

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street,
Tammin, on Wednesday, 7 July 2004

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

9:08am - The Shire President declared the meeting open.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

| | |
|-----------------|------------------------------|
| Cr. B. Leslie | President (Presiding Person) |
| Cr. L. Caffell | Deputy President |
| Cr. D. Thomson | Member |
| Cr. M. Wheeldon | Member |
| Cr. R Stokes | Member |

| | |
|----------------|------------------------------|
| Mr F. Peczka | Chief Executive Officer |
| Miss G Stewart | Personal Assistant (Minutes) |

Apologies

| | |
|---------------|--------|
| Cr. R. Brooks | Member |
|---------------|--------|

Leave of Absence

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil.

PUBLIC QUESTION – Nil

APPLICATIONS FOR LEAVE OF ABSENCE – Nil

FINANCIAL INTEREST

Cr Leslie declared a proximity interest in item 11.2.1 because he owns property within reasonable distance of the mentioned land.

Cr Caffell declared a proximity interest in item 11.2.1 because she owns property within reasonable distance of the mentioned land and an impartiality interest in item 11.1.6 as she is a member of the bowling club.

Cr Thomson declared an impartiality interest in item 11.1.6 because his children attend Tammin Primary School and a he is also a member of the Tammin Bowling Club.

Cr Wheeldon declared an impartiality interest in item 11.1.6 as she is the Bowling Club treasurer, CWA Secretary and President of the Tammin Cooina Centre.

Cr Stokes declared a financial interest in item 11.1.11 as he received members fees.

PRESENTATIONS - Nil

CONFIRMATION OF MINUTES PREVIOUS MEETING

MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 2nd JUNE 2004

Minutes of Ordinary Council Meeting held on Wednesday, 2 June 2004

MIN 0695/04 MOTION – Moved Cr. Caffell 2nd Cr. Wheeldon

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 2 June 2004 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 5/0

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

NIL

11. AGENDA ITEMS

AGENDA ITEMS – CORPORATE SERVICES

| | |
|--------------------------------|---------------------------------------|
| Agenda Reference: | 11.1.1 |
| Subject: | CEO Appraisal Document |
| Location: | Shire of Tammin |
| Applicant: | N/A |
| File Ref: | CEO PERS |
| Disclosure of Interest: | Employed as CEO – Financial Interest |
| Date: | 30 June 2004 |
| Author: | Frank Peczka, Chief Executive Officer |

BACKGROUND

Council appointed Facilitator, John Phillips, Executive Manager Workplace Solutions – Western Australia Local Government Association completed the CEO Appraisal process on Friday 23rd April 2004.

Input has been made by both the Shire of Kellerberrin and the Shire of Tammin and considerations of what has been achieved by the Staff Group during the period January 2003 to January 2004 has been made.

COMMENT

I await the Final report and joint confirmed outcomes and joint agreement to the Key Result Areas, set for the next twelve (12) month period. To complete this process, the CEO's employment package is at its annual expiry period and is due for a review at the January anniversary date.

Recommendation that the attached amended CEO Appraisal Document be considered by the Shire of Tammin and endorsed if in agreeance.

FINANCIAL IMPLICATIONS

2003/2004 Budget Document and 2004/2005 Budget Document – Staff Salaries and Wages Expenditure Account. This item relates to the Chief Executive Officer Salary Packaging Review in accordance with Contract of Employment Agreement.

POLICY IMPLICATIONS

Nil – Council direction for the Chief Executive Officer Performance Appraisal process to be completed with the engagement of a Facilitator.

STATUTORY IMPLICATIONS

- Local Government Act 1995 – section relating to performance review of the Chief Executive Officer.
- Chief Executive Officer Employment Contract – conditions of employment.

RECOMMENDATION

1. That the Shire of Tammin receive the Performance Review Report
2. That the Shire of Tammin endorses the overall rating of “3-Average” – “meets most performance requirements to a generally acceptable standard”. Mr Peczka’s own self rating of between 3 and 4 is also noted.
3. That the existing Key Result Areas which have been updated by the Resource Share Committee in conjunction with the Chief Executive Officer and amendments by the Shire of Kellerberrin Council, is endorsed.
4. That the next review of performance to be conducted in November 2004, and annually thereafter.

STAFF / COUNCIL RECOMMENDATION

MIN 0696/04 MOTION - Moved Cr. Thomson 2nd Cr. Wheeldon

1. *That the Shire of Tammin receive the Performance Review Report*
2. *That the Shire of Tammin endorses the overall rating of “3-Average” – “meets most performance requirements to a generally acceptable standard”. Mr Peczka’s own self rating of between 3 and 4 is also noted.*
3. *That the existing Key Result Areas which have been updated by the Resource Share Committee in conjunction with the Chief Executive Officer and amendments by the Shire of Kellerberrin Council, is endorsed.*
4. *That the next review of performance to be conducted in November 2004, and annually thereafter.*

CARRIED 5/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.2 |
| Subject: | Vacant Staff Position – Supervisor Works & Services |
| Location: | Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | PERS-33 & PERS CEO |
| Disclosure of Interest: | N/A |
| Date: | 30 June 2004 |
| Author: | Frank Peczka, Chief Executive Officer |

BACKGROUND

Council's resolution from the May 2004 Ordinary Council Meeting reads:

MIN 0663/04 MOTION - Moved Cr. Thomson 2nd Cr. Caffell

That the Shire of Tammin vacant position of Supervisor Works & Services be re-advertised with a total cash salary range of \$40 to \$45K exclusive of employment benefits and provision of housing in Ridley Street, Tammin.

CARRIED 5/0

The position was re-advertised in The West Australian on Saturday, 22 May 2004 and Wednesday, 26 May 2004 with four people obtaining the Position Description but only one forwarded an application. Given the similarity of experience of this applicant to others previously interviewed I believe we should decline an interview.

COMMENT

I seek Council's further input to consider options so that all aspects of the Works & Services Department can be fulfilled in an efficient and timely manner. Previous options presented to Council were as follows:

Current cash salary positions for the current structure is as follows;

Manager Works & Services \$50K

Supervisor Works & Services \$45K

Leading Hands \$30k includes staff bonuses, allowances and overtime

Total cash allowance \$155K

Manager Works & Services \$50K

Administration/Technical Officer \$35K

Team Leaders \$32K includes staff bonuses, allowances and overtime

Total cash allowance \$151K

Manager Works & Services \$50K and up to 65K

Supervisor Positions x 3 – Construction, Maintenance and Parks & Gardens - \$35K ea.

