

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 15 July 2009.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr R Stokes declared the meeting open at 2.00pm.

1.1 Meeting Date Change

Item 11.7 – 20 November 2008 refers.

Council resolved in November 2008 that the date for Ordinary Council meetings continue as the third Thursday of the month.

By agreement with Councillors, the date for this meeting was changed to avoid the clash with DKT golf day.

STAFF RECOMMENDATION

That the CEO's actions in changing the meeting date be endorsed.

Simple Majority Required

MIN 95/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 5/0

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present

Cr R.J. Stokes	President (Presiding Person)
Cr K.L. Caffell	Deputy President
Cr S.J. Jefferies JP	Member
Cr B.F. Stokes	Member
Cr M.K. Wheeldon	Member

Mr M.G. Oliver	Chief Executive Officer
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Visitors

Apologies

Nil

Leave of Absence

Cr M.D. Greenwood	Member
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 B Norris – Tamma Village Rents (ASS-1093)

Item 4.1 – 18 June 2009 refers.

Cr B Stokes tabled a letter from Mr Norris expressing interest in why Council is allowing non-compliance with the Joint Venture Agreement with Public Works and Housing regarding the management of rents of the pensioner Tamma Village.

The 1995 Housing Joint Venture Agreement provides:

- 5.(a) The Organisation shall charge a rental to all occupants of the Units which (excluding all available subsidies) shall not exceed 110%, nor be less than 90% of the rent for the time being charged on a rent to income level by Homeswest pursuant to the Commonwealth/State Housing Agreement then in force and shall be no greater than cost rent. All rentals shall be the property of and be retained by the Organisation.

whilst the 1998 Housing Joint Venture Agreement provides:

- 9.3 The Organisation may charge the Tenants a rent commensurate with Homeswest rental charges. The Organisation cannot charge a rent level below the levels charged by Homeswest to a Tenant on a comparable income in a similar Unit.

Homeswest calculate rents by a detailed formula described simply as being 25% of the tenant's weekly income or market rent (whichever is the lesser) plus a sum equal to the tenant's weekly entitlement for Commonwealth Rent Assistance.

In 2007 an attempt was made to set rents on individual incomes with the intention that the rents be reviewed on change of incomes.

In May 2008 Council noted the issue of privacy of individuals created by Section 6.16 of the Local Government Act, together with fluctuating exchange rates (overseas pensions) and other income variations and resolved that the rents for Tamma Village Seniors Units be based on the Department of Housing and Works formula for the aged pension and fixed for single or couple tenants. This decision has been conveyed to the Department of Housing and Works (Homeswest) and the tenants.

It is this same formula that was used to calculate the recommendation for rental charges to the June 2009 meeting.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Cr Wheeldon declared an interest in Item 11.8.

Cr B Stokes declared an interest in Item 11.8 and 11.15.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 18 June 2009

STATUTORY ENVIRONMENT

Section 5.22(2) of the Local Government Act provides that minutes of all meeting to be kept and submitted to the next full Council meeting for confirmation.

STAFF RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 18 June 2009 be confirmed as a true and correct record.

Simple Majority Required

MIN 96/09 MOTION – Moved Cr Wheeldon 2nd Cr B Stokes

That the minutes of the Ordinary Council meeting held on 18 June 2009 subject to changing the vote on Item 11.4 page 14 Resolution 85/09 from "Carried 5/0" to "Carried 4/1" be confirmed as a true and correct record.

CARRIED 5/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Cr R Stokes reported receiving a letter from G Hocking

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 SEAVROC (ORG-21)

Meeting held in Beverley on 16 June 2009 and attended by the CEO.

The meeting progressed the Business Plan for the Planning, Health and Building services, local laws review and Royalties for Regions regional funding distribution.

A workshop on local laws is to be held on 23 July 2009 at Brookton with up to 3 representatives from each member local government.

10.2 Project Team – Shire of Cunderdin (PROP-00)

Meeting held in Tammin on 19 June 2009 and attended by Crs R Stokes, S Jefferies and B Stokes together with the CEO.

The Shire of Cunderdin indicated its preference was SEAVROC with legislative change to allow the South Australian Subsidiary Model providing backend identity protection and control. It has no issues about speaking seriously about amalgamation with the suggestion that SEAVROC may ultimately split Cunderdin-Quairading-Tammin and York-Beverley-Brookton. It believed that a preferred position, probably with options, was required and that resolution on what will and won't be conceded needs to be determined. Discussions held with Northam and were also to be held with Quairading. Limited exception opportunities existed under existing legislation for ROCs.

Tammin indicated it had a similar view and although discussions had been held, no decision had been made. Kellerberrin had indicated it was keen to discuss amalgamation and that 3 Councils would be better than 2. Being small, Tammin was keen to ensure protection.

Cunderdin indicated that Kellerberrin-Tammin-Cunderdin option would be considered but preferred Cunderdin-Quairading-Tammin option.

10.3 WE-ROC (ORG-15)

Meeting held in Nungarin on 23 June 2009 and attended by Crs R Stokes, Caffell together with the CEO.

Matters discussed relevant to Tammin were:

- Resolution to request WALGA to push the SSS regional council direction as opposed to the Minister for Local Government's push for amalgamations.
- Membership for 2009/10 was set at \$8,700 plus a further \$1,000 (for Tammin, \$1,800 for others) contribution to the Central Wheatbelt Visitors Centre.
- Rail closures and the consequences on the grain freight network. A difficult issue with different areas affected in different ways.
- Support for WALGA's opposition to the 300% increase in landfill levies imposed on metropolitan Councils and to seeking an assurance from the Minister that small rural and regional refuse sites will be quarantined from the levy.

10.4 SEAVROC (ORG-21)

Meeting held in Beverley on 16 June 2009 and attended by Cr R Stokes and the CEO.

Of significance, was the meeting's decision not to accept Tammin's application for membership. However, a number of options were floated – with further information to be provided.

10.5 Amalgamations Workshop (PROP-00)

Meeting held in Tammin on 6 July 2009 and attended by Crs R Stokes, Caffell, B Stokes and Wheeldon together with the CEO. The workshop was run by Mr Tony Brown from WALGA.

Notes from the meeting have been distributed to Councillors.

10.6 Project Team – Shire of of Kellerberrin (PROP-00)

Meeting held in Tammin on 6 July 2009 and attended by Crs R Stokes and B Stokes together with the CEO.

The Shire of Kellerberrin indicated that whilst it was willing to consider amalgamation proposals, its current position was that it was not convinced that there was any urgency to amalgamate and that it was unconvinced that there was any demonstrated advantage from amalgamations.

11. AGENDA ITEMS

11.1 Bushfire Officer Appointments (BUSH-12)

Author – MG Oliver, CEO, 18 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.10 – 16 July 2008 refers.

BACKGROUND

In July 2008 Council appointed:

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Tom Applegate
- Mr Ray Reid

as Fire Control Officers for the Shire of Tammin;

- Mr Haydn Dixon
- Mr Tim York
- Mr Shane Mackin
- Mr Ray Reid

as Authorised Officers for issuing permits to burn; and

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Ray Reid

were nominated as Dual Fire Control Officers with the Shires of Kellerberrin, Quairading, Cunderdin and Wyalkatchem.

COMMENT

General support exists for the 2008/09 appointments to be reappointed for the 2009/10 bushfire season.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

In relation to Fire Control Officers, Section 38 of the *Bush Fires Act 1954* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those

officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
 - (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
 - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
 - (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5) (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
 - (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
 - (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6) (a) In this section —
 - “approved local government” means a local government approved under paragraph (b) by the Authority.
 - (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the Government Gazette —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
 - (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
 - (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
 - (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so

appointed they shall have seniority in the order determined by the local government.

- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

In relation to Dual Bushfire Control Officers, Section 40 of the *Bush Fires Act 1954* provides that:

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

In relation to Permits to Burn, Section 18 of the *Bush Fires Act 1954* provides that:

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
 - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.

- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
 - (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Chief Bushfire Control Officer.

STAFF RECOMMENDATION

That:

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Tom Applegate
- Mr Ray Reid

be appointed as Fire Control Officers for the Shire of Tammin;

- Mr Haydn Dixon
- Mr Tim York
- Mr Shane Mackin
- Mr Ray Reid.

be appointed as Authorised Officers for issuing permits to burn for the Shire of Tammin; and

- Mr Haydn Dixon
- Mr Shane Mackin

- Mr Tim York
- Mr Ray Reid

be nominated as Dual Fire Control Officers with the Shires of Kellerberrin, Quairading, Cunderdin and Wyalkatchem. Further, that Permit Issuing Officers be requested to liaise with the Chief Bushfire Control Officer prior to issuing Permits in extreme weather conditions.

Simple Majority Required

MIN 97/09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 5/0

11.2 Firebreak Order (BUSH-02)

Author – MG Oliver, CEO, 18 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.11 – 16 July 2008 refers.

BACKGROUND

Council adopted the Firebreak Order for the 2008/09 bushfire season on 16 July 2008. The Order reads:

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required to clear of inflammable material, firebreaks not less than 3 metres in width in the following positions on all land owned or occupied by you and situated within the Shire of Tammin:

- Immediately inside all external boundaries of the said land.
- Immediately surrounding all buildings erected on the said land.

Firebreaks may be constructed by one or more of the following methods:

- Ploughing
- Cultivating
- Scarifying
- Burning
- Chemical Spraying

or other approved method and are to be cleared to the satisfaction of the Shire. In addition you may be required to carry out further works which may be deemed necessary by the Shire and specified by way of a separate written notice forwarded to the address as shown on the Shire of Tammin’s rates records for the land.

If it is considered impracticable for any reason to clear firebreaks in the position required by this notice, the approval of the Council must be obtained to provide them in an alternative place. In the first instance, you are requested to contact the Chief Fire Control Officer and discuss the matter.

In some instances naturally occurring features such as rocky outcrops, natural water courses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for cleared firebreaks. This option must first be discussed with and approved by the Shire.

All firebreaks must be prepared on or before the 1 November 2008 (or within 14 days of you becoming the owner or occupier should this be after that date) and maintained clear of inflammable material up to and including the 1 day of April 2009.

COMMENT

The Order for 2009/10 requires adoption to enable it to be distributed to all property owners with the rate notice (to avoid the cost of advertising in the Government Gazette and local paper).

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 33 of the *Bush Fires Act 1954* provides that:

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,
and the notice may require the owner or occupier to do so —
as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.

Penalty: \$5 000.

- (4) (a) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice, the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with.
 - (b) The bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.
- (5) (a) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount.

- (b) The local government may recover the amount in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
 - (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
 - (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
 - (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
 - (a) a debt due from each subsequent owner in succession;
 - (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
 - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —

“owner or occupier of land” includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Liaison between the CEO and the Chief Bushfire Control Officer.

STAFF RECOMMENDATION

That the wording of the 2009/10 Firebreak Order be that of the 2008/09 Firebreak Order with the dates adjusted and that the requirement again be enforced.

Simple Majority Required

MIN 98/09 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.3 Entrance Statements (ASS-337, 338, 393, 427)

Author – MG Oliver, CEO, 19 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.5 – 21 May 2009 refers.

BACKGROUND

Council resolved in May 2009 that the recommendation that:

- provision be included in the draft 2009/10 Budget to remove the east and west entrance statement signage and re-install these on the directional sign opposite Kadjininy Kep;
- purchase larger signage for installation on the town approaches;
- Staff be requested to provide an estimate to construct a limestone block surround for all the 4 signs;

lay on the table to allow a sketch to be prepared.

