



Agenda

Ordinary Council Meeting

17 September 2014

Notice of an Ordinary Council Meeting

The next Ordinary Meeting of the Shire of Coorow will be held on Wednesday 17 September 2014, at the Warradarge Meeting Room commencing at 3pm.

Darren Friend
Chief Executive Officer



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Signed on behalf of Council

Darren Friend
Chief Executive Officer

**SHIRE OF COOROW
QUESTIONS FROM THE PUBLIC**

Any member of the public wishing to participate in Public Question Time during Council or Committee meetings is welcome to do so; however, Council requires your name, address and written questions to be provided to the meeting secretary.

NAME: _____

SIGNATURE: _____

ADDRESS: _____

TELEPHONE: _____ **MEETING/DATE:**

NAME OF ORGANISATION REPRESENTING (if applicable):

QUESTION:

Please see notes on Public Question Time overleaf...

SHIRE OF COOROW QUESTIONS FROM THE PUBLIC

The Shire of Coorow welcomes community participation during public question time. The following is a summary of procedure and a guide to completion of the required form.

- a. The person asking the question is to give their name and address prior to asking the question.
- b. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
- c. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
- d. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
- e. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.
- f. Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).
- g. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
- h. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
- i. Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
- j. Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
- k. To enable all members of the public a fair and equitable opportunity to participate in Public Question Time, each person shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- l. Questions to be asked at the meeting will be registered, and the priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
- m. Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask a further two questions (with a two minute time limit) until the initial period for Public Question Time has expired.
- n. Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.

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

The President Cr Damien Rackemann, welcomed those present and opened the Meeting at pm

2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Councillor D A Rackemann
Councillor M R Bothe
Councillor L R Clement
Councillor R J Clement
Councillor B A Jack
Councillor G C Sims
Councillor D B McTaggart

President
Deputy President

Mr D A Friend
Mr V T Fordham Lamont
Mr T B Brandy
Mr K L Bean

Chief Executive Officer
Deputy Chief Executive Officer
Manager Regulatory Services
Manager of Works & Services

Apologies

LOA Previously Approved

Cr Cullen - 19/08/14 to 18/09/14

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

4. **PUBLIC QUESTION TIME:**

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

6. **DECLARATION OF INTEREST:**

7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**

8. CONFIRMATION OF MINUTES:

8.1 ORDINARY MEETING HELD WEDNESDAY 20 AUGUST 2014 AT THE LEEMAN RECREATION CENTRE

AUTHOR Darren Friend
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 3 September 2014

COMMENT:
Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 20 August 2014 be confirmed as a true and correct record.

RESOLUTION: 2014/115

Moved: Cr **Seconded: Cr**

**CARRIED /
Simple Majority**

8.2 LEEMAN FORESHORE COMMUNITY PLANNING COMMITTEE MEETING HELD MONDAY 11 AUGUST 2014 AT THE LEEMAN – GREEN HEAD COMMUNITY RESOURCE CENTRE

AUTHOR Darren Friend
DISCLOSURE OF INTEREST Nil
ATTACHMENT 8.2.1 Provided to Councillors as a separate attachment
DATE OF REPORT 13 August 2014

COMMENT:
Nil

OFFICER RECOMMENDATION:

That the Minutes of the Leeman Foreshore Community Planning Committee Meeting held on Monday 11 August 2014 be received.

RESOLUTION: 2014/

Moved: Cr **Seconded: Cr**

**CARRIED /
Simple Majority**

9. 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.

10. 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:

14.1.1 – CEO Performance Review

11. REPORTS:

11.1 CHIEF EXECUTIVE OFFICER:

11.1.1 CEO ANNUAL LEAVE AND APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2 September 2014
ATTACHMENT	
FILE	Personal

SUMMARY:

The Chief Executive Officer will be taking leave for the duration of the end of term three school holidays and Council is requested to appoint an Acting CEO in his absence.

COMMENT:

I will be taking a fortnight's leave in September/October 2014 for the duration of the school holidays. The actual period of leave will extend from Tuesday 30 September to Monday 13 October 2014, both dates inclusive.

In accordance with the provisions of the Local Government Act 1995, Council is required to appoint an Acting CEO for this period.

It is standard practice for the Deputy CEO to be appointed as Acting CEO in the absence of the CEO being on leave for periods in excess of two weeks.

Vin has undertaken the Acting CEO role during the previous leave periods I have taken in the past and carried out the role well. I am confident that he will do likewise again.

In addition, the Deputy CEO has the responsibility written into his position description.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13(correction to reprint in Gazette 28 Mar 2013 p. 1317).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) —

conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

SALARIES AND ALLOWANCES ACT 1975

Section 7A. Recommendations as to remuneration of local government CEOs

- (1) The Tribunal shall, from time to time, inquire into and make a report containing recommendations as to the remuneration to be paid or provided to chief executive officers of local governments.
- (2) A report of the Tribunal made under this section shall be —
- (a) in writing; and
 - (b) signed by the members.
- (3) A copy of every report made by the Tribunal under this section shall be published in the Gazette.

DEPARTMENT OF LOCAL GOVERNMENT

Local Government Guidelines

- Number 10 – Appointing a CEO
- Model Contract of Employment – Local Government CEO's
- Gender Diversity and the Selection of CEO's and Senior Staff in Local Government.
- Number 11 – Use of Corporate Credit Cards
- Number 17 - Delegations

STRATEGIC IMPLICATIONS:

NIL

POLICY IMPLICATIONS:

NIL

FINANCIAL IMPLICATIONS:

Nil (already built into Annual Budget)

VOTING REQUIREMENT:

Absolute Majority

OFFICERS RECOMMENDATION:

1. That Council appoints Vin Fordham Lamont, Deputy Chief Executive Officer (DCEO) as the Shire of Coorow's Acting Chief Executive Officer for the period Tuesday 30 September to Monday 13 October 2014, both dates inclusive; and
2. That the Deputy Chief Executive Officer be paid 100% higher duties for the duration of the period as Acting CEO.

RESOLUTION:

2014/

Moved: Cr

Seconded: Cr

**CARRIED /
Absolute Majority**

11.1.2 COUNCIL POLICY - FRACKING WITHIN THE SHIRE OF COOROW

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 September 2014
ATTACHMENT	11.1.2.1
FILE	ADM0316

SUMMARY:

Council is requested to consider the adoption of a policy relating to the mining of unconventional gas via hydraulic fracture stimulation (fracking) within the Shire of Coorow.

BACKGROUND:

COMMENT:

At its ordinary meeting held on Wednesday 20 August 2014, Council resolved:-

RESOLUTION: 2014/103

Moved: Cr Sims

Seconded: Cr Jack

That Council:-

1. publicly supports the request from Green Head and Leeman residents for the fracking at Drover-1 to be put on hold pending a thorough independent investigation of the risks to the Mount Peron aquifer and bore field.
2. does not support any further gas fracking within the Shire of Coorow (including exploration fracking) without full environmental impact assessment by the EPA, including assessment of impacts to surface and groundwater resources.
3. does not support any further gas fracking within the Shire of Coorow (including exploration fracking) without;
 - a. Health impact assessment (as called for by the Department of Health); and
 - b. Assessment of cumulative impacts on agricultural land (as called for by the WA Farmers Federation (WAFF)).
4. Writes to all members of the Western Australian parliament advising of its position in relation to the Drover -1 well project and seeks their support in ensuring "due diligence" in all fracking operations within the Shire of Coorow.
5. Requests the CEO to draft a policy to be presented to the September 2014 Council meeting which clearly states Council's position in relation to the mining of Unconventional Gas via Hydraulic Fracture Stimulation in the Shire of Coorow.

CARRIED 6/0
Simple Majority

Should Council choose to take a formal position in relation to this or any other form of mining activity within its boundaries, Council needs to be mindful of presenting a balanced view that represents the interests of a majority of its constituents and not a view that is seen as either anti-fracking or pro-development at any cost.

Elected Members and staff consulted with industry colleagues at Dongara/Arrowsmith last month to gauge that Council's opinion or stance in relation to unconventional gas extraction. The Shire of Irwin's "policy" relating to fracking is that it doesn't have a policy. This appears to reflect the local opinion relating to mining activities within that Shire that have been occurring for in excess of forty years.

As shown under the "Statutory Environment" section of this item below, control of mining activities rests with the State Government and its agencies. Any decision of Council could be seen as purely cosmetic in nature however, it is important that Council calls to account those who have the control and authority to ensure that due diligence is undertaken to protect its constituents from potential impacts that arise as a result of any lack of diligence on the part of any number of agencies.

Given the proximity of the Drover-1 well to the Mount Peron Bore Field which supplies drinking water to Leeman and Green Head, the principle fact which has driven the local community reaction, Council should focus on the protection of its environment and precious natural resources rather than taking any radical and unenforceable stance against the mining industry. Given the pro-mining policies of the Barnett led State Government, Council needs to position itself in a manner that it may be heard as part of any consultation process rather than ignored as inconsequential or inflexible in its attitude towards one of the key drivers of the state economy.

In drafting the attached policy, staff have been mindful to ensure that Council takes a responsible position to enable it to take advantage of any potential economic benefit from future projects that may arise, whilst at the same time ensuring the amenity of its residents.

STATUTORY ENVIRONMENT: Petroleum and Geothermal Energy Resources Act 1967

5. Terms used

- (1) In this Act, unless the contrary intention appears —
- petroleum drilling reservation** means a petroleum drilling reservation referred to in section 43D(1);
 - petroleum exploration permit** means a permit issued under section 38(1);
 - petroleum lease area** means the area constituted by the blocks that are the subject of a petroleum retention lease;
 - petroleum lessee** means the registered holder of a petroleum retention lease;
 - petroleum licensee** means the registered holder of a petroleum production licence;

petroleum operation means —

- (a) an operation to explore for petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose;
- (b) an operation to drill for petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose;
- (c) an operation to recover petroleum, and the carrying on of such operations and the execution of such works as are necessary for that purpose;
- (d) an operation for the mining, obtaining or production of petroleum under the Barrow Island lease as renewed, substituted or varied;
- (e) the injection of petroleum into a natural underground reservoir;
- (f) the injection of carbon dioxide, as defined in section 3 of the *Barrow Island Act 2003*, into an underground reservoir or other subsurface formation;
- (g) any other kind of operation that is prescribed by the regulations to be a petroleum operation for the purposes of this definition,

but does not include an operation of a kind that is prescribed by the regulations not to be a petroleum operation for the purposes of this definition;

petroleum permit area means the area constituted by the blocks that are the subject of a petroleum exploration permit;

petroleum permittee means the registered holder of a petroleum exploration permit;

7AA. Disapplication of State occupational safety and health laws

- (1) The prescribed occupational safety and health laws do not apply in relation to —
 - (a) a petroleum operation or geothermal energy operation; or
 - (b) a person engaged in a petroleum operation or geothermal energy operation or any other protected person.
- (2) In this section —

prescribed occupational safety and health laws means any laws of the State relating to occupational safety and health (whether or not they also relate to other matters) that are prescribed by the regulations for the purposes of this section.

[Section 7AA inserted by No. 13 of 2005 s. 5; amended by No. 35 of 2007 s. 86.]

Part III — Mining for petroleum, geothermal energy resources and geothermal energy

[Heading inserted by No. 35 of 2007 s. 17.]

Division 1 — Preliminary26. **Term used: State**

In this Part the **State** means all that part of the State of Western Australia that is not comprised in the **adjacent area** as defined in the *Petroleum (Submerged Lands) Act 1982*.

[Section 26 amended by No. 90 of 1987 s. 4.]