Total cash allowance \$155K (this option deletes the position of Supervisor and increases the responsibilities of the Leading Hands and cash payments to the proposed positions)

Council should note that the combined Works & Services Department are responsible for over \$100m of Road Infrastructure Assets, \$1.6m of annual roadworks programming and management of 23 staff.

FINANCIAL IMPLICATIONS

Budget 2004/2005 – Salary and Wages allocations

POLICY IMPLICATIONS

Review of Councils Works & Services Staff Structure

Resource Share Committee implications with review of Councils Staff Structure

STATUTORY IMPLICATIONS

Council endorsement and support to adopt an acceptable staff structure to achieve the objectives of its Works & Services area.

RECOMMENDATION

That the Works & Services combined Staff Structure be reviewed to deleting the position of Supervisor Works & Services from the Shire of Tammin, rename the positions (x3) of Leading Hands to "Team Leaders" and that this proposal be submitted to the Resource Share Committee for consideration and adoption.

OR

That the Shire of Tammin Works & Services Staff Structure be reviewed and amended to delete the position of Supervisor Works & Services and replaced with the position of Administration Officer-Works & Services

OR

That the Shire of Tammin

STAFF / COUNCIL RECOMMENDATION

MIN 0697/04 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

That the Works & Services combined Staff Structure be reviewed to deleting the position of Supervisor Works & Services from the Shire of Tammin, rename the positions (x3) of Leading Hands to "Team Leaders" and that this proposal be submitted to the Resource Share Committee for consideration and adoption.

CARRIED 5/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.3 |
| Subject: | Plan of Principal Activities |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 04 |
| Disclosure of Interest: | N/A |
| Date: | 30 June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Council in its May 2004 Ordinary Council meeting approved the advertising of the Draft 2004/2005 to 2007/2008 Plan of Principal Activities for community comment in accordance with section 5.57 of the Local Government Act 1995 (as amended).

COMMENT

Council as per section 5.57 of the Local Government Act 1995 (as amended) have given local public notice which incorporates a plan for the local government’s principal activities for the next four (4) years, where copies of the plan could be obtained and an invitation for submission in relation to the plan by members of the public within 42 days of the days on which local public notice was first given.

The submission period closed at noon on Wednesday 30th June 2004. As of this date there were no submissions received with respect to Councils Plan of Principal Activities.

FINANCIAL IMPLICATIONS

➤ Shire of Tammin 2004/2005 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

Local Government Act 1995 (as amended)

Section 5.58 The Local Government is to consider any submissions received in relation to a plan prepared under section 5.56 and may accept the plan with or without modification.

RECOMMENDATION

- 1 That no submissions were received in relation to the Plan of Principal Activities for 2004/2005 to 2007/2008.
- 2 That Council accepts and adopts the Plan of Principal Activities for 2004/2005 to 2007/2008 as received.

STAFF / COUNCIL RECOMMENDATION

MIN 0698/04 MOTION - Moved Cr. Thomson 2nd Cr. Stokes

1. *That no submissions were received in relation to the Plan of Principal Activities for 2004/2005 to 2007/2008.*
2. *That Council accepts and adopts the Plan of Principal Activities for 2004/2005 to 2007/2008 as received.*

CARRIED 5/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.4 |
| Subject: | 2004/2005 Rating Provisions |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 04 |
| Disclosure of Interest: | N/A |
| Date: | 30 June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Under the Local Government Act 1995 (as amended) Section 6.45 Council may elect to the following:

Rate Instalments

Council can offer to their ratepayers the option to pay their rates by 4 equal, or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives and discounts to ratepayers who pay their rates in full early (by the first instalment date).

Rubbish Charges

Ratepayers will not be entitled to pay rubbish charges by instalments, but if a Council wished to extend the facility by using its general powers, it could do so.

Interest and Administration Charges

Interest on Instalments

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of new administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date.

The maximum rate of interest under Section 6.45 (3) noted in Financial Management Regulation 68 is 6.5%.

Interest Penalties

Interest on late payments will accrue 3 months after the date of issue of the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under Section 6.51 is 11%.

Administration Charge

In determining the administration recovery related to instalment plans the local government is;

- * **to have regard to the cost of providing the additional administration and Instalment reminder notices**
- * to consider the administration charge as a full or partial reimbursement of the costs involved
- * without intent to profit from the administration charges adopted.

Instalments Not Available if Payment in Arrears

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

Instalments Not Available for Small Amounts

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than \$200.00.

Discounts

Council under section 6.46 of the Local Government Act 1995 (as amended) when imposing a rate or service charge, resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

2003/2004 Rates

In 2003/2004 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

A discount of 5% on rates paid - \$19,419.68 in total.

Amount of rates received within the discount period;

| | | |
|---------|--------|------|
| 1999/00 | 75.56% | (5%) |
| 2000/01 | 77.85% | (5%) |
| 2001/02 | 79.76% | (5%) |
| 2002/03 | | (5%) |
| 2003/04 | 89.03% | (5%) |

2. Weekend for two (6 prizes)

Ratepayers paying their rates within the discount period went into a draw to win 2 nights accommodation for two, with 6 hotels contributing to the Scheme. Cost to Council - \$0.00

3. Instalments

No of Assessments paid by instalments 2003/04 - 12.

Instalment interest - \$118.78

Administration Fee - \$ 60.00

COMMENT

Rate Instalments

Council in previous years elected to offer electors the opportunity of paying via 3 options

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.

Interest of Instalments

Council in previous years elected to charge 5% Interest on Instalments when electors choose to pay via the above instalments

Interest Penalties

Council in previous years elected to charge 11% penalty interest on rates that are outstanding for 3 months or more.

Administration Charges

Council last year elected to charge \$5 per instalment as a administration charge in offering the instalment option.

Discount / Prizes

Council in previous years have elected to offer electors a 5% discount on payment of rates in full within 35 days of issuing rate notices. Also Council has offered weekend's away from various Perth Hotel/Motels at no cost to Council to increase the amount of people paying rates in full within the discount period.

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 6.45 (1) A rate or service charge I ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by –

- (a) 4 equal or nearly equal instalments; or
- (b) such other method of payment by instalments as is set forth in the local government's annual budget.

(2) Where, during a financial year, a rate notice is given after a re-assessment of rates under section 6.40 the person to whom the notice is give may pay the rate or service chare –

- (a) By a single payment; or
- (b) By such instalments as are remaining under subsection (1) (a) or (b) for the remainder of that financial year.

