

## **SHIRE OF TAMMIN**

Minutes of the Ordinary Council Meeting held at the Council Chambers  
Donnan Street, Tammin on Wednesday, 5 November 2003

### **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 2:13pm

### **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

#### Present

Cr. B. Leslie	Shire President
Cr. L. Caffell	Deputy President
Cr. M. Wheeldon	Member
Cr. D. Thomson	Member
Cr. R Stokes	Member
Cr. R Brooks	Member
Mr F. Peczka	Chief Executive Officer
Miss G Stewart	Personal Assistant (Minutes)
Mr T. Applegate	Manager Works and Services
Mr J. Mitchell	Manager Development Services
Mr R. Griffiths	Manager Corporate Services

#### Apologies - Nil

#### Leave of Absence

NIL

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil.**

### **PUBLIC QUESTION**

J Mitchell left Council Chambers at 2:14pm

Hayden Dixon, Shane Heriot and Sue Heriot entered Council Chambers at 2:15pm

Hayden Dixon as Chief Fire Control Officer, requested that Council consider the following items:

1. Requested that Council consider shortening the restricted burning period from 15 March 2004 to 1 March 2004. Hayden also requested that amended notices be issued to rate payers.
2. Bush Fire truck – nozzles have been taken off the truck, the truck has obviously been utilised and not been put back correctly. Minor maintenance jobs need to be completed on the fire truck eg. hose clamps and hose reels need to be repaired, fuel lines on diesel motor are in poor condition.

Manager Works and Services, Tom Applegate stated that some repairs have taken place on the truck last week and more have been scheduled.

3. UHF CB's are requested to be purchased with ESL funds that the Shire is holding. This is estimated to cost approximately \$400.00.

Hayden Dixon left Council Chambers at 2:46pm.

Shane and Sue Heriot put forward the following to Council.

1. Increase to fees and charges of TALEC Centre – Shane and Sue Heriot requested that Council consider the increase to fees and charges as tabled.
2. Reference to Agenda Item 11.1.2 regarding TALEC Managers salary – Shane and Sue Heriot requested that Council reconsider the \$5,000.00 increase in wages for the 2003/2004 financial year.

Shane and Sue Heriot left Council Chambers at 3:00pm.

T Applegate and R Griffiths left Council Chambers at 3:01pm

Council adjourned at 3:02pm for afternoon tea.

Council resumed at 3:25pm.

**APPLICATIONS FOR LEAVE OF ABSENCE – Nil**

**FINANCIAL INTEREST - Nil**

**CONFIRMATION OF MINUTES PREVIOUS MEETING - Nil**

Minutes of Ordinary Council Meeting held on Wednesday, 1 October 2003

**MIN 0547/03 MOTION – Moved Cr. Wheeldon 2<sup>nd</sup> Cr. Caffell**

*That the minutes of the Ordinary Meeting of the Shire of Tammin held on 1 October 2003 at Yorkrakine Hall, Yorkrakine be confirmed as a true and correct record with the following amendment:*

*Late Item 3 to include Moved Caffell 2<sup>nd</sup> Cr Thomson*

CARRIED 6/0

**ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil**

**REPORTS OF COMMITTEES - Nil**

## REPORTS OF OFFICERS

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Annual Christmas/New Year Office Closure
<b>Location:</b>	Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	
<b>Disclosure of Interest:</b>	
<b>Date:</b>	15 October 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

### BACKGROUND

Council has in the past, kindly considered an application from the Administration, to close the Office of Council over the declared Christmas/New Year period. This has been considered and approved by the Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions that may apply and the Rostered Days Off entitlements for the month of December and/or January.

### COMMENT

Declared Public Holidays are as follows

;

Christmas Day	Thursday 25 <sup>th</sup> December 2003
Boxing Day	Friday 26 <sup>th</sup> December 2003
New Years Day	Thursday 1 <sup>st</sup> January 2004
Public Service Holiday	Friday 2 <sup>nd</sup> January 2004

The days in question, are the days in between Christmas and New Years ie Monday 29<sup>th</sup> December, Tuesday 30<sup>th</sup> December and Wednesday 31<sup>st</sup> December 2003. The three mentioned days are viewed as Rostered Days entitlements for December and January and the third day is considered as an Annual Leave debit day or another option is for the December Rostered Day to apply and two Annual Leave Days for the balance.

The practice of closing the Office of Council is a common one for rural local governments and given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments should be sufficient notice of the approved office closure.

**FINANCIAL IMPLICATIONS** – Nil against Councils Budget, other than normal entitlements for staff in reference to Annual Leave and Rostered Days Off debits and a small cost for local and required advertising.

**POLICY IMPLICATIONS** – Nil other than past history and tradition for consideration of Office Closure for the interim period between Xmas and New Year.

**STATUTORY IMPLICATIONS** – Nil, other than to advertise the closure of normal council business during the described period.

## RECOMMENDATION

That the Office of the Council be approved for closure inclusive of the following dates over the Christmas/New Year Holiday period and that local advertising be completed;

Thursday 25 <sup>th</sup> December 2003	Christmas Day
Friday 26 <sup>th</sup> December 2003	Boxing Day
Monday 29 <sup>th</sup> December 2003	RDO/TIL (as applicable)
Tuesday 30 <sup>th</sup> December 2003	Annual Leave
Wednesday 31 <sup>st</sup> December 2003	Annual Leave
Thursday 1 <sup>st</sup> January 2004	Public Holiday
Friday 2 <sup>nd</sup> January 2004	Public Service Holiday

**By Absolute Majority**

## STAFF / COUNCIL RECOMMENDATION

**MIN 0548/03 MOTION** - Moved Cr Caffell 2<sup>nd</sup> Cr Thomson

That the Office of the Council be approved for closure inclusive of the following dates over the Christmas/New Year Holiday period and that local advertising be completed;

Thursday 25 <sup>th</sup> December 2003	Christmas Day
Friday 26 <sup>th</sup> December 2003	Boxing Day
Monday 29 <sup>th</sup> December 2003	RDO/TIL (as applicable)
Tuesday 30 <sup>th</sup> December 2003	Annual Leave
Wednesday 31 <sup>st</sup> December 2003	Annual Leave
Thursday 1 <sup>st</sup> January 2004	Public Holiday
Friday 2 <sup>nd</sup> January 2004	Public Service Holiday

**By Absolute Majority**

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Delegation of Authority – Local Government Act
<b>Location:</b>	Bruce Wittber, Policy Manager Governance
<b>Applicant:</b>	Western Australian Local Government Association
<b>File Ref:</b>	OLGOV 03
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	15 October 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## BACKGROUND

*The Associations' Governance Policy Team has recently considered an approach from a member Council expressing concern that the current provisions of the Local Government Act relating to delegated authority by the Council and Chief Executive Officer were both confusing and difficult to implement.*

*It has been suggested that this difficulty, which is thought to be fairly widespread, has the potential to leave Councils in the vulnerable position of not effectively complying with the legislative requirements.*

*A list showing, who is to perform a power or duty on behalf of a local government, was proposed to be issued by the Department of Local Government in 1996, to assist local governments in determining what powers or duties may be delegated and by whom. It would seem that this has not occurred to date and equally there are no changes proposed in the Local Government Act Amendment Bill 2003 currently being drafted.*

*To assist the Association in further examining the matter it would be appreciated if you could respond to the following issues:*

- *Do you find the current provisions of the Act relating to delegation of authority confusing and difficult to implement/administer?*
- *If so what particular aspect(s) cause you concern?*
- *Do you believe that the Act should be reviewed and amended to define a power and duty?*
- *Should each provision of the Act that requires a formal delegation be clearly outlined in the Act?*
- *Do you believe that the administrative processes required in respect to delegations could be simplified and if so how?*
- *If the Department prepared an extensive list of items there were classified as requiring formal delegation would this assist in managing the process?*

## **COMMENT**

The Western Australian Local Government Association has been approached by some Member Local Governments to facilitate the possible review of the Local Government Act in terms of further defining the part on Delegation of Authority. This approach seems to have “stemmed” from recent Local Government Inquiries at Belmont, Wanneroo, Joondalup etc.

