

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

The Shire President Cr Uppill declared the meeting open at 2.15 pm and welcomed members, Graham Stanley Chief Executive Officer.

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

The meeting was advised that Cr Jefferies would need to leave the meeting at 2.30 pm to attend a medical appointment.

**ATTENDANCE**

Cr S. A. Uppill	President	
Cr S.J. Jefferies JP	Deputy President	Left meeting at 2.42pm
Cr R.J. Stokes	Member	
Cr M.D. Greenwood	Member	
Cr D. M. McCreery	Member	
Cr C.A. Crane	Member	
Graham Stanley	Chief Executive Officer	

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

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

Nil

**4. PUBLIC QUESTION TIME**

There were no members of the public present during question time.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Ordinary Council Meeting Minutes – 20 October 2011**

**STATUTORY ENVIRONMENT**

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

**STAFF RECOMMENDATION**

That the minutes of the Ordinary Council meeting held on 20 October 2011 be confirmed as a true and correct record.

Simple Majority Required

**MIN 93/11 MOTION – MOVED Cr Crane seconded Cr Jefferies**

That the minutes of the Ordinary Council meeting held on 20 October 2011 be confirmed as a true and correct record subject to the following corrections:

Page 7 – Min 81/11 Motion

Correction - Cr Jefferies is the WALGA Great Eastern Zone delegate – not Cr McCreery  
- Cr McCreery is the Tammin Seniors Committee delegate not Cr Jefferies.

Page 19 Min 87/11

Correction – Motion was carried 5/0 not 6/0.

CARRIED 6/0

**8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**10. REPORTS OF COMMITTEES/COUNCILLORS**

**10.1 Kellerberrin Sub Regional Road Group - Cr Uppill**

Cr Uppill reported on a recent meeting of the Kellerberrin Regional Road Sub Group held in Kellerberrin. Cr Stan McDonnell was elected as Chairman of the group with Kellerberrin Shire being responsible for the secretarial duties. The size of the funding pool for the group is anticipated to increase next financial year and it was agreed that each shire would receive a pro-rata increase and apply this to their existing projects. Tammin indicated that it would apply all of its increase to the Tammin – Wyalkatchem Road construction project as its reseal project was the last stage of the particular section of road being resealed.

**10.2 Seniors Meeting - Cr Crane & Cr McCreery**

Councillors Crane and McCreery reported on the meeting of the Tammin Seniors Committee that they recently attended. The Seniors' attempts to obtain State Government Funding for the installation personal alarm systems in the Tamma Village Units have been unsuccessful so the Seniors Committee has decided to provide funding themselves. There was also a request that invoices for using the bus be sent on a regular basis.

Cr Stephen Jefferies apologised as he had to leave to attend a medical appointment. Cr Stephen Jefferies left the meeting at 2.42pm

**11. AGENDA ITEMS**

- 11.1 List of Payments October 2011 (FIN-05)
- 11.2 Financial Report to 31<sup>st</sup> October 2011 (FIN-05)
- 11.3 Ordinary Council Meeting Dates for 2012 (ADM-41)
- 11.4 Community Christmas Tree – Request for Additional Contribution (ORGL-16)
- 11.5 Confidential Item – Administration Office Pay Rates (PERS-10)
- 11.6 Festive Season Arrangements
- 11.7 Development Application – Storage/Disposal of Industrial Tyre Waste Avon Location 12967 (ASS-137)

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

Nil

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

**14. CLOSURE OF MEETING**

## 11. AGENDA ITEMS

### 11.1 List of Payments October 2011 (FIN-05)

Author – Jenny Gemund, Administration Officer, 09 November 2011 Interest – Nil

#### BACKGROUND

Accounts paid for October 2011 is listed totalling:

Cheque numbers	4741 - 4800	\$143,906.66
Direct debit payments	01.10. – 31.10.2011	\$17,842.88
Licensing transfers	01.10. – 31.10.2011	\$5,293.70
Bank fees	01.10. – 31.10.2011	\$199.35
VISA payments	01.10. – 31.10.2011	\$4,032.22
EFT payments	01.10. – 31.10.2011	\$40,398.43
Total payments		\$211673.24

#### COMMENT

No abnormal expenditure has occurred.