(3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

(4) Regulations may –

- (a) Provide for the manner of making an election to pay by instalments under subsection (1) or (2);
- (b) Prescribe circumstances in which payments may or may not be by instalments;
- (c) Prohibit or regulate any matters relating to payments by instalments;
- (d) Provide for the time when, and manner in which, instalments are to be paid;
- (e) Prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) Provide for any other matter relating to the payment of rates or service charges.

Section 6.46 – Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

* *Absolute Majority Required.*

RECOMMENDATION

Council adopts the following for the 2004/2005 Financial Year;

1. Council offer to ratepayers the following payment options for 2004/2005;

| <u>Option</u> | Due By |
|--|---|
| Option A - One Payment (includes 5% discount) | 35 days from issue of rate notices |
| Option B - Two Payments | 50% due 35 days from issue of rate notices 50% due 120 days from issue of rate notices |
| Option C - Four Payments | 25% due 35 days from issue of rate notices 25% due 120 days from issue of rate notices 25% due 182 days from issue of rate notices 25% due 273 days from issue of rate notices |

2. Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.
3. Administration fee of \$5.00 per reminder rate notice (Options B and C)
4. Instalment interest to be levied at 5%
5. Late payment penalty interest to be levied at 11% for Rates.
6. Discount - 5%
7. That rate incentives (Weekends away) be offered to ratepayers for early payment of rates within 35 days at no cost to Council

* ***Absolute majority required***

STAFF / COUNCIL RECOMMENDATION

MIN 0699/04 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

Council adopts the following for the 2004/2005 Financial Year;

1. Council offer to ratepayers the following payment options for 2004/2005;

| <u>Option</u> | <i>Due By</i> |
|--|---|
| <i>Option A - One Payment (includes 5% discount)</i> | <i>35 days from issue of rate notices</i> |
| <i>Option B - Two Payments</i> | <i>50% due 35 days from issue of rate notices 50% due 120 days from issue of rate notices</i> |
| <i>Option C - Four Payments</i> | <i>25% due 35 days from issue of rate notices 25% due 120 days from issue of rate notices 25% due 182 days from issue of rate notices 25% due 273 days from issue of rate notices</i> |

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5%*
5. *Late payment penalty interest to be levied at 11% for Rates.*
6. *Discount - 5%*
7. *That rate incentives (Weekends away) be offered to ratepayers for early payment of rates within 35 days at no cost to Council*

CARRIED 5/0
BY ABSOLUTE MAJORITY

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.5 |
| Subject: | 2004/2005 Fees and Charges |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 04 |
| Disclosure of Interest: | N/A |
| Date: | 30 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Council on imposing fees and charges are to be included in the annual budget though can be imposed during the financial year or amended from time to time during a financial year. (Absolute Majority Required)

A list of proposed fees and charges are attached including a summary page of amendments.

COMMENT

The amendments to the fees and charges for 2004/2005 are minimal. Council has not increased the fees and charges on these items for some years and now needs to look at doing so as Councils costs are increasing in producing the services offered.

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

Local Government Act 1995 (as amended)

Section 6.16 (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute Majority Required.*

- (2) A fee or charge may be imposed for the following
 - a. Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government
 - b. Supplying a service or carrying out work at the request of a person
 - c. Subject to section 5.94, providing information from local government records;
 - d. Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate;
 - e. Supplying goods;
 - f. Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
 - a. Imposed* during a financial year; and
 - b. Amended* from time to time during a financial year.

** Absolute Majority Required*

Section 6.17. (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –

- (a) The cost to the local government of providing the service or goods;
- (b) The importance of the service or goods to the community; and

- (c) The price at which the service or goods could be provided by an alternative provider.
- (2) A high fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service –
 - a. Under section 5.96;
 - b. Under section 6.16 (2) (d); or
 - c. Prescribed under section 6.16 (2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service
- (4) Regulations may –
 - a. Prohibit the imposition of a fee or charge in prescribed circumstances; or
 - b. Limit the amount of a fee or charge in prescribed circumstances.

RECOMMENDATION

- 1 That Council adopts the fees and charges as attached for 2004/2005

ABSOLUTE MAJORITY REQUIRED

STAFF / COUNCIL RECOMMENDATION

MIN 0700/04 MOTION - Moved Cr. Stokes 2nd Cr. Thomson

That this matter lay on the table for the August 2004 Council Meeting.

CARRIED 5/0

BY ABSOLUTE MAJORITY

REASON

Council wished to adopt this when adopting the final budget.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.6 |
| Subject: | 2004/2005 – Community Budget Submissions |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 04 |
| Disclosure of Interest: | N/A |
| Date: | 30 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Council in March 2004 advertised to the community for Budget Submissions for all sporting, community or welfare groups/organisations requiring financial assistance from the shire in the next financial year.

Applications were to be received by 23rd April 2004 which were to include audited financial statements and most recent Bank Statement.

COMMENT

Council received 3 Budget Submission applications as appended:

1. Tammin Country Women's Branch
2. Tammin Economy Shop / Cooinda Association
3. Tammin Bowling Club

Council also received written correspondence for donations in 2004/2005:

1. Northam Crematorium
2. Wheatbelt Agcare
3. Central Group of Affiliated Agricultural Societies

Budget Submission Applications:

1. TAMMIN COUNTRY WOMENS BRANCH

Project Details

Hosting West Week Lunch Speaker

Supporting Information

Tammin CWA Members have been hosting West Week Day for 20 years. Most shire sponsor or run this event but the Tammin Country Women's Association was asked to do so by the Shire of Tammin. It is a day looked forward to by all the community and surrounding towns.

Assistance Requested

Cash contribution of \$350

Previous Funding

Council last year contributed \$350 cash to the annual event

2. TAMMIN ECONOMY SHOP / COOINDA ASSOCIATION

Project Details

Provision of Wages for employees, one employee for 12hrs per week and two employees for 6 hrs per week. This is essential due to security.

Supporting Information

The organization is also the agency to receive Emergency Relief grants from the Department for Family and Children Services totally \$5,000 which is distributed to low income families in financial need of food, gas and travel to medical appointments.

Volunteers from the support organizations help in the shop as well as some of the shops proceeds are distributed to these charitable organisations.

Assistance Requested

Cash contribution of \$5,000

Previous Funding

Council in previous years have contributed \$5,000 cash towards wages for operation of the Cooinda Centre.