27. Graticulation of Earth's surface and constitution of blocks

- (1) For the purposes of this Act, the surface of the Earth shall be deemed to be divided —
 - (a) by the meridian of Greenwich and by meridians that are at a distance from that meridian of 5 minutes, or a multiple of 5 minutes, of longitude; and
 - (b) by the equator and by parallels of latitude that are at a distance from the equator of 5 minutes, or a multiple of 5 minutes, of latitude,into sections, each of which is bounded —
 - (c) by portions of 2 of those meridians that are at a distance from each other of 5 minutes of longitude; and
 - (d) by portions of 2 of those parallels of latitude that are at a distance from each other of 5 minutes of latitude.
- (2) For the purposes of this Act —
 - (a) a graticular section that is wholly within the State constitutes a block; and
 - (b) if a part only of a graticular section is, or parts only of a graticular section are, within the State, the area of that part, or of those parts, constitutes a block.
- (3) In this Act —
 - (a) a reference to a block that is constituted by a graticular section includes a reference to a block that is constituted by the area of a part only, or by the areas of parts only, of a graticular section; and
 - (b) a reference to a graticular section that constitutes a block includes a reference to a graticular section part only of which constitutes, or parts only of which constitute, a block.
- (4) Without limiting subsection (2) of section 8, a datum is to be prescribed by regulations referred to in that section for the purposes of the determination of the position on the surface of the Earth of a graticular section or a block (including a block constituted as provided by section 135).

[Section 27 amended by No. 54 of 2000 s. 7(3)]

28. Reservation of blocks

- (1) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease or petroleum production licence is in force) shall not be the subject of a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority.
- (1a) The Minister may, by instrument published in the *Gazette*, declare that a block specified in the instrument (not being a block in respect of which a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease or geothermal production licence is in force) shall not be the subject of a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence, geothermal special prospecting authority or geothermal access authority.
- (2) While a declaration under subsection (1) remains in force in respect of a block, a petroleum exploration permit, petroleum drilling reservation, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority shall not be granted in respect of that block.
- (3) While a declaration under subsection (1a) remains in force in respect of a block, a geothermal exploration permit, geothermal drilling reservation, geothermal retention lease, geothermal production licence, geothermal special prospecting authority or geothermal access authority shall not be granted in respect of that block.

[Section 28 amended by No. 12 of 1990 s. 19; No. 78 of 1990 s. 7; No. 35 of 2007 s. 18.]

28A. Issue of permits etc. in marine reserves

- (1) Before granting, renewing or extending a permit, drilling reservation, access authority, special prospecting authority, lease or licence in respect of any marine reserve, the Minister shall first notify the Minister for the time being charged with the administration of the *Conservation and Land Management Act 1984*.

[(2) deleted]

- (3) In this section —

marine reserve means a marine nature reserve, marine park or marine management area within the meaning of the *Conservation and Land Management Act 1984*.

[Section 28A inserted by No. 5 of 1997 s. 43; amended by No. 17 of 1999 s. 22(3).]

Division 2 — Permits and drilling reservations

[Heading inserted by No. 78 of 1990 s. 5.]

29. **Exploration for petroleum and geothermal energy resources restricted**

- (1) A person shall not explore for petroleum in the State except —
 - (a) under and in accordance with a petroleum exploration permit or a petroleum drilling reservation; or
 - (b) as otherwise permitted by this Act.

Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.

- (2) A person shall not explore for geothermal energy resources in the State except —
 - (a) under and in accordance with a geothermal exploration permit or a geothermal drilling reservation; or
 - (b) as otherwise permitted by this Act.

Penalty: a fine of \$50 000 or imprisonment for 5 years, or both.

- (3) In this section —

explore for, in relation to petroleum or geothermal energy resources, includes to conduct any geophysical survey the data from which are intended for use in the search for petroleum or geothermal energy resources.

[Section 29 inserted by No. 12 of 1990 s. 20; amended by No. 78 of 1990 s. 7; No. 28 of 1994 s. 6; No. 35 of 2007 s. 19; No. 42 of 2010 s. 62(15).]

30. **Advertisement of blocks**

- (1) The Minister may, by instrument published in the *Gazette* —
 - (a) invite applications for the grant of a permit in respect of the block or blocks specified in the instrument; and
 - (b) specify a period within which applications may be made.
- (2) The Minister may, for reasons that he thinks sufficient, in an instrument under subsection (1), direct that subsection (2) or (3) of section 31 does not apply, or that both of those subsections do not apply, to or in relation to the applications.

[Section 30 amended by No. 12 of 1990 s. 21.]

31. **Application for permit**

- (1) An application under section 30 or 105(3)(a)(ii) —
 - [(a) *deleted*]
 - (b) shall be made in an approved manner; and
 - (c) shall be in respect of not more than —
 - (i) 400 blocks, if the application relates to the exploration for petroleum; or
 - (ii) 160 blocks, if the application relates to the exploration for geothermal energy resources;

- and
- (d) shall be accompanied by particulars of —
 - (i) the proposals of the applicant for work and expenditure in respect of the blocks specified in the application; and
 - (ii) the technical qualifications of the applicant and of his employees; and
 - (iii) the technical advice available to the applicant; and
 - (iv) the financial resources available to the applicant;and
 - (e) may set out any other matters that the applicant wishes the Minister to consider; and
 - (f) shall be accompanied by the prescribed fee.
- (2) The number of blocks specified in the application —
 - (a) if 16 blocks or more are available — shall not be less than 16; or
 - (b) if less than 16 blocks are available — shall be the number available.
 - (3) The blocks specified in the application shall be blocks that are constituted by graticular sections that —
 - (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.
 - (4) The Minister may, at any time, by instrument in writing served on the applicant, require him to furnish, within the time specified in the instrument, further information in writing in connection with his application.

[Section 31 amended by No. 69 of 1981 s. 34; No. 12 of 1990 s. 22; No. 28 of 1994 s. 7; No. 35 of 2007 s. 20; No. 42 of 2010 s. 6.]

38. Rights conferred by permit

- (1) A petroleum exploration permit, while it remains in force, authorises the permittee, subject to this Act and in accordance with the conditions to which the permit is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.
- (2) A geothermal exploration permit, while it remains in force, authorises the permittee, subject to this Act and in accordance with the conditions to which the permit is subject —
 - (a) to explore for geothermal energy resources in the permit area; and
 - (b) to recover geothermal energy in the permit area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and
 - (c) to carry on such operations and execute such works in the permit area as are necessary for those purposes.

[Section 38 amended by No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 26.]

43D. Rights conferred by drilling reservation

- (1) A petroleum drilling reservation, while it remains in force, authorises the holder of the drilling reservation, subject to this Act and in accordance with the conditions to which the drilling reservation is subject, to drill for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the drilling reservation area.
- (2) A geothermal drilling reservation, while it remains in force, authorises the holder of the drilling reservation, subject to this Act and in accordance with the conditions to which the drilling reservation is subject —
 - (a) to drill for geothermal energy resources in the drilling reservation area; and
 - (b) to recover geothermal energy in the drilling reservation area for the purpose of establishing the nature and probable extent of a discovery of geothermal energy resources; and
 - (c) to carry on such operations and execute such works in the drilling reservation area as are necessary for those purposes.

[Section 43D inserted by No. 78 of 1990 s. 6; amended by No. 13 of 2005 s. 16(2); No. 35 of 2007 s. 29.]

43E. Term of drilling reservation

- (1) A drilling reservation is effective from the day on which the drilling reservation is granted or such later date as is specified by the Minister.
- (2) Subject to section 43F, a drilling reservation is effective for such period, not exceeding 3 years, as is specified by the Minister commencing from the day from which it is effective under subsection (1).

[Section 43E inserted by No. 78 of 1990 s. 6; amended by No. 17 of 1999 s. 25.]

43F. Extension of term of drilling reservation

- (1) The holder of a drilling reservation may, before the expiry of the drilling reservation, apply to the Minister for the extension of the period for which the drilling reservation is effective.
- (2) An extension of the period for which a drilling reservation is effective shall not be granted unless the holder of the drilling reservation has drilled or is in the course of drilling a well to the depth specified in the instrument issued under section 43C in relation to the grant of the drilling reservation and has submitted a report to the Minister in relation to the well.
- (2a) An extension of the period for which a drilling reservation is effective shall not be granted if that period has previously been extended under this section.

- (3) An application under subsection (1) shall be accompanied by —
- [(a) *deleted*]
 - (b) a statement of each type of work carried out on the drilling reservation; and
 - (c) a statement of the reasons for the extension of the drilling reservation; and
 - (d) the prescribed fee.
- (4) For the purposes of this section no account shall be taken of any delay arising from any assignment of interests in the drilling reservation.
- (5) Subject to subsections (2) and (2a), where —
- (a) an application has been made under subsection (1); and
 - (b) the conditions to which the drilling reservation is, or has from time to time been, subject, and the provisions of this Part and the regulations, have been complied with,

the Minister shall grant an extension of a drilling reservation for a period of 12 months commencing from the expiration of the period for which the drilling reservation is effective.

- (6) Where —
- (a) under subsection (1) an application for an extension of the period for which a drilling reservation is effective has been made; and
 - (b) the period for which the drilling reservation is effective expires before the Minister grants, or refuses to grant, the extension referred to in paragraph (a),

the drilling reservation shall be deemed to continue in force in all respects until the Minister grants, or refuses to grant, the extension applied for.

[Section 43F inserted by No. 78 of 1990 s. 6; amended by No. 28 of 1994 s. 20; No. 17 of 1999 s. 26(1)-(4).]

Mining Act 1978

6. Operation of this Act

- (1) This Act shall be read and construed subject to the *Environmental Protection Act 1986*, to the intent that if a provision of this Act is inconsistent with a provision of that Act, the first-mentioned provision shall, to the extent of the inconsistency, be deemed to be inoperative.
- (1a) Notwithstanding subsection (1) and section 5 of the *Environmental Protection Act 1986*, in the case of an application for a mining lease accompanied by the documentation referred to in section 74(1)(ca)(ii) —
- (a) only the applicant can refer a proposal to which the application relates under section 38(1) of that Act; and
 - (b) section 38(5) of that Act does not apply to such a proposal.

- (1b) In subsection (1a) —
proposal has the meaning given to that term in section 3(1) of the *Environmental Protection Act 1986*.
- (1c) Subsection (1a) does not apply to an application for a mining lease made pursuant to a Government agreement as defined in section 2 of the *Government Agreements Act 1979*.
- (1d) If a mining lease is granted on an application referred to in subsection (1a), nothing in that subsection affects the application of section 38 of the *Environmental Protection Act 1986* to —
- (a) a programme of work lodged by the holder of the mining lease in compliance with the condition referred to in section 82(1)(ca); or
 - (b) a mining proposal lodged by the holder of the mining lease in compliance with the condition referred to in section 82A.
- (2) Notwithstanding anything in this Act —
- (a) a local government is not required to hold a mining tenement to —
 - (i) exercise the power given to it by section 3.27 of, and clause 3 of Schedule 3.2 to, the *Local Government Act 1995*; or
 - (ii) remove from local government property (as defined in that Act), rock, stone, clay, sand or gravel for use in the construction of local government facilities;

and

 - (b) if a local government leases local government property to another person, that person is not required to hold a mining tenement to remove from that land, rock, stone, clay, sand or gravel for use in the construction of local government facilities, unless the Minister requires that person to hold a tenement.
- (3) Whenever a provision of the *Contaminated Sites Act 2003* is inconsistent with a provision of this Act or a mining tenement, the provision of the *Contaminated Sites Act 2003* prevails.
- [Section 6 amended by No. 100 of 1985 s. 4; No. 77 of 1986 s. 8; No. 14 of 1996 s. 4; No. 39 of 2004 s. 26; No. 12 of 2010 s. 4.]*

[7. Deleted by No. 122 of 1982 s. 4.]