#### FINANCIAL IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### STATUTORY ENVIRONMENT

*Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that:*

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) the payee's name;*
  - (b) the amount of the payment;*
  - (c) the date of the payment; and*
  - (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) for each account which requires council authorisation in that month —*
    - (i) the payee's name;*
    - (ii) the amount of the payment; and*
    - (iii) sufficient information to identify the transaction;**and*
    - (b) the date of the meeting of the Council to which the list is to be presented.*
- (3) A list prepared under subregulation (1) or (2) is to be —*
  - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) recorded in the minutes of that meeting.*

#### STRATEGIC PLAN IMPLICATIONS

Nil

#### FUTURE PLAN IMPLICATIONS

Nil

#### COMMUNITY CONSULTATION

Nil

### STAFF RECOMMENDATION

That the list of payments made for October 2011 as follows:

Cheque numbers	4741 - 4800	\$143,906.66
Direct debit payments	01.10. – 31.10.2011	\$17,842.88
Licensing transfers	01.10. – 31.10.2011	\$5,293.70
Bank fees	01.10. – 31.10.2011	\$199.35
VISA payments	01.10. – 31.10.2011	\$4,032.22
EFT payments	01.10. – 31.10.2011	\$40,398.43
Total payments		\$211673.24

be endorsed.

Simple Majority Required

### MIN 94/11 MOTION – MOVED Cr Stokes seconded Cr McCreery

That the list of payments made for October 2011 as follows:

Cheque numbers	4741 - 4800	\$143,906.66
Direct debit payments	01.10. – 31.10.2011	\$17,842.88
Licensing transfers	01.10. – 31.10.2011	\$5,293.70
Bank fees	01.10. – 31.10.2011	\$199.35
VISA payments	01.10. – 31.10.2011	\$4,032.22
EFT payments	01.10. – 31.10.2011	\$40,398.43
Total payments		\$211673.24

be endorsed.

CARRIED 5/0

## **11.2 Financial Report to 31 October 2011 (FIN-05)**

Author – MT Henry, Senior Finance Officer, 11 November 2011 Interest – Nil

### **BACKGROUND**

The Monthly Financial Report to 31<sup>st</sup> October 2011 is attached.

### **COMMENT**

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

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

### **FINANCIAL IMPLICATIONS**

No significant implications.

### **POLICY IMPLICATIONS**

Council resolved (Item 11.10 – 20 August 2009) that in accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996* a variance percentage of 10% and \$5,000 be adopted for reporting material variances.

### **STATUTORY ENVIRONMENT**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a Statement of Financial Activity to be prepared each month, which is to contain the following details:

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

*The Statement is to be accompanied by:*

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

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **STAFF RECOMMENDATION**

That the Financial Report for October 2011 be received.

Simple Majority Required

### **MIN 95/11 MOTION – MOVED Cr Greenwood seconded Cr Stokes**

That the Financial Report for October 2011 be received.

CARRIED 5/0

### **11.3 Ordinary Council Meeting Dates for 2012 (ADM-41)**

Author – Graham Stanley, CEO, 10 November 2011 Interest – Nil

#### **PREVIOUS REFERENCE**

Items 11.8 -15 February 2007, 12.2 – 15 November 2008, 11.1 - 19 November 2009, 11.3 - 18 November 2010 and 11.1 – 19 May 2011 refer.

#### **BACKGROUND**

Council is required under legislation, to advertise its Ordinary meeting dates, time and place, once a year.

Meeting dates for Ordinary Council meetings were changed by Council in March 2006 to the third Thursday of the month commencing at 2pm (public question time 2.15pm) with Councillor briefing sessions commencing at 1pm. This schedule was confirmed by Council in February 2007 and again in November 2008, 2009 and 2010. In May 2011 changed the date of the July 2011 and all subsequent July meetings to the fourth Thursday of July to avoid the usual clash with the Tammin Golf Club's DKT day.

#### **COMMENT**

From Staff's perspective, the third Thursday of the month has worked well. There are no clashes of the third Thursday of the month with any public holidays in 2012. No Council committees have delegated powers therefore they are not required to be open to the public and as they also don't have regular meeting dates they are not required to be advertised.

Council may also wish to continue holding an annual Council meeting at Yorkrakine. In 2011 the September meeting was held at Yorkrakine.

#### **FINANCIAL IMPLICATIONS**

Cost of local advertising of Council meeting times.