The Department of Local Government and Regional Development had targeted this aspect in the proposed Local Government Act Amendment Bill 2003 and unfortunately, due to other pressing matters have not presented any proposals in the proposed Amendment Bill.

It appears that the central part of this consideration, is to further define by clarification, the delegation of powers to the CEO and from the CEO delegation of authority to Senior Staff. There appears to be some confusion as to the definition of “powers and duties” of the Council and that of the Chief Executive Officer.

Council has an input to this survey by WALGA and if it considers that there is some areas for clarification and/or tidy up, then broad comments are welcomed.

**FINANCIAL IMPLICATIONS Nil**

**POLICY IMPLICATIONS -Nil**

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Part 3 – Functions of Local Governments

- Division 2 – Legislative Functions of Local Government
- Division 4 – Local Government Employees
- Section 5.41 Functions of CEO
- Section 5.42 Delegation of some powers and duties to CEO

## Section 5.43 Limits on Delegations to CEO's

### RECOMMENDATION

#### STAFF / COUNCIL RECOMMENDATION

##### MIN 0549/03 MOTION - Moved Cr Wheeldon 2<sup>nd</sup> Cr Caffell

*That Council endorses that the Local Government Act be reviewed and amended to clarify the power and duty of Local Government.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	Proposed Central East Wheatbelt Voluntary Regional Organisation of Councils (VROC)
<b>Location:</b>	Merredin
<b>Applicant:</b>	Shire of Merredin
<b>File Ref:</b>	ORG 13
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	15 October 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

#### BACKGROUND

Correspondence from the Shire of Merredin regarding Central East Wheatbelt VROC read as follows:

*In February 2003 the Department of Local Government and Regional Development wrote to all Local Governments in the state offering during of up to \$2,000 to undertake a VROC (Voluntary Regional Organisation of Council's) feasibility forum.*

*These workshops are aimed at examining the opportunities for increased resource sharing between local governments, in an effort to achieve greater efficiencies and become more effective.*

*The Shire of Merredin applied for this funding and was successful in obtaining the funds to host a forum for the Central East Wheatbelt area.*

*It is therefore proposed to hold a VROC forum on Wednesday 15 October 2003, commencing at 11:00am at the Merredin Shire Council administration centre and finishing at approximately 2:00pm. The Central East Wheatbelt Councils of Merredin, Yilgarn, Kellerberrin, Tammin, Bruce Rock, Narembeen, Westonia and Nungarin can as a group identify and assess the following in relation to establishing a VROC:*

- Opportunity/threats*
- Costs/benefits*
- Strategies for implementation*
- Possible administration arrangements and*
- Potential regional and resource sharing projects associated with such a proposal.*

*This analysis will then assist Council's in determining if they wish to formally create the Central East Wheatbelt Regional Organisation of Council's.*

*There is no obligation on any Council to attend or be part of a possible VROC. It is up to the individual Council to assess the benefits of a VROC arrangement and to determine whether they wish to be part of any group formed. There is also nothing stopping a Council being part of two VROC's, thereby receiving the benefits and representation of both groups.*

*Mr Gary Brennan, from CARE (Corporate and Regional Enterprise) Consulting has been engaged as the facilitator for this workshop, and will be providing a summary report of the outcomes.*

*Representatives from the Merredin, Yilgarn, Kellerberrin, Tammin, Bruce Rock, Narembeen, Westonia and Nungarin Council's have all been invited to attend the workshop.*

*We would welcome your attendance and the attendance of your Shire President and other interested staff or Councillors representatives.*

## **COMMENT**

There are a number of such organisations around the state and the purpose of such organisations does vary and do cost once constructed in accordance with the Local Government Act 1995. Councillors may observe and read the types, memberships and aims of such organizations in the "Local Government Municipal Directory 2003/2004" edition. Councillors will observe that each grouping of local governments have specific purpose ranging from Waste Management, Economic Development, Town Planning, Development, Lobby Group, Partnerships with Bulk Tendering, Grant Attraction, etc.

President Cr Leslie and the President of the Kellerberrin Shire Council were present at the meeting to ascertain interest and possible commitment. It is also interesting to note that 4 out of the 8 Local Governments targeted for the proposed grouping are aligned to other groups although it does not prevent dual membership. Cr Leslie will add to this summary and to inform Council of the discussion matters raised during the informal meeting.

Matters identified by the meeting included : Health, Tourism, Road Funding, Information Sharing, IT Sharing, Business Development, Resource Sharing, Identity Retention, Population Retention, Amalgamation, Grant Attraction, Salinity and the Environment, etc. The overall view was that there can be benefits with the overall aim of marketing and promotion, strengthening our communities and the wheatbelt, population retention, greater voice in numbers, ability to join forces on particular issues for applicable local governments.

It was also discussed the role of the Great Eastern Zone, Wheatbelt Development Commission, Wheatbelt Area Consultative Committee, Western Australian Local Government Association in regards to identifying any overlap of core business and the ability to act more direct in the lobbying process and awareness of the wheatbelt in a grouping of councils.

Discussion was also on the administration of the Group, regular meetings, cost contributions and formalising the group under the Act or not.

The meeting generally considered that there are benefits to be gained from identifying projects that we all can benefit from as a group rather ending up in central outcome based charter. All attendance agreed that the proposal be presented back to each council present for consideration and support/endorsement from each council on the basis of trialling the

grouping for a twelve month period, naming of the group, projects that require immediate attention, next meeting date and some suggestion for structure.

As far as next gathering of the group, it was suggested in March 2004 with a proposal for CEO's to meet and present the outcomes of council's decision and to consider projects for implementation, group name during early December 2003.

Possible Group Names are put forward as follows :

W.E.R.O.C. – Wheatbelt East Regional Organisations of Councils. Perhaps the acronym could be “we rock – WEROC”

\*spinoffs to this could include WE Travel / WE Market / WE Developments etc, with the emphasis on “WE” as in the word !!! – proactive and different

C.E.W.R.O.C. – Central Eastern Wheatbelt Regional Organisations of Council – perhaps the acronym could be “see we rock – CEWROC”

W.A.G. – Wheatbelt Alliance Group – wag !!!!

E.W.A.G. – Eastern Wheatbelt Alliance Group – “you wag we don't” !!

C.W.E.A. - Central Wheatbelt Eastern Alliance - ?

C.W.E.E.A. – Central Wheatbelt Eastern Economic Alliance – we are about (community with economic enterprise alliance – C.W.E.E.A.!!!) development, employment, population, tourism, infrastructure, etc.

## **FINANCIAL IMPLICATIONS**

Unknown at this stage however, one anticipates a financial contribution will be forthcoming and dependant upon the structure. Estimate a minimum of \$500.00 not allowed for in budget.