8. **Terms used**

- (1) In this Act, unless the contrary intention appears —
- agricultural** used in relation to the purposes for which land is occupied, includes cropping or pasturing purposes;
- geological sample** includes a drill core;
- land under cultivation** means land being used for agricultural purposes and includes any land, whether cleared or uncleared, used by a person for the grazing of stock in the ordinary course of management of the land of that person where the land so used for grazing forms the whole or a part of the land owned or occupied by that person;

minerals means naturally occurring substances obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include —

- (a) soil; or
- (b) a substance the recovery of which is governed by the *Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; or
- (ba) without limiting paragraph (b), geothermal energy resources as defined in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1); or
- (c) a meteorite as defined in the *Museum Act 1969*; or
- (d) any of the following substances if it occurs on private land —
 - (i) limestone, rock or gravel; or
 - (ii) shale, other than oil shale; or
 - (iii) sand, other than mineral sand, silica sand or garnet sand; or
 - (iv) clay, other than kaolin, bentonite, attapulgite or montmorillonite;

miner's right means a miner's right issued under section 40C;

mining includes fossicking, prospecting and exploring for minerals, and mining operations;

mining operations means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted combusted or refined or dealt with for the purpose of obtaining any mineral or processed mineral resource therefrom whether it has been previously disturbed or not and includes —

- (a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and
- (b) operations by means of which salt or other evaporites may be harvested; and
- (c) operations by means of which mineral is recovered from the sea or a natural water supply; and
- (da) operations by means of which a processed mineral resource is produced and recovered; and
- (d) the doing of all acts incident or conducive to any such operation or purposes;

mining product means any material won from land by mining;

mining registrar means a mining registrar appointed in accordance with this Act or deemed so to be and includes a reference to the person holding, acting in, or performing the functions of a prescribed office or position in the Department;

mining tenement means a prospecting licence, exploration licence, retention licence, mining lease, general purpose lease or a miscellaneous licence granted or acquired under this Act or by virtue of the repealed Act; and includes the specified piece of land in respect of which the mining tenement is so granted or acquired;

occupier in relation to any land includes any person in actual occupation of the land under any lawful title granted by or derived from the owner of the land;

oil shale includes naturally occurring hydrocarbons that are or may be contained in rocks from which they cannot be recovered otherwise than by mining those rocks as oil shale;

owner in relation to any land means —

- (a) the registered proprietor thereof or in relation to land not being land under the *Transfer of Land Act 1893* the owner in fee simple or the person entitled to the equity of redemption thereof; or
- (b) the lessee or licensee from the Crown in respect thereof; or
- (c) the person who for the time being, has the lawful control and management thereof whether on trust or otherwise; or
- (d) the person who is entitled to receive the rent thereof;

prescribed official means the holder of an office in the Department that is prescribed, or is of a class prescribed, for the purposes of the provision in which the term is used;

private land means any land, other than Commonwealth land, that has been or may hereafter be alienated from the Crown for any estate of freehold, or is or may hereafter be the subject of any conditional purchase agreement, or of any lease or concession with or without a right of acquiring the fee simple thereof (not being a pastoral lease within the meaning of the *Land Administration Act 1997* or a lease or concession otherwise granted by or on behalf of the Crown for grazing purposes only or for timber purposes or a lease of Crown land for the use and benefit of the Aboriginal inhabitants) but —

- (a) in relation to mining for minerals other than gold, silver and precious metals, for the purposes of Division 3 of Part III, does not include land alienated before 1 January 1899, except as provided in that Division; and
- (b) other than in so far as the primary tenement may be treated as private land in relation to mining for gold pursuant to a special prospecting licence or mining lease under section 56A, 70 or 85B, does not include land that is the subject of a mining tenement; and
- (c) no land that has been reserved for or dedicated to any public purpose shall be taken to be private land by reason only that any lease or concession is granted in relation thereto for any purpose;

8A. Rights in respect of oil shale or coal

- (1) Notwithstanding anything in section 8, a mining tenement (other than a coal mining lease) granted and in force under, or continued in force by, this Act in respect of land which is the subject of an exploration permit specified in the Schedule to the *Petroleum and Geothermal Energy Resources Act 1967* does not confer on the holder of that mining tenement any rights in respect of oil shale or coal.
- (2) If land referred to in subsection (1) ceases to be the subject of an exploration permit referred to in that subsection, the holder of the mining tenement referred to in that subsection may apply to the Minister for rights in respect of oil shale or coal or both in respect of that land.
- (3) On receiving an application made under subsection (2), the Minister may in writing confer on the applicant such rights in respect of oil shale or coal or both in respect of the land concerned as he thinks fit, in which case the mining tenement concerned shall be amended accordingly.

[Section 8A inserted by No. 69 of 1981 s. 7; amended by No. 35 of 2007 s. 100(4).]

Division 3 — Private land

27. Private land open for mining

- (1) Subject to this Act, a mining tenement may be applied for in respect of any private land (which for the purposes of this Division does not include private land that is the subject of a mining tenement, other than in relation to mining for gold pursuant to a special prospecting licence or mining lease under section 56A, 70 or 85B in which case the land which is the subject of the application for that licence or lease is to be dealt with as private land) and such land is open for mining in accordance with this Act.
- (2) This Division does not apply to the land specified in the Third Schedule.

[Section 27 amended by No. 100 of 1985 s. 19; No. 37 of 1993 s. 12(2).]

28. Unlawful entry on private land

No person shall enter or remain upon the surface of any private land for any of the purposes of this Division or those specified in section 104(1) unless he —

- (a) is the owner in occupation of that private land; or
- (b) is authorised to do so, by a permit issued under section 30, or by any other provision of this Act, or by virtue of a mining tenement.

[Section 28 amended by No. 39 of 2004 s. 51.]

29. Granting of mining tenements in respect of private land

- (1) Subject to this Act, but notwithstanding any other Act or law, a mining tenement may be granted in respect of an area that consists of private land only or partly of private land and partly of any other land and the authority conferred thereby on the holder thereof may be exercised by that holder in respect of any such land.
- (2) Except with the consent in writing of the owner and the occupier of the private land concerned, a mining tenement shall not be granted in respect of private land —
 - (a) which is in *bona fide* and regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation or is land under cultivation; or
 - (b) which is the site of a cemetery or burial ground; or
 - (c) which is the site of a dam, bore, well or spring; or
 - (d) on which there is erected a substantial improvement; or
 - (e) which is situated within 100 m of any private land referred to in paragraph (a), (b), (c) or (d); or
 - (f) which is a separate parcel of land and has an area of 2 000 m² or less,

unless the mining tenement is granted only in respect of that part of that private land which is not less than 30 m below the lowest part of the natural surface of that private land.

[(3) *deleted*]

- (4) If a question arises as to whether something is a substantial improvement for the purposes of subsection (2)(d), the question is to be determined by the warden and the warden's determination is final and conclusive and not subject to appeal.
- (5) The holder of a mining tenement which —
 - (a) has been granted wholly or partly in respect of private land referred to in subsection (2)(a), (b), (c), (d), (e) or (f); but
 - (b) has not been granted in respect of that portion of the private land referred to in paragraph (a) that is less than 30 m below the lowest part of the natural surface of that private land because the consents referred to in subsection (2) have not been given,

may apply to the Minister for that mining tenement to be amended by granting it in respect of the portion referred to in paragraph (b) as well as in respect of the land in respect of which that mining tenement is already granted and that portion, whilst the right so to apply subsists, is not open for mining to any other person.

- (6) On receiving an application made under subsection (5), the Minister may, if he is satisfied that both the owner and the occupier of the private land referred to in paragraph (a) of that subsection have consented in writing to the grant of the mining tenement concerned in respect of the portion referred to in paragraph (b) of that subsection, grant that application.

- (6a) Subsection (6b) applies to a mining tenement if it —
- (a) has been granted wholly or partly in respect of private land referred to in subsection (2)(a), (b), (c), (d), (e) or (f); but
 - (b) has not been granted in respect of that portion of the private land (the **relevant portion**) that is less than 30 m below the lowest part of the natural surface of that private land because the consents referred to in subsection (2) have not been given.
- (6b) If during the currency of a mining tenement to which this subsection applies, the relevant portion or any part of the relevant portion ceases to be private land, the relevant portion or that part of the relevant portion, as the case requires, is, by operation of this subsection, included in the mining tenement.
- (7) A mining tenement granted under this Division in respect of any private land —
- (a) shall, subject to this Act, authorise the holder of that mining tenement —
 - (i) to carry out mining on the natural surface of the private land and at any depth thereunder; or
 - (ii) to carry out mining at a depth of not less than 30 m from the lowest part of the natural surface of the private land;
 - (b) shall comprise a right of access by a right of way, to be marked in the prescribed manner at the expense of the holder of that mining tenement, from the private land through any land, whether occupied under a mining tenement or otherwise, to the nearest practicable point of a street or road, but except with the consent in writing of the owner and the occupier of any land used as a yard, garden, orchard or cultivated field no such right of way shall be had by the holder of that mining tenement through that land;
 - (c) does not without the consent in writing of the owner and the occupier of the private land authorise the holder of that mining tenement to use water artificially conserved by that owner or occupier or to fell trees, strip bark or cut timber on the private land or, except in connection with mining carried out on the private land, to remove earth or rock therefrom;
 - (d) does not authorise the holder of that mining tenement to impound any stock or other animals belonging to or being in the custody or under the control of the owner or occupier of any land adjoining the mining tenement, or to disturb or molest any such stock or other animals in any manner whatever, or to prevent any such stock or other animals from depasturing on or over the land the subject of the mining tenement, unless that land is fenced.

[Section 29 inserted by No. 69 of 1981 s. 9; amended by No. 100 of 1985 s. 20; No. 105 of 1986 s. 9; No. 58 of 1994 s. 6; No. 39 of 2004 s. 52.]

30. Granting of permits in respect of private land

- (1) A person who desires to enter on any private land to search for any mineral or to mark out a mining tenement may apply for a permit to enter on the private land.
- (2) An application under subsection (1) shall be made in the prescribed manner and be in the prescribed form and shall contain a description of the private land concerned that is sufficient to enable the land to be identified.
- (3) A warden or a prescribed official, on being satisfied that an application made under subsection (1) is made in good faith, may grant a permit in writing to enter on the private land concerned —
 - (a) for such term not exceeding 30 days from the date thereof; and
 - (b) subject to such conditions, not being conditions preventing the marking out of any mining tenement or the maintenance of any marks or notices relating thereto,

as he thinks fit and specifies in that permit and, where the holder of the permit marks out and applies for a mining tenement in relation to that land or any part thereof, the permit shall be deemed to continue in force, for the purpose only of repairing or maintaining the marks so set up and the notices posted thereon, until such time as the application for the mining tenement is determined.

- (4) A warden or a prescribed official may, on granting a permit under subsection (3), fix a sum of money and require that sum to be paid to the Director General of Mines by the applicant for the permit before the issue thereof to the applicant.
- (5) A sum fixed under subsection (4) shall be a sum that, in the opinion of the warden or prescribed official, would provide reasonable compensation to the owner and the occupier of the private land to which the permit concerned relates for any damage likely to be caused by the holder of the permit during the currency of the permit.
- (6) The owner or the occupier of the private land to which a permit relates may apply to the warden's court within the prescribed period for payment of all or part of a sum paid by the holder of the permit under subsection (4).
- (6a) If the warden's court is satisfied, on an application made under subsection (6), that the applicant has suffered damage caused by the holder of the permit during the currency of the permit, the warden's court may order that all or part of the sum be paid to the applicant.
- (6b) If an order is made under subsection (6a) that all of the sum be paid to the applicant, the Director General of Mines shall give effect to the order.
- (6c) If an order is made under subsection (6a) that part of the sum be paid to the applicant, the Director General of Mines shall —
 - (a) give effect to the order; and
 - (b) pay the balance of the sum to the holder of the permit.

- (6d) If —
- (a) no application is made under subsection (6); or
 - (b) an application made under subsection (6) is refused, withdrawn or discontinued,

the Director General of Mines shall pay the sum to the holder of the permit.

- (7) A permit under subsection (3) shall be deemed to be held subject to the condition that the holder is liable —
- (a) in accordance with section 123, in respect of loss or damage arising out of the lawful exercise of the authorisation conferred by the permit; and
 - (b) generally for any loss or damage arising by reason of any entry on the land effected in purported pursuance of the authorisation conferred by the permit where the exercise of that authorisation contravened conditions to which the permit was subject or the entry was otherwise unlawful.
- (8) In this section —

prescribed official means a person who holds or acts in an office or position in the Department that is prescribed for the purposes of this section.

