

# Agenda

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

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

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

**4. PUBLIC QUESTION TIME:**

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

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

|            |   |
|------------|---|
| <b>6.1</b> | <b>PETITION – AMALGAMATION OF THE SHIRES OF COOROW AND CARNAMAH</b> |
|------------|---|

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 26 November 2009 |
| <b>ATTACHMENT:</b>            | 6.2c Petition    |

**SUMMARY:**

**Council has received the following petition:**

**To resolve to formally amalgamate the Shires of Coorow and Carnamah in their entirety and to forward the resolution to the Hon. Minister for Local Government.**

**BACKGROUND:**

Since the Minister for Local Government announcement on Structural Reform in February 2009, Council has held many discussions and community forums along with a survey to all residents and ratepayers relating to the Structural Reform of the Shire of Coorow.

Council at a Special Meeting of Council held on 12 October 2009 resolved the following:

**RESOLUTION:** 2009-166  
Moved: Cr George                      Seconded: Cr Rackemann  
That Council:

1. adopt the Circle Solutions Consulting Reform Submission Opportunities and Options;
2. with the Shire of Carnamah jointly approach the Shires of Moora, Dandaragan and Irwin to establish a Memorandum of Understanding relating to the merger to form one shire; and
3. forward the report including this motion to the Minister for Local Government.

CARRIED 5/2

Cr Waite requested all votes be recorded

For: Cr Girando, Cr Williams, Cr George, Cr McTaggart, Cr Rackemann

Against: Cr Waite, Cr Bothe

**COMMENT:**

The Chief Executive Officer has acted upon all the items in Resolution 2009-166 and has been liaising with the CEO of the Shire of Moora to organise a workshop of the five Councils for December 2009. The CEO has been formally advised by the CEO of the Shire of Moora that a number of Councils have advised that they do not wish to participate in the workshop until the Minister for Local Government has made his announcements regarding Structural Reform.

The CEO has also been advised by the Shire of Carnamah that they do not wish to participate in any discussions including the Shires of Moora or Dandaragan.

Council is now in receipt of a Petition signed by 68 residents and ratepayers of the Shire of Coorow to progress the formal amalgamation of the Shires of Coorow and Carnamah in their entirety. A copy of this petition is included at Attachment 6.1 for Councillors Information.

Under Council's Standing Orders Local Law 2.4 Petitions, a petition, in order to be effective, is to -

- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is -

- (i) a proposal to change the method of filling the office of President;
- (ii) a proposal to create a new district or the boundaries of the Local Government;
- (iii) a request for a poll on a recommended amalgamation;
- (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

The petition does comply with Council's Standing Orders Local Law and is therefore presented to Council.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Shire of Coorow Standing Orders Local Law

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

The issue of Structural Reform will have major impacts on Council's Strategic Plans; however this will be unknown until the Minister for Local Government releases how local governments will be structurally reformed in Western Australia.

**POLICY IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council accept the petition presented included at Attachment 6.1.

|   |
|---|
| <b>6.2 PROPOSED EXHIBITION CENTRE, GREEN HEAD</b> |
|---|

Mrs Irene Powell of Dongara will be making a presentation to Council regarding Item 10.2.3 Proposed Exhibition Centre and Caretakers Dwelling – Ocean View Drive Green Head.

## **7. CONFIRMATION OF MINUTES:**

|     |  |
|-----|--|
| 7.1 | ORDINARY MEETING HELD WEDNESDAY 18 NOVEMBER 2009 AT THE COOROW DISTRICT HALL |
|-----|--|

|                        |                 |
|------------------------|-----------------|
| AUTHOR                 | Mark Hook       |
| DISCLOSURE OF INTEREST | Nil             |
| DATE OF REPORT         | 1 December 2009 |

### **COMMENT:**

Nil

### **OFFICER RECOMMENDATION:**

That the Minutes of the Ordinary Meeting held on Wednesday 18 November 2009 at the Coorow District Hall, Coorow be confirmed as a true and correct record.

## **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:

## **10. REPORTS:**

### **10.1 CHIEF EXECUTIVE OFFICER:**

#### **10.1.1 FEES AND CHARGES FOR COUNCIL AGENDAS AND MINUTES**

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 12 November 2009 |
| <b>FILE</b>                   |                  |

#### **SUMMARY:**

**Council is being requested to waive the fees and charges associated with Agendas and Minutes for community members wishing to attend the whole of Council meetings.**

#### **BACKGROUND:**

Council sets a Schedule of Fees and Charges each year with the annual budget. Council has set an amount of \$10 each for Agendas and Minutes however provides each community association and each library within the shire a complimentary copy.

#### **COMMENT:**

The Chief Executive Officer has been approached by Councillor Waite to waive the fees and charges for agendas and minutes for community members who take an interest in Council meetings and attend the meetings in their entirety. It has also been proposed that community members be provided with a free copy of any specific item pertaining to them if they are not staying for the whole meeting. By waiving the fees and charges, Council would not be deterring those electors who take enough of an interest in Council business to sit through meetings, this should always be encouraged.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Shire of Coorow 2009/10 Budget – Schedule of Fees and Charges

#### **STRATEGIC IMPLICATIONS:**

Shire of Coorow Strategic Plan

##### **GOAL 1 – LEADERSHIP**

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

#### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council will forgo minimal income if the fees and charges for agendas and minutes are waived.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. waive the fees and charges for agendas and minutes for community members taking interest in Council meetings to attend the whole meeting; and
2. provide only the specific item to community members attending Council meetings for one item.



## 10.1.2 SBS RADIO RETRANSMISSION FACILITY

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 20 November 2009 |
| <b>ATTACHMENT</b>             |                  |
| <b>FILE</b>                   | T3               |

### **SUMMARY:**

**Council is being requested to submit an expression of interest for an SBS radio retransmission facility.**

### **BACKGROUND:**

Council has received a letter from SBS requesting communities to submit an expression of interest to set up an SBS radio retransmission facility. SBS are offering to provide up to 100% of the establishment cost.

### **COMMENT:**

The SBS Self Help Retransmission Subsidy Scheme can now provide up to 100% funding assistance for the establishment of an SBS Radio service up to a ceiling of \$25,000. Where a Self Help transmitter provides a good coverage for at least two communities, the funding can be raised up to \$50,000.

Effective from the 1st of January 2007, applicants for radio subsidy are required to obtain two competitive quotes.

The operation of any service such as this does require a broadcasting licence from ACMA, and in some cases ACMA may not be able to find an available channel for the area.

In such circumstances, the service can not commence and no subsidy will be provided. The SBS Self Help Retransmission is a scheme that offers a way for communities to obtain SBS radio more quickly than might otherwise be provided through full Federal Government funding.

The SBS Self Help Retransmission Subsidy Scheme is administered entirely by SBS, and can include financial assistance with the purchase of such items as transmitters, aerials, satellite antennas (dishes) and receivers, huts, towers, cabling, spare parts, mains power connection fees and installation costs.

The subsidy is not available for recurrent costs including the cost of Australian Communications and Media Authority licences, site sharing fees, servicing, maintenance or operating costs, electricity consumption, costs or salaries of people involved in maintaining a Self-Help service and changes to technology.

The Self-help retransmission subsidy scheme guidelines are as follows:

### **WHO CAN APPLY FOR A SUBSIDY?**

In general any organisation can apply for and enter into a Self-Help subsidy agreement with SBS. In many cases it is expected that applicants will be local Councils or incorporated organisations that operate at the town or district level in the community and are seeking to establish an SBS Self-Help service. Incorporated organisations, community groups or local governments may apply for the subsidy. Organisations operating primarily for profit-making purposes will generally not be eligible to apply for a subsidy, but their involvement is encouraged. Where alternative sources of Government Funding are being sought (for example the WA Government funding under the “Community Access Projects” of the Information and Communications Services Development Scheme) the total of all subsidies paid must not exceed funds expended.

Start Date of the Scheme - Self Help services that had not commenced transmission prior to 1st January 2000 are eligible to apply.

### **HOW TO APPLY FOR A SUBSIDY**

Organisations interested in establishing an SBS Self-Help retransmission service and seeking a subsidy can contact SBS in writing or by phone at the address given above. Organisations contacting SBS will be sent an application form together with these guidelines. The application form needs to be completed by the applicant and returned to SBS for processing. In the event that a group is applying for SBS services at more than one transmitter site or where both Radio and TV services are proposed for a single site a separate application is required for each service at each site. The application requires the provision of a range of information about the proposed Self-Help service including:

- the name of the organisation or community group proposing the service together with the name and contact details of the primary contact and the person or organisation (if any) providing the technical advice or assistance
- an outline of the proposed Self-Help service including brief details of the community to be served and the expected coverage of the service
- the site to be used for transmission of the service
- a summary of the equipment to be purchased and its estimated cost, including GST
- the service establishment timetable
- the funding arrangements for establishment of the service

An outline of the proposed means of meeting the ongoing operating costs of the service for the first five years.

There is a requirement that applications be bona fide and that they include sufficient information for SBS to assess the viability of the proposal. SBS also requires that the cost estimates in the application are based on indicative or firm quotations from identified sources.

Additionally, all broadcast Radio or TV transmitters operating in Australia are required by law to be licensed in accordance with the *Radio communications Act 1992*. Apparatus licences for retransmission of a broadcasting service are issued by the Australian Communications and Media Authority (ACMA). A copy of the licence or the completed application form as submitted to the ACMA should be attached to the SBS Self-Help Retransmission Subsidy Scheme application. All applications for the SBS Self-Help Retransmission Subsidy Scheme that are received by SBS will be registered and acknowledged. Clarification of the application may then be sought by SBS either verbally or in writing. SBS may request copies of quotes and / or invoices during this process. It is expected that some communities may submit applications that can only provide indicative information. In most cases it is expected that incomplete applications will be accepted by SBS provided the application is bona fide and contains certain essential information. In accepting incomplete applications SBS recognises that these may be modified, amended or supplemented by the applicant as the proposal is fully developed over time and the details finalised. If an application is successful, a Letter of Deed will be sent to the applicant advising of the approval of the application and the terms and conditions that apply. The subsidy for the SBS Self-Help service will be in place once SBS receives an appropriately signed copy of the Letter of Deed. Note that the Letter of Deed will specify, amongst other matters, the amount of the subsidy and a time limit for establishment of the Self-Help service. If the agreed SBS service has not been provided within the specified time limit the Letter of Deed and the subsidy will lapse.

## **SELECTION CRITERIA**

Should the subsidy needs of all successful applications in one year exceed the available funds, or should SBS have an expectation that this may eventuate; SBS will apply the selection criteria given below. These are not necessarily in priority order or of equal weight or importance.

- The likelihood of an applicant proceeding with the Self-Help service within the time period proposed.
- The extent to which the application is based upon a fully costed and defined proposal and the community is ready to proceed with provision of the Self-Help service.
- The remoteness of the applicant community, or any special disadvantages the community has regarding the range of communication services available.
- The cost per head of population to be served in establishing the service.
- Whether the applicant has sought or obtained an apparatus licence for retransmission of SBS radio and/or television programs from the ACMA.
- Whether the applicant has applied for, or obtained alternative government funding.

## **WHAT HAPPENS AFTER APPROVAL**

Once approval has been granted, provision of the Self-Help service can proceed without further contact with SBS until the service is established and commissioned. Upon completion of the Self-Help facility, SBS will need to be provided with an Establishment Cost Statement incorporating details of actual expenditure in accordance with the Letter of Deed.

The Establishment Cost Statement will need to be accompanied by certification that all subsidy funds sought are in respect of expenditure for the purpose of establishment of the Self-Help service and in accordance with the application and the Letter of Deed. The Establishment Cost Statement should include supporting documentation (eg, receipts, invoices, copy of consultant's contract etc) that shows funds were expended in accordance with the approved SBS Self-Help Retransmission Subsidy Scheme application. The Expenditure Cost Statement must be signed by the same person who signed the Letter of Deed or by a person holding or acting in the same position as the person who signed the Letter of Deed.

Provided the Expenditure Cost Statement is in order, SBS will then pay (75% for Television and 100% for Radio) of the amount shown on that Statement provided it does not exceed 10% greater than the amount of the subsidy included in the Letter of Deed.

## **STATUTORY ENVIRONMENT:**

Nil.

## **STRATEGIC IMPLICATIONS:**

Will help ensure the community has access to quality facilities and services to allow a safe and vibrant lifestyle.

### **GOAL 2 – SERVICES**

- Address community aspirations by identifying services and responsibly setting priorities.
- Seek partnerships to equitably share the responsibility for provision.
- Provide access for all to facilities.

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

Nil.

## **PUBLIC CONSULTATION:**

None undertaken.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council submit an Expression of Interest for an SBS retransmission facility at Coorow and Leeman.

### 10.1.3 LEEMAN VOLUNTEER SEA SEARCH AND RESCUE DONATION

|                        |                  |
|------------------------|------------------|
| AUTHOR                 | Mark Hook        |
| DISCLOSURE OF INTEREST | Nil              |
| DATE OF REPORT         | 27 November 2009 |
| FILE                   | V3               |

#### SUMMARY:

**Council is being requested to donate the cost of drawing up the lease of the Volunteer Sea Search and Rescue building at Lot 308 Thomas Street, Leeman for the Leeman Volunteer Sea Search and Rescue.**

#### BACKGROUND:

The Leeman Volunteer Sea Search and Rescue (LVSSR) requested a lease to be drawn up for the LVSSR building at Lot 308 Thomas Street Leeman.

The Leeman Volunteer Sea Search and Rescue Group required the lease to allow for a grant application for the renovation of the building in Leeman.

Council passed the following resolution at the June 2008 Ordinary Meeting:

**RESOLUTION:** 2008-088

Moved: Cr Rackemann Seconded: Cr Waite

That Council:

1. agree to cancel the current lease on the Leeman Volunteer Sea Search and Rescue Group Building at Lot 308 Thomas Street, Leeman; and
2. issue a new lease for the Leeman Volunteer Sea Search and Rescue Group Building at Lot 308 Thomas Street, Leeman expiring on 1 August 2032.

CARRIED 8/0

The cost of drawing up the lease (which in the lease agreement was to be paid by the Leeman Volunteer Sea Search and Rescue Group) was \$1,239.65 the lease was drawn up by Civic Legal.

Council did not receive the accounts for the lease until October 2009. Council then in turn raised the amount against the Leeman Volunteer Sea Search and Rescue Group.

#### COMMENT:

The Chief Executive Officer has held discussions with Anthony Qua of Civic Legal on the cost of the Lease Agreement for a volunteer group and they are willing to contribute \$600 as a donation to the Leeman Volunteer Sea Search and Rescue Group.

The Leeman Volunteer Sea Search and Rescue Group are aware that they were responsible for the costs of preparing the new lease but require assistance to pay for the lease as they have been awarded a grant for the renovations of the building and require the money for this project. Invoice 5653 has been raised to the LVSSR for the cost of \$1239.65 for the preparation of the lease agreement.

**STATUTORY ENVIRONMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council is requested to donate the balance of Invoice 5653 for the lease preparation of \$639.65 (GST Inc) from COA 0212 Donations and Grants. Council allocated \$8,200 to Donations in the 2009/10 Budget with \$1,500 being for unallocated donations. To date Council has \$1,220 left in the unallocated donations.

**PUBLIC CONSULTATION:**

Nil.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council donates \$639.65 to the Leeman Volunteer Sea Search and Rescue to assist with the costs of drawing up a lease for the Leeman Volunteer Sea Search and Rescue building at Lot 308 Thomas Street, Leeman.

|               |  |
|---------------|--|
| <b>10.1.4</b> | <b>POLICY UPDATE – 8.4.1 CROSSOVER AND ENTRANCES AND 8.4.2 STANDARDS OF CONSTRUCTION FOR RIGHT OF WAYS</b> |
|---------------|--|

|                               |  |
|-------------------------------|--|
| <b>AUTHOR</b>                 | Mark Hook  |
| <b>DISCLOSURE OF INTEREST</b> | Nil  |
| <b>DATE OF REPORT</b>         | 04 November 2009   |
| <b>ATTACHMENT</b>             | 10.1.4a Original Policy 8.4.1 – Crossovers and Entrances<br>10.1.4b Reviewed Policy 8.4.1 – Crossover and Entrances<br>10.1.4c Original Policy 8.4.2 – Standards of Construction for Right Of Ways and Common Property Access Ways in Strata Schemes<br>10.1.4d Reviewed Policy 8.4.2 - Standards of Construction for Right of Ways and Common Property Access Ways in Strata Schemes<br>10.1.4e Crossover specification maps (under separate cover) |
| <b>FILE</b>                   | Policy Manual  |

**SUMMARY:**

**Council is to consider the adoption of the reviewed Policies 8.4.1 Crossover and Entrances and 8.4.2 Standards of Construction for Right of Ways and Common Property Access Ways in Strata Schemes.**

**BACKGROUND:**

The Shire of Coorow Policy manual has been recently reviewed by staff and several areas of the manual were changed.

The Policies that required major changes were not part of the annual policy review but are now brought to Council for discussion and adoption.

Council was presented this matter at the November 2009 Ordinary Meeting of Council and resolved the following:

**RESOLUTION:** 2009-195  
Moved: Cr Waite      Seconded: Cr George  
That this matter lay on the table until the December 2009 Ordinary Meeting for staff to investigate these policies further.