3. TAMMIN BOWLING CLUB**Project Details**

A subsidy to employ a Green keeper, who is expected to maintain two greens and the surrounds.

Supporting Information

Playing members remain approximately the same with an increase in Social members (mostly pensioners). Club members have ongoing maintenance capital costs, break-ins at the Club continue despite an alarm system and incur added costs for repairs.

The Club has received a grant from CSRFF to improve lighting and watering for greens. This is on a 40% subsidy so members will be faced with a lot of fundraising and voluntary work. With water restrictions, the Club decided to upgrade the existing system to ensure more even watering as well as cutting the time spent on moving sprinklers.

All electricity is to be upgraded to meet Western Power specifications to allow for a pump and for the installation of overhead lights. Night fixtures to avoid excessive heat and sun damage will be held.

Assistance Required

Cash Contribution of \$17,500

Previous Funding

Council in previous years has contributed in Cash. Council last year Contributed \$15,000 cash.

4. TAMMIN PRIMARY SCHOOL – SWIMMING LESSONS**Project Details**

In-Term Swimming Lesson for all students of Tammin Primary School (Transportation Costs)

Supporting Information

Every year, Tammin Primary School organizes In-Term Swimming Lessons for its Pre Primary to Year 7 students. The lessons are held in November and December and are extremely important component of the school Physical Education Program.

The In-Term Swimming Lessons have been undertaken at the Cunderdin Memorial Pool. This facility has been preferred option due to its size and availability of qualified personnel to assist with all classes.

(For further information, please see attached letter from Tammin Primary School)

Assistance Required

Cash Contribution of \$1,800

Previous Funding

Council in previous years has contributed in Cash. Council last year Contributed \$1,000 cash.

In December 2003 Tammin Primary School Hired to the Shire of Tammin TALEC Bus to transport at a cost \$1,485.00.

5. TAMMIN PRIMARY SCHOOL**Project Details**

Replacement of Kindergarten to Year 7 Playground equipment at Tammin Primary School.

Supporting Information

Tammin Primary School is currently undertaking a major project to replace its Playground Equipment. The equipment currently in use is extremely old and is constructed from treated pine.

At present, Tammin Primary School is working closely with the Tammin Parents and Citizens Association in order to devise a plan to fund the purchase of the replacement playground equipment. The school will endeavor to find some money from the 2004 Budget to assist with the purchase of the equipment required.

(For further information, please see attached letter from Tammin Primary School)

Assistance Required

Cash Contribution of \$2,000

Previous Funding

Council in previous years has contributed to the Tammin Primary School for In-Term Swimming Lessons Travelling costs of \$1,000 cash.

Written Correspondence for donations included:

1. NORTHAM CREMATORIUM

Council in its June Ordinary Meeting of Council adopted that:

1. *“That Council supports the Town of Northam request for a financial donation to the proposed Northam Regional Crematorium and forward a letter of support, to testify Council’s support to the proposal”.*
2. *“That Council provides \$1,000.00 in its 2004/2005 Budget Document as a budgeted expense of a donation to the Northam Regional Crematorium Facility”.*

2. WHEATBELT AGCARE

Council in previous years has contributed to the Wheatbelt Agcare with a Cash Donation of \$1,760.

Council this year received written correspondence requesting \$1,760 cash donation for 2004/2005 for operations throughout the financial year.

3. CENTRAL GROUP OF AFFILIATED AGRICULTURAL SOCIETIES

Council last year contributed \$50 cash towards to display at the Perth Royal Show.

This year Central Group of Affiliated Agricultural Societies are seeking \$250 Cash towards the display at the Perth Royal Show.

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS – Nil

RECOMMENDATION

- 1 That Council donates;
 - a. \$350 cash towards the operating expenses of the West Week Lunch (Speaker) for the Tammin Country Women's Branch
 - b. \$5,000 cash for wages for operation of Tammin Cooina Centre
 - c. \$15,000 cash subsidy for Tammin Bowling Club Green keeper
 - d. \$1,000 cash subsidy to Tammin Primary School for Swimming Lesson transportation.
 - e. That Council's Community Development Officer assist Tammin Primary School in obtaining funding for Playground Equipment.
 - f. \$1,000 as per June Meeting
 - g. \$1,760 cash contribution towards operational expenses for Wheatbelt Agcare
 - h. \$250 cash contribution towards display at Perth Royal Show for Central Group of Affiliated Agricultural Societies.

10:45am – Council adjourned for morning tea.

11:00am - Council resumed. All those present at the start of the meeting were present in the room after the adjournment.

STAFF / COUNCIL RECOMMENDATION

MIN 0701/04 MOTION - Moved Cr. Caffell 2nd Cr. Thomson

1. *That Council donates;*
 - a. *\$350 cash towards the operating expenses of the West Week Lunch (Speaker) for the Tammin Country Women's Branch*
 - b. *\$5,000 cash for wages for operation of Tammin Cooina Centre*
 - c. *\$15,000 cash subsidy for Tammin Bowling Club Green keeper*
 - d. *\$1,000 cash subsidy to Tammin Primary School for Swimming Lesson transportation.*
 - e. *That Council's Community Development Officer assist Tammin Primary School in obtaining funding for Playground Equipment.*
 - f. *\$1,000 towards the Northam Regional Crematorium*
 - g. *\$1,760 cash contribution towards operational expenses for Wheatbelt Agcare*

- h. \$250 cash contribution towards display at Perth Royal Show for Central Group of Affiliated Agricultural Societies.

CARRIED 5/0

REASON

To identify the Northam Crematorium.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.7 |
| Subject: | 2004/2005 – Salaries and Wages Budget |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 04 |
| Disclosure of Interest: | N/A |
| Date: | 30 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

The Salaries and Wages draft budget for 2004/2005 totals \$364,141. Additionally to this amount \$131,564 will be required to be reimbursed by the Shire of Tammin to the Shire of Kellerberrin by the way of Resource Sharing Payment.

The Shire of Kellerberrin also it to pay the Shire of Tammin \$47,596 by the way of Resource Sharing Payment leaving a net amount of Resource Sharing Payment to the Shire of Tammin of \$83,968 being an decrease of \$662 from the 2003/2004 budget.

COMMENT

The above Resource Sharing Payment has reduced (net) this year due to the increase in pay of the Works Supervisor that is employed by the Shire of Tammin.