In June 2009 Council resolved that the item lay on the table until the July Ordinary Council meeting to allow further designs to be prepared by Councillors.

On design was received – from Cr Bernard Stokes. The design comes with the comments:

- Definitely frame the existing sign with steel or timber.
- The blocks can't go too high otherwise they will need reinforcement.
- Remember the back is just as important so you see it as you leave.
- The sign could be set into the blocks instead of floating on rods.
- The angle blocks point towards the road.

COMMENT

That design has been modified (to match the sign orientation) and superimposed on new location photographs. Existing signs (dimensions 1.8m wide) have been used with the overall structure 3.5m wide and approximately 2m high.

If it is considered undersized, the removal of the top layer of bricks (effectively reducing the width by half a brick) would allow the sign width to be increased without affecting the overall structure width.

It is not considered that the location and size will be objected to by Main Roads WA due to the setback from the road. They may take issue with the number of signs on the western approach.



FINANCIAL IMPLICATIONS

2009-10 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provide direction in relation to the location of the entrance statement and the structure desired.

Simple Majority Required

MIN 99/09 MOTION – Moved Cr Jefferies 2nd Cr B Stokes

That a letter of thanks be provided to Narelle Caffell for her efforts and provision be included in the draft 2009/10 Budget to:

- *relocate the eastern and western signs and re-erect in the design drawn by Narelle Caffell;*
- *add a back with the words "Thankyou for visiting Tammin – Drive Safely";*
- *relocate the Crest signs to the Shire boundary.*

Further, that Staff trial a border feature to the southern sign.

CARRIED 5/0

Cr B Stokes left the Chamber at 2.54pm and returned at 2.55pm.

11.4 Local Government Amalgamations (PROP-00)

Author – MG Oliver, CEO, 19 June 2009 Interest – Nil

PREVIOUS REFERENCE

Items 5.1 – 11 February 2009, 12.1 – 19 February 2009, 11.1 – 19 March 2009, 10.5 – 30 March 2009, 11.4 – 21 May 2009 and 11.5 – 18 June 2009 refer.

BACKGROUND

On 5 February, 2009 Mr Castrilli, the Minister for Local Government and Regional Development, publicly announced strategies for local government reform based on a voluntary reduction in the number of individual councils. Specifically, the Minister invited each of the 139 WA Councils to embrace this opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members for each council. Also, to advise him of its clear intentions for amalgamations and reductions in the total number of elected members and to form appropriate regional groupings of councils to assist with the efficient delivery of their services in line with proposed grants to local government, under the recently announced Country Local Government Fund.

Mr Castrilli made specific reference that there were 85 local councils in WA serving populations of less than 2,000 people and more than 50 councils had representation ratios of one councillor to less than 100 electors and this ratio fell as low as one to 20.

The Local Government Reform Steering Committee has issued Bulletins which request local governments to assess their position through a recommended decision making process along with key criteria to be considered and provide a response to the Minister by 31 August 2009.

The timeframe has been set out as (with Tammin's current position):

Stage 1 March/April 2009	* Complete the reform checklist.	Complete
	* Initial exploratory meeting to confirm local government amalgamation grouping is appropriate.	Complete
	* Determine suitable partners for amalgamation.	Decision required
	* Consideration of the reduction in the number of elected members.	None required
	* Consideration of skill sets for the establishment of a project team to coordinate local government's reform process.	Team established
	* Forward completed checklist to the Local Government Reform Steering Committee by 30 April 2009.	Forwarded
Stage 2 April/May 2009	* Project team established.	Team Established
	* Project team meets as required to determine preferred amalgamation structure.	Required
	* Project team to determine appropriate elected member representation and methods for ensuring appropriate community representation.	No change required
	* Project team to consider local government regional grouping.	Required
	* Seek State Government funding assistance as necessary for preparing Reform Submissions.	SEAVROC
	* If required, consultant/facilitator engaged.	Decision required
	* Community consultation undertaken within each affected local government and comments recorded.	Required
Stage 3 May/June 2009	* Project team develops Reform Submission to include:	
	* preferred amalgamation structure or other types of boundary adjustments;	Required
	* number of elected members and / or regional grouping; and	Required
	* transition timeline, including timeframe and estimated additional transition costs.	Required
Stage 4 June/July 2009	* Project team finalises Reform Submission and circulates to affected local governments.	Required
	* Each council passes a resolution to proceed based on the findings of the submission.	Required
	* Each council agrees to identify a date the amalgamation is to take effect.	Required
	* Each council is to agree to a date at which elected member numbers will be reduced.	Required

Stage 5

August 2009

- * Local governments forward the Reform Submission to the Minister for Local Government by 31 August 2009.

Required

Stage 6

- * Minister provides Reform Submission to Local Government Reform Steering Committee for assessment.
- * Steering Committee assesses Reform Submissions and seeks further information if needed.
- * Steering Committee provides advice to Minister on preferred option for reform.

Stage 7

- * Finalised proposals referred to the Local Government Advisory Board for consideration and recommendation.

Any resultant local government will need to have a demonstrated capacity in the following areas:

- long term strategic planning;
- detailed asset and infrastructure management planning;
- future financial viability and planning;
- equitable governance and community representation;
- proficient organisational capacity;
- effective political and community advocacy for service delivery;
- understanding of and planning for demographic change;
- effective management of natural resources;
- optimal community of interest; and
- optimal service delivery to community.

The Committee recommends that consideration be given to the Local Government Advisory Board criteria for amalgamation, with particular emphasis on the first four.

1. Community of interest

Similarity in the characteristics of the residents of a community and economic activities

Key considerations:

- Mechanisms introduced to ensure local identity and community representation is maintained under the new structure created;
- Communities of shared interests and facilities;
- Location of commercial and social infrastructure to create sustainable centres; and
- Regional matters of interest.

2. Local government viability

Local governments to have adequate financial capacity

Key considerations:

- Capacity to efficiently and effectively exercise its proper functions and delegated powers to operate its facilities and services to an appropriate standard;
- Sufficient and diverse rate base to facilitate community and economic growth;
- Capacity to fund current and future service and infrastructure obligations;
- Ability to attract and retain appropriate professional expertise and skills to deliver local government services in a timely manner;
- Organisational capacity to undertake financial and strategic planning; and
- Appropriate community interest in providing breadth and diversity to the composition of a local government council.

3. Effective delivery of local government services

Capacity to meet community expectations

Key considerations:

- Capacity to fund existing and future service and infrastructure obligations;
- Governance and administrative mechanisms to review and refine service provision to ensure effective service delivery;
- Revenue generation to meet operating demands and provide funds to maintain community assets; and
- Financial planning to respond to impacts of cost shifting.

4. Financial assessment

Capacity to increase financial resources and derive long term cost efficiencies

Key considerations:

- Combined costs, asset evaluation and improved financial efficiencies;
- Revenue and expenditure of combined local governments; and
- Indicative savings expected from the proposal and ways the savings can be used to benefit the community.

5. Economic factors

Characteristics of economic factors and resources in the area

Key considerations:

- Industries within the local area;
- Distribution of community assets;
- Diversification of business mix; and
- Infrastructure and asset maintenance.

6. Demographic trends

Appropriate planning for current and projected population characteristics

Key considerations:

- Population forecasts, including assessment of immigration and interstate and intrastate migration and implications for local human capital;
- Demographic composition; and
- Classification of high growth and low growth areas.

7. Transport and communication

Identifiable transport linkages to support connectivity between regions

Key considerations:

- Neighbouring towns' road and rail infrastructure;
- Telecommunication infrastructure; and
- Port access.

8. History of the area

Historical Community ties

Key considerations:

- Historical links between neighbouring communities in adjacent local governments.

9. Physical and topographic features

Structures and boundaries to facilitate the integration of human activity and common land use

Key considerations:

- Catchment boundaries;
- Water features; and
- Coastal plain and foothills.

In March 2009 Council resolved that the Project Team consist of Crs R Stokes, B Stokes and S Jefferies and that the Project Team undertake initial discussions with the Shires of Kellerberrin, Cunderdin, Wyalkatchem and Quairading.

In May 2009 Council resolved that the matter lay on the table until this meeting to allow further consideration. Further, that a public meeting be convened for Thursday, 25 June 2009.

Correspondence has been received from the Minister for Local Government advising that: Where amalgamations take place, local governments:

- Will be able to establish a system of wards based on the boundaries of the former local governments; and
- Can choose to allocate elected members so that each ward has at least one elected member, even if this does not comply with the one-vote one-value policy of the Local Government Advisory Board.

These arrangements may exist for a limited period.

Also, urging local governments to use their completed checklist to assess how capacity gaps may be able to be overcome through amalgamations and how the delivery of services to communities can best be enhanced through structural reform.

Further, pointing out that assessments need to be undertaken in an open and transparent manner to ensure the members of the community are provided with sufficient information to enable them to form an informed view on the advantages and disadvantages of reform.

In June 2009 Council resolved that:

- an invitation be extended to WALGA to workshop Council on the issue of amalgamation; and
- the Public meeting, planned for 25 June 2009 be deferred to a future time.

The Department of Local Government and Regional Development has assessed the Checklist submitted in April, indicating that the assessment places local governments into one of three categories:

Category One: evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments may still consider reform opportunities which enhance service provision to local and regional communities.

Category Two: structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.

Category Three: significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.

Further, that on the basis of the checklists assessment, the Shire of Tammin was placed in Category Two: "structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs." The assessment of the Shire of Tammin's checklist and associated documents identified some key strengths, in particular:

- detailed strategic planning;
- ability to meet building and development applications and statutory reporting requirements within the timeframe provided;
- planning for demographic change and environmental management; and opportunities have been identified for working regionally with neighbouring local governments.

Whilst the checklist and attached documents demonstrate the Shire's ability to respond to customer needs and partnership opportunities, areas where improvements are required were identified in relation to:

- limited long term financial management planning, which may potentially undermine the capacity to implement the strategic plan into the future;
- limited evidence that the Shire has commenced a structured asset and infrastructure planning management program such as the Western Australian Asset and Infrastructure program or the Institute of Public Works Engineering
- Australia;
- limited evidence of an attraction and retention strategy in place to build organisational capability, or a strategic approach for staff to undertake professional training and development opportunities;
- limited evidence provided of a formal consultation strategy in place to effectively engage with the community in the Shire's future planning processes;
- limited examples provided to demonstrated effective partnerships have been brokered with private industry and/or the State and Commonwealth Government to strengthen local investment and the provision of services; and
- limited evidence to substantiate that long term financial future planning is in place to provide for optimal service delivery should the needs and expectations of the community increase into the future.

On 6 July 2009 Mr Tony Brown from WALGA conducted the workshop for Councillors. Following that workshop, a funding application was made to the Department of Local Government and Regional Development for \$10,000 to employ a consultant to prepare the Shire of Tammin's submission to the Minister – due 31 August 2009 – should this be the direction Council wishes to pursue. At WALGA's recommendation, Mr Tony Cooke was the named consultant in the application. SEAVROC has been advised of this submission.

On the 14 July 2009 the Minister is to address the GECZ meeting in Tammin on structural reform followed by a public forum in Kellerberrin in the afternoon.

On 17 July 2009 the Department is conducting a structural reform workshop in Quairading to allow participants to share ideas, concerns and strategies in the development of structural reform proposals and the preparation of reform submissions for the Minister. It will provide information and instigate discussion about structural reform, and will encourage participants to 'think tank' how their local governments can maximise opportunities for the future of their communities.

COMMENT

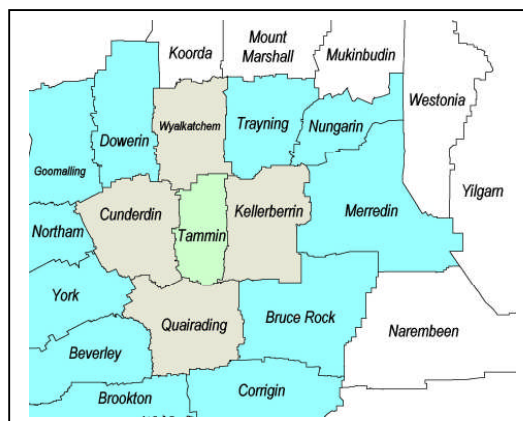
The process places the obligation to consult with the community, consult with amalgamation partners, make a decision on reform and if appropriate, to request amalgamation with other individual local governments. Being a voluntary process, the ultimate responsibility for the decision is Councils.

Whilst the Minister has referred to a population of 2,000, the Committee encourages local governments to consider the largest combination of councils in the first instance. Once identified, an initial exploratory meeting should be undertaken to confirm whether the proposed grouping of local governments is appropriate.

WALGA has offered their services to facilitate the production of reports and submissions.

The Committee has suggested that the following criteria for amalgamation, with emphasis on the first four:

1. Community of interest - Similarity in the characteristics of the residents of a community and economic activities.
2. Local government viability - Local governments to have adequate financial capacity.
3. Effective delivery of local government services - Capacity to meet community expectations.
4. Financial assessment - Capacity to increase financial resources and derive long term cost efficiencies.
5. Economic factors - Characteristics of economic factors and resources in the area.
6. Demographic trends - Appropriate planning for current and projected population characteristics.
7. Transport and communication - Identifiable transport linkages to support connectivity between regions.
8. History of the area - Historical Community ties.
9. Physical and topographic features - Structures and boundaries to facilitate the integration of human activity and common land use.



Population figures (Local Government Directory) for the Shire of Tammin's immediate neighbours are:

Shire of Tammin	450
Shire of Cunderdin	1,490
Shire of Kellerberrin	1,165
Shire of Quairading	1,022
Shire of Wyalkatchem	620

FINANCIAL IMPLICATIONS

Significant but unknown.

POLICY IMPLICATIONS

Significant but unknown.

STATUTORY ENVIRONMENT

The Local Government Act would need to be overridden (new legislation) for the Government to force amalgamations.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Significant but unknown.

COMMUNITY CONSULTATION

Shire Notes in the Tammin Tabloid have alerted the community.

STAFF RECOMMENDATION

That Council provide direction.

Simple Majority Required

Councillors considered that amalgamation should occur with two other local governments and noted the following points:

- Each existing local government should form a Ward in the new local government.
- The number of Councillors in the new local government should be 9 with 3 from each Ward.
- Repayment of existing loan debts should be quarantined to the respective Ward.
- Existing grants including Grants Commission, Royalties for Regions allocations, Roads to Recovery and Regional Road Group should be quarantined to the respective Ward.
- Existing Reserve funds should be quarantined to the respective Ward.
- Existing roads network condition (aging bitumen network) should be assessed.
- Existing road programs should be maintained.
- Community and sporting groups support should continue.
- Fees structure will need consideration.
- Specified area rating for specific Ward expenditure should be used.
- Existing assets e.g. ovals, halls, depots, Kadjininy Kep, Tamma Village, library etc should continue.
- Existing depots should continue as service depots for each Ward.
- Existing Offices should continue to provide an Office front and access to senior staff needs to be resolved.
- Existing number plates should be maintained.
- The cost of amalgamation, including new facilities – Offices, Depots, IT, financial systems, town planning schemes and local laws – should be borne by the State Government. Any shortfall should be borne equally by the 3 Wards.
- Regional grouping will need to be considered.
- Checklists of the 3 existing local governments need to be compare to identify how gaps can be filled through amalgamation.
- Existing workplace cultures and agreements will need to be considered.

MIN 100 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That:

- *Mr Tony Cooke be appointed to prepare the Shire of Tammin's final submission;*
- *a workshop with Mr Cooke be held on 22 July 2009 to consider the Local Government Advisory Board's recommended criteria for amalgamation.*
- *WALGA be invited to facilitate a public meeting following the workshop with Mr Cooke in attendance;*
- *a draft submission be provided to the August Ordinary Council meeting (20 August 2009).*

CARRIED 5/0

MIN 101 /09 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That a vote of thanks be provided to the CEO and Staff for achieving Category 2.

LOST 2/3

11.5 Donnan Park – Seating (ASS-1076)

Author – MG Oliver, CEO, 19 June 2009 Interest – Nil

PREVIOUS REFERENCE

Items 11.4 – 19 February 2009, 11.5 – 21 May 2009 and 11.8 – 18 June 2009 refer.

BACKGROUND

Council resolved in February 2009 that as part of the priorities for the first year's Royalties for Regions funding be Donnan Park (refurbish grandstand, extend concrete path the full length at the same level, home change room carpet, repaint all change rooms, shade over playground) (\$70,000).

Following the Property Inspection on 15 April 2009, Council resolved that Staff be requested to provide an estimate to replace all the seating in front of the changerooms and pavilion and in the grandstand.

In June 2009 Council was advised that 112m of seating is involved (79m in the grandstand and 33m in front of the pavilion and changerooms) and of a proposal to replace the woodwork on the seats with C section steel (2 piece to create a slight curve). Along with various other works, an estimate of \$7,100 was provided. Council expressed concern regarding temperature issues of steel and resolved that the item lay on the table to allow a separate costing using wood and also re-cycled plastic for the seating.

COMMENT

On further inspection, the existing timber in the seating in the grandstand (79m) is generally in fair condition and Mr Alcock has indicated it could be economically repaired (planning and sanding). However, the existing seating in front of the pavilion and changerooms needs to be replaced. To repair, sand and oil the existing seating (grandstand only), the estimated cost is \$1,085 (plus GST).

To use recycled plastic (90mmx40mm), the grandstand seating supports will also require replacement (to 650mm-700mm centres) due to the lack of strength. Colours available are green, blue or grey – with colour consistency being an issue – although minimised if sourced from the same batch. Green or blue have a 12.5% premium to their price. The recycled plastic is able to be cut and routed in the same manner as timber. The estimate to replace the seating with recycled plastic is \$8,080 (plus GST).

Dry jarrah in the existing plank size is unprocurable. Slats of dry jarrah (70mmx40mm) are an alternative. These would require painting or oiling with oiling being recommended for on-going maintenance (similar to the seating in Memorial Park). The cost of this would be similar to the recycled plastic option for oiling or approximately \$150 more for acrylic painting.

Included in the 112m of seating is space for some 33m along the front of the pavilion and changerooms. Currently, there is 22.3m in various configurations. To replace these seats with individual 1.8m bench recycled plastic units (bolted to the concrete) 16 units would be involved – at a cost of \$8,880 (plus GST). These would address the back support issue of the current seating in front of the pavilion.



These options can be summarised as:

- | | |
|--|----------|
| • C section Steel including other works (\$2,615) | \$7,100 |
| • Recycled plastic in grandstand (\$8,900), recycled plastic individual seating (\$8,880), other works (\$2,615) | \$20,395 |
| • Repair seating in grandstand (\$1,085), recycled plastic individual seating (\$8,880), other works (\$2,615) | \$12,580 |

Not included in these estimates is GST, freight and installation for the recycled plastic individual seating.

FINANCIAL IMPLICATIONS

Royalty for Regions funding.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Our Community Item 1(a) provided for the refurbishment of the grandstand.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the timber on the existing seats in the grandstand be refurbished and the seating in front of the Pavilion and changerooms be replaced with recycled plastic individual bench seats.

Simple Majority Required

MIN 102/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the timber on the existing seats in the grandstand be refurbished and further information be provided on options for seating in front of the pavilion and changerooms.

CARRIED 5/0

11.6 Footpaths (ENG-11 & FIN-25)

Author – MG Oliver, CEO, 19 June 2009 Interest – Nil

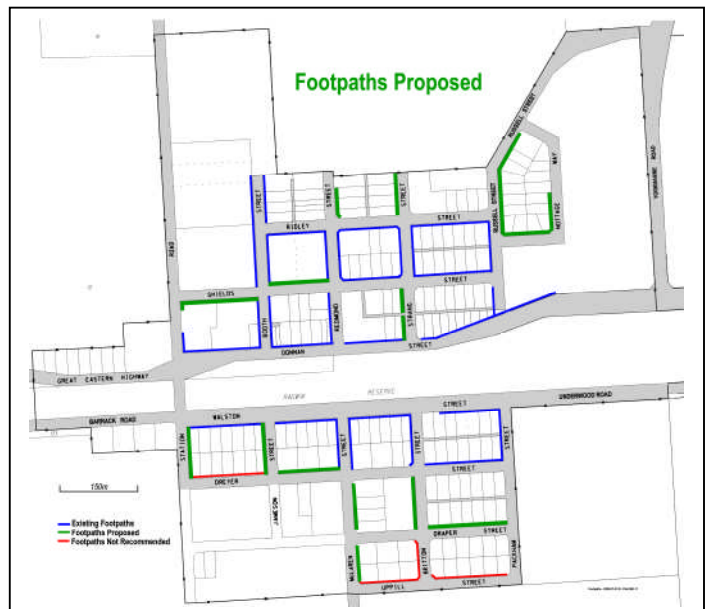
PREVIOUS REFERENCE

Items 11.4 – 19 February 2009 and 11.9 – 18 June 2009 refer.

BACKGROUND

Council resolved in February 2009 that as part of the priorities for the first year’s Royalties for Regions funding be footpaths – \$50,000.

In June 2009 Council resolved it’s support for brown hotmix footpaths to be installed on one side of the street only with kerbing being left in abeyance until the bitumen sealing of the streets is addressed



A Plan showing the existing network, proposed extensions and areas not recommended has been prepared.

COMMENT

Approximate distances involved are:

1. Nottage Way 185m
2. Russell St 255m
3. Strang St (north) 85m
4. Strang St(south) 100m
5. Redmond St 60m
6. Shields St 275m
6. Station Rd (north) 15m
7. Station Rd (south) 100m
8. Jamison St 100m
9. Dreyer St 120m
10. McLaren St 180m
11. Britton St 25m
12. Draper St 155m

Approximately 1,655m of footpath is involved. A nominal width of 2m and a thickness of 25mm is proposed.

Dreyer St (155m), Uppill St (275m) and Britton St (80m) has not been recommended due to the lack of existing adjoining development.

The estimated cost of these works is \$60,000 - \$75,000.

FINANCIAL IMPLICATIONS

Royalties for Regions funding.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Our Community item 7(c) provided for the completion of the provision of town footpaths.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the footpath network extension works be completed using Royalties for Regions funding.

Simple Majority Required

MIN 103 /09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.7 Tennis Courts/BMX Track – Shade Shelter (ASS-1065)

Author – MG Oliver, CEO, 19 June 2009 Interest – Nil

PREVIOUS REFERENCE

Items 11.5 – 21 May 2009 and 11.10 – 18 June 2009 refer.

BACKGROUND

Arising from the Property Inspection on 15 April 2009 was the resolution that an estimate be obtained to construct a two sided and roofed shade shelter (open on the north and south sides) proposed for construction between the BMX track and the old tennis courts area.

In June 2009 Council resolved that estimates be prepared for the erection of a shade/seat/table combination similar to the peaked roof design – with the roof colour matching that of the Tammin Bowling Club.

COMMENT

The Mt Wrangle Universal Shelter from Landmark is priced at \$3,497 (ex GST). The design allows good access for wheel chairs, children and the aged.



FINANCIAL IMPLICATIONS

2010-11 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

The Strategic Plan in Item 1(b) of the Sport, Recreation & Culture section provides: Tennis courts – provide shade facility in 2010/11.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council notes the information.

Simple Majority Required

MIN 104/09 MOTION – Moved Cr R Stokes 2nd Cr Caffell

That the project be listed for considering for funding from Year 2 of the Royalties for Regions grant.

CARRIED 5/0

11.8 2009/10 Community Grants (FIN-04)

Author – MG Oliver, CEO, 29 June 2009 Interest – Mr Oliver declares an interest as being a member of the Executive of the Tammin Golf Club (Inc.).

PREVIOUS REFERENCE

Items 11.1 – 16 July 2008 and 11.7 – 16 April 2009 refer.

BACKGROUND

Council resolved in April 2009 that community groups be invited to make submissions for financial support for consideration with the draft 2009/10 Budget.

In recent previous years Council has resolved to advertise for budget submissions from sporting, community or welfare groups/organisations requiring financial assistance from the

Shire of Tammin in the following year. Applications were to include audited financial statements and most recent Bank Statement.

Funding applications for 2009/10 have been received as follows:

• Tammin Bowling Club – to subsidize employment of a greenkeeper	\$20,000	Inc
• Tammin Golf Club – second hand tractor (ex Shire of Tammin)	\$3,000-\$7,000	
• Tammin Golf Club – second hand slasher (ex Shire of Bruce Rock)	\$1,000	
• Tammin Seniors Committee – perimeter fencing from Unit 5 to Unit 1	\$4,000	
• Tammin Tabloid – computer replacement (nominal)	\$1,500	
• Tammin Economy Shop (Cooinda) – towards wages for the co-ordinator and assistant	\$5,000	
• Tammin Primary School – community bus for swimming lessons	\$600	
• Tammin Primary School – subsidize bus hire for swimming lessons	\$830	
• CWA – WA Week luncheon	\$350	
• Tammin Playgroup – replace vinyl floor covering in Uniting Church property	\$1,350	
• Tammin Art Prize – Tammin Art Show (plus in-kind hall hire, photocopying etc)	\$1,000	
• Tammin Community Christmas Tree – Band and Santa suit hire (plus oval hire, extra bins)	\$725	
• Wheatbelt Agcare	\$990	Inc

Additionally, the Eastern Districts Display Committee seeks a donation towards the Royal Show display. \$350 was provided for in 2008/09.

COMMENT

Provision was also included in the 2008/09 Budget for donations/contributions to:

• Royal Flying Doctor Service	\$200
• Lord Mayors Disaster Appeal	\$500
• Significant local achievements program	\$500

In 2006/7 and 2007/8 Council promoted the community cropping lease for the benefit of:

- Tammin Senior Citizens
- Tammin Play Group
- Tammin P & C
- Tammin Golf Club
- Tammin Bowling Club
- Tammin Cricket Club
- Tammin Hockey Club
- Kellerberrin Tammin Football Club
- CWA Tammin

FINANCIAL IMPLICATIONS

For consideration with the draft 2009/10 Budget.

POLICY IMPLICATIONS

Council's Policy provides that all sporting, community or welfare groups/organisations that are seeking major grants from Council must make a submission to Council prior to the 15 June in each financial year. Applications are to be accompanied by the groups/organisations most recent audited finance statement.

STATUTORY IMPLICATIONS

Nil

STRATEGIC PLAN IMPLICATIONS

In the Strategic Plan the Our Community Item 6(b) provides

Enhance community development:

- work with community groups to promote the annual art prize and associated exhibition.
- work with the seniors group to explore opportunities for education for seniors.
- work with community to promote an active and healthy lifestyle.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the submissions together with:

- | | |
|--|-------|
| • Royal Flying Doctor Service | \$200 |
| • Lord Mayors Disaster Appeal | \$500 |
| • Significant local achievements program | \$500 |
- be included in the draft 2009/10 Budget.

Simple Majority Required

Cr B Stokes and Wheeldon declared an interest in the Tammin Bowling Club and left the Chamber at 4.10pm.

MIN 105 /09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the submission from the Tammin Bowling Club be included in the draft 2009/10 Budget.

CARRIED 3/0

Cr B Stokes and Wheeldon entered the Chamber at 4.14pm.

MIN 106 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the submission from the Tammin Golf Club for the tractor be rejected.

CARRIED 3/2

MIN 107 /09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the submission from the Tammin Golf Club for the slasher be included in the draft 2009/10 Budget.

CARRIED 5/0

MIN 108 /09 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the submission from the Tammin Seniors Committee be included in the draft 2009/10 Budget.

CARRIED 5/0

MIN 109 /09 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the submission from the Tammin Tabloid be included in the draft 2009/10 Budget.

CARRIED 5/0

Cr Wheeldon declared an interest in Tammin Economy Shop/Cooinda and left the Chamber at 4.22pm.

MIN 110 /09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the submission from the Tammin Economy Shop/Cooinda be included in the draft 2009/10 Budget.

CARRIED 4/0

Cr Wheeldon entered the Chamber at 4.23pm.

Cr B Stokes declared an interest in the Tammin Primary School and left the Chamber at 4.23pm.

Crs S Jefferies and R Stokes declared an interest in the Tammin Primary School leaving the meeting without a quorum.

Cr B Stokes entered the Chamber at 4.25pm.

Cr Wheeldon declared an interest in the Tammin CWA and Uniting Church and left the Chamber at 4.24pm.

Cr Jefferies left the Chamber at 4.25pm and entered the Chamber at 4.26pm.

MIN 111 /09 MOTION – Moved Cr Jefferies 2nd Cr B Stokes

That the submission from the Tammin CWA be included in the draft 2009/10 Budget.

CARRIED 4/0

MIN 112 /09 MOTION – Moved Cr R Stokes 2nd Cr Jefferies

That the submission from the Tammin Playgroup be included in the draft 2009/10 Budget.

CARRIED 4/0

Cr Wheeldon entered the Chamber at 4.27pm.

MIN 113 /09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies

That the submission from the Tammin Art Prize be included in the draft 2009/10 Budget.

CARRIED 5/0

MIN 114 /09 MOTION – Moved Cr R Stokes 2nd Cr Jefferies

That the submission from the Tammin Christmas Tree be included in the draft 2009/10 Budget.

CARRIED 5/0

MIN 115 /09 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the submission from the Wheatbelt Agcare be included in the draft 2009/10 Budget.

CARRIED 5/0

MIN 116 /09 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That provision of \$350 be included in the draft 2009/10 Budget for the Eastern Districts Display Committee.

CARRIED 5/0

MIN 117 /09 MOTION – Moved Cr Caffell 2nd Cr R Stokes

That provision be included in the draft 2009/10 Budget for the:

- *Royal Flying Doctor Service* \$200
- *Lord Mayors Disaster Appeal* \$500
- *Significant local achievements program* \$500.

CARRIED 5/0

11.9 DLGRD – Country Local Government Fund (FIN-25)

Author – MG Oliver, CEO, 29 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.4 – 19 February 2009 refers.

BACKGROUND

The Department has drawn attention to the allocation for Year 2 which will see 35% of the funding allocated through regional groups of local governments and seeking confirmation of the Shire of Tammin's preferred grouping.

COMMENT

Previous advice has included the Shire of Tammin with WE-ROC and indicated the following anticipated allocations:

	<u>2008/09</u>	<u>2009/10</u>	<u>2010/11</u>	<u>2011/12</u>
Tammin	\$565,828	\$367,788	\$282,914	\$282,914
Regional		\$198,040	\$282,914	\$282,914
WE-ROC		\$1,323,274	\$1,843,131	\$1,843,131

Council resolved in February 2009 that the Shire of Tammin's priorities for regional funding be:

- *common operating platform (SEA-ROC).*
- *housing (community or government officers).*
- *weather radar (WE-ROC).*
- *light industrial area.*
- *asset management.*
- *effluent disposal*

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Department of Local Government and Regional Development be advised that the Shire of Tammin seeks to be grouped with WE-ROC.

Simple Majority Required

MIN 118 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the issue lay on the table and that the CEO ascertain whether future year's groupings will be able to be changed.

CARRIED 5/0

11.10 Main Roads WA – Traffic Signs & Devices (ENG-21)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

BACKGROUND

Advising that the Shire of Tammin has not yet taken steps to formalise the Instrument of Authorisation relating to traffic management for works on roads within the Shire of Tammin

and noting that under Regulation 297(1) of the *Road Traffic Code 2000* the Commissioner of Main Roads has the authority to erect road signs, traffic control signals and other devices. Further, that the Commissioner may delegate this authority to Authorised Bodies under Regulation 297(2) of the Code, subject to any conditions specified in the Instrument of Authorisation.

Without that delegation, Councils do not have the authority to erect traffic signs, traffic control signals and other traffic devices, either for permanent or temporary installation.

Main Roads has put into place a "Traffic Management for Works on Roads Code of Practice" which details the administrative, legal and technical requirements for the safe and effective management of traffic at worksites. Section 4 of the Code of Practice addresses the responsibilities of both Authorised Bodies and non Authorised Bodies in respect to road signs and devices for works on roads.

Proposing that an Instrument of Authorisation that enables the Commissioner to approve the Shire of Tammin as an Authorised Body in respect to the use of temporary road signs and devices for works on roads be signed. The Instrument of Authorisation requires agreement to the terms and conditions specified, including compliance with the Traffic Management for Works on Roads Code of Practice.

COMMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 297 of the *Road Traffic Code 2000* (Power to erect traffic-control signals and road signs) provides:

- (1) The Commissioner of Main Roads may erect, establish or display, and may alter or take down any road sign, road marking or traffic-control signal.
- (2) The Commissioner of Main Roads may allow an authorised body to erect, establish, display, alter or take down any particular road sign, road marking or traffic-control signal, or road signs, road markings or traffic-control signals of a class or type of classes or types, and in the circumstances (if any), specified in the instrument of authorisation.
- (3) Where an authorised body is causing work to be undertaken or responsible for a survey, that authorised body may erect, establish, display, alter or take down any particular road sign or traffic-control signal, or road signs or traffic-control signals of a class or type of classes or types approved by the Commissioner of Main Roads so as to only apply to one lane, or one direction of, the carriageway to which the work or the survey relates.
- (4) A person shall not, without the consent of the Commissioner of Main Roads, remove, take down, damage, deface or interfere with any road sign, road marking or traffic-control signal.

Modified penalty: 1 PU

- (4a) A person shall not erect, establish, place, maintain or display —
 - (a) a traffic sign;
 - (b) a traffic-control signal; or
 - (c) a road marking,
on a road, unless that person —
 - (d) is authorised to do so by the Commissioner of Main Roads;
 - (e) has the consent of the Commissioner of Main Roads to do so under this regulation;

- (f) is otherwise entitled to do so under a written law of the State.
Modified penalty: 1 PU
- (5) A person shall not erect, establish, place, maintain or display, on a road, anything that —
- (a) is a false representation of, or a colourable imitation of, a traffic sign or traffic-control signal;
 - (b) interferes with the effectiveness of, or of any part of, a traffic sign or traffic-control signal;
 - (c) prevents an approaching driver from clearly distinguishing the whole, or part, of a traffic sign or traffic-control signal;
 - (d) distracts a driver's attention from a traffic sign or traffic-control signal; or
 - (e) not being a traffic sign, displays a word or direction ordinarily associated with a traffic sign.
- Modified penalty: 1 PU
- (6) Despite these regulations, a traffic sign or traffic-control signal that was erected prior to the coming into operation of these regulations, shall be a valid and effective traffic sign or traffic-control signal for the purposes of these regulations.
- (7) The provisions of this regulation do not apply to the erection of road signs by any duly incorporated association or union of motorists approved by the Minister.
- (8) Unless otherwise stated by the Commissioner of Main Roads, an authorised body may delegate the responsibility for the erection, establishment, display, alteration or the taking down of road signs in the circumstances set out in subregulation (2) or (3).
- (9) Despite this regulation, where, for the purpose of temporarily controlling traffic it is expedient to do so, a member of the Police Force (including a warden), may erect or cause to be erected, road signs regulating the parking or stopping of vehicles and any sign so erected shall be a valid and effective traffic sign for the purposes of these regulations.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Common Seal be affixed to the Instrument of Authorisation relating to Traffic Management for Events.

Simple Majority Required

MIN 119 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

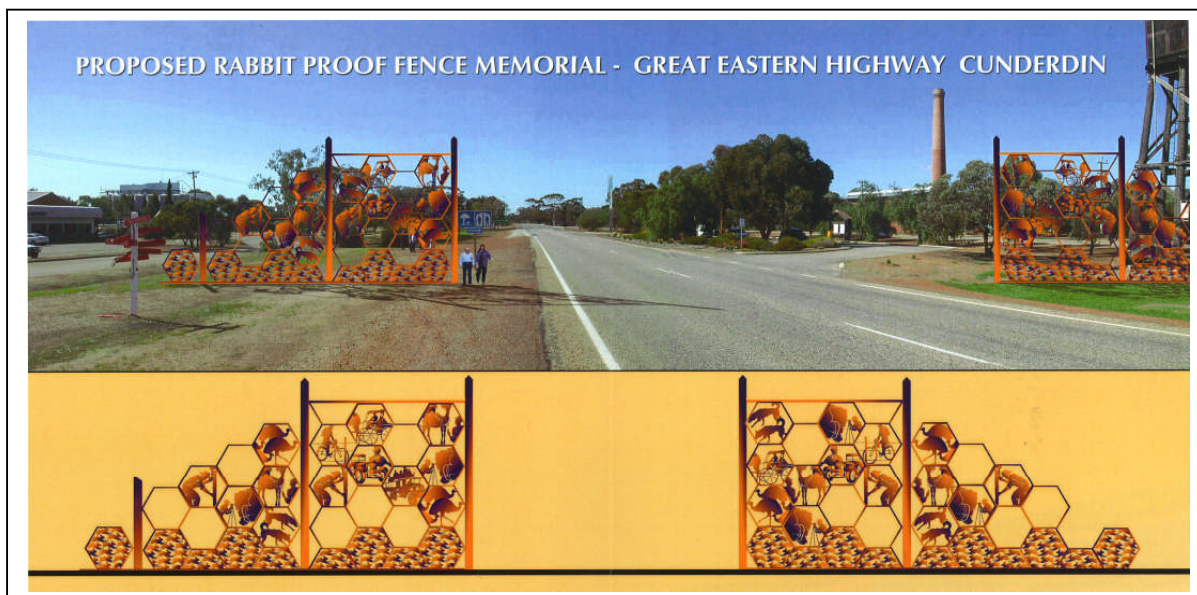
11.11 Cunderdin Historical Society – Rabbit Proof Fence Memorial Project (PUB-08)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

BACKGROUND

For some time, the Society has been working on establishing a memorial to commemorate the building of the Number Two Rabbit Proof Fence – a mammoth task completed over 100 years ago. Using the services of Mrs Joan Walsh Smith and Charles Smith a design for erection on the highway in the centre of Cunderdin has been developed.

The Society is seeking support in principal for the project and possibly participation.



Each of the hexagon shape, every sculpted section of the memorial can be individualised for each local community – designed to capture the local historical social narrative to express qualities of each community yet linking them to the memorial as a whole.

The next meeting of the Steering Committee is to be held on 24 July 2009 in Cunderdin at 10am.

COMMENT

The Fence follows the Shire of Tammin's south western boundary with the Shire of Cunderdin (Rabbit Proof Fence Rd).

FINANCIAL IMPLICATIONS

Unknown – no commitment.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Shire of Tammin attend the Rabbit Proof Fence Memorial Project Steering Committee meeting in Cunderdin on 24 July 2009.

Simple Majority Required

MIN 120/09 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.12 Prime Minister – Nation Building Investment (FIN-26)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

BACKGROUND

A media release from the Prime Minister at the Australian Council of Local Government announced an additional \$220m nation building investment in community infrastructure – partnering with local government together with a \$25m Local Government Reform Fund to fast-track improvements to the sector's infrastructure asset and financial management systems and encourage cooperation between councils in the delivery of their services.

The \$220m will be delivered through two streams:

- \$100m shared between all of the Nation's local governments;
- \$120m for larger strategic projects, provided on a competitive basis.

These funds will be made available at the end of 2009 – to ensure that councils have completed exiting smaller scale projects in a timely manner.

The \$25m Local Government Reform Fund will:

- Assist councils implement new asset management and planning consistent with a national framework;
- Fund the collection and analysis of robust data about councils' infrastructure assets; and
- Support collaboration between councils on a regional basis for service delivery and planning.

COMMENT

It is understood that small local governments will receive \$30,000.

These funds are in addition to the \$100,000 RLCIP funds received earlier in 2009 and the \$565,828 Royalties for Regions funding from the State Government also received earlier in 2009.

FINANCIAL IMPLICATIONS

2009-10 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the information be received.

Simple Majority Required

MIN 121 /09 MOTION – Moved Cr R Stokes 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 5/0

11.13 WALGA – Annual General Meeting (OLGOV-12)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.8 – 21 May 2009 refers.

BACKGROUND

Forwarding a copy of the Agenda for the meeting to be held on 8 August 2009. Listed on the Agenda are 3 Member motions for consideration:

- 3.1 (1.) That the members of the Western Australian Local Government Association direct the Association to commence dialogue and negotiation with the Western Australian Planning Commission (WAPC) to review WAPC Policy DC 2.3 with the objective being to increase the public open space required for residential subdivisions above the current 10% in support of the need for more active open space in urban areas with the benefit of meeting existing demands and increasing active physical activity in the interests of promoting a healthy and active society.
- (2.) That WALGA seek the support of the Department of Sport and Recreation in preparing and developing the information required to substantiate the necessary increase in public open space.
- 3.2 That the Western Power urgently increase inspections and replacement of power poles throughout Western Australia.
- 3.3 That the deregulation of airline services to regional Western Australia be opposed.

COMMENT

Full details of the Agenda items are included in the Agenda document – available from the CEO.

In May 2009 Council appointed Crs Rodney Stokes and Caffell to be the Voting Delegates to the WALGA AGM.

Council may wish to give it's delegates *riding* instructions on some or all of these issues.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That delegates listen to the debate on the items and vote accordingly.

Simple Majority Required

MIN 122/09 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.14 W Wilkins – Culvert (ENG-34)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.3 – 8 March 2006 refers.

BACKGROUND

Correspondence complaining about the build up of water on the corner of Redmond and Ridley Street, even when it has only rained a small amount. The pipe under the road is blocked and has been for nearly all of the 18 years that she has lived on the corner – other than when it was once unblocked 10 years ago.

It would not bother me if the storm water from my house could get away but it can't and water backs up to the roof as my house is one of the highest in town it is a ridiculous situation.

I have sent letters and emails with pictures in to the Council in the past and have not had many replies – am I to assume that they have been lost or ignored? The last complaint was some years ago as I had given up – but why should I? The problem is well known to the CEO and workers as I am often out there trying to remove some of the build up of leaves and dirt, standing in 6 inches and more of water and the same people have driven past. The foreman has been very sympathetic and also David but as they can only do the work they have been told to do, the problem has not been attended to.

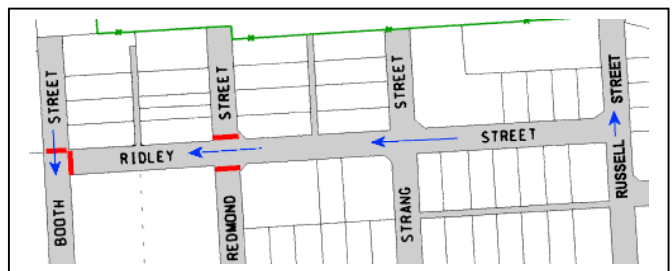
The foreman tells me that this corner is the lowest point in town, but that is not my problem. What is Council going to do?

If the road was sealed from kerb to kerb instead of a small strip of bitumen in the centre as is the case as the moment, that would stop all the gravel/sand that is currently there from washing into the pipe and blocking it.

COMMENT

Council has previously considered this situation – two times are recalled in the last 3½ years – including being inspected as part of the roads inspection.

During that time it has never been suggested that the pipe is blocked – although leaves and debris regularly temporarily block the pipe's entrance – similar to all small diameter pipes in the townsite where there is little fall (and hence a slow water flow).



The plan shows the existing culverts in the area together with the direction of water flow.



The two photographs show Ridley St after a small shower, firstly from the Booth St



intersection and then from Redmond St intersection. The first photograph clearly shows the culvert to the north failing with water flowing around the corner south into Booth St. Also in the photograph is the water flowing around the School crossover culvert which has also failed. The second photograph shows the ponding of water on the east side of Redmond St.

The third photograph shows the eastern entrance to the Redmond St culvert – failing.

Strang St has spoon drains on both sides of Ridley St – as has the Nottage Way/Russell St intersection. These are at the start of the catchment – with a lower difference in height between the crown of the road and the table drain.

As the water travels west towards Booth St, each of the culverts (200mm School entrance pipe and two box culverts at Booth St) are lower than the kerb table drain on either side resulting in water laying in the pipes long after the rain event has passed.

With the exception of the Redmond St culvert on the north side (which has a limited catchment), all experience a backup of water in heavy rains as a combination of insufficient fall, litter build-up and pipe size. The problem rapidly alleviates once the rain ceases.

At Redmond St, the box culvert height (inside) is only 200mm. However, the inlet is lower than the entrance table drain – effectively leaving only the top 50mm of the box as useful. The balance of the box acts as a silt trap. The table drain is 220mm lower than the crown of the road which would make it difficult to replace the culvert with a spoon drain / floodway – particularly if the water can't get away (School entrance and Booth St restriction).

To change the box culvert to a spoon drain would require reconstruction of the sealed section of the road including the removal of the pipes.



The advantage of a spoon drain would be improved flow due to the immediate impediments removal – however if the culvert issues of the School and Booth Street are not resolved, when the water banked up the depth would be significantly deeper. This would be at the expense of trafficability. A further advantage would be the removal of the table drain gap created to allow the box culvert to be installed.

Ridley St is not sealed kerb to kerb – which adds to the silt issue but provides an opportunity to alter the table drain levels without the reconstruction cost. There is good fall back to Shields St – but Redmond St and Booth St are both sealed kerb to kerb.

FINANCIAL IMPLICATIONS

Unknown – dependent on different courses of action.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Item 1-7(b) of the Plan provides for the completion of sealing of town streets in 2009/10 and ongoing.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Mrs Wilkins be advised that the situation has not been ignored however an economic solution does not exist due to the limited fall in the table drain and Ridley Street not being fully sealed. Further, that the situation will be addressed when Ridley Street is sealed as part of the completion of the sealing of town streets.

Simple Majority Required

MIN 123 /09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 5/0

Cr B Stokes declared an interest in Item 11.15 and left the Chamber at 5.04pm.

11.15 Lewis York – Sponsorship (ADM-00)

Author – MG Oliver, CEO, 30 June 2009 Interest – Nil

BACKGROUND

Advising of his selection to represent WA in the School Sport WA State Schoolboys Under 15 Football Team in the National Championships being held in Maroochydore, Queensland from 24 July to 2 August 2009.

Further indicating that his football commenced at the Tammin Primary School and developed through the KATS Football Club and is proud to be representing the Tammin community as a State representative. He is currently attending Wesley College as a Year 10 student.

Applying for sponsorship of \$200 towards the cost of airfares, clothing, carnival costs and contingencies expected to be \$1,500-\$2,000.

COMMENT

The application would seem to meet the criteria for the \$200 sought.

FINANCIAL IMPLICATIONS

2009/10 Budget – Account E041040.

POLICY IMPLICATIONS

Council's Policy provides that the eligibility criteria for assessing financial support applications (Individual Development) for people who have been selected to represent the State or Nation in interstate or international championships, competitions or significant cultural, academic or community service programs is:

- only residents of the Shire of Tammin are eligible to apply.
- applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural and educational activities.
- applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
- there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
- only one application per financial year may be funded for any one individual.

- a maximum of \$500 per year will be funded per family .
- funds will only be provided towards travel or accommodation expenses.
- priority will be given to applicants who have demonstrated initiative and endeavour in raising funds for themselves.

The maximum grant that may be awarded in this category is \$200 for interstate travel and \$300 for international travel.

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Lewis York be congratulated on his selection and \$200 be contributed towards his anticipated expenses.

Simple Majority Required

MIN 124 /09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 4/0

Cr B Stokes entered the Chamber at 5.06pm.

11.16 Royalties For Regions – Town Hall Kitchen (FIN-25)

Author – MG Oliver, CEO, 4 July 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.4 – 19 February 2009 refers.

BACKGROUND

Council resolved in February that one of the priorities for the first year’s funding (with guestimates) be the Hall kitchen (remove and replace floor, create servery’s from the kitchen into the Town Hall, Lesser Hall and new alfresco area to the north of the kitchen, cool room) (\$100,000).

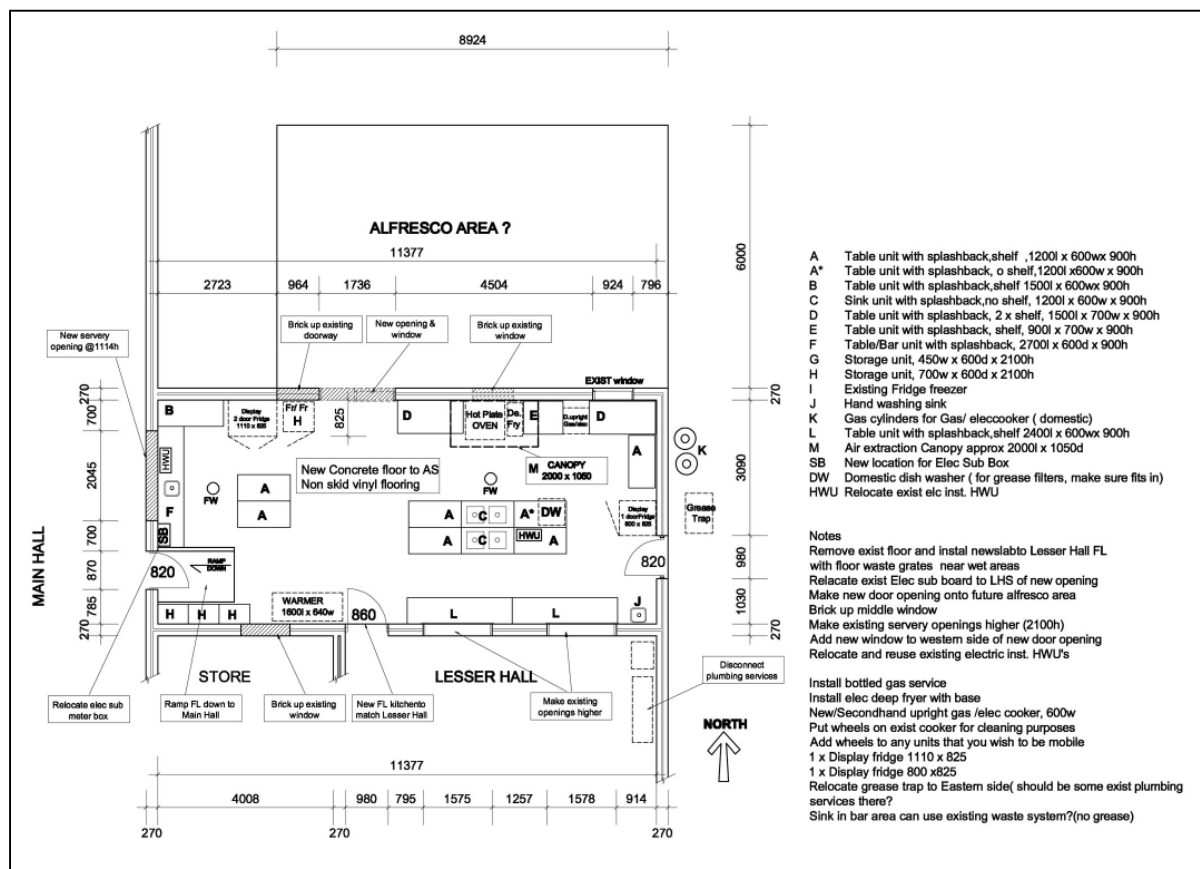
On 16 June 2009 Crs Caffell and Greenwood together with Malcolm Alcock and the CEO met on site with Jane Fenwick (Practical Design Solutions). Arising from that meeting was an initial draft design.

Jane has indicated she has tried to use standard module sizes for the stainless steel as there is also a modular flat pack type of commercial bench available. Obviously the older second hand items will be much better quality Stainless steel and manufacture.

The canopy size is a minimum for the current layout, it covers only the commercial cooker and deep fryer as the domestic range only requires air venting and is covered by the canopy.

She has suggested an upright reasonably priced Gas electric upright with a multifunction oven (as it can do many trays at the same time). The positions for the for gas, electrical and water services may need adjustment with Mr Alcock.

She has also proposed the removal of the existing entry door to the north, the wall to the east of that door and the first window to the east, thereby making an opening big enough to incorporate a new larger door opening and some glazing to enhance northern natural light access. Otherwise, structural building work alterations have been minimised by use existing structure as much as possible.



COMMENT

Jane was given details of the maximum catering/seating of 150 people with the number of workers in kitchen of 5-12 people. Also, that a cool room was not required.

Discussions between Cr Caffell and the CEO have proposed the following amendments:

- Overhead power points need adding to plan.
- "L" should include cupboards and draws underneath
- "I" (existing fridge) is shown as "H" on the Plan
- a third set of mobile "A" table units are required.
- sky lights need to be added (better than windows).
- shift gas cylinders from east side of kitchen to north side of Hall Stage stairs.
- remove bollards between Lesser Hall and Memorial Park – to allow deliveries to east side kitchen door on a one way route. (Consider speed hump if traffic requires).
- grease trap location and septic system connection is a problem. New septic system (and location) required.

FINANCIAL IMPLICATIONS

Royalty for Regions year one funding.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That subject to changes by Council, the initial design be accepted and the design be progressed to plans and elevations.

Simple Majority Required

MIN 125 /09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the initial design, with the inclusion of a salamanda, be accepted and the design be progressed to plans and elevations.

CARRIED 5/0

11.17 Royalties For Regions Projects (FIN-25)

Author – MG Oliver, CEO, 4 July 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.4 – 19 February 2009 refers.

BACKGROUND

Council resolved in February that the priority for the first year's funding (with guestimates) be:

- Hall kitchen (remove and replace floor, create servery's from the kitchen into the Town Hall, Lesser Hall and new alfresco area to the north of the kitchen, cool room) (\$100,000) (see Item 11.16).
- Lesser Hall (replace ceiling, carpets and repaint) (\$50,000).
- Donnan Park (refurbish grandstand, extend concrete path the full length at the same level, home change room carpet, repaint all change rooms, shade over playground) (\$70,000).
- footpaths (\$50,000).
- street lighting (\$50,000).
- Kadjininy Kep change rooms / toilets (\$80,000).
- a two bedroom unit.

COMMENT

Planning is progressing in relation to the Hall kitchen (excluding the cool room) with works proposed to commence in November, 2009.

Works in the Lesser Hall are proposed to be completed in conjunction with the Hall kitchen – commencing in November 2009.

Some of the works at Donnan Park will be completed once the covered BBQ project is underway, others will be done at different times.

Planning is underway for the footpaths extension (see Item 11.6)

Street lighting works have been commissioned – and are scheduled to be completed within 12 weeks.

The Kadjininy Kep change rooms / toilets project can't proceed until the boundaries are amended for the Reserve. The timing of this is unknown. The design is still to be resolved.

A location and design is still to be resolved for the two bedroom unit. The Shire of Tammin has two vacant blocks zoned Residential – 12 Russell Street and 2 Barrack Rd.

FINANCIAL IMPLICATIONS

Royalties for Regions funding.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council give preliminary direction in relation to the location/design of the two bedroom unit project.

Simple Majority Required

MIN 126 /09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That:

- *application be made to purchase lots 15 and 17 Uppill Street;*
- *a Project Team of Crs Caffell, B Stokes and Wheeldon be appointed (quorum of 2) to consider the design and recommend to Council.*

CARRIED 5/0

11.18 Royalties For Regions Funding (FIN-25)

Author – MG Oliver, CEO, 4 July 2009 Interest – Nil

BACKGROUND

The State Government's Royalties to Regions commitment is to provide funding of \$400m over 4 years for the Country Local Government Fund from which the Shire of Tammin received \$565,828 in 2008/09. In year 2 (2009/10) funding of \$367,788 is to be provided with an additional \$198,040 for purposes being required to be determined regionally. The use of the funds is restricted to asset renewal and asset creation.

2009/10 allocations will not be made until the 2008/09 funds have been acquitted.

Support for asset renewal and new asset creation is to focus on funding:

- to individual local governments for infrastructure asset renewal and creation of new infrastructure assets;
- through regional local government groups for new infrastructure asset creation;
- through regional local government groups to be expended by mutual agreement of the member councils;
- that will not reduce local government's own infrastructure spend from other sources of revenue and reserves; and
- through efficient allocation systems using existing mechanisms based on need.

The Country Local Government Fund is to be applied to expenditure against the following local government asset classes:

- Buildings
- Infrastructure
 - Roads
 - Bridges
 - Drainage
 - Parks, Gardens and Reserves
 - Footpaths and Cycle ways
 - Airports
 - Sewerage
 - Other

It is noted that expenditure on roads will affect subsequent Grants Commission determinations.

The funding is conditional on:

- It not being spent on non-infrastructure assets, purchase of plant, employment of staff, engaging of consultants, retiring of debt;
- Completion of a CLGF acceptance form outlining the community's infrastructure priorities for the financial year;
- Fund expenditure is required to be audited with separate documentation forwarded to the Department and included in the Annual Report.
- Acknowledgement of funding is to be made on information and signage associated with the provision of the funds, including correspondence and promotional material.

The funding is regarded as a supply – as such GST is applicable. Grant allocations will be increased by the amount of the GST.

Following discussions at the December 2008 Council meeting, a letter was sent to all residents in the Shire of Tammin indicating the areas nominated by Councillors for these funds and seeking a priority. The results of that survey are shown below. Some respondents merely ticked the projects they considered important and their responses are shown separately (Survey ✓ column). Other respondents gave several items the same priority – their other priorities were adjusted (increased) accordingly to fit into the survey summary.

The total number of prioritised responses to a project is shown in the Priority Total column with the total number of priority given shown in the 1-15 columns. As such, for the Tammin Town Hall kitchen upgrade/refurbishment project, 6 people ticked this project and 29 people prioritised this project – 12 giving it their first priority, 2 giving it their second priority, etc.

Project	Survey ✓	Priority Total	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Tammin Town Hall kitchen upgrade/refurbishment	6	34	15	2	4	1	2	3	3		2		1			1	
Donnan Park Changerooms	5	32	6	8	2	2	2	0	1	5	1	3	1		1		
Donnan Park playground shade	5	29	2	2	8	6	1	3	1	3	2				1		
Donnan Park spectator facilities	4	29	1		5	6	2	5	4	2				1		1	2
Donnan Park additional oval lighting	14	28	1	3	1	3	8	1	2	1	2	4	1			1	
Donnan Park dam spillways	4	27	2	1	1	1	2	4	3	2	5	2	1	1		1	1
Completion of sealing of town streets	3	28	5	6	1	1	3	1	3	2	2	1	1	1			1
Completion of town footpaths and pathways	3	30	1	5	5	3	1	1	4	4	1		1	1	1		2
Completion of town street lighting	3	29	1	2	3	2	3	2	2	4	2	5		2	1		
Provision of changerooms at Kadjininy Kep	5	29		2	1	2	1	5	1	2	4	4	3	3			1

Additional public housing - 1 bedroom units		17					4			1			5	2	2	2	1
Additional public housing - 2 bedrooms units	2	21		2	2	2		1	1		3	1	1	3	4	1	
Additional public housing - 3 bedrooms houses	2	20		2	1	2	1	1	1	1	1	1	2		5	1	1
Additional public housing - 4 bedrooms houses		16				1			1			1	2	2	1	6	1
Improve shade areas in school		1														1	
Paving at Tamma Village units		1												1			
Tidy Towns		1													1		
BMX track shade seating and Eco toilet	1																
More recreation on old tennis courts	1																
Station Rd crossing guard rails south side	1																
Covered Way at Donnan Park		1	1														
Town Hall / Lesser Hall upgrade		1		1													
45 Draper St paving and rain water tank		1				1											
Ridley St/Redmond St culvert		1	1														
Ridley St/Redmond St stop/give-way sign		2		1	1												
Cemetery toilet & pergola		1															
Extend the bitumen road network		7					1		1			2	1				1
Yorkrakine Road Widening	1	1		1													
Youering Rd		1			1												
Tammin Wyalkatchem Rd		1		1													
Packham Road		1											1				
South Tammin Road		8	3	1			1	1	1			2					
Nelson Road		1					1										
Goldfields Road		1					1										
Uppill Road Southern By-Pass	1	1	1														
Goldfields Road (Kellerberrin end)		1												1			
Turon Rd	1	1					1										
Ralston Rd		1										1					
Post Office Corner		1											1				
Bungulla North Rd		2	1	1													
Gravel roads resheeting	1																

Comments (other than priority responses) included:

- All work to be done by locals where possible (3).
- Locals used where possible – no contractors.
- Current Staff offered overtime before contractors bought in.
- Update town information bay.
- A costing should be done on each project, then a better idea would be formed.
- Gravel road maintenance needs to be improved, especially water run-offs.

COMMENT

Council should be giving consideration to project/s for the 2009/10 regional component - \$198,040.

The Department of Local Government and Regional Development notes that in future years, new infrastructure will be primarily funded through regional groups to promote efficient development, while asset renewal funding provided to individual local governments will ensure existing infrastructure is maintained more efficiently.

FINANCIAL IMPLICATIONS

The funds are not required to be matched – but must be expended without reducing the Shire of Tammin’s infrastructure spend.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council give consideration to Projects for Year 2 Royalty for Regions funding.
Simple Majority Required

MIN 127 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the following projects be nominated for Royalties for Regions funding Year 2:

- *Skate park*
- *Shade shelter at tennis courts/BMX track;*
- *Toilet (eco – federation design) at Cemetery;*
- *Dam non-return flaps, transfer pump, catchment spillway;*
- *Street lighting Uppill Street.*

Further, the CEO report on the consequences of using Royalties for Regions funding on Grants Commission allocations.

CARRIED 5/0

11.19 Barracks Lease (ASS-1545)

Author – MG Oliver, CEO, 29 March 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.3 – 16 April 2009 refers.

BACKGROUND

The lease of the old TALEC property was advertised in the West Australian (Saturday 6 September 2008) and the Weekend Australian on the advice of MarketForce following no interest being shown by business opportunity real estate agents. Copies of the advertisement together with the information package was also sent to 6 parties.

The advertisements resulted in one contact from a contractor accommodation supplier – who was to inspect the property but withdrew their interest at the eleventh hour.

The Lease was re-advertised closing 10 December 2008. Two expressions were received and a third party made contact but did not submit a proposal.

Council resolved on 18 December 2008 that those parties who have indicated an interest in leasing the facility be advised that a formal proposal, detailing return proposed to the Shire of Tammin and responsibility for the Centre’s outgoings, is required by 11 February 2009 for Council’s consideration.

Both previous *Expressions* were withdrawn and a new Expression of Interest was received. Council considered this *Expression of Interest* at its February and March 2009 meetings and was addressed at its March 2009 meeting before resolving that the Expression of Interest not be accepted, *Expressions of Interest* be again invited through advertisement (including the WEB) and the Barrack's caretaker accommodation be rented for 6 months with an ongoing monthly tenancy (subject to a tenant for the Barracks being found).

A new *Expression of Interest* has been received and a second person has indicated they intend also to make a submission.

COMMENT

The quarters at the Barracks have not been rented.

FINANCIAL IMPLICATIONS

Significant, depending on Council's direction.

Approximately \$4,300 has been expended to date advertising the lease – from the 2008/09 Budget provision (Account E082070) of \$3,000.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act provides:

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

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provide direction in relation to the *Expression of Interest* received.

Simple Majority Required

The CEO read out the *commercial in confidence* submission.

MIN 128 /09 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Expression of Interest be received and the applicant be invited to present to a Council meeting at a date to be fixed.

CARRIED 5/0

11.20 Community Development Officer – Salary Classification

Author – MG Oliver, CEO, 1 July 2009 Interest – Nil

PREVIOUS REFERENCE

Late Item 2 – 7 December 2005 refers.

BACKGROUND

It is appropriate that Council gives consideration to the salary range applicable to the position of Community Development Officer.

It is understood that the position was originally a shared job with the Shire of Kellerberrin with Tammin subsequently creating a separate 2 day per week position which was extended to a 3 day per week in 2005/06 Level 3/4.

COMMENT

Enquiries with neighbouring local governments classify the position as Level 5.

Salary for Level 3 range is \$36,303 - \$38,202 (or for 3 days per week \$21,781-\$22,921)

Salary for Level 5 range is \$42,283 – \$44,313 (or for 3 days per week \$25,370-\$26,588)

FINANCIAL IMPLICATIONS

2009/10 Budget – additional \$3,589 - \$3,667 plus on costs.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the position of Community Development Officer be re-classified as Level 5.

Simple Majority Required

MIN 129/09 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 5/0

11.21 WAPC – TPS 1 Amendment 1 (TPLAN-04)

Author – MG Oliver, CEO, 7 July 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.1 – 20 November 2008 refers.

BACKGROUND

Council resolved in September 2007 to request an amendment to the Town Planning Scheme (as opposed to reviewing the Scheme) to address a number of zoning issues.

PlanWest prepared the Amendment which proposed to amend the scheme by:

1. Reclassifying Crown Reserve 43892 Booth Street, Tammin, from 'Residential R12.5' zone to 'Public Purposes – Community Housing' local scheme reserve;
2. Reclassifying Lots 82 and 88 Redmond Street, Tammin, from 'Residential R12.5' zone to 'Public Purposes – Depot' local scheme reserve;
3. Rezoning portion of Lot 100 Great Eastern Highway, Tammin, from 'Light Industry' zone to 'Special Use – Roadhouse' and 'Special Use – Caravan Park/ Short Term Accommodation' zone;
4. Rezoning Lots 33 and 34 Walston Street, Tammin, from 'Residential R12.5' zone to 'Special Use – CWA' zone;
5. Reclassifying Lot 19 Station Road, Tammin, from 'Rural' zone to 'Public Purposes – Waste Water Treatment Plant' local scheme reserve;
6. Rezoning Lot 129 Barrack Road, South Tammin, from 'Rural' zone to 'Special Use – Rural Accommodation' zone;
7. Reclassifying Lot 51 Station Road, North Tammin, from 'Rural' zone to 'Public Purposes – Water Supply' local scheme reserve;
8. Reclassifying Lot 861 Lowles Road, North Tammin, from 'Rural' zone to 'Special Use – Observatory' zone, and
9. Reclassifying Lots 168-173 Donnan Street, Tammin from 'Town Centre' zone to 'No zone'.

as more clearly shown on the Scheme Amendment Maps.

In February 2008 Council formally resolved, in pursuance of Section 75 of the Planning and Development Act 2005, to amend Town Planning Scheme No 1.

Approval to advertise was given by the WAPC on 25 March 2008 and by the Environmental Protection Authority on 25 June 2008.

The Amendment was advertised on the Shire of Tammin's Notice Board and in the West Australian on 23 July 2008 with submissions closing on 3 September 2008.

Seven responses/submissions were received – with none of the submissions providing any arguments against the Scheme Amendment.

The WA Planning Commission has advised that the Minister for Planning:

- determined the submissions in accordance with the schedule of submissions;
- determined that the modifications in the schedule of modifications that relate to the Waste Water Treatment Plant Buffer Special Control Area are substantial and are required to be readvertised; and
- directs Council to advertise the modifications for a period of 21 days in accordance with the provisions of regulations 20(1) and 25 of the *Town Planning Regulations 1967*.

COMMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 20 of the Town Planning Regulations (Consideration of Scheme by Minister or authorised person) provides:

- (1) Where the Minister or authorised person is of the opinion that a modification to the Scheme is substantial whether the modification is recommended by the responsible authority or any other modification he shall direct the responsible authority to advertise the modification in the form of Form No. 3A in Appendix A once in a newspaper circulating in the district where the land the subject of the Scheme is situated and to display a copy of the notice in a prominent place in the offices of the responsible authority for the period set forth in the direction and may direct the responsible authority to take such other steps as he considers necessary to make public the modification and the responsible authority shall give effect to the direction.
- (2) A person who desires to make a submission on a modification to the Scheme that has been advertised pursuant to subregulation (1) shall make a written submission by notice in the form of Form No. 4 in Appendix A within the period specified in the direction given under subregulation (1).
- (3) The responsible authority shall, within 3 months of the expiry of the period specified under subregulation (1) for making submissions on the modifications or within such further period as is approved by the Minister or an authorised person —
 - (a) consider all submissions on the modifications to the Scheme;
 - (b) make a recommendation in respect of each submission to the Commission; and
 - (c) forward the submissions on the modifications to the Scheme and its recommendations thereon to the Commission.
- (4) The Commission shall examine the submissions on the modifications to the Scheme and the recommendations of the responsible authority and make its recommendations thereon to the Minister.
- (5) The Minister shall consider the submissions on the modifications to the Scheme made under this regulation together with the recommendations made thereon by the responsible authority and the recommendations of the Commission, and shall pursuant to section 7(2a) of the Act approve the Scheme, refuse to approve the Scheme or require the responsible authority to modify the Scheme in such manner as he may specify before approval is given.

Section 25 (Town Planning Scheme Amendment) provides:

- (1) Subject to subregulation (2), a Town Planning Scheme Amendment shall be in conformity with these regulations as though it were a Scheme except that —
 - (a) it shall comprise only such of the documents comprising a Scheme as are, in the opinion of the Commission, necessary to convey the intent and reasons for the Amendment;
 - (b) regulations 4, 5 and 12A(1) shall not apply;
 - (c) the resolution of the responsible authority to amend a Scheme shall be in the Form No. 1C in Appendix A and shall be forwarded to the Commission separate from but with the Amendment;
 - (d) the Commission shall not make a recommendation under regulation 13(2);
 - (e) regulations 13(4) and (5) and 14 shall not apply but regulation 25AA shall apply to the giving or withholding of consent to the advertising of the Amendment for public inspection;
 - (f) in regulation 15(1) a reference to the giving of consent for the Scheme to be advertised for public inspection under regulation 14 shall be read and construed as

- a reference to the Commission giving its consent for the Amendment to be advertised for public inspection under regulation 25AA;
- (fa) regulation 15(3) shall not apply but —
- (i) the Commission shall send to the responsible authority a copy of the notice referred to in regulation 15(1); and
 - (ii) the advertisement required to be made under regulation 15(1) shall be effected by the responsible authority publishing the notice once in a newspaper circulating in the district where the land the subject of the Amendment is situated and also displaying a copy of the notice in a prominent place in the offices of the responsible authority until the date specified as the date on or before which submissions in respect of the Amendment may be made;
- (faa) in regulation 15(5) —
- (i) the reference to the notice advertised or given pursuant to this regulation shall be read and construed as a reference to the copy of the notice sent by the Commission to the responsible authority; and
 - (ii) the reference to the date of publication of the advertisement in the Gazette pursuant to this regulation shall be read and construed as a reference to the date of publication of the advertisement by the responsible authority in a newspaper circulating in the district where the land the subject of the Amendment is situated;
- (fb) in regulation 17(1)(a) a reference to a period within 6 months of the expiry of the period specified under regulation 15(5) for making submissions shall be read and construed as a reference to a period within 42 days from the date of publication of the advertisement in a newspaper circulating in the district where the land the subject of the Amendment is situated or any other date specified as the date on or before which submissions in respect of the Amendment may be made;
- (fba) in regulation 17(2) a reference to no submissions having been lodged within the period specified under regulation 15(5) for making submissions shall be read and construed as a reference to no submissions having been lodged by the date specified on or before which submissions in respect of the Amendment may be made;
- (g) where no submissions are made a local government may, if it resolves to adopt an amendment without modification and has complied with regulation 17A, proceed to execute the documents in the manner prescribed in regulation 22.
- (2) If a Town Planning Scheme Amendment —
- (a) is consistent with section 6(1) of the Act or is for a purpose or work or contains a provision or power that is set out in the First Schedule of the Act;
 - (b) is consistent with any regulations made under the Act;
 - (c) is consistent with the Metropolitan Region Scheme made under section 30 of the Metropolitan Region Town Planning Scheme Act 1959, a town planning scheme or amendments to a town planning scheme prepared under section 18(1)(ba) of the Western Australian Planning Commission Act 1985 or any gazetted notice of the Commission relating to the Metropolitan Region Scheme or to a town planning scheme or amendment of a town planning scheme made under section 18(1)(ba) of the Western Australian Planning Commission Act 1985; and
 - (d) is consistent with any statement of planning policy prepared by the Commission with the approval of the Minister under section 5AA of the Act or any variation or amplification of the policy prepared by the Commission and approved by the Minister under the section,
- the Town Planning Scheme Amendment shall be in conformity with these regulations as though it were a Scheme except that —
- (e) it shall comprise only such of the documents comprising a Scheme as are necessary to convey the intent and reasons for the amendment;
 - (f) regulations 4, 5 and 12A(1) shall not apply;
 - (g) the resolution of the responsible authority to amend a Scheme shall be in the Form No. 1C in Appendix A and shall be forwarded to the Commission separate from but with the Amendment;

- (h) the Commission shall not be under a duty to examine the Amendment and shall not make a recommendation under regulation 13(2);
- (i) regulations 13(4) and (5) and 14 shall not apply but —
 - (i) the Amendment shall not be advertised for public inspection unless section 7A1 of the Act has been complied with;
 - (ii) the Amendment shall not be advertised for public inspection if the EPA acts under section 48A(1)(c) of the EP Act unless a direction is given under section 48A(2)(a) of the EP Act and there has been compliance with section 48C(6)(a) of the EP Act (if compliance is required);
 - (iii) the Amendment shall not be advertised for public inspection if the EPA acts under section 48C(1)(a) of the EP Act unless the local government has complied with sections 7A2 of the Act and 48C(6)(a) of the EP Act;
- (j) regulation 15 shall not apply but —
 - (i) the local government specified in the Town Planning Scheme Amendment as such shall become the responsible authority under the Act and —
 - (I) notice of the Amendment shall be advertised in the Form No. 3 in Appendix A in accordance with paragraph (iii);
 - (II) the responsible authority shall take such other steps, if any, as it considers necessary to make public the details of the Amendment;
 - (III) the responsible authority may give any owner of land that the authority considers is affected by the Amendment a copy of the notice of the Amendment referred to in Item (I); and
 - (IV) the responsible authority may take all reasonable steps to ensure that a notice of the Amendment is conspicuously displayed on or adjacent to any land affected by the Amendment;
 - (ii) the responsible authority shall make available for inspection by the public during office hours at the office of the responsible authority a copy of the Amendment, Amendment Report and other supporting documents, and there shall be made available at the office of any local government affected by the Amendment a copy of that part of the Amendment that relates to land within the district of that local government;
 - (iii) the advertisement required to be made under paragraph (j)(i) shall be effected by publication by the responsible authority of the notice referred to in that paragraph once in a newspaper circulating in the district where the land the subject of the Amendment is situated and the responsible authority shall also display a copy of the notice in a prominent place in the offices of the responsible authority until the date on or before which submissions in respect of the Amendment may be made as determined or fixed under paragraph (v);
 - (iv) the responsible authority shall give to each public authority or person whom the local government is required by section 7(2aa) of the Act to consult, and in the case of a development scheme to every landowner within the area the subject of the Amendment a notice in writing in the Form No. 3 in Appendix A;
 - (v) the responsible authority shall, in the notice advertised pursuant to paragraph (iii), describe the purpose of the Amendment, state the times and places where the Amendment may be inspected, and specify a date on or before which submissions in respect of the Amendment may be made; which date shall be a date not less than 42 days from the date of publication of the advertisement in a newspaper circulating in the district where the land the subject of the Amendment is situated pursuant to paragraph (iii) unless, at the request of the responsible authority, the Commission decides that another date, being not less than 21 days from the date of such publication, is appropriate to the Amendment;
- (k) in regulation 17(1)(a) a reference to a period within 6 months of the expiry of the period specified under regulation 15(5) for making submissions shall be read and construed as a reference to a period within 42 days from the date of publication of the advertisement in a newspaper circulating in the district where the land the subject of the Amendment is situated or any other date that the Commission has

specified as the date on or before which submissions in respect of the Amendment may be made;

- (l) in regulation 17(2) a reference to no submissions having been lodged within the period specified under regulation 15(5) for making submissions shall be read and construed as a reference to no submissions having been lodged by the date specified on or before which submissions in respect of the Amendment may be made;
- (m) regulation 18(1) shall apply but the responsible authority shall also forward to the Commission particulars of the steps taken to advertise the Amendment;
- (n) where no submissions are made a local government may, if it resolves to adopt an Amendment without modification and has complied with regulation 17A, proceed to execute the documents in the manner prescribed in regulation 22;
- (o) regulation 21(1) shall apply but, before making a decision under section 7(2a), if the Minister or an authorised person is not satisfied that the steps taken to advertise the Amendment are adequate, the Minister or that person may in writing direct the responsible authority to take such steps as the Minister or that person considers necessary to make public the Amendment and the responsible authority shall give effect to the direction; and
- (p) if the Minister or an authorised person gives a direction under paragraph (o), the Minister or the authorised person is also to give directions in writing as to —
 - (i) the manner in which the responsible authority is to publicize the Amendment;
 - (ii) the manner in which a person who desires to make a submission on the Amendment is to make the submission;
 - (iii) the manner in which the responsible authority is to consider, make recommendations on and forward any submission on the Amendment to the Commission; and
 - (iv) the manner in which the Commission is to examine any submission on the Amendment and the recommendations of the responsible authority and make its recommendations to the Minister.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Locally advertised and adjoining neighbours invited to comment.

STAFF RECOMMENDATION

That PlanWest be requested to prepare the necessary documentation for the Waste Water Treatment Plant Buffer Special Control Area amendment and that the amendment be advertised in accordance with the direction from the Minister for Planning.

Simple Majority Required

MIN 130 /09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.22 Financial Report (FIN-05)

Author – JS Oliver, Senior Finance Officer, 6 July 2009 Interest – Nil

BACKGROUND

The interim Financial Report for 2008/09 to 30 June 2009 is attached.

COMMENT

The Financial Report has been prepared in the format requested by Council.

Final administration and depreciation journals have not been posted.

The effect of the Council's Policy decision on reporting variances is shown in the far right column – being the calculated variance between the Actual Column and the YTD Budget column figures where the variance is greater than 10% and \$5,000.

FINANCIAL IMPLICATIONS

No significant implications.

POLICY IMPLICATIONS

Council resolved (Item 11.10 – 21 August 2008) that in accordance with section 34(5) of the Local Government (Financial Management) Regulations 1996 a variance percentage of 10% and \$5,000 be adopted for reporting material variances.

STATUTORY ENVIRONMENT

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the interim Financial Report for June 2009 be received.

Simple Majority Required

MIN 131 /09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.23 List Of Payments (FIN-05)

Author – C Wilks, Administration Officer, 6 July 2009 Interest – Nil

BACKGROUND

Accounts paid and for payment for June 2009 are listed totalling:

Municipal Fund	Voucher numbers 2755 – 2821	\$459,351.71
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COMMENT

Expenditure includes \$97,000 transferred to the Plant Replacement Reserve.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (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.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the list of accounts for June 2009 be endorsed.

Simple Majority Required

MIN 132/09 MOTION – Moved Cr Jefferies 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

14. CLOSURE OF MEETING

There being no further business the Chairman closed the meeting at 6.37pm.

Tabled before the Ordinary Council meeting on 20 August 2009.

Cr R.J. Stokes, Chairman