## **POLICY IMPLICATIONS - Nil**

## **STATUTORY IMPLICATIONS**

Local Government Act 1995 – Division 4 – Regional Local Governments (establishment and constitution)

## **RECOMMENDATION**

That Council supports in principle, to the voluntary grouping of Local Governments within the Eastern Wheatbelt Area, to form a strategic alliance for economic development, retention of services and population, increased funding, and promotion of each local government participating in the voluntary grouping.

That a recommended group name be

“ \_\_\_\_\_ ”

## **STAFF / COUNCIL RECOMMENDATION**

### **MIN 0550/03 MOTION - Moved Cr Stokes 2<sup>nd</sup> Cr Caffell**

*That Council supports in principle, to the voluntary grouping of Local Governments within the Eastern Wheatbelt Area, to form a strategic alliance for economic development, retention of services and population, increased funding, and promotion of each local government participating in the voluntary grouping.*



That a recommended group name be "WERO" - Wheatbelt East Regional Organisation of Councils.

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Staff and Council Christmas Party Function
<b>Location:</b>	Shire of Kellerberrin/Shire of Tammin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	28 October 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## BACKGROUND

Council have received a letter from Kellerberrin Shire Council inviting Tammin Shire Council to jointly host a Christmas Party Function.

## COMMENTS

Both Tammin and Kellerberrin staff have been sent a short survey to complete and results received so far are as follows:

### Venue

Tammin Hotel	4	Kellerberrin Club	7	Doodlakine Tav.1
TALEC	1	Kellerberrin Hotel	2	
Tammin Bowling Club	1	Cuolahan Pavilion	3	
Donnan Park		Kellerberrin Aquatic Centre	1	

A catered Smorgasbord was preferred over a BBQ type function and a bus running to and from the venue was also requested.

Of the 21 responses received from both Shires so far, 19 requested that the function be joint and 2 requested separate functions. Most staff members have expressed their wishes for a combined function as they are liaising and working with staff of the Kellerberrin Shire on a daily basis.

Approximately 70-80 Staff, Councillors, Partners and children are expected to attend the joint function.

## FINANCIAL IMPLICATIONS

Council will divide the cost of the function with the Shire of Kellerberrin.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS - Nil

## RECOMMENDATION

That Council accept/decline the invitation to have a joint Christmas Party Function with the Shire of Kellerberrin.

## STAFF / COUNCIL RECOMMENDATION

### MIN 0551/03 MOTION - Moved Cr Wheeldon 2<sup>nd</sup> Cr Stokes

*That Council accept the invitation to have a joint Christmas Party Function with the Shire of Kellerberrin.*

CARRIED 6 /0

## REASON

Council recognised the staff support to have a joint Christmas function.

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Tammin Golf Club – Insurance Reimbursement
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Tammin Golf Club
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 October 2003
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

## BACKGROUND

On the 28<sup>th</sup> October 2003 Council received a hand delivered letter from Mr Jim Stokes of the Tammin Golf Club adjusting previous letter requesting refund of insurance premiums on the Tammin Golf Club building.

## COMMENT

During the preparation of Council's budget this year Mr Jim Stokes of Tammin Golf Club called with respect to the insurance for the building and contents. After meeting with Mr Stokes I was made aware that the Golf Club have been paying all the insurance for the building at the golf club for the previous three years. This was part of an agreement made between the Chief Executive Officer at the time Mr Taylor and the Tammin Golf Club. From this arrangement the Shire of Tammin were to reimburse the Tammin Golf Club for the expenses incurred for the insurance on the buildings. This process was not seen through and payment was never made to the Tammin Golf Club.

Since meeting with Mr Stokes the Tammin Shire Council has insured the buildings and contents through the Council's insurance policy. I advised Mr Stokes to keep the Public Liability for the Golf Club as this is the responsibility of the Tammin Golf Club for this particular insurance.

In discussion with Mr Stokes we discussed that the Tammin Shire will seek cover for the building and the contents though the Golf Club is to reimburse the Council for the contents premium, which is to be between \$120 and \$150 per year for \$40,000 coverage. This is a common agreement found between Council's and sporting groups

Due to the agreement made between the Chief Executive Officer at the time and the Tammin Golf Club Council should reimburse the Golf Club for the expenses incurred (1,817.00) less the premium for the contents cover the 2003 / 2004 year of \$120.00.

Insurance on Council building is Councils responsibilities therefore the above monies should be forwarded to the Golf Club.

### **FINANCIAL IMPLICATIONS**

Shire of Tammin Budget 2003 / 2004 – Over budgeted expenditure on Golf Club Insurance.

### **POLICY IMPLICATIONS - Nil**

### **STATUTORY IMPLICATIONS - Nil**

### **RECOMMENDATION**

- 1 That Council agree to pay \$1,697.00 to the Tammin Golf Club for reimbursement of insurance expenses incurred for previous years building insurance premiums (\$1,817) less the current years contents premium (\$120)

Cr Caffell, Cr Stokes, Cr Thomson & Cr Wheeldon declared Impartiality Interests in item 11.1.5.

### **STAFF / COUNCIL RECOMMENDATION**

#### **MIN 0552/03 MOTION - Moved Cr Thomson 2<sup>nd</sup> Cr Caffell**

1. *That Council agree to pay \$1,697.00 to the Tammin Golf Club for reimbursement of insurance expenses incurred for previous years building insurance premiums (\$1,817) less the current years contents premium (\$120)*

CARRIED 6/0

### **STAFF / COUNCIL RECOMMENDATION**

#### **MIN 0553/03 MOTION - Moved Cr Thomson 2<sup>nd</sup> Cr Caffell**

1. *That Council agree to pay \$1,457.00 to the Tammin Golf Club for reimbursement of insurance expenses incurred for previous years building insurance premiums (\$1,817) less the current years contents premium (\$360)*

### **AMENDMENT TO THE MOTION**

#### **MIN 0554/03 MOTION - Moved Cr Wheeldon 2<sup>nd</sup> Cr Thomson**

1. *That Council agree to pay \$1,457.00 to the Tammin Golf Club for reimbursement of insurance expenses incurred for previous years building insurance premiums (\$1,817) less the current years contents premium (\$360)*

CARRIED 6/0

### **NEW MOTION**

#### **MIN 0555/03 MOTION - Moved Cr Thomson 2<sup>nd</sup> Cr Wheeldon**

1. *That Council agree to pay \$1,457.00 to the Tammin Golf Club for reimbursement of insurance expenses incurred for previous years building insurance premiums (\$1,817) less the current years contents premium (\$360)*

CARRIED 6/0

Cr Brooks left Council Chambers at 4:23pm

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0556/03 MOTION** - Moved Cr Stokes 2<sup>nd</sup> Cr Thomson

*That budget amendment of \$1457.00 be approved under account 113.1 and sub accounts of 113.1*

CARRIED 5/0

**REASON**

Three years of insurance has not been considered in request to the Council.