Salaries and Wages Schedules including, Annual Leave, Superannuation and Resource Sharing are included in the 2004/05 Budget document.

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS – Nil

RECOMMENDATION

That Council adopt the Salaries and Wages schedule as listed in the 2004/05 Budget document subject to Shire of Kellerberrin approval.

STAFF / COUNCIL RECOMMENDATION

MIN 0702/04 MOTION - Moved Cr. Thomson 2nd Cr. Stokes

That this matter lay on the table for the August 2004 Council Meeting and be referred to the next Joint Resource Sharing Committee Meeting.

CARRIED 5/0

REASON

Council wished to adopt this when adopting the final budget.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.8 |
| Subject: | Financial Management Review |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | FIN 02 |
| Disclosure of Interest: | N/A |
| Date: | 30 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Part of the Local Government Act 1995 (as amended) Section 9.3 and the Local Government (Financial Management) Regulations 1996 5 (2) (c). This requires the Chief Executive Officer to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures ("a financial management review") at least once every four (4) financial years and report the results to Council.

The last financial management review undertaken for Council was carried out in the year ended 30 June 2000.

Council this year elected to utilise its auditors Horwarth Perth to undertake the financial management review in conjunction with its interim audit.

During the review Horwarth examined the following financial systems and procedures of Council:

- Receipts/Debtors
- Minutes and Meetings
- Payments/Creditors
- Financial Reports
- Payroll
- Rates
- Fees and Charges
- Cost Allocations
- Administration allocations
- Purchasing
- Job Costing
- Budgets
- Principal Activity Plan
- Acquisition and Disposal of Property
- Registers
- General Compliance Issues

- General Ledger Chart of Accounts
- Private Works

COMMENT

Management's comments on the Financial Management Review Recommendations are:

RECEIPTS AND DEBTORS

Segregation of Duties

Management is aware of the same staff being responsible for issuing invoice and receiving payment. Council does not have the resources to implement this option.

The Manager Corporate Services has been reviewing and authorising invoices issued. This recommendation has come from Kellerberrin where this is currently not undertaken though in Tammin is already being done.

Debtor Control Account Reconciliations

Management has implemented this recommendation and is currently in place.

PAYMENTS/CREDITORS

Plant Hire Insurance

Management was unaware of being charged this figure and have since issued a letter to Coates Hire asking for refund of charges as Council has cover for this insurance under normal Council operations.

Creditor Control Account Reconciliation

Management has implemented this recommendation and is currently in place.

RATES

Rate Notice Information

This information was missing due to new financial software and has been rectified by PSU International.

Instalment Administration Charge

The reason for the undercharge in the administration charge is that administration staff were of the opinion that when then \$5 charge was loaded onto this system this charged out a \$5 per notice instead of \$5 per year therefore should Council wish to charge \$5 again in 2004/2005 a figure of \$20 will be charged to cover the \$5 per notice.

Reconciliation of Rate Record to VGO Reports

Management is fully aware of the incompetence's of the software and are currently in the process in dealing with PSU International to produce a report in the coming financial year. The rectify this year's problem Council has also purchase a new roll for GRV values for raising of new rates which will ensure that the correct valuations are utilised.

Rates Control Account Reconciliations

It is intended now to report these figures as per the Sundry Debtors and the Accounts Payable Reconciliations

FEES AND CHARGES

Advertising of Fees and Charges

All Managers and Staff have been made aware of the significance in advertising fees and charges on Council adoption as per Section 6.19 on the Local Government Act 1995 (as amended)

ADMINISTRATION ALLOCATIONS

Basis of Administration Costs Allocated

Management are reviewing the way administration costs are allocated and prepared for the 2004/2005 financial year.

Actual Administration Costs to be Allocated

Management will be utilising actual administration costs incurred for operations.

PURCHASING POLICY

Purchasing Policy

In reproducing the Shire of Tammin Policy Manual Council will prepare and adopt a Purchasing Policy.

MINUTES AND MEETINGS

Confirmation of Minutes

- 1 Management will ensure that the minutes of Council and Committee meeting will be signed at the following meeting of Council.
- 2 The Special Council Meeting of 23 July 2003 be submitted to Council for adoption.
(Please see attached minutes)

FINANCIAL REPORTS

Monthly Financial Reports

This was on oversight on behalf of Management and has been rectified in future reports. This was due to changes in the annual report not reflected in the monthly report.

Monthly Resource Sharing Report

Management is to discuss with Council the content of the report.

Quarterly Financial Report

Within next Quarterly report Management will include a year-end projection as a part of the quarterly financial reports.

It is seen by Management that production of the Monthly report and Quarterly report is reported at the same time for prudent reporting and that Council have the opportunity to compare the same reports month in month out.

BUDGETS

Rate Setting Statement

The errors noted in the Financial Management Report have been rectified in Councils 2004/2005 Annual Budget the Rate Setting Statement is reconciling to other section of the Annual Budget.

Incomplete Information in 2003/04 Annual Budget

Management in the 2004/2005 Budget has noted all error and is ensuring that all parts of the budget are complete and balance throughout the Annual Report.

Forwarding of 2003/04 Annual Budget to the Department

Management are unsure of why this has been reported as permission was requested from the Department of Local Government to send in the Budget late. Council's application was successful.

REGISTERS

Recording of Disclosures Made

Management will ensure that Council's Register of Disclosures be updated to reflect disclosures and that the nature of the disclosure be included in the minutes of the meeting.

Primary and Annual Returns

The noted returns have been received by Council and Management is putting a process in place to ensure that future returns are completed and lodged within the relevant time frame.

Registration of Delegation

Council in its June 2004 meeting adopted the CEO Delegation as per the Financial Management Review.

Tenders Register

Management have noted the recommendation and will include the invitation to tender in the tender register.

PRIVATE WORKS

Private Works Register

Management notes that the extra information noted in this register would be double handling as this information is available via the Job Ledger in Council's Financial Package. Should Council wish to see this Register completed please advise.

GENERAL COMPLIANCE ISSUES

Computer System Backups - Server

Councils Manager Corporate Services is currently in the process with PSU International reviewing the system backups on the server computer as the system currently utilised is outdated.

Councils Manager Corporate Services will arrange for the backup to be taken off site daily and returned each morning.

Computer Systems Backups – Desktops

For Council consideration

System Security

In working towards moving into a new software package Management will ensure that the system security will be updated as per the recommendation.