CARRIED 8/0

**COMMENT:**

In consultation with the Principal Works Supervisor and the Manager Regulatory Services the attached Policy for Footpaths and Crossovers is brought to Council for adoption to replace the outdated policy in the Policy Manual. The old policy was outdated and did not cover the changes in design and costs for footpaths and crossovers in 2009.



**STATUTORY ENVIRONMENT:**

Shire of Coorow Policy Manual  
Councillors Manual  
*Local Government Act 1995*

**STRATEGIC IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

As above.

**FINANCIAL IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council adopt Policy 8.4.1 Crossover and Entrances, Policy 8.4.2 Standards of Construction for Right of Ways and Common Property Access Ways in Strata Schemes and Crossover Maps as included at Attachment 10.1.4b, 10.1.4d and 10.1.4e respectively.

**POLICY – TRANSPORT ENGINEERING**

|                        |   |
|------------------------|---|
| Sub Section:           | Footpaths/Crossovers  |
| Policy Number:         | 8.4.1   |
| Policy Subject:        | Definition of a Standard Crossover  |
| Policy Statement:      | <p>Council define a Standard Crossover for the purpose regulation 15 of the Local Government (Uniform Local Provisions) Regulation to be 2.7m in width and constructed of 150mm deep compact crushed limestone or laterite (gravel)</p> <p>The Standard Crossover as nominated is to be used to determine Council's contribution to the construction of crossovers within towns located within the Shire</p>  |
| Objectives:            |   |
| Guidelines:            | <p>A subsidy is not payable:</p> <ul style="list-style-type: none"><li>• for parts of crossovers in excess of a standard crossover;</li><li>• on any crossover not constructed to the standards required by the Shire;</li><li>• for second or subsequent crossover's to the same property; and</li><li>• where an applicant for a crossover subsidy does not provide documentary evidence of expenditure and suitable digital photographs of the construction to help establish that the crossover has been constructed to the standard required by the Shire.</li></ul> |
| Resolution No:         |   |
| Resolution Date:       |   |
| Source:                | Manager, Community Development  |
| Date of Review:        | June Annually   |
| Review Responsibility: | Manager, Community Development  |

**POLICY - TRANSPORT/ENGINEERING**

|                   |   |
|-------------------|---|
| Sub Section:      | Footpaths/Crossovers  |
| Policy Number:    | 8.4.1   |
| Policy Subject:   | <b>Crossover and Entrances</b>  |
| Policy Statement: | <p>Council define a Standard Crossover for the purpose of regulation 15 of the Local Government (Uniform Local Provisions) Regulation to be for town site lots, the minimum standard comprises a 150mm minimum pavement depth surfaced with a 2 coat emulsion bitumen crossover over the full width of applicable verge. For gravel road crossover, the standard specification will be unsurfaced 150mm gravel and appropriate concrete pipe drainage under (minimum 300mm in diameter, if a pipe is required) in order to maintain the longitudinal 'table drain' flow. Rural farming properties are to be categorised as light industrial with regard to standard crossover widths.</p> <p>A permit from Council's Works Department is required before the construction of a crossover from a property boundary to a constructed road.</p> <p>Authorised crossovers to sealed town site roads may be constructed of bitumen, concrete or paving bricks to Council's standard plan and specifications. Crossovers to gravel roads can be gravel.</p> <p>Works are to be carried out by approved contractors or by Council resources with all costs including any necessary drainage, clearing and service relocation or conducting, being borne by the applicant.</p> <p>Each lot or property location is entitled to one crossover subsidy, which is up to \$500 or 50 % of the total project cost, whichever is the lesser.</p> <p>Crossovers to a greater width and material standard than the minimum (but below a specified maximum width) will be approved but the value of the subsidy will remain as for the minimum standard.</p> |
| Objectives:       | To provide clear administrative guidelines for dealing with cross over and entrances to properties and outlining Councils contribution to crossovers and entrances.   |
| Guidelines:       | For town site lots, the minimum standard comprises a 150mm minimum pavement depth surfaced with a 2 coat emulsion bitumen crossover over the full width of applicable verge. Where the existing verge is brick paved or the verge has a cast in-situ concrete footpath, then the standard minimum material and  |

subsidy will be increased to paving bricks or concrete, accordingly.

For gravel road crossover, the standard specification will be unsurfaced 150mm gravel and appropriate concrete pipe drainage under (minimum 300mm in diameter, if a pipe is required) in order to maintain the longitudinal 'table drain' flow.

Rural farming properties are to be categorised as light industrial with regard to standard crossover widths. Each rural location is also entitled to one crossover subsidy, being up to \$500 or 50 % of the total project cost whichever is the lesser.

Where crossovers are installed by approved contractors, Council's crossover subsidy is paid, on production of the invoice or receipt for payment for the works, to the landowner unless there is written authorisation from the landowner for the subsidy to be paid to another person.

Where there is disruption of an existing crossover by Council works, Council will make good all damage caused by them to the crossover.

A subsidy is not payable:

- for parts of crossovers in excess of a standard crossover;
- on any crossover not constructed to the standards required by the Shire;
- for second or subsequent crossover's to the same property; and
- where an applicant for a crossover subsidy does not provide documentary evidence of expenditure and suitable digital photographs of the construction to help establish that the crossover has been constructed to the standard required by the Shire.

Resolution No:

Resolution Date:

Source: Works

Date of Review: June Annually

Review Responsibility: Works

**POLICY - TRANSPORT/ENGINEERING**

|                   |  |
|-------------------|--|
| Sub Section:      | Footpaths/Crossovers   |
| Policy Number:    | 8.4.2  |
| Policy Subject:   | <b>Standards of Construction for Crossovers, Row's and Common Property Driveways in Strata Schemes</b>   |
| Policy Statement: | <ol style="list-style-type: none"><li>1. Crossovers approved in accordance with Regulation 12 and 14 of the Local Government (Uniform Local Provisions) Regulations are to be constructed to the standards prescribed in the tabulation below.</li><li>2. Row's created through the sub-division process or where upgrade is to be funded by the property owners receiving benefit from a ROW, the construction will comply with the requirements detailed in the attached tabulation, except that construction to the gravel standard specified will not be acceptable</li><li>3. Common Property Driveways developed as part of a Strata Scheme such driveways will be construction to the standard required in the tabulation below except that construction to a bitumen or gravel standard will not be acceptable</li></ol> |
| Objectives:       | To set suitable standards for the construction of crossovers, Row's and Common Property Driveways.   |
| Guidelines:       | <p>A crossover subsidy is not payable:</p> <ul style="list-style-type: none"><li>• for parts of crossovers in excess of a standard crossover;</li><li>• on any crossover not constructed to the standards required by the Shire;</li><li>• for second or subsequent crossover's to the same property; and</li><li>• where an applicant for a crossover subsidy does not provide documentary evidence of expenditure and suitable digital photographs of the construction to help establish that the crossover has been constructed to the standard required by the Shire.</li></ul>  |
| Resolution No:    |  |
| Resolution Date:  |  |
| Source:           | Manager, Community Development   |

Date of Review: June Annually

Review Responsibility: Manager, Community Development

**POLICY - TRANSPORT/ENGINEERING**

|                        |  |
|------------------------|--|
| Sub Section:           | Footpaths/Crossovers   |
| Policy Number:         | 8.4.2  |
| Policy Subject:        | <b>Standards of Construction for Right of Ways and Common Property Access Ways in Strata Schemes</b>   |
| Policy Statement:      | <ol style="list-style-type: none"><li>1. Right of Ways created through the sub-division process or where upgrade is to be funded by the property owners receiving benefit from a Right of Way, the construction will comply with the requirements detailed in Council's standard plan and specifications.</li><li>2. Common Property Driveways developed as part of a Strata Scheme such driveways will comply to Council's standard plan and specifications below except that construction to a bitumen or gravel standard will not be acceptable</li></ol> |
| Objectives:            | To set suitable standards for the construction of, Right of Ways and Common Property access ways.  |
| Guidelines:            |  |
| Resolution No:         |  |
| Resolution Date:       |  |
| Source:                | Principal Works Supervisor   |
| Date of Review:        | June Annually  |
| Review Responsibility: | Works Department   |

## 10.1.5 MID WEST REGIONAL COUNCIL TOURISM GROUP DONATION

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 25 November 2009 |
| <b>FILE</b>                   | W14              |

### **SUMMARY:**

**The Mid West Regional council is requesting Council to join tourism groups under a subsidiary membership of the Mid West Chamber of Commerce and Industry.**

### **BACKGROUND:**

The Mid West Regional Council (MWRC) has forwarded correspondence proposing that Council may wish to join their tourism groups under a subsidiary membership as a special interest group of the Mid West Regional Council's membership of the Mid West Chamber of Commerce and Industry (MWCCI).

The cost of the membership as advised by the MWRC is \$150 or \$22 per member Council.

### **COMMENT:**

It is my understanding that the Shire of Coorow would need to be member of the MWRC for this to apply and as the Shire of Coorow is withdrawing from the MWRC as of 30 June 2010 I can see no benefit to the Shire of Coorow registering the Wildflower Tourism Group which is the only tourism group I am aware that would fit under this proposal.

All other member Councils of the MWRC are also part of the Wildflower Tourism Group so the group should come under the other member Shires membership.

### **STATUTORY ENVIRONMENT:**

Nil

### **STRATEGIC IMPLICATIONS:**

There are no strategic implications in declining this offer.

### **POLICY IMPLICATIONS:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Councils would not have to pay the cost of \$22 to become a member of the Tourism Group through the Mid West Regional Council.



**PUBLIC CONSULTATION:**

Nil.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council decline the offer from the Mid West Regional Council to join tourism groups under a subsidiary membership as a special interest group of the Mid West Regional Council membership of the Mid West Chamber of Commerce and Industry.

### 10.1.6 PERMIT FOR USE OF 2,4-D HVE

|                        |                               |
|------------------------|-------------------------------|
| AUTHOR                 | Mark Hook                     |
| DISCLOSURE OF INTEREST | Nil                           |
| DATE OF REPORT         | 26 November 2009              |
| ATTACHMENT             | 10.1.6 APVMA Permit PER 11231 |
| FILE                   | A17 Agricultural Issues       |

#### SUMMARY:

**Council to consider permitting farmers to use highly volatile forms of the herbicide 2,4-D through the summer and autumn of 2009/10 in the Shire of Coorow.**

#### BACKGROUND:

On 3 October 2006, the Australian Pesticides and Veterinary Medicines Authority (APVMA) announced the suspension of products containing highly volatile forms of the herbicide 2,4-D (2,4-D HVEs) from November 2009 to May 2010.

The high volatile ester forms of 2,4-D have been suspended because they are likely to have unintended harmful effects on non-target vegetation (non-target crops and native vegetation) and/or aquatic organisms. The HVEs have a comparatively low vapour pressure and readily evaporate (volatilise) under typical Australian climatic conditions.

Even when applied correctly, the chemicals can evaporate several hours or days after application and enter the airstream as a vapour. This vapour can be carried in unpredictable directions and many kilometres by the wind and can settle on whatever is in its path. It is because the potential for unintended harm to non-target vegetation and aquatic organisms is so significant and cannot be mitigated that the APVMA has taken the decision to suspend registration of these products and issue new instructions for use.

There are many other herbicides registered for the same uses as the high volatile esters including several other forms of 2,4-D. However the high volatile ester forms of 2,4-D is generally cheaper than the alternatives.

Council considered this matter at the December 2006 Ordinary Meeting. Whilst Council did not resolve, the following motion was defeated:

*Cr Girando declared an Impartiality Interest in Item 10.1.2 being that she could be a potential user of these products and left the meeting at 4.33pm.*

*Cr Waite declared a Direct Financial Interest in Item 10.1.2 being that she is an agricultural farmer and left the meeting at 4.33pm.*

*Cr Stacy declared an Indirect Financial Interest in Item 10.1.2 being that he would be interested in obtaining a permit to use 2,4-D HVEs and left the meeting at 4.33pm.*

*RESOLUTION: 2006-267*

*Moved: Rackemann Seconded: George*

*That Cr Eaton be appointed as Chair for Items 10.1.2 and 10.1.3*

*CARRIED*

*OFFICER RECOMMENDATION:*

*That Council seek to have the Shire of Coorow added to a permit issued by the Australian Pesticides and Veterinary Medicines Authority that permits farmers in the Wheatbelt area of Western Australia to use of high volatile ester forms of 2,4-D until 30 April 2007.*

*MOTION:*

*Moved: McDonald Seconded: Rackemann*

*That Council seek to have the Shire of Coorow added to a permit issued by the Australian Pesticides and Veterinary Medicines Authority that permits farmers in the Wheatbelt area of Western Australia to use of high volatile ester forms of 2,4-D until 30 April 2007.*

*LOST 0/5*

*The motion was defeated due to health and environmental concerns associated with the use of the product.*

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

The CBH Ltd application was subsequently granted as APVMA Permit PER9673.

Because the APVMA decision restricting use of 2,4-D HVE was rendered after many growers had already purchased 2,4-D HVE products in anticipation of spring and summer use, and because adequate stocks of low-volatile alternatives were judged not to be adequately available in September 2006 (when 2,4-D HVE suspension occurred), the APVMA was willing to consider a permit request for use of the HVEs provided that special conditions could be met.

Council then held a Special Meeting in December 2006 to discuss this matter where the following was resolved:

RESOLUTION: 2006-286

Moved: O'Callaghan Seconded: McDonald

That Council agrees to allow to use of high volatile ester forms of 2,4-D until 30 April 2007 within the Shire of Coorow and will apply to have the Shire of Coorow added to the Permit PER9673 issued by the Australian Pesticides and Veterinary Medicines Authority with the following restrictions:

1. townsites are deemed to be a sensitive area under PER9673 and use is not permitted within 1 kilometre of the towns of Coorow, Leeman, Green Head and Marchagee; and
2. plant nurseries, aquaculture operations and wildflower crops are deemed to be a sensitive areas under PER9673 and use is not permitted within 1 kilometre of these operations.

*CARRIED 6/0*

## **COMMENT:**

Council received an email in mid November 2009 requesting that Council approve a permit to allow the use of 2,4-D HVEs for the control of summer weeds that will be particularly prevalent with recent rain. Permit 11231 is included for Councillors Information as Attachment 10.1.6.

Summer weeds reduce moisture in the soil and use nutrients such as nitrogen which are mineralised rapidly in the warm, moist conditions with summer rain. Conservation of moisture and nutrients are critical to achieving optimal crop yield and quality.

Use of 2,4-D HVEs is a common method of control and many farmers have already purchased stocks of this chemical. Local small businesses have also purchased stock of the chemical for resale. The permit will allow growers to utilise these stocks of 2,4-D HVEs during this summer rather than purchase additional chemical.

The alternative to 2,4-D HVEs for most land owners will be a low volatile ester form of 2,4-D product. This alternative product, commonly known as LV600, is slightly dearer in terms of purchase and requires a 50% higher rate of application to achieve a similar control of problem weeds.

Given the widespread nature of summer rain in recent days, gaining access to stock of low volatile ester forms of 2,4-D may be also difficult.

Council can have restrictions on the use of 2,4-D HVEs near towns, nurseries, tree farms, aquatic environments or any other location in the Shire of included in Permit PER11231.

## **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

## **STRATEGIC IMPLICATIONS:**

Should Council apply to the APVMA to join the permit to use 2,4-D HVE, this permit will only apply to 31 May 2010. Future permits appear unlikely because manufacturers will probably not gain access to cost efficient production volumes because 2,4-D HVEs are now banned in the eastern states of Australia. This is the only permit currently being sought in Australia.

Permit PER11231 states that for any for future permits compelling data would need to be submitted to the APVMA, and assessed as addressing the concerns of the review of 2,4-D, before such renewal could be considered.

## **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

There are no financial implications for Council. However local growers will require purchasing additional chemical if the Shire of Coorow is not included in Permit PER11231.

**PUBLIC CONSULTATION:**

Nil.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council agrees to allow to use of high volatile ester forms of 2,4-D until 31 May 2009 within the Shire of Coorow and will apply to have the Shire of Coorow added to the Permit PER11231 issued by the Australian Pesticides and Veterinary Medicines Authority with the following restrictions:

1. townsites are deemed to be a sensitive area under PER11231 and use is not permitted within 1 kilometre of the towns of Coorow, Leeman, Green Head and Marchagee; and
2. plant nurseries, aquaculture operations and wildflower crops are deemed to be a sensitive areas under PER11231 and use is not permitted within 1 kilometre of these operations.



## **PERMIT TO ALLOW USE OF AN AGVET CHEMICAL PRODUCT CONTRARY TO INSTRUCTIONS**

### **2,4-D High Volatile Ester (HVE) - Use During Suspension**

**PERMIT NUMBER - PER11231**

#### **BACKGROUND TO PERMIT**

Growers and land managers in the cereal growing areas of WA have sought a permit for use of the high-volatile ester (HVE) forms of 2,4-D during the 2008/09 season's summer exclusion period.

This permit has been issued to allow the generation of essential atmospheric monitoring data. The permit is conditional on the undertaking of atmospheric monitoring studies for 2,4-D HVEs in the permit use area. The Conditions of Use are detailed below.

Note that the permit will be limited to the summer/autumn season from December 2008 through to the end of May 2009.

Individual shires sent in letters of support of the previous permit (PER 10370 for the summer/autumn 2007/08 season). These have been considered as supporting the current permit, with stated shire-by-shire restrictions and cautions (related to potentially susceptible crops, native vegetation, and/or nursery industries in small areas of the relevant shires) included as conditions of the current permit (see below). Specific shire boundaries are provided for the application sites.