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY ENVIRONMENT**

Section 5.25(1)(g) of the Local Government Act provides:

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (g) the giving of public notice of the date and agenda for council or committee meetings;

Regulation 12 of the Local Government (Administration) Regulations provides:

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Section 5.24 of the Local Government Act provides that:

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

to Regulation 5 of the Local Government (Administration) Regulations provides for the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Regulation 6 of the Local Government (Administration) Regulations provides:

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION 1**

That the Ordinary Meetings of Council in 2012 be held in the Council Chambers at 1 Donnan Street Tammin, with the exception of the September Ordinary Meeting of Council to be held at the Yorkrakine Hall 2759 Bungulla North Road, on the following dates with the meeting commencing at 2pm (public question time commencing at 2.15pm) with a Councillor briefing session preceding the meeting and commencing at 1pm. Further, that these dates be advertised in accordance with Regulation 12 of the Local Government (Administration) Regulations.

January 2012

No Ordinary Council Meeting to be held

16 February 2012

15 March 2012

19 April 2012

17 May 2012

21 June 2012

26 July 2012

16 August 2012

20 September 2012 Yorkrakine Hall

18 October 2012

15 November 2012

20 December 2012

Simple Majority Required

**MIN 96/11 MOTION – MOVED Cr McCreery seconded Cr Stokes**

That the Ordinary Meetings of Council in 2012 be held in the Council Chambers at 1 Donnan Street Tammin, with the exception of the September Ordinary Meeting of Council to be held at the Yorkrakine Hall 2759 Bungulla North Road, on the following dates with the meeting commencing at 2pm (public question time commencing at 2.15pm) with a Councillor briefing session preceding the meeting and commencing at 1pm. Further, that these dates be advertised in accordance with Regulation 12 of the Local Government (Administration) Regulations.

January 2012	No Ordinary Council Meeting to be held
16 February 2012	
15 March 2012	
19 April 2012	
17 May 2012	
21 June 2012	
26 July 2012	
16 August 2012	
20 September 2012	Yorkrakine Hall
18 October 2012	
15 November 2012	
20 December 2012	

CARRIED 5/0



## **11.4 Community Christmas Tree – Request for Additional Contribution (ORGL-16)**

Author – Graham Stanley, CEO, 10<sup>th</sup> November 2011

### **DECLARATION OF INTEREST**

Nil

### **PREVIOUS REFERENCE**

It 11.6 28 July 2011

### **BACKGROUND**

Earlier this year I wrote to all local organisations that the Shire usually supports financially advising that Council would provide them with funding for the 2011/12 financial year at the same level as provided in 2010/11, however if they required additional funding or funding for a new project to submit a request in writing by 7<sup>th</sup> July 2011. One of the organisations written to was the Tammin Community Christmas Tree who were advised that Council would include an allowance of \$650 in the 2011/12 budget. Correspondence was recently received from Amanda York acknowledging the letter however requesting additional funds. In part the correspondence reads:

*“We have contacted a band for this year’s event (3rd December) and the price we were quoted was \$1000. We were hoping that this year the Council would consider increasing our amount to the amount of \$1000 as mentioned to cover this cost?”*

*The Tammin Christmas Tree will be putting money towards the balance of the gifts, drinks etc and we will be offering the catering as a fundraising to other clubs etc.”*

### **COMMENT**

Payment of the \$650 was recently forwarded to the group. Whilst it would have been preferable that the request was received in time to be accommodated within the 2011/12 budget the additional sum requested of \$350 is very minor when considered in the context of a \$2.5 Million annual budget. The Community Christmas Tree is a volunteer group that works hard to put together a wonderful community event. Not providing the additional funding requested would appear mean spirited which is contrary to what the shire is seeking to achieve especially in the festive season.

### **FINANCIAL IMPLICATIONS**

Additional expenditure of \$350

### **POLICY IMPLICATIONS**

Policy 1.2.2 states “All requests for Donations will be considered by Council”.

### **STATUTORY IMPLICATIONS**

Nil

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER’S RECOMMENDATION**

That Council agrees to provide an additional \$350 to the Tammin Community Christmas Tree for the 2011 event and that the contribution in future budgets becomes \$1,000 per annum.

**MIN 97/11 MOTION – MOVED Cr Uppill seconded Cr Crane**

That Council agrees to provide an additional \$350 to the Tammin Community Christmas Tree for the 2011 event and that the contribution in future budgets becomes \$1,000 per annum.