[Section 30 inserted by No. 69 of 1981 s. 10; amended by No. 100 of 1985 s. 21; No. 22 of 1990 s. 9; No. 39 of 2004 s. 53.]

31. Holder of permit to give notice to owner and occupier

- (1) The holder of a permit issued under section 30 or his duly authorised employee or agent shall hand a copy of the permit to the occupier of the private land over which the permit has been granted on the first occasion that the holder, his employee or agent enters upon that land after the issue of the permit, but if the occupier is not present on the private land on that occasion, the holder of the permit, his employee or agent shall —
- (a) on entering the land on that occasion place a copy of the permit in a prominent position on the occupier's dwelling or in a prominent position at the main entrance to the land if no such dwelling is situated on the land; and
 - (b) in any event, within 48 hours of his first entering the land after the issue of the permit, cause a copy of the permit to be sent by prepaid registered post to the occupier at his last known place of abode or business.
- (2) Where the occupier of the private land is also the owner or one of the owners of that private land, no further notice other than that required by subsection (1) is required to be served on that owner or any of the other owners of that land for the purposes of subsection (3).

- (3) Where none of the owners of any private land is also in occupation of that land, the holder of a permit granted over that private land shall cause a copy of the permit to be sent, within 48 hours of his first entering the land after the issue of the permit, by prepaid registered post to one of those owners at —
- (a) in the case of an owner which is a body corporate — the registered office of the body corporate; or
 - (b) in the case of an owner who is not a body corporate — to his last known place of abode or business.

[Section 31 amended by No. 100 of 1985 s. 22; No. 22 of 1990 s. 10.]

32. Rights conferred by a permit

- (1) The holder of a permit issued under section 30 or his duly authorised employee or agent is thereby authorised —
- (a) to enter upon and remain upon the surface of the private land to which the permit relates and to search thereon for any mineral and to mark out, and repair and maintain the marks set up and notices relating to the application for one or more mining tenements with respect to that land or any part thereof; and
 - (b) to search thereon for any mineral and detach one or more samples of any vein or lode outcropping on the surface thereof not exceeding in the aggregate 13 kg and to take therefrom such other samples as may be agreed by the owner or, where the owner is not in occupation of the private land, the occupier of the private land; and
 - (c) to remove from the private land such samples for the purpose of assaying or testing the value thereof,

but the holder or his duly authorised employee or agent shall not carry out any other mining on or otherwise disturb the surface of the land.

- (2) Where a warden or a prescribed official refuses to grant an application for a permit under section 30 or grants the application on conditions the applicant considers unreasonable or fixes a sum of money under section 30(4) which the applicant considers excessive the applicant may within the time and in the manner prescribed appeal to the Minister against such refusal, conditions or amount as the case may be.
- (3) The Minister may dismiss the appeal or uphold the appeal and grant the permit which he is hereby authorised to do.

[Section 32 amended by No. 69 of 1981 s. 11; No. 100 of 1985 s. 23; No. 39 of 2004 s. 54.]

33. Application for mining tenement by permit holder

- (1) Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to —
- (a) the chief executive officer of the local government; and
 - (b) the owner and occupier of the private land; and
 - (c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land,

but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.

- (1a) Where the application for a mining tenement relates only to that portion of the land that is not less than 30 m below the lowest part of the natural surface of the private land, it shall not be necessary to give notice of the application to the owner or occupier or to a mortgagee of the land, but no application shall be made under section 29(5) or otherwise in respect of that portion of the land that is less than 30 m below the lowest part of the natural surface unless notice is given in accordance with subsection (1) notwithstanding the prior grant of an application for a mining tenement over any portion of the land.
- (1b) Where the application relates to land to which section 29(2) or (5) applies, the applicant shall be required to establish that both the owner and the occupier have consented in writing to the grant of the mining tenement concerned but otherwise, subject to the determination of the amount of any compensation payable in accordance with section 123, a mining tenement in respect of private land may be granted in accordance with this Act.
- (2) The owner and occupier of the private land or any portion of that land and any mortgagee referred to in subsection (1)(c) are entitled to be heard in relation to any application in respect of any portion of that land and if the owner or occupier objects to the granting of the mining tenement, the warden may, if in the circumstances of the case he considers it proper so to do, and irrespective of the manner in which the application for the mining tenement is disposed of, order that the applicant pay to the objector or objectors, such sum by way of costs as the warden orders.
- (2a) If a warden makes an order for the payment of costs under subsection (2), those costs are recoverable in accordance with the regulations.
- (3) Nothing in subsection (2) limits or otherwise affects the other powers conferred by this Act upon a warden.

[Section 33 amended by No. 100 of 1985 s. 24; No. 14 of 1996 s. 4; No. 39 of 2004 s. 55.]

[34. Deleted by No. 69 of 1981 s. 12.]

35. Compensation to be agreed upon or determined before mining operation commences

- (1) The holder of a mining tenement shall not commence any mining on the natural surface or within a depth of 30 m from the lowest part of the natural surface of any private land unless and until he has paid or tendered to the owner and the occupier thereof the amount of compensation, if any, that he is required to pay under and as ascertained in accordance with this Act, or he has made an agreement with the owner and occupier as to the amount, times and mode of the compensation, if any.
- (2) Where any person to whom compensation is payable under this Act cannot be found or is dead or is otherwise incapacitated at law, any payment of compensation may be made to the Minister in trust for that person or his personal representative as the case requires.

[Section 35 amended by No. 69 of 1981 s. 13; No. 100 of 1985 s. 25.]

[36. Deleted by No. 69 of 1981 s. 14.]

37. Application to bring certain private land under this Division

- (1) Any person may in manner prescribed apply to the Minister to have any private land alienated before 1 January 1899 brought within the operation of this Division for the purpose of mining for minerals other than gold, silver and precious metals.
- (2) In respect of an application under subsection (1), the Minister may authorise and instruct a geologist or any other professional officer in the Department to enter, inspect and report upon the private land to which the application, relates and thereupon the geologist or the professional officer with assistants may enter and prospect the private land and do all things necessary to ascertain whether there is a reasonable likelihood of that land containing any mineral in payable quantities.
- (3) If the geologist or the professional officer reports to the Minister that in the geologist's or professional officer's opinion there is a reasonable likelihood of the private land containing any mineral in payable quantities, the Minister may, with the approval of the Governor, by notice published in the *Government Gazette*, declare that at the expiration of a period specified in the notice, being a period of not less than 6 months from the date the notice is so published, the private land shall come within the operation of this Division.
- (4) A copy of the notice published in the *Government Gazette* shall be served upon the owner of the private land to which the notice relates, as soon as practicable after it is so published.

[Section 37 amended by No. 19 of 2010 s. 51.]

38. Right of owner to apply for mining tenement

- (1) The owner of the private land to which section 37 refers may, at any time within the period referred to in section 37(3), apply for a mining tenement in respect of the private land or any part thereof.

- (2) Where within the period referred to in subsection (1) the owner of the private land fails to apply for a mining tenement with respect to the land as provided in that subsection, or if he so applies but a tenement is not granted, —
- (a) the land shall come within the operation of this Division and all rent and royalties received by the Crown for any minerals won from the land shall be paid to the owner of the land less one-tenth of the amount thereof; and
 - (b) the Minister may grant to the person who made the application under section 37(1) for such period as he thinks fit, the prior right to the exclusion of all other persons to mark out the private land or any part thereof and/or apply for a mining tenement in respect thereof.

[Section 38 amended by No. 69 of 1981 s. 15; No. 100 of 1985 s. 26; No. 19 of 2010 s. 51.]

39. Owner to comply with mining tenement conditions

Where the owner of any private land is granted a mining tenement on an application made under section 38 he shall comply with the terms and conditions of the mining tenement and in particular the expenditure conditions applicable thereto, but no rent or royalty shall be payable by the owner with respect to the land the subject of the mining tenement or in respect of any mineral won therefrom.

Environmental Protection Act 1986

3. Terms used

- (1) In this Act, unless the contrary intention appears —

works approval means a works approval granted and in force under Part V Division 3.

- (2) For the purposes of the definition of **environment** in subsection (1), the social surroundings of man are his aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by his physical or biological surroundings.
- (2aa) A reference in this Act to the discharge, emission or transmission of anything (whether accompanied by the expression “into the environment” or not) —
- (a) is a reference to discharge, emission or transmission onto or into land, water, the atmosphere or living things; and
 - (b) in relation to discharge, emission or transmission from premises, includes a reference to discharge, emission or transmission onto or into land, water, the atmosphere or living things on, in, under, above or part of the premises.

4A. Object and principles of Act

The object of this Act is to protect the environment of the State, having regard to the following principles —

Table

1. *The precautionary principle*

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, decisions should be guided by —

- (a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- (b) an assessment of the risk-weighted consequences of various options.

2. *The principle of intergenerational equity*

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

3. *The principle of the conservation of biological diversity and ecological integrity*

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4. *Principles relating to improved valuation, pricing and incentive mechanisms*

- (1) Environmental factors should be included in the valuation of assets and services.
- (2) The polluter pays principle — those who generate pollution and waste should bear the cost of containment, avoidance or abatement.

- (3) The users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes.
- (4) Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solutions and responses to environmental problems.

5. *The principle of waste minimisation*

All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.

[Section 4A inserted by No. 54 of 2003 s. 122.]

5. *Inconsistent laws*

Whenever a provision of this Act or of an approved policy is inconsistent with a provision contained in, or ratified or approved by, any other written law, the provision of this Act or the approved policy, as the case requires, prevails.

[Section 5 amended by No. 54 of 2003 s. 90 and 123.]

Part II — Environmental Protection Authority

Division 1 — Composition, procedure, etc. of Environmental Protection Authority

7. *Continuation and composition of Environmental Protection Authority*

- (1) The body known as the Environmental Protection Authority and established under the repealed Act is under that name hereby continued in existence subject to this Act.
- (2) The Authority consists of 5 members appointed by the Governor on the recommendation of the Minister on account of their interest in, and experience of, matters affecting the environment generally.
- (3) Before making a recommendation under subsection (2) the Minister shall publish in a daily newspaper circulating throughout the State a notice calling for expressions of interest in appointment to the office of Authority member.
- (4) The Minister shall consider expressions of interest lodged in accordance with the notice but may make a recommendation under subsection (2) whether or not the person recommended has lodged an expression of interest.

- (4a) One of the Authority members shall be appointed by the Governor on the recommendation of the Minister to be the Chairman of the Authority and another to be the Deputy Chairman of the Authority.
- (4b) The duties of the Chairman are to be performed on a full-time basis.
- (4c) The duties of an Authority member other than the Chairman are to be performed on a full-time or part-time basis as determined by the Governor on the recommendation of the Minister in the case of that member.
- (5) An Authority member shall not be a person who is employed under and subject to Part 3 of the *Public Sector Management Act 1994*.
- (6) Subject to this Act, an Authority member shall hold office for such period not exceeding 5 years as is specified in his instrument of appointment, but may from time to time be reappointed.
- (7) The office of an Authority member becomes vacant if he —
 - (a) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth; or
 - (b) after his appointment as an Authority member, becomes a person employed under and subject to Part 3 of the *Public Sector Management Act 1994*; or
 - (c) is removed from office by the Governor —
 - (i) on the grounds of misbehaviour, incompetence, or mental or physical incapacity, impairing the performance of his functions and proved to the satisfaction of the Governor; or
 - (ii) it having been proved to the satisfaction of the Governor that the Authority member has absented himself, except on leave granted by the Minister, from 3 consecutive meetings of the Authority of which he has had reasonable notice, on the grounds of his having so absented himself;or
 - (d) resigns his office by notice in writing delivered to the Minister.
- (8) The Chairman or the Deputy Chairman ceases to hold office as such if his office as an Authority member becomes vacant.

[Section 7 amended by No. 113 of 1987 s. 32; No. 34 of 1993 s. 5; No. 32 of 1994 s. 19; No. 10 of 2001 s. 70.]