During the suspension period the 2,4-D HVEs can only be applied by ground-boom (no aerial application or mister application has been sought or permitted) and the allowable application rate is lower (180 - 700 mL/ha) than the maximum label rate of 1 L/ha permitted during the suspension period.

The necessary criteria for issuing the permit have been satisfied.

#### **PERMIT DETAILS**

This permit is issued under s.1 14 (1) and (3) of the Agvet Codes.

This permit lists the permitted dealings for suspended products carrying new instructions for use during the suspension period, attached to the container.

Any person dealing with the products in accordance with this permit must comply with all the requirements as specified in the Agvet Code of their state.

This permit allows any person, **only** as stipulated below and listed in **Appendix 1**, for the period specified below, in the jurisdictions of WA, to deal with 2,4-D HVE products as specified in **Directions for Use**, subject to the **Conditions of Use** being complied with.

**THIS PERMIT IS IN FORCE FROM 3 December 2008 TO 31 May 2009.**

**Permit Requester:**

**Better Farm IQ  
Australian Grains Centre  
700 Abernethy Road  
FORRESTFIELD WA 6058**

**Persons who can use the product under this permit:**

Growers or landholders in the shires listed in Appendix 1, or persons acting as their agent (e.g. spray contractors operating on the grower's or landholder's property within the shires listed in Appendix 1).

## **CONDITIONS OF USE**

### **Atmospheric Monitoring Trials**

As a condition of this permit, a monitoring trial measuring atmospheric levels of 2,4-D HVEs on a regional basis must be conducted within the permit timeframe.

The trial must be conducted in accordance with the draft protocols submitted to the APVMA on 25 January 2008, taking into account additional recommendations from the APVMA that were provided in February 2008 after evaluation of those draft protocols.

Therefore it is important that the monitoring takes place in areas where application of 2,4-D HVEs is occurring.

### **Spray Records**

Full spray records from all use under this permit must be collected by the permit requester or relevant State department for the duration of this permit.

### **Products to be used**

Only products containing 2,4-D ethyl ester active constituent (AC) with AC Approval Numbers 47189 or 59395 ([http://www.apvma.gov.au/actives/downloads/aa\\_AK\\_30oct08.pdf](http://www.apvma.gov.au/actives/downloads/aa_AK_30oct08.pdf)), or 2,4-D isobutyl ester with AC Approval Number 59931, or any other registered product containing 2,4-D High Volatile Ester [HVE] which was in the supply chain before 17 December 2008.

## Directions for Use

| Situation   | Pest                                      | Rate                      |
|---|---|---------------------------|
| PASTURES (non-legume),<br>STUBBLE AND<br>FALLOW AREAS*  | CONTROL OF WEEDS<br>AS PER PRODUCT LABEL* | 180 to 700 mL product/ha. |
| * UNLESS VARIATIONS IN THE "ADDITIONAL CONDITIONS" SECTION<br>PROHIBIT OR AMEND LABEL INSTRUCTIONS. |   |                           |

### Critical Use Comments:

**DO NOT** exceed 700 mL of product/ha.

**DO NOT** apply by air or by ground-based misters.

Apply **ONLY** by ground boom-spray (or knapsack if spot spraying).

To reduce spray drift, keep the ground-boom as low as practicable.

To reduce vaporisation potential, apply as early as possible in the morning, and avoid application in the heat of the day.

Some soils may retain their heat for many hours after sunset. Treatment of fields with such soils should be left until conditions have cooled.

See **ADDITIONAL CONDITIONS** particularly with respect to:

- (i) use (e.g. application, buffers, droplet size etc),
- (ii) neighbour notification,
- (iii) record keeping,
- (iv) monitoring *and*
- (v) shire-based restraints for individual shires (see Appendix-1).

**NOTE: IF A SHIRE RESTRICTION IS LESS RESTRICTIVE THAN ANY PERMIT CONDITION/RESTRICTION, THE PERMIT CONDITION/RESTRICTION APPLIES.**

### Withholding Period:

**DO NOT GRAZE TREATED AREAS, OR CUT FOR STOCKFEED, FOR 7 DAYS AFTER APPLICATION.**

**Jurisdiction:** WA **only** (and **only** as per the shire list provided in Appendix 1).

## ADDITIONAL CONDITIONS:

### PERMITTED DEALINGS

#### A. USE

Products containing 2,4-D HVE active constituent may be used in the locations specified in Appendix 1, in accordance with the following instructions:

1. These instructions apply only to the use of products allowed under this permit, namely products containing 2,4-D ethyl ester active constituent (AC) with AC Approval No's 47189 or 59395 ([http://www.apvma.gov.au/actives/downloads/aa\\_AK\\_30oct08.pdf](http://www.apvma.gov.au/actives/downloads/aa_AK_30oct08.pdf)), or 2,4-D isobutyl ester with AC Approval No. 59931, or any other registered product



containing 2,4-D High Volatile Ester [HVE] which was in the supply chain before the 17 December 2008.

2. These instructions are for the period of 3 December 2008 to 31 May 2009.
3. **PERSONS** who wish to prepare for use and/or use products for the purposes specified in this permit **must** read, or have read to them, the details and conditions of this permit.

**READ THESE INSTRUCTIONS** before using or otherwise handling the product.

3. When using or otherwise handling the product, follow these instructions:
  - other than as specified below, the products must be used in accordance with the instructions on the label attached to the container.
  - where the following instructions are inconsistent with the label instructions, the instructions in this notice must be followed.

#### **4. RESTRAINTS**

This is a PHENOXY HERBICIDE that can cause severe damage to native vegetation and susceptible crops such as cotton, grapes, tomatoes, oilseed crops and ornamentals.

**DO NOT** apply this product by air.

**DO NOT** apply this product

- in aquatic situations
- to rights of way
- as a harvest aid/salvage spray

**DO NOT** apply more than 560 g ae/ha (700 mL of the product per ha) (ae = active equivalent)

**DO NOT** apply if crop or weeds are stressed due to dry or excessively moist conditions.

**DO NOT** apply unless wind speed is more than 3 kilometres per hour and less than 15 kilometres per hour as measured at the application site.

**DO NOT** apply with smaller than Coarse to Very Coarse spray droplets according to the ASAE S572 definition for standard nozzles.

**DO NOT** use if rain is likely within 6 hours.

**DO NOT** apply within 10 km of grapevines or tomatoes.

**DO NOT** apply within 1 km of potentially sensitive or susceptible aquatic areas or non-target vegetation. The latter includes seedling and plant nurseries, wildflower processing crops and horticultural crops, but this is **not** an exhaustive list.

#### **B. NOTIFICATION OF NEIGHBOURS OR NEARBY GROWERS**

**BEFORE** spraying, users of this permit **MUST** assess whether there are any likely crops or industries near the application site, which may be adversely affected by 2,4-D (e.g. seedling nurseries, processed wildflower farms, grapevines, tomatoes etc). This assessment must be recorded before spraying commences. See section C (below) for record-keeping requirements.

From this assessment, users must:

- plan and execute notification of neighbours or nearby growers where the user considers it is necessary;
- record such notification; and
- design, record and implement appropriate buffers between the treated site and the potentially susceptible or sensitive sites.

At an absolute minimum, a protective no-spray zone (buffer) of 10 km is required for grapevines and tomatoes, and 1 km for any other susceptible crops or sensitive areas. It is the user's responsibility to assess his/her situation with respect to susceptible crops or sensitive areas.

The records stipulated above must be maintained for a minimum period of two years from the date of expiry of this permit, and must be made available to the APVMA, the permit holder or relevant State Department upon request.

## C. SPRAY RECORDS AND MONITORING

### *Application*

The permit holder must maintain records of the spray-applications performed under this permit. Specifically details must include:

#### **General:**

|  |  |   |
|--|--|---|
| Name and address of farm owner (or grower, if grower is not owner)       | Name and address of person who applied 2,4-D HVE   | Date of application                             |
| Whether neighbours have been notified (this is mandatory in some shires) | Map of farm with treated field or paddock outlined on map and field number or name indicated | Area of field or paddock sprayed with 2,4-D HVE |

#### **Crop/situation and Pest Details:**

Name of crop/situation \_\_\_\_\_ Major types of pests present Pest stage of growth \_\_\_\_\_

#### **Weather Conditions at A<sup>pp</sup>lication Site:**

|   |  |   |
|---|--|---|
| Conditions at time of application (showers, overcast, partly cloudy, clear sky, inversion conditions) | Temperature and humidity at time of application                | Wind speed and direction at beginning of application      |
| Wind consistency (gusty/steady breeze, direction steady/variable)                                     | Whether wind direction changed during application and to where | Whether wind speed changed during application and to what |

#### **A<sup>pp</sup>lication Details:**

|   |   |   |
|---|---|---|
| Sprayer pressure used                         | Equipment and type of nozzles used          | Speed of ground application equipment             |
| Product name or unique APVMA approval number  | Amount of 2,4-D product applied per hectare | Total volume of spray mixture applied per hectare |
| Any additives used in mixture and rate of use | Time at beginning of application            | Time at end of application                        |

A statement saying the information on this record is accurate and correct, followed by the signature of the user.

A spray application record sheet is available from the APVMA website at [http://www.apvma.gov.au/chemrev/downloads/2\\_4\\_d\\_sprayrecord.pdf](http://www.apvma.gov.au/chemrev/downloads/2_4_d_sprayrecord.pdf).

### ***Monitoring***

Any adverse experiences observed or heard of by a permit user must be reported to the APVMA and the relevant WA state department (e.g. the WA Dept. of Health or the WA Dept. of Environment and Conservation), within 3 days of the observation or the communication of information about the event.

### ***Records***

All the records stated above regarding applicators of the spray treatment and the spray applications of a 2,4-D product allowed to be used according to this permit, must be filled out within 24 hours of completing such an application.

The application details must be maintained for a minimum period of two years from the date of expiry of this permit, and must be made available to the APVMA upon request.

## **D. SPECIFIC LOCATIONS FOR USE OF THIS PERMIT See**

### **APPENDIX 1.**

#### **IMPORTANT NOTE:**

This permit may not be renewed. Compelling data would need to be submitted to the APVMA, **and** assessed as addressing the concerns of the review of 2,4-D before such renewal could be considered.

Issued by

Dr Les DAVIES  
Acting Delegated Officer

22 December 2008

[Permit Version 4 – Version 3 amended to include Active Constituents with Approval numbers 59395 (2,4-D ethyl ester) and 59931 (2,4-D isobutyl ester)].

# APPENDIX 1

## LIST OF WA SHIRES FOR 2,4-D HVE PERMIT 11231 [3/12/08 TO 31/5/09] AND LIST OF EXTRA RESTRICTIONS\*<sup>1</sup> SPECIFIED BY INDIVIDUAL SHIRES.

| <u>SHIRE of</u> | <u>Specific Shire restrictions</u>  |
|-----------------|---|
| Beverley        | As per permit restrictions: no extra shire-based restrictions   |
| Broomehill      | As per permit restrictions: no extra shire-based restrictions   |
| Brookton        | As per permit restrictions: no extra shire-based restrictions   |
| Bruce Rock      | As per permit restrictions: no extra shire-based restrictions   |
| Carnamah        | <p><b>NO</b> use of 2,4-D HVEs within 200m of the townsites of Carnamah and Eneabba, nature reserves, waterways or 1 km of wildflower crops within the shire.</p> <p><b>[NOTE:</b> The 1 km buffer of this permit may apply to all these areas, if a permit user considers them to be sensitive or susceptible areas.]</p>  |
| Chapman Valley  | <b>NO</b> use of 2,4-D HVEs within a 50 km radius of Geraldton city (as intensive agriculture, viticulture, aquaculture [etc] are developing in this area).   |
| Corrigin        | <b>NO</b> use of 2,4-D HVEs within 1 km of the townships of Corrigin and Bullaring.   |
| Cuballing       | As per permit restrictions: no extra shire-based restrictions   |
| Cunderdin       | As per permit restrictions: no extra shire-based restrictions   |
| Dalwallinu      | <p><b>NO</b> use of 2,4-D HVEs within 200 m of the townships of Dalwallinu, Buntine, Kalannie, Pithara or Wubin or within 200 m of any reserves within the Shire. Also note there is one tree-nursery in Kalannie.</p> <p><b>[NOTE:</b> The 1 km buffer of this permit may apply to these instead, if a permit user considers them to be sensitive or susceptible areas.]</p> |
| Dowerin         | As per permit restrictions: no extra shire-based restrictions   |
| Dumbleyung      | <b>NO</b> use of 2,4-D HVEs within 1 km of the townsites of Dumbleyung, Kukerin or Moulyinning.   |
| Esperance       | <b>NO</b> use of 2,4-D HVEs within 1 km of the gazetted townsites of Esperance, Cascade, Coolmalbidgup, Salmon Gums, Grass Patch, Scaddan, Gibson and Condingup, or within 200 m of nature reserves, water bodies or water corporation's water priority-protection areas.   |

**<sup>1</sup> \* : IF A SHIRE RESTRICTION IS LESS RESTRICTIVE THAN ANY PERMIT RESTRICTION (ABOVE), THE PERMIT RESTRICTION APPLIES.**

|                     |   |
|---------------------|---|
| Geraldton-Greenough | <b>NO</b> use of 2,4-D HVEs within a 50 km radius of Geraldton city (as intensive agriculture, viticulture, aquaculture etc. are developing in this area).  |
| Gnowangerup         | <b>NO</b> use of 2,4-D HVEs within 1 km of the townships of Ongerup, Gnowangerup and Borden.  |
| Goomalling          | As per permit restrictions: no extra shire-based restrictions   |
| Irwin               | <b>NO</b> use of 2,4-D HVEs within 1 km of the townships of Dongara and Port Denison, or within 1 km of any reserves, natural water bodies and intensive agriculture within the Shire. Permit-users/landowners should contact neighbours to ensure 2,4-D HVEs will not affect the operations of those neighbours. This is <b>mandatory</b> around the Irwin townsite where viticulture and horticulture may be affected.<br><br>The state 10 km buffer for grapes & tomatoes still applies, as does the permit's 1 km buffer for any other sensitive/susceptible areas. |
| Jerramungup         | As per permit restrictions: no extra shire-based restrictions   |
| Katan ning          | As per permit restrictions: no extra shire-based restrictions   |
| Kelleberrin         | <b>NO</b> use of 2,4-D HVEs within 100 m around the boundaries of any townsites within the Shire of Kelleberin.   |
| Kent                | <b>NO</b> use of 2,4-D HVEs within 200 m of the townships of Nyabing and Pingrup, or within 200 m of any reserves within the Shire. <b>[NOTE:</b> The 1 km buffer of the permit may apply to these instead, if a permit user considers them to be sensitive or susceptible areas.]  |
| Kondinin            | As per permit restrictions: no extra shire-based restrictions   |
| Koorda              | As per permit restrictions: no extra shire-based restrictions   |
| Kulin               | As per permit restrictions: no extra shire-based restrictions   |
| Lake Grace          | As per permit restrictions: no extra shire-based restrictions   |
| Merridin            | <b>NO</b> use of 2,4-D HVEs within 1 km of any nature reserves or water-bodies/water-ways within the Shire.   |
| M ingenew           | As per permit restrictions: no extra shire-based restrictions   |
| Morawa              | As per permit restrictions: no extra shire-based restrictions   |
| Mt Marshall         | Growers must carefully observe wind conditions before spraying near townships and granite rock catchment areas.   |
| Mukinbudin          | As per permit restrictions: no extra shire-based restrictions   |
| Mullewa             | As per permit restrictions: no extra shire-based restrictions   |
| Narembreen          | As per permit restrictions: no extra shire-based restrictions   |
| Narrogin            | <b>NO</b> use of 2,4-D HVEs within 1 km of the Narrogin townsite boundaries or any other sensitive areas.   |

|                 |  |
|-----------------|--|
| Northam         | <p><b>NO</b> use of 2,4-D HVEs within 10 km of grapevines, 2 km of any townships, 2 km of any sensitive crops/industries (e.g. tree farms or nurseries) or 200 m of any waterway (regardless of operator opinion as to whether such waterway is a sensitive area or not).</p> <p><b>[NOTE:</b> The state 10 km buffer for grapes and tomatoes still applies, as does the 1 km buffer for any other sensitive/susceptible areas.]</p> |
| Northampton     | <p>Permit-users/landowners should contact their neighbours to ensure the 2,4-D will not affect neighbours' operations. This is mandatory in the southern part of the shire, where grapes, horticulture and orchids may be affected. <b>[NOTE:</b> The state 10 km buffer for grapes and tomatoes still applies, as does the 1 km buffer for any other sensitive/susceptible areas.]</p>  |
| Nungarin        | As per permit restrictions: no extra shire-based restrictions  |
| Perenjori       | As per permit restrictions: no extra shire-based restrictions  |
| Pingelly        | As per permit restrictions: no extra shire-based restrictions  |
| Quairading      | <b>NO</b> use of 2,4-D HVEs within 1 km of Quairading townsite.  |
| Ravensthorpe    | Council recommends that a 1 km buffer be implemented by users, wherever there are wildflowers, waterways, state forests and sensitive crops (e.g. tree nurseries)  |
| Tammin          | There is one tree nursery in the shire. The permit buffer zones apply to this site i.e. a minimum of a 1 km buffer but potentially 10 km if grapevines or tomatoes are produced there.   |
| Three Springs   | As per permit restrictions: no extra shire-based restrictions  |
| Trayning        | Growers <b>must</b> carefully observe wind conditions before spraying near townships and granite rock catchment areas.   |
| Victoria Plains | As per permit restrictions: no extra shire-based restrictions  |
| Wagin           | <b>NO</b> use of 2,4-D HVEs within 1 km of any townsite, aquaculture operations or potable-water catchment areas.  |
| West Arthur     | As per permit restrictions: no extra shire-based restrictions  |
| Wickepin        | As per permit restrictions: no extra shire-based restrictions  |
| Wongan-Ballidu  | <p><b>NO</b> use of 2,4-D HVEs within 200 m of the townships of Wongan Hills, Ballidu, Cadoux or Burakin, or within 200 m of any reserves within the shire. Also note there is a tree-nursery in each of Wongan and Cadoux.</p> <p><b>[NOTE:</b> The 1 km buffer of this permit may apply to these instead, if a permit user considers them to be sensitive or susceptible areas]</p>  |
| Wyal katchem    | As per permit restrictions: no extra shire-based restrictions  |
| Yilgarn         | As per permit restrictions: no extra shire-based restrictions  |
| York            | As per permit restrictions: no extra shire-based restrictions  |

## 10.1.7 WEST NET RAIL – COOROW RAILWAY BUILDING

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 27 November 2009 |
| <b>FILE</b>                   | Lot File         |

### **SUMMARY:**

**Council is being requested if it wishes to accept an offer from West Net Rail to take on the old railway building in Coorow under a peppercorn lease arrangement for Community Purposes.**

### **BACKGROUND:**

Council has received a letter from West Net Rail advising the following:

*The Station Building at Coorow is presently vacant and West Net Rail is considering its options in regard to the future of the building. Can the Shire please advise if it is interested in taking on the building under a licence (peppercorn basis) for community use purposes. Please advise as soon as possible if a license is of interest to the Shire.*

### **COMMENT:**

At this moment I can see no reason why Council would take on this building but it should be advertised so that community groups could take on the peppercorn lease if they would like to use the building for meeting rooms etc.