CARRIED 5/0

## **11.5 Confidential Item – Administration Office Pay Rates (PERS-10)**

Author – Graham Stanley, CEO, 10<sup>th</sup> November 2011

### **DECLARATION OF INTEREST**

Nil

### **PREVIOUS REFERENCE**

Nil

### **BACKGROUND**

Following the conducting performance reviews of Administration staff earlier this year I undertook a review of their positions and a comparison of their pay scales compared to staff in the other 4 South East Avon Regional Transition Group (SEARTG) Councils. That review is completed and this report gives a recommendation on pay increases.

### **COMMENT**

Tammin is the smallest of the 5 SEARTG member Councils. Due to this fact our officers generally are required to complete a wide variety of tasks that in larger councils would be carried out by dedicated officers that deal with a narrower range of tasks.

Council has three administration staff: Jenny Gemund, administration officer; Myra Henry, Senior Finance Officer and Tanya Greenwood, Community Development Officer. Myra and Tanya have been employed on the same pay scale and both have performed well over the last year and deserve to be recognised and rewarded for their efforts. Jenny is employed on a much lower pay scale than Myra and Tanya and it is clear from the comparisons with other Councils that Jenny's pay should be increased substantially to bring her pay rate into line with that of people performing similar duties at other councils. This being said the staff are being paid at the level of responsibility as determined under their award. Unfortunately the award is only a minimum that must be paid and does not reflect market realities and does not reward staff for good performance or their value to the organisation.

Should the Shire go into an amalgamation staff pay levels will need to be brought into line so that people receive equal pay for equal work. This will mean that the pay rates of the Tammin Office staff are likely to increase. Our officers are valued employees and I believe that we should reward them now for their good performance, within our budget constraints. Not to do so will lead to dissatisfaction and the possibility of quality staff leaving for alternative employment. Jenny's pay needs to be increased by the greatest amount to bring about equity and therefore I recommend the following pay increases:

### **CONFIDENTIAL MATTER**

Note: A separate sheet showing pay comparisons between the 5 SEARTG Shires has been included in you envelopes.

### **FINANCIAL IMPLICATIONS**

A budget allowance of \$7,000 has been made for administration staff pay increases.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

The Local Government Industry Award 2010 sets minimum pay scales. Jenny is currently classed level 5 and Tanya and Myra are classified as Level 9. Any increases should be made as over award payments as the employees positions are not being reclassified.

### **STRATEGIC PLAN IMPLICATIONS**

Nil

**FUTURE PLAN IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S RECOMMENDATION**

That Council awards pay increases to Shire Administration staff as recommended in the CEO's confidential report and that these be backdated to take effect from July 1<sup>st</sup> 2011.

**MIN 98/11 MOTION – MOVED Cr Uppill seconded Cr Stokes**

That Council awards pay increases to Shire Administration staff as recommended in the CEO's confidential report and that these be backdated to take effect from July 1<sup>st</sup> 2011.

CARRIED 4/1

## **11.6 Festive Season Arrangements**

Author – Graham Stanley, CEO, 11 November 2011 Interest – Nil

### **PREVIOUS REFERENCE**

Item 11.2 19 November 2009, 11.4 – 18 November 2010.

### **BACKGROUND**

It is appropriate that Council provides direction in relation to arrangements required over the festive season.

This year, Christmas Day (25 December 2010) falls on a Sunday.

The third Thursday (Ordinary Council meeting date) falls on 16 December 2010.

In 2009 Council held Christmas celebrations with Councillors, staff and partners at Donnan Park on 11 December. The function was self-catered (with contributions from some Councillors). In 2010 it was again a self catered function, coordinated by the Community Development Officer, held in the lesser hall.

### **COMMENT**

It is proposed that the Shire of Tammin (inside and outside Staff) operations will cease on Thursday 22 December 2011 and recommence on Tuesday, January 2012 as Monday 2<sup>nd</sup> January is a public holiday.

Council's Community Development Officer has requested that this year Council gives consideration to having the function catered for to take pressure off admin staff on the day. Councillors are also requested to give consideration to a suitable date on which to hold the function.

### **FINANCIAL IMPLICATIONS**

Provision is included in Account E041035

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **STAFF RECOMMENDATION**

- 1 That the Shire Office be closed from close of business on Thursday 22<sup>nd</sup> December 2011 and reopen 8.30am Tuesday 3<sup>rd</sup> January 2012.
- 2 That Councillors give direction on the date and format and venue of the Council, staff and partners annual Christmas function.