Compliance Audit Return

Management will ensure that the Compliance Audit Return is to Council as early as possible to ensure the Return is to the Executive Director by the 31st March as prescribed.

MANAGEMENTS COMMENTS

Majority of the above issues were already noted by Managers and were to be implemented.

Management notes that some of the above recommendations are not suitable or necessary for the Shire of Tammin.

FINANCIAL IMPLICATIONS- Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

5 (2) (c)

Undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

RECOMMENDATION

- 1 That Council adopts the Financial Management Review
- 2 That Council receives Managements Comments on the Financial Management Review.

STAFF / COUNCIL RECOMMENDATION

MIN 1703/04 MOTION - Moved Cr. Thomson 2nd Cr. Wheeldon

- 1 *That Council receives the Financial Management Review*
- 2 *That Council receives Managements Comments on the Financial Management Review.*

CARRIED 5/0

REASON

Council wished to receive and not adopt the Financial Management Review.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.9 |
| Subject: | Tender 3/04: Refuse Collection |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | TEND 14 |
| Disclosure of Interest: | N/A |
| Date: | 30 June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Council in September of 1999 signed Avon Waste for a five year term for collection of waste. The five year term expires in September of this year.

Council advertised for new tenders for Refuse Collection (Tender 3/04) on Saturday, 12th June 2004. Tender 3/04 (Refuse Collection) was advertised for a three (3) year term subject to fulfilling tender specifications. Tenders closed 30th June 2004, 12 noon.

Council received one (1) tender document from Avon Waste.

Avon Waste Tender Price:

Refuse Collection Service

To provide to each premise on 240-Litre Mobile Bin, or as many as directed by council, and to service the bin once per week and transfer the waste to Tammin Landfill Site for \$1.40 per bin / per week exclusive of GST.

Recycling

To provide a 4.5m³ Bulk Bin at location chosen by council and to service the bin as required and transfer the contents to the Tammin Waste Processing Site.

7.4 Supply of 240-Litre Mobile Garbage Bins

Bins are supplied by and remain the property of Avon Waste

7.5 Refuse Site Management

The refuse site is owned and operated by the Council. Avon Waste has no obligation for maintenance of the site.

COMMENT

Council in its current contract with Avon Waste originally was \$1.20 per week which has increased to today of a cost of \$1.439 per week.

For Council consideration and comment

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.57 (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

(2) Regulations may make provision about tenders.

RECOMMENDATION

1 That Council accept/decline tender 3/04 Refuse Collection, received from Avon Waste.

STAFF / COUNCIL RECOMMENDATION

MIN 1704/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

- 1 *That Council decline tender 3/04 Refuse Collection, received from Avon Waste.*
- 2 *Council negotiate a one year term for Refuse Collection with Avon Waste for domestic refuse collection only. No other service is required.*

CARRIED 5/0

REASON

Council wished to only commit to a one year contract term.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.10 |
| Subject: | Tender 2/04: Fuels and Oils |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | TEND 13, TEND 05 |
| Disclosure of Interest: | N/A |
| Date: | 30 June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Council in May of 2002 advertised for Fuel and Oil Tenders. Council in its August Ordinary Meeting of Council accepted R & J Independent Rural Supplies Pty Ltd's tender for supply of oils and lubricants and Dunning's for the supply of fuel.

Council's depot in June 2003 was advised that the overhead storage tanks for diesel and unleaded were no longer suitable nor did they meet the desired requirements. Council advised Dunning's that we could no longer honour the tender as Council can no longer utilise the fuel storage facilities.

Therefore since then Council has been utilising Mobil Tammin as its Fuel supplier. Collecting fuel from Mobil's bowser.

Council in accepting R & J Independent Rural Supplies Pty Ltd tender for Oils and Lubricants did not specify a period whether it be a one (1) or a Three (3) year term.

Council advertised for new tenders for Fuels and Oils (Tender 2/04) on Saturday, 12th June 2004. Tender 2/04 (Supply of Fuels and Oils) was advertised for a three (3) year term subject to fulfilling tender specifications. Tenders closed 30th June 2004, 12 noon.

COMMENT

In Council having no record of how long the term for the supply of oils and lubricants from R & J Independent Rural Supplies it would be suggested that the tender was accepted for a three (3) year term and therefore R & J's still have the tender for supply of oils and lubricants until June 2005.

Council currently does not have a successful tenderer for the supply of fuel.

For Council consideration and comment

FINANCIAL IMPLICATIONS

- Shire of Tammin 2004/2005 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.57 (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

- (3) Regulations may make provision about tenders.

RECOMMENDATION

- 1 That Council decline all tenders received for the supply of fuels and oils;
- 2 That Council re-advertise for supply of fuel only.

STAFF / COUNCIL RECOMMENDATION

MIN 1705/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

1. *That Council decline all tenders received for the supply of fuels and oils;*
2. *That Council re-tender for the supply of fuel and oil.*

CARRIED 5/0

REASON

Council wishes to re-advertise for fuel and oil tenders after receiving better clarification as to current fuel and oil tenders in place.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.11 |
| Subject: | May Cheque List |
| Location: | Shire of Tammin |
| Applicant: | N/A |
| File Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 10 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Accounts for Payment from 1st May 2004 to 31st May 2004

Municipal Fund

| | | |
|---------|-------|----------------------------|
| 10740 - | 10746 | \$3,366.50 |
| 10747 - | | TEST RUN |
| 14308 - | 14331 | \$16,740.26 |
| 14332 - | | TEST RUN |
| 14333 - | 14378 | \$84,506.18 |
| | | <u>\$104,612.94</u> |

Trust Fund

Nil

COMMENT

During the month of May 2004 the Shire of Tammin made the following significant purchases:-

| | |
|--|-------------|
| Plumb Construction & Design Pty Ltd | \$34,715.00 |
| Final Payment for Tammin Hydrology Model | |

FINANCIAL IMPLICATIONS

Shire of Tammin 2003/2004 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

Regulation 13 (2) – Where a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing –

- 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.
- (3) The list referred to in sub regulation (2) is to be –
- a) Presented to the council at the next ordinary meeting of the council following the preparation of the list; and
 - b) Recorded in the minutes of the meeting at which it is presented.