Cr Brooks returned to Council Chambers at 4:26pm

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	September Cheque List
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 October 2003
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

**BACKGROUND**

**Accounts for Payment from 1<sup>st</sup> September 2003 – 30<sup>th</sup> September 2003**

**Municipal Fund**

10641 - 10648	\$	2,207.15	
13811	\$	TEST RUN	
13812 - 13859	\$	67,497.58	
13860	\$	TEST RUN	
13861 - 13891	\$	128,035.17	
			<u>\$ 197,739.90</u>

**Trust Fund**

\$	Nil	
		<u>\$ Nil</u>

**COMMENT**

During the month of September 2003 the Shire of Tammin made the following significant purchases:

Municipal Property Scheme - \$ 9,418.75 – Property Insurance for Shire of Tammin

Northam Toyota - \$ 7,000.00 Toyota Hilux Trayback 4 x 4

## FINANCIAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996 Reg 13 – List of Accounts

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS - Nil**

## RECOMMENDATION

1. That the accounts submitted from 1<sup>st</sup> September 2003 to 30<sup>th</sup> September 2003 be accepted.

## VOTING REQUIREMENT – ABSOLUTE MAJORITY

## STAFF / COUNCIL RECOMMENDATION

**MIN 0557/03 MOTION - Moved Cr Caffell 2<sup>nd</sup> Cr Thomson**

1. *That the accounts submitted from 1<sup>st</sup> September 2003 to 30<sup>th</sup> September 2003 be accepted.*

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	September Financials
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 October 2003
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

## BACKGROUND

Enclosed is the monthly reports for the month of September 2003

Direct Debit list for the month of September 2003

## Municipal Fund

01 <sup>st</sup> September 2003	National On-Line Fee	\$	50.29
10 <sup>th</sup> September 2003	Net Pay for F/E 10.09.03	\$	13,567.13
24 <sup>th</sup> September 2003	Net Pay for F/E 24.09.03	\$	10,877.57
25 <sup>th</sup> September 2003	Lease – 120H Grader	\$	5,641.53
30 <sup>th</sup> September 2003	Reserve Bank Fees	\$	20.00
30 <sup>th</sup> September 2003	Trust Fund Bank Fees	\$	61.40
30 <sup>th</sup> September 2003	Municipal Bank Fees	\$	172.70

## Trust Fund

30 <sup>th</sup> September 2003	Police Lic for September	\$	20,141.65
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## COMMENT

During the month of September we the following Capital Purchases were undertaken.

Work has continued on the Hydrology model throughout the month of September. During the month of September \$98,342.01 was expended. Please see attached report for further breakdown on monies spent.

A new Toyota Hilux 4 \* 4 was purchased from Northam Toyota for \$24,909.00.

## FINANCIAL IMPLICATIONS

- Financial Management of 2003/2004 budget
- Statutory Audit requirements for prudent financial reporting.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS - Nil

## RECOMMENDATION

- 1 That Council approve the Monthly Financial Statements for the period ending 30<sup>th</sup> September 2003
- 2 That the Direct Debit List be accepted for the month of September 2003

## STAFF / COUNCIL RECOMMENDATION

### MIN 0558/03 MOTION - Moved Cr Stokes 2<sup>nd</sup> Cr Brooks

1. *That Council approve the Monthly Financial Statements for the period ending 30<sup>th</sup> September 2003*
2. *That the Direct Debit List be accepted for the month of September 2003*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Financial Reports - Miscellaneous
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 October 2003
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

## BACKGROUND

Regular reporting on status of Miscellaneous Reports for consideration/information of the Council.

## COMMENT

As previously advised Council has appointed the Trade Protection Agency as it Debt Collectors for the next 12 months. In appointing them we have forwarded the following debts to them for action:

Debtor 636 - \$ 872.00  
Debtor 907 - \$1,485.00  
Debtor 1387 - \$ 300.00

With respect to the other significant outstanding debts the following action has taken place.

Debtor 254 – Advised of Payment through EFT in the next week  
Debtor 705 – Reminder Letter 1 has been issued  
Debtor 1409 – Reminder Letter 1 has been issued  
Debtor 1547 – Reminder Letter 1 has been issued  
Debtor 1040 – Have found new forwarding address and will be issuing letter.

The \$7,700 that shows outstanding every month is a loan issued. Repayments for this are made yearly for \$1,100 per year.

## FINANCIAL IMPLICATIONS

- General Financial Management of Council
- General Reporting Procedure of Council

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS - Nil

## RECOMMENDATION

1 That the following Reports for the period ending 30<sup>th</sup> September 2003 be approved.

- Capital Status Report
- Bank Reconciliation
- Outstanding Sundry Debtors
- Loan Register Report

## STAFF / COUNCIL RECOMMENDATION

**MIN 0559/03 MOTION** - Moved Cr Stokes 2<sup>nd</sup> Cr Brooks

1. *That the following Reports for the period ending 30<sup>th</sup> September 2003 be approved.*

- *Capital Status Report*
- *Bank Reconciliation*
- *Outstanding Sundry Debtors*
- *Loan Register Report*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns October 2003
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	28 October 2003
<b>Author:</b>	John Mitchell, Manager Development Services

**BACKGROUND**

Council has provided delegated authority to the Administration to process building applications.

**COMMENT**

No building licences were issued for the month of October 2003.

**FINANCIAL IMPLICATIONS - Nil.**

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS - Nil**

**RECOMMENDATION**

“That Council note that no licences were issued for the month of October 2003.”

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0560/03 MOTION - Moved Cr Thomson 2<sup>nd</sup> Cr Brooks**

*“That Council note that no licences were issued for the month of October 2003.”*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Hydrology Model – Update
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	AGR19
<b>Disclosure of Interest:</b>	Nil.
<b>Date:</b>	24 September 2003
<b>Author:</b>	John Mitchell, Manager Development Services

**BACKGROUND**

Council has considered reports from the Administration relating to this project previously. The amendments proposed to the plan to enhance the project have been commenced.



## **COMMENT**

The project is nearing the stage where the design and the completed project can be seen.

A review of budget indicates that providing no further amendments occur which can impact on cost, the project should remain within budget.

The CEO has liaised with the Water Corporation who have agreed to install an environmentally friendly subsoil reticulation system.

The President is liaising with Western Power to reduce the cost of power provision.

The Manager, Development Services will cease project supervision within the next three weeks, once the stage area is complete. Aesthetics and rock installation will be left with the President to organize volunteers. At this time the President is also organizing the supply of sands etc for the amphitheatre area.

For future consideration, Council should commence considering additional ideas for the centre including the following: -

1. Formal entrance – currently considered to be best placed to take advantage of the existing park fronting Donnan Street.
2. Upgrade of toilets and facilities associated with the centre.
3. Changerooms and kiosk for the centre.
4. Annual maintenance. The facility will require weekly maintenance of gardens, lawns and pathways. Mr Ian Kent or the Swimming Pool Manager from Kellerberrin must be involved for chemical use and the Pool Manager can arrange for routine cleaning and sanitisation.
5. Annual events and Opening event.

## **FINANCIAL IMPLICATIONS**

The project is a first within local government and all efforts are being made to ensure the project remains within budget. Additional costs since the last meeting are concrete – an additional 10tonnes (approx) required, electrical costs – lum and lights – Mr P Mitchell has advised that the majority of these costs are covered within the original quote of \$45,000 + \$10,000 labour.

## **POLICY IMPLICATIONS - .**

## **STATUTORY IMPLICATIONS - .**

## **RECOMMENDATION**

“That the information regarding the Hydrology Model be received.”

