

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire Deputy President Cr Caffell declared the meeting open at 2.05 pm and welcomed members, Graham Stanley Chief Executive Officer and observers Councillors elect Dustin McCreery and Carol Crane.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

ATTENDANCE

Cr K.L. Caffell	Deputy President
Cr R.J. Stokes	Member
Cr B.F. Stokes	Member
Cr M.D. Greenwood	Member
Cr S.J. Jefferies JP	Member
Graham Stanley	Chief Executive Officer
Carol Crane	Councillor Elect – Observer
Dustin McCreery	Councillor Elect – Observer

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr Uppill has been granted leave of absence for this meeting.

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

INTEREST AFFECTING FINANCIALLY

<u>Councillor</u>	<u>Item Number</u>	<u>Nature of Interest</u>
Cr Greenwood	11.4	Financial Interest - Expression of Interest in Lease

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 18 August 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 18 August 2011 be confirmed as a true and correct record.

Simple Majority Required

MIN 73/11 MOTION – MOVED Cr Jefferies seconded Cr Greenwood

That the minutes of the Ordinary Council meeting held on 18 August 2011 be confirmed as a true and correct record subject to a correction to Item 10.3 - that the football game is on Sunday and the Family Day is on Saturday.

CARRIED 5/0

7.2 Special Council Meeting Minutes – 29 August 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 Special Council meeting held on 29 August 2011, be confirmed as a true and correct record.

Simple Majority Required

MIN 74/11 MOTION – MOVED Cr R Stokes seconded Cr B Stokes

That the minutes of the Special Council meeting held on 29 August 2011 be confirmed as a true and correct record.

CARRIED 5/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Tammin Senior Citizens Committee AGM - Cr B Stokes

Cr Stokes reported that he had attended the Annual General Meeting of the Tammin Senior Citizens Committee. He reported that Mrs Joan Button was re-elected as President, Mrs Mary Harrison was re-elected as Secretary and Mrs Gloria Dixon was re-elected as Treasurer.

11. AGENDA ITEMS

11.1 List of Payments August 2011 (FIN-05)

11.2 Financial Report to 31 August 2011 (FIN-05)

11.3 Golden Pipeline Golf Links Steering Committee (SPREC-10)

11.4 Confidential Item - Expression of Interest - Future Use of The Barracks – 81 Barrack Road (Ass-1545)

11.5 Confidential Item - Purchase of Land – Lot 52 Tammin Wyalkatchem Road (ENG-42)

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 MEEETING

11. AGENDA ITEMS

11.1 List of Payments August 2011 (FIN-05)

Author – MT Henry, Senior Finance Officer, 09 September 2011 Interest – Nil

Cheque numbers	4590 - 4595, 4597, 4599 - 4664 & 4671	\$143,452.40
Direct debit payments	01.08. – 31.08.2011	\$91.08
Licensing transfers	01.08. – 31.08.2011	\$8,886.80
Bank fees	01.08. – 31.08.2011	\$251.94
VISA payments	01.08. – 31.08.2011	\$1,400.83
EFT payments	01.08. – 31.08.2011	\$50,708.59
Total Municipal payments		\$204,791.64
Total Trust payments	000911	\$80.00

BACKGROUND

Accounts paid for August 2011 is listed totalling:

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 August 2011 as follows:

Cheque numbers	4590 - 4595, 4597, 4599 - 4664 & 4671	\$143,452.40
Direct debit payments	01.08. – 31.08.2011	\$91.08
Licensing transfers	01.08. – 31.08.2011	\$8,886.80
Bank fees	01.08. – 31.08.2011	\$251.94
VISA payments	01.08. – 31.08.2011	\$1,400.83
EFT payments	01.08. – 31.08.2011	\$50,708.59
Total Municipal payments		\$204,791.64
Total Trust payments	000911	\$80.00

be endorsed.

Simple Majority Required

MIN 75/11 MOTION – MOVED Cr R Stokes seconded Cr Greenwood

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

Cheque numbers	4590 - 4595, 4597, 4599 - 4664 & 4671	\$143,452.40
Direct debit payments	01.08. – 31.08.2011	\$91.08
Licensing transfers	01.08. – 31.08.2011	\$8,886.80
Bank fees	01.08. – 31.08.2011	\$251.94
VISA payments	01.08. – 31.08.2011	\$1,400.83
EFT payments	01.08. – 31.08.2011	\$50,708.59
Total Municipal payments		\$204,791.64
Total Trust payments	000911	\$80.00

be endorsed.

CARRIED 5/0

11.2 Financial Report to 31 August 2011 (FIN-05)

Author – MT Henry, Senior Finance Officer, 09 September 2011 Interest – Nil

BACKGROUND

The Monthly Financial Report to 31st August 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 August 2011 be received.

Simple Majority Required

MIN 76/11 MOTION – MOVED Cr B Stokes seconded Cr Jefferies

That the Financial Report for August 2011 be received.

CARRIED 5/0

11.3 Golden Pipeline Golf Links Steering Committee (SPREC-10)

Author – Graham Stanley, CEO, 9th September 2011 Interest – Nil

DECLARATION OF INTEREST

Nil

PREVIOUS REFERENCE

Item 11.9 August 2011, Item 11.8 17 February 2011

BACKGROUND

At the February 2011 Ordinary Meeting Council agreed to support the proposed Pipeline Golf Links project and contribute \$750 towards the Feasibility Study. At last month's meeting Council reaffirmed its support for the project. Subsequently the Steering Committee held briefing sessions in Northam and Merredin to explain the business plan. They have now written enclosing some budget extracts from the Business Plan that was developed as part of the Feasibility Study.

They now seek two forms of support. Firstly, in-kind by way of Council staff erecting signs within the Tammin Shire and secondly a commitment to help fund any shortfall in the operating budget as from 2012/13.

COMMENT

The first request will be easy to accommodate within the Shire's works program and will have little effect on the Shire's operations. It is the Steering Committee's intention to seek sponsorship from large corporate sponsors such as golf equipment companies and banks and if this is successful a shortfall may not arise. Also if the project captures the public's imagination and participation is higher than budgeted then income will be higher and the shortfall may not arise.

In the business plan it has been proposed that each shire contribute equally to any shortfall. This will impact small shires such as Tammin much more than it will impact larger shires such as Mundaring and Northam. This proposed method is also inequitable when it is considered that some shires have a number of golf courses involved and others only have one.

Council has already deemed the project worthy of its support however the level of financial support needs to be within our means and equitable.

FINANCIAL IMPLICATIONS

Nil in current year. Possibly \$2,500 per annum in future budgets.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Consistent with "Theme 2 Our Economy 1c) Golden Pipeline" - Develop tourism and educational initiatives linked to the Golden Pipeline Project.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Tammin Golf Club is involved with the project.

STAFF RECOMMENDATION

That Council agrees to provide in-kind support for the Golden Pipeline Golf Links Project by erecting signage associated with the Golden Pipeline Golf Links and indicates that it will be willing to help fund any shortfalls subject to a more equitable method of calculating council contributions being developed that is based on the number of golf clubs from each shire participating and the operating income of the Shire.

Simple Majority Required

MIN 77/11 MOTION – MOVED Cr R Stokes seconded Cr Greenwood

That Council agrees to provide in-kind support for the Golden Pipeline Golf Links Project by erecting signage associated with the Golden Pipeline Golf Links and indicates that it will be willing to help fund any shortfalls subject to a more equitable method of calculating council contributions being developed that is based on the number of golf clubs from each shire participating and the operating income of the Shire.

CARRIED 5/0

Golden Pipeline Golf Links Steering Committee

Chairman: RAY HART
Secretary/Treasurer: DARREN FRIEND
C/- 20 Hammond Street
KELLERBERRIN WA 6410
Phone: 0428 454 389

Chief Executive Officer
Shire of Tammin
PO Box 53
Tammin WA 6409



Dear Graham

Re: Golden Pipeline Golf Links Update

Following the regional forums held in Northam and Merredin last week, I write to provide an update of the project.

The forums were well attended with the majority of stakeholders (Councils and Golf Clubs) present.

The support for the project from your Council will take several forms, including your agreement for the project to proceed as well as contributions to the initial set-up of the project plus an annual contribution to offset operating costs.

I have attached two budgets extracted from the Business Case (Capital and Operating). Your support is requested on the following basis;

- Capital Budget – In-kind support by way of Council workforce labour in erecting signs within your Council area.
- Operating Budget – An annual contribution of \$2,500 to the project initially to cover the shortfall (approximately \$20,000) upon commencement. This will be required from the 2012/2013 financial year. When the project is able to meet its outgoings on an annual basis, your Council's contribution will no longer be required.

I trust that your Council will commit to the project and look forward to receiving your written support.

If you wish to discuss this matter further or require additional information, please contact me on 0428 454 389.

Yours faithfully,



Darren Friend
Secretary/Treasurer

31 August 2011

CC: Tammin Golf Club

Capital Budget Amount**Administration**

Business Case	\$8,390
Insurance	\$8,000
Incorporation costs	\$100
Presentation and meeting costs (printing, catering etc)	\$500
Marketing Plan and Style Guide development	\$3,000
Graphic design and branding development	\$6,000
Funding applications (time etc)	\$500
Tourism training for scorecard outlets (approx 20 in 12 locations, workshop, travel etc)	\$15,000
Official Launch	\$5,000
Sub total	\$46,490

Infrastructure

Directional signage including prep of style manual, design of signs, preparation of artwork, sign manufacture, poles and installation (see sep sheet)	\$154,600
Course upgrades (tees, pins, course markers, card boxes etc)	\$12,000
Map, score card and promotional items	\$20,000
Equipment for hire	\$12,000
Website set up / www.goldenpipeline.com.au	\$6,000
Cash management system / technology (EFTPOS rent, card sales etc)	\$8,000
Sub total	\$212,600
Total	\$259,090

Working Budget Amount**EXPENSES**

Administration	
Project Manager (part time 1 day a week including on costs)	\$13,000
Insurance	\$8,000
Accounting fees (auditor, bank fees etc)	\$2,500
Postage and printing	\$2,500
Office expenses (telephone, internet, electricity etc)	\$5,000
Meeting expenses	\$1,500
Commissions (20% of sales)	\$14,000
Travel	\$5,000
	Sub total
	\$51,500

Infrastructure	
Infrastructure upgrades and maintenance	\$6,000
Technology support (card sales)	\$1,500
	Sub total
	\$7,500

Marketing	
Map, score card and promotional items	\$15,000
Media campaign	\$30,000
Consumer shows and events	\$5,000
Print advertising	\$10,000
Image library	\$500
Website	\$2,500
Familis	\$5,000
Merchandise	\$20,000
Golf Tourism WA	\$2,500
Golf club remuneration / incentives	\$1,200
	Sub total
	\$91,700
	TOTAL
	\$150,700

INCOME

Card sales - 1,000 @ \$70	\$70,000
Sponsorship	\$10,000
Advertising	\$10,000
Membership - 100 @ \$100	\$10,000
Merchandise	\$30,000
	TOTAL
	\$130,000

The meeting adjourned at 2.58 pm for afternoon tea.
The meeting resumed at 3.07 pm.
Cr Greenwood left the meeting at 2.58 pm.

11.4 Confidential Item - Expression of Interest - Future Use of The Barracks – 81 Barrack Road (Ass-1545)

Author – Graham Stanley, CEO, 9th September 2011 Interest – Nil

DECLARATION OF INTEREST

Cr Michael Greenwood submitted an Expression of Interest

PREVIOUS REFERENCE

Items 11.6, June 2011 and 13.3, May 2011 refer.

BACKGROUND

In response to the tenant of The Barracks requesting to be let out of his lease early Council agreed to terminate his lease effective 30th June 2011 and call for Expressions of Interest to lease the Barracks. In the interim, Council also agreed for the operators of the Tammin Abattoir to lease some rooms at the Barracks for some workers they had that were staying there. Expressions of Interest were called and closed at 3pm on Monday 5th September 2011.

Applicants were requested to provide the following information with their submissions:

- Applicant details and background including experience in managing a business;
- An outline of the proposed use for the Barracks detailing what the facility will be used for;
- Details of how the facility will be managed and maintained and who by;
- What lease term is sought;
- Whether a concessional lease is sought to enable business establishment – if so for what period;
- Monthly lease payment offered;
- Details of any improvements proposed to enable business to operate effectively and who to undertake such improvements;
- What benefits your proposal will bring to Tammin. You should consider employment, tourist potential, area promotion, spending with other Tammin businesses and any other economic, social or environmental benefit that your proposed business may generate.

Applicants were advised that Council's decision on who to award the lease to will not be based solely on the financial return to Council but will be a subjective decision based on which proposal best demonstrates, in the opinion of Council, that it will bring the greatest economic, social and environmental benefits to the Shire of Tammin and the Tammin Community.

Two submissions were received. The first submission was received from Westone Pty Ltd who is the operator of the Tammin Abattoir. A copy of this submission is included in the attachments to this report. The second submission, also attached, was received from Cr Michael Greenwood.

COMMENT

The submission from Westone Pty Ltd is basically for them to use the Barracks and the attached residence to accommodate a number of their staff. The remuneration offered, \$1,000 negotiable per month for 24 months, is totally inadequate for what they will be receiving in return. Currently they are renting 2 rooms and we are receiving \$220 per week. That equates to \$953 per month over a 12 month period. For an additional \$47 per month they propose to accommodate up to an additional 30 people. Whilst there is no doubt that the abattoir provides an economic benefit to Tammin such a large subsidy is not justifiable.

The second submission provides very little detail however there is a promise to provide further information by the date of the council meeting. The concept of what is being provided here sounds promising if it eventuates. In the interim it is proposed to operate the centre as short-term accommodation. This may overcome some of the immediate accommodation issues that face the abattoir however if the long term proposal comes into place then this would most likely exclude the abattoir staff from residing at the facility.

Under Section 3.58 (3) Council has the ability to negotiate with both parties to achieve the best deal for Tammin. Once an in principle agreement is reached this would then be advertised seeking public submissions and after considering those submissions could make a decision on the lease.

FINANCIAL IMPLICATIONS

Council's maintenance budget for the Barracks this year is approximately \$30,000 although this includes some catch up on a backlog of maintenance issues. Within that figure there is over \$5,000 in building insurance costs. The proposal from Westone would have to be substantially increased as with the numbers of people they plan to house in the facility it is likely that maintenance costs will rise even further. It is difficult to comment on the other proposal until further details are known.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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 whether or not it is the highest tender.*

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

meeting at which

and the reasons for it are recorded in the minutes of the 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

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Expressions of Interest were called.

STAFF RECOMMENDATION

That Council negotiates with both parties who submitted expressions of interest to lease the Barracks until it is satisfied that it has a suitable proposal and then proceeds under the provisions of Section 3.58 (3) to advertise.

Simple Majority Required

MIN 78/11 MOTION – MOVED Cr Caffell seconded Cr R Stokes

1. That Council negotiates with both parties who submitted expressions of interest to lease the Barracks until it is satisfied that it has a suitable proposal and then proceeds under the provisions of Section 3.58 (3) to advertise.

2. Prior to commencing negotiations the CEO obtains advice from the Department of Local Government regarding conflict of interest provision and confidentiality in relation to this matter and ensures that prior to negotiations commencing these issues are addressed to the satisfaction of the Department of Local Government.

CARRIED 5/0

Reason for Addition to Recommendation – As one of the parties who had submitted an expression of interest is a Councillor the Council wants to ensure that it does everything possible to ensure that no “conflict of interest” or “unfair advantage” claims can be levelled at the Council when it makes its eventual decision on this matter.

Cr Greenwood returned to the meeting at 3.43pm.

11.5 Confidential Item – Purchase of Land – Lot 52 Tammin Wyalkatchem Road (ENG-42)

Author – Graham Stanley, CEO, 20th July 2011 Interest – Nil

DECLARATION OF INTEREST

Nil

PREVIOUS REFERENCE

Item 11.5, 28th July 2011 refers.

BACKGROUND

At the July meeting Council decided to seek to purchase the whole of lot 52 Tammin Wyalkatchem Road (approximately 52 hectares) from Brad & Kate Jones for the purpose of constructing the proposed new Shire Depot. Meetings were held with Brad and Kate, firstly to determine their interest in selling the land and subsequently to commence negotiations. Brad and Kate engaged a real estate agent to give an appraisal of the property. This appraisal came in with two price ranges. Firstly a listing price range of between \$175,000 - \$185,000 with a possible sale price of \$155,000 - \$170,000. Sales evidence to support this price was given being two 64 hectare properties in Kellerberrin that sold for \$128,000 and \$132,000 in the first two months of 2011. These prices range between \$2000 and \$2,062.50 per hectare.

The 2011-12 Budget contains an amount of \$160,000 which is inclusive of all costs including settlement, land transfers, title costs and undertaking any fencing that may be required. There is also a loan of \$150,000 related to the purchase of the land.

COMMENT

I am waiting on quotations from a licensed valuer and the Valuer General's office to undertake a Licensed Valuation to provide a transparent guide on the value of the land and believe that one should be undertaken prior to an offer being made. Due to the strategic location of the land a higher price would not be unreasonable to expect however the offer price should bear some relation to the valuation. If the lower of the sale price is used as a starting point for calculating a value it would not be unreasonable for Council to pitch its offer at no more than \$150,000 being a reduction as no commission or advertising costs would be required to be paid by the vendor.

3.59. Commercial enterprises by local governments

(1) *In this section —*

acquire has a meaning that accords with the meaning of “dispose”;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely
or not;

land transaction means an agreement, or several agreements for a
common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or

(b) *in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a)

or (b) of the definition of "land transaction".

(2) *Before it —*

(a) *commences a major trading undertaking;*

(b) *enters into a major land transaction; or*

(c) *enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

(3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details*

of —

(a) *its expected effect on the provision of facilities and services by the local government;*

(b) *its expected effect on other persons providing facilities and services in the district;*

(c) *its expected financial effect on the local government;*

(d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*

(e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*

(f) *any other matter prescribed for the purposes of this subsection.*

(4) *The local government is to —*

(a) *give Statewide public notice stating that —*

undertaking a land (i) *the local government proposes to commence the major trading or enter into the major land transaction described in the notice or into a transaction that is preparatory to that major land transaction;*

(ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*

the given; (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in notice, being a day that is not less than 6 weeks after the notice is*

And

(b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the transaction as proposed or so that it is undertaking or not significantly different from what was proposed.*

** Absolute majority required.*

- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

The Local Government (Functions and General) Regulations 1996 state:

7. Minimum value of major land transaction

For a land transaction to be a major land transaction the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

has to be more, or worth more, than either \$1 000 000 or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

8. Transactions that cannot be major land transactions

- (1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —
- (a) without intending to produce profit to itself; and
 - (b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
- (2) For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local

government and that
given joint use of the land).

person (whether or not other persons are also

(3) A transaction under which a local government disposes of a leasehold interest in
land is an exempt land transaction for the purposes of section 3.59 of the Act
if —

(a) all or any of the consideration to be received by the local
government under the transaction is by way of an
increase in the value of the land due to improvements
that are to be made without cost to the local
government; and

(b) although the total value referred to in the definition of “major
land transaction” in that section is more, or is worth more,
land than the amount prescribed for the purposes of
that definition, it would not be if the consideration were
reduced by the amount of the increase in value
mentioned in paragraph (a).

As the cost of the land will fall below the minimum value of for a major land transaction as outlined in Regulation 7 Council will not be required to produce a business plan for the purchase of the land.

FINANCIAL IMPLICATIONS

Budget allowance.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Development of new depot is included in the Forward Capital Works Program for 2011-12. The land is required for the depot.

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council proceeds with the land valuation of Lot 52 Tammin Wyalkatchem and authorise the CEO to negotiate a purchase price with the owners of Lot 52 of no more than \$150,000 subject to that valuation reasonably supporting the offer price. Should the owners require a price of in excess of \$150,000 then this is to be referred to Council for a decision prior to any increase the offer price.

Simple Majority Required

MIN 79/11 MOTION – MOVED Cr R Stokes seconded Cr Jefferies

That Council authorises the CEO to negotiate a purchase price with the owners of Lot 52 of no more than \$150,000. Should the owners require a price of in excess of \$150,000 then this is to be referred to Council for a decision prior to any increase the offer price.

CARRIED 5/0

Reason for change to recommendation:

Council was of the belief that due to the strategic location of the land and its importance to the Councils' future intentions that \$150,000 represents a fair price and the expenditure of up to \$3,000 for a valuation would be wasting money.

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

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

14. CLOSURE OF MEETING

Prior to the closure of the meeting the Councillors briefly discussed the swearing in of the new Council after the election date and it was agreed that it would not be necessary to hold a special meeting for the swearing in of Councillors and that it would be done at the October Ordinary Meeting.

There being no further business the President closed the meeting at 4.05 pm.

Tabled before the Ordinary Council Meeting on 20 October 2011.

Cr S Uppill, President

PAYMENTS LIST AUGUST 2011

Date	Reference	Supplier Name	Details	Amount
Cheque Payments				
03/08/2011	4590	Child Support Agency	Child Support Deductions	91.66
03/08/2011	4591	Colonial Mutual	Superannuation	129.65
03/08/2011	4592	LGRCEU	Union Fees	34.80
03/08/2011	4593	Summit Personal Super	Superannuation	143.41
03/08/2011	4594	WALG Superannuation	Superannuation	2,937.65
08/08/2011	4595	Fire & Emergency Services Authority of WA	ESL 2011 - Reconciliation	632.55
10/08/2011	4597	Tammin Shire of	Rego TN1	287.75
11/08/2011	4599	Australia Post	Postage & freight	72.87
11/08/2011	4600	Bandicoot Express Account	Advertising - After school care assistant	40.00
11/08/2011	4601	Caffell, Louise	Sitting fee & travel reimbursement	93.95
11/08/2011	4602	Copier Support	Photocopies black / colour and toners	796.16
11/08/2011	4603	Courier Australia	Freight	76.63
11/08/2011	4604	Greenwood MD	Sitting fee & travel reimbursement	88.39
11/08/2011	4605	Gull Tammin Roadhouse	July 2011 - catering, drinks, papers	475.94
11/08/2011	4606	JR & A Hersey Pty Ltd	Uniforms	643.38
11/08/2011	4607	Motorcharge Limited	Fuels and Oils	5,702.69
11/08/2011	4608	Reward Distribution	Crockery and Cutlery for Town Hall	4,223.12
11/08/2011	4609	Stokes, Bernard	Sitting fee & travel reimbursement	73.89
11/08/2011	4610	Stokes, Rodney	Sitting fee & travel reimbursement	70.47
11/08/2011	4611	Synergy	Electricity 01/06/2011 - 27/07/2011	5,902.15
11/08/2011	4612	Tammin Hardware	Batteries, paint brushes, oil, silicon	254.65
11/08/2011	4613	Tammin Hotel	Catering Council meeting	105.00
11/08/2011	4614	Tammin Post Office.	Stationery	76.95
11/08/2011	4615	Telstra	Telephone & internet 23/06 - 22/07/2011	617.80
11/08/2011	4616	Tudor House	Replacement flags	342.00
11/08/2011	4617	Uppill, Scott	Sitting fee & travel reimbursement	144.69
11/08/2011	4618	Western Australian Local Government Assoc	Annual Subscriptions 2011-12	22,470.80
12/08/2011	4619	Telstra	Wireless Internet 22/06 - 21/07/2011	29.95
17/08/2011	4620	Child Support Agency	Child Support Deductions	91.66
17/08/2011	4621	Colonial Mutual	Superannuation	160.15
17/08/2011	4622	LGRCEU	Union Fees	34.80
17/08/2011	4623	Prime Super	Superannuation	74.45
17/08/2011	4624	Summit Personal Super	Superannuation	143.41
17/08/2011	4625	WALG Superannuation	Superannuation	3,095.96
17/08/2011	4626	Avon Waste	Domestic refuse collection	1,435.20
17/08/2011	4627	City & Regional Waste Management Service	Waste Management	3,514.56
17/08/2011	4628	Courier Australia	Freight	8.14
17/08/2011	4629	Covs - former Coventry	Jerry Cans	101.05
17/08/2011	4630	Cunderdin, Shire of	M. Burgess management hours	165.00
17/08/2011	4631	DKT Rural Agencies	Shower Head and weed control spray	221.00
17/08/2011	4632	Fire & Emergency Services Authority of WA	ESL July 2011	167.20
17/08/2011	4633	Goldy Motors	Trade in Admin Car TN1	641.88
17/08/2011	4634	Kellerberrin Tyre Service	Tyre repair TN2203	70.00
17/08/2011	4635	Landgate	Valuation expenses	73.87
17/08/2011	4636	LHA Analytical Committee	Analytical service 2011/12	416.40
17/08/2011	4637	Local Government Managers Australia	Membership subscription 2011/12	408.00
17/08/2011	4638	Metro Count	Batteries for Metro Count equipment	123.20
17/08/2011	4639	Mitre 10 Solutions	Fence and fencing material - 11 Nottage Way	901.26
17/08/2011	4640	Murray House Resource Centre	Staff Training - Health and Safety Course	695.00
17/08/2011	4641	Neat n' Trim Uniforms Pty Ltd	Uniform	139.24
17/08/2011	4642	Officeworks	Stationery	201.30
17/08/2011	4643	Water Corporation	Water consumption 01/04 - 02/08/2011	1,193.40
17/08/2011	4644	LGIS Workcare	Workcare Insurance 2011-12	8,904.50
17/08/2011	4645	LGIS Liability	Monetary Risk Fidelity 2011/12	561.52
17/08/2011	4646	LGIS Insurance Broking	Insurance 2011-12	9,287.78
24/08/2011	4647	Button, ER & J	Reimbursement of Bond (hall)	300.00
24/08/2011	4648	Caffell, Louise	Sitting fee & travel August Council meeting	133.95
24/08/2011	4649	CircuitWest Inc	Circuit West Conference Fee	150.00
24/08/2011	4650	Courier Australia	Freight	25.91
24/08/2011	4651	Greenwood MD	Reissue of Chq 3762 issued 19/08/10 burnt in home fire	304.86
24/08/2011	4652	Prestige Alarms	Security alarm system quarterly fee	143.00
24/08/2011	4653	St John Ambulance WA Inc.	First aid course fee - Staff Training	132.00
24/08/2011	4654	Stokes, Bernard	Sitting fee & travel August Council meeting	113.89
24/08/2011	4655	Stokes, Rodney	Sitting fee & travel August Council meeting	110.47
24/08/2011	4656	Uppill, Scott	Sitting fee & travel August Council meeting	224.69

24/08/2011	4657	Water Corporation	Water consumption 01/04 - 02/08/2011	10,983.75
24/08/2011	4658	Western Australian Local Government Assoc	LG Convention 2011 Registrations	5,884.01
25/08/2011	4659	F-111 Engineering Pty Ltd	Parts and repairs - Various vehicles	3,300.00
25/08/2011	4660	Grinder Enterprises	Retune satellite dish & replace LNB - 4 Russell	162.35
25/08/2011	4661	Kellerberrin Pipeline Newsletter	Advertising - After school care assistant vacancy	17.00
25/08/2011	4662	LGIS Insurance Broking	Motor Vehicle Insurance 11/12	14,926.11
25/08/2011	4663	LGIS Liability	Public Liability Insurance 2011-12	5,110.60
25/08/2011	4664	LGIS Property	Property Insurance 11/12	15,195.93
31/08/2011	4671	Australian Taxation Office	August BAS 2011	6,845.00
			Sub-total	143,452.40
Direct Debit payments				
01/08/2011	Debit	Commonwealth Bank of Australia	CBA Merchant Fee	64.50
03/08/2011	Debit	Commonwealth Bank of Australia	CBA POS Fee	26.58
			Sub-total	91.08
Licensing Transfer				
01/08/2011	J4206	Department of Transport	Licensing 01/08/2011	801.70
03/08/2011	J4235	Department of Transport	Licensing 03/08/2011	658.40
04/08/2011	J4236	Department of Transport	Licensing 04/08/2011	359.10
05/08/2011	J4237	Department of Transport	Licensing 05/08/2011	506.30
08/08/2011	J4238	Department of Transport	Licensing 08/08/2011	595.10
09/08/2011	J4245	Department of Transport	Licensing 09/08/2011	251.20
11/08/2011	J4246	Department of Transport	Licensing 11/08/2011	548.00
12/08/2011	J4258	Department of Transport	Licensing 12/08/2011	467.55
15/08/2011	J4260	Department of Transport	Licensing 15/08/2011	45.70
16/08/2011	J4261	Department of Transport	Licensing 16/08/2011	630.55
18/08/2011	J4266	Department of Transport	Licensing 18/08/2011	377.55
22/08/2011	J4269	Department of Transport	Licensing 22/08/2011	11.60
23/08/2011	J4274	Department of Transport	Licensing 23/08/2011	733.95
24/08/2011	J4275	Department of Transport	Licensing 24/08/2011	562.00
25/08/2011	J4276	Department of Transport	Licensing 25/08/2011	719.70
26/08/2011	J4277	Department of Transport	Licensing 26/08/2011	119.35
29/08/2011	J4279	Department of Transport	Licensing 29/08/2011	727.80
30/08/2011	J4280	Department of Transport	Licensing 30/08/2011	45.70
31/08/2011	J4284	Department of Transport	Licensing 31/08/2011	725.55
			Sub-total	8,886.80
Bank Fees				
03/08/2011	Debit	National Australia Bank	Audit Certificate Fee	70.00
26/08/2011	Debit	National Australia Bank	NAB Connect Fee - Access and Usage for August 2011	49.94
31/08/2011	J4285	National Australia Bank	Account Fees for August 11 for DPI Account	20.00
31/08/2011	J4286	National Australia Bank	Account Fees for August 11 for Muni Account	92.00
31/08/2011	J4287	National Australia Bank	Account Fees for August 11 for Trust Account	20.00
			Sub-total	251.94
VISA Payments				
03/08/2011	VISA	Big W	Photo frames for Council chambers	59.88
03/08/2011	VISA	Dick Smith Electronics	Car Charger for CEO's mobile	19.96
03/08/2011	VISA	National Australia Bank	Visa Monthly Fee	9.00
03/08/2011	VISA	Officeworks	Stationery	65.54
03/08/2011	VISA	Target	Centrepieces Minelli & Martin show	139.50
03/08/2011	VISA	Westnet	Internet for Shire Office and Depot	159.40
03/08/2011	VISA	Woolworths	Refreshments	145.55
23/08/2011	VISA	APACA	Conference costs	802.00
			Sub-total	1,400.83
EFT Payments				
02/08/2011		Shire of Tammin	Salaries & wages	15,781.06
16/08/2011		Shire of Tammin	Salaries & wages	17,696.70
30/08/2011		Shire of Tammin	Salaries & wages	17,230.83
			Sub-total	50,708.59
Total				204,791.64