STRATEGIC IMPLICATIONS:

Shire of Coorow – Strategic Community Plan – Our Future Coorow – 2012 to 2022

A Clean and Green Environment

Our coastal and bush land reserves are utilised and managed in a way that will preserve them for future generations. We preserve our water and appropriately dispose of waste. Monitor and respond where possible to the impacts of climate variability. We are receptive to alternative sources of energy.

Objective	Strategies to Make it Happen	We'll know we are succeeding when	Lead Agency	Key Partners
<p>Our natural environment is preserved for the future</p>	<ul style="list-style-type: none"> • Ensure environmental considerations are taken into account during every planning process • Ensure waste minimization programs are centred on public awareness • The Shire engages proactively with the community and other relevant organizations in the preservation of its natural environmental assets • Establish environmental management and monitoring processes/protocols • The Shire protects biodiversity through effective planning • Account for population growth to ensure future development and land use contributes to a sustainable Shire 	<ul style="list-style-type: none"> • Planning processes consider and address negative environmental impacts • Public awareness of waste issues increases • There is a reduction in the amount of waste that requires disposal to landfill • Partnerships between community, private sector and government agencies are created to improve the environment; • Water consumption is reduced across the Shire • Cleanliness of town sites and surrounding areas improves • Public awareness of the issues surrounding the preservation of the natural environment is increased • Environmental management and monitoring processes/procedures actively discourage poor environmental practice • The area of protected space within the Shire is maintained or increases 	<p>Shire of Coorow</p>	<p>Waste Operators Key landholders Government agencies Private sector Community groups</p>

Objective	Strategies to Make it Happen	We'll know we are succeeding when	Lead Agency	Key Partners
		<ul style="list-style-type: none"> • Flight and migration paths of native birds are considered through planning and development approvals • Planning processes consider and address the impacts of population growth on the natural environment 		
<p>The impacts of climate variability are managed</p>	<ul style="list-style-type: none"> • Increase awareness of climate variability through provision of information 	<ul style="list-style-type: none"> • Residents have a greater understanding of climate variability and its potential effects 	Shire of Coorow	<p>Government agencies Community groups</p>

Theme 4: Leadership

Involved and Engaged

Elected Members are proactive in leading and managing the Shire. Local government processes are carried out ethically, transparently, and in a manner that compliments best practice. Governance systems ensure decision making and resource allocation is accountable, and legally and ethically compliant. We are regularly consulted on important decisions and policy. We have regular and consistent access to our Elected Members. Our Elected Members regularly advocate on behalf of the Shire and the region. Elected Members are engaged and informed about processes.

Objective	Strategies to Make it Happen	We'll know we are succeeding when	Lead Agency	Key Partners
A strong democracy and effective partnerships	<ul style="list-style-type: none"> Provide leadership to, and on behalf of our communities Work collaboratively to develop effective partnerships that benefit our communities 	<ul style="list-style-type: none"> Elected members feel empowered to lead and manage the Shire The community and council develop strong and ongoing partnerships to attract investment and enhance service provision to the community 	Shire of Coorow	Government agencies Private Sector
Decision making is transparent, accountable, legal and ethical	<ul style="list-style-type: none"> Ensure Council decisions are available to be reviewed by public 	<ul style="list-style-type: none"> Decision making is clear, communicated and able to be scrutinized by the community 	Shire of Coorow	
Residents are informed and take part in strategic decisions that impact on their local community	<ul style="list-style-type: none"> Use multiple mediums to engage and listen to our community Provide opportunities and processes which allow all voices to be heard Manage the relationships between the town sites in a fair and effective manner The Shire maintains its commitment to community engagement Provide increased organisational capacity through the development of staff attraction and retention strategies 	<ul style="list-style-type: none"> Our communities feel well informed and involved in decision making Increased participation in community engagement events Increased voter participation in local government elections 	Shire of Coorow	

POLICY IMPLICATIONS:

Any policy adopted by Council becomes part of Council's Policy Manual which is subject to an annual review as a minimum.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council adopts Policy 9.7.1 – Mining and Extractive Industries as shown as an attachment to this report.

RESOLUTION:

2014/

Moved: Cr

Seconded: Cr

***CARRIED /
Absolute Majority***

POLICY - ECONOMIC SERVICES

Sub Section: Other Economic Services

Policy Number: 9.7.1

Policy Subject: Mining and Extractive Industries

Policy Statement: The Shire of Coorow supports the expansion of industry that helps deliver economic prosperity to its residents however, in providing this support Council supports every effort being undertaken to ensure that the initial assessment as well as compliance and monitoring of any activity is carried out at a level that protects the amenity of the natural and built environment and that of residents.

Objectives: To ensure that local values relating to lifestyle and quality of life, including public health, amenity, biodiversity, water (both surface and ground), and other economic sectors (such as agriculture and tourism) are adequately considered and protected from the development or expansion of any extractive industry activity in the Shire of Coorow.

To ensure that any future or existing extractive industry activity is thoroughly assessed, monitored and managed effectively to meet all conditions of development consent, and endeavour to continuously improve operational practices to reduce environmental impacts wherever practicable.

To ensure mining companies build a commitment to international best practice standards for mining activity in the Shire of Coorow, and actively participate in local communities.

Guidelines:

1. The Role of Council

The principal role for Council is to advocate on behalf of the Shire of Coorow and its communities. Council is not the determining authority for mining applications, but no other organisation has the interests of the communities of the Shire of Coorow as its principal focus.

In regard to current and future proposals for extractive industry, Council will;

a). Assume a leadership role in negotiating with the State Government and resource companies to provide outcomes that benefit our community, and individuals within the community where appropriate;

- b). Acknowledge that the minerals in the Shire belong to the people of Western Australia and that exploration for minerals, gas and energy resources will continue;
- c). Ensure that the impacts on Council infrastructure are adequately compensated for in the immediate and future life of that asset;
- d). Effectively lobby State and Federal Government to financially support the infrastructure needed to adequately deal with any additional local extractive industries approved by the State Government;
- e). Request a comprehensive examination of potential impacts on surface and groundwater in the Shire of Coorow be carried out, and demand a “no impact” outcome as a consequence of mining in regard to domestic and irrigation aquifers used by local communities;
- f). Seek to identify key natural and environmental assets, and potential risks to those assets, including cumulative impacts;
- g). Advocate for the establishment of a rigorous risk management assessment of cumulative impacts on biodiversity, water, land and the community as a consequence of extractive industry development;
- h). Advocate for effective monitoring, and seek a more active role in the compliance of approved extractive industry operations, with meaningful response to community concern; and
- i). Facilitate an open dialogue and discussion within the community between all stakeholders, based on the sharing of accurate data to encourage an informed debate about issues related to mining.

2. Expectations of Mining Companies

Council wants to ensure that mining companies operating within the Shire of Coorow adhere to international best practice standards in their mining activities. There may exist concern that companies may operate to higher standards in their own region/state/country than what they might do within the Shire of Coorow.

Council expects mining companies operating within the Shire of Coorow to;

- a. Operate in accordance with the 10 Principles adopted by the International Council of Mining and Metals (ICMM) which are;
 - *implement and maintain ethical business practices and sound systems of corporate governance;*
 - *integrate sustainable development considerations within the corporate decision-making process;*

- *uphold fundamental human rights and respect for cultures, customs and values in dealing with employees and others who are affected by our activities;*
- *implement risk management strategies based on valid data and sound science;*
- *seek continued improvement in our health and safety performance;*
- *seek continual improvement of our environmental performance;*
- *contribute to conservation of biodiversity and integrated approaches to land-use planning;*
- *facilitate and encourage responsible product design, use, re-use, recycling and the disposal of our products;*
- *contribute to the social, economic and institutional development of the communities in which we operate; and*
- *implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.*

(See annexure for an extended description of these 10 principles)

b. Support individual property rights in regard to unwelcome drilling, exploration and/or extraction activities.

c. Participate with Council and the community in the monitoring and compliance review of approved activities with openness, honesty and integrity; to ensure appropriate management practice; compliance with conditions of consent; and improvements in operational performance and activity.

d. Actively engage with the community in addressing issues arising from extractive industry activities and substantively contributing to enhancement and improvement programs.

Resolution No: Council, 2014-
 Resolution Date: 17 September 2014
 Source: Council
 Date of Review:
 Review Responsibility: Chief Executive Officer/Council

Annexure – 10 Principles of the International Council of Mining and Metals

Principle 1.

Implement and maintain ethical business practices and sound systems of corporate governance.

- develop and implement company statements of ethical business principles, and practices that management is committed to enforcing
- implement policies and practices that seek to prevent bribery and corruption
- comply with or exceed the requirements of host-country laws and regulations
- work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies.

Principle 2.

Integrate sustainable development considerations within the corporate decision-making process.

- integrate sustainable development principles into company policies and practices
- plan, design, operate and close operations in a manner that enhances sustainable development
- implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value
- encourage customers, business partners and suppliers of goods and services to adopt principles and practices that are comparable to our own
- provide sustainable development training to ensure adequate competency at all levels among our own employees and those of contractors
- support public policies and practices that foster open and competitive markets.

Principle 3.

Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.

- ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour
- provide for the constructive engagement of employees on matters of mutual concern
- implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance
- minimize involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided
- respect the culture and heritage of local communities, including Indigenous Peoples

Principle 4.

Implement risk management strategies based on valid data and sound science.

- consult with interested and affected parties in the identification, assessment and management of all significant social, health, safety, environmental and economic impacts associated with our activities
- ensure regular review and updating of risk management systems
- inform potentially affected parties of significant risks from mining, minerals and metals operations and of the measures that will be taken to manage the potential risks effectively
- develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties.

Principle 5.

Seek continual improvement of our health and safety performance.

- implement a management system focused on continual improvement of all aspects of operations that could have a significant impact on the health and safety of our own employees, those of contractors and the communities where we operate
- take all practical and reasonable measures to eliminate workplace fatalities, injuries and diseases among our own employees and those of contractors
- provide all employees with health and safety training, and require employees of contractors to have undergone such training
- implement regular health surveillance and risk-based monitoring of employees
- rehabilitate and reintegrate employees into operations following illness or injury, where feasible.

Principle 6.

Seek continual improvement of our environmental performance.

- assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure
- implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts
- rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses
- provide for safe storage and disposal of residual wastes and process residues
- design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.

Principle 7.

Contribute to conservation of biodiversity and integrated approaches to land use planning.

- respect legally designated protected areas
- disseminate scientific data on and promote practices and experiences in biodiversity assessment and management

- support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining.

Principle 8.

Facilitate and encourage responsible product design, use, re-use, recycling and disposal of our products.

- advance understanding of the properties of metals and minerals and their life-cycle effects on human health and the environment
- conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials
- develop and promote the concept of integrated materials management throughout the metals and minerals value chain
- provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions
- support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products.

Principle 9.

Contribute to the social, economic and institutional development of the communities in which we operate.

- engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts
- ensure that appropriate systems are in place for ongoing interaction with affected parties, making sure that minorities and other marginalized groups have equitable and culturally appropriate means of engagement
- contribute to community development from project development through closure in collaboration with host communities and their representatives
- encourage partnerships with governments and non-governmental organizations to ensure that programs (such as community health, education, local business development) are well designed and effectively delivered
- enhance social and economic development by seeking opportunities to address poverty.

Principle 10.

Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.

- report on our economic, social and environmental performance and contribution to sustainable development
- provide information that is timely, accurate and relevant
- engage with and respond to stakeholders through open consultation processes.

11.1.3 COOROW BOWLING CLUB – GRANT APPLICATION TO RESURFACE BOWLING GREEN

AUTHOR	Ted Jack – Community Development Officer
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 September 2014
ATTACHMENT	11.1.3.1
FILE	ADM0297

SUMMARY:

Coorow Bowling Club is seeking funding for a resurfacing grant through the Department of Sport & Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) which requires Council approval and financial contribution in 2015/2016.

BACKGROUND:

Council would be aware that the Community Sport and Recreation Facilities Fund (CSRFF) application to the Department of Sport and Recreation (DSR) was unsuccessful earlier this year.