RECOMMENDATION

1 That the accounts submitted from 1st May 2004 to 31st May 2004 be accepted.

VOTING REQUIREMENT – ABSOLUTE MAJORITY

STAFF / COUNCIL RECOMMENDATION

MIN 1706/04 MOTION - Moved Cr. Thomson 2nd Cr. Caffell

1 *That the accounts submitted from 1st May 2004 to 31st May 2004 be accepted.*

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.12 |
| Subject: | May Financial Management Report |
| Location: | Shire of Tammin |
| Applicant: | Shire of Tammin |
| File Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 10 th June 2004 |
| Author: | Raymond Griffiths, Manager Corporate Services |

BACKGROUND

Enclosed is the monthly report for the month of May 2004.

Direct Debit list for the month of May 2004:-

Municipal Fund

| | |
|--|------------|
| 03 rd May 2004 National Online Fee | \$51.48 |
| 05 th May 2004 Payroll for F/E 05/05/04 | \$7,901.37 |
| 10 th May 2004 Messages On Hold Setup Fee & 3 Months Access | \$546.00 |
| 19 th May 2004 Payroll F/E 19/05/04 | \$7,901.37 |
| 25 th May 2004 Lease Repayment - 120h Cat Grader | \$5,641.53 |
| 31 st May 2004 Reserve Fund Bank Fees for May 2004 | |

| | |
|---|---------|
| | \$20.00 |
| 31 st May 2004 Trust Fund Bank Fees for May 2004 | \$53.00 |
| 31 st May 2004 Muni Fund Bank Fees for May 2004 | \$92.90 |

Trust Fund

| | |
|---|--------------|
| 31 st May 2004 Police Licensing for May 2004 | \$ 30,528.85 |
|---|--------------|

COMMENT

No capital purchases were made during the month of May 2004.

FINANCIAL IMPLICATIONS

➤ Financial Management of 2003/2004 budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Regulation 34 – Financial reports to be prepared – s. 6.4

- (1) A local government is to prepare –
 - a) Monthly financial reports in such form as the local government considers to be appropriate; and
 - b) Quarterly financial reports for the periods ending on 30 September, 31 December, 31 March and 30 June (or where a 4 weekly period system is used, the period to the end of the week closest to each of those dates) in accordance with regulation 35.
- (2) A monthly or quarterly financial report is to be –
 - a) Presented to the council –
 - i. At the next ordinary meeting of the council following the end of the period to which the report relates; or
 - ii. If the report is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of council after that meeting;

and

 - b) Recorded in the minutes of the meeting at which it is presented.
- (3) A quarterly report may be presented to a local government in lieu of a monthly report.

RECOMMENDATION

- 1 That Council approve the Monthly Financial Statements for the period ending 31st May 2004.
- 2 That the Direct Debit List be accepted for the month of May 2004.

STAFF / COUNCIL RECOMMENDATION

MIN 1707/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

- 1 *That Council approve the Monthly Financial Statements for the period ending 31st May 2004.*
- 2 *That the Direct Debit List be accepted for the month of May 2004.*

CARRIED 5/0

AGENDA ITEMS – DEVELOPMENT SERVICES

| | |
|--------------------------------|--|
| Agenda Reference: | 11.2.1 |
| Subject: | Town Planning Approval - Winery |
| Location: | Avon 12932 |
| Applicant: | J & D Dyer |
| File Ref: | ASS-54 |
| Disclosure of Interest: | Nil. |
| Date: | 29 th June 2004 |
| Author: | John Mitchell, Manager, Development Services |

BACKGROUND

At the June 2004 Ordinary Council Meeting Council resolved: -

“That the application from Mr. David and Jonathon Dyer to establish a winery on Avon Location 12932 Goldfields Road be approved subject to the following conditions: -

1. The provision of information relating to the application of pesticides on the vines and any potential impact on neighbouring general farming practices;
2. Prior to establishment of the winery information regarding waste disposal of by products be advised to Council and the Department of the Environment;
3. The approval is subject to the requirements of any statutory authority including the Department of the Environment, Conservation and Land Management and the Department of Agriculture.”

The attached correspondence was sent to Mr. Dyer and his response appends.

COMMENT

Mr. Dyer has addressed the questions raised, however there is still the impact of farm pesticides on the vines.

The use of pesticides is legislated under the Pesticide Regulations 1956 and various laws enforced by the Department of Agriculture.

Mr. Dyer is seeking a letter of support from Council regarding the proposed establishment of a winery.

The application of pesticides is the responsibility of the pesticide operator. Where the incorrect pesticide is used or is applied contrary to the labels or in high wind conditions, the responsibility lies with the pesticide operator.

It would appear that the establishment of winery's impacts on the storage of other pesticides including MCPA, MCPB, Picloram, 2,4,D, 2,4-DB, 2,4,5-T, Dicamba and Lontrel is controlled through the Agricultural and Related Resources Protection (Spraying Restrictions) Amendment Regulations 1989. The storage of those materials is prohibited in certain areas.

In addition the application of those chemicals requires the approval of the Department.

It is understood that the application of certain chemicals on farms now can impact on certain other crops including lupins. Similar applications within a winery could occur where the pesticide used seriously impacts on a neighbouring crop. Current examples include the application of esters around lupin.

There is no major difference between the correct application of commonly used pesticides on farms now compared with the establishment of a winery.

The laws require that the applicator apply the chemicals and pesticides in a manner which does not impact on neighbouring properties.

FINANCIAL IMPLICATIONS - Nil.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

Council must be mindful that approving the winery may affect the operation of surrounding farms particularly with respect to the application of pesticides.

RECOMMENDATION

1. "That the applicant for the winery be advised that Council supports in principle the establishment of the winery on Avon location 12932 Goldfields Road, subject to the issues with the application of pesticides being formally resolved."
2. "That the views of neighbouring properties be sought on the establishment of a winery."

STAFF / COUNCIL RECOMMENDATION

MIN 1708/04 MOTION - Moved Cr. Stokes 2nd Cr. Thomson

1. *That the views of the Shire of Kellerberrin be sought.*
2. *That the views of the Department of Environmental Protection and Department of Agriculture be sought.*
3. *"That the views of surrounding landowners to location 12932 be sought on the establishment of a winery."*

CARRIED 5/0

REASON

That Council requires more information for consideration.

12:55pm – Council adjourned for lunch.

1:35pm – Council resumed. All those present at the start of the meeting were present in the room after the adjournment.

| | |
|--------------------------------|--|
| Agenda Reference: | 11.2.2 |
| Subject: | Local Law - Activities in Thoroughfares & Trading in Public Places |
| Location: | Shire of Tammin |
| Applicant: | Administration |
| File Ref: | LLAW06 |
| Disclosure of Interest: | Nil. |
| Date: | 24 th June 2004 |
| Author: | John Mitchell, Manager Development Services |

BACKGROUND

At the September 2003 Ordinary Council Meeting Council resolved to advertise the above local law and seek public comment.

The submission period closed on 26th March 2004.

COMMENT

Advertisements were placed in the West Australian and Avon Advocate on 2nd February 2004, 31st March 2004, and the Tammin Tabloid 31st March 2004.

No submissions were received.

The majority of local government within Western Australia has adopted and modified the draft local law Local Government Property, prepared by the Western Australian Municipal Association.

The attached draft local law – Activities in Thoroughfares and Public Places and Trading Local Law, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and its purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Local Government Property as a base.

There have been no amendments other than changing the shire name and adoption procedures.

The following procedures are contained within section 31.12(2) of the Local Government Act 1995: -

- 1) Council resolves to consider a local law;

- 2) Council advertises statewide proposing to make a local law and call for submissions with a minimum closing period of 42 days. A copy of all notices is to be provided to the Department of Local Government and Regional Development.
- 3) Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.
- 4) The local law is published in the Government Gazette, and the summary, purpose and intent of the law is summarized in advertisements in local and Statewide newspapers.
- 5) Copies of the local law, explanatory memorandums and advertisements are provided to the Joint Standing Committee on Delegated Legislation for review.

The local laws become effective fourteen days after they have been published in the Government Gazette or such later date as determined within the local law.

The President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

Summary of Local Law – Shire of Tammin - Activities in Thoroughfares and Public Places and Trading Local Law

The proposed local law – Activities in Thoroughfares and Public Places and Trading Local Law will provide for the control and management of all activities in thoroughfares and public places and trading.

Effect:

Some activities are prohibited, some activities are permitted only under permit in thoroughfares and public places. Also, the local law enables a local government to require house numbering and the erection of fences in certain situations.

FINANCIAL IMPLICATIONS - Nil.

POLICY IMPLICATIONS

The local law provides a base for good governance.

STATUTORY IMPLICATIONS

Sections 3.5(1), 3.8, 3.9, and 3.11 – 3.19 of the Local Government Act 1995.

RECOMMENDATION

1. "That Council note that no submissions were received for the proposed local law – Activities in Thoroughfares and Trading in Public Places."
2. "That the Shire of Tammin resolves to adopt the Local Law - Activities in Thoroughfares and Trading in Public Places."
3. "That the adopted Local Law - Activities in Thoroughfares and Trading in Public Places be advertised in accordance with the provisions of the Local Government Act 1995."

STAFF / COUNCIL RECOMMENDATION

MIN 1709/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

1. "That Council note that no submissions were received for the proposed local law – Activities in Thoroughfares and Trading in Public Places."

2. *“That the Shire of Tammin resolves to adopt the Local Law - Activities in Thoroughfares and Trading in Public Places.”*
3. *“That the adopted Local Law - Activities in Thoroughfares and Trading in Public Places be advertised in accordance with the provisions of the Local Government Act 1995.”*

CARRIED 5/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.2.3 |
| Subject: | Landfill Site Management Plan |
| Location: | Shire of Tammin |
| Applicant: | Administration |
| File Ref: | ENVH 15 |
| Disclosure of Interest: | Nil. |
| Date: | 21 st June 2004 |
| Author: | John Mitchell, Manager Development Services |

BACKGROUND

At the April 2004 Ordinary Council Meeting, Council resolved to accept the proposed management plan with several modifications.

These modifications were: -

1. Amend p53.3 Fees allocation and Sharing of Income be changed to “Income obtained directly from disposal fees produced from sources(other than the Shire of Tammin) for the site will be allocated 20% Council 80% Contractor. Disposal of household waste from residential and farming properties within the Shire of Tammin will be free.:
2. Draft Agreement Page 53.2 Initial Commitment 6, line 6 include the words “for a rebate” after the word “Proposal”.
3. That the agreement be signed by the Contractor and the Shire of Tammin.

COMMENT

The modified agreement appends and has been endorsed by the Contractor.

A further issue is arising as a result of three fires at the site all deliberately lit within the last month. The green waste area, public area and bulk refuse areas were lit and on one occasion a fuel bomb was left under burning materials for workers to find. These are deliberate acts of vandalism designed to cause damage.

The Administration seeks from Council approval to advertise and offer a \$2,000 reward for advice to the Police leading to the arrest and successful prosecution of persons deliberately setting fire to the site.

FINANCIAL IMPLICATIONS

In the last twelve months Council has lost in excess of \$5,000 in potential income from the site and the contractor has lost in excess of \$30,000.00.

Shire of Tammin 2004/2005 Operating Budget.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The fires lit at the site potentially can cause liability issues for Council. In addition Council is not permitted to burn the general waste.

The licence issued by the Department of the Environment can be rescinded unless Council takes appropriate action to resolve the matters.

RECOMMENDATION

1. "That the Tammin regional Waste Processing Site Agreement between City and Inland Waste and the Shire of Tammin be signed by the President and Chief Executive Officer."
2. "That \$2,000 be offered as a reward to persons advising the Police of individuals burning the Tammin Waste Site and leading to the successful prosecution of the individuals."
3. "That Council budget \$2,000 in it's 2004/2005 Operating Budget."

STAFF / COUNCIL RECOMMENDATION

MIN 1710/04 MOTION - Moved Cr. Caffell 2nd Cr. Thomson

1. *"That the Tammin Regional Waste Processing Site Agreement between City and Inland Waste and the Shire of Tammin be signed by the President and Chief Executive Officer."*
2. *"That \$2,000 be offered as a reward to persons advising the Police of individuals burning the Tammin Waste Site and leading to the successful prosecution of the individuals."*
3. *"That Council budget \$2,000 in it's 2004/2005 Operating Budget."*

CARRIED 5/0

GENERAL BUSINESS OF AN URGENT NATURE

LANDCARE OFFICER

STAFF / COUNCIL RECOMMENDATION

MIN 1712/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

That the Shire of Tammin budget \$12,000 in its 2004/05 budget for a joint Landcare Officer with the Shire of Cunderdin.

CARRIED 5/0

CLOSURE OF MEETING

3:05pm- There being no further business to discuss President, Cr Leslie thanked Members for their attendance and closed the meeting.

NEXT MEETING DATE

Wednesday, 4 August 2004 commencing at 1:00pm at Council Chambers.