Simple Majority Required

**MIN 99/11 MOTION – MOVED Cr McCreery seconded Cr Stokes**

- 1 That the Shire Office be closed from close of business on Thursday 22<sup>nd</sup> December 2011 and reopen 8.30am Tuesday 3<sup>rd</sup> January 2012.
  
- 2 That the Council staff and Partners annual Christmas function be held Friday 16 December 2011 at the recreation ground. That it be a BBQ with salads to be catered.

CARRIED 5/0

## **11.7 Development Application – Storage/Disposal of Industrial Tyre Waste Avon Location 12967 (ASS-137)**

Author – Graham Stanley, CEO, 11<sup>th</sup> November 2011

### **DECLARATION OF INTEREST**

Nil

### **PREVIOUS REFERENCE**

Nil

### **BACKGROUND**

On 31<sup>st</sup> October 2011 local property owner, Eric Charlton, met with me and introduced David and Tony Gooch from a private company called Western Maze Pty Ltd to discuss a proposal they seek to put forward to develop a storage site for used earthmover and tractor tyres on a disused gravel pit located on some land owned by Mr Charlton. A copy of a covering letter and a Development Application form faxed to me, on Wednesday afternoon 9<sup>th</sup> November, is attached to this report.

### **COMMENT**

In my discussions with the parties involved I suggested that they provide as much detail as possible seeking Council “in principle” approval to give them the confidence that should everything check out properly and any concerns and conditions of Council can be addressed to the Council’s satisfaction that Council will be supportive of their proposal. This will then enable them to make a decision on making the investment required to undertake all of the investigations and prepare all of the plans, documents, studies that may be required by the Department of Environmental Protection and Council.

The land concerned is zoned rural and the proposed use is not listed in Councils town planning scheme meaning that the proposal would require advertising for public comment prior to Council considering it.

### **FINANCIAL IMPLICATIONS**

Potential for Development Application fees and increased rate revenue.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

Shire of Tammin Town Planning Scheme Number 1,

The storage, handling, transportation and disposal of used tyres are specifically controlled under the following Western Australian legislation:

Environmental Protection Regulations 1987 (Part 6, Schedule 1 and Schedule 5) - storage, handling, transportation and Disposal  
Environmental Protection (Controlled Waste) Regulations 2004 – transport

Both the *Environmental Protection Act 1986* and the *Waste Avoidance and Resource Recovery Act 2007* have provisions that can be relevant to the control of used tyre waste.

Used tyres are regulated under Part 6 of the Western Australian Environmental Protection Regulations 1987, which stipulate:

up to 500 tyres can be stored at a tyre fitting business (or at a place connected with one);  
or  
up to 100 tyres can be stored in any other place.

Otherwise, the permitted quantity of used tyre storage at any premises will be the amount indicated on a licence of those prescribed premises (under category 56 or 57 in Schedule 1 of the Environmental Protection Regulations 1987). Licensing comes under the responsibility of the Department of Environment and Conservation.

#### **STRATEGIC PLAN IMPLICATIONS**

Consistent with Theme 2 “Our Economy” 2 “Facilitate business development and new opportunities”.

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

This will be part of the formal approval process should a full development application be submitted

#### **OFFICER’S RECOMMENDATION**

That Council indicates to the applicants Western Maze Pty Ltd that provided all environmental, community and Council concerns over their proposal to store tyre waste in a disused gravel pit on Avon location 12967 can be met, Council would be prepared to give approval to their proposal subject to the submission of a full development application that provides site management details; estimated life of the development; fire management plans; traffic management plans that detail the size, type, frequency, route of vehicles accessing the site; details of water runoff control and groundwater monitoring proposals; proof that their proposal complies with all Department of Environment requirements and other legislation in relation to the storage of waste tyres and any other ancillary information that the Council may determine that it requires after further investigation of the proposal.

#### **MIN 100/11 MOTION – MOVED Cr Stokes seconded Cr Uppill**

That Council indicates to the applicants Western Maze Pty Ltd that provided all environmental, community and Council concerns over their proposal to store tyre waste in a disused gravel pit on Avon location 12967 can be met, Council would be prepared to give approval to their proposal subject to the submission of a full development application that provides site management details; estimated life of the development; fire management plans; traffic management plans that detail the size, type, frequency, route of vehicles accessing the site; details of water runoff control and groundwater monitoring proposals; proof that their proposal complies with all Department of Environment requirements and other legislation in relation to the storage of waste tyres and any other ancillary information that the Council may determine that it requires after further investigation of the proposal.

CARRIED 4/1

The meeting adjourned at 3.35pm for afternoon tea.

The meeting resumed at pm 3.45pm.

Cr Greenwood left the meeting at 3.45 pm

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

Nil



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

That item 13.1 be considered as urgent business

**MIN 101/11 MOTION – MOVED Cr Uppill seconded Cr Stokes**

That item 13.1 be considered as urgent business.

CARRIED 4/0

**13.1 Sale of 4 Russell Street Tammin (ASS-1078)**

Author – Graham Stanley, CEO, 17<sup>th</sup> November 2011

**DECLARATION OF INTEREST**

Councillor Michael Greenwood has declared an interest in this u

**PREVIOUS REFERENCE**

Nil

**BACKGROUND**

Council included the sale of the residence at 4 Russell Street Tammin in its 2011/12 Budget. Currently the property is tenanted by Council's new electrician, John Greenwood. Currently a new Shire residence is under construction and the builder has indicated a handover date of mid to late April 2012. It is intended that John will move into the new house when it is ready. Advice received from real estate professionals is that we would be more likely to receive a better price by advertising the property for sale now than waiting until it has been vacated.

**COMMENT**

As stated below under "Statutory Environment" Section 3.58 of the Local Government Act covers the disposal of property. Simply put Council can choose to sell the property in a number of ways including public auction, tender or in some other way. If it chooses not to auction or tender the property then local public notice of the proposed sale is required giving at least 14 days for people to make submissions in relation to the proposed sale and then these submissions must be considered by the Council. This affords the Council to the opportunity to list the property for sale with a real estate agent to try and achieve a better price however the details of the sale will be made public. It also means that the sale process would be more drawn out than if an individual was selling his or her property because of the advertising and submission consideration requirements.

If the Council lists the property for sale with an estate agent now it will need to include some conditions upon the sale including:

1. Sale is subject to Council approval following advertising of the details of sale and calling for and consideration of submissions in accordance with the requirements of Section 3.58 of the Western Australian Local Government Act 1995; and
2. The property is currently tenanted and the Sale is conditional upon the Shire being able to lease back the property until 30<sup>th</sup> June 2011 at a fair market rental.

**FINANCIAL IMPLICATIONS**

The sale of the property forms part of the 2011/12 annual budget. It should be the Council's aim to maximise the return from the sale of the property. Each method of sale will incur advertising costs. Listing with an estate agent will incur sales commission and charges however it is likely that it will achieve a higher price too.

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

The Local Government Act 1995 Section 3.58 in relation to the disposal of property states:

### **3.58. Disposing of property**

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

### **STRATEGIC PLAN IMPLICATIONS**

The sale of the property forms part of Councils plans to upgrade staff housing which is consistent with the Strategic Plan.

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Details of any sale will require public advertising.

### **OFFICER'S RECOMMENDATION**

That Council indicates its preferred method and timing of sale of the shire residence at 4 Russell Street Tammin.

### **MIN 102/11 MOTION – MOVED Cr Stokes seconded Cr McCreery**

That Council Lists 4 Russell Street for sale with a local real estate agent subject to the following conditions:

1. Sale is subject to Council approval following advertising of the details of sale and calling for and consideration of submissions in accordance with the requirements of Section 3.58 of the Western Australian Local Government Act 1995; and
2. The property is currently tenanted and the Sale is conditional upon the Shire being able to lease back the property until 30th June 2011 at a fair market rental.

CARRIED 4/0

Cr Greenwood returned to the meeting at 3.59pm

### **14. CLOSURE OF MEETING**

There being no further business the President closed the meeting at 4.00 pm.

Tabled before the Ordinary Council Meeting on 15 December 2011.

Cr S Uppill, President

## PAYMENTS LIST OCTOBER 2011

Date	Reference	Supplier Name	Details	Amount
<b>Cheque Payments</b>				
06/10/2011	4741	Courier Australia	Freight	29.19
06/10/2011	4742	F-111 Engineering Pty Ltd	Service TN6	660.00
06/10/2011	4743	Major Motors Pty Ltd	Parts & repairs TN302	2,709.24
06/10/2011	4744	STRUCterre	12 Russell - site inspection,	2,034.34
06/10/2011	4745	Shire of Tammin	Registration new TN221	248.55
06/10/2011	4746	Tammin Bowling Club Inc	Community grant 2011 green keeper wages	20,000.00
06/10/2011	4747	Telstra	Phone & internet 18/08 - 17/09/2011	737.75
06/10/2011	4748	Bill Williams	4 Russell St - pump out septic tank	393.80
17/10/2011	4749	Australia Post	Postage & freight	224.01
17/10/2011	4750	Clever Patch	Art & craft supplies holiday program	385.33
17/10/2011	4751	Copier Support	Toner, black & colour copies	842.66
17/10/2011	4752	Courier Australia	Freight	11.33
17/10/2011	4753	Cunderdin Farmers Co-operative Co Ltd	Indicator for toilet door	37.20
17/10/2011	4754	Shire of Cunderdin	Road construction Ralston Road	2,585.00
17/10/2011	4755	DKT Rural Agencies	Weed control, fluoro globes, tubes	1,098.25
17/10/2011	4756	Eastern Hills Saws & Mowers Pty Ltd	Part TN SS	120.00
17/10/2011	4757	JR & A Hersey Pty Ltd	Uniforms	176.00
17/10/2011	4758	Kellerberrin Tammin Football Club	Hall hire bond refund	300.00
17/10/2011	4759	Northam & Districts Glass Service	Public toilet - window repair	270.60
17/10/2011	4760	Officeworks	Toner tabloid, labeller electr., phone 4 Russell St	308.28
17/10/2011	4761	Peerless Jal Pty Ltd	Toilet paper, paper towels, disinfectant	252.48
17/10/2011	4762	Perfect Computer Solutions Pty Ltd	Set up electrician user account	155.00
17/10/2011	4763	Radio West	Area promotion	330.00
17/10/2011	4764	Sunny Sign Company Pty Ltd	Safety signs	254.58
17/10/2011	4765	Synergy	Electricity 28/07 - 26/09/2011	6,309.95
17/10/2011	4766	Shire of Tammin	Petty cash recoup- Cleaning supplies, catering	255.50
17/10/2011	4767	Tammin Hardware	Washer, paint, drill bits, tape,	236.97
17/10/2011	4768	Tammin Post Office	Stationery	34.75
17/10/2011	4769	Tammin Senior Citizens	Donation Minnelli & Martin show ticket sales	790.00
17/10/2011	4770	Telstra	Telephone & internet 23/06 - 22/07/2011	996.65
17/10/2011	4771	Western Stabilizers	Ralston Road - wet mixing & mobilisation	11,572.00
17/10/2011	4772	Emma Rogers	VOID: wrong amount	0.00
17/10/2011	4773	Emma Rogers	Significant Local Achievement Program	200.00
18/10/2011	4774	Fire & Emergency Services Authority of WA	ESL September 2011	4,688.67
20/10/2011	4775	CWA Tammin	Donation for CWA luncheon & kitchen renovation	2,100.00
25/10/2011	4776	Air Liquide	Charge for lost cylinder	770.00
25/10/2011	4777	Avon Waste	Domestic refuse collection	1,520.20
25/10/2011	4778	Courier Australia	Freight	9.42
25/10/2011	4779	Department of Treasury & Finance.	Better beginnings book packs	44.00
25/10/2011	4780	Dirty Work Comedy PL	Smarter than a WII performance & accommodation	1,573.00
25/10/2011	4781	Dominic Carbone & Associates	Consultant fees - Preparation annual financials	4,158.00
25/10/2011	4782	Earthstyle Contracting	Watercart hire	1,567.50
25/10/2011	4783	Ettamogah	Accommodation G. Wylie	126.50
25/10/2011	4784	Fire & Emergency Services Authority of WA	ESL 2011/12	1,019.38
25/10/2011	4785	Flys "R" Gone	Fly & spider treatment	3,921.50
25/10/2011	4786	Gull Tammin Roadhouse	Oct 2011 - catering, drinks, papers	513.87
25/10/2011	4787	Hanson Construction Materials Pty Ltd	Bluemetal for Ralston Road	6,314.45
25/10/2011	4788	Hutton & Northey Sales	Parts & repairs TN848	285.45
25/10/2011	4789	Kambo's	New stoves for U3 & U8, 11 Nottage	4,722.00
25/10/2011	4790	Kellerberrin Tyre Service	Parts & repairs TN221, TN1, TN2134, TN3	593.00
25/10/2011	4791	LGIS Insurance Broking	Motor vehicle insurance 2010/11 adjustment	421.12
25/10/2011	4792	LGIS Risk Management	Regional Co-ordinator fees 2011/12	1,245.20
25/10/2011	4793	LGISWA	Public liability, workcare & property insurance	26,289.91
25/10/2011	4794	Major Motors Pty Ltd	Part TN302	194.83
25/10/2011	4795	McWilliam	Water cart hire	2,722.50
25/10/2011	4796	Perfect Computer Solutions Pty Ltd	Set up new computer system, maintenance work	3,917.00
25/10/2011	4797	Tasman Civil	Grader & operator hire	19,527.75
25/10/2011	4798	Tiller's Services	Pavilion - carpet cleaning	753.00
25/10/2011	4799	Visitor Centre Association of W.A.	2011-2012 Membership	170.00
31/10/2011	4800	Australian Taxation Office	October 2011 BAS	179.00
<b>Sub-total</b>				<b>143,906.66</b>

Direct Debit payments				
03/10/2011	Debit	Commonwealth Bank of Australia	CBA Merchant Fee	36.50
05/10/2011	Debit	Commonwealth Bank of Australia	EFTPOS Fee	57.26
18/10/2011	Debit	Motorcharge Limited	Fuel & oils	9,399.17
26/10/2011	Debit	Western Australian Treasury Corporation	Loan repayments	8,349.95
			<b>Sub-total</b>	<b>17,842.88</b>
Licensing Transfer				
03/10/2011	J4402	Department of Transport	Licensing 03/10/2011	98.80
04/10/2011	J4404	Department of Transport	Licensing 04/10/2011	559.05
05/10/2011	J4405	Department of Transport	Licensing 05/10/2011	956.55
06/10/2011	J4406	Department of Transport	Licensing 06/10/2011	35.40
11/10/2011	J4407	Department of Transport	Licensing 11/10/2011	317.25
14/10/2011	J4430	Department of Transport	Licensing 14/10/2011	712.35
17/10/2011	J4431	Department of Transport	Licensing 17/10/2011	108.90
18/10/2011	J4434	Department of Transport	Licensing 18/10/2011	243.35
19/10/2011	J4435	Department of Transport	Licensing 19/10/2011	21.00
21/10/2011	J4436	Department of Transport	Licensing 21/10/2011	65.20
24/10/2011	J4437	Department of Transport	Licensing 24/10/2011	358.35
25/10/2011	J4438	Department of Transport	Licensing 25/10/2011	497.60
26/10/2011	J4439	Department of Transport	Licensing 26/10/2011	89.75
27/10/2011	J4440	Department of Transport	Licensing 27/10/2011	382.20
31/10/2011	J4441	Department of Transport	Licensing 31/10/2011	847.95
			<b>Sub-total</b>	<b>5,293.70</b>
Bank Fees				
06/10/2011	Debit	National Australia Bank	NAB Connect Fee	51.15
31/10/2011	J4449	National Australia Bank	Account Fees for October 11 for DPI Account	20.00
31/10/2011	J4450	National Australia Bank	Account Fees for October 11 for Trust Account	21.20
31/10/2011	J4451	National Australia Bank	Account Fees for October 11 for Muni Account	107.00
			<b>Sub-total</b>	<b>199.35</b>
VISA Payments				
04/10/2011	VISA	Australian Geographic Retail	ASC - game	42.90
04/10/2011	VISA	Big W	ASC - gym ball & supplies	53.72
04/10/2011	VISA	Blend Cafe and Pizza Bar	Refreshments CEO at training course	55.00
04/10/2011	VISA	Coles Express	Fuel - TN1	48.40
04/10/2011	VISA	Combined Skills Training Ass.	Training course J. Greenwood	2,560.00
04/10/2011	VISA	Department of Com Energy and Safety	Licence J. Greenwood	350.00
04/10/2011	VISA	El Caballo Roadhouse	Fuel - TN1	66.00
04/10/2011	VISA	National Australia Bank	Visa Monthly Fee	9.00
04/10/2011	VISA	Ocean View Motel	Accommodation G. Stanley & J. Greenwood	687.80
04/10/2011	VISA	Westnet	Internet depot	159.40
			<b>Sub-total</b>	<b>4,032.22</b>
EFT Payments				
11/10/2011		Shire of Tammin	Salaries & wages	20,887.44
25/10/2011		Shire of Tammin	Salaries & wages	19,510.99
			<b>Sub-total</b>	<b>40,398.43</b>
<b>Total</b>				<b>211,673.24</b>

Attachment items 11.2 Financial Reports