The Coorow Bowling Club is located on Main Street, Coorow. It has been in operation since 1962 and currently has approximately 30 members. The bowls surface is natural turf which is inefficient for its purpose. Maintenance, watering and running costs are approximately \$11,000 per year between the Club and Council which are estimated to reach \$18,000 by 2024. This would be reduced by as much as 95% with a synthetic surface replacing the current natural turf.

COMMENT:

The Club requests \$85,589.33 from Council which is 33.3% of total project cost (\$256,768). CSRFF grants require that funding is broken into 1/3 contributions from DSR, the Club and Local Government. Therefore the co-funding from the Coorow Bowling Club is \$85,589.33 and \$85,589.33 from DSR in the grant application.

The resurfacing project will comprise of: removal of asbestos in ditch walls and gutters, new base and surface, new retaining walls, new fencing, new ditch gutters and paving around the surface. Quotes have been obtained and are shown as an attachment to this report.

The Club requests a self-supporting loan from the Shire of \$5,589.33 to help fund their contribution. They have guaranteed funding from Coorow Community Land Inc. (CCLI) of \$50,000 combined with their \$30,000 contribution to the project which will bring the Clubs total cash contribution to \$80,000. This leaves the required loan from Council to be \$5,589.33 to be payable over the assets life expectancy (10 years).

If successful the Club will also form a sinking fund to allocate replacement cost of the surface after 10 years. Funds will be derived from reduced maintenance costs and general revenue as well as an annual contribution from Council from its reduced annual maintenance costs/contribution.

The surface project has been planned for many years and has the capacity to deliver a product much needed in Coorow. It will increase physical and social participation whilst helping reduce mental and physical health issues.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 3 — Functions of local governments

Division 1 — General

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Part 6 — Financial management

Division 2 — Annual budget

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
** Absolute majority required.*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;and
 - (c) the fees and charges proposed to be imposed by the local government; and
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

STRATEGIC IMPLICATIONS:

Shire of Coorow - Corporate Business Plan (2014 – 2017)
Four year Priorities – “Bowling Club” – grass to synthetic – Coorow (yr2)

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Council will have to approve and allocate \$85,589.33 of its own funds in the 2015/2016 financial year towards this project for it to eventuate. This will be met with DSR’s \$85,589.33 through the CSRFF grant and \$85,589.33 from the Coorow Bowling Club. Council, subject to approval, will take out a self-supporting loan for the Club of \$5,589.33 for the balance of their cash contribution.

Coorow Bowling Club have approaching CCLI to contribute \$50,000 which has been confirmed to bring the Club's cash contribution to \$80,000. This means Council will need only fund \$5,589.33 via a self-supporting loan payable on terms agreed to by Council.

Total project cost is \$256,768.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council

- Endorses and approves the Community Sport and Recreation Facilities Fund (CSRFF) application for funding for the Coorow Bowling Club resurfacing project to commence in 2015/2016.
- Approves the raising of a self-supporting loan for the Coorow Bowling Club to as part of its contribution to the project to be included in the 2015/2016 Budget process.
- Contributes, on an annual basis, to the replacement/sinking fund created for the future replacement of the artificial bowling surface from savings made as part of the reduced annual maintenance costs.

RESOLUTION:

2014/

Moved: Cr

Seconded: Cr

***CARRIED /
Absolute Majority***

11.2 MANAGER REGULATORY SERVICES:

11.2.1 Proposed Short Stay Accommodation (holiday homes) – Leeman & Green Head

AUTHOR	Kathryn Jackson
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 September 2014
ATTACHMENT	Provided to Councillors as separate attachment to Agenda
FILE	A512, A599, A628, A649, A688, A1093, A1165, A1487

SUMMARY:

Following receipt of a complaint concerning the operation of short stay accommodation in the Shire's residential areas an audit was conducted for the Green Head and Leeman townsites. The audit identified 22 properties being used as holiday homes. This report is for 8 properties which were identified in the audit that have now lodged planning applications.

- 1 Banksia Close, Leeman – D & L McGinlay
- 4 Bonham Street, Leeman – D Payne & L Morris
- 5A Hutchcraft Court, Green Head – J & L Storey
- 6 Morcombe Road, Leeman – D Rackemann
- 10 Hodgson Parkway, Green Head – S Norton
- 10 Thomas Street, Leeman – M McMahan
- 17 Agonis Street, Leeman – W & S Brewer
- 34 Bonham Street, Leeman – K Carey

BACKGROUND:

The Shire received a complaint concerning the operation of short stay accommodation in its 'residential' zoned areas which prompted an audit to be undertaken for the Leeman and Green Head townsites to ascertain which properties may have been using their homes for holiday accommodation purposes. Through local knowledge, internet searches and site inspections 22 homes were identified as being used for short stay purposes.

Each landowner was written to by the Shire on 11 June 2014 giving them a period of 60 days to lodge an application should they be using their property as a holiday home.

The Shire has now received a response from 18 out of the 22 properties identified in the short stay accommodation audit:

- 7 applications were granted conditional planning approval at the 20 August 2014 meeting of Council:
 - 2 Craike Way, Green Head – M Little
 - 3 Battersby Road, Green Head – M & C Forrest
 - 16 Bonham Street, Leeman – W Green
 - 23 McGilp Street, Green Head – W Jeffery & R Tiller-Jeffery
 - 32 Worthington Street, Green Head – M Cleary
 - 36 Craike Way, Green Head – P & F Mamotte
 - 44 Worthington Street, Green Head – S Dann
- 8 applications have been presented to the 17 September 2014 meeting of Council for consideration;
 - 1 Banksia Close, Leeman – D & L McGinlay
 - 4 Bonham Street, Leeman – D Payne & L Morris
 - 5A Hutchcraft Court, Green Head – J & L Storey
 - 6 Morcombe Road, Leeman – D Rackemann
 - 10 Hodgson Parkway, Green Head – S Norton
 - 10 Thomas Street, Leeman – M McMahon
 - 17 Agonis Street, Leeman – W & S Brewer
 - 34 Bonham Street, Leeman – K Carey
- 3 landowners have responded to the Shire advising that their properties are no longer being used for short stay accommodation purposes; &
- 4 landowners are yet to respond to the Shire in relation to the audit.

Should no response be received by the 4 remaining properties and these properties be investigated and found to be operating a short stay accommodation land use, these properties will be presented to the 15 October 2014 meeting of Council with a recommendation to commence prosecution proceedings.

Council also resolved at its 20 August 2014 meeting to grant approval to the following 2 applications, however these properties were not identified in the original audit as they had not commenced operation of short stay accommodation:

- 20 Thomas Street, Leeman – D Yaksich (use not commenced)
- 102 Ocean View Drive, Green Head – D Alach (use not commenced)

COMMENT:

In considering the merits of short stay accommodation applications in residentially zoned areas against the requirements of the Scheme and 'Short Stay Accommodation' Local Planning Policy the proposals are supported at an officer level as they are generally considered:

- to be made up of uses that are 'residential' in nature (i.e. dwelling used for habitation, use of facilities, etc.);
- to not cause an inconsistency in the existing streetscape as the use of a dwelling for short stay accommodation will not require any changes to the external appearance of the building;
- to not cause a detrimental impact to the orderly and proper planning of the locality as the use and development of surrounding properties will not be impacted by the use of the subject lot for accommodation purposes;
- to meet the requirements of Section 4.3 and the objectives of the 'Short Stay Accommodation' Local Planning Policy.

STATUTORY ENVIRONMENT:

The received applications are all for properties zoned 'Residential' under Shire of Coorow Local Planning Scheme No.2 (the 'Scheme') with the land use of 'short stay accommodation' considered a 'use not listed' under Section 4.4.2 which states:

"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

Section 9.4.1.b of the Scheme states that if a use is not listed in the Zoning Table that a Local Government cannot grant approval to that application unless notice is given in accordance with Section 9.4.3 which states:

"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-

- 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.”*

‘Short Stay Accommodation’ is listed as an ‘A’ (advertising) use in the ‘Residential’ zone under draft Local Planning Scheme No.3, which currently being advertised for comment from 22 August 2014 until 28 November 2014.

The Shire’s ‘Short Stay Accommodation’ Local Planning Policy also requires that all applications be advertised to surrounding landowners for a period of no less than 14 days.

Shire staff have advertised all applications for a minimum of 14 days with letters being sent to surrounding landowners and a sign being erected on-site.

At the conclusion of the advertising period for all 8 applications, 10 submissions had been received with 6 in support and 4 in objection. The objections received raised the following issues and perceptions:

- objection to the use of the balcony, suggests imposition of a curfew to assist with noise emissions;
- loss or disruption of residential amenity through noise impacts;
- issues with the parking of multiple vehicles, boats, caravans at the property;
- no limit to number of visitors of what times they can come and go;
- no police station if trouble should occur;
- real estate agent 30 minutes away is not adequate enough option for nuisance, noise and complaint management;
- no one onsite to enforce conditions or noise levels;
- new owners of the property should have to re-apply and submit proposed terms and conditions; &
- we use our house on long weekends/holidays which is when short stay accommodation would be most likely to be used as well.

Circulated as a separate attachment to Councillors is a document that contains the following information for each property:

- management statement;
- site and floor plan for the existing dwelling;
- advertising plan with location of submissions indicated;
- a copy of received submissions (if relevant);

Given the concerns raised in the objections over the potential impacts arising from the proposed development, Council may consider that any approval, if granted, be for a time-limited period and that at the expiry of that period the matter is returned to Council for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.

It is considered that the other concerns such as noise, nuisance and parking will be sufficiently addressed through the imposition of conditions and the requirement for the home to be inspected by the Shire's Manager of Regulatory Services.

The *Health Act 1911* states that any building used for the accommodation of more than 6 persons is considered a lodging house:

“lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward...”

As per this definition the proposed short stay accommodation would be required to comply with the requirements of the *Health Act 1911* in regards to maximum occupancy based on available floor area and facilities.

The Shire of Coorow Local Law for Overcrowding is also required to be adhered to which calculates maximum occupancy based on the size of each habitable room in which people will be sleeping. Each of these applications will need to be considered on their own individual circumstance and following a site inspection by the Manager of Regulatory Services.

