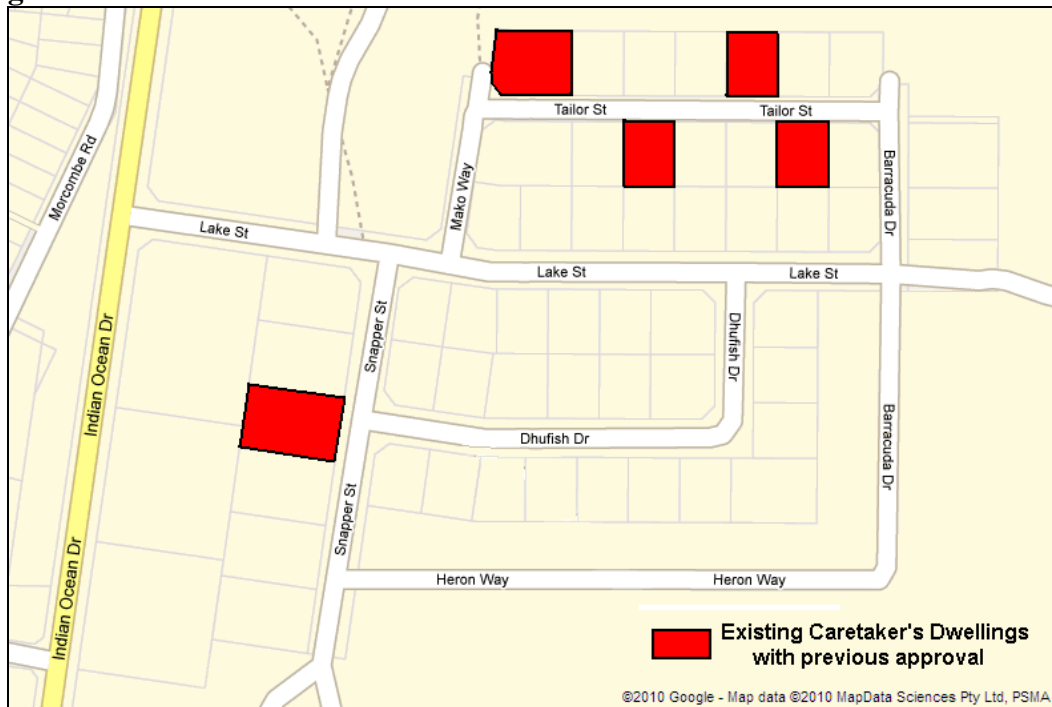
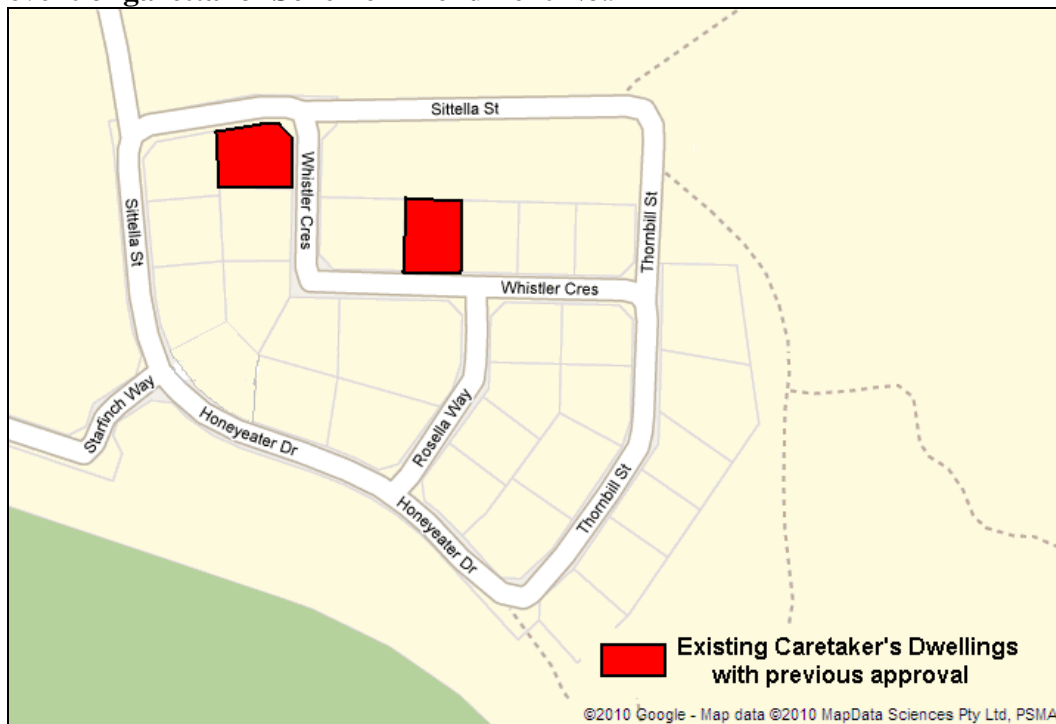


Figure 5 – Location of Existing Previously Approved Caretaker’s Dwellings in the Green Head ‘Industrial’ zone to be considered as Non-Conforming Uses in the event of gazettal of Scheme Amendment No.9



Initiation of a Scheme Amendment is undertaken by Council pursuant Section 75 of the Planning and Development Act 2005.

Pursuant to the Town Planning Regulations 1967, Council is required to forward a decision regarding the scheme amendment to the Western Australian Planning Commission ('WAPC') within 42 days of the close of the advertising period.

STRATEGIC IMPLICATIONS:

The WAPC's Planning Bulletin No.70 addresses this issue in its document entitled 'Caretaker's Dwellings in Industrial Areas'. Planning Bulletin No.70 notes that:

"The establishment of residential communities in industrial areas is contrary to the principles set out in the State Planning Framework and has the potential to both create an unacceptable environment for residential living and impose constraints on the use of land for industrial purposes."

"More recently, the high price of land and shortage of residential accommodation in many regional areas of the State has encouraged business operators to live and work from the same premises. This has seen a shift from the limited accommodation concept to the provision of more substantial accommodation for a business owner and family. The cumulative impact of such a shift can lead to the establishment of a significant residential community in an industrial area which has a number of social and environmental implications."

"Industrial activities are often associated with more hazards and higher risk levels than is acceptable for residential development. They have the potential to cause adverse impacts on the amenity of residents in such dwellings through emissions such as dust, odour and vibration."

"Caretakers' residences are addressed by the Environmental Protection (Noise) Regulations 1997. These regulations do not classify such uses as "noise sensitive premises" as in the case of dwellings in residential areas but do assign maximum allowable noise levels for these dwellings to ensure that a reasonable tolerable noise environment is provided for the dwelling. This could place limits on noise levels generated on an industrial site and would apply not only to industrial activity on the site but also to operations on neighbouring properties. The EPA Guidance "Risk Assessment and Management; Offsite Industrial Risk from Hazardous Industrial Plant" provides criteria for assessment of such development in industrial areas."

"Recommended Policy Measures and Implementation Local Planning Strategies

There should be a general presumption against the establishment of caretakers' dwellings in industrial areas to avoid potential conflict and associated environmental problems."

“Town Planning Scheme and Local Planning Policies

In the preparation of town planning schemes and scheme amendments the following principles should be applied:

- *Caretakers' dwellings should be a prohibited use in zones which are designed to accommodate strategic industry and industries of a noxious or hazardous nature and zones which are in proximity to existing or proposed major infrastructure or other potentially incompatible uses.*
- *Caretakers' dwellings should generally be prohibited in zones designed for general industrial uses unless there are special circumstances which justify their establishment in such areas.*
- *Caretakers' dwellings may be a discretionary use in industrial areas accommodating light, service or commercial activity subject to specific provisions included in the scheme which emphasise the incidental nature of the dwelling to the predominant industrial land use and limit the floor area of the dwelling to not more than 100m² in accordance with the model provisions set out below.*
- *Criteria for assessing such applications with a view to mitigating any potential impact from existing or potential land uses in the vicinity should be developed as a Council Local Planning Policy. These criteria may include encouraging temporary rather than permanent accommodation structures, placing time limits on use and the design and siting of such dwellings.”*

Given that the Zoning Table (Table 1) for the Scheme lists service, and general industry uses (as well as light industry uses) as ‘Permitted’ within the ‘Industrial’ zone then the application of the discretionary caretakers clause outlined in (the last two dot points above of) Planning Bulletin No.70 is not considered appropriate.

The Environmental Protection Authority (‘EPA’) recommends separation distances between many industrial uses and ‘sensitive’ land uses such as habitable buildings. The existence of caretaker’s residences within industrial areas limits the ability of industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.

The EPA document ‘Guidance for Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land-Uses’ has been provided to Councillors as a separate document to the Agenda. This document contains recommended separation distance between various types of industrial activity and sensitive (i.e. habitable building) premises.

One scenario that demonstrates the importance of limiting residential buildings within ‘Industrial’ zones, is that concrete batching plants have a recommended separation distance of 300–500m from habitable buildings under the EPA’s Guidelines. As an

example, in the event that the existing Leeman Concrete Works was to receive an order that required extended hours of operation, such as the development of the Leeman Resort, or footings for a Wind Farm development, or a project comparable to the Coolimba Power Plant proposal then the proximity of caretaker's residences would mean that should any of those residents lodge complaint to the Shire or the EPA they would be treated as 'sensitive' premises. The concrete batching plant would be subject to investigation, and if breaches of the limits set by the Environmental Protection Act or Noise Regulations as being acceptable from sensitive premises were recorded then the industrial operation would have to curfew its operations or close operations entirely.

POLICY IMPLICATIONS:

Shire of Coorow Local Planning Policy 6.6.10 'Caretakers Dwellings General Industry Zone' has been included as **Attachment 10.2.3.1**. The Policy has the following statement:

“Effective from the date of final adoption of this Local Planning Policy a moratorium shall apply to the establishment of Caretakers Dwelling in the General Industry zone in the Shire.

The moratorium shall stay in effect until the Shire of Coorow Town Planning Scheme No.2 – Zoning Table No.1 has been amended to list a Caretakers Dwelling use as a use 'Not Permitted' in the General Industry zone.

The Shire Council does support the continued use of approved Caretakers Dwelling in the General Industry zone and seeks to serve notice through this Policy that the 'Non-conforming Use' rights pursuant to clause 4.8 of the Shire of Coorow Town Planning Scheme No.2 will be evoked for all approved/existing Caretakers Dwellings in the General Industry zone.”

The Objectives of this Policy are:

- “(a) To prevent the ongoing establishment of Caretakers Dwellings in the General Industry zone in the Coorow Shire;*
- (b) To preserve the intended purpose of the General Industry zone and mitigate potential conflict between typical general industrial uses and environmentally sensitive land uses (residential uses) consistent with the advice and direction set by Environmental Protection Authority's Guidance Statement No.3, 2005 and the Western Australian Planning Commission – Planning Bulletin No.70;*
- (c) To serve notice the Shire Council has resolved to amend the Shire of Coorow Town Planning Scheme No.2 with the intent of removing any entitlement for Caretakers Dwellings in the General Industry zone.”*

A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local

Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Section 2.2 of the Shire of Coorow Town Planning Scheme No.2 allows for Council to formulate, review or rescind Local Planning Policies:

“2.2 Local Planning Policies

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

- (c) generally or for a particular class or classes of matters;
and*
- (d) throughout the Scheme area or in one or more parts of the Scheme area;*

and may amend or add to or rescind the Policy.”

Section 2.5 of the Scheme addresses the issue of rescinding Local Planning Policies:

“2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by –

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or*
- (b) the publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.”*

It is recommended that Local Planning Policy 6.6.10 – ‘Caretakers Dwellings General Industry Zone’ be revoked by Council and that the subsequent necessary publication of the notice of revocation only be undertaken by Shire staff after Scheme Amendment No.9 has received Ministerial approval and has been gazetted.

FINANCIAL IMPLICATIONS:

In the event that the Minister of Planning gives final approval to Scheme Amendment No.9 the Shire of Coorow will be required to accept the cost of publishing the gazettal notice in the Government Gazette (estimated cost to be approximately \$400).

Section 2.5(b) of the Scheme requires that the local government publish notice of a revoked Policy twice in a newspaper circulating in the Scheme Area, this cost will be covered by the Councils existing Planning budget allocation.

PUBLIC CONSULTATION:

Shire staff prepared the necessary Scheme Amendment No.9 documentation (a copy of which is available to Councillors upon request) and referred the rezoning application to the EPA on 5 July 2010, as is required by the Environmental Protection Act 1986. The EPA advised on 26 July 2010 that Scheme Amendment No.9 would not require assessment under the Environmental Protection Act and that it would not be providing any advice or recommendations on the application.

Scheme Amendment No.9 was publicly advertised in accordance with the provisions of the Planning & Development Act 2005 for a period of 42 days (inclusive of newspaper notice, signs on-site, letters being sent to the landowners of the 'Industrial' zoned lots and 8 relevant government agencies) with advertising commencing on 26 August 2010 and concluding on 8 October 2010.

During the advertising period 19 submissions were received, with 14 of these in objection to the Scheme Amendment, and 6 either indifferent or offering no objection.

Copies of the received submissions have been included as **Attachment 10.2.3.2**.

A copy of the Scheme Amendment No.9 Schedule of Submissions, that is required to be forwarded to the WAPC, is included as **Attachment 10.2.3.3**. The Schedule of Submissions identifies the respondents and the nature of their submissions, and provides individual comment upon any raised issues.

Figure 6 – Location of respondents in the Leeman ‘Industrial’ zone

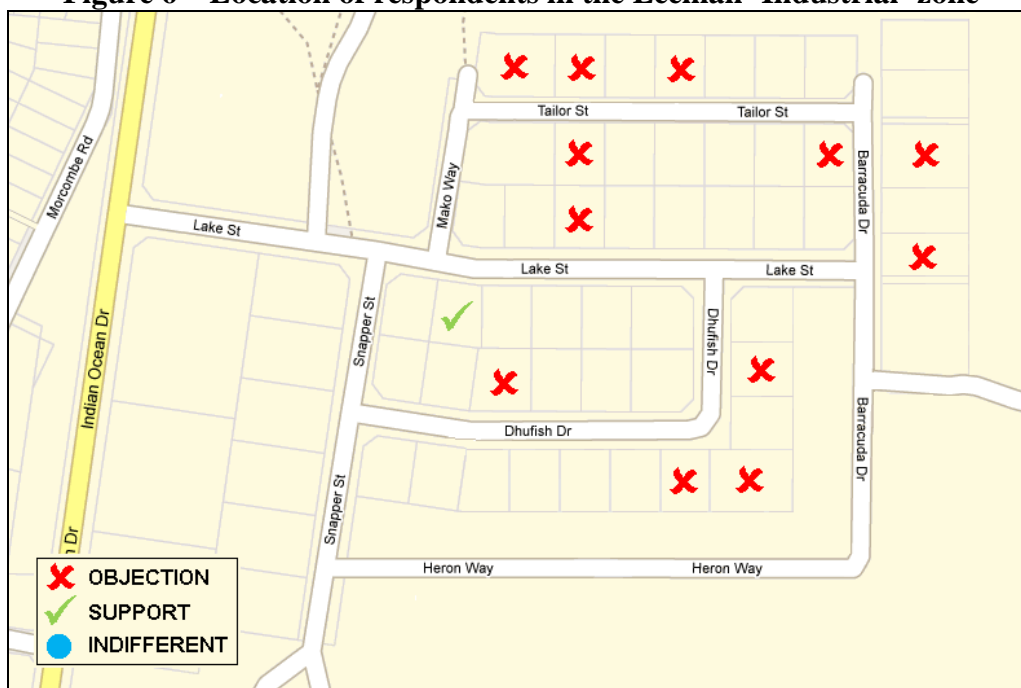


Figure 7 – Location of respondents in the Green Head ‘Industrial’ zone



It is considered that there are four options open to Council at this juncture that it may wish to consider:

Option 1 – Retain the current zoning status quo

This option is not recommended as it will leave a caretaker's residence as a discretionary use in the 'Industrial' zone. The continued development of caretaker's residences within industrial areas will prevent industrial business that generate emissions from being able to be established in industrial areas. Habitable buildings within industrial areas are treated as 'sensitive' premises under the Environmental

Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning emissions (e.g. noise, dust, odour, vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area.

Option 2 – Reclassify caretaker's residences from a discretionary use to a not-permitted use

This option is the recommended option. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.

Option 3 – Designate the Leeman industrial area as a precinct where caretaker's residences can be permitted (subject to conditions) and reclassify the Coorow and Green Head industrial areas so that caretaker's residences are not permitted

This option would address the expressed level of opposition to not-permitting caretaker's residences that was received from 12 of the 46 landowners in the Leeman industrial area. It could be argued that by permitting caretaker's residences to be developed in the Leeman industrial area and not in the Green Head industrial area that the Shire could market the two separately to appeal to differing kinds of potential businesses.

Operators seeking to site a business that has a level of emission could be encouraged to establish in the Green Head industrial area and can do so with confidence that they would not be encroached upon with threat of closure from caretaker's residences. Some of the reasons for choosing the Green Head industrial area is due to its greater setback to the residential area of the town than the Leeman industrial area which lends it further security from potential complaint. A portion of the Green Head industrial area is likely to be subject to a wastewater treatment plant buffer in the future, and there are only 2 caretaker's residences already located in the estate making it less compromised.

Businesses that seek to establish a caretaker's residence as part of their operations could be encouraged to locate in the Leeman industrial area, such businesses would do so in the knowledge that there are sensitive premises in this area and that they may need to limit hours of operation, activity type or undertake attenuation should complaint be received.

The drawback with this proposal is that it would preclude those parties who purchased land within the Leeman industrial area from undertaking industrial activity that makes emission due to the increasing presence of sensitive premises in the area. It should be noted that the core objective of the Industrial zone outlined by the Shire's Town Planning Scheme is *"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 residential areas."*

Should Council wish to pursue this option it would need to direct Shire staff to undertake modifications to Scheme Amendment No.9, these would be presented back to Council for its consideration, and given that it represents a substantive alteration the proposal should be subsequently readvertised.

Option 4 – Designate a precinct within the Leeman industrial area as being where caretaker's residences can be permitted (subject to conditions) and reclassify the

remainder of the Leeman industrial area and the Coorow and Green Head industrial areas so that caretaker's residences are not permitted

The industrial estate at Leeman could be designed to have an L-shaped precinct where caretaker's residences may be conditionally permitted west of Snapper Street and north of Lake Street, and the remainder of the estate be set as a precinct where they are not permitted. This precinct would act as a 'buffer' strip along the western and northern edge of the industrial estate, separating the industrial core from the townsite. This precinct layout would account for the existing caretaker's residences, but not all of the objector's who expressed a desire to develop a caretaker's residence. This precinct would also include the concrete batching plant in the caretaker's precinct, and would allow for caretaker's residences to be developed immediately opposite lots where caretaker's residences are not permitted and where therefore more emitting industry would be encouraged. These setbacks would not comply with many of those under the EPA's 'Separation Distances between Industrial and Sensitive Land Uses'.