## **STAFF / COUNCIL RECOMMENDATION**

**MIN 0561/03 MOTION - Moved Cr Caffell 2<sup>nd</sup> Cr Wheeldon**

*“That the information regarding the Hydrology Model be received.”*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.3
<b>Subject:</b>	Use of Land – Town Planning
<b>Location:</b>	Lot 3 Barracks Road, Tammin
<b>Applicant:</b>	Mr Tony Trembath
<b>File Ref:</b>	ASS36
<b>Disclosure of Interest:</b>	Nil.
<b>Date:</b>	28 October 2003
<b>Author:</b>	John Mitchell, Manager Development Services

**BACKGROUND**

At the August 2003 meeting Council considered a report from the Manager, Development Services regarding the use of Assessment 436, Lot 3 Barracks Road, Tammin.

At that meeting Council resolved: -

“That Council advise Mr Trembath that the use of the site as a Workshop is approved subject to compliance with applicable legislation and that the business may be advertised in accordance with the requirements of the Shire of Tammin Town Planning Scheme No. 1.”

Mr Trembath has approached the President and appears unhappy with Council’s decision. It appears that he wishes to operate a truck depot from the location now. To date no correspondence has been received from Mr Trembath who alleges that Council wrote to him previously prohibiting any industrial development from the site.

**COMMENT**

The Manager, Development Services acted in good faith from advice given by Mr Trembath and he has not approached the Administration regarding these new concerns nor has any correspondence been received.

The operation of a truck depot from the site is not contrary to the provisions of the Town Planning Scheme.

There are two questions of Council. These are: -

1. Does Council object to the operation of a truck depot from the site?
2. Does Council seek to amend the zoning of the site and Barracks Street within the next scheme review from “residential” to Industrial”?

With respect to the use of the land it is now warranted that Mr Trembath be advised that he must formally approach the administration with his request.

With respect to the zoning of the land it is the view of the Manager, Development Services that the land be rezoned industrial as the site lends itself to that purpose and would be the best land for establishment of more industrial operations including the Shire Depot.

**FINANCIAL IMPLICATIONS**

Nil, at this time. Should Council resolve to amend the scheme then costs will be incurred.

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Shire of Tammin Town Planning Scheme.

**RECOMMENDATION**

1. "That Mr Trembath be requested to prepare a formal submission to Council regarding the use of lot 3 Barracks Road, Tammin."
2. "That as part of the Town Planning Scheme Review Council consider rezoning Barracks Street, Tammin to Industrial."

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0562/03 MOTION - Moved Cr Caffell 2<sup>nd</sup> Cr Stokes**

1. *"That Mr Trembath be requested to prepare a formal submission to Council regarding the use of lot 3 Barracks Road, Tammin."*
2. *"That as part of the Town Planning Scheme Review Council consider rezoning Barracks Street, Tammin to Industrial."*

CARRIED 6/0

<b>Reference:</b>	11.2.4
<b>Subject:</b>	House Unfit for Habitation
<b>Location:</b>	22 Walston Street, Tammin
<b>Applicant:</b>	
<b>File Ref:</b>	ASS85
<b>Disclosure of Interest:</b>	Nil.
<b>Date:</b>	28 October 2003
<b>Author:</b>	John Mitchell, Manager Development Services

**THIS REPORT IS PROVIDED IN CONFIDENCE AS THE MATTER MAY BE REFERRED TO COUNCIL'S SOLICITORS FOR LEGAL ACTION. THE REPORT STATES PROPOSED STRATEGIES TO RESOLVE THE ONGOING ISSUES AND INFORMATION GIVEN TO THE DEFENDANT MAY JEOPARDISE COUNCILS POSITION.**

**BACKGROUND**

At the Council meeting held on 14<sup>th</sup> November 2001 a report was presented by the Environmental Health Officer regarding the untidy condition of the property. Part of that report related to an inspection of the internal of the residence and in the opinion of the EHO was unfit and did not comply with the requirements of the Health Act 1911.

**COMMENT**

Council can require that a residence be inspected. It is the opinion of the manager, Development Services that the external appearance of the dwelling is sub standard and an inspection is warranted.

Council's direction to inspect is requested. It is acknowledged that the Administration has delegated powers and can inspect without reference to Council (initially), although Council support for the order is required.

The reason for the inspection is two fold: -

1. The residence and grounds have not been cleaned up after 10 years of effort by Council and little effort has been made to maintain the site to a suitable condition. If the residence warrants an unfit for Human Habitation order than there is additional incentive to resolve the issues.
2. The Health Act provisions should require the entire site to be cleaned up and if necessary an order from the court issued to ensure the site is cleaned.

The matter has been discussed with Council's solicitors who agree the Health Act approach will be more satisfactory.

Councils support of the administration approach is requested to ensure that the matter proceeds smoothly. It is proposed to use Police to gain entry as Mr. Houghton has threatened staff.

### **FINANCIAL IMPLICATIONS**

Nil at this time. Should the matter reach Court Legal fees or up-to \$4,000 can be incurred. Budget provision for it has been made.

### **POLICY IMPLICATIONS - Nil**

### **STATUTORY IMPLICATIONS**

1. Section 135, 137 and 139 of the Health Act 1911.
2. Shire of Tammin Local Health Laws Part 3 Housing and General Sections 3.1.1 – 3.2.5

### **RECOMMENDATION**

1. "That the Manager, Development Services be instructed to inspect 22 Walston Street, Tammin and provide a report to Council regarding the condition of the residence including areas of non compliance with relevant legislation and local laws."
2. "That the administration prepare a further prosecution against Mr. Edwin Houghton for offences against section 3.25 of the Local Government Act 1995 and notices previously issued."

### **STAFF / COUNCIL RECOMMENDATION**

#### **MIN 0563/03 MOTION - Moved Cr Wheeldon 2<sup>nd</sup> Cr Caffell**

1. *"That the Manager, Development Services be instructed to inspect 22 Walston Street, Tammin and provide a report to Council regarding the condition of the*

*residence including areas of non compliance with relevant legislation and local laws.”*

2. *“That the administration prepare a further prosecution against Mr. Edwin Houghton for offences against section 3.25 of the Local Government Act 1995 and notices previously issued.”*

CARRIED 6/0

## **AMENDMENT TO MOTION**

**MIN 0564/03 MOTION** - Moved Cr Wheeldon 2<sup>nd</sup> Cr Caffell

That the matter lay on the table

## **NEW MOTION**

**MIN 0565/03 MOTION** - Moved Cr Wheeldon 2<sup>nd</sup> Cr Caffell

That the matter lay on the table

CARRIED 6/0

## **REASON**

That the Chief Executive Officer proceed with a follow up visit with Mr Houghton and report back to Council's December Meeting.

### **Chief Executive Officer's Report For the period October/November 2003**

#### **1. Human Resource Management**

##### a) Annual Leave

Clerical Finance Officer, Liz McDonald completed approved Annual Leave period of two weeks entitlements ending Friday, 10<sup>th</sup> October 2003.

Manager Corporate Services, Raymond Griffiths completed approved Annual Leave period of two weeks entitlements, ending Friday 17<sup>th</sup> October 2003, due to wedding.

b) Other – Manager Development Services, John Mitchell continues to expend a large proportion of time on the Hydrology Model Project and has maintained basic work requirements at the Shires of Kellerberrin and Bruce Rock, with some backlog building up at each of the scheme local governments.

c) Local Government Managers Australia (WA Division) Annual Conference  
The Chief Executive Officer and the Manager, Corporate Services attended the Annual State Conference for Senior Staff during the period 28<sup>th</sup> to 31<sup>st</sup> October 2003. The Conference was held at the Rendezvous Observation City Hotel at Scarborough Beach and was an enjoyable conference over the three days. All staff were well aware of their responsibilities and accountability to continue delivery of service associated with their position of employment. Staff were instructed to co-ordinate their areas of concern via

the Chief Executive Officer's Personal Assistant and/or the mobile phone. It is common practice for senior and/or management staff to attend this annual conference to further develop your knowledge and skill via networking and concurrent sessions.

- d) Chief Executive Officer Meetings/Appointments – the following are a summary of meetings/appointments of the Chief Executive Officer :
- Monday 22<sup>nd</sup> September – Main Roads WA Northam – Technical Group Meeting re road funding submissions
  - Thursday 25<sup>th</sup> September – Great Eastern Zone Meeting Narembeen
  - Friday 26<sup>th</sup> September – Councillors/Staff Golf Day – Tammin and Kellerberrin Local Governments
  - Thursday 2<sup>nd</sup> October – Addressed CBH Growers Meeting re Extra Mass Vehicle Permits
  - Wednesday 8<sup>th</sup> October 2003 – Bush Fires Meeting
  - Thursday 9<sup>th</sup> October – Tammin Steel Auction
  - Wednesday 15<sup>th</sup> October 2003 – VROC Meeting (Merredin)
  - Thursday, 16<sup>th</sup> October 2003 – Tammin Achievement Night
  - Friday 17<sup>th</sup> October – CEO Appraisal Councillor Training Session
  - Thursday 23<sup>rd</sup> October 2003 – Meeting with President, Leslie Re: Hydrology Model.
  - 29<sup>th</sup>-31<sup>st</sup> October 2003 – LGMA Conference in Perth

## **2. Shire of Mundaring Centenary Celebrations**

The Chief Executive Officer of the Shire of Mundaring met with myself in Tammin, on 9<sup>th</sup> October 2003 to present a plaque, to commemorate the passage of the Mundaring to Kalgoorlie Horse and Bicycle Trek through the Shire. The plaque also demonstrated the Shire and Community support to host the "trekkers overnight" at the Recreation Ground. The plaque has been handed to the President soon after the visit and presentation.

## **3. Council Christmas Function**

Early indication from the Council would be appreciated on the proposed 2003 Xmas Function including; format, venue, entertainment, Councillor/Staff and family mix and whether to consider a "joint" function with the Kellerberrin Shire. To give staff sufficient time for preparations, broad or preferably concise direction from the Council on its annual Christmas function would be appreciated.

## **4. General Financial Summary**

Over expenditures within the current Financial Year. This summary is presented to Council to keep Council abreast of over expenditures made to date from decisions made by the Council in supporting the expenditures incurred.

- a) Purchase of Second Hand Coach for TALEC – fantastic decision to take up the option vs extensive repairs to an ageing asset (the old bus). It can be acknowledged that part of the \$28,000.00 purchase can be offset against a budget re-allocation of \$17,000.00, leaving an unbudgeted expenditure of \$11,000.00 to find.

- b) Purchase of ex Tammin Steel Fabrication Building and Land – another excellent leadership decision to purchase for community benefit at a cost of \$45,000.00. As per late agenda item, \$45,000.00 is required to be allocated.
- c) Council approval to increase TALEC Managers Salary by \$5,000.00 is not allowed for in budget estimates and is considered an over expenditure.
- d) Councils renovation and upgrade works to Tamma Village Effluent system where expenditure amounted to approximately \$13,000.00 is over budget estimates for Tamma Village maintenance allocation for this item alone. Expenditure estimates of \$ \$4,500.00, is considered to be outside budget capacity on the basis of re-allocations made from other programs to estimate \$4,500.00 over expenditure.

In summary, Council needs to be conscious of its decision making process on expenditures relating to the above mentioned programs and activities that are at around \$65,000.00 over expended in Councils current financial and no allowance has been made for the operating cost of the Hydrology Model/Outdoor Function Centre for the balance of the financial year.

It is a concern for me and staff at this stage of our financial year, to have the over expenditures prior to half of the financial year being completed.

For the information of Council and for strong notation of major expenditures incurred to date.

#### **5. Community Survey for Australia Day Function – joint or singular**

Five (5) responses received as follows:

*Question 1.* 5 responses *supporting* Australia Day Function

*Question 2.* 2 responses *Yes* – 3 responses *No* for joint function with Kellerberrin

*Question 3.* 3 responses *Yes* – 2 responses *No* – 1 response *Nil* for alternate venue in Kellerberrin during morning and afternoon in Tammin

*Question 4.* 1 response *definite* and 4 responses *if in the district will attend* a function for Australia Day.

*Other comments* – 1 x response - if a small function is held similar to Anzac Day may be a better way to go.

There appears to be a small number and indecision from the community with the response to a joint function or not with Kellerberrin, or if one should be held at all in Tammin and if residents are in Tammin then they are more than likely attend. Councillors will receive a copy of the five community survey responses on Meeting Day.

#### **6. Ex Tammin Steel and Fabrication Building and Land – Settlement Update**

I have been advised by Councils settlement agents that the delay for final settlement is due to Highway Re-alignment with Main Roads WA that appears to have not been finalized and caveats exist over the described lands prior to final settlement being achieved.

My instruction to our settlement agents is to proceed with final settlement and lift the caveats so as not to delay final title issue and achieve settlement by the agreed date of

Friday 7th November 2003. Councils settlement agents concur with this direction and will be pressing for this to be completed as soon as possible.

#### **7. Renovation of Garden Beds – Parking Bay Opposite Post Office**

I have made contact with the local Tidy Towns Group to ascertain interest in renovating the gardens area within the parking bay area opposite the Post Office. Agreement by the local Tidy Towns Group has been achieved in principle to complete this task as we continually strive to involve the community in projects for the benefit of Council and the Community. Assessment of Plant Species and Materials required will be finalized soon and the project commencing very soon.

#### **8. Re-Opening of Tammin Abattoirs**

Councillors were advised by Fax Memo of advice received from the new owners of the Abattoir site, Value Added Meat Wholesalers, of their successful outcome with legal proceedings of finalizing ownership of the non operating Tammin Abattoir Buildings and Land. There will be some delay in terms of having the business operational as the site has been “raided” of goods over the past short while. Above all else the Abattoir Business is proceeding and one anticipates that an operating date of around February 2004 at the earliest, is forecasted.

I have also been in contact with owners of Tammin Roadhouse Developments to make them aware of this outcome in terms of the concept plans for Caravan Park and Chalet development for Tammin. Response received at this date is pleasing and hopefully, with encouragement, the proposed development will proceed as the Abattoir Business commences to operate and assist with retention of staff in the community of Tammin. More information and continual contact is needed to ensure that all proposed projects are in “sinc” for the overall benefit of the community.

#### **9. Research into Construction of Dam Storage Sites**

Formal Letters of the Council have been written to identified land owners, Bruce and Lexie Carter and Gary and Louise Caffell of preferred sites for Dam Construction and to commence water storage facilities for Oval and Parks reticulation over the next few years. This has been completed on the basis of developing some process of co-ordinating a construction of water storage facilities to reticulate our parks, gardens and reserve areas. Once more detail has been received, the information will be passed onto Councils Works & Services Committee for further attention and planning as per instruction of the Council.

### **Manager Development Services Report**

#### **Regional Waste Processing Site**

Funds were meant to be included in the 2003/04 budget to provide a water supply from Hunts Well to the landfill site. The error is the manager, Development Services. Due to the size of crops, recent fires deliberately lit, extent of the site and other factors it is considered imperative that the supply go on ASAP. Accordingly the manager is preparing costings to complete the project and ensure it is completed quickly. Costs are anticipated at \$2,500.00

Council comment is requested.

#### **Manager, Development Services – Time Allocation**

I have liaised with all local governments and advised of delays in my routine duties due to the extensive nature of the Hydrology Model. I take this opportunity to apologise to Council for duties not completed and will attend to the normal duties once the project is complete.



Maintenance issues are being attended to and works will commence on public buildings upgrades during December and January.

I trust Council is satisfied with the duties undertaken to date.

### **Installation of Fire Hydrants**

I have liaised with representatives of the local fire brigade and been advised of areas not properly protected against fire. I have requested that a list be presented to Council to enable a forward program to be commenced to protect valuable infrastructure. Areas of concern include Tamma Village and the primary school.

## **Manager, Works & Services Report**

### **1.0 ROAD MAINTENANCE**

- 1.1 Bungulla North Road (Patch) Needs drainage
- 1.2 Signs – South Tammin
- 1.3 Signs – York's
- 1.4 Patching Town Street
- 1.5 Patching on Bungulla, South Tammin, Ralston & Tammin-Wyalkatchem Roads
- 1.6 Remove grass from intersection – Mackin and Tammin-Wyalkatchem Road
- 1.7 Remove grass from intersection. Turon and Bungulla North Roads
- 1.8 School bus signs on Turon Road
- 1.9 Maintenance Yorkrakine Road
- 1.10 Tremlett Road – Gravel
- 1.11 Blackiston Road – Grading
- 1.12 Yorkrakine Rock Road – Gravel

### **2.0 HYDROLOGY MODEL**

- 2.1 On going

### **3.0 GENERAL WORKS**

- 3.1 Mow oval
- 3.2 Prepare wickets
- 3.3 Mow Tennis Courts
- 3.4 Clean Street
- 3.5 Rubbish pick up – general
- 3.6 Lights at Seniors
- 3.7 Town Household Rubbish pick up
- 3.8 Slashing around town until tractor broke down.

### **4.0 PRIVATE WORK**

- 4.1 R Hocking - Grader
- 4.2 G Charlton - Grader
- 4.3 P Thomson - Grader
- 4.4 R & J Independent Rural Supplies – Loader, Trucks
- 4.5 T Crogan - Loader
- 4.6 Stevens Bros – Cement Mix
- 4.7 R Stokes – 3 loads of gravel

### **5.0 PLANT REPORT**

- 5.1 CAT Grader – Alternator broken off from hit radiator.

- 5.2 3380 tractor – clutch repair
- 5.3 N027 Mitsubishi Truck – Brakes Repair
- 5.4 N075 – Bus Maintenance
- 5.5 670B Grader – New fuel line
- 5.6 Fine Truck – service and repair
- 5.7 Case Loader – Repairs (fuel)
- 5.8 760 Coach – TALEC – Service and Brake adjustments
- 5.9 766 Mitsubishi Roller - Working

**FRANK PECZKA**  
**Chief Executive Officer**

<b>Agenda Reference:</b>	Late Item 1
<b>Subject:</b>	Purchase of ex Tammin Steel Fabrication Building and Land
<b>Location:</b>	Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	ASS
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	4 November 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

**BACKGROUND**

Council's October Ordinary Meeting instructed the Chief Executive Officer to commence negotiations to purchase land and buildings at Lots 1-10 Donnan Street, Tammin and report back to Council.

**COMMENT**

Council has successfully purchased the ex Tammin Steel and Fabrication Building and Land at the advertised Auction onsite in Tammin. The purchase price was \$45,000.00 incl GST and was \$20,000.00 over Council's latest offer to the Administrators prior to auction date.

The purchase is a great acquisition by the Council and will enable the Council to encourage a business to the Tammin Community that will operate for a number of years.

The Chief Executive Officer has had a number of phone discussions with Bell Auctions, Elders Real Estate and the Administrators, KordaMentha, prior to auction in an attempt to purchase the described land and building for a community benefit.

The Chief Executive Officer had discussions with the President of the morning of the Auction and it was determined that in the best interests of the community, purchase of the land and buildings is a priority and accordingly, bids of up to \$50,000.00 was authorised by the President to secure the described land and buildings.

Council should be aware that purchasing the land will result in write off of outstanding rates and sundry debtors as part of assuming the land and accepting responsibility for all outstanding costs associated with such a purchase.

**FINANCIAL IMPLICATIONS**

Council's 2003/2004 Budget – no allocation for asset acquisition – capital expenditure

- reduced rates revenue and sundry debtors from purchase

Council will need to determine how it will finance the purchase to a value of \$45,000.00. Some options to consider is to further reduce expenditure in other operating and capital expenditure areas, raising of a loan, raising of a self supporting loan by proposed tenant.

The Local Government Act (section 6.8) relates to expenditure from the Municipal Fund not included in the Annual Budget.

Section 6.8 (1) a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government ;
- is authorised in advance by resolution; or
- is authorised in advance by the President in an emergency.

In communication and discussion with the President it was directed to the Chief Executive Officer to increase the auction bid up to \$50,000.00 in order to secure the land and buildings for community benefit. This amount was an increase from the \$25,000.00 amount Council instructed the Chief Executive Officer to put bids in prior to the auction.

#### **POLICY IMPLICATIONS - Nil**

#### **STATUTORY IMPLICATIONS**

Local Government Act – section 6.8 relates to Expenditure from Municipal Fund not included in Annual Budget.

- section 6.10 relates to Financial Management Regulations
- section 6.20 relates to Power to Borrow
- section 6.21 relates to Restrictions on Borrowing
- section 3.59 relates to definition of land transactions in relation to acquisition of land

Local Government (Financial Management) Regulations 1996

- regulation 5 relates to Financial Management duties of the CEO
- regulation 9 relates to Accounting for trading undertakings and major land transactions
- regulation 13 relates to Payments from the Trust or the Municipal Fund by the local government or the CEO
- regulation 46 relates to Major Land transactions information in Annual reports
- regulation 48 relates to Information about Borrowings being included in the Annual Financial report

Local Government (Functions and General) Regulations 1996

- regulation 8 relates to Transactions that cannot be major land transactions if the local government enters into it without intending to produce profit or without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction
- regulation 10 relates to Other matters of which details to be given in business plan if a local government is required to prepare a business plan because of a major land transaction that it is to carry on or enter into jointly with another person

*“That the Chief Executive Officer commences negotiations to purchase land and buildings at Lots 1-10 Donnan Street Tammin and report back to Council”*

## **RECOMMENDATION**

That Council endorses the following actions as decisions of the Council;

1. Instructions from the President to increase the auction bid to \$45,000.00 in order to secure described land and buildings in accordance with the Local Government Act 1995 section 6.8 (1) (c) as an emergency expenditure authorization by the President.
2. That the Land and Building purchase is acknowledged as not being included in Councils 2003/2004 Budget and therefore is approved out of budget expenditure in order to obtain a community asset.
3. That financing of the land and building purchase, be by raising of a self supporting loan to an approved tenant of the premises and by negotiation, for long term benefit of the community
4. That Council’s endorsed purchase action is on the basis of not for profit gain, but to present an opportunity for attraction of a business for community benefit and gain.
5. That financing of the land and buildings be by loan borrowings for the purpose of disposing of the asset over an agreeable timeframe linked to the raising of a self supporting loan.
6. That the land and building purchase does not require a business plan for the purposes stated above.
7. That the actions of the President and the Chief Executive Officer to facilitate the instruction from Council, to purchase the described land and buildings is in accordance with Council direction to provide an economic opportunity to the community of Tammin.

## **STAFF / COUNCIL RECOMMENDATION**

### **MIN 0566/03 MOTION - Moved Cr Stokes 2<sup>nd</sup> Cr Caffell**

*That Council endorses the following actions as decisions of the Council;*

1. *Instructions from the President to increase the auction bid to \$45,000.00 in order to secure described land and buildings in accordance with the Local Government Act 1995 section 6.8 (1) (c) as an emergency expenditure authorization by the President.*
2. *That the Land and Building purchase is acknowledged as not being included in Councils 2003/2004 Budget and therefore is approved out of budget expenditure in order to obtain a community asset.*
3. *That financing of the land and building purchase, be by raising of a self supporting loan to an approved tenant of the premises and by negotiation, for long term benefit of the community*
4. *That Council’s endorsed purchase action is on the basis of not for profit gain, but to present an opportunity for attraction of a business for community benefit and gain.*
5. *That financing of the land and buildings be by loan borrowings for the purpose of disposing of the asset over an agreeable timeframe linked to the raising of a self supporting loan.*

6. *That the land and building purchase does not require a business plan for the purposes stated above.*
7. *That the actions of the President and the Chief Executive Officer to facilitate the instruction from Council, to purchase the described land and buildings is in accordance with Council direction to provide an economic opportunity to the community of Tammin.*

CARRIED 6/0

<b>Agenda Reference:</b>	Late Item 2
<b>Subject:</b>	Request for Salary Review and Backpay – Tammin Alcoa Landcare Education Center Managers
<b>Location:</b>	Tammin
<b>Applicant:</b>	TALEC Managers, Shane and Sue Heriot
<b>File Ref:</b>	EDU 04
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 November 2003
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## **BACKGROUND**

Council's October, 2003 Ordinary Council Meeting Council authority/direction was given to increase TALEC Manager Salaries by \$5,000.00 applicable from July 1, 2003.

Shane and Sue Heriot wrote to the Shire as Shire Employees with reference to their meeting on September 1 with concerns regarding their salary.

Whilst preparing the 2002-2003 budgets in May 2002 Stuart Taylor (Previous CEO) reviewed their salary and advised them of a \$5,000 salary increase to be split \$2500 each for the year. A salary increase was allowed for in this budget however it was not until processing their 2002-2003 group certificates that they discovered that this increase was never passed on to them.

Since adopting the bookings procedure at TALEC in 2002 it has been recognised that their workload has increased dramatically. These bookings were previously undertaken in the Tammin office when Liz McDonald worked full time at Tammin and TALEC was an integral part of her role.

It is noted in their contract they are to have a review each year taking into account added responsibilities and or change of matters relating to TALEC.

Prior to this financial years budget being set Shane and Sue approached myself regarding a salary review and once again whilst meeting with myself and Raymond regarding the 2003-2004 budget for TALEC. At this time they were unaware that the 2002-2003 salary increase had not occurred.

They have therefore requested that their concerns be addressed.

## **COMMENT**

I have had some discussions with Shane and Sue over this request and whilst acknowledging the request, I recommended/suggested that the matter should be considered by the Management Committee. It is clear that the role and responsibilities of

the Managers has changed and completed in agreeance with Shane and Sue in full knowledge of the challenge that lays before them in terms of marketing and promotion of TALEC and to streamline the process of managing TALEC Business from TALEC and not the Office of the Council.

## **FINANCIAL IMPLICATIONS**

2003/2004 Budget – account 82.1.407 TALEC Salaries ( no increases allowed for)  
account 82.2.255 TALEC Accommodation Charges Revenue

As advised to Council, there has been no budget allowance in 2003/2004 as Council adopted a tight budget. If approval for backpay is given, Council will incur a full year cost of \$10,000.00as over-expenditure in current financial year.

## **POLICY IMPLICATIONS**

Draft Contract of Employment Document – not completed due to uncertainty of incorporation or not by the Management Committee and/or the Council. In discussions over time since my appointment to the Council, Shane and Sue are fantastic Managers and are fully supportive to grow the business at TALEC. At a more recent discussion with Shane and Sue, the Manager Corporate Services and the Chief Executive Officer indicated that the incorporation is another issue and certainly needs to be dealt with as well as finalising the Contract of Employment.

Whilst acknowledging the request for Salary review, Council has a very tight budget and the indications to the Managers at the time was that if revenue from accommodation exceeds budget (budget \$30,000.00) then Council will be in a better position to reward them for their sincere efforts to promote TALEC further.

At this date, nearly \$21,000.00 of revenue has been achieved against budget allocation of \$30,000.00.

## **STATUTORY IMPLICATIONS**

- 2003/2004 Budget Document – allowance for salaries TALEC Managers
- Council consideration to approve and authorize over budget expenditure
- Delegated Powers to the Chief Executive Officer to negotiate salary with staff
- Draft Contract of Employment – To be prepared and finalized with TALEC Managers

## **RECOMMENDATION**

1. That Council approves a salary increase back payment of \$5,000.00 for the 2002/2003 financial year; subject to the following payment condition:
  - a) If Council's 2003/2004 budget is in forecasted surplus situation during May/June 2004, payment of \$5,000.00 be approved, or;
  - b) If (a) cannot be achieved, Council budgets for a \$5,000.00 priority salary payment in its 2004/2005 financial year and salary payment made in July 2004 as an early approved payment.

2. That Council acknowledges and approves overbudget expenditure for 2003/2004 salaries of a maximum of \$5,000.00 gross for TALEC Managers or if a surplus balance is achieved during May/June 2004, Council approves overbudget expenditure for these salaries of \$10,000.00 maximum.

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0567/03 MOTION** - Moved Cr. Thomson 2<sup>nd</sup> Cr Brooks

1. *That Council approves a salary increase back payment of \$5,000.00 for the 2002/2003 financial year.*
2. *That Council acknowledges and approves overbudget expenditure for 2003/2004 salaries and wages budget of a maximum of \$10,000.00 gross for TALEC Managers and debit Council's salaries and wages budget by \$10,000.00.*

CARRIED 6/0

**GENERAL BUSINESS**

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0568/03 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr Thomson

*That Council purchase four Uniden UHF Radios for the Bush Fire Brigade at an approximate cost of \$100.00 each.*

CARRIED 6/0

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0569/03 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr Wheeldon

*That the restricted burning period be from 1 March 2004 to 15 March 2004. (season brought forward by two weeks)*

CARRIED 6/0

Cr Brooks left Council Chambers at 6:02pm

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0570/03 MOTION** - Moved Cr. Thomson 2<sup>nd</sup> Cr Stokes

*That TALEC fees and charges as tabled be adopted and advertised as required by statutory procedures.*

CARRIED 5/0

Cr Brooks returned to Council Chambers at 6:04pm

**STAFF / COUNCIL RECOMMENDATION**

**MIN 0571/03 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr Caffell

1. *That the Chief Executive Officer's Report including the following Managers reports be received*
  - a. *Manager Development Services*
  - b. *Manager Works and Services*

CARRIED 6/0

**CLOSURE OF MEETING**

There being no further business to discuss the President thanked Members for their attendance and closed the meeting at 6:11pm

**NEXT MEETING DATE**

Wednesday, 3 December 2003 commencing at 1:00pm at Tammin Council Chambers