Figure 1 – Advertising actions Green Head townsite

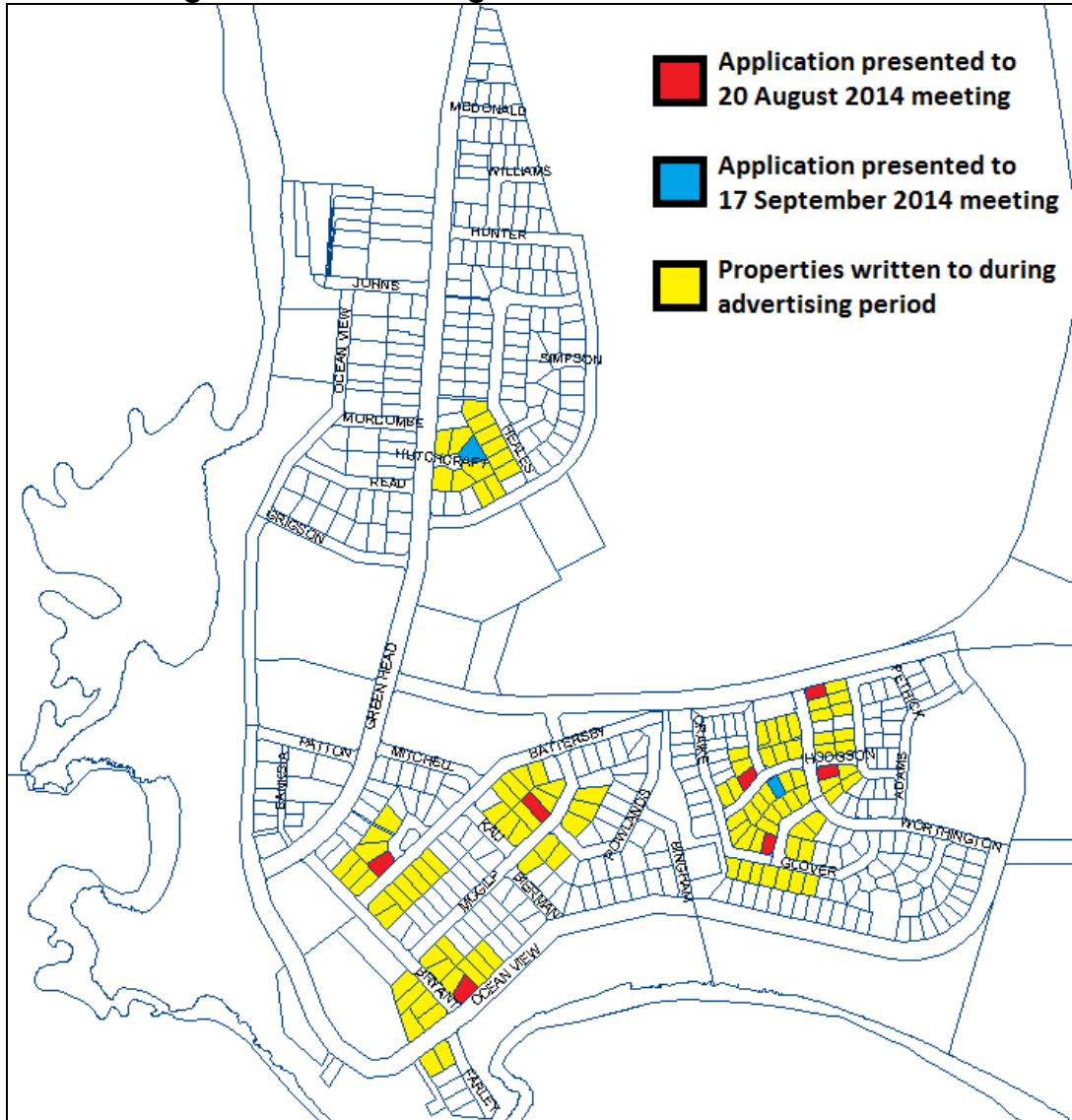
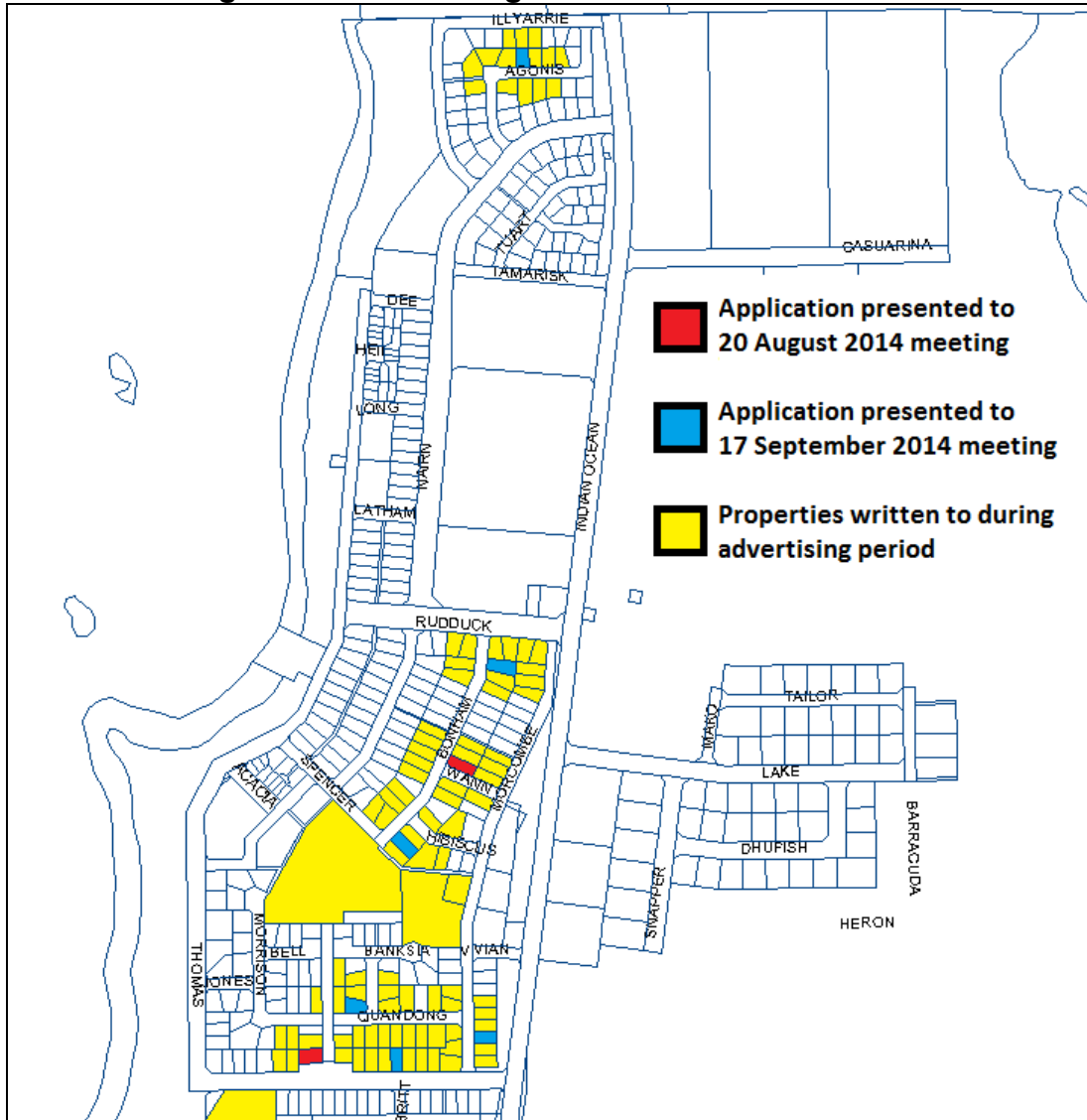


Figure 2 – Advertising actions Leeman townsite



STRATEGIC IMPLICATIONS

Tourism will play a growing role in the economic development of Leeman & Green Head and the provision of an appropriate and diverse supply of a diversity of accommodation types is crucial in this regard.

POLICY IMPLICATIONS:

On 19 May 2010 the 'Short Stay Accommodation' Local Planning Policy was adopted at a meeting of Council to guide the assessment of applications and assist in the ongoing use and management of such developments. Short Stay Accommodation is defined by the Policy as:

“Short Stay Accommodation – means a property located within a residentially zoned area that is to be wholly rented/used, but is not specifically adapted, for the short term accommodation of a maximum of 10 people or two families for not more than 3 months in any 12 month period.”

The Policy specifies the following objectives for the establishment of short stay accommodation:

- *To establish clear guidelines whereby Short Stay Accommodation can be permitted and controlled in residential areas.*
- *To recognise the increasing market demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the local government wishes to address.*
- *To encourage Short Stay Accommodation in residential dwellings in appropriate zones and locations.*
- *To ensure the proponent addresses relevant issues and suitably manages the use on an ongoing basis.*
- *To ensure that these types of uses do not compromise the amenity of residential areas or nearby residents.*
- *To promote the retention of a predominant residential character whilst augmenting tourism within the region.”*

Furthermore Section 4.3 of the Policy states:

“Matters to be considered in assessing, determining and renewing applications include:

- *effective on-going management;*
- *appropriate location and compatibility with adjoining/nearby uses;*
- *access and car parking; &*
- *signage.”*

FINANCIAL IMPLICATIONS:

Nil, however should Council refuse this application and the applicants 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 (SAT) appeal process.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION

That:

- 1 Council Resolve to grant formal planning consent for Short Stay Accommodation at the following eight (8) locations:
 - 1 Banksia Close, Leeman – D & L McGinlay
 - 4 Bonham Street, Leeman – D Payne & L Morris
 - 5A Hutchcraft Court, Green Head – J & L Storey
 - 6 Morcombe Road, Leeman – D Rackemann
 - 10 Hodgson Parkway, Green Head – S Norton
 - 10 Thomas Street, Leeman – M McMahan
 - 17 Agonis Street, Leeman – W & S Brewer
 - 34 Bonham Street, Leeman – K Carey
- 2 The approval for the applications for Short Stay Accommodation listed in item 1 being subject to the following:

Conditions

- 1) The development shall be in accordance with the attached approved plan(s) dated 17 September 2014 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 approval is valid for a period of 12 months (until 17 September 2015) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 3) The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid.
- 4) 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.
- 5) 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.

- 6) All parking of vehicles such as boats and trailers associated with the guests to be provided for within the property boundary and the street verge area to be kept free of such vehicles.
- 7) The short stay accommodation is limited to the maximum number of bedrooms and guests as determined by Shire of Coorow Local Law – Overcrowding.
- 8) The short stay accommodation is not to be occupied by single or multiple tenants for a period of greater than 3 months at any one time.
- 9) This planning approval does not extend to signage for the development, for which a separate application will be required.
- 10) Prior to commencement of the proposed use, the property is required to be inspected by the local government to ensure compliance with relevant health legislation and standards.

Notes

- a) 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.
- b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012* and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- c) In relation to Condition 10 the applicant is advised that they are required to liaise with the Shire's Manager Regulatory Services for the undertaking of the necessary property inspection.

RESOLUTION:

2014/

Moved: Cr

Seconded: Cr

**CARRIED /
Absolute Majority**

11.3 MANAGER OF WORKS AND SERVICES:

11.3.1 NIL

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2014
FILE	ADM
ATTACHMENT	

SUMMARY:

BACKGROUND:

COMMENT:

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

Moved: Cr

Seconded: Cr

***CARRIED /
Absolute Majority***

11.4 DEPUTY CHIEF EXECUTIVE OFFICER:

11.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Erika Clement
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	5 th September 2014
ATTACHMENT	11.4.1 Accounts Due and Submitted to Council Meeting 17 September
FILE	

SUMMARY:

Council approval is required for payment of accounts made within the months of August and September 2014 and to approve payments of accounts due in September 2014.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 20 August 2014 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 11.4.1 Accounts Due and Submitted to Council Meeting on 17 September 2014.

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 authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]

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 11.4.1.1 Accounts Due and Submitted to Council Meeting on 17 September 2014 including:

MUNICIPAL FUND

Cheque:	19672 – 19682	\$ 71,111.63
Collection Summaries:	71010914-72290814	\$ 39,424.70
Payroll DDs:	13/08/2014 – 27/08/014	\$ 106,338.00
EFTs:	7777 – 7843	\$ 385,998.30
 Totalling:		 \$ 602,872.63

be authorised and passed for payment.