Under both Option 3 and 4 it is suggested that any allowance for caretaker's residences be accompanied by the insertion into the Scheme Text of conditional requirements that would include:

- (a) *a caretakers dwelling should be incidental to the predominant industrial use of the site.*
- (b) *only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use.*
- (c) *a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of wall.*
- (d) *open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (c).*
- (e) *The caretaker's residence is required to incorporate noise attenuation to achieve the indoor design sound levels to the approval of the Local Government.*
- (f) *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificate of Title of the property that notifies the proponent and future landowners of the following:*
 - *"That the landowner is advised that the lot is subject to emissions and impacts relating to its location within an industrial area."*
 - *"The caretaker's dwelling shall only be used for accommodation relevant to an industrial business operation conducted on-site, and the property shall not be used solely used for accommodation purposes."*

Should Council wish to pursue this option it would need to direct Shire staff to undertake modifications to Scheme Amendment No.9, these would be presented back to Council for its consideration, and given that it represents a substantive alteration the proposal should be subsequently readvertised.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1 Determine the submissions as outlined in the 'Schedule of Submissions';
- 2 Pursuant to Section 5 of the Planning and Development Act 2005 adopt for final approval Scheme Amendment No.9 to Shire of Coorow Town Planning Scheme No.2, as follows:
 - (a) Changing the symbols for 'Caretakers Dwelling' under the 'Industrial' zone column in Table 1 – Zoning Table from the 'D' to the 'X' symbol.
- 3 Seek final approval of Scheme Amendment No.9 from the Minister of Planning.
- 4 Revoke Local Planning Policy 6.6.10 – 'Caretakers Dwellings General Industry Zone' pursuant to Sections 2.2 and 2.5 of the Shire of Coorow Town Planning Scheme No.2 and proceed to publish a notice to this effect once a week for two consecutive weeks in the local newspaper (after Scheme Amendment No.9 has received Ministerial approval and has been gazetted).

RESOLUTION:

2010/183

Moved: Cr Girando

Seconded: Cr McTaggart

That Council:

- 1 *Determine the submissions as outlined in the 'Schedule of Submissions';*
- 2 *Pursuant to Section 5 of the Planning and Development Act 2005 adopt for final approval Scheme Amendment No.9 to Shire of Coorow Town Planning Scheme No.2, as follows:*
 - (a) *Changing the symbols for 'Caretakers Dwelling' under the 'Industrial' zone column in Table 1 – Zoning Table from the 'D' to the 'X' symbol.*
- 3 *Seek final approval of Scheme Amendment No.9 from the Minister of Planning.*
- 4 *Revoke Local Planning Policy 6.6.10 – 'Caretakers Dwellings General Industry Zone' pursuant to Sections 2.2 and 2.5 of the Shire of Coorow Town Planning Scheme No.2 and proceed to publish a notice to this effect once a week for two consecutive weeks in the local newspaper (after Scheme Amendment No.9 has received Ministerial approval and has been gazetted).*

CARRIED 7/0
Absolute Majority

Cr McDonald re-joined the Meeting at 5.34

ATTACHMENT 10.2.3.1

Town Planning and Regional Development	
6.6.10	Caretakers Dwellings General Industry Zone
<p>Policy Statement</p> <p>Effective from the date of final adoption of this Local Planning Policy a <u>moratorium</u> shall apply to the establishment of Caretakers Dwelling in the General Industry zone in the Shire.</p> <p>The moratorium shall stay in effect until the Shire of Coorow Town Planning Scheme No.2 – Zoning Table No.1 has been amended to list a Caretakers Dwelling use as a use 'Not Permitted' in the General Industry zone.</p> <p>The Shire Council does support the continued use of approved Caretakers Dwelling in the General Industry zone and seeks to serve notice through this Policy that the 'Non-conforming Use' rights pursuant to clause 4.8 of the Shire of Coorow Town Planning Scheme No.2 will be evoked for all approved/existing Caretakers Dwellings in the General Industry zone.</p> <p>"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.</p> <p>Objectives</p> <p>The general objectives of this policy are:</p> <ul style="list-style-type: none"> (a) To prevent the ongoing establishment of Caretakers Dwellings in the General Industry zone in the Coorow Shire; (b) To preserve the intended purpose of the General Industry zone and mitigate potential conflict between typical general industrial uses and environmentally sensitive land uses (residential uses) consistent with the advice and direction set by <i>Environmental Protection Authority's Guidance Statement No.3, 2005</i> and the <i>Western Australian Planning Commission – Planning Bulletin No.70</i>; (c) To serve notice the Shire Council has resolved to amend the Shire of Coorow Town Planning Scheme No.2 with the intent of removing any entitlement for Caretakers Dwellings in the General Industry zone. <p>Guidelines</p> <p>A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.</p> <p>The Shire of Coorow Town Planning Scheme No. 2, Environmental Protection Authority's Guidance Statement No.3, 2005 and Western Australian Planning Commission – Planning Bulletin No.70</p> <p>Resolution No: 2009-012</p> <p>Resolution Date: 19 November 2008, 18 February 2009</p> <p>Source: Shire of Chapman Valley Planning Department</p> <p>Date of Review: June Annually</p> <p>Review Responsibility: Chief Executive Officer</p>	



Submission 2

Simon Lancaster

From: Glenda MacKenzie [leemanadmin@coorow.wa.gov.au]
Sent: Wednesday, 1 September 2010 4:21 PM
To: Simon Lancaster
Cc: Dave Hadden
Subject: FW: Dave Hadden - Ref ADM0190 A3/A1414 - Proposed Amendment No 9 to Town Planning Scheme No 2

Hi Simon

Response from Western Power for your info

Regards
Glenda

From: Lynn Walker [mailto:lynn.walker@westernpower.com.au] **On Behalf Of** Works Admin General
Sent: Wednesday, 1 September 2010 1:47 PM
To: Glenda MacKenzie
Subject: Dave Hadden - Ref ADM0190 A3/A1414 - Proposed Amendment No 9 to Town Planning Scheme No 2



Locked Bag 2520, Perth WA 6001 | T: 13 10 87 | F: (08) 9225 2073 | E: works.admin.general@westernpower.com.au

To:	Dave Hadden	From:	Lynn Walker
Organisation:	Shire of Coorow	Section:	Connections Administration
Email / Fax:	leeman@coorow.wa.gov.au		
Your Ref:	ADM0190 A3/A1414		
Date:	01/09/2010		

Re: Proposed Amendment No 9 to Town Planning Scheme No 2

Dear Dave,

To the best of my knowledge, we have no objections, but Western Power wishes to advise the following in respect to any future development due to the above-mentioned proposal.

Working in proximity to Western Power Distribution Lines

All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work Near Underground and Overhead Power Lines form must be submitted. For more information on this please visit the Western Power Website:

<http://www.westernpower.com.au/mainContent/workingWithPower/WorkingAroundPowerLines/ProtectingWorkersAroundPowerLines.html>

Please note:

- A) Perth One Call Service (Freecall 1100 or visit dialbeforeyoudig.com.au) must be contacted and location details (of Western Power underground cabling) obtained prior to any excavation commencing.

B) Work Safe requirements must also be observed when excavation work is being undertaken in the vicinity of any Western Power assets.

Western Power is obliged to point out that any change to the existing(power) system, if required, is the responsibility of the individual developer.

Regards,
Customer Service Officer
Connections Administration
Western Power - 363 Wellington Street Perth WA 6000 [\[map\]](#)

T: 13 10 87 | F: (08) 9225 2073
E: works.admin.general@westernpower.com.au
W: <http://www.westernpower.com.au/>

 Please consider the environment before you print this email.

Electricity Networks Corporation, trading as Western Power
ABN 18 540 492 561

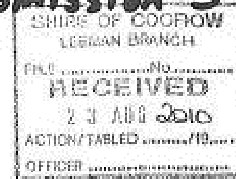
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VIRUSES - Western Power scans all outgoing emails and attachments for viruses, however it is the recipient's responsibility to ensure this email is free of viruses.

Submission 3



**SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM**

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: ROYD TERRENCE WANN
Postal Address: PO BOX 139 LEEHAN WA 6514
Phone Number: 08 99 531020

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

OWNER OF PROPERTY

ADDRESS OF PROPERTY AFFECTED (If applicable – include lot number and nearest street intersection) LOT 586 14 OYFISH DRIVE LEEHAN

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) –

WE SEE CARETAKERS OUT THE INDUSTRIAL AREA AS A
FORM OF "NEIGHBOURHOOD WATCH"
NEIGHBOURHOOD
IF NOISE IS A PROBLEM – THEY SHOULD SIGN A DISCLAIMER.
WHATS WRONG WITH "WEDFIELD" PORT HEDLAND?
* I HAVE ALREADY HAD THINGS STOLEN FROM THE INDUSTRIAL AREA.

Signature: [Signature] Date: 23.08.10.

Please return to either: Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515
Chief Executive Officer
Shire of Coorow
PO Box 238
LEECHAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 4



Your Ref: ADM0190 DH/GM
Our Ref: GN12002 00003 V01 Doc 3946469
Enquiries: Phil Gale
Direct Tel: 08 9923 4942 Fax: 08 9923 4966

01 September 2010

Shire Of Coorow
PO Box 238
LEEMAN WA 6514

Attention: Dave Hadden

Midwest Region

45 Cathedral Avenue
Geraldton WA 6530

PO Box 43
Geraldton WA 6531

Fault Eng 13 13 75
Account Eng 13 13 85
Technical Eng 13 13 95
Fax (08) 9923 4966

www.watercorporation.com.au
ABN 28 003 434 917

**SHIRE OF COOROW
TOWN PLANNING SCHEME NO. 2 AMENDMENT NO. 9**

I refer to your letter of 20 August 2010 regarding the above town planning scheme amendment.

Please find enclosed the Water Corporation's comments on a Form 4.

Should you have any queries, please do not hesitate to contact the Enquiries Officer.

PHIL GALE
LAND DEVELOPMENT OFFICER
MID WEST REGION

Form No. 4
Planning and Development Act 2005

TO: Manager, Regulatory Services Shire of Coorow

Submission on
TOWN PLANNING SCHEME No 2 - AMENDMENT NO 9

Ref: GN1 2002 00033 V01 Doc 9845469
Name: WATER CORPORATION
Address: PO BOX 43 GERALDTON WA 6514
Phone: 08 9923 4842

SUBJECT OF SUBMISSION

WATER CORPORATION

ADDRESS OF PROPERTY AFFECTED BY SCHEME:

The above town planning scheme amendment for the purpose of:-

- Changing "Caretakers Dwelling" under the "Industrial" zone from the "D" (Discretionary) to the "X" (Not Permitted) use class symbol.

SUBMISSION

The Water Corporation has no objections to this town planning scheme amendment.

DATE 1 September 2010

SIGNATURE



PHIL GALE
LAND DEVELOPMENT OFFICER
MID WEST REGION



**SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM**

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

SHIRE OF COOROW	
RECEIVED	
11 2 SEP 2010	
FILED	DATE

Town Planning Scheme No.2 Scheme Amendment No.9

Name: GREG BROWN
 Postal Address: 56 WANDERARAH WAY Kingsley
 Phone Number: 0417 099 023

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

AS AN OWNER IT WILL RESTRICT GROWTH IN TOWN.

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

LOT 645 TAILOR STREET LEEMAN 6514.

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (If insufficient space, please attach additional sheets) -

Signature: Greg A. Brown Date: 31-8-2010

Please return to either:
 Chief Executive Officer
 Shire of Coorow
 PO Box 42
 COOROW WA 6515

Chief Executive Officer
 Shire of Coorow
 PO Box 238
 LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010



Government of Western Australia
Department of Environment and Conservation



Shire of Coorow
PO Box 238
Leeman WA 8514

ATTENTION: Dave Hadden
Manager, Regulatory Services
Shire of Coorow

Submission 6
ICR 10935

Your ref: ADM0190 DH/GM
Our ref:
Enquiries: Steven Bultenhuis
Phone: 9852 1911
Fax: 9852 1922
Email: steven.bultenhuis@dec.wa.gov.au

SHIRE OF COOROW REFERENCE: ADM0190 DH/GM – LOCAL PLANNING SCHEME NO.2- AMMENDMENT NO.9.

The Department of Environment and Conservation (DEC) Moora District has no objections to this proposal.

Please note that DEC Moora District has reviewed the available information in relation to nature conservation issues and potential impacts on DEC managed areas only. For guidance on managing issues on which DEC Moora District does not provide site specific advice, you are referred in the first instance to the environmental planning policies and criteria for Western Australia published by WAPC, EPA, DEC and other agencies with responsibilities in environmental protection.

Thank you for the opportunity to comment on this proposed scheme amendment. Please contact Steven Bultenhuis at the DEC Moora District office (9852 1911) if you have any queries regarding this advice.

Yours sincerely

Benson Todd
A/District Manager
Moora District, Jurien Bay
6th September 2010.

Moora District - Jurien Bay: Lot 124 Bashford Street, Jurien Bay
Phone: (08) 9852 1911 Fax: (08) 9852 1922
Postal Address: PO Box 838, Jurien Bay, Western Australia 6515
www.dec.wa.gov.au

10/09/10



**SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM**

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: Kylie Coman, Landcorp
Postal Address: 40 The Esplanade Perth
Phone Number: 94827520

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

on behalf of a company

ADDRESS OF PROPERTY AFFECTED (if applicable - include lot number and nearest street intersection)

Lots 1 to 8, 488, 474, 491, 504, 506
Thornbill St, Whistler Crescent, Honeywater Drive.

SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

water corporation have previously indicated a
desire to relocate WWTP infrastructure at Greenhead
to a proposed site on the golf course. During
discussions, they advised the UA area would be
inside a buffer distance from the facility raising *

Signature: Coman Date: 13/9/10.

Please return to either: Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

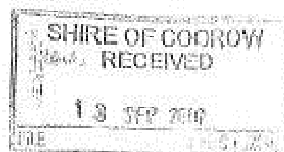
NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

* OHS issues for any residential use inside the
existing UA area.

AOM0190 10/10/2010

Submission 8



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: ROBERT BLAIR

Postal Address: P.O. BOX 401 MELVILLE 6956

Phone Number: 0417 477263

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property)

OWNER 11 WHISTLER CR. GREEN HEAD
LOT 484

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

11 WHISTLER CR GREEN HEAD
LOT 484

SUBMISSION: ☐ Support ☐ Object ☒ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

AGREE IN PRINCIPLE THAT ANY
COMMERCIAL OR INDUSTRIAL ACTIVITY SHOULD NOT
BE AFFECTED BY RESIDENTIAL TENANTS ACTIONS.
HOWEVER CIRCUMSTANCES DO PROVIDE SECURITY OF
AREA. TEMPORARY ACCOMMODATION NECESSARY FOR
NOW AND RESIDENTS IN ESTABLISHMENT OF INDUSTRY.

Signature: [Signature] Date: 8-9-2010

Please return to either: Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 9
A010190



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM



Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 15 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: CRAIG ONEIL

Postal Address: PO BOX 123 LANCELIN 6074

Phone Number: 96551923

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

CARPENTER (SOLE TRADER)

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

LOT 649 BARRACUDA DUE & LAKE ST
LEEMAN

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

I DON'T THINK IT IS FAIR

ALSO IT COULD ADD VALUE TO THE INDUSTRIAL

AREA, IF BLOKS HAD CARETAKERS HOUSES.

LOTS OF OTHER SHIRES HAVE THEM AND THEY ARE

SOUGHT AFTER PROPERTIES.

OTHER WISE WE MIGHT WELL MOVE TO ANOTHER SHIRE

Signature: [Signature] Date: 31 AUG 2010

Please return to either:
Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 10



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: TERRY BRITAIN
Postal Address: P.O. BOX 18 LEEMAN 6514
Phone Number: 0827 941 626

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

OWNER/OCCUPIER

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

LOT 589 DUFFISH DVE.

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if in sufficient space, please attach additional sheets) -

EVERY TIME THIS SHIRE CHANGES HEALTH/
PLANNING STAFF THEY WANT TO SHIFT THE
GOAL POSTS. ARE YOU GOING TO REMOVE THOSE
ALREADY THERE? I DON'T THINK SO.
JUST LEAVE AS IS PLEASE!

Signature: [Signature] Date: 18.9.10

Please return to either:

Chief Executive Officer	Chief Executive Officer
Shire of Coorow	Shire of Coorow
PO Box 42	PO Box 238
COOROW WA 6515	LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 11



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: A.D. IV CRAKE

Postal Address: PO BOX 6 LEE MAN

Phone Number: 99531073 0427988386

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

THIS PROPOSAL WILL HAVE A DETRIMENTAL EFFECT ON OUR PROPERTY
AND THE SHIRE AS A WHOLE

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

6 MAKO WAY LEE MAN CIVIL TAP LOR

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

SEE ATTACHED LETTER

Signature: R.D. IV CRAKE Date: 22.9.2010

Please return to either:

Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEE MAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010



R.D&M.V Crake,
P.O.Box 5 Leeman 6514
P/H 99531073_0427988386
25/9/2010

Chief Executive Officer,
Shire of Coorow.

Sir

We the undersigned are writing you to express our strongest opposition to the proposed amendment to the zoning of the industrial land within the Shire of Coorow.

This proposal has been bought by people with no vested interest in, and no knowledge (apart from what they read in a book) of the areas concerned.

First - We would point out that if this is a health and safety issue then the towns of Leeman and Green Head should not exist because as we and you should know the silica sand that blows from the coastal hills in the summer months can be seen by all, and you know what comes from silica we are sure

Second- The Shire allows sand blasting in the boat storage yards on the foreshore, right in the middle of town in Leeman (real healthy)

Third - There are numerous Shires in this state that not only allow residence in industrial areas but in the interest of attracting business and the flow on that naturally comes with it they encourage caretakers dwellings on there industrial land.

Fourth- There are businesses operating from within the town site of Leeman (don't know about other areas) and if we are to have a policy that discriminates against one group of the community, well in this day and age that is called exactly that DISCRIMINATION. Therefore if the shire is going to change the rules for those who own industrial land they should look at cleaning up a few other back yards at the same time.

Fifth- As far as we are aware there has never been a complaint lodged with Shire from existing residence of the industrial land's within the Shire.

Six- We cannot blame councillors for decisions they make if they are not fully informed as to what they are voting on but, this is exactly what happens when some one waves a piece of paper in front of them and says "I who know everything recommend we reject or accept this proposal".

The councillors take his/ her word as gospel and no one questions why are we doing this, and after ringing a few councillors (who are no longer on council) it appears they don't know much about the implications of X verses D in the proposed amendment. These call were made some 12 Months ago when we found out only by accident what you were up to. (see previous letter)

This proposal will not do anything to promote this already dying towns and the Shire should be doing everything in it power to attract people instead of scaring them away with such an absurd policy.

To make the areas non conforming use in our opinion is detrimental to those of us living in peace and quiet at the moment in the industrial sites as it puts all future decisions concerning ours and other peoples property firmly in the the hands of the council. To say the least this is nothing short of a dictatorial attitude whereby you people have full control over freehold land held in title deed by others. You and yours may think this is democratic but it is far from it and very UN AUSTRALIAN to say the least. Dont you think Shires have enough control as it is without flexing its muscle over the whim of people who remain faceless to those they affect and at the first chance will move on and leave their legacy for others to bare. Its happened before and in this Shire.

Your argument is based on bulletin No 70 from planning W.A and the faceless have printed the parts they want to use to their advantage in full type while printing the entire bulletin so as to be read with a magnifying glass. One can only wonder why.

There are some points for your argument but there are also a lot of points for those who wish to reside in industrial areas.

We have been in the Leeman industrial area for some three years now and have never had a problem of any kind from the batching plant across the road despite it being one of councils

objections when they tried to stop our development.

Council at great expense we imagine (to the rate payer) had a win against a proposal on 30/7/09 and has obviously taken this to mean they are at liberty to do what they want in regard to those who own title deeds in Industrial areas.

When the subject was broached with a council employee re living in the industrial area the employee stated "Let them buy a house in town". The reply was "these people have spent close to \$4000,000 building in the industrial area and do not have another \$400,000 to buy in town. That chased two potential and possibly three businesses out.

We urge council to rescind this proposal and let us all get on with trying to make our little bit just a little bit better

Thanking you for the opportunity to be heard

A. Baker
M. Baker

PTD



ADENDEM TOO PROPOSAL No9

There was not any public consultation or information released by the Shire re this proposal and the only notice that has come to our attention is placed at the entry to the industrial areas. Not everyone goes into the industrial areas and that being the case there would be a vast majority of RATE PAYERS who would not know about the proposal. It should have been made public knowledge the same as when the Shire wanted to build a new house in Coorow (it didn't seem to much trouble to have meetings in the towns within the shire then so as to push your barrow re that PROPOSAL). That was done in the interest of the Shire only but in this it appears the vested interest of the rate payers does not matter.

It may well have been advertised elsewhere but has not come to our notice via other media. Was it printed in the same size as the bulletin No 70 we obtained from the office of the Shire.

121
Dandaragan is taking a much more forward thinking approach and at their October 2009 meeting approved a plan by Ardross Estates to develop Composite Residential/Industrial blocks in Jurien Bay, here's why;

"The application for subdivision proposes the creation of a belt of 'Special Residential' lots with a minimum site area of 2,000m² along the southern and western sides of the application area. Adjacent to these lots is a row of composite 'Industrial / Residential' lots at a minimum area of 2,400m² with industrial lots to the rear. In addition, the application includes the creation of mixed business sites at major intersections and a site for a future Western Power substation.

In support of the application for subdivision, the applicant advises that there is a particular demand for the composite 'Residential / Industrial' lots to accommodate local small businesses. People purchasing these lots will be able to establish their homes as well as their business on the one parcel of land and therefore save considerable expense in addition to being able to more effectively manage their business. It is also expected that there will be a strong demand for the larger residential lots within the 'Special Residential' area such that Ardross Estates Pty Ltd is keen to commence development of the area. In particular, the creation of the composite lots will encourage business development and the diversification of the Jurien Bay economy, which has traditionally been focused on the fishing industry."

THIS IS ANOTHER FORWARD THINKIN

SHJ

justice".

But we can't just blame politicians, professional health workers, rule-loving bureaucrats or the Left (who have never seen a "nanny" law they didn't like).

We can blame ourselves. Australians seem to be becoming a race of people who like rules and officialdom and encroaching bureaucracy. Which is pretty un-Australian.

Submission 12



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: JURIEEN ICE SUPPLY Ron & Shirley Voss

Postal Address: P.O. Box 572

Phone Number: JURIEEN BAY

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

OWNER 5 DUNFISH DRIVE LEEMAN 6516

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

5 DUNFISH DRIVE

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We feel that residents in the industrial area do not hinder or bother any body. In fact people in the area after abate add to the scenery for the business & there. However! Residents must be made aware of Dust Noise & odours will prevail and that they have no room to complain as this is an INDUSTRIAL AREA
Signature: Shirley E Voss Date: 23/9/10
for Jurieen Ice Supply

Please return to either:
Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 13



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: HARRY, G & WILMA, EAST
Postal Address: 551 MCKNOE DRIVE, MORANGUP, WA, 6083
Phone Number: 9572 9030

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

Owners of lot 593 - 6 Lake St Leeman

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We support the council to amend
the town planning scheme, in regard
to "Caravans Dwellings" in industrial
zones

Signature: Stef East Date: 26/09/2010

Please return to either:

Chief Executive Officer Shire of Coorow PO Box 42 COOROW WA 6515	Chief Executive Officer Shire of Coorow PO Box 238 LEEMAN WA 6514
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NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 14



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: Richard and Nettie Jackman
Postal Address: 20 Herby way warabro W.A 6169
Phone Number: 9803 1327

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

owner of the property

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

16 Onusah Drive Leeman W.A

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

our property was purchased 5yrs ago when the land
was classified as a 'D' zone.
we believe that our investment on this land will
be significantly devalued if the property is reclassified
to 'X' zone.

Therefore I don't believe the shire should have

Signature: x Jackman Date: 29.09.10

Please return to either:
Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

cont

the right to change the zoning classification on free hold land, as this will directly effect the value of our land. If the shire chooses to reclassify our land against our will, I believe we should be compensated for our loss in land value and future resale potential.

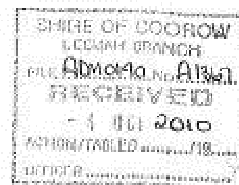
D and R Jackman. 29.09.10

Oct 10 09:17a

Phil Johnson Plumbing Gas

Submission 15
08 9285 8142 p.1

08 9285 8142



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2	Scheme Amendment No.9
Name:	Phillip Johnson
Postal Address:	61 Alderbury & Floreat
Phone Number:	9387 7873

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

Caretaker Residences in Leeman

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

Lot 640 Tailor St Leeman

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

I object to the planning of caretaker residences in Leeman. It is essential for businesses with owners who live elsewhere to have caretakers onsite to protect businesses and to maintain the property without them businesses will wear out of the town.

Signature:

Date: 4.10.10

Please return to either:

Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

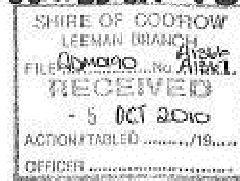
NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Submission 16



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM



Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: DAVE BELLEVILLE

Postal Address: 14 STRICKLAND ST MT CLAREMONT 6410

Phone Number: 0448 488 069

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property)

OWNER

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

LOT 629 LAKE ST LEEMAN

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

PLEASE SEE ATTACHED 3 PAGES

Signature:

Date:

23/9/2010

Please return to either:

Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

14 Strickland St

22/9/2010

Mt Claremont 6010

Submission on proposed scheme amendment no. 9, prohibiting caretakers residences

Dear sir / madam,

As an owner of 2 properties in the Leeman industrial area I strongly object to the move to prohibit caretaker's residences in Coorow industrial areas. The recommendation for this amendment came from Chapman Valley planning staff who don't care about Coorow; they have around 900 ratepayers and a planning dept suitable for a council several times larger.

To justify their existence they keep making recommendations that give them more work to charge Coorow for, I think this whole caretakers residence carry on and plenty of other planning work that they have recommended and charged for is just an empire building effort from Chapman valley staff who have little else to do. Why a full planning dept. in such a small shire?

Surely Leeman has enough problems with Iluka shutting down and commercial/recreational fishing restrictions without more and more bureaucratic rubbish. I initially thought my storage units would be used by boat owners who would come to Leeman regularly and support local businesses, instead the majority are storing belongings of people who have left town, a pretty sad situation.

Elected Members, you have to realise that council senior staff just stay around for a few years in council supplied housing then leave to go elsewhere, deep down they don't care much about the shire or invest in it, Chapman valley planning staff care even less and are just milking the shire with unnecessary recommendations to justify their bloated department, please ask the following question;

"How much have we spent in fighting caretakers residences when we have had ZERO problems or complaints associated with them and why have we done this?", include all staff time inc. 4 of them attending the SAT appeal.

The figure would be huge and for what?, no doubt staff will waffle on about "maintaining the integrity of the Industrial area", "avoiding conflicting uses", etc, etc, we all know that this is a load of rubbish, what integrity?, are BHP going to open a nickel smelter there?, maybe there will be a huge 24 hour a day panel and paint shop?, rail freight depot?, come on, anything like that will never happen here, it's not Kwinana, the Leeman and Coorow industrial areas are way too close to town anyway. The place is already a white elephant and this will make it worse.

Elected Members, you have to think hard about decisions you make and the long term repercussions, for example, have you noticed there have been no sales in the industrial area since this saga started in 2008, is this a good thing for Coorow?, no one will invest here with this sort of track record and putting peoples livelihoods in a non-conforming use situation is just downright wrong.

It seems that you are not being told the full story by staff and Chapman Valley, you must question their recommendations and not just continually agree with whatever they put in front of you, for example, why did some of you vote in favour of a caretakers residence at lot 642 Tailor St in August 2006 and against my application for the same at lot 640 Tailor St in October 2008?, the statutory environment was the same for both and the last 4 caretakers applications approved by Coorow.

Being inconsistent with approvals is grossly unreasonable and a major deterrent to any investment mine is now underperforming thanks to the vigorous refusal.

Dandaragan is taking an extremely positive and much more forward thinking approach and at their October 2009 meeting approved a plan by Ardross estates to develop Composite Residential/Industrial blocks in Jurien Bay.

They are acting to ensure the survival, diversity and growth of their community, not continuous negativity, here's how and why;

"The application for subdivision proposes the creation of a belt of 'Special Residential' lots with a minimum site area of 2,000m² along the southern and western sides of the application area. Adjacent to these lots is a row of composite 'Industrial / Residential' lots at a minimum area of 2,400m² with industrial lots to the rear. The industrial lots are graded in terms of permissible uses to minimise the impact of industrial activities on residential areas. In addition, the application includes the creation of mixed business sites at major intersections and a site for a future Western Power substation.

In support of the application for subdivision, the applicant advises that there is a particular demand for the composite 'Residential / Industrial' lots to accommodate local small businesses. People purchasing these lots will be able to establish their homes as well as their business on the one parcel of land and therefore save considerable expense in addition to being able to more effectively manage their business. It is also expected that there will be a strong demand for the larger residential lots within the 'Special Residential' area such that Ardross Estates Pty Ltd is keen to commence development of the area.

In particular, the creation of the composite lots will encourage business development and the diversification of the Jurien Bay economy, which has traditionally been focused on the fishing industry."

As you can see it's a pretty simple fact that a business in a small town can be very marginal in profits and forcing people to buy/rent and maintain two separate properties means that the business will never even get started, let alone be viable or succeed, this is especially so in coastal areas with high property values.

Look at the positive views above and compare with the backward, negative attitude shown in the Coorow scheme amendment no. 9 document;

"It is not considered that the circumstances such as a caretaker's dwelling providing affordable accommodation have a planning basis"

Not considered by who?, sounds like the words and attitude of someone who gets paid a salary, vehicle supplied and lives in supplied/subsidised housing?

Which attitude will have long term positive community diversity and growth benefits, Dandaragans or Coorows ?

There are numerous shires in this state that not only allow residence in industrial areas but in fact encourage it to provide more local services, like Dandaragans excellent forward thinking, I'm currently working in Kalgoorlie and there are hundreds of industrial area caretakers residences, I know the owners of 3 of them, any problems?, as usual, none at all, just imaginary problems in some planners minds.

Coorow are currently actively discouraging any new business ventures.

Retrospectively putting people in a non-conforming use situation is morally wrong and completely unnecessary, here are 3 scenarios,

1. Take 6 months or more off to travel while your business is quiet,
 2. You are sick or caring for a sick relative for 6 months and put your business on hold,
 3. You have had a fire or severe storm damage to your home,
- what happens with all the above?

You cannot repair or replace your home and get kicked out of your home and property and then have to find somewhere else to live and your business property is now worth a fraction of its previous value.

Are you going to vote for this to happen?, would you like it to happen to you?, that is exactly what could happen to people, read the wording, don't approve it, if staff say "that will never happen", ask why is it written in there?.

If you are going to vote in favour of this amendment please have the decency and courage to visit those people in Coorow whose industrial area dwelling is their sole home, look them in the eye and say "I am going to vote for this amendment that will see you thrown out of your home if you suffer a major calamity", tell them your reasons why.

It is likely that there will be no submissions from some owners simply because they don't understand the wording or consequences.

Elected members, please stand up for Coorow and stop it being destroyed by self-serving planners from Chapman Valley,

Vote for the communities growth and future, not further restrictions and negativity.

Yours Sincerely



Dave Belleville



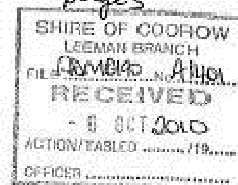
Archer Builders

PHONE NO : 0891912083
0891912083

Submission 17

Oct. 06 2010 07:21AM P1

2 pages



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM

Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: AE + B ARCHER

Postal Address: PO BOX 405 DERBY WA 6728

Phone Number: 91911851

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

OWNER OF PROPERTY

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

3 TAILOR ST LEEMAN

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

PLEASE SEE ATTACHED

Signature: [Signature] Date: 4-10-10

Please return to either:

Chief Executive Officer Shire of Coorow PO Box 42 COOROW WA 6515	Chief Executive Officer Shire of Coorow PO Box 238 LEEMAN WA 6514
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NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

FROM : Archer Builders

PHONE NO : 0891912083
0891912083

Oct. 05 2010 07:21AM P2



Ph: 9191 1851 Fax: 9191 2083
Mob: 0419 844 430
Email: archer@comswest.net.au

ARCHER BUILDERS

ABN 37 135 221526
ACN 009 130 807
Lot 14 Guildford St
PO Box 405
Derby WA 6728

Shire of Coorow
PO Box 238
Leeman WA 6514

4/10/10

Attn: Dave Hadden
Manager Regulatory Services

Dear Dave,

We herewith submit our objection to the Town Planning Scheme No.2 Scheme Amendment No. 9

Our property at 3 Tailor St Leeman has on a number of occasions drawn enquiries from possible "start up" new businesses. On each occasion the ruling on "No Caretakers no matter what the justification" has lead to nothing happening! It seems to me this new ruling is a backward step in what is a very "under utilised" area.

I would argue it is "under utilised" because of the existing "discretionary use" which it seems is not granted anyway. To turn this possible "discretionary use" into blanket "not permitted" may save council some paperwork, but is forever going to lock out caretakers no matter what justification can be put forward.

Each of the possible "start up new businesses" or in one case "relocation of a franchise" failed to occur at 3 Tailor St because of the rules on caretakers, but surely to allow a small business to get started, get established, or establish viability/profitability by helping in rent reductions and allowing at least a start up period of occupancy is going to be better than withdrawing completely the discretionary caretaker ruling as it stands.

This will make the above situation even worse. How much heavy or light industry has Leeman attracted so far? Almost none with almost every block vacant or used as a store/warehouse for Cray fisherman and 1 concrete batching plant that I've only ever seen actually in use once in 4 years.

I can see and understand the need to restrict caretakers especially on a long term basis, but surely when an area is so under utilised as this, allowing or giving a bit of temporary rent/start up cost relief, would and should be something Council offers to aspiring young entrepreneurs.

Yours sincerely
Allan Archer



Submission 18

Page 1 of 2.

affd.



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM



Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: NORMAN JUST

Postal Address: PO BOX 17 LEEMAN 6514

Phone Number: 99581107

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

OWNER OF THE PROPERTY

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

LOT 651 MARRACUDA DRIVE LEEMAN

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

I HAVE A LOT OF VALUABLE MACHINERY PLANT AND
TOOLS ON THIS PROPERTY - USED FOR MY BUSINESS AND SECURITY
IS A PRIME CONCERN. I AM IN NEED OF A CARETAKERS RESIDENCE
ON THIS HOLDING. NOW THAT TRAFAL BUILDUP HAS INCREASED
THE RISKS INVOLVED IN UNDESIRABLE HAPPENINGS HAS INCREASED / OVER

Signature: [Signature] Date: 4 OCTOBER 2010

Please return to either:

Chief Executive Officer	Chief Executive Officer
Shire of Coorow	Shire of Coorow
PO Box 42	PO Box 238
COOROW WA 6515	LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

PAGE 2 OF 2 off 1.

AND I LIVE IN CONSTANT FEAR OF MY PROPERTY
BEING TARGETED, BEING ON THE FAR END OF THE
INDUSTRIAL AREA AND IN TOTAL EVENING DARKNESS.

UNDERSTAND THAT THE MORE PEOPLE WE HAVE
OCCUPYING THESE BLOCKS THE SAFER THE AREA WILL BE.

RESIDENTS IN COOROW CAN LIVE ALONGSIDE THEIR
WORKPLACE, LEEMAN RESIDENTS SHOULD
HAVE THE SAME CHOICE.

NORMAN JUST.



Submission 19



SHIRE OF COOROW
TOWN PLANNING SCHEME AMENDMENT
SUBMISSION FORM



Planning and Development Act 2005
Town Planning Regulations 1967 Form No. 4 Regs. 16 (1) and 20 (2)

Town Planning Scheme No.2 Scheme Amendment No.9

Name: GRANT WHITE

Postal Address: P.O. Box 26 WANDERMUL 6308.

Phone Number: 98841049 0428 841049.

SUBJECT OF SUBMISSION (State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property).

ON BEHALF OF A COMPANY OWNING LAND IN LEEMAN.

ADDRESS OF PROPERTY AFFECTED (If applicable - include lot number and nearest street intersection)

14 TAILOR ST LEEMAN.

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (If in sufficient space, please attach additional sheets) -

Please find letter attached.

Signature: [Signature]

Date: 03/10/2010.

Please return to either:

Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Chief Executive Officer
Shire of Coorow
PO Box 238
LEEMAN WA 6514

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Friday 8th October 2010

Grant white
PO Box 26
Wandering WA 6308

Chief Executive Officer

Shire of Coorow

Our family business purchased this industrial block as an investment for our family. One of our family members runs the freight from Perth to Leeman in seaside supplies, other family members are in trade jobs and may one day wish to start a business. When we purchased this property people were obtaining residential approval and we therefore presumed we could to. For somebody to purchase a house in town and an industrial block would put a business opportunity out of reach for most young people. The re-zoning from D to X would be devaluing our block. Maybe you should initiate amendments to protect businesses against complaints or comebacks from residents in the industrial area so it doesn't become a problem. In the current climate I think the town needs as many people as it can attract. We all know the town businesses are suffering with mine closure. Let's hope the new coastal road can help attract more people. I come from the small country town of wandering where the shire has recently developed an industrial area with caretakers dwellings approved. I am also sure these people are very aware they have no comeback to noise on any other business operation in the area. Again, for somebody to purchase a \$400,000 house and then an industrial block would make any small business uneconomical. Being able to reside on the premises may be an essential part of starting a business; ideally we would all like a nice house in town one day.

Thank you

Grant White

Related Item

SHIRE OF COOROW
LEEMAN BRANCH
FILE <u>0922</u>No.....
RECEIVED
15 SEP 2010
ACTION/TABLED.....
OFFICER.....

SHIRE OF COOROW
REF lot 501 Thornbill /gia/05/02

11/9/2010

G&J Thompson
26 Joyce RD
Gnangara 6077
WANNEROO

Application for Transport/Freight &/Holding Depot with Office,Caretakers living Quarters at
"Industrial" Zoned lot 501 Thornbill Street ,Greenhead

As council is aware that there is approved office and caretakers living Quarters on site SINCE APRIL 2002 subject to the approval of AN approved business. Also there is a, approved 215m2 shed with gantry with approved toilet/shower transportable ablution which is essential for a freight depot,it is also situated on the corner of Thornbill & Honeyeater which gives you a dual access.

The accommodation is essential with the by laws off " WESTERN AUSTRALIAN HEAVY VEHICLE ACCREDITATION PROCESS/ FATIGUE MANAGEMENT MODULE GUIDE AND STANDARDS dated 28 feb 2002 . WHICH IS NOW LAW

The opening of the new Indian Ocean Drive is now an opportunity to service the long needed coastal towns right up to the Kimberly's. We currently own an operate a freight depot with the approved WEST AUSTRALIAN HEAVY VEHICLE ACCREDITATION /FATIGUE MANAGEMENT MODULE GUIDE AND STANDARDS. Caretakers/Living Quarters in the Industrial area of Broome.

Yours Faithfully

Geoff Thompson
11-09-2010



PLEASE TAKE THIS APPLICATION TO NEXT COUNCIL MEETING THANKYOU.

ATTACHMENT 10.2.3.3

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
1 (1/9/10)	R Armstrong Lots 503 & 505 Thornbill Street GREEN HEAD (postal address: PO Box 129 LEEMAN WA 6514)	Objection I have the right to protect my property Why don't you make your mind up, you have changed your minds 3 times that I am aware of, I will be a caretaker of my property and that's it.	It is recognised that some landowners who have property within the 'Industrial' zones wish to develop caretaker's residences upon their property. However this does need to be considered with regard to Section 4.2 of the Shire's Town Planning Scheme which states that the objective of the Industrial zone is: "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 residential areas." The further introduction of residential land uses within the 'Industrial' zones will compromise this stated objective. Residential buildings within Industrial zones are treated as 'sensitive' premises under the Environmental Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning emissions (e.g. noise, dust, odour, vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area. The comments of Western Power are more applicable to the development stage than the rezoning stage.	Note submission
2 (1/9/10)	Western Power (Locked Bag 2520 PERTH WA 6001)	No objection All works must comply with WorkSafe regulations, if any work is to breach the minimum safe distances a request form must be submitted.		Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
3. (23/8/10)	L Wann Lot 580 Dhurfish Drive LEEMAN (postal address: PO Box 139 LEEMAN WA 6514)	<p>Perth One Call Service must be contacted and location details of Western Power's underground cables be obtained prior to any excavations commencing.</p> <p>WorkSafe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.</p> <p>Western Power is obliged to point out that any change to the existing power system if required is the responsibility of the individual developer.</p> <p>Objection</p> <p>We see caretaker's in the industrial area as a form of neighbourhood watch.</p> <p>I have already had things taken from the industrial area.</p>	<p>The crime figures provided by the local police do not substantiate a security based concern as grounds for approving caretaker's residences in the 'Industrial' zones. However, it is acknowledged that caretaker's residences can play a role in acting as informal surveillance within an industrial area. It is proposed under this Scheme Amendment that the existing caretaker's residences would remain (5 in the case of Leeman, and 2 in Green Head) and would therefore provide some level of 'after hours' surveillance but that no further caretaker's residences would be permitted.</p> <p>It is understood that many of the occupants of the existing caretaker's residences have no intention of lodging a complaint against neighbouring industrial activity, and have either purchased or built on the understanding that they are within an industrial area and will be periodically subject to some amenity issues. However, this does not prevent subsequent occupiers (in the event that the current occupiers sell their property) of the habitable buildings from being less tolerant of neighbouring activity and lodging complaints.</p>	Note submission
		<p>If noise is a problem they should sign a disclaimer, what's wrong with Wedgefield in Port Hedland?</p>		

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
			The Shire can require the placement of a notification on title that occupants of the caretaker's residence may be subject to impacts from emissions given their location within an industrial area as a condition of approval. This, however does not exempt neighbouring properties from the Environmental Protection Act and Noise Regulations in the event of a complaint being lodged.	
⁴ (6/9/10)	Water Corporation (PO Box 43 GERALDTON WA 6531)	No objection	No additional comment	Note submission
⁵ (2/9/10)	G Brown Lot 645 Tailor Street LEEMAN (postal address: 56 Wandearah Way KINGSLEY WA 6026)	Objection It will restrict growth in town.	The argument that not permitting further caretaker's residences to be developed within industrial areas will prevent businesses from establishing is understood. However, this does need to be considered against the continued development of caretaker's residences within industrial areas that will prevent industrial business that generate emissions from being able to be established in industrial areas. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.	Note submission
⁶ (10/9/10)	Department of Environment and Conservation (PO Box 638 JURIEN BAY WA 6516)	No objection DEC Moora District office has reviewed the information only in relation to nature conservation issues and potential impact on DEC managed areas. For guidance on managing issues on which DEC Moora District office does not provide site specific advice you are referred to environmental planning policies published by WAPC, EPA.	No additional comment	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
7 (13/9/10)	LandCorp (Locked Bag 5 PERTH BUSINESS CENTRE WA 6849)	and DEC. No objection Water Corporation have previously indicated a desire to relocate the waste water treatment plant infrastructure at Green Head to a proposed site in the golf course. During discussions they advised the industrial area would be inside a buffer distance from the facility raising occupational health and safety issues for any residential use inside the existing industrial area.	The development of a wastewater treatment plant that would have odour impacts upon the south-eastern portion of the Green Head industrial zone is further argument for not permitting habitable buildings in this area.	Note submission
8 (13/9/10)	R Blair Lot 484 Whistler Crescent GREEN HEAD (postal address: PO Box 401 MELVILLE WA 6956)	Indifferent Agree in principle that any commercial or industrial activity should not be affected by residential tenant's actions. However caretakers do provide security of area and temporary accommodation necessary for non-area residents in establishment of industry.	The crime figures provided by the local police do not substantiate a security based concern as grounds for approving caretaker's residences in the 'industrial' zones. However, it is acknowledged that caretaker's residences can play a role in acting as informal surveillance within an industrial area. It is proposed under this Scheme Amendment that the existing caretaker's residences would remain (5 in the case of Leeman, and 2 in Green Head) and would therefore provide some level of 'after hours' surveillance but that no further caretaker's residences would be permitted.	Note submission
9 (16/9/10)	C O'Neil Lot 649 Barracuda Drive & Lake Street LEEMAN (postal address: PO Box 123 LANCELIN WA 6044)	Objection I don't think it is fair also it could add value to the industrial area if blocks had caretaker's houses. Lots of other Shires have them and they are sort after properties. Otherwise may as well move to another Shire.	The argument that not permitting caretaker's residences within an industrial area may make properties less attractive to certain purchasers is acknowledged. However, this must also be considered with regard to the primary purpose of the lots is for conducting industrial activity and that habitable buildings are treated as 'sensitive' premises under the Environmental Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
			emissions (e.g. noise, dust, odour, vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.	
10 (22/9/10)	T Britain Lot 589 Dhufish Drive LEEMAN (postal address: PO Box 18 LEEMAN WA 6514)	Objection Every time this Shire changes Health/Planning staff they want to shift the goal posts. Are you going to remove those already there? I don't think so. Just leave as is please.	The Shire's Town Planning Scheme makes provision that the existing Council approved caretaker's dwellings within the 'Industrial' zone would be permitted to continue and would be afforded a level of protection as Non-Conforming Uses under Sections 4.8 - 4.12.	Note submission
11 (28/9/10)	R & M Craike 6 Mako Way LEEMAN (postal address: PO Box 6 LEEMAN WA 6514)	Objection Proposal brought by people with no vested interest in, and knowledge of, the areas concerned. If it is a health and safety issue then the towns of Leeman and Green Head should not exist due to the silica that blows from the coastal hills in the summer months. Shire allows sand blasting in the boat storage yards on the foreshore in the middle of Leeman. Numerous Shires in the state that allow and encourage residences in industrial areas to attract business.	It is acknowledged that there are examples of industrial areas where caretaker's residences have been successfully established. These areas have been generally designed from the outset to have a gradation of lot sizes with smaller lots zoned for composite or light industry activity only on the perimeter or edge of an industrial estate that are permitted to have caretaker's residences. Such lots are separated from larger industrial lots at the estate's core where heavier emitting industry is permitted by landscaping buffers and mid-size lots where general industrial activity is permitted.	Note submission
		There are businesses operating within Leeman and if we are to have a policy discriminating against one group then Shire should clean up a few other backyards.	This statement would indicate that businesses operating in residential areas are not complementary, underlying the issues of compatibility and resultant complaint.	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>As far as we are aware there has never been a complaint lodged with the Shire from existing residences in the industrial area.</p> <p>Cannot blame Councillors if they are not fully informed on what they are voting on.</p> <p>This proposal will not do anything to promote the already dying towns and the Shire should do everything in its power to attract people instead of scaring them away.</p> <p>Have to spend close to \$400,000 building in the industrial area and do not have another \$400,000 to buy in town, has chased possibly 3 business out.</p> <p>To make the areas non-conforming use is detrimental to those of us living in peace and quiet at the moment in the industrial areas as it puts all future decisions concerning ours and other people's property in the hands of the Council, this is dictatorial and undemocratic.</p> <p>The argument is based on WAPC Planning Bulletin No.70, there are some points to your argument but also a lot of points for</p>	<p>Enquiries have been received from prospective businesses asking whether they can establish upon rural land as they are concerned that the presence of habitable buildings within the industrial area will prevent them from being able to operate without complaint.</p> <p>A copy of all received submissions have been provided in their entirety to Councillors.</p> <p>The argument that not permitting further caretaker's residences to be developed within industrial areas will prevent businesses from establishing is understood. However, this does need to be considered against the continued development of caretaker's residences within industrial areas that will prevent industrial business that generate emissions from being able to be established in industrial areas.</p> <p>The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.</p> <p>The Shire's Town Planning Scheme makes provision that the existing Council approved caretaker's dwellings within the 'Industrial' zone would be permitted to continue and would be afforded a level of protection as Non-Conforming Uses under Sections 4.8 - 4.12.</p> <p>It is understood that many of the occupants of the existing caretaker's residences have no intention of lodging a complaint against</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>those who wish to reside in industrial areas. We have been in the Leeman industrial area for 3 years now and never had a problem of any kind from the batching plant across the road despite it being one of Council's objections when they tried to stop our development.</p> <p>Council at great expense we imagine had a win against a proposal on 30/7/09 and had obviously taken this to mean that they are at liberty to do what they want.</p> <p>There was not any public consultation or information released by the Shire on this proposal and the only notice is placed at the entry to the industrial areas, not everyone goes into the industrial areas and there would be vast majority of ratepayers who would not know about the proposal.</p>	<p>neighbouring industrial activity, and have either purchased or built on the understanding that they are within an industrial area and will be periodically subject to some amenity issues. However, this does not prevent subsequent occupiers (in the event that the current occupiers sell their property) of the habitable buildings from being less tolerant of neighbouring activity and lodging complaints.</p> <p>The invoiced cost to the Shire of Coorow for defending the appeal at the State Administrative Tribunal was \$3,149.15 (inclusive of the preparation of witness statements, travel and appearance in court).</p> <p>The decision of SAT to uphold the refusal by Council of a caretaker's residence can be viewed as a recognition of the incompatibility of residential and industrial activity.</p> <p>Scheme Amendment No.9 was advertised as follows:</p> <ul style="list-style-type: none"> • erection of signs at the 3 industrial estates; • placement of notices in the Mid West Times on 26/8/10 and 2/9/10; • letters being sent to the landowners of the industrial zoned lots as follows: <ul style="list-style-type: none"> 1 landowner in the Coorow industrial area who owns multiple lots (the other landowner being the Shire); 46 landowners in the Leeman industrial area (there are more than 46 lots in the zone but some landowners have multiple holdings); 18 landowners in the Green Head industrial area (there are more than 18 lots in the zone but some landowners have multiple holdings). 	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>Dandaragan is taking a much more forward thinking approach and approved a plan by Address Estates at their October 2009 meeting to develop Composite Residential/Industrial blocks in Jurien Bay with a minimum area of 2,400m² between the residential and industrial lots. These lots meet a demand for composite industrial/residential lots to accommodate local small businesses. People purchasing these lots will be able to establish their homes as well as their business on the one parcel of land and save considerable expense and more effectively manage their business. These lots will encourage business development and the diversification of the Jurien Bay economy which has traditionally been focused on the fishing industry.</p>	<ul style="list-style-type: none"> • letters being sent to the 8 relevant government agencies. <p>A search of the Shire mail-out records indicates that the respondent was omitted from the direct mail-out, but has been provided with the Amendment documentation and submission upon request at the office.</p> <p>The Jurien (Bashford Street) example provided by the respondent has been designed from the outset to have a gradation of lot sizes with smaller lots zoned for composite activity (that conditionally allow for caretaker's residences) along the southern and western perimeter of the estate, with light industrial lots staged next to them and general industrial lots at the estate's core. In this form of subdivision caretaker's residences can be accommodated reasonably successfully. However, this form of gradational development is less successfully applied to existing industrial estates where industrial activity and street networks are already established.</p> <p>The industrial estate at Leeman could be designed to have a precinct where caretaker's residences may be conditionally permitted west of Snapper Street and north of Lake Street, and the remainder of the estate be set as a precinct where they are not permitted. This precinct layout would account for the existing caretaker's residences. However, it would also include the concrete batching plant in the caretaker's precinct, and would allow for caretaker's residences to be developed immediately opposite lots where caretaker's residences are not permitted and where more emitting industry would be encouraged. These setbacks would not comply with many of those</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
12 (29/9/10)	K & S Voss 5 Dhurfish Drive LEEMAN (postal address: PO Box 572 JURIEN BAY WA 6516)	<p>Objection</p> <p>Residents in the industrial area do not hinder or bother anybody, people in the area after dark add to the security for the businesses there.</p> <p>However, residents must be made aware of dust and noise odours and that they have no room to complain as it's an industrial area.</p>	<p>under the EPA's 'Separation Distances between Industrial and Sensitive Land Uses'. The core objective of the Industrial zone outlined by the Shire's Town Planning Scheme is:</p> <p><i>"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 residential areas."</i></p> <p>The further introduction of residential land uses within the 'Industrial' zones will compromise this stated objective.</p> <p>It is understood that many of the occupants of the existing caretaker's residences have no intention of lodging a complaint against neighbouring industrial activity, and have either purchased or built on the understanding that they are within an industrial area and will be periodically subject to some amenity issues. However, this does not prevent subsequent occupiers (in the event that the current occupiers sell their property) of the habitable buildings from being less tolerant of neighbouring activity and lodging complaints.</p> <p>The crime figures provided by the local police do not substantiate a security based concern as grounds for approving caretaker's residences in the industrial zones. However, it is acknowledged that caretaker's residences can play a role in acting as informal surveillance within an industrial area. It is proposed under this Scheme Amendment that the existing caretaker's residences would remain (5 in the case of Leeman, and 2 in</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
13 (1/10/10)	H & W East Lot 593 Lake Street LEEMAN (postal address: 551 McKnoe Drive MORANGUP WA 6083)	No objection	Green Head) and would therefore provide some level of 'after hours' surveillance but that no further caretaker's residences would be permitted. No additional comment	Note submission
14 (4/10/10)	R & D Jackman 16 Drufish Drive LEEMAN (postal address: 20 Herflly Way WARNBRO WA 6169)	Objection Our property was purchased 5 years ago when caretakers residence on the land was classified as 'D'. We believe that our investment on this land will significantly devalued if reclassified to 'X'. Therefore don't believe the Shire should have the right to change the zoning classification on freehold land as it will directly effect the value of our land. If the Shire chooses to reclassify our land against our will I believe we should be compensated for our loss in land value and future resale potential.	The argument that not permitting caretaker's residences within an industrial area may make properties less attractive to certain purchasers is acknowledged. However, this must also be considered with regard to the primary purpose of the lots which is for conducting industrial activity. Habitable buildings are treated as 'sensitive' premises under the Environmental Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning emissions (e.g. noise, dust, odour, vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.	Note submission
15 (4/10/10)	P Johnson Lot 640 Tailor Street LEEMAN	Objection Essential for businesses with owners who live elsewhere to have caretakers onsite to	The argument that not permitting further caretaker's residences to be developed within industrial areas will prevent businesses from	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
	(postal address: 61 Adebury Street FLOREAT WA 6014)	protect businesses and to maintain the property. Without them businesses will move out of town.	establishing is understood. However, this does need to be considered against the continued development of caretaker's residences within industrial areas that will prevent industrial business that generate emissions from being able to be established in industrial areas. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.	
16 (5/1/10)	D Belleville Lot 629 Lake Street LEEMAN (postal address: 14 Strickland Street MT CLAREMONT WA 6010)	Objection The recommendation for this amendment comes from Chapman Valley planning staff who don't care about Coorow. To justify their existence they keep making recommendations that give them more work to charge Coorow for. Surely Leeman has enough problems with Iluka shutting down and commercial/recreational fishing restrictions without more bureaucratic rubbish. Thought my storage units would be used by boat owners who would come to Leeman regularly and support local businesses. Instead the majority are storing belongings of people who have left town, a pretty sad situation. Elected members should realise that Council senior staff just stay around for a few years in Council supplied housing then leave to go elsewhere, they don't care much about the Shire or invest in it.	Planning staff respond to the directions of Council and the Chief Executive Officer and process applications as received, work is not undertaken when it is not required and without instruction. Assertions concerning the professionalism and expense of the planning staff are incorrect, ill informed and emotive and reflect a level of dissatisfaction that a previous application has been refused, a decision of Council that was deemed to be correct and upheld by the State Administrative Tribunal. The argument that not permitting further caretaker's residences to be developed within industrial areas will prevent businesses from establishing is understood. However, this does need to be considered against the continued development of caretaker's residences within industrial areas that will prevent industrial business that generate emissions from being able to be established in industrial areas. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>How much have we spent fighting caretaker's residences when we have had zero complaints?</p> <p>Waffle about maintaining the integrity of the industrial area and avoiding conflicting uses' is a load of rubbish, what integrity? Are BHP going to open a nickel smelter there? maybe a huge 24 hour panel and paint shop? rail freight depot? Anything like that will never happen there, its not Kwinana, the Leeman and Coorow industrial areas are way too close to town anyway, the place is already a white elephant and this will make it worse.</p>	<p>make confident investment, despite the zone being established for that specific purpose.</p> <p>The invoiced cost to the Shire of Coorow for defending the appeal at the State Administrative Tribunal was \$3,149.15 (inclusive of the preparation of witness statements, travel and appearance in court).</p> <p>Enquiries have been received from prospective businesses asking whether they can establish upon rural land as they are concerned that the presence of habitable buildings within the industrial area will prevent them from being able to operate without complaint.</p> <p>The EPA's 'Separation Distances between Industrial and Sensitive Land Uses' lists a range of uses that require separation from sensitive/habitable premises that could be considered as potential developments within the subject industrial areas:</p> <p>Asphalt Works Bakery Boat Building and Maintenance Cattery Cement Product Manufacturing Works Chemical Storage Concrete Batching Plant Dog Boarding Kennel Glass or Fibreglass Works Joinery and Wood Working Premises Metal Coating and Spray Painting Motor Body Works Seafood Processing Transport Vehicles Depot Wreckers</p> <p>The above list is not definitive but are all recommended to be setback from sensitive</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>There have been no sales in the industrial area since this saga started in 2008, no one will invest here with this sort of track record. Why did you vote in favour of a caretaker's residence at Lot 642 Tailor Street in August 2006 and against my application for the same at Lot 640 Tailor Street in October 2008? The statutory environment was the same for both and the last 4 caretaker's applications approved.</p> <p>Being inconsistent is grossly unreasonable and a major deterrent to any investment, mine is now underperforming thanks to the vigorous refusal.</p> <p>Dandaragan is taking a much more forward thinking approach and approved a plan by Adross Estates at their October 2009 meeting to develop Composite Residential/Industrial blocks in Jurien Bay with a minimum area of 2,400m² between the residential and industrial lots. These lots meet a demand for composite industrial/residential lots to accommodate local small businesses. People purchasing these lots will be able to establish their homes as well as their business on the one parcel of land and save considerable expense and more effectively manage their business. These lots will encourage business development and the diversification of the Jurien Bay economy which has traditionally been focused on the fishing industry.</p> <p>Business in a small town can be very</p>	<p>uses by the EPA for reasons of gas, noise, dust, odour and risk impact.</p> <p>It can not be demonstrated that land sales activity is entirely related to Scheme Amendment No.9.</p> <p>The Jurien (Bashford Street) example provided by the respondent has been designed from the outset to have a gradation of lot sizes with smaller lots zoned for composite activity (that conditionally allow for caretaker's residences) along the southern and western perimeter of the estate, with light industrial lots staged next to them and general industrial lots at the estate's core. In this form of subdivision caretaker's residences can be accommodated reasonably successfully. However, this form of gradational development is less successfully applied to existing industrial estates where industrial activity and street networks are already established.</p> <p>The industrial estate at Leeman could be designed to have a precinct where caretaker's residences may be conditionally permitted west of Snapper Street and north of Lake Street, and the remainder of the estate be set</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>marginal in profits and forcing people to buy/rent and maintain two separate properties means that the businesses will never even get started, let alone be viable or succeed, especially in coastal areas with high property values.</p> <p>There are numerous Shires in the state that not only allow residences in industrial areas but encourage it to provide more local services. I'm currently working in Kalgoorlie and there are hundreds of industrial caretaker's residences.</p> <p>Retrospectively putting peoples in a non-conforming use situation is wrong and unnecessary, here are three scenarios:</p> <ul style="list-style-type: none"> - Take 6 months or more off to travel while your business is quiet; - You are sick or caring for a sick relative for 6 months and put your business on hold; 	<p>as a precinct where they are not permitted. This precinct layout would account for the existing caretaker's residences. However, it would also include the concrete batching plant in the caretaker's precinct, and would allow for caretaker's residences to be developed immediately opposite lots where caretaker's residences are not permitted and where more emitting industry would be encouraged. These setbacks would not comply with many of those under the EPA's 'Separation Distances between Industrial and Sensitive Land Uses'.</p> <p>The Shire's Town Planning Scheme makes provision that the existing Council approved caretaker's dwellings within the 'Industrial' zone would be permitted to continue and would be afforded a level of protection as Non-Conforming Uses under Sections 4.8 - 4.12.</p> <p>Section 4.10 'Discontinuance of Non-Conforming Use' states that:</p> <p><i>"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."</i></p> <p>Under this wording the caretaker's residence can be deemed to have continued providing that for at least 1 day in every 6 months the residence has been occupied. This would not necessarily have to be by the owner but by any party claiming to be performing some activity related to the site's business. It would be up to a Local Government to demonstrate that this</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
17 (6/10/10)	A & B Archer 3 Tailor Street	<p>Objection Our property has on a number of occasions</p> <p>- You have had a fire or severe storm damage your home What happens with all the above? You cannot repair or replace your home and get kicked out and have to find somewhere else to live and your business property is now worth a fraction of its previous value. Are you going to vote for this to happen? Would you like it to happen to you? Read the wording and don't approve it. If you are going to vote in favour of this amendment please visit the people whose industrial area dwelling is their sole home and explain your reasons why. Likely that there will be no submissions from some owners simply because they don't understand the wording or consequences.</p>	<p>was not the case which would be exceedingly difficult given that unless the property was under 24 hour observation for 6 months then the landowner could claim someone had called in there for the purposes of habitation even if it was only for a few hours. It is uncertain why a Local Government would want to undertake such action, or whether it could even be achieved.</p> <p>Section 4.12 'Destruction of Non-Conforming Use Buildings' states that: "If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Local Government."</p> <p>It is noted that the Local Government has the ability to issue planning approval for the replacement of the non-conforming use and in the event of a disaster as outlined in the hypothetical scenarios provided by the respondent Council would give consideration to this circumstance. The landowner would also have the right of appeal to any refusal to the State Administrative Tribunal. In addition to this the landowner would also be able to argue what constitutes 75% of the value of the non-conforming use, which is an imprecise measurement and one where the onus of proof would have to be established by the Local Government.</p> <p>The argument that not permitting further caretaker's residences to be developed within</p>	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
	LEEMAN (postal address: PO Box 405 DERBY WA 6728)	<p>drawn enquiries from possible 'start up' new businesses. On each occasion the ruling of 'no caretaker's no matter what the justification has lead to nothing happening. Seems to me this is backward step.</p> <p>It is underutilised because of the existing 'discretionary' use which is not granted anyway. To turn this into a blanket 'not permitted' may save Council paperwork but is forever going to lock out caretaker's no matter what justification can be put forward. Surely to allow small business to get started and allowing at least a start up period of occupancy is better than withdrawing completely the 'discretionary' ruling.</p> <p>How much heavy or light industry has Leeman attracted so far? Almost none with almost every block vacant or used a warehouse for cray fishermen and one concrete batching plant that I've only seen in use once in four years.</p> <p>I can see and understand the need to restrict caretakers especially on a long term basis but surely when an area is so underutilised as this, allowing or giving a bit of temporary rent/start up cost relief should be something Council offers to young entrepreneurs?</p>	<p>Industrial areas will prevent businesses from establishing is understood. However, this does need to be considered against the continued development of caretaker's residences within industrial areas that will prevent industrial business that generate emissions from being able to be established in industrial areas.</p> <p>The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment despite the zone being established for that specific purpose.</p> <p>It is recognised that some landowners who have property within the 'Industrial' zones wish to develop caretaker's residences upon their property. However this does need to be considered with regard to Section 4.2 of the Shire's Town Planning Scheme which states that the objective of the Industrial zone is:</p> <p><i>"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 residential areas."</i></p> <p>The further introduction of residential land uses within the 'Industrial' zones will compromise this stated objective.</p> <p>Residential buildings within Industrial zones are treated as 'sensitive' premises under the Environmental Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning emissions (e.g. noise, dust, odour,</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
18 (8/10/10)	N Just Lot 651 Barracuda Drive LEEMAN (postal address: PO Box 17 LEEMAN WA 6514)	Objection I have a lot of valuable machinery, plant and tools on this property and security is a prime concern. I am in need of a caretaker's residence, now that traffic has increased the risks involved in undesirable happenings has increased and I live in fear of my property being targeted being on the far end of the industrial area and in total evening darkness. The more people we have occupying these block the safer the area will be.	vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area. The crime figures provided by the local police do not substantiate a security based concern as grounds for approving caretaker's residences in the 'Industrial' zones. However, it is acknowledged that caretaker's residences can play a role in acting as informal surveillance within an industrial area. It is proposed under this Scheme Amendment that the existing caretaker's residences would remain (5 in the case of Leeman, and 2 in Green Head) and would therefore provide some level of 'after hours' surveillance but that no further caretaker's residences would be permitted.	Note submission
19 (8/10/10)	G White 14 Tailor Street LEEMAN (postal address: PO Box 26 WANDERING WA 6308)	Residents in Coorow can live alongside their workplace, Leeman residents should. Objection Our family business purchased this industrial block as an investment, one of our family members runs the freight from Perth to Leeman in seaside supplies, other family members are in trade jobs and may one day wish to start a business. When we purchased the property people were obtaining residential approval and we presumed we could to. For somebody to purchase a house in town and an industrial block would put a business opportunity out of reach for most young people.	Scheme Amendment No.9 addresses Coorow as well as Leeman and Green Head. It is recognised that some landowners who have property within the industrial zones wish to develop caretaker's residences upon their property. However this does need to be considered with regard to Section 4.2 of the Shire's Town Planning Scheme which states that the objective of the Industrial zone is: "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 residential areas."	Note submission

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>The rezoning would be devaluing our block.</p> <p>Maybe you should initiate amendments to protect businesses against complaints from residents in the industrial area so it doesn't become a problem.</p> <p>Wandering has developed an industrial area with caretaker's dwellings approved. I am sure these people are very aware that they have no comeback to noise on any</p>	<p>The further introduction of residential land uses within the 'Industrial' zones will compromise this stated objective.</p> <p>The argument that not permitting caretaker's residences within an industrial area may make properties less attractive to certain purchasers is acknowledged. However, this must also be considered with regard to the primary purpose of the lots which is for conducting industrial activity. Habitable buildings are treated as 'sensitive' premises under the Environmental Protection Act and Noise Regulations. In the event that the occupant of a 'sensitive' premises makes complaint concerning emissions (e.g. noise, dust, odour, vibration etc.) then this has the potential to curfew, force attenuation at great expense, or close the industrial operations entirely. The operator of such an industrial activity would be entitled to ask where they can operate their industrial activity if they can't do so in an industrial area. The existence of caretaker's residences within industrial areas limits the ability of many industries to become established; conduct operations within; expand their business; and make confident investment; despite the zone being established for that specific purpose.</p> <p>The Shire can require the placement of a notification on title that occupants of the caretaker's residence may be subject to impacts from emissions given their location within an industrial area as a condition of approval. This, however does not exempt neighbouring properties from the Environmental Protection Act and Noise Regulations in the event of a complaint being</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>other business operation in the area.</p> <p>In the current climate the town needs as many people as it can attract, town business is suffering with the mine closure, let's hope the new coastal road can help to attract more people.</p> <p>For somebody to purchase a \$400,000 house and then an industrial block would make any small business uneconomical. Being able to reside on the premises may be an essential part of starting a business, ideally we would all like a nice house in town one day.</p>	<p>lodged.</p> <p>It is considered that there are 4 options open to Council at this juncture that it may wish to consider. The advantages and disadvantages of each are discussed in detail in the Public Consultation section of the report contained within the Council Agenda:</p> <p>Option 1 Retain the current zoning status quo (do not proceed with Scheme Amendment No.9).</p> <p>Option 2 Reclassify caretaker's residences from a discretionary use to a not-permitted use (proceed with Scheme Amendment No.9 in its current form).</p> <p>Option 3 – Designate the Leeman industrial area as a precinct where caretaker's residences can be permitted (subject to conditions) and reclassify the Coorow and Green Head industrial areas so that caretaker's residences are not permitted.</p> <p>Option 4 – Designate an L-shaped precinct where caretaker's residences may be conditionally permitted west of Snapper Street and north of Lake Street within the Leeman industrial area as being where caretaker's residences can be permitted (subject to conditions) and reclassify the remainder of the Leeman industrial area and the Coorow and Green Head industrial areas so that caretaker's residences are not permitted.</p> <p>Should Council wish to pursue either Option 3</p>	

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
Related Item (15/9/10)	G & J Thompson Lot 501 Thornhill Street GREEN HEAD (postal address: 26 Joyce Road GNANGARA WA 6077)	<p>There is an approved office and caretaker's living quarters on-site since April 2002 subject to an approval of a business. There is a approved shed with gentry with approved toilet/shower and transportable ablution which is essential for a freight depot.</p> <p>The accommodation is essential with the 'WA Heavy Vehicle Accreditation Fatigue Management Module Guide and Standards'. Caretaker's living quarters in the industrial area in Broome. Please take this application to the next Council meeting.</p>	<p>or 4 it would need to direct Shire staff to undertake modifications to Scheme Amendment No.9, these would be presented back to Council for its consideration, and given that it represents a substantive alteration the proposal should be subsequently readvertised.</p> <p>The landowner has lodged an application for a caretaker's residence upon Lot 501 Thornhill Street, Green Head. This is not a submission upon Scheme Amendment No.9 but the accompanying correspondence has been included as it raised some issues relevant to this Scheme Amendment.</p> <p>Council resolved at its 21 May 2002 meeting to refuse an application for a caretaker's residence upon Lot 501 Thornhill Street, Green Head. The determination contained the following note in regards to this refusal:</p> <p>"Note: Reason for refusal to approve living quarters – pursuant to Table 1 of the Shire of Coorow Town Planning Scheme No.2, a dwelling is not an approved development for an 'industrial' zoned lot. Notwithstanding, once a commercial activity is carried on that site, application may be made to Council for a 'caretakers dwelling' for the supervisor of the industrial operation carried on at the site."</p> <p>This advice determines that an application could be made to Council, and at that time Council would determine the application on its merits in light of its strategic direction, Town Planning Scheme, Local Planning Policies and other relevant legislation and guidelines. It should not be construed that an application made to Council for a 'caretaker's residence'</p>	<p>Awaiting submission of information in accordance with Section 9.2 of the Town Planning Scheme prior to presenting this application to Council.</p>

Shire of Coorow Town Planning Scheme No.2 - Scheme Amendment No.9 Schedule of Submissions				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
			<p>use would be granted approval.</p> <p>The applicant has been written to advising that prior to this matter being placed before Council for its deliberation they are required to submit plans in accordance with Section 9.2 'Accompanying Material' of the Shire's Town Planning Scheme No.2.</p>	

10.2.4 PROPOSED NEW WASTEWATER TREATMENT PLANT SITE – GREEN HEAD

AUTHOR	Dave Hadden
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	11 October 2010
ATTACHMENT	10.2.4
FILE	ADM 0039

SUMMARY

Correspondence from State Land Services –Midwest Lands Division requests Council comment regarding the Water Corporation plan to relocate the current waste water treatment site from Reserve 46019 to an area where a 500 metre buffer zone can be maintained.

COMMENT:

Council has been aware of the “proposed” re-siting of the waste water treatment plant to alongside the golf course for some years now. Due to the expansion of residential development at Green Head the Water Corporation needs to shift the current treatment plant to a 12 hectare site as shown on the attached map. A twenty (20) metre wide public road access off Lakes Road to the site will be required. The land requested for the new treatment plant and access road is currently unallocated Crown land and as such is subject to Native Title claim which will require action pursuant to *the Land Administration Act and Native Title Act*.

Staff believe that the proposed location as indicated on the attached map is a suitable site for the treatment plant and would support the twenty (20) metre wide access road location.

Staff would expect that the Water Corporation would also be planning to develop a wastewater reuse scheme at the proposed treatment site that would provide treated wastewater at the required standards to both the golf club and Council parks and reserves in Green Head.

It would also be expected that the Water Corporation would seal and kerb the proposed access road off Lakes Road to the treatment plant site.

Council is currently due to commence a Leeman and Green Head Planning Strategy through consultant firm Ubis. This Planning Strategy may determine a more appropriate location for a Waste Water Treatment Plant. If this occurs, staff will need to advise both State Land Services and Water Corporation accordingly.

STATUTORY ENVIRONMENT:

Compliance with a number of State agencies requirements

STRATEGIC IMPLICATIONS:

Councils Planning Strategy for Leeman, Green Head may find different land use needs than currently planned. If a different waste-water treatment plant site is recommended staff will need to advise relevant State agencies.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION

That Council advise State Lands- Mid West Lands Division the following comments regarding the Water Corporations proposal to relocate the Green Head waste water treatment plant site.

- Council supports the proposed new location for the Green Head treatment plant and access road off Lakes Road subject to:
 - a. The waste water treatment plant being able to provide treated waste water at the required standards (re-use scheme) to both the golf club and Council parks/reserves.
 - b. The access road off Lakes Road to be sealed and kerbed to alleviate any dust problems for golf club members.
- Council will, very shortly, be undertaking Planning Strategy of Leeman and Green Head through consultant planning firm Urbis. If a more appropriate location for the waste water treatment plant is determined through the planning strategy process, Council will advise State Lands- Mid West Lands Division immediately.

RESOLUTION:

2010/184

Moved: Cr George

Seconded: Cr Williams

That Council advise State Lands- Mid West Lands Division the following comments regarding the Water Corporations proposal to relocate the Green Head waste water treatment plant site.

- *Council supports the proposed new location for the Green Head treatment plant and access road off Lakes Road subject to:*
 - a. The waste water treatment plant being able to provide treated waste water at the required standards (re-use scheme) to both the golf club and Council parks/reserves.*
 - b. The access road off Lakes Road to be sealed and kerbed to alleviate any dust problems for golf club members.*
- *Council will, very shortly, be undertaking Planning Strategy of Leeman and Green Head through consultant planning firm Urbis. If a more appropriate location for the waste water treatment plant is determined through the planning strategy process, Council will advise State Lands- Mid West Lands Division immediately.*

CARRIED 8/0
Simple Majority



Government of Western Australia
Department of Regional Development and Lands

Lands Division

Your ref:
Our ref: 00807-1998-01 (Job No. 101920)
Enquiries: Russell Barltrop Ph: (08) 9347 5096
Fax: (08) 9347 5003
russell.barltrop@lands.rdl.wa.gov.au

13 September 2010

Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515



Dear Sir

PROPOSED NEW WASTEWATER TREATMENT PLANT SITE – GREEN HEAD

Due to the expansion of residential development at Green Head, the Water Corporation needs to shift the current waste water treatment site from Reserve 46019 to an area where a 500 metre buffer zone can be maintained. In this regard a 12 hectare site as shown in green on the attached print has been suggested. A 20 metre wide public road access off the Lakes Road to the site has also been requested.

The land requested for the new treatment plant and access road is currently unallocated Crown land as shown on the second print attached.

This area is subject to Native Title claim and accordingly action will be required pursuant to the *Land Administration Act* and sections 24MD(6A) and (6B) and 24KA of the *Native Title Act*.

So that consideration can be given to this matter could I please have your comments on the site and agreement to the dedication of the access road.

Yours faithfully

RUSSELL BARLTROP
for MANAGER
STATE LANDS - MID WEST
LANDS DIVISION

Att.

101920DR01

Postal Address: PO Box 1575, Midland, Western Australia 6936
Tel: (08) 9347 5000 www.lands.rdl.wa.gov.au ABN 28 807 22 1246.



10.3 PRINCIPAL WORKS SUPERVISOR:

10.3. TREES UNDER POWER LINES

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	28 September 2010
FILE	10.3.1
ATTACHMENT	ADM0196

SUMMARY

Council to remove every third tree from under the power lines on all town streets; replanting a variety of tree more suited to growing under power lines. This would be a three year project with all existing gum trees being replaced.

COMMENT:

As per the attachment this is the proposed plan for the removal / replacement of trees within the Shire town sites over a three year period.

Council has been paying costs of up to \$25,000.00 yearly to prune the same trees using contractors. New Western Power regulations require trees to be 3 metres distance from high voltage power lines. The size of the trees means annual pruning is essential, and the trees are left bare for approximately three months of the year. Suitable substitute trees would be cost effective due to longer periods between pruning. Using a three year plan will leave established trees at all times, shade for the public, and be aesthetically pleasing. The estimated costs for stump grinding and removal, and replacement trees will be around \$10,000.00 each year until completion.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Tree pruning costs will be cut by a third and in the long term pruning may be able to be carried out by council employees not contractors. A yearly cost of \$2,500.00 for stump grinding, \$5,000.00 for tree removal, and \$2,500.00 for replacement trees. \$1,500.00 for establishment costs i.e. water, manpower.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION

To proceed with the three year tree removal / replacement project. The replacement to be on the opposite side of the road to the existing tree or a smaller bush at the existing site under the power lines.

RESOLUTION:

2010/185

Moved: Cr Williams

Seconded: Cr McTaggart

That Council proceed with the three year tree removal / replacement project. That the replacements be on the opposite side of the road to the existing tree or a smaller bush at the existing site under the power lines.

***CARRIED 8/0
Simple Majority***

COOROW STREETS TREES			
No	SLK	Street Names	Tree Species
1	0.35	Spain St	White Gum
2	0.35	Spain St	Red Flowering Gum
3	0.38	Spain St	Red Flowering Gum
4	0.42	Spain St	Red Flowering Gum
5	0.45	Spain St	Red Flowering Gum
6	0.46	Spain St	Red Flowering Gum
7	0.48	Spain St	Red Flowering Gum
No	SLK	Street Names	Tree Species
1	0.01	Commercial St	Red Flowering Gum
2	0.04	Commercial St	Red Flowering Gum
3	0.04	Commercial St	Jacaranda
4	0.06	Commercial St	Red Flowering Gum
5	0.27	Commercial St	Jacaranda
6	0.31	Commercial St	Jacaranda
7	0.33	Commercial St	Jacaranda
8	0.34	Commercial St	Jacaranda
9	0.35	Commercial St	Red Flowering Gum
10	0.37	Commercial St	Jacaranda
11	0.38	Commercial St	Red Flowering Gum
12	0.39	Commercial St	Jacaranda
13	0.41	Commercial St	Jacaranda
14	0.42	Commercial St	Red Flowering Gum
15	0.44	Commercial St	Jacaranda
16	0.47	Commercial St	Box Tree
No	SLK	Street Names	Tree Species
1	0.08	Central St	Red Flowering Gum
2	0.09	Central St	Red Flowering Gum
3	0.2	Central St	Red Flowering Gum
4	0.21	Central St	Red Flowering Gum
5	0.23	Central St	Red Flowering Gum
No	SLK	Street Names	Tree Species
1	0.04	Main St	Ficifdia Summer Red
2	0.05	Main St	Ficifdia Summer Red
3	0.06	Main St	Ficifdia Summer Red
4	0.07	Main St	Ficifdia Summer Red
5	0.08	Main St	Ficifdia Summer Red
6	0.08	Main St	Ficifdia Summer Red
7	0.09	Main St	Ficifdia Summer Red
8	0.11	Main St	Ficifdia Summer Red
9	0.12	Main St	Ficifdia Summer Red
10	0.15	Main St	Ficifdia Summer Red
11	0.16	Main St	Ficifdia Summer Red

COOROW STREETS TREES			
No	SLK	Street Names	Tree Species
12	0.17	Main St	Ficifdia Summer Red
13	0.18	Main St	Ficifdia Summer Red
14	0.185	Main St	Ficifdia Summer Red
15	0.19	Main St	Ficifdia Summer Red
16	0.195	Main St	Ficifdia Summer Red
17	0.25	Main St	Red Flowering Gum
18	0.27	Main St	Red Flowering Gum
19	0.28	Main St	
20	0.33	Main St	Red Flowering Gum
21	0.36	Main St	Red Flowering Gum
22	0.365	Main St	Red Flowering Gum
23	0.37	Main St	Red Flowering Gum
No	SLK	Street Names	Tree Species
1	0.95	Station St	
2	1.13	Station St	Jacaranda
3	1.135	Station St	Jacaranda
4	1.16	Station St	Red Flowering Gum
No	SLK	Street Names	Tree Species
1	0.01	Long St	Red Flowering Gum
2	0.02	Long St	Red Flowering Gum
3	0.03	Long St	Red Flowering Gum
4	0.08	Long St	York Gum
5	0.1	Long St	Red Flowering Gum
6	0.16	Long St	York Gum
No	SLK	Street Names	Tree Species
1	0.035	Bothe St	White Gum
2	0.04	Bothe St	White Gum
No	SLK	Street Names	Tree Species
1	0.28	Bristol St	Jacaranda
2	0.29	Bristol St	Jacaranda
3	0.33	Bristol St	White Gum
4	0.35	Bristol St	White Gum
5	0.36	Bristol St	White Gum
6	0.37	Bristol St	White Gum
7	0.38	Bristol St	White Gum
8	0.39	Bristol St	White Gum
9	0.42	Bristol St	White Gum
10	0.44	Bristol St	White Gum
11	0.46	Bristol St	White Gum
12	0.47	Bristol St	White Gum
13	0.48	Bristol St	Red Flowering Gum

COOROW STREETS TREES			
No	SLK	Street Names	Tree Species
14	0.51	Bristol St	Red Flowering Gum
15	0.52	Bristol St	Red Flowering Gum
16	0.53	Bristol St	Red Flowering Gum
17	0.55	Bristol St	Red Flowering Gum
18	0.58	Bristol St	White Gum
19	0.64	Bristol St	Yellow Flowering Gum
20	0.645	Bristol St	Yellow Flowering Gum
21	0.655	Bristol St	Jacaranda
22	0.675	Bristol St	Jacaranda
23	0.69	Bristol St	White Gum
24	0.71	Bristol St	White Gum
25	0.72	Bristol St	Red Flowering Gum
26	0.74	Bristol St	Jacaranda
27	0.76	Bristol St	White Gum

Leeman Streets Trees				Leeman Streets Trees				Green Head Streets Trees			
No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species
1	0.3	Lakes St	Red Flowering Gum	1	0.25	Bonham St	Waltdo	1	0.03	Thornbill St	Weeping Willow
				2	0.31	Bonham St	Peppermint	2	0.04	Thornbill St	Weeping Willow
No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species
1	0.01	Dhufish St	Red Flowering Gum	1	0.09	Morcombe Rd	Peppermint	1	0.02	Whistler Cr	Weeping Willow
2	0.02	Dhufish St	Red Flowering Gum	2	0.28	Morcombe Rd	Peppermint	2	0.035	Whistler Cr	Weeping Willow
3	0.02	Dhufish St	Red Flowering Gum	3	0.3	Morcombe Rd	Peppermint				
4	0.03	Dhufish St	Red Flowering Gum								
5	0.04	Dhufish St	Red Flowering Gum	No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species
6	0.04	Dhufish St	Red Flowering Gum	1	0.09	Hibiscus St	Red Flowering Gum	1	0.005	Johns St	Malalueca
No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species	2	0.01	Johns St	Malalueca
1	0.05	Ilyarrie St	Coast Mott	1	0.06	Callistemon Cl	Weeping Willow	3	0.08	Johns St	Malalueca
No	SLK	Street Names	Tree Species	No	SLK	Street Names	Tree Species	4	0.085	Johns St	Malalueca
1	0.07	Agonis St	Weeping Willow	1	0.75	Thomas St Leeman	Red Flowering Gum	5	0.09	Johns St	Malalueca
No	SLK	Street Names	Tree Species					6	0.095	Johns St	Malalueca
1	0.06	Tamarisk St	White Gum	No	SLK	Street Names	Tree Species	7	0.1	Johns St	Malalueca
No	SLK	Street Names	Tree Species	1	0.01	Spencer St	Red Flowering Gum	No	SLK	Street Names	Tree Species
1	0.2	Tuart St	Red Flowering Gum	2	0.07	Spencer St	Coast Mott	1	0.36	Ocean View Dr	Coast Mott
No	SLK	Street Names	Tree Species	3	0.08	Spencer St	Coast Mott	2	0.365	Ocean View Dr	Coast Mott
				4	0.09	Spencer St	Coast Mott	3	0.37	Ocean View Dr	Coast Mott
No	SLK	Street Names	Tree Species					4	0.38	Ocean View Dr	Coast Mott
1	0.09	Nairn St	Coast Mott	Green Head Streets Trees				No	SLK	Street Names	Tree Species
2	0.1	Nairn St	Red Flowering Gum	No	SLK	Street Names	Tree Species	1	0.03	Grigson	Coast Mott
3	0.1	Nairn St	Coast Mott	1	0.025	Battersby St	Gum	No	SLK	Street Names	Tree Species
4	0.12	Nairn St	Coast Mott	2	0.15	Battersby St	Weeping Fig	1	0.02	Green Head Rd	Coast Mott
5	0.13	Nairn St	Coast Mott	3	0.16	Battersby St	Bothle Brush	2	0.125	Green Head Rd	Coast Mott
6	0.14	Nairn St	Coast Mott	4	0.165	Battersby St	Bothle Brush	3	0.13	Green Head Rd	Coast Mott
7	0.15	Nairn St	Coast Mott	5	0.21	Battersby St	Native Hibiscus	4	0.14	Green Head Rd	Coast Mott
8	0.16	Nairn St	Coast Mott	6	0.26	Battersby St	Gum	5	0.18	Green Head Rd	Coast Mott
9	0.18	Nairn St	Coast Mott	No	SLK	Street Names	Tree Species	6	0.19	Green Head Rd	Coast Mott
10	0.1902	Nairn St	Coast Mott	1	0.08	Mc Gilp St	Gum	No	SLK	Street Names	Tree Species
11	0.21	Nairn St	Coast Mott	2	0.28	Mc Gilp St	Gum	1	0.02	Bryant St	Gum
12	0.22	Nairn St	Coast Mott	3	0.29	Mc Gilp St	Gum	No	SLK	Street Names	Tree Species
13	0.82	Nairn St		No	SLK	Street Names	Tree Species	1	0.15	Rowland Rd	Weeping Fig
14	0.82	Nairn St	White Gum	1	3.31	Green Head Rd	Bothle Brush	2	0.18	Rowland Rd	Weeping Fig
15	1.17	Nairn St	Coast Mott	2	3.36	Green Head Rd	Bothle Brush	3	0.2	Rowland Rd	Weeping Fig
16	1.18	Nairn St	Coast Mott	3	3.4	Green Head Rd	Bothle Brush	4	0.295	Rowland Rd	Weeping Fig
17	1.24	Nairn St	Yellow Flowering Gum	4	3.41	Green Head Rd	Bothle Brush	5	0.31	Rowland Rd	Weeping Fig
18	1.26	Nairn St	Red Flowering Gum	5	3.78	Green Head Rd	Gum				
19	1.27	Nairn St	Weeping Willow	6	3.79	Green Head Rd	Gum				
20	1.27	Nairn St	Weeping Willow								
No	SLK	Street Names	Tree Species								
1	0.01	Spencer St	Red Flowering Gum								
2	0.07	Spencer St	Coast Mott								
3	0.08	Spencer St	Coast Mott								
4	0.09	Spencer St	Coast Mott								

10.4 **DEPUTY CHIEF EXECUTIVE OFFICER:**

10.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Erika Clement
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	10.08.10
ATTACHMENT	10.4.1 Accounts Due and Submitted To Council Meeting 20 October 2010
FILE	

SUMMARY:

Council approval is required for payment of accounts made within the months of September 2010 and October 2010 and to approve payments of accounts due in October 2010.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 18 August 2010 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 20 October 2010

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 sub regulation (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;

STRATEGIC, POLICY & FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 20 October 2010 including:

1. Vouchers 18445 to 18454, 18520 to 18522, 18524 to 18530, 18532 to 18541, 18587 to 18618, PR71010910 to PR72310810, DD 18/08/2010 to DD 29/09/2010, EFT2955, EFT2957 to EFT3077, totalling \$882,187.61 from Council's Municipal Fund
2. Vouchers 162 to 163, EFT 2956 totalling \$3,150.00 from Council's Trust Fund

be authorised and passed for payment.

RESOLUTION:

2010/186

Moved: Cr George

Seconded: Cr Bothe

That the payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 20 October 2010 including:

1. *Vouchers 18445 to 18454, 18520 to 18522, 18524 to 18530, 18532 to 18541, 18587 to 18618, PR71010910 to PR72310810, DD 18/08/2010 to DD 29/09/2010, EFT2955, EFT2957 to EFT3077, totalling \$882,187.61 from Council's Municipal Fund*
2. *Vouchers 162 to 163, EFT 2956 totalling \$3,150.00 from Council's Trust Fund*

be authorised and passed for payment.

***CARRIED 8/0
Simple Majority***

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 7.10.10

Chq/EFT	Date	Name	Description	<u>TRUST</u>	<u>MUNI</u>
162	30/09/2010	SHIRE OF COOROW	CONTRIBUTION TOWARDS BUILDING COSTS WBFB	\$ 2,750.00	
163	30/09/2010	REX & MAUREEN SCHRODER	REFUND FOR U4 AGED CARE UNITS LEEMAN	\$ 300.00	
EFT2955	11/08/2010	W A TREASURY CORPORATION	REPAYMENT LOAN#77		\$ 10,443.75
EFT2956	16/08/2010	SANDRA GILMOUR	REFUND FOR TIP KEY	\$ 100.00	
EFT2957	23/08/2010	FAS THERAPEUTIC EQUIPMENT P/L	PLAYGROUND EQUIPMENT		\$ 870.10
EFT2958	03/09/2010	BEAN KJ	ELECTRICITY ACCOUNT PWS		\$ 597.45
EFT2959	03/09/2010	COOROW AG PTY LTD	HARDWARE ACCOUNT		\$ 836.63
EFT2960	03/09/2010	CARNAMAH HOTEL MOTEL	ACCOMMODATION AUDITORS		\$ 190.00
EFT2961	03/09/2010	DERRICK'S AUTO-AG	PUSHFIT JOINERS CW0010		\$ 423.50
EFT2962	03/09/2010	DRUMMOND JOE ELECTRICS	ELECTRICAL REPAIRS TO LEEMAN LIBRARY		\$ 155.10
EFT2963	03/09/2010	DATA3	MICROSOFT WINDOWS SERVER LICENSE		\$ 1,639.22
EFT2964	03/09/2010	GIRANDO MJ	SITTING & TRAVELLING FEES		\$ 2,884.40
EFT2965	03/09/2010	HERSEY JR & A PTY LTD	SPRAY MARK, REPELLENT, GYMPIE		\$ 399.80
EFT2966	03/09/2010	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ANALYTICAL SERVICES 2010.2011		\$ 391.00
EFT2967	03/09/2010	ML COMMUNICATIONS	SERVICE TO GWN TRANSMITTER LEEMAN		\$ 930.60
EFT2968	03/09/2010	MIDWEST CHEMICAL & PAPER	CLEANING SUPPLIES		\$ 976.36
EFT2969	03/09/2010	MCINTOSH & SON	SERVICE TO CW0027		\$ 2,115.70
EFT2970	03/09/2010	MERCURE INN	ACCOMMODATION/REFRESHMENTS - CEO - CONFERENCE		\$ 4,817.30
EFT2971	03/09/2010	PURCHER-INTERNATIONAL PTY LTD	SHOCK ABSORBER & RETAINER CW004		\$ 109.08
EFT2972	03/09/2010	RBC-RURAL	METERPLAN CHARGES PHOTOCOPIERS		\$ 3,672.38
EFT2973	03/09/2010	RYLAN PTY LTD	KERBING LEEMAN & GREEN HEAD		\$ 11,917.95
EFT2974	03/09/2010	RELIANCE PETROLEUM	SYNRAX		\$ 556.00

EFT2975	03/09/2010	STATEWIDE BEARINGS	SEALS -TORO MOWER		\$ 19.80
EFT2976	03/09/2010	TUSS CONCRETE	CONCRETE PRODUCTS & LINERS		\$ 2,310.00
EFT2977	03/09/2010	TURQUOISE COAST TILING	REPAIRS TO ENSUITE BATHROOM - L42 COMMERCIAL ST		\$ 3,804.68
EFT2978	03/09/2010	WESTRAC EQUIPMENT	SERVICE TO CW0035		\$ 3,889.95
EFT2979	03/09/2010	WAITE JAN	SITTING & TRAVEL FESS & DEP PRESIDENT ALLOWANCE		\$ 457.42
EFT2980	03/09/2010	WA RANGERS ASSOCIATION	REGISTRATION RANGERS CONFERENCE		\$ 450.00
EFT2981	03/09/2010	LGIS INSURANCE BROKING	MOTOR VEHICLE INSURANCE		\$ 63,193.33
EFT2982	03/09/2010	LGIS WORKCARE	WORKERS COMPENSATION CONTRIBUTION		\$ 24,640.00
EFT2983	03/09/2010	LGIS LIABILITY	MEMBERS INSURANCE		\$ 561.52
EFT2984	03/09/2010	LGIS PROPERTY	PROPERTY INSURANCE		\$ 33,895.02
EFT2985	03/09/2010	CIVIC LEGAL	SEMINAR LEGAL ISSUES AMALGAMATION OF LOCAL GOVERNMENTS - CEO & CR WILLIAMS		\$ 990.00
EFT2986	17/09/2010	LEADING EDGE COMPUTERS	SERVER , PORTABLE HARD DRIVE, SOFTWARE		\$ 9,747.20
EFT2987	17/09/2010	AUSTRALIA POST-LPO	POSTAGE		\$ 840.86
EFT2988	17/09/2010	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	LEGAL CHARGES - SKIP TRACES		\$ 358.60
EFT2989	17/09/2010	AVON WASTE	WASTE REMOVAL		\$ 11,998.72
EFT2990	17/09/2010	BOC GASES	GAS		\$ 366.98
EFT2991	17/09/2010	BEAN KJ	WATER ACCOUNT		\$ 438.65
EFT2992	17/09/2010	COURIER AUSTRALIA	FREIGHT - JASON SIGNMAKERS		\$ 33.46
EFT2993	17/09/2010	COVENTRY GROUP LTD	WIPER BLADES, FUSES, RAGS, FILTERS, REFLECTORS		\$ 1,410.81
EFT2994	17/09/2010	COOROW HIGHWAY STORE	MILK, TOILET PAPER		\$ 52.50
EFT2995	17/09/2010	FAMILY SHOPPING CENTRE	REFRESHMENTS, CLEANING SUPPLIES		\$ 328.94
EFT2996	17/09/2010	GREEN HEAD PLUMBING & GAS	REPAIRS TO BATHROOMS 42 COMMERCIAL ST		\$ 2,890.20
EFT2997	17/09/2010	GH COUNTRY COURIERS	PAPER TOWEL DISPENSERS & DISABLED RAIL WARRADARGE FIRE SHED		\$ 780.12

EFT2998	17/09/2010	GREEN HEAD COMMUNITY CENTRE MANAGEMENT	ELECTRICITY		\$ 771.77
EFT2999	17/09/2010	GERALDTON NEWSPAPERS LIMITED	ADVERTS TOWN PLANNING SCHEME		\$ 211.61
EFT3000	17/09/2010	GREEN HEAD COMMUNITY & RATEPAYERS ASSOC	DISMANTLING OF PLAYGROUND EQUIPMENT		\$ 1,500.00
EFT3001	17/09/2010	HOIST HYDRAULICS WA PTY LTD	UNDERBODY CYLINDER & CHAIN CW005		\$ 3,960.00
EFT3002	17/09/2010	HALF WAY MILL ROADHOUSE	DIESEL CW0042, CW0044		\$ 245.30
EFT3003	17/09/2010	HARE & FORBES MACHINERY HOUSE	MAGNETIC DRILL		\$ 1,529.00
EFT3004	17/09/2010	HOWARD PORTER	COMPLETE AXLE HUB TO HUB, SPRING PACKS & U BOLTS CW0034		\$ 2,745.22
EFT3005	17/09/2010	JTAGZ	DOG TAGS - NEXT 3 YEARS		\$ 396.00
EFT3006	17/09/2010	LEEMAN HARDWARE	CEMENT,HANDLES,BOLTS,SPRAY PAINT,PICKETS,NUTS & BOLTS, PAINT		\$ 2,219.62
EFT3007	17/09/2010	LANDMARK	PROTECTIVE CLOTHING		\$ 69.00
EFT3008	17/09/2010	LEEMAN SNACK SHACK	REFRESHMENTS COUNCIL MEETING AUGUST		\$ 137.00
EFT3009	17/09/2010	ML COMMUNICATIONS	PHONE RENTAL COAST		\$ 642.50
EFT3010	17/09/2010	MIDWEST CHEMICAL & PAPER	TOILET PAPER - DEPOT		\$ 79.13
EFT3011	17/09/2010	MIDWEST AUTO GROUP	SERVICE TO CW0050		\$ 713.00
EFT3012	17/09/2010	MIDLAND MOWERS	AIR FILTERS - COX MOWER		\$ 142.00
EFT3013	17/09/2010	MIDVALE DISCOUNT TYRES	TYRES CW004 CW005 CW0010 CW009		\$ 24,875.00
EFT3014	17/09/2010	METTAM'S MUFFLER MIDLAND	EXHAUST PIPE & CLAMP CW 0010		\$ 133.40
EFT3015	17/09/2010	MCINTOSH & SON	PUMP & GEAR CW0027		\$ 1,919.13
EFT3016	17/09/2010	MARTINS TRAILER PARTS PTY LTD	JOCKEY WHEEL CW0030		\$ 156.03
EFT3017	17/09/2010	NORTHAM BEARING SALES	TAPERED ROLLER BEARING CW0034		\$ 371.41
EFT3018	17/09/2010	OFFICEWORKS BUSINESS DIRECT	PROJECTOR		\$ 1,087.95
EFT3019	17/09/2010	O'CALLAGHAN PTY LTD	TYRES & FITTING CW001, CW003, CW1683		\$ 582.20
EFT3020	17/09/2010	O'CONNER LAWNMOWER & CHAINSAW CENTRE	CHAINSAW SERVICE		\$ 134.30
EFT3021	17/09/2010	PURCHER-INTERNATIONAL PTY LTD	BATTERY SWITCH		\$ 804.93
EFT3022	17/09/2010	PAPER PLUS OFFICE NATIONAL	LABELS		\$ 21.11

EFT3023	17/09/2010	RUMBOLD FORD	FILTERS & SHOCK ABSORBERS CW0017		\$ 503.80
EFT3024	17/09/2010	RICOH FINANCE	LEASE PHOTOCOPIERS		\$ 1,326.98
EFT3025	17/09/2010	SNAG ISLAND ROADHOUSE	POSTAGE		\$ 355.66
EFT3026	17/09/2010	RELIANCE PETROLEUM	DIESEL		\$ 51,945.71
EFT3027	17/09/2010	SEASIDE CARTAGE	FREIGHT - ABATE BAITS		\$ 20.70
EFT3028	17/09/2010	SUNCITY SKIN CANCER CLINIC	SKIN CANCER CLINIC LEEMAN		\$ 880.00
EFT3029	17/09/2010	T-QUIP	SHAFT, BEARING, SEAL & PLATES		\$ 467.80
EFT3030	17/09/2010	TUSS CONCRETE	CONCRETE PRODUCTS		\$ 5,240.40
EFT3031	17/09/2010	VAC INDUSTRIES	DRILL BITS		\$ 77.11
EFT3032	17/09/2010	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	LOCAL GOVERNMENT CONVENTION		\$ 8,412.29
EFT3033	17/09/2010	WALTONS STORES	SEALER & TERMINALS CW0010		\$ 35.40
EFT3034	17/09/2010	WESTRAC EQUIPMENT	TIPS EDGES & SEALS CW0035		\$ 2,769.97
EFT3035	17/09/2010	WINCHESTER INDUSTRIES	CONCRETE		\$ 1,925.00
EFT3036	17/09/2010	WREN OIL	WASTE DISPOSAL COOROW		\$ 548.62
EFT3037	17/09/2010	WURTH AUSTRALIA PTY LTD	CABLE CLIPS		\$ 99.75
EFT3038	30/09/2010	LEADING EDGE COMPUTERS	LAPTOPS CEO & PWS		\$ 4,447.00
EFT3039	30/09/2010	ANSTAT PTY LTD	ANNUAL UPDATE FEE FOOD STANDARDS CODE		\$ 519.75
EFT3040	30/09/2010	BOC GASES	GAS		\$ 131.59
EFT3041	30/09/2010	COURIER AUSTRALIA	FREIGHT LISWA, PAPER COMPANY, RBC RURAL, FAS THERAPEUTIC		\$ 364.79
EFT3042	30/09/2010	COVENTRY GROUP LTD	SPRINGS, RADIO HANDPIECE & RAGS		\$ 337.42
EFT3043	30/09/2010	CUNNINGHAMS AG SERVICES	JOINER, HELMET KIT, V BELTS, FILTERS		\$ 433.48
EFT3044	30/09/2010	COOROW AG PTY LTD	CHLORINE, TOOL BOXES, HOSE		\$ 1,003.01
EFT3045	30/09/2010	CRAKE FAMILY TRUST	SUPPLY & ERECT FENCE POINT LOUISE		\$ 1,383.00
EFT3046	30/09/2010	DRUMMOND JOE ELECTRICS	REPAIRS TO POWER POLE JOHNS ST GREEN HEAD		\$ 4,593.60
EFT3047	30/09/2010	JOHN LESLIE DEACON	PRE PLACEMENT MEDICAL CERTIFICATE REIMBURSEMENT		\$ 65.00
EFT3048	30/09/2010	DANDARAGAN ESTATE	OLIVE OIL FOR WOMEN'S CONFERENCE		\$ 198.00

EFT3049	30/09/2010	GREEN HEAD PLUMBING & GAS	PAPER TOWEL DISPENSERS & DISABLED RAIL WARRADARGE FIRE SHED		\$ 618.98
EFT3050	30/09/2010	GERALDTON NEWSPAPERS LIMITED	TOWN PLANNING SCHEME 2 AMENDMENT NO8 ADVERTISING		\$ 148.01
EFT3051	30/09/2010	UHY HAINES NORTON	AUDIT SERVICES YEAR ENDED JUNE 2010		\$ 6,099.50
EFT3052	30/09/2010	HITACHI CONST MACHINERY (AUST) P/L	SCREEN, HOOD & RH BONNET PANEL CW0012		\$ 5,172.41
EFT3053	30/09/2010	LANDMARK	PROTECTIVE CLOTHING		\$ 4,480.43
EFT3054	30/09/2010	LANDGATE	VALUATION CHARGES		\$ 32.30
EFT3055	30/09/2010	ML COMMUNICATIONS	REPAIRS TO GWN TRANSMITTER		\$ 883.30
EFT3056	30/09/2010	MIDVALE DISCOUNT TYRES	TYRES CW0024		\$ 1,840.00
EFT3057	30/09/2010	METTAM'S MUFFLER MIDLAND	TUBE CW0022		\$ 9.00
EFT3058	30/09/2010	MICROCHIPS AUSTRALIA	MICROCHIP READER & COVER		\$ 426.82
EFT3059	30/09/2010	MEDELECT BIOMEDICAL SERVICES	INSPECTION OF ELECTROMEDICAL EQUIPMENT MEDICAL CENTRE		\$ 374.00
EFT3060	30/09/2010	MINGENEW COMMUNITY RESOURCE CENTRE	POSTAGE & PACKAGING WILDFLOWER COUNTRY BOOKS		\$ 2,734.51
EFT3061	30/09/2010	OFFICEWORKS BUSINESS DIRECT	PAPER SHREDDER		\$ 2,471.12
EFT3062	30/09/2010	OCEAN CLIPPER INN	ACCOMMODATION RANGER		\$ 306.00
EFT3063	30/09/2010	QUANTOCK S & L ELECTRICS	REPAIRS TO CARAVAN PARK POWER POLES - REPLACING WITH RCD PROTECTED UNITS		\$ 6,435.00
EFT3064	30/09/2010	LEONIE JOY QUANTOCK	UNIFORMS - ADMIN OFFICER COOROW		\$ 59.98
EFT3065	30/09/2010	RBC-RURAL	METERPLAN CHARGES PHOTOCOPIERS		\$ 2,584.95
EFT3066	30/09/2010	JV & J READ	BOBCAT BACKFILL GREEN HEAD & LEEMAN		\$ 321.75
EFT3067	30/09/2010	SUNNY SIGN COMPANY PTY LTD	BRACKETS FOR ROAD SIGNS		\$ 242.00
EFT3068	30/09/2010	SEASIDE SUPPLIES	REFRESHMENTS, SUGAR SOAP, RATAK		\$ 187.50
EFT3069	30/09/2010	STAR TRACK EXPRESS	FREIGHT - WATTLEUP, MIDVALE TYRES, HITACHI, WESTRAC		\$ 865.59
EFT3070	30/09/2010	RELIANCE PETROLEUM	LIMSLIP 90 CW0014		\$ 127.85
EFT3071	30/09/2010	THE PAPER COMPANY OF	PAPER		\$ 1,024.47

		AUSTRALIA			
EFT3072	30/09/2010	THREE SPRINGS SHIRE COUNCIL	CONTRIBUTION TO NORTH MIDLANDS MEDICAL CENTRE - FINALISATION		\$ 3,758.33
EFT3073	30/09/2010	T-QUIP	SEALS, BEARINGS, SPACERS, SHAFT - TORO MOWER		\$ 1,291.90
EFT3074	30/09/2010	VAC INDUSTRIES	DRILL BITS, GUIDE PINS		\$ 135.30
EFT3075	30/09/2010	WATTLEUP TRACTORS	PRINTED CIRCUIT FOR DASH CW0026		\$ 452.60
EFT3076	30/09/2010	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	ROMAN 2 SUBSCRIPTION		\$ 6,304.97
EFT3077	30/09/2010	WESTRAC EQUIPMENT	GRADER BLADE TIP 10 SETS		\$ 2,917.07
18445	18/08/2010	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS		\$ 21,081.22
18446	18/08/2010	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 190.00
18447	01/09/2010	MIDWEST AUTO GROUP	VEHICLE PURCHASE - CW000 - FORD TERRITORY		\$ 16,098.20
18448	20/09/2010	BADGINGARRA MOTORS	SERVICE TO CW0042 & CW0044		\$ 1,611.00
18449	20/09/2010	MACKA'S ROADHOUSE	REFRESHMENTS AMALGAMATION MEETING		\$ 104.00
18450	20/09/2010	ESPLANADE HOTEL FREMANTLE	ACCOMMODATION OHS COURSE FO		\$ 1,286.90
18451	20/09/2010	GREEN HEAD BUSHFIRE BRIGADE	ASSIST DEC WITH HAZARD REDUCTION BURN		\$ 490.00
18452	20/09/2010	JASON SIGNMAKERS	STANDS & SIGNS		\$ 732.60
18453	20/09/2010	JURIEN BAY GENERAL PRACTICE	MEDICAL SHAEN JOHNSTON		\$ 154.00
18454	20/09/2010	LANDGATE	VALUATION CHARGES		\$ 80.40
18520	18/08/2010	AUSTRALIAN TAXATION OFFICE	BAS JULY 2010		\$ 19,010.00
18521	23/08/2010	WESTERN POWER	FEES FOR EASEMENT AT THE COOROW TIP SITE		\$ 266.00
18522	23/08/2010	WESTPAC BANKING CORPORATION	FEES FOR EASEMENT IN GROSS COOROW RUBBISH TIP SITE		\$ 150.00
18524	31/08/2010	JURIEN BAY DISTRICT HIGH SCHOOL	DONATION DISTRICT HIGH SCHOOL COUNTRY WEEK CHAMPIONSHIPS		\$ 400.00
18525	31/08/2010	EMMA MULLER	DONATION EMMA MULLER - NATIONAL INTERSCHOOL EQUESTRIAN CHAMPIONSHIP		\$ 400.00
18526	09/09/2010	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 190.00

18527	20/09/2010	LEEMAN VOLUNTEER MARINE RESCUE SERVICES WA (INC)	DONATION TOWARDS NEW RESCUE BOAT		\$ 22,000.00
18528	15/09/2010	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 200.00
18529	20/09/2010	MCDONALD BJ	TRAVEL & SITTING FEES		\$ 742.50
18530	20/09/2010	PURSER W & SONS	MEAT - SEND OFF WILLIAMS & BIDDLE		\$ 50.30
18532	20/09/2010	ST JOHN AMBULANCE AUSTRALIA	FIRST AID COURSE - TAYLOR & SPARGO - GH BFB		\$ 280.00
18533	20/09/2010	SYNERGY	STREET LIGHT ACCOUNT		\$ 5,728.65
18534	20/09/2010	SHIRE OF CHAPMAN VALLEY	PLANNING JULY 2010		\$ 2,683.15
18535	20/09/2010	SHARED SERVICES CENTRE-STATE LIBRARY OF WA	DAMAGED BOOK GREEN HEAD LIBRARY		\$ 14.30
18536	20/09/2010	TELSTRA	PHONE ACCOUNTS		\$ 2,549.30
18537	20/09/2010	WILLIAMS AK & P	TRAVEL LOCAL GOVT CONFERENCE		\$ 685.55
18538	21/09/2010	AUSTRALIAN TAXATION OFFICE	AUGUST BAS		\$ 22,257.00
18539	29/09/2010	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS		\$ 30,914.04
18540	29/09/2010	TWUSUPER	SUPERANNUATION CONTRIBUTIONS		\$ 228.20
18541	29/09/2010	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 190.00
18587	03/09/2010	MICHAEL BOTHE	SITTING FEES		\$ 60.00
18588	03/09/2010	COATES HIRE	HIRE CAT GRADER		\$ 17,562.60
18589	03/09/2010	FITZGERALD STRATEGIES	IR SERVICES 2010-2011		\$ 2,086.00
18590	03/09/2010	GREEN HEAD BUSHFIRE BRIGADE	FILTERS, OILS & TRUCK WASH		\$ 422.73
18591	03/09/2010	GARY GEORGE	SITTING & TRAVEL FEES		\$ 154.64
18592	03/09/2010	LEEMAN SENIORS	FUEL & BUS HIRE LEEMAN SENIORS		\$ 515.00
18593	03/09/2010	LEEMAN FUEL & LIQUOR	DIESEL & MILK		\$ 118.20
18594	03/09/2010	SYNERGY	ELECTRICITY ACCOUNTS		\$ 10,876.75
18595	03/09/2010	SAFETYCARE AUSTRALIA PTY LTD	SUBSCRIPTION MONTIE & FACILITATOR		\$ 649.00
18596	03/09/2010	TELSTRA	PHONE ACCOUNTS		\$ 1,491.73
18597	03/09/2010	TOTALLY WORKWEAR GERALDTON	PROTECTIVE CLOTHING		\$ 286.77
18598	03/09/2010	WILLIAMS AK & P	TRAVEL - MOORA TAFE GRADUATION		\$ 333.82
18599	03/09/2010	WATER CORPORATION	WATER ACCOUNTS		\$ 22,143.15
18600	20/09/2010	SHIRE OF COOROW	RATES 2010/11 - RUBBISH & TV SERVICE CHARGE		\$ 14,228.00
18601	20/09/2010	SHIRE OF COOROW	PETTY CASH LEEMAN		\$ 161.60
18602	21/09/2010	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS		\$ 123.04

18603	30/09/2010	AQUARIUS TECHNOLOGIES	SERVICE TO CHLORINATOR		\$ 1,133.00
18604	30/09/2010	DAVID GRAY & CO PTY LIMITED	ABATE MOSQUITO CONTROL BAITS		\$ 3,088.80
18605	30/09/2010	GREENFIELD TECHNICAL SERVICES	ROAD SAFETY AUDIT COOROW - GREEN HEAD ROAD		\$ 4,637.27
18606	30/09/2010	JOSEPH RADIATORS & AIR CONDITIONING	FLUSH RADIATOR & REGAS SYSTEM CW0038		\$ 501.00
18607	30/09/2010	LEEMAN FUEL & LIQUOR	MILK & DIESEL		\$ 112.00
18608	30/09/2010	MITCHELL & BROWN	RANGEHOOD DCEO HOUSE		\$ 248.00
18609	30/09/2010	MAJOR MOTORS PTY LTD	POWER SWITCH CW006		\$ 541.78
18610	30/09/2010	NOVUS GERALDTON	WINDSCREEN REPAIRS CW0052		\$ 660.00
18611	30/09/2010	NEW TOWN TOYOTA	BEARING, SEALS ,GASKETS & CONE AXLES CW0014		\$ 883.69
18612	30/09/2010	PERTH BRAKE PARTS	OVERHAUL KIT BRAKE CYLINDERS CW0027		\$ 700.00
18613	30/09/2010	RODDA FR & CO	SURVEY FEES - RUBBISH DISPOSAL SITE COOROW		\$ 11,580.80
18614	30/09/2010	SHIRE OF COOROW	WILDFLOWER COUNTRY CONTRIBUTION 2010/2011		\$ 4,400.00
18615	30/09/2010	SYNERGY	ELECTRICITY U4 MORCOMBE RD LEEMAN		\$ 37.30
18616	30/09/2010	TELSTRA	PHONE ACCOUNT GH BFB		\$ 73.99
18617	30/09/2010	WATER CORPORATION	WATER ACCOUNTS		\$ 12,777.65
18618	30/09/2010	WARRADARGE BUSHFIRE BRIGADE	STATIONARY, POSTAGE, BATTERY & BAGS WBFB		\$ 73.85
13100910	30/09/2010	BANKWEST	MASTERCARD CEO		-\$ 59.67
13100910	30/09/2010	BANKWEST	MASTERCARD DCEO		-\$ 1,847.50
13100910	30/09/2010	BANKWEST	MASTERCARD PWS		-\$ 495.63
13100910	30/09/2010	BANKWEST	MASTERCARD MRS		-\$ 44.77
13120810	30/09/2010	BANKWEST	MASTERCARD CEO		-\$ 641.43
13120810	30/09/2010	BANKWEST	MASTERCARD DCEO		-\$ 559.75
13120810	30/09/2010	BANKWEST	MASTERCARD PWS		-\$ 107.35
13120810	30/09/2010	BANKWEST	MASTERCARD MRS		-\$ 331.01
71010910	01/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 864.05
71020910	02/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 442.50
71030910	03/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 253.65

71060910	06/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 23.20
71070910	07/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 116.00
71080910	08/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 467.00
71080910	08/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 741.05
71090910	09/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 840.05
71090910	09/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 2,222.20
71100910	10/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,987.45
71110810	11/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 277.35
71120810	12/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 75.30
71130810	13/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 279.20
71130910	13/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 5,318.40
71140910	14/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,442.75
71150910	15/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 563.40
71160810	16/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 2,985.65
71160910	16/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 186.50
71170810	17/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 973.40
71170910	17/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 224.00
71200810	20/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 785.10
71200910	20/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,382.15
71210910	21/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 826.15
71220910	22/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 126.45
71230810	23/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,346.65
71230910	23/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 689.20
71240810	24/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 262.15
71240910	24/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 427.40
71240910	24/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 6.00
71250810	25/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 432.55
71260810	26/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 116.00
71270810	27/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 288.80
71280910	28/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 514.50
71290910	29/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 189.40
71300810	30/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 357.80
71300910	30/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,277.95
71310810	31/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,290.50
72020910	02/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 440.40

72030910	03/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 191.10
72060910	06/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 252.00
72070910	07/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 40.10
72080910	08/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 445.30
72100910	10/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 476.70
72120810	12/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 713.55
72120810	11/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 25.00
72130910	13/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,745.65
72140910	14/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 339.85
72150910	15/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 2,233.80
72160910	16/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,129.00
72170810	17/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 411.35
72170910	17/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 129.65
72180810	18/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 330.30
72190810	19/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 545.35
72200810	20/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,187.90
72200910	20/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 331.35
72210910	21/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 832.35
72230810	23/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 329.70
72230910	23/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 2,388.60
72240810	24/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,247.90
72250810	25/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 414.00
72270810	27/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 131.65
72280910	28/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 119.15
72290910	29/09/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 278.30
72300810	30/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 1,113.75
72310810	31/08/2010	TRANSPORT DEPT OF	TRANS LICENSING		\$ 316.95
DDEBIT	18/08/2010	PAYROLL	PAYROLL		\$ 43,978.00
DDEBIT	26/08/2010	PAYROLL	PAYROLL		\$ 42,152.00
DDEBIT	27/08/2010	PAYROLL	PAYROLL		\$ 2,466.73
DDEBIT	27/08/2010	PAYROLL	PAYROLL		\$ 2,797.81
DDEBIT	15/09/2010	PAYROLL	PAYROLL		\$ 45,197.00
DDEBIT	29/09/2010	PAYROLL	PAYROLL		\$ 44,288.00
				\$ 3,150.00	\$882,187.61

10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – AUGUST & SEPTEMBER 2010

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	29 September 2010
ATTACHMENT	10.4.2 Statement of Financial Activity for August & September 2010
FILE	ADM 0426 – Finance – 2010/11

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.

BACKGROUND:

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 months ended 31 August 2010 and 30 September 2010 is included at Attachment 10.4.2 for Councillor's information.

COMMENT:

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 sub regulation (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 sub regulation (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.*

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Not required

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the periods ended 31 August 2010 and 30 September 2010 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION:

2010/187

Moved: Cr Williams

Seconded: Cr Jack

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 10.4.2 for the periods ended 31 August 2010 and 30 September 2010 as prepared and presented by the Deputy Chief Executive Officer

CARRIED 8/0
Simple Majority

10.4.3 SHIRE OF COOROW- ANNUAL REPORT FINANCIAL YEAR ENDING 30 JUNE 2010

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	29 September 2010
ATTACHMENT	10.4.3 under separate cover
FILE	ADM0150,ADM0303

SUMMARY:

To present Council with the Audited Annual Financial Report, Auditors Report and Management Report for the Financial Year ending 30 June 2010.

BACKGROUND:

Section 7.9 of the *Local Government Act 1995* requires an audit to be undertaken and that the audit when completed, must be submitted to the President, the Chief Executive Officer of the Local Government and the Minister.

It is a requirement that the annual audit be completed by the 31st December 2010 following the close of the financial year. The final audit was commenced by UHY Haines Norton on Thursday the 19th and Friday the 20th of August 2010. The final Audit report and Management letter has been completed and received by the Shire President and Chief Executive Officer. The Auditor's report and Management report to be submitted to the Shire of Coorow Audit Committee for further consideration. (See copy of Audit and Management reports attached for councillors information only).

COMMENT:

The Annual Report for 2009/10 has now been completed Attachment 10.4.3 (Please refer to copy of Annual Report tabled at the Meeting) and will be available to the Public and Electors at the Annual Electors Meeting.

No statutory non- compliance matters were raised in the auditor's report. It was noted by the Auditor that the Shire will need to revalue its Roads asset for the next year. Only two minor corrections of misstated figures were required by the auditor in the course of the final audit. Notwithstanding these matters it is pleasing to report that no other qualifications or matters indicating adverse trends were raised in the audit report by the Auditor Mr Greg Godwin. Nor were there any other matters raised requiring the Chief Executive Officer's attention.

Council to hold its Annual Electors Meeting on Wednesday 20th October 2010 at 7.30pm as advertised. NB: The Annual Electors meeting to be held no more than fifty six (56) days after acceptance of annual report.

STRATEGIC ENVIRONMENT:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Australian Equivalent International Financial Reporting Standards (AIFRS)

STRATEGIC IMPLICATIONS:

Long Term Financial Planning

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council receives the Shire of Coorow Annual Report for the Financial Year ended 30th June 2010.
2. That Council holds its Annual Electors Meeting in the Shire of Coorow Leeman Administration Centre on Wednesday 20th October 2010 at 7.30pm.
3. That Council endorse the actions of the Chief Executive Officer, in submitting the Shire of Coorow Annual Report to the Executive Director of the Department of Local Government within 30 days of his receipt of the auditor's report, as required by *Local Government (Financial Management) Regulation 51(2)*.

RESOLUTION:

2010/188

Moved: Cr Waite

Seconded: Cr Bothe

1. *That Council receives the Shire of Coorow Annual Report for the Financial Year ended 30th June 2010.*
2. *That Council holds its Annual Electors Meeting in the Shire of Coorow Leeman Administration Centre on Wednesday 20th October 2010 at 7.30pm.*
3. *That Council endorse the actions of the Chief Executive Officer, in submitting the Shire of Coorow Annual Report to the Executive Director of the Department of Local Government within 30 days of his receipt of the auditor's report, as required by Local Government (Financial Management) Regulation 51(2).*

CARRIED 8/0
Simple Majority

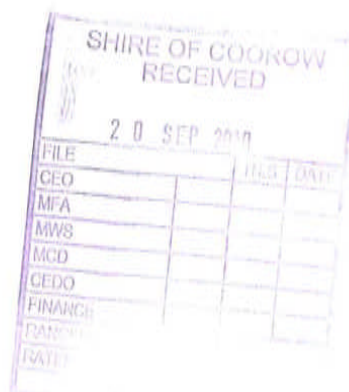
Note; The Shire President Cr Moira Girando JP congratulated Mr Stuart Billingham on the Audit Report and the 2009/10 Financial Statements.



16 September 2010

Mr M Hook
Chief Executive Officer
Shire of Coorow
PO Box 42
COOROW WA 6515

Dear Mark



**AUDIT OF SHIRE OF COOROW
FOR THE YEAR ENDED 30 JUNE 2010**

We advise that we have completed the audit of your Shire for the year ended 30th June 2010 and enclose our Audit Report and a copy of the Management Report.

A copy of the Audit Report and Management Report has also been sent directly to the President as is required by the Act.

We would like to take this opportunity to thank you and your staff for the assistance provided during the audit.

Please contact us if you have any queries.

Yours sincerely

GREG GODWIN
PARTNER

2010 Audit AO03/01 2010 CEO Letter

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**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF COOROW**

Report on the Financial Report

We have audited the accompanying financial report of the Shire of Coorow, which comprises the statement of financial position as at 30 June 2010 and the statement of comprehensive income by nature or type, statement of comprehensive income by program, statement of changes in equity, statement of cash flow, rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

Council's Responsibility for the Financial Report

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of the Shire of Coorow is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a giving a true and fair view of the Shire's financial position as at 30 June 2010 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

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**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF COOROW (continued)**

Other Matters

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS


GREG GODWIN
PARTNER

Date: 16 September 2010
Perth, WA
2010 Audit AG03/03

16 September 2010

The Shire President
Shire of Coorow
PO Box 42
COOROW WA 6515

Dear Cr Girando

MANAGEMENT REPORT FOR THE YEAR ENDED 30TH JUNE 2010

We advise that we have completed our audit procedures for the year ended 30th June 2010 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures, or all audit matters of interest to Council, which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions, which, we hope, will be useful to you.

Revaluation of roads

We note the road infrastructure was last revalued in 2005 and is being carried at this value with subsequent additions being carried at cost.

Under your current policy roads are required to be revalued with sufficient regularity to ensure the carrying amount of each road asset is fairly stated at reporting date. We consider sufficient regularity to mean once every 3 to 5 years.

Whilst we are of the opinion the carrying amount of each road asset is fairly stated at 30 June 2010 we recommend a revaluation of all roads be conducted prior to 30 June 2011.

We noted no other matters we wish to draw to Council's attention.

Corrected Misstatement

We advise we have informed Shire management of two misstatements above \$3,000 which were corrected during the course of our audit and are reflected in the financial report. These corrected misstatements are attached at Appendix 1 to this letter.

Uncorrected Misstatement

We advise we have informed Shire management there were no uncorrected misstatements above \$3,000 noted by us during the course of our audit.

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We take this opportunity to thank the Chief Executive Officer and all staff for the assistance provided during the audit.
Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully



GREG GODWIN
PARTNER

2010 Audit AO03/04

I N T E L L I G E N T C H O I C E • I N T E L L I G E N T S O L U T I O N S

SHIRE OF COOROW
APPENDIX 1
FORMING PART OF THE MANAGEMENT REPORT
FOR THE YEAR ENDED 30 JUNE 2010

Corrected Misstatements

	Dr (\$)	Cr (\$)
Provision for Annual Leave Employee Costs	7,022	7,022
Correction of Provision as per Audited Schedule.		
Rates Outstanding Retained Earning	15,354	15,354
Recognition of PY Excess Rates as per Accounting Standard.		
	22,376	22,376

10.4.4 SHIRE OF COOROW – PLAN FOR THE FUTURE OF THE DISTRICT 2010-2015

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 September 2010
ATTACHMENT	10.4.4 Draft Plan for the future 2010-2015 Under separate cover
FILE	ADM0231

SUMMARY:

To present Council with the Draft Shire of Coorow Plan for the Future 2010-2015 (See draft 'Plan for the Future 2010-2015' submitted as a separate attachment) for consideration for advertising for public comment.

BACKGROUND:

Section 5.56 of the Local Government Act 1995 states:

1. A Local Government is to plan for the future of the district.
2. A local Government is to ensure that plans made under subsection (1) are in accordance with and regulation made about planning for the future of the district.

The Local Government (Administration) Regulations 1996 Reg 19C states:

19C. Planning for the future — s. 5.56

- (1) In this regulation and regulation 19D —
plan for the future means a plan made under section 5.56.
- (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
- (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
- (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- (5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.
*Absolute majority required.
- (6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.
- (7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
- (8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

- (9) *A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*

19D. Notice of plan to be given

- (1) *After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).*
- (2) *The local public notice is to contain —*
- (a) *notification that —*
- (i) *a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
- (ii) *details of where and when the plan may be inspected;*
- or*
- (b) *where a plan for the future of the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and*
- (ii) *details of where and when the modified plan may be inspected.*

The Plan for the Future is a primary source document for the initial preparation of the Annual Budget

Section 6.2 of the Local Government Act 1995 states:

6.2. Local government to prepare annual budget

.....In the preparation of the annual budget the local government is to `have regard to the contents of the plan for the future of the district made in accordance with section 5.56.....

COMMENT:

The Draft Plan for the Future as amended by the Executive Meeting is presented to Council for consideration of approval for advertising for public comment.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Local Government (Administration) Regulations 1996,

STRATEGIC IMPLICATIONS:

Medium to Long Term Financial Planning

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Future Draft Budget program indicator.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council approves the Shire of Coorow Draft Plan for the Future 2010-2015 for advertising by local public notice as presented.

RESOLUTION:

2010/189

Moved: Cr Girando

Seconded: Cr Waite

That the Officers Recommendation as shown in the Agenda not be adopted and that this item be deferred to: the next ordinary meeting of Council to allow for some clarification on issues relating to this item.

CARRIED 8/0
Simple Majority

10.4.5 AMMENDMENT OF SCHEDULE FEES AND CHARGES 2010/11

AUTHOR	Stuart Billingham
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 September 2010
ATTACHMENT	
FILE	ADM0426

SUMMARY:

To request, Councils approval of a schedule of Fees error from Budget Adoption.

BACKGROUND:

Council on the 28 July 2010 at item 10.4.3 2010/2011 Annual Budget Adoption Recommendation 7 was amended to read as follows:

“Commercial/Industrial Rubbish Removal

- \$200.00 Commercial/Industrial Rubbish (First Service 240Litre MGB)
- \$1,470.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin)
- \$2,300.00 Commercial/Industrial Rubbish (First Service 3m3 Bulk Bin)

The Agenda incorrectly listed the rubbish charges as

- \$200.00 Commercial/Industrial Rubbish (First Service 240Litre MGB)
- \$1,470.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin)
- \$2,150.00 Commercial/Industrial Rubbish (First Service 3m3 Bulk Bin)

The Agenda should have listed the following:

- \$200.00 Commercial/Industrial Rubbish (First Service 240Litre MGB)
- \$2,300.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin)
- \$2,300.00 Commercial/Industrial Rubbish (First Service 3m3 Bulk Bin)

The *Local Government Act 1995* section 6.19 permits a Local Government may amend or to impose a fee or charge after the budget adoption by giving local public notice of the intention to do so and the date from which the fee or charge will be imposed.

COMMENT:

The Shire of Coorow has raised the Commercial Rubbish Charges for 2010/11 as listed below:

- \$200.00 Commercial/Industrial Rubbish (First Service 240Litre MGB)
- \$2,300.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin)
- \$2,300.00 Commercial/Industrial Rubbish (First Service 3m3 Bulk Bin)

It is noted that no 1.5m3 services were charged out for the 2010/11 year.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 6.16 (3) (b) LG Act 1995

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Rubbish Collection Charges

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council resolves to amend the 2010/11 Schedule of Fees and Charges to reflect the following change:

- \$2,300.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin) and;
- Council advertises by Local public notice its intention to amend the fee and that the amended fee will apply from 20th October 2010.

RESOLUTION:

2010/190

Moved: Cr McTaggart

Seconded: Cr Williams

That Council resolves to amend the 2010/11 Schedule of Fees and Charges to reflect the following change:

- *\$2,300.00 Commercial/Industrial Rubbish (First Service 1.5m3 Bulk Bin) and;*
- *Council advertises by Local public notice its intention to amend the fee and that the amended fee will apply from 20th October 2010.*

CARRIED 8/0
Absolute Majority

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

Nil

12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:

13. MATTERS BEHIND CLOSED DOORS:

RESOLUTION:

2010/191

Moved: Cr George

Seconded: Cr Jack

That council go behind closed doors to discuss the following salary reviews as Council feels they are of a sensitive nature.

13.1 Manager Regulatory Services Remuneration Review

13.2 Deputy Chief Executive Officer Contract Review

13.3 Chief Executive Officer Performance Review

13.4 Principal Works Supervisor

***CARRIED 8/0
Simple Majority***

Mr Dave Hadden, Mr Kelvin Bean, Mr Stuart Billingham and Mrs Brenda Johnson
Left the meeting at the request of Council at 6.06pm

13.1 MANAGER REGULATORY SERVICES REMUNERATION REVIEW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 Sep 2010
FILE	Personal File

SUMMARY:

Council is required to review the salary package of the Manager Regulatory Services on an Annual basis.

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. Increase the Manager Regulatory Services base salary from \$80,000 per annum to \$83,200 per annum from the first pay period on or after the first (1) July 2010; and
2. Increase the Manager Regulatory Services salary package from \$130,537 per annum to \$134,311 per annum from the first pay period on or after the first (1) July 2010.

RESOLUTION:

2010/192

Moved: Cr Jack

Seconded: Cr McTaggart

That Council;

1. *Increase the Manager Regulatory Services base salary from \$80,000 per annum to \$83,200 per annum from the first pay period on or after the first (1) July 2010; and*
2. *Increase the Manager Regulatory Services salary package from \$130,537 per annum to \$134,311 per annum from the first pay period on or after the first (1) July 2010.*
3. *That the Chief Executive Officer present all future performance reviews to the May Ordinary meeting of Council.*

***CARRIED 8/0
Simple Majority***

13.2 DEPUTY CHIEF EXECUTIVE OFFICER CONTRACT REVIEW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 September 2010
FILE	Personal File

SUMMARY:

Council is required to review the salary package of the Deputy Chief Executive Officer on an Annual basis.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Increase the Deputy Chief Executive Officer base salary from \$80,000 per annum to \$83,200 per annum from the first pay period on or after the first(1) September 2010; and
2. Increase the Deputy Chief Executive Officer Salary package from \$133,660 per annum to \$137,559 per annum from the first pay period on or after the first (1) September 2010

RESOLUTION:

2010/193

Moved: Cr Jack

Seconded: Cr McDonald

That Council:

1. *Increase the Deputy Chief Executive Officer base salary from \$80,000 per annum to \$83,200 per annum from the first pay period on or after the first(1) September 2010; and*
2. *Increase the Deputy Chief Executive Officer Salary package from \$133,660 per annum to \$137,559 per annum from the first pay period on or after the first (1) September 2010 1.*
3. *That the Chief Executive Officer present all future performance reviews to the May Ordinary meeting of Council.*

***CARRIED 8/0
Simple Majority***

13.3 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	The CEO is the person who wrote the report and is the officer receiving the increase
DATE OF REPORT	30 September 2010
ATTACHMENT	
FILE	Personnel File

SUMMARY:

Council is required to review the salary package of the Chief Executive Officer on an Annual basis.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Increase the Chief Executive Officer's base salary from \$108,000 per annum to \$112,320 effective from first pay period on or after the first (1) July 2010; and
2. Increase the Chief Executive Officer's salary package from \$180,164 per annum to \$185,260 per annum effective from first pay period on or after the first(1) July 2010

RESOLUTION:

2010/194

Moved: Cr George

Seconded: Cr Waite

That Council:

1. *Increase the Chief Executive Officer's base salary from \$108,000 per annum to \$112,320 effective from first pay period on or after the first (1) July 2010; and*
2. *Increase the Chief Executive Officer's salary package from \$180,164 per annum to \$185,260 per annum effective from first pay period on or after the first(1) July 2010*
3. *That the Chief Executive Officer present all future performance reviews to the May Ordinary meeting of Council.*

***CARRIED 8/0
Simple Majority***

13.4 PRINCIPAL WORKS SUPERVISOR PERFORMANCE REVIEW

AUTHOR	Mark Hook
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	30 Sep 2010
FILE	Personal File

SUMMARY:

Council is required to review the salary package of the Principle Works Supervisor on an Annual basis.

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council:

1. Increase the Principle Works Supervisors base salary from \$65,000 per annum to \$67,600 per annum from the first pay period on or after the first(1) July 2010; and
2. Increase the Principle Works Supervisors salary package from \$108,429 per annum to \$111,496 per annum from the first pay period on or after the first (1) July 2010.

RESOLUTION:

2010/195

Moved: Cr George

Seconded: Cr McDonald

That Council:

- 1. Increase the Principle Works Supervisors base salary from \$65,000 per annum to \$67,600 per annum from the first pay period on or after the first(1) July 2010; and*
- 2. Increase the Principle Works Supervisors salary package from \$108,429 per annum to \$111,496 per annum from the first pay period on or after the first (1) July 2010.*
- 3. That the Chief Executive Officer present all future performance reviews to the May Ordinary meeting of Council with a training matrix for the Principle Works Supervisor.*

***CARRIED 8/0
Simple Majority***

RESOLUTION:

2010/196

Moved: Cr Waite

Seconded: Cr Williams

That Council come from behind closed doors at 6.34pm

*Carried 8/0
Simple Majority*

Mr Dave Hadden, Mr Kelvin Bean, Mr Stuart Billingham and Mrs Brenda Johnson returned to the meeting at the request of Council at 6.35pm.

14. DATE OF NEXT MEETING:

14.1 ORDINARY MEETING OF COUNCIL

Wednesday 17 November 2010 at the Coorow District Hall, Coorow from 3pm

15. CLOSURE:

There being no further business the President, Cr Moira Girando closed the Meeting at 6.35pm.