### **STATUTORY ENVIRONMENT:**

Nil

### **STRATEGIC IMPLICATIONS:**

Nil

### **POLICY IMPLICATIONS:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Nil

### **PUBLIC CONSULTATION:**

Council should advertise this offer so that a Community Group may take up the offer of a Peppercorn Lease with West Net Rail.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council advertises the offer from West Net Rail of taking on the Old Railway Building under a licence (peppercorn basis) for community use purpose in the Local Papers.



## 10.1.8 SALE LOT 8 SPAIN STREET, COOROW

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 26 November 2009 |
| <b>FILE</b>                   | C8SPA            |

### SUMMARY:

**Council is being requested to accept the offer of \$12,000 for the sale of Lot 8 Spain Street Coorow to Antonello Oliverio.**

### BACKGROUND:

After demolition of the old Scout Hall at Lot 8 Spain Street Coorow, Council requested the Chief Executive Officer to list the vacant block known as the old scout hall block for \$15,000.

The property was listed with Elders Real Estate on 6 March 2009.

### COMMENT:

The Chief Executive has had other enquiries on this property but this is the first formal offer and acceptance received.

The block is currently vacant as the old scout hall has been removed.

The offered amount appears to be a fair amount for this block of land in Coorow.

### STATUTORY ENVIRONMENT:

Council may dispose of property in accordance with Section 3.58 “Disposing of Property” *Local Government Act 1995*.

#### 3.58. Disposing of property

- (1) In this section —

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- the highest bidder at public auction; or
  - the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned;
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
  - and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s.27.]

#### **STRATEGIC IMPLICATIONS:**

Nil.

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Proceeds of sale of Lot 8 Spain Street, Coorow to be placed in Council's Building Reserve.

## **PUBLIC CONSULTATION:**

Nil.

## **VOTING REQUIREMENT:**

Absolute Majority

## **OFFICER RECOMMENDATION:**

That Council:

1. accept the offer from Antonello Oleverio for the purchase of Lot 8 Spain Street Coorow for the offered cash price of \$12,000;
2. advise the purchaser of Councils requirement to advertise the offer and acceptance; and
3. advertise the sale of Lot 8 Spain 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 —
      - (i) describing the property concerned;
      - (ii) giving details of the proposed disposition; and
      - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
    - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
  - (4) The details of a proposed disposition that are required by subsection (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.
3. Give delegated authority to the Chief Executive Officer to accept the offer and acceptance after 14 days if no submissions have been received.
4. Place the proceeds from the sale of Lot 8 Spain Street Coorow in Council's Building Reserve.

## 10.1.9 LOCAL GOVERNMENT STRUCTURAL REFORM

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 27 November 2009 |
| <b>FILE</b>                   | L10.9            |

### **SUMMARY:**

**Council is being requested to formally progress the amalgamations of the Shire of Coorow and the Shire of Carnamah with a formal Memorandum of Understanding.**

### **BACKGROUND:**

Since the Minister for Local Government announcement on Structural Reform in February 2009, Council has held many discussions and community forums along with a survey to all residents and ratepayers relating to the Structural Reform of the Shire of Coorow.

Council at a Special Meeting of Council held on 12 October 2009 resolved the following:

- RESOLUTION:** 2009-166  
Moved: Cr George                      Seconded: Cr Rackemann  
That Council:
1. adopt the Circle Solutions Consulting Reform Submission Opportunities and Options;
  2. with the Shire of Carnamah jointly approach the Shires of Moora, Dandaragan and Irwin to establish a Memorandum of Understanding relating to the merger to form one shire; and
  3. forward the report including this motion to the Minister for Local Government.

CARRIED 5/2

Cr Waite requested all votes be recorded  
For: Cr Girando, Cr Williams, Cr George, Cr McTaggart, Cr Rackemann  
Against: Cr Waite, Cr Bothe

### **COMMENT:**

This item has been bought back to Council by the Chief Executive Officer at the request of Councillors.

The CEO has spoken with Jenni Law at the Department of Local Government in relation to the requirement of any resolution regarding the amalgamations of the Shires of Coorow and Carnamah, as to whether it needs to be by absolute majority or simple majority. Ms Law advised that if the CEO has acted on the items within previous resolutions then the new resolution needs only to be by simple majority.

As the Chief Executive Officer has acted upon all the items in Resolution 2009-166 any further resolutions regarding structural reform, needs only to be a simple majority.

The CEO has been liaising with the CEO of the Shire of Moora to organise a workshop of the five Councils for December 2009. The CEO has been formally advised by the CEO of the Shire of Moora that a number of Councils have advised that they do not wish to participate in the workshop until the Minister for Local Government has made his announcements regarding Structural Reform.

The CEO has also been advised verbally by the Shire of Carnamah that they do not wish to participate in any discussions including the Shires of Moora or Dandaragan.

Following is an extract from the Minister for Local Governments speech at the recent Local Government Managers Association meeting in November 2009 in relation to Structural Reform:

*I want to focus of the reform agenda and touch on some other matters that would be of interest to you.*

*There are some outstanding leaders and potential leaders employed within the WA local government sector and many of you are gathered here today*

*During the past 10 months these people have demonstrated that by working with elected members who also have the best long term interest of their communities in mind to embrace this opportunity for self determining the long term future for those communities.*

*I acknowledge the work many of you and your staff have done to firstly respond to the sustainability checklists and secondly prepare your local government reform submissions*

*Feedback I have received indicates the checklist was very instructive and useful as a review of processes and identifying where the gaps were.*

*You've reflected on your local government's current and future sustainability, consulted with your communities, and worked with your elected members to produce proposals for a new future for local government in this State.*

*While several local governments have determined not to embrace this opportunity for voluntary reform approximately 60 local governments have in one way or another embraced this opportunity.*

*Your local governments have provided me with their response to my invitation for self determining reform. That process ended as at the 30<sup>th</sup> September. Within the next month the Steering Committee will be providing me with an interim analysis of the submissions and recommendations based on further research.*

*During the period December 2009 through to February 2010 senior Departmental officers will be re engaging with many of your local governments to consider three approaches to reform*

*The first approach is to those local governments prepared to merge as at July 2011. The next two approaches are regional models where there will be the discipline of no opt out clauses and agreement to harmonise core services.*

*The second approach is to propose a regional transition model whereby regional groups of local governments work together to transition from several individual local governments into a single new entity by 2013*

*The intent is to harmonise core services across the participating local governments so that by 2013 most of the work will be completed ready for a seamless transition to a new entity and a new start.*

*The third approach is a regional collaborative model whereby regional groups of local governments, such as the Kimberley group, work collaboratively on a regional basis that may or may not transition to a single new entity at a point in the future.*

*The collaborative model will be encouraged where compelling reasons, such as remoteness or vast distances between settled centres, mean that closer integration is not feasible.*

*I will wait on the Steering Committee's recommendations prior to finalizing these approaches and I will be making further announcements towards the end of the year.*

*Agreed boundary changes and amalgamation proposals will be referred to the Local Government Advisory Board for consideration and recommendation.*

*I anticipate many local governments will embrace these approaches and I repeat what I have said over the past year – my efforts and that of my department will be focused on those local governments and communities that have a vision for the future and seek to embrace it.*

*For those of you that examine the federal and state agenda for micro economic reform you would be aware the local government world as we know it is rapidly changing.*

*Those leaders I referred to earlier are well aware of that and are proactively preparing for the future. Unfortunately there are some that will be left wondering what happened when this microeconomic reform sweeps through the WA sector.*

Council now has two options available to them. They are:

### **Option 1**

Is to wait for the Steering Committee to provide the Minister with an interim analysis of the submissions and recommendations and then for senior departmental officers to engage with local governments to consider the three approaches to structural reform.

### **Option 2**

That Council formally progresses an amalgamation with adjoining Councils or the Shire of Carnamah.

Option two is deemed to be the best outcome for the Shires of Coorow & Carnamah, as the amalgamated shire would remain within many of its existing State Government Service Provision boundaries; Health, Education and Policing to name a few.

The proposed amalgamation would also see the new local government remain within the Northern Country Zone of WALGA, the Mid West Regional Road Group and The Mid West Development Commission thus eliminating the need for extensive boundary revision issues.

The proposed new council would also be able to quickly and effectively work as a consolidated entity within both Coorow and Carnamah have already established good working partnerships.

One immediate benefit of this proposed amalgamation would be enabling the future growth and development of Leeman (the largest town) into the current Shire of Carnamah which lays at its northern boundary.

## **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

## **STRATEGIC IMPLICATIONS:**

During the development of Council's Strategic Plan there were contributions from the broader community as well as councillors and shire staff. A number of key challenges which will confront the Shire were clearly evident

One of these was;

- Local government reform and the potential for change to the existing structure.

### **GOAL 1 - LEADERSHIP**

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

### **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:**

Council has held two public meetings that were facilitated by Joanne Burgess of the Western Australian Local government Association and sent out a questionnaire to all residents and ratepayers in the Shire of Coorow. Council has also discussed this at various Council meetings and has a standard item in the Forum Session each month for Structural Reform.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. progresses the formal amalgamation of the Shires of Coorow and Carnamah; and
2. forms a committee of Council consisting of the President Deputy President and two other Councillors to progress the formal amalgamations of the Shire of Coorow and Carnamah.



#### 10.1.10 WHITLOCK OUTSTANDING DEBT FINES AND PENALTIES

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Mark Hook        |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 27 November 2009 |
| <b>FILE</b>                   | R3.10            |

#### **SUMMARY:**

**Council is being requested to place the debts of Mr Whitlock in the hands of Councils Debt Collectors for the fine and court costs in the amount of \$4,732.60.**

#### **BACK GROUND:**

Council commenced Prosecution proceedings for illegal occupation of a Class '10' non-habitable shed at Lot 649 Worthington Street Green Head – Mr Kim Whitlock in April 2005.

Mr Whitlock was found Guilty by Magistrate B A Lane, SM and was fined \$2,100 plus costs of \$2,632.60 for the breaches under complaint 17241-3-2004.

Mr Whitlock has never paid the fine and unfortunately the debt has not been raised in Councils debtor system. The Chief Executive Officer has written to Mr Whitlock on the 27 Nov 2008, 12 January 2009 and the 23 February 2009 requesting payment. Mr Whitlock has verbally advised that he will not be paying the debt as it has taken too long for Council staff to follow this up.

Mr Whitlock advised the Chief Executive Officer that Mr Garry Sherry had verbally advised him that Council would not be chasing up the debt. The Shire President has spoken with Mr Garry Sherry on this issue and he has advised that this is not the case and he is not aware of any agreement to write off the outstanding fine and legal fees only that there was an offer to pay the amount off in instalments.

The Chief Executive Officer has been unable to find any offer to pay the debt off in instalments.

#### **COMMENT:**

The Chief Executive Officer while researching this issue could not find where a debtor account for the fines or penalties as handed down by the Courts had been raised against Mr Whitlock.

In discussion with the Magistrates Court the Chief Executive Officer was told that as the debt had not been listed with the Magistrates Court it was Councils responsibility to chase up the fine and court costs with the defendant Mr Whitlock.

Mr Whitlock has advised the Chief Executive Officer verbally that he would not be paying the fine as Council had never chased him up for it and a number of years had gone past.

Unfortunately it appears that until the Chief Executive Officer advised Mr Whitlock of the non payment in November 2008 of the fine and court costs no debt had been raised with Mr Whitlock.

The first advice given to the Chief Executive Office was that as the debt had not been raised it may be difficult to chase up the amount. On the request of a Councillor the Chief Executive Officer again has chased this matter up.

Advice received from Austral Mercantile Councils Debt Collection Agency is that they believe the statute of limitations has not expired and that they could follow up this debt with Mr Whitlock as the Chief Executive had written to Mr Whitlock on the 27 November 2009, 12 January 2009 and the 23 February 2009 advising him of the current situation and the outstanding debt.

Austral Mercantile cost for the debt collection is 5% off the overall outstanding amount.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*  
Statute of Limitations

**STRATEGIC IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Cost of the Debt Collection is 5% of the total Debt

**PUBLIC CONSULTATION:**

Nil

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That the debt of \$4,732.60 for the fine and Court costs for the legal proceedings taken against Mr. Whitlock for the unlawful use of a shed under complaint 17241-3 of 2004 be placed in the hands of Councils debt collection agency Austral Mercantile Pty Ltd at a cost of 5% of the overall Debt.

## 10.1.11 OSPREY NEST ILLYARRIE STREET LEEMAN

|                        |                  |
|------------------------|------------------|
| AUTHOR                 | Mark Hook        |
| DISCLOSURE OF INTEREST | Nil              |
| DATE OF REPORT         | 30 November 2009 |
| FILE                   | E6               |

### SUMMARY:

**Council is being requested to authorise the placing of an Osprey Nest on the North Side of Illyarrie Leeman.**

### BACKGROUND:

Council has received the following letter of request.

*I would like permission to erect an Ospreys nest on the north side (Illyarrie Street) Leeman. The materials will be the same as the existing Osprey nest already in town. The proposed position is 25metres north of the fence line of the sump boundary and 30 metres from the coast line.*

### COMMENT:

Below is a map showing the proposed location of the Osprey Nest.



The area as shown in the map above is Vacant Crown Land and permission will be required from the Lands Department prior to installing the Osprey Nest.

Council does receive quite a lot of tourist and visitors top Leeman who take photos and make good comments on the Osprey Nest at the Southern section of the Leeman Foreshore. The new proposed Osprey Nest will only add to the attractions in Leeman and should be supported.

**STATUTORY ENVIRONMENT:**

*Land Administration Act*

**STRATEGIC IMPLICATIONS:**

Meets goal 3 Infrastructure of Councils Strategic Plan

**GOAL 3 - INFRASTRUCTURE**

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

No cost to Council.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council request permission from the Department of Lands for Mr Philip Burnett to erect an Osprey Nest on the north side of Illyarrie Street Leeman 25 metres north of the fence line and 30 metres from the Coast Line, subject to:

- 1) Construction materials being the same as the existing Osprey Nest; and
- 2) All appropriate approvals being received prior to commencement.

## **10.2 MANAGER REGULATORY SERVICES:**

### **10.2.1 INTRODUCTION OF THE FOOD ACT 2008**

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Dave Hadden      |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 11 November 2009 |
| <b>FILE</b>                   | H3.19.1          |

#### **SUMMARY:**

**The *Food Act 2008* was passed on 8 July 2008 but the Western Australian Parliament and will be implemented on 23 October 2009. Council is being requested to raise a registration fee of \$100 for food premises registered under the new *Food Act 2008* provisions.**

#### **BACKGROUND:**

The Act will be the principal piece of legislation regulating the sale of food in Western Australia and provides food safety regulation over the entire food supply chain, a paddock to plate approach. This represents a significant shift in the direction of food regulation and management within Western Australia.

#### **COMMENT:**

The Act will apply to everyone involved in the sale of food in WA. Sale is defined broadly to include activities such as:

- the supply of food as a meal to employees at the place of work in accordance with employment arrangements;
- offering of food as a prize or reward;
- the giving away of food for the purposes of advertisement; and
- the supply of food under a contract together with accommodation, service or entertainment.

The *Food Act 2008* provides for an outcome based approach which provides the food industry the opportunity to be innovative in relation to food management. The Act requires all food businesses must notify the appropriate enforcement agency (Council) in writing that they plan to conduct a food business. The purpose of notification is so that enforcement agencies know of their existence and can contact them if required and know the sort of food business in operation. In addition it enables council EHOs to make a decision as to whether the food business needs to apply for registration as a food business. It is an offence not to provide this information.

Section 109 of the Act specifies that it is an offence to conduct a food business at any premises unless the food business is registered with the relevant enforcement agency in respect of those premises. This enables the enforcement agency to be aware of all food

businesses trading within its responsible area and collect information in relation to food handling so that targeted food safety education, surveillance, enforcement and awareness programs can be developed.

The Act provides enforcement agencies with a number of new enforcement options designed to assist them to manage compliance with the food standards. Depending of the severity of food safety breaches, authorised officers from enforcement agencies may issue any of the following:

- formal warnings;
- improvement notices;
- prohibition orders;
- infringement notices (fines); and
- legal action through the courts.

It is important to be aware that the details of any successful prosecutions will be publicly listed on the Department of Health website.

All food businesses across the state are required to apply for registration by 31 December 2009. It will be an offence to be operating as an unregistered food business after 31 December 2009. As such Council will need to determine if it wishes to charge a registration fee (annual). Administrative costs will be quite high in the future regarding the annual registration requirements and risk based inspection requirements which will require more inspections carried out annually on a high risk premises. Currently Council has twenty one food premises that have been captured under the new *Food Act 2008*.

Initially there will be a need for staff to spend a significant amount of time dealing with the issues associated with the Acts implementation which will eventually reduce when businesses become accustomed to the new requirements under the Act. As such staff believes that a registration fee of \$100 is sufficient. If acceptable to Council this new fee needs to be added to Council's Schedule of Fees and Charges to allow staff to charge the fee when registering food premises prior to 31 December 2009.

#### **STATUTORY IMPLICATIONS:**

The *Food Act 2008* and its subsidiary legislation came into effect of 23 October 2009.  
*Local Government Act 1995*  
Shire of Coorow 2009/10 Budget – Schedule of Fees and Charges

#### **STRATEGIC IMPLICATIONS:**

Nil.

#### **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

There will be increased administrative costs on Council in implementing the required changes under the new *Food Act 2008*.

## **VOTING REQUIREMENTS:**

Absolute Majority.

## **OFFICER RECOMMENDATION:**

That Council:

1. raise a \$100 registration fee for food premises registered under the new the new *Food Act 2008* provisions;
2. include the \$100 Food Premises Registration fee in Council's Fee and Charges schedule; and
3. advertise by local public notice the proposed \$100 Food Premises Registration Fee detailing (as per Section 6.19 of the *Local Government Act 1995*):
  - a) the intention of the fee; and
  - b) the date from which the new fee will be imposed.

## 10.2.2 FOOD ACT 2008 – AUTHORISED OFFICERS

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Dave Hadden      |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 11 November 2009 |
| <b>FILE</b>                   | H3.19.1          |

### **SUMMARY:**

**Under the provisions of the *Food Act 2008*, Council is required to appoint authorised officers to carry out the functions of the Act.**

### **BACKGROUND:**

The *Food Act 2008* was passed on 8 July 2008 but the Western Australian Parliament and will be implemented on 23 October 2009. Council Agenda Item 10.2.1 discusses the Act.

### **COMMENT:**

An enforcement agency may appoint a person to be an authorised officer for the purposes of the Act if:

- the enforcement agency having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or
- the person holds office as an Environmental Health Officer under the *Health Act 1911*.

The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.

Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.

The authorised officer is also required to be designated by an enforcement agency as a 'Designated Officer' for the purpose of Section 126 (persons who can issue infringement notices and persons who can withdraw).

### **STATUTORY ENVIRONMENT:**

Nil.

### **STRATEGIC IMPLICATIONS:**

Nil.



**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Absolute Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. appoint Council's Manager Regulatory Services, Mr David Hadden as an 'Authorised Officer' for the purposes of the *Food Act 1998*;
2. designate Mr David Hadden as a 'Designated Officer' for the purposes of Section 126 (persons who can issue infringement notices and persons who can withdraw); and
3. request staff to commence a list of authorised officers appointed by Council.

### 10.2.3 PROPOSED EXHIBITION CENTRE AND CARETAKER'S DWELLING – OCEAN VIEW DRIVE, GREEN HEAD

|                               |  |
|-------------------------------|--|
| <b>AUTHOR</b>                 | Kathryn Jackson                                |
| <b>DISCLOSURE OF INTEREST</b> | Nil  |
| <b>DATE OF REPORT</b>         | 3 December 2009                                |
| <b>ATTACHMENT</b>             | 10.2.3a Site Plan<br>10.2.3b Supporting letter |
| <b>FILE</b>                   | Lot File                                       |

#### **SUMMARY:**

Council is in receipt of an application for a combined exhibition centre and caretaker's dwelling to be constructed upon Lot 39 Ocean View Drive, Green Head. The subject land is zoned 'Commercial' under Shire of Coorow Town Planning Scheme No.2 ('the Scheme'). Figure 1 below is a location plan/aerial photograph of the subject property for Council's information. This report recommends conditional approval of the application.

Figure 1 - Provides an understanding of the location of the subject property:



#### **BACKGROUND:**

The application proposes the construction of a two storey building that will be used as an exhibition centre on the ground floor and a caretaker's residence on the first floor. The building will be largely constructed of colorbond (earthy tones – dune, surf mist) and features a balcony on the front elevation. The portion of land to the north of the building will be constructed and landscaped and used as a sculpture garden and

visitor/staff car parking. Copies of the applicant's submitted site plan, floor plan and elevations are included as Attachment 10.2.3a.

The applicant has provided a supporting letter which is included as Attachment 10.2.3b for Council's further information. This correspondence indicates the applicant's desire to display and sell goods of an artistic nature and hold projects and workshops on-site with local schools, youth and the wider community.

#### **COMMENT:**

In considering the merits of this application this proposal is supported at an officer level as:

- The requirements of the Scheme have been met in terms of materials, area and heights;
- Adequate parking has been provided for both the proposed residential and commercial uses;
- The design of the structure is deemed to be aesthetically well designed and will contribute to a desirable streetscape;
- The use of 'exhibition centre' is considered appropriate for the 'commercial' zone and is not considered that it would affect the amenity of the area or surrounding land use opportunities; and
- The caretakers dwelling complies with the requirements of the Scheme.

#### **STATUTORY ENVIRONMENT:**

##### Exhibition Centre

Given the nature of the information received from the applicant it was deemed that under the Scheme, the land use definition of 'exhibition centre' encompassed the intent of the proposal:

*'means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery'*

As this land use is not listed within the Scheme's Table 1: Zoning Table, the application was assessed against the objectives of the 'Commercial' zone:

*"To provide for retailing shopping, office and commercial development, and social, recreational, and community activities servicing the town as a whole."*

It is considered that the use of 'Exhibition Centre' meets the objectives of the 'commercial' zone as the use will provide for community activities such as the display of varied forms and scales of artwork and will engage the local community with the facilitation of exhibitions and workshops. Furthermore the proposal has provided an adequate number of car parking bays and put forward an overall property design that is considered to be beneficial to the overall development of the surrounding area.

##### Caretakers Dwelling

The use of a 'Caretakers Dwelling' is considered a 'D' use, a use that is not permitted unless the Local Government has exercised its discretion by granting planning

approval. Section 5.11.2 of the Scheme does allow for consideration of residential accommodation within the ‘Commercial’ zone but sets specific requirements as follows:

*“Where the ground floor of a multi-storey building is used for the purpose of shops or offices, the upper floors of such buildings may be used for the purposes of shops, offices or residential accommodation providing that:*

- The residential use is confined to the upper floor.*
- The residential use is used only by the owner/occupier of the shop or office within the same building.”*

Therefore, as the proposed residential use is confined to the first floor and will be resided in by the owners of the exhibition centre, approval of the proposal is recommended in this instance.

#### **STRATEGIC IMPLICATIONS:**

Nil

#### **POLICY IMPLICATIONS:**

Nil

#### **FINANCIAL IMPLICATIONS:**

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost in terms of staff hours is likely to be imposed on the Shire through its involvement in the State Administrative Tribunal appeal process.

#### **PUBLIC CONSULTATION:**

The land use definition of ‘Exhibition Centre’ is considered a ‘use not listed’ and therefore Section 9.4.1.b and subsequently 9.4.3 of the Scheme requires that a use not listed in the Zoning Table shall be advertised for a period of 14 days:

*“9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development, which involves a use which is —*

- (a) an ‘A’ use as referred to in clause 4.3.2; or*
- (b) a use not listed in the Zoning Table, or*
- (c) a development subject to discretionary consideration under Clause 5.2.5*

*the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.”*

*“9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —*

- (a) *notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;*
- (b) *notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;*
- (c) *a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected."*

The advertising period was conducted from 18 November 2009 until 2 December 2009 and at the conclusion of the advertising period no submissions had been received on the proposal.

#### **VOTING REQUIREMENT:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council resolve to grant formal planning consent for an exhibition centre and caretakers dwelling to be sited upon Lot 39 Ocean View Drive, Green Head, subject to compliance with the following:

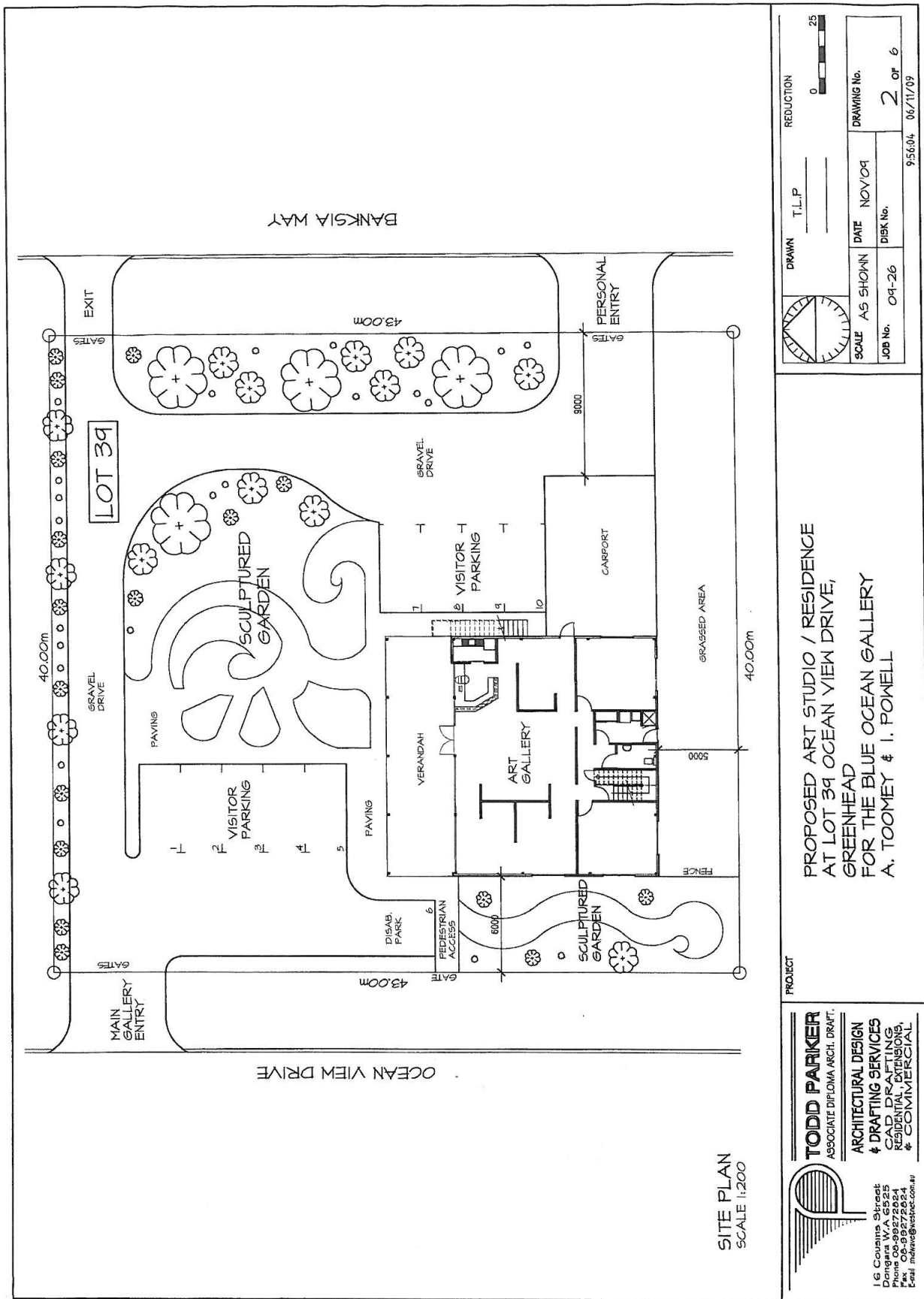
#### Conditions

- 1) Development shall be in accordance with the attached approved plan(s) dated 9 December 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 3) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 4) All storm-water runoff from impervious surfaces (roof and paved areas) shall be contained within the property boundaries, and re-used or disposed of through an acceptable drainage system such as underground soak wells.
- 5) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.

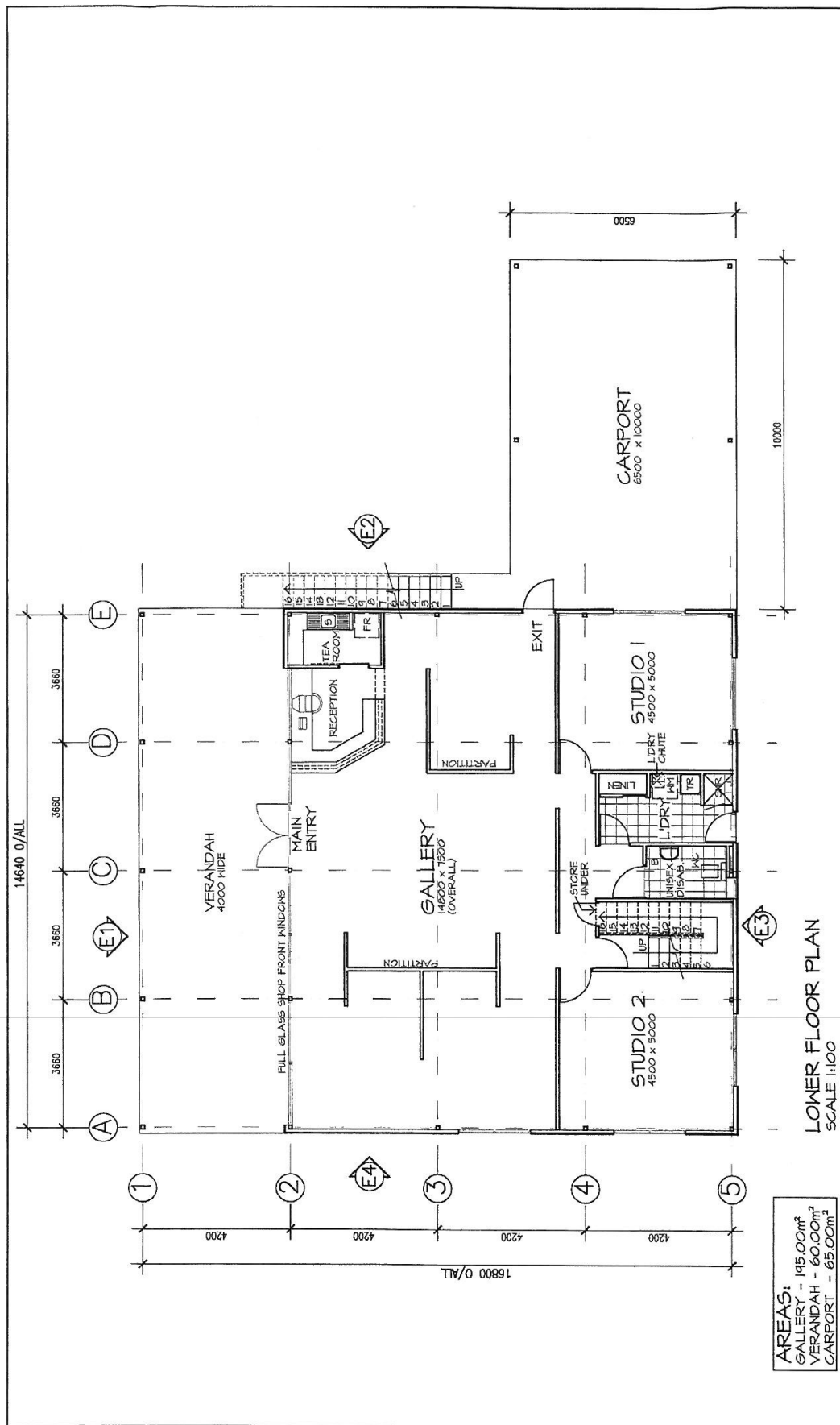
- 6) The operating times shall be limited to the hours of 9am to 5pm on Monday to Saturday, unless otherwise approved by the local government.
- 7) Car parking bays numbered 1-5 and 7-10 as set out in the attached approved plans being marked and set aside permanently as visitor/staff parking.
- 8) Vehicle access roads and designated car parking areas shall be constructed and drained to a minimum compacted gravel standard, and thereafter maintained to the approval of the local government.
- 9) Car parking bays for disabled persons being provided in accordance with the Building Code of Australia and AS2890.1 The number of bays required in this instance being 1.
- 10) Installation of crossing place/s to the standards and specifications of the local government.
- 11) The proponent is responsible to ensure that no parking of vehicles occurs within a public carriageway, including the road verge.
- 12) Access for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with AS1428.1.
- 13) No signs or hoardings are to be erected on the lot without the local government's approval. A separate sign licence application is required to be lodged for any sign with the local government's Building Department.
- 14) The Council will not be bound to accept any request for additional maintenance or upgrading of roads directly resulting from increases in traffic volumes from approved intensive agricultural use, unless a financial contribution for such works has been agreed to and received from the respective business owner/proprietor.
- 15) All land indicated as landscaped areas on the attached approved plan(s) are to be landscaped effectively and maintained thereafter to the approval of the local government.
- 16) Proposed fencing and gates are to be designed and installed to the satisfaction of the Local Government.
- 17) Proponent shall comply with the Health (Public Buildings) Regulations 1992.
- 18) The approval of the building for habitable use (upper floor) is subject to the operation of commercial activity within the building (ground floor) in accordance with Section 5.11.2 of the Shire of Coorow Town Planning Scheme No.2.


## **Notes**

- a) This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.
- b) In regards to Condition 16 the landowner/applicant is to liaise with the Manager Regulatory Services to discuss the Shire's requirements.
- c) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- d) Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty eight (28) days from the date of the decision.







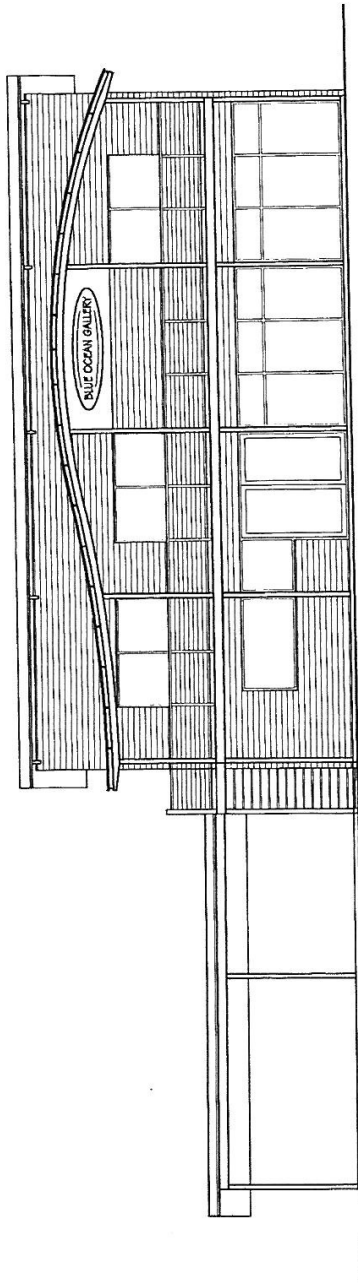
|   |                         |  |
|---|-------------------------|--|
|  |                         | DRAWN T.L.P.<br>REDUCTION 0 25         |
| SCALE A5 SHOWN<br>JOB No. 09-26   | DATE NOV'09<br>DISK No. | DRAWING No. 3 OF 6<br>9556.04 06/11/09 |

**TODD PARKER**  
 ASSOCIATE DIPLOMA ARCH. DRAFT.  
**ARCHITECTURAL DESIGN**  
 & DRAFTING SERVICES  
 CAD DRAFTING  
 RESIDENTIAL DESIGN,  
 & COMMERCIAL

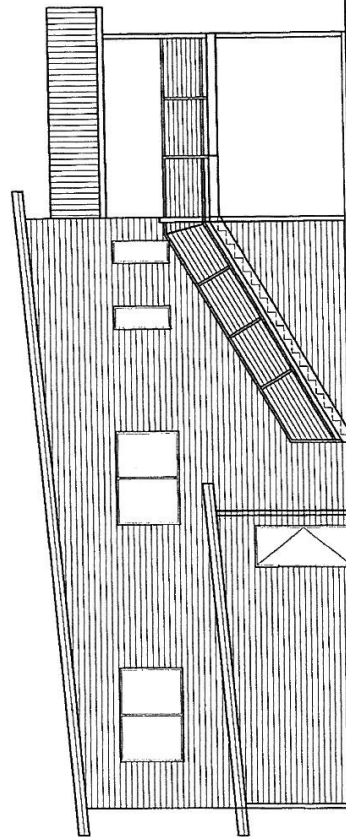
16 Cousins Street  
 Westport, Tas 7245  
 Phone 08-99272824  
 Fax 08-99272824  
 Email mchance@westport.com.au

**PROJECT**

PROPOSED ART STUDIO / RESIDENCE  
 AT LOT 39 OCEAN VIEW DRIVE,  
 GREENHEAD  
 FOR THE BLUE OCEAN GALLERY  
 A. TOOMEY & I. POWELL



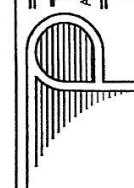
(E1) NORTH ELEVATION  
SCALE 1:100



(E2) EAST ELEVATION  
SCALE 1:100

PROJECT

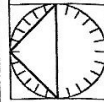
PROPOSED ART STUDIO / RESIDENCE  
AT LOT 39 OCEAN VIEW DRIVE,  
GREENHEAD  
FOR THE BLUE OCEAN GALLERY  
A. TOOMEY & I. POWELL



16 Cousins Street  
Dongara W.A. 6525  
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**TODD PARKER**  
ASSOCIATE DIPLOMA ARCH. DRAFT.

**ARCHITECTURAL DESIGN**  
\* DRAFTING SERVICES  
CAD DRAFTING  
RESIDENTIAL, EXTENSIONS,  
\* COMMERCIAL



DRAWN T.L.P.

REDUCTION

0 25

DRAWING No.

5 of 6

DATE NOV/09

DISK No.

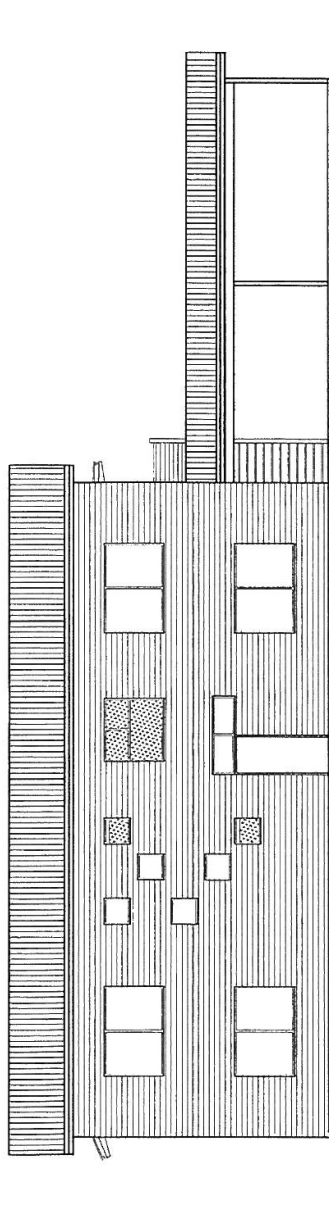
04-26

SCALE AS SHOWN

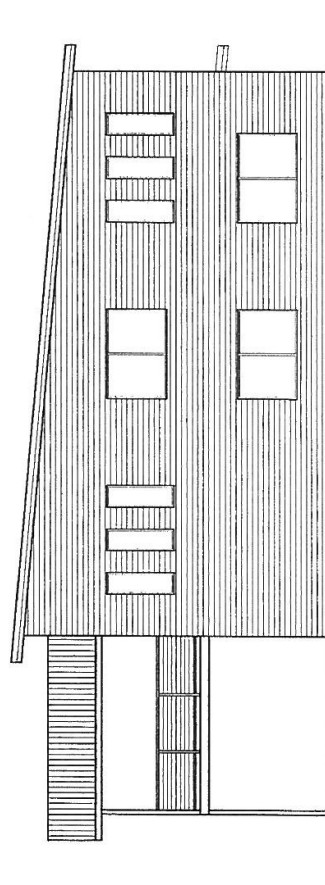
JOB No.

95604

06/11/09



(E3) SOUTH ELEVATION  
SCALE 1:100



(E4) WEST ELEVATION  
SCALE 1:100

PROJECT

**TODD PARKER**  
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DRAWN T.L.P.

REDUCTION

0 25

SCALE AS SHOWN DATE NOV'09 DRAWING No.

JOB No. 04-26 DISK No. 6 OF 6

95604 06/11/09

PROPOSED ART STUDIO / RESIDENCE  
AT LOT 39 OCEAN VIEW DRIVE,  
GREENHEAD  
FOR THE BLUE OCEAN GALLERY  
A. TOOMEY & I. POWELL

**APPLICATION FOR PLANNING APPROVAL**  
**LOT 39 OCEAN VIEW DRIVE, GREEN HEAD**  
***Shire of Coorow***

***BLUE OCEAN GALLERY***

Adrian Toomey & Irene Powell  
 PO Box 599, DONGARA 6525  
 Phone: 9927 1642 / 0409 427 486

---

**PROPOSAL:**

To purchase Lot 39 Ocean View Drive, Green Head and build a two story commercial property. Downstairs will operate as an Art Gallery and Art Studios, upstairs will be a private residence for the family run business, office / library and multi media room. The gardens to the north and west of the building will be landscaped with feature walls and paths to display external sculptures, furniture and artworks.

The Blue Ocean Gallery has been an established arts business in the Shire of Irwin for the past seven years.

The activities of the Blue Ocean Gallery based in Green Head will include the following:

- Production, exhibition and sale of artworks by Toomey & Powell.
- Co-ordination and display of local Community Art Exhibitions.
- Community Arts Projects and workshops with local schools, children, youth and the wider community.

**Proposed hours of operation for the gallery:**

Peak Holiday Season:

Wednesday – Saturday : 10 am to 4 pm

Sunday : 1 pm to 4 pm      Other times by appointment

Low Season:

Wednesday – Friday : 10 am to 4 pm, Saturday: 1pm – 4 pm

Other times by appointment.

Monday & Tuesday gallery closed for installation of exhibitions, off site meetings, workshops and research.

**DETAILS:**

- 1. Site build-up or excavation:** Finished floor level of proposed development is to be level with the crown of the road. Development site requires minimal site build-up and levelling.
- 2. No existing development in on the site.**
- 3. Landscaping:** Extensive gardens to the north and west of the main building as indicated on site plan. These landscaped areas with paths and feature walls will be the outside display area for external artworks.
- 4. Retention of native vegetation:** Existing native vegetation is re-growth from previous efforts of clearing. No existing re-growth to be retained. Landscaping design to include local native plants with low watering needs.
- 5. Pedestrian and disabled access:** Site plan indicates a five car parking bay area with a disabled parking bay closest to the entrance of the building. Pedestrians will have access via a gate on the western side of the property along Ocean View Drive, and then a concrete path leading to the main entrance.
- 6. Vehicular and truck access:** Concrete crossover adjoining gravel driveway and car park along Ocean View Drive. Gravel crossovers and driveways along Banskia Way.
- 7. Delivery of goods:** Rear driveways and access to main building as indicated on site plan.
- 8. Screening of goods storage areas:** Ample gravel area to the east of building, use of carport.
- 9. Mode of construction:** Building to be constructed in pre-coloured concrete tilt panels, in a light earthy tone. Steel trusses, colourbond roof and timber verandah.
- 10. Plans and elevations of proposed buildings:** Four side elevations, floor plans and site plan attached.

## **10.3 PRINCIPAL WORKS SUPERVISOR:**

### **10.3.1 TENDER 2/09 – SUPPLY OF ONE GRADER**

|                               |                  |
|-------------------------------|------------------|
| <b>AUTHOR</b>                 | Kelvin Bean      |
| <b>DISCLOSURE OF INTEREST</b> | Nil              |
| <b>DATE OF REPORT</b>         | 25 November 2009 |
| <b>FILE</b>                   | Tender Register  |

#### **SUMMARY:**

**Council is to consider Tender 2/09 for the supply of one new grader.**

#### **BACKGROUND:**

Tenders were called on Saturday 24 October 2009 for the supply of one grader.

Tenders closed at 12 noon on Thursday 19 November 2009 with three companies tendering for the supply of a new grader

Tenders were opened at 12.02 pm on Thursday 19 November 2009 by Mr Mark Hook CEO and Mr Kelvin Bean PWS in the presence of Greg Pike from Westrac and Graeme Godwin from Hitachi. Hitachi (John Deere) did not supply a tender in time to be considered.

#### **COMMENT:**

The three tenderers all met the specification requirements of the tender with one tender being received late so therefore considered non-conforming.

As per Council's Budget which was adopted at the 15 July Ordinary Meeting, Council offered for trade CW007 Caterpillar 120H grader purchased in 1999.

Council staff recommend that Council accept the tender from Westrac for the supply of a Caterpillar 120M for the net amount of \$229,445 (GST exc).

As part of the original tender specifications the wheel rims and tyres were specified to be 17.5R25 radials. Staff has looked at the equivalent machine and believe the standard 14.5R25 rims and tyres to be suitable. This will mean a saving on the tendered price.

#### **FINANCIAL IMPLICATIONS:**

The tender from Westrac has come under budget and any savings on the budgeted price should be transferred to Council's Plant Reserve.

| Tenderer | Criteria         |             |                       |              | Price Ex GST   |             |              |
|----------|------------------|-------------|-----------------------|--------------|----------------|-------------|--------------|
|          | Model            | Qualitative |                       |              | Purchase<br>\$ | Trade<br>\$ | Change<br>\$ |
|          |                  | Compliance  | Skill &<br>Experience | Availability |                |             |              |
| CJD      | Volvo G930       | Yes         | Compliant             | 4 Weeks      | \$334,000      | \$100,000   | \$234,000    |
| CJD      | Volvo G930       |             |                       | 4 Weeks      | \$319,000      | -           | \$319,000    |
| Komatsu  | GD555-3          | Yes         | Compliant             | 13 Weeks     | \$330,000.08   | \$90,000    | \$240,001.08 |
| Westrac  | Caterpillar 12M  | Yes         | Compliant             | 5 Weeks      | \$358,460      | \$100,500   | \$257,960    |
| Westrac  | Caterpillar 120M | Yes         | Compliant             | 5 Weeks      | \$329,945      | \$100,500   | \$229,445    |

### **STATUTORY ENVIRONMENT:**

Shire of Coorow 2009/10 Budget  
*Local Government Act 1995*

### **STRATEGIC IMPLICATIONS:**

Shire of Coorow Strategic Plan  
GOAL 3 – INFRASTRUCTURE

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

### **VOTING REQUIREMENTS:**

Simple Majority.

### **OFFICER RECOMMENDATION:**

That Council:

1. accept the tender submitted by Westrac Pty Ltd for the supply of a new Caterpillar 120M Motor Grader for \$329,945 (GST Exc) and the sale of Council's Caterpillar 12H grader CW007 for \$100,500 (GST Exc) at a changeover of \$229,445 (GST Exc);
2. delegate authority to the Principal Works Supervisor to negotiate the change of the 17.5R25 Radial wheel, rims and tyres to 14.5R25 Radial wheel, rims and tyres;
3. take the optional extras warranty of 36 mths/6000 hours total machine (additional cost to standard warranty) of \$1,045 (GST Exc);
4. transfer the savings to Council's Plant Reserve.

## **10.4 DEPUTY CHIEF EXECUTIVE OFFICER:**

### **10.4.1 ACCOUNTS FOR PAYMENT**

|                               |  |
|-------------------------------|--|
| <b>AUTHOR</b>                 | Erika Clement  |
| <b>DISCLOSURE OF INTEREST</b> | Nil  |
| <b>DATE OF REPORT</b>         | 2 December 2009  |
| <b>ATTACHMENT</b>             | 10.4.1 Accounts Due and Submitted To Council Meeting 9 December 2009 |

#### **SUMMARY:**

**Council approval is required for payment of accounts made within the months of November 2009 and December 2009 and to approve payments of accounts due in December 2009.**

#### **COMMENT:**

Approval is sought for the following list of payments of accounts made since Council's last meeting on 18 November 2009 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 9 December 2009.

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 9 December 2009 including:

1. Vouchers, 18212 to 18216, 18237, 18269 to 18284, PR71091109 to PR72261109, DD111109 to DD251109, EFT2293 to EFT2347, DCEO, CEO, MRS VISA CARDS totalling \$201,712 from Council's Municipal Fund; and
2. Vouchers 127 from Council's Trust Fund totalling \$300;

be authorised and passed for payment.

**List of Accounts Due and Submitted to Council  
9 December 2009**

| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                           | <b>Description</b>  | <b>Trust</b> | <b>Muni</b> |
|----------------|-------------|---------------------------------------|---|--------------|-------------|
| 127            | 12/11/2009  | MRS ANN CLARK                         | BOND REFUND UNIT 1 AGED UNITS LEEMAN                        | \$300.00     |             |
| EFT2293        | 17/11/2009  | AUSTWAY VENDING                       | PARTS FOR VENDING MACHINE                                   |              | \$ 145.20   |
| EFT2294        | 17/11/2009  | BOC GASES                             | GAS CONTAINER CHARGES                                       |              | \$ 324.64   |
| EFT2295        | 17/11/2009  | BEAN KJ                               | INTERNET - PWS  |              | \$ 70.00    |
| EFT2296        | 17/11/2009  | NJ & JD BRYANT                        | FENCING- GREEN HEAD BOWLING CLUB                            |              | \$ 4,700.00 |
| EFT2297        | 17/11/2009  | COURIER AUSTRALIA                     | FREIGHT- AUSTWAY VENDING, SIGMA,<br>WATTLEUP, PROTRAM       |              | \$ 66.01    |
| EFT2298        | 17/11/2009  | COVENTRY GROUP LTD                    | BATTERY MASTER SWITCH,FACE<br>PLATE,INDICATOR-CW0025/26/007 |              | \$ 1,252.84 |
| EFT2299        | 17/11/2009  | CLAW ENVIRONMENTAL                    | DRUM MUSTER - PICK UP OF DRUMS                              |              | \$ 653.90   |
| EFT2300        | 17/11/2009  | GH COMMUNITY CENTRE<br>MANAGEMENT     | CLEANING GREEN HEAD COMMUNITY CENTRE                        |              | \$ 125.00   |
| EFT2301        | 17/11/2009  | GERALDTON NEWSPAPERS LIMITED          | TOWN PLANNING ADVERTISING                                   |              | \$ 83.39    |
| EFT2302        | 17/11/2009  | HONDA SHOP                            | CUTTER HOUSING - MOWER                                      |              | \$ 311.27   |
| EFT2303        | 17/11/2009  | UHY HAINES NORTON                     | AUDIT CERTIFICATION - ROADS TO RECOVERY                     |              | \$ 1,100.00 |
| EFT2304        | 17/11/2009  | HITACHI CONST MACHINERY (AUST)<br>P/L | FUEL TRANSFER PUMP - CW0012                                 |              | \$ 189.52   |
| EFT2305        | 17/11/2009  | KLEENHEAT GAS                         | LPG GAS - MALEY PARK  |              | \$ 364.00   |
| EFT2306        | 17/11/2009  | LEEMAN HARDWARE                       | PAINTING - SNAG ISLAND CHILD MINDING<br>CENTRE              |              | \$ 1,624.70 |
| EFT2307        | 17/11/2009  | LEWIS TYRES PTY LTD                   | TYRES - CW003, TYRES REPAIRS - CW0012                       |              | \$ 270.00   |
| EFT2308        | 17/11/2009  | MIDALIA STEEL PTY LTD                 | METAL FOR SHADE SHELTERS COOROW POOL                        |              | \$ 1,783.25 |
| EFT2309        | 17/11/2009  | NORTHAM BEARING SALES                 | THREADED ROD - CW0019                                       |              | \$ 42.28    |
| EFT2310        | 17/11/2009  | PIONEER ROAD SERVICES                 | SUPPLY/SPRAY BITUMEN COOROW GREEN<br>HEAD RD                |              | \$ 8,478.29 |
| EFT2311        | 17/11/2009  | RBC-RURAL                             | METERPLAN CHARGES PHOTOCOPIER                               |              | \$ 3,032.01 |
| EFT2312        | 17/11/2009  | RICOH FINANCE                         | LEASE CHARGES - PHOTOCOPIERS                                |              | \$ 663.49   |
| EFT2313        | 17/11/2009  | ROR ENGINEERING                       | LETTERING FOR LEEMAN ENTRY SIGNS                            |              | \$ 4,712.40 |
| EFT2314        | 17/11/2009  | SIGMA CHEMICALS                       | POOL CHEMICALS & SUPPLIES                                   |              | \$ 35.22    |

**List of Accounts Due and Submitted to Council  
9 December 2009**

| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                           | <b>Description</b>   | <b>Trust</b> | <b>Muni</b> |
|----------------|-------------|---------------------------------------|--|--------------|-------------|
| EFT2315        | 17/11/2009  | STAR TRACK EXPRESS                    | FREIGHT-MULLINGS FASTNERS, HONDA SHOP,<br>MIDVALE DISCOUNT TYRES             |              | \$ 158.65   |
| EFT2316        | 17/11/2009  | RELIANCE PETROLEUM                    | DIESEL FUEL - LEEMAN   |              | \$ 5,688.22 |
| EFT2317        | 17/11/2009  | WATTLEUP TRACTORS                     | SEALS - CW0026   |              | \$ 346.90   |
| EFT2318        | 17/11/2009  | WALGA                                 | ADVERTISING - TENDER GRADER  |              | \$ 1,629.85 |
| EFT2319        | 17/11/2009  | WALTONS STORES                        | FILTERS -CW0017/CW0023   |              | \$ 134.93   |
| EFT2320        | 17/11/2009  | WINCHESTER INDUSTRIES                 | QUARTZ-GH ENTRY STATEMENTS, LIMESTONE -<br>FOOTPATHS & TOILETS AT CLIFF PARK |              | \$ 7,145.16 |
| EFT2321        | 20/11/2009  | FESA                                  | ESL RETURN OCTOBER 09  |              | \$ 3,071.59 |
| EFT2322        | 27/11/2009  | BAY GLASS                             | VERTICAL BLINDS UT 2 AGED CARE LEEMAN  |              | \$ 698.00   |
| EFT2323        | 27/11/2009  | COURIER AUSTRALIA                     | FREIGHT - LISWA, MIDWEST CHEMICALS   |              | \$ 91.68    |
| EFT2324        | 27/11/2009  | CHAMBERLAIN DESIGN HOMES              | REPAIRS TO CLIFF PARK GAZEBO   |              | \$ 605.00   |
| EFT2325        | 27/11/2009  | COOROW HOTEL                          | REFRESHMENTS- COUNCIL MEETING 18.11.2009                                     |              | \$ 535.50   |
| EFT2326        | 27/11/2009  | CARNAMAH ENGINEERING                  | MACHINING OF FAN SHAFT - CW0019  |              | \$ 369.60   |
| EFT2327        | 27/11/2009  | DRUMMOND JOE ELECTRICS                | ELECTRICAL REPAIRS CEO HOUSE   |              | \$ 1,555.40 |
| EFT2328        | 27/11/2009  | D & M FRANKHUIZEN                     | PAINTING INTERIOR UNIT 1 AGED UNITS<br>LEEMAN                                |              | \$ 2,500.00 |
| EFT2329        | 27/11/2009  | GREEN HEAD PLUMBING & GAS             | HWS -CEO HOUSE   |              | \$ 2,692.56 |
| EFT2330        | 27/11/2009  | GIRANDO MJ                            | TRAVELLING & SITTING FEES  |              | \$ 309.95   |
| EFT2331        | 27/11/2009  | GERRY GIBBS CAMERA HOUSE              | CAMERA - WORKS   |              | \$ 716.50   |
| EFT2332        | 27/11/2009  | HITACHI CONST MACHINERY (AUST)<br>P/L | O'RING-CW0012  |              | \$ 3.96     |
| EFT2333        | 27/11/2009  | HALF WAY MILL ROADHOUSE               | FUEL - WARRADARGE BUSHFIRE VEHICLES  |              | \$ 365.70   |
| EFT2334        | 27/11/2009  | MIDWEST CHEMICAL & PAPER              | CLEANING SUPPLIES - MALEY PARK   |              | \$ 77.40    |
| EFT2335        | 27/11/2009  | MIDALIA STEEL PTY LTD                 | CUSTOM ORB - SHADE SHELTERS POOL   |              | \$ 361.53   |
| EFT2336        | 27/11/2009  | MOORA GLASS SERVICE                   | VERTICAL BLINDS - LOT 11 SPAIN ST  |              | \$ 1,531.20 |
| EFT2337        | 27/11/2009  | NEAT N' TRIM UNIFORMS PTY LTD         | UNIFORMS- FO   |              | \$ 869.00   |
| EFT2338        | 27/11/2009  | PERRELLA AUTO ELECTRICS               | ALTERNATOR-CW0025  |              | \$ 1,325.50 |
| EFT2339        | 27/11/2009  | PENNANT HOUSE                         | FINIAL - FLAGPOLES LEEMAN  |              | \$ 88.00    |

**List of Accounts Due and Submitted to Council  
9 December 2009**

| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                         | <b>Description</b>   | <b>Trust</b> | <b>Muni</b>  |
|----------------|-------------|-------------------------------------|--|--------------|--------------|
| EFT2340        | 27/11/2009  | RBC-RURAL                           | METERPLAN CHARGES - PHOTOCOPIERS                                       |              | \$ 1,312.13  |
| EFT2341        | 27/11/2009  | SHERIDANS FOR BADGES                | BADGES & DESK PLATES   |              | \$ 397.28    |
| EFT2342        | 27/11/2009  | SEASIDE SUPPLIES                    | REFRESHMENTS   |              | \$ 236.24    |
| EFT2343        | 27/11/2009  | STAR TRACK EXPRESS                  | FREIGHT,WATTLEUP, COVENTRYS,HITACHI                                    |              | \$ 79.15     |
| EFT2344        | 27/11/2009  | THE SHADEDOME COMPANY               | SHADE DOMES MALEY PARK   |              | \$ 15,458.00 |
| EFT2345        | 27/11/2009  | TAFEWA CY O'CONNOR                  | STAFF TRAINING- CSO CW,RO,FO   |              | \$ 1,274.46  |
| EFT2346        | 27/11/2009  | VISIMAX                             | STATIONARY-RANGERS   |              | \$ 309.50    |
| EFT2347        | 27/11/2009  | WATTLEUP TRACTORS                   | KEY & STRUT - CW0025   |              | \$ 140.50    |
| 18212          | 17/11/2009  | JURIEN MECHANICAL & DIESEL SERVICES | SERVICE TO GREEN HEAD FIRE TRUCK CW0038                                |              | \$ 412.00    |
| 18213          | 17/11/2009  | MACKA'S ROADHOUSE                   | REFRESHMENTS - MWRC  |              | \$ 50.00     |
| 18214          | 17/11/2009  | BLACKWOODS                          | SPRAY LUBE /CRC GLIDE  |              | \$ 383.80    |
| 18215          | 11/11/2009  | SHIRE OF COOROW - LOTTO             | PAYROLL DEDUCTIONS   |              | \$ 190.00    |
| 18216          | 12/11/2009  | MRS ANN CLARK                       | REIMBURSEMENT FOR PERGOLA - UT 1 AGED UNITS LEEMAN                     |              | \$ 1,000.00  |
| 18237          | 25/11/2009  | SHIRE OF COOROW                     | PETTY CASH COOROW  |              | \$ 193.10    |
| 18269          | 17/11/2009  | JURIEN CARPET CLEANING              | CARPET CLEANING LOT 131 SPAIN ST COOROW                                |              | \$ 295.00    |
| 18270          | 17/11/2009  | LEEMAN FUEL & LIQUOR                | REFRSHMENTS/FUEL -CW0052   |              | \$ 231.00    |
| 18271          | 17/11/2009  | MINGANOOKA PASTORAL CO              | REMOVAL OF RUBBLE/SPREADING OF WHITE ROCK- GREEN HEAD ENTRY STATEMENTS |              | \$ 286.00    |
| 18272          | 17/11/2009  | SHIRE OF COOROW                     | RUBBISH/TV SERVICE CHARGES - UT 1 AGED UNITS COOROW                    |              | \$ 170.88    |
| 18273          | 17/11/2009  | SYNERGY                             | FINAL ELECTRICITY ACCOUNT - 113 BRISTOL ST COOROW                      |              | \$ 21.65     |
| 18274          | 17/11/2009  | SHARED SERVICES CENTRE              | DAMAGED BOOK - LEEMAN LIBRARY  |              | \$ 12.10     |
| 18275          | 27/11/2009  | DEPT OF PLANNING & INFRASTRUCTURE   | ANNUAL JETTY LICENSE - SOUTH BAY                                       |              | \$ 32.00     |
| 18276          | 27/11/2009  | FAMILY SHOPPING CENTRE              | DONATION - SUNDOWNER   |              | \$ 100.00    |

**List of Accounts Due and Submitted to Council  
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| Chq/EFT  | Date       | Name               | Description   | Trust | Muni        |
|----------|------------|--------------------|---|-------|-------------|
| 18277    | 27/11/2009 | GRONOW'S MECHANAIR | REPAIRS TO AIR CONDITIONER THERMOSTAT - CW0016                              |       | \$ 295.41   |
| 18278    | 27/11/2009 | GARY GEORGE        | TRAVELLING & SITTING FEES   |       | \$ 105.76   |
| 18279    | 27/11/2009 | MCDONALD BJ        | TRAVELLING & SITTING FEES   |       | \$ 260.74   |
| 18280    | 27/11/2009 | MERCURE INN        | ACCOMMODATION-CSO STAFF TRAINING  |       | \$ 564.00   |
| 18281    | 27/11/2009 | MCLEODS            | DEED OF AMALGAMATION LT 213/477 ACACIA RD LEEMAN                            |       | \$ 900.00   |
| 18282    | 27/11/2009 | SHIRE OF COOROW    | VEHICLE LICENSE - CW00, CW002, CW003, CW004, CW007, CW008, CW0050- 6 MONTHS |       | \$ 875.90   |
| 18283    | 27/11/2009 | TELSTRA            | SMS PHONE ACCOUNT   |       | \$ 53.13    |
| 18284    | 27/11/2009 | WILLIAMS AK & P    | SITTING FEES  |       | \$ 120.00   |
| 13111109 | 11/11/2009 | BANKWEST           | MASTERCARD DCEO   |       | \$ 982.10   |
| 13111110 | 12/11/2009 | BANKWEST           | MASTERCARD CEO  |       | \$ 140.39   |
| 13111111 | 13/11/2009 | BANKWEST           | MASTERCARD MRS  |       | \$ 263.74   |
| 71091109 | 09/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 56.75    |
| 71101109 | 10/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 2,383.10 |
| 71111109 | 11/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 4,288.85 |
| 71121109 | 12/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 3,238.70 |
| 71131109 | 13/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 1,553.50 |
| 71161109 | 16/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 870.75   |
| 71171109 | 17/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 625.35   |
| 71181109 | 18/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 235.35   |
| 71191109 | 19/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 596.15   |
| 71231109 | 23/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 322.85   |
| 71241109 | 24/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 1,018.90 |
| 71261109 | 26/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 93.35    |
| 72091109 | 09/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 1,473.15 |
| 72101109 | 10/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 535.15   |
| 72111109 | 11/11/2009 | TRANSPORT DEPT OF  | TRANS LICENSING   |       | \$ 600.80   |

**List of Accounts Due and Submitted to Council  
9 December 2009**

| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>       | <b>Description</b> | <b>Trust</b>     | <b>Muni</b>       |
|----------------|-------------|-------------------|--------------------|------------------|-------------------|
| 72121109       | 12/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 144.40         |
| 72131109       | 13/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 575.90         |
| 72161109       | 16/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 719.85         |
| 72171109       | 17/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 799.20         |
| 72181109       | 18/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 254.10         |
| 72191109       | 19/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 453.50         |
| 72201109       | 20/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 278.85         |
| 72231109       | 23/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 972.65         |
| 72241109       | 24/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 1,145.60       |
| 72251109       | 25/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 245.80         |
| 72261109       | 26/11/2009  | TRANSPORT DEPT OF | TRANS LICENSING    |                  | \$ 1,630.30       |
| DDEBIT         | 11/11/2009  | PAYROLL           | PAYROLL            |                  | \$ 44,960.00      |
| DDEBIT         | 25/11/2009  | PAYROLL           | PAYROLL            |                  | \$ 41,594.00      |
|                |             |                   |                    | <b>\$ 300.00</b> | <b>201,712.00</b> |

## 10.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – NOVEMBER 2009

|                        |  |
|------------------------|--|
| AUTHOR                 | Stuart Billingham  |
| DISCLOSURE OF INTEREST | Nil  |
| DATE OF REPORT         | 2 December 2009  |
| ATTACHMENT             | 10.4.2 Statement of Financial Activity to 30 November 2009 |
| FILE                   | F8.09 – Finance – 2009/10                                  |

### 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 month ended 30 November 2009 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 period ended 30 November 2009 as prepared and presented by the Deputy Chief Executive Officer.



#### 10.4.3 SHIRE OF COOROW - FLEET SAFETY POLICY

|                               |                                  |
|-------------------------------|----------------------------------|
| <b>AUTHOR</b>                 | Stuart Billingham                |
| <b>DISCLOSURE OF INTEREST</b> | Nil                              |
| <b>DATE OF REPORT</b>         | 26 November 2009                 |
| <b>ATTACHMENT</b>             | 10.4.3 Draft Fleet Safety Policy |
| <b>FILE</b>                   | I5.3                             |

#### **SUMMARY:**

**Council is being requested to adopt the Draft ‘Fleet Safety Policy’.**

#### **BACKGROUND:**

The Western Australian Local Government Association (WALGA) in conjunction with Road Wise, and the Road Safety Council has developed a Fleet Safety Resource Kit including a Local Government model ‘Fleet Safety Policy’. This policy is presented to Council for consideration of adoption as included at Attachment 10.4.3.

The policy is made up of seven elements:

1. Integrating Fleet Safety Policies into OHS Framework.
2. Taking Road Safety into account when recruiting and selecting new staff.
3. Developing a Road Safety Induction for Staff.
4. Informed Choice on safety when purchasing and maintaining vehicles.
5. Data Collection on fleet Drivers and incidences/Accidents.
6. Reinforcement of Fleet Safety through Incentives and Disincentives
7. Training, Education and Development Programs

Point 4 in the Draft Policy refers to Fleet Selection. The RAC recommends organisations should purchase vehicles with at least a 4 star Australian New Car Assessment Program (ANCAP) rating.

Shire of Coorow fleet vehicles should be fitted with the following features:

- Frontal and Side airbags-designed to cushion the impact of the head and body in a crash.
- Anti-submarining Seat Design-stops front passengers sliding fwd in frontal crash
- Electronic Stability Control/Program-help driver maintain control on gravel, icy or wet roads
- Anti-lock Brakes (ABS)-Allows the driver to simultaneously brake and steer the vehicle in an emergency to avoid a crash.
- 3 point Seat belts with pretensioners and load limiters-seatbelt warning systems motivate driver to wear seatbelt.
- Speed alert systems-seek to motivate driver to maintain a appropriate speed
- Adjustable head restraints-optimize whiplash injury prevention
- Foot brace-mounted on driver side of foot well to rest left foot on for comfort and to prevent driver sliding fwd in a crash

- Cruise Control-allows driver to set auto speed on open roads and helps driver avoid ‘creeping’ over the speed limit.
- Cargo barriers-protect occupants from injury, death from loose objects where applicable
- First Aid kits-helpful in the event of minor crashes and accidents
- Fire extinguisher-consider fitting a dry chemical fire extinguisher for fire suppression
- Air conditioning-makes vehicle comfortable for the driver and valuable tool in demisting front windscreen.
- Automatic daytime running lights-allows vehicle to be seen by other drivers and road users.
- Mudflaps- prevent vehicle tyres spraying water, stones and debris onto following vehicles
- Blue tooth or mobile phone hands free kits-Legal requirement in Western Australia that you are not allowed to use a mobile phone hand held whilst driving.

#### **COMMENT:**

The introduction of a new ‘Fleet Safety Policy’ by the Shire of Coorow as part of its overall Risk Management Plan is expected to result in the following benefits:

- Future improved safety for staff, councillors and passengers travelling in Shire of Coorow vehicles purchased with an ANCAP rating of 4 stars or higher.
- Future cost savings from a reduced numbers of motor vehicle claims through staff recruitment, selection, induction, training, education, development programs and reinforcement of fleet safety through incentives and disincentives.
- Improved Data Collection on fleet Drivers and incidences/Accidents.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

#### **STRATEGIC IMPLICATIONS:**

Shire of Coorow - Risk Management Plan

#### **POLICY IMPLICATIONS:**

Shire of Coorow-Fleet Safety Policy.

#### **FINANCIAL IMPLICATIONS:**

The proposed Fleet Safety Policy as part of the Shire of Coorow overall risk management plan is expected to reduce the number of Motor Vehicle claims and as a result a corresponding reduction in the Insurance excess (currently \$600 per claim) payments in future years.

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATIONS:**

That Council adopts the Shire of Coorow Fleet Safety Policy as included at Attachment 10.4.3.

## **SHIRE OF COOROW**

### **Draft Fleet Safety Policy**

#### **Element One**

#### **Integrating Fleet Safety Policies into an Occupational Health and Safety Framework**

##### **1.1 Fleet Safety Policy**

- 1.1.1 The Shire of Coorow has a fleet safety policy that is signed and dated, contains clear fleet safety objectives and a commitment to improving fleet safety performance.
- 1.1.2 The Shire of Coorow's fleet safety policy has the authorisation of the Chief Executive Officer.
- 1.1.3 The fleet safety policy is communicated to employees (contract and casual) and employees sign a copy of the fleet safety policy, confirming understanding and acceptance of the policy.
- 1.1.4 A process exists for scheduled reviews of fleet safety policy objectives to assess their effectiveness and make changes in accordance with organisational and legislative changes where appropriate.

##### **1.2 Fleet Safety Responsibilities**

- 1.2.1 The Shire of Coorow has defined and documented the responsibilities, authority to act and reporting requirements of fleet safety, and has communicated these to all employees.
- 1.2.2 The Shire of Coorow's annual report documents fleet safety performance.
- 1.2.3 Implementing the fleet safety management system is the responsibility of the Corporate Services team.
- 1.2.4 Senior management (KIM) regularly reviews the effectiveness of the fleet safety management system in satisfying the Shire of Coorow's stated fleet objectives.

##### **1.3 Review and Evaluation of Fleet Safety Policy**

- 1.3.1 Crucial fleet safety documents are identified as policy. The date the documents were issued, date of modifications and authorisation appear on the documents.
- 1.3.2 A procedure exists for altering and approving the changes to fleet safety documents.
- 1.3.3 The effectiveness of communicating the policy objectives is evaluated.

##### **1.4 Employee Involvement and Consultation**

- 1.4.1 The Shire of Coorow has avenues for discussing fleet safety issues in the workplace.
- 1.4.2 Managers discuss fleet safety in meetings with staff.

## **1.5 Auditing of Systems**

- 1.6.1 Fleet safety management systems are regularly audited according to a set schedule to assess the match between organisational fleet safety objectives and activities.
- 1.6.2 Fleet safety management systems are independently audited by appropriately qualified persons.

## **Element Two**

### **Taking Road Safety into Account when Recruiting and Selecting New Staff**

#### **2.1 Recruitment**

- 2.1.1 Safe driving is mentioned in position descriptions for jobs involving significant driving tasks
- 2.1.2 An applicant is asked to provide evidence of a current driver's licence.
- 2.1.3 Applicants for positions involving significant driving tasks are asked to provide details of crash records and traffic infringements for the past three years.

#### **2.2 Selection**

- 2.2.1 A potential employee's driving record is assessed for jobs involving significant driving tasks
- 2.2.2 An applicant's driving record is a factor in the hiring of new employees for jobs involving significant driving tasks.
- 2.2.3 An applicant's attitude to safety is addressed in the interview.

## **Element Three**

### **Developing a Road Safety Induction for Staff**

#### **3.1 New Employees**

- 3.1.1 The Shire of Coorow ensures that all employees undergo an induction program containing a fleet safety component covering the Shire of Coorow's fleet safety policy and procedures.
- 3.1.2 Vehicles are assigned to new employees based on the needs of their job.

#### **3.2 Supervisors**

- 3.2.1 The Shire of Coorow has an induction program for managers which include fleet safety issues.

## **Element Four**

### **Informed Choice Based on Safety when Purchasing and Maintaining Vehicles**

#### **4.1 Fleet Selection**

- 4.1.1 The Shire of Coorow obtains advice from qualified fleet safety professionals (in-house or external).
- 4.1.2 Purchasing decisions are made in consultation with employees to determine the fleet safety requirements and environmental specifications where decisions may affect those employees.
- 4.1.3 Relevant safety features are considered when selecting vehicles.

#### **4.2 Fleet Maintenance**

- 4.2.1 Fleet vehicles are registered annually (including compulsory third party (CTP) insurance).
- 4.2.2 Reporting of fleet vehicle inspections, maintenance, repairs and modifications is maintained as a running record by the Shire of Coorow.
- 4.2.3 The Shire of Coorow has a vehicle maintenance program.
- 4.2.4 Drivers regularly inspect their vehicles.
- 4.2.5 There is a procedure to follow if there is a problem with a vehicle.
- 4.2.6 Tyre wear is monitored.
- 4.2.7 Fuel consumption is monitored.

## **Element Five**

### **Data Collection on Fleet, Drivers and Incidences/Accidents**

#### **5.1 Crash Reporting**

- 5.1.1 The Shire of Coorow has a documented reporting system for all fleet safety incidents (including minor panel damage, crashes, injuries and fatalities).
- 5.1.2 A procedure is in place for informing all employees of the process for reporting fleet safety incidents.

#### **5.2 Crash Investigations**

- 5.2.1 Reported incidents are investigated in accordance with an organisational investigation procedure.
- 5.2.2 Investigation reports contain recommendations and a timetable for implementing corrective actions.
- 5.2.3 A procedure exists for evaluating and monitoring remedial/corrective measures.

#### **5.3 Crash Monitoring**

- 5.3.1 Pertinent fleet safety data are collected and analysed.
- 5.3.2 Regular reports on fleet safety performance are produced and distributed within the Shire of Coorow.
- 5.3.3 Benchmarking data are collected.

## **Element Six**

### **Reinforcement of Fleet Safety through Incentives and Disincentives**

#### **6.1 Driver Monitoring**

- 6.1.1 Organisations keep a record of traffic infringements incurred by employees.
- 6.1.2 Employees receive feedback about their driving performance.
- 6.1.3 The Shire of Coorow conducts driver's licence checks.

#### **6.2 Incentives**

- 6.2.1 The Shire of Coorow has an incentive scheme for safe driving.

#### **6.3 Disincentives**

- 6.3.1 The Shire of Coorow has a system for recognising poor driving behaviour.

## **Element Seven**

### **Training, Education and Development Programs**

#### **7.1 Assessing Training Needs**

- 7.1.1 Before assigning a vehicle to an employee, organisations check whether the employee has driven that type and size of vehicle before.

#### **7.2 Driver Education**

- 7.2.1 A system is in place to provide fleet safety information to all employees.

#### **7.3 Training**

- 7.3.1 Legal obligations and fleet safety management principles and practices are articulated to the Shire of Coorow's executive and senior management through formal training.

|               |   |
|---------------|---|
| <b>10.4.4</b> | <b>MOTOR VEHICLE RISK MANAGEMENT – CW000 DCEO &amp; MRS CW001</b> |
|---------------|---|

|                               |                   |
|-------------------------------|-------------------|
| <b>AUTHOR</b>                 | Stuart Billingham |
| <b>DISCLOSURE OF INTEREST</b> | Nil               |
| <b>DATE OF REPORT</b>         | 26 November 2009  |
| <b>ATTACHMENT</b>             | Nil               |
| <b>FILE</b>                   | I 5.3             |

**SUMMARY:**

**To present Council with a report on out of budget Income and proposed out of budget Expenditure not listed on the 2009/10 Budget for consideration of Council approval.**

**BACKGROUND:**

Local Government Insurance Service (LGIS) on 17 November 2009 provided the Shire of Coorow a 2008/09 Motor Vehicle Insurance Good Driver Rebate cheque for \$1,634.76 plus GST of \$163.48, total \$1,798.24 (GST Inc).

The payment based on the following calculation:

|   |                     |
|---|---------------------|
| 70% of the adjusted premium                                     | \$25,843.51         |
| Less total of incurred claims costs for the period of insurance | <u>-\$22,574.00</u> |
| Sub – total   | <u>\$3,269.51</u>   |
| 50% of surplus  | \$1,634.76          |
| Subject to a maximum rebate of 10%                              |                     |
| 2008-2009 Good Driver Rebate                                    | \$1,634.76          |

Up to December 2008 the Shire of Coorow had the following Motor Vehicle claims history for the last 5 years.

| <b>Total Claims</b> | <b>Claims per year</b> | <b>Average cost of claims</b> | <b>Total Yearly cost</b> | <b>Total Cost of repairs</b> |
|---------------------|------------------------|-------------------------------|--------------------------|------------------------------|
| 34                  | 6.8                    | \$1,726                       | \$11,740                 | \$58,698                     |



Recent Shire of Coorow Motor Vehicle Insurance claims history not included in the above figures are below.

| <b>Officer</b> | <b>Claim date</b>                   | <b>Vehicle</b>          | <b>Nature of Accident</b> | <b>Insurance Excess</b> | <b>Cost of claims</b> |
|----------------|-------------------------------------|-------------------------|---------------------------|-------------------------|-----------------------|
| DCEO           | 5/6/09<br>Midlands Rd               | CW000 Holden Berlina    | Hit Kangaroo              | \$600                   | \$2,894               |
| CEO            | 8/7/09 Coorow<br>Green Head Rd      | CW00 Toyota Landcruiser | Hit Kangaroo              | \$600                   | \$1,920               |
| CEO            | 29/8/09<br>Eneabba Three Springs Rd | CW00 Toyota Landcruiser | Hit Kangaroo              | \$600                   | \$3,799               |
| CEO            | 15/9/8/09<br>Coorow-Green Head Rd   | CW00 Toyota Landcruiser | Hit Kangaroo              | \$600                   | \$8,353               |

#### **COMMENT:**

Travelling undertaken by the CEO and DCEO in Shire vehicles in the last 6 months has resulted in a distinct trend of increased collisions with kangaroos in and around the Coorow District. Currently the DCEO vehicle (CW000) and the MRS vehicle (CW001) are the only Shire of Coorow light fleet vehicles not fitted with frontal protection or 'Roo bars'. Staff recently installing \$5.00 'Shoo Roo' devices to these two vehicles in an attempt to avoid further collisions with kangaroos.

It is supported that the Shire of Coorow introduces a policy where all light fleet vehicles should be fitted with frontal protection (Roo bars) and spotlights as part and parcel of when vehicles are changed over. NB: Roo bars and spotlights could be swapped over between like model vehicles when traded, to reduce and keep costs down.

This change in Council policy would be in line with the introduction of a new Fleet Safety Policy and best practice in Local Government Risk Management.

#### **STATUTORY ENVIRONMENT:**

Local Government Act 1995, Shire of Coorow - Fleet Safety Policy.

#### **STRATEGIC IMPLICATIONS:**

Shire of Coorow - Risk Management Plan

#### **POLICY IMPLICATIONS:**

Shire of Coorow Policy Manual - Fleet Safety Policy.

**FINANCIAL IMPLICATIONS:**

The Shire of Coorow 2009/10 Budget did not allow for the purchase of a protective Roo Bar for the DCEO vehicle CW000 or the MRS vehicle CW001. The proposed expenditure on a roo bar may be offset by a corresponding amount of income from the LGIS Motor Vehicle Good Driver Rebate.

**VOTING REQUIREMENT:**

Absolute Majority.

**OFFICER RECOMMENDATIONS:**

That Council:

1. adopt a policy that all Shire of Coorow Light Fleet Vehicles be fitted with frontal protection bars (roo bars) and spotlights;
2. approves the out of budget expenditure of a Ford Territory Smart Bar (Roo Bar) for the DCEO Vehicle CW000 for approximately \$2,500 (incl GST) and for MRS Vehicle CW001 for \$1,750 (incl GST) plus fitting (COA 0552 Vehicle expenses).

|        |  |
|--------|--|
| 10.4.5 | CSRFF SMALL GRANTS 2009 – COOROW TENNIS CLUB APPLICATION FOR COURT NETTING |
|--------|--|

|                        |                   |
|------------------------|-------------------|
| AUTHOR                 | Stuart Billingham |
| DISCLOSURE OF INTEREST | Nil               |
| DATE OF REPORT         | 2 December 2009   |
| ATTACHMENT             | Nil               |
| FILE                   | S8.1              |

**SUMMARY:**

**To present Council with a report on the outcome of a Community Sporting and Recreation Facilities Fund (CSRFF) application by the Coorow Tennis Club for netting for the recently refurbished Coorow Tennis Courts.**

**This report also seeks Council consideration for the establishment of a new ‘Community Grants’ Reserve Fund. The purpose of the Community Grants Reserve Fund to provide future funds for Community based projects.**

**This report also seeks Council approval to transfer the unallocated funds from the Coorow Tennis Courts CSRFF project to the abovementioned newly established Reserve Fund.**

**BACKGROUND:**

The Shire of Coorow has received correspondence from the Minister for Sport and Recreation, Racing and Gaming dated 12 November 2009, advising that the application from the Coorow Tennis Club for netting protection of the Coorow Tennis Courts has been unsuccessful.

At the 16 September 2009 Ordinary Meeting, Council considered item 10.1.2 CSRFF Small Grant Funding – Coorow Tennis Club, resolved the following;

*“That Council:*

- 1. supports the Coorow District Tennis Club’s CSRFF small Grants Application for the Netting of the new synthetic tennis courts at Maley Park, Coorow; and*
- 2. reallocate the balance of the unused funds from Council’s budget allocation COA 2703 to the Coorow Tennis Club’s Tennis Court Netting project”*

To date the Coorow Tennis Courts Project has cost \$80,296.39 made up of the following:

|                        |                    |
|------------------------|--------------------|
| 1/3 CSRFF              | \$26,765.46        |
| 1/3 Coorow Tennis Club | \$26,765.46        |
| 1/3 Shire of Coorow    | <u>\$26,765.47</u> |
| Total                  | <u>\$80,296.39</u> |

|  |                 |
|--|-----------------|
| Shire cash Contribution 2009/10 Budget | \$42,723        |
| Less 1/3 actual YTD                    | <u>\$26,765</u> |
| Balance Remaining                      | <u>\$15,958</u> |

**COMMENT:**

In view of the CSRFF Small Grants application by the Coorow District Tennis Club being unsuccessful it is supported that the balance of the funds be quarantined in a newly established Reserve funds for future Community Projects.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

**STRATEGIC IMPLICATIONS:**

Medium to long term Financial Management Planning.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The Shire of Coorow 2009/10 Budget allowed for a Shire cash contribution to the project of \$42,723.

**VOTING REQUIREMENT:**

Absolute Majority.

**OFFICER RECOMMENDATIONS:**

That Council:

1. establish a new Reserve fund titled 'Community Grants Reserve' for the purpose of providing future funds of Community based projects.
2. approve the transfer to the Community Grants Reserve of the unallocated Shire portion of the funds for the CSRFF Coorow Tennis Courts project of approximately \$15,958.

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

Nil.

**12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:**

Nil at this time.

**13. MATTERS BEHIND CLOSED DOORS:**

**14. DATE OF NEXT MEETING:**

|      |                            |
|------|----------------------------|
| 14.1 | PRE-BUDGET COMMUNITY FORUM |
|------|----------------------------|

Wednesday 17 February 2009 at the Coorow District Hall, Coorow from 2pm.

|      |                             |
|------|-----------------------------|
| 14.1 | ORDINARY MEETING OF COUNCIL |
|------|-----------------------------|

Wednesday 17 February 2009 at the Coorow District Hall, Coorow from 3pm.

**15. CLOSURE:**