RESOLUTION:

2014/

Moved: Cr

Seconded: Cr

***CARRIED /
Simple Majority***

List of Accounts Due & Submitted to Council 17th September 2014

<u>Chq/EFT</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Muni</u>
EFT7777	25/08/2014	AECOM	PROFESSIONAL FEES TO 18 JULY 2014 - LEEMAN BOAT RAMP	\$ 24,110.10
EFT7778	25/08/2014	BUNNINGS BUILDING SUPPLIES PTY LTD	FLOORING AND SUNDRY BUILDING MAINTENANCE ITEMS	\$ 2,645.92
EFT7779	25/08/2014	BOC GASES	FREIGHT CHARGES	\$ 263.51
EFT7780	25/08/2014	BEAN KL	WATER REIMBURSEMENT	\$ 140.62
EFT7781	25/08/2014	BOB WADDELL CONSULTANT	ASSISTANCE WITH JULY MONTHLY STATEMENT OF FINANCIAL ACTIVITY	\$ 1,716.00
EFT7782	25/08/2014	BRIDGESTONE TYRE CENTRE GERALDTON	WHEEL BALANCE ON CW001	\$ 24.00
EFT7783	25/08/2014	TUTT BRYANT EQUIPMENT	THREADED INSERT AND GLASS WINDOW	\$ 359.92
EFT7784	25/08/2014	COURIER AUSTRALIA	FREIGHT CHARGES	\$ 218.17
EFT7785	25/08/2014	CUNNINGHAMS AG SERVICES	CEMENT SAW BLADE	\$ 333.65
EFT7786	25/08/2014	COOROW AG PTY LTD	CLEANING SUPPLIES	\$ 250.37
EFT7787	25/08/2014	ERIKA NOLENE CLEMENT	MEALS & PARKING TRAINING SFO	\$ 64.00
EFT7788	25/08/2014	JOHN CORTESE	FUEL	\$ 30.00
EFT7789	25/08/2014	CONSOLIDATED SERVICES (WA)	RESHEETING ERINDOON ROAD	\$ 33,000.00
EFT7790	25/08/2014	KJ DONEY & CO (SERVICES)	ACCOUNTING OFFICER SERVICES TO 15 AUGUST 2014	\$ 4,356.00
EFT7791	25/08/2014	DIRECTIONS EMPLOYMENT SERVICES	COOROW TRAINEE	\$ 3,802.21
EFT7792	25/08/2014	DOWNER EDI WORKS PTY LTD	7MM COLDMIX (2)	\$ 2,508.00
EFT7793	25/08/2014	FIVE STAR BUSINESS MACHINES	COOROW COPIER OPERATING COSTS	\$ 2,203.37
EFT7794	25/08/2014	FUEL DISTRIBUTORS	DIESEL, COOROW	\$ 31,617.53
EFT7795	25/08/2014	GREEN HEAD PLUMBING & GAS	FIX TOILETS AT CLIFF PARK AND CISTERNS AT MORPHETT PARK TOILETS	\$ 4,173.03
EFT7796	25/08/2014	GERALDTON MOWER & REPAIRS	STIHL PARTS	\$ 15.60
EFT7797	25/08/2014	GERALDTON INDEPENDENT BUILDING SUPPLIES PTY LTD	GYPROCK AND PRODUCTS FOR LEEMAN DEPOT LUNCH ROOM	\$ 704.58
EFT7798	25/08/2014	UHY HAINES NORTON	CLGF FUNDING AUDIT	\$ 1,485.00
EFT7799	25/08/2014	HITACHI CONST MACHINERY (AUST) P/L	IDLER PULLEY AND V BELT	\$ 234.96
EFT7800	25/08/2014	IT VISION	TRAINING SFO	\$ 1,617.00
EFT7801	25/08/2014	JASON SIGNMAKERS	SIGNS FOR ISA	\$ 837.10
EFT7802	25/08/2014	BRIAN ALLAN JACK	REIMBURSE WATER USE FOR 9 NORTH STREET COOROW	\$ 26.36

EFT7803	25/08/2014	ROBERT CORNELIUS KEOGH	BATTERY CHARGER - GREEN HEAD FIRE TRUCK	\$ 399.00
EFT7804	25/08/2014	LANDMARK	PINE LOGS AND PRE-MIX CONCRETE	\$ 2,506.23
EFT7805	25/08/2014	LEEMAN COUNTRY & SPORTING CLUB INC	GAS	\$ 137.73
EFT7806	25/08/2014	LAUNDY PLUMBING & GAS	UNBLOCK FEMALE TOILETS, COOROW CARAVAN PARK	\$ 297.00
EFT7807	25/08/2014	LEEMAN HOLIDAY UNITS	ACCOMMODATION - ANNE LAKE	\$ 100.00
EFT7808	25/08/2014	LOCALISE	REVIEW OF IPR STAGE 2	\$ 2,652.58
EFT7809	25/08/2014	ML COMMUNICATIONS	UPS COMMANDER SERIES POWERSHIELD	\$ 550.00
EFT7810	25/08/2014	MIDWEST CHEMICAL & PAPER	CLEANING PRODUCTS AND CONSUMABLES	\$ 261.34
EFT7811	25/08/2014	MIDALIA STEEL -METAL LAND	TEK SCREWS	\$ 188.85
EFT7812	25/08/2014	MERCURE INN	ACCOMMODATION AND MEALS - LOCAL GOVERNMENT WEEK	\$ 3,283.91
EFT7813	25/08/2014	MOORA TYRES	GRADER TYRE	\$ 2,212.40
EFT7814	25/08/2014	MIDWEST TRAFFIC CONTROLLERS	TRAFFIC CONTROLLERS - 5 & 6 AUGUST 2014	\$ 5,112.25
EFT7815	25/08/2014	MACH 1 AUTO ONE GERALDTON	STEREO, AERIAL, SPEAKERS AND SPEAKER SPACER	\$ 416.12
EFT7816	25/08/2014	NORTHAM BEARING SALES	TAPERED ROLLER SETS	\$ 457.93
EFT7817	25/08/2014	O'BRIEN M & S	EXCESS PAYABLE ON INSURANCE CLAIM - CW00	\$ 600.00
EFT7818	25/08/2014	OFFICEWORKS BUSINESS DIRECT	STATIONERY	\$ 211.23
EFT7819	25/08/2014	GERALDTON ONESTEEL METAL CENTRE	METAL	\$ 6,038.89
EFT7820	25/08/2014	PAPER PLUS OFFICE NATIONAL	STATIONARY	\$ 115.20
EFT7821	25/08/2014	RUMBOLD FORD	SERVICE CW0017 FORD RANGER	\$ 351.90
EFT7822	25/08/2014	SNAG ISLAND ROADHOUSE- POST OFFICE	POSTAGE	\$ 195.60
EFT7823	25/08/2014	SEASIDE SUPPLIES	CONSUMABLES FOR LEEMAN OFFICE	\$ 46.54
EFT7824	25/08/2014	SIGMA CHEMICALS	CHEMICAL	\$ 198.00
EFT7825	25/08/2014	SHIRE OF MINGENEW	CERT IV IN LOCAL GOVERNMENT (PLANNING)	\$ 419.80
EFT7826	25/08/2014	RELIANCE PETROLEUM	DIESEL (2)	\$ 7,096.86
EFT7827	25/08/2014	TRUCKLINE	HUB CAPS AND SEALS	\$ 611.60
EFT7828	25/08/2014	TAFEWA CY O'CONNOR	COURSE AND RESOURCE FEES - CERT IV IN BUSINESS - TRAINEE	\$ 839.35
EFT7829	25/08/2014	THREE SPRINGS FAMILY PRACTICE	FEE FOR SERVICES RENDERED - 6 AUGUST 2014	\$ 880.00
EFT7830	25/08/2014	TWINSIDE PRECAST PTY LTD	FINAL PAYMENT RETAINING WALL BRICKS - COOROW SHIRE OFFICE	\$ 3,388.25
EFT7831	25/08/2014	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	WALGA ASSOCIATION MEMBERSHIP SUBSCRIPTION 14/15	\$ 28,191.26
EFT7832	25/08/2014	WESTRAC EQUIPMENT	SERVICE CW0010 AND TEST PASSENGER SEAT	\$ 2,272.46

EFT7833	25/08/2014	WINCHESTER INDUSTRIES	WASHED STONE	\$ 2,062.50
EFT7834	25/08/2014	W A TREASURY CORPORATION	LOAN 88 REPAYMENT	\$ 38,707.24
EFT7835	25/08/2014	WILDFLOWER COUNCIL	WILDFLOWER COUNTRY INCORPORATED ANNUAL MEMBERSHIP 14/15	\$ 4,950.00
EFT7836	25/08/2014	WEST MIDLANDS GROUP	WEST MIDLAND GROUP - BRONZE MEMBERSHIP	\$ 5,500.00
EFT7837	25/08/2014	ENGINEERED WATER SYSTEMS - EWS	PROGRESS CLAIM 6	\$122,894.55
EFT7838	25/08/2014	AUSTRALIAN TAXATION OFFICE	BAS JULY 2014	\$ 22,885.00
EFT7839	27/08/2014	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS	\$ 876.52
EFT7840	27/08/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	\$ 50.20
EFT7841	27/08/2014	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 447.18
EFT7842	27/08/2014	TWUSUPER	SUPERANNUATION CONTRIBUTIONS	\$ 231.83
EFT7843	03/09/2014	THE GREEN PEEL TRUST	PRESENTATION DINNER FOR GARY GEORGE	\$ 624.00
			TOTAL EFT PAYMENTS	\$385,998.30
19672	14/08/2014	SHIRE OF COOROW	PAYMENT OF RATE COMPONENT OF 14.15 RATES	\$ 955.65
19673	14/08/2014	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 150.00
19674	25/08/2014	SHIRE OF COOROW	PETTY CASH COOROW	\$ 199.20
19675	25/08/2014	SYNERGY	ELECTRICITY	\$ 14,967.60
19676	25/08/2014	TELSTRA	PHONE ACCOUNT	\$ 2,058.16
19677	25/08/2014	WATER CORPORATION	WATER	\$ 10,675.32
19678	25/08/2014	SHIRE OF COOROW	RUBBISH CHARGES ON SHIRE PROPERTIES FOR 2014/15	\$ 17,350.00
19679	27/08/2014	HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	\$ 382.43
19680	27/08/2014	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS	\$ 150.00
19681	27/08/2014	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$ 24,159.24
19682	27/08/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	\$ 64.03
			TOTAL CHEQUES PAYMENTS	\$ 71,111.63
71010914	01/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 195.65
71020914	02/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 35.40
71030914	03/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,049.30
71040914	04/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,608.30
71120814	12/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,743.90
71140814	14/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 52.00
71150814	15/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,124.60
71150814	15/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 131.25
71180814	18/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,669.50

71190814	19/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 22.80
71200814	20/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 6,077.95
71210814	21/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 2,419.65
71220814	22/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,395.30
71250814	25/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 682.05
71270814	27/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,976.05
71280814	28/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 243.75
71290814	29/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 11,653.15
72010914	01/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 440.20
72020914	02/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 526.05
72030914	03/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 772.90
72040914	04/09/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 8.90
72120814	12/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 580.10
72130814	13/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 510.20
72150814	14/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 333.85
72150814	15/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 35.65
72210814	21/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 470.85
72220814	22/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 202.90
72250814	25/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 437.25
72260814	26/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 1,488.75
72270814	27/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 433.90
72280814	28/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 40.70
72290814	29/08/2014	TRANSPORT DEPT OF	TRANS LICENSING	\$ 61.90
			<u>TOTAL LICENSING PAYMENTS</u>	\$ 39,424.70
DDEBIT	13/08/2014	PAYROLL	PAYROLL	\$ 51,793.00
DDEBIT	18/08/2014	PAYROLL	PAYROLL	\$ 1,348.00
DDEBIT	27/08/2014	PAYROLL	PAYROLL	\$ 53,197.00
			<u>TOTAL PAYROLL PAYMENTS</u>	\$ 106,338.00
				\$602,872.63

11.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – AUGUST 2014

AUTHOR	Vin Fordham Lamont
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	r 2014
ATTACHMENT	11.4.2 Statement of Financial Activity for August 2014 Under separate cover
FILE	ADM 0426 – Finance – 2014/15

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 and Cash Flow Graph. A copy of the Statement of Financial Activity for the month ended 31 August 2014 is included at Attachment 11.4.2 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.

Please note that some 2013/2014 Actuals figures in these monthly financials may change as the 2013/2014 Annual Financial Statements are still being finalised.

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), is 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 11.4.2 for the period ended 31 August 2014 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION: 2014/

Moved: Cr

Seconded: Cr

***CARRIED /
Simple Majority***

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

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

RESOLUTION: 2014/

Moved: Cr

Seconded: Cr

That council moves behind closed doors for Item 14.1.1

***CARRIED /
Absolute Majority***

14. MATTERS BEHIND CLOSED DOORS:

14.1. CEO PERFORMANCE REVIEW

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	The CEO is the author of this report
DATE OF REPORT	9 September 2014
FILE	14.1.1
ATTACHMENT	Personal File

RESOLUTION: **2014/**

Moved: Cr ***Seconded: Cr***

That council moves from behind closed doors.

***CARRIED /
Absolute Majority***

15. DATE OF NEXT MEETING:

15.1 ORDINARY MEETING OF COUNCIL

Audit Committee Meeting Wednesday 15 October 2014 at the Coorow District Hall from 2.30pm

Ordinary Meeting Wednesday 15 October 2014 at the Coorow District Hall from 3.00pm

16. CLOSURE: