

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 19 November 2009.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr R Stokes declared the meeting open at 2.05pm.

The President extended a welcome to Cr Uppill for his first regular Council meeting.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present

Cr R.J. Stokes President (Presiding Person)

Cr K.L. Caffell Deputy President

Cr M.D. Greenwood Member

Cr S.J. Jefferies JP Member

Cr B.F. Stokes Member

Cr S.A. Uppill Member

Mr R G Bone Acting Chief Executive Officer

Visitors

Nil

Apologies

Nil

Leave of Absence

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 15 October 2009

STATUTORY ENVIRONMENT

Section 5.22(2) of the *Local Government Act 1995* 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 15 October 2009 be confirmed as a true and correct record.

Simple Majority Required

MIN 194/09 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 6/0

7.2 Special Council Meeting Minutes – 22 October 2009

STATUTORY ENVIRONMENT

Section 5.22(2) of the *Local Government Act 1995* 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 22 October 2009 be confirmed as a true and correct record.

Simple Majority Required

MIN 195/09 MOTION – Moved Cr Jefferies 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 WE-ROC Council Meeting – 28 October 2009 (ORG-15)

Meeting held at Merredin on 28 October 2009 and attended by Cr R Stokes, Cr L Caffell and the Acting CEO. Issues discussed relevant to Tammin included:

- WE-ROC Government Structure – in the future, no item is to be considered without first being considered by the WE-ROC executive.
- Wheatbelt Regional Strategy – WE-ROC are to prepare a submission on the Wheatbelt Regional Strategy Directions Paper for consideration by the Planning Commission.
- State Waste Strategy – WE-ROC is to prepare a written submission to the Waste Authority on its Draft Waste Strategy for Western Australia.
- Development Assessment Panels – WE-ROC has opposed the introduction of DAP'S.
- \$25M Local Government Reform Fund – WALGA has been asked to develop a program within the structure that would fit the guidelines.

11. AGENDA ITEMS

11.1. Ordinary Council Meeting Dates (ADM-41)

Author – Glenn Bone, Acting CEO, 23 October 2009 Interest – Nil

PREVIOUS REFERENCE

Items 11.8 -15 February 2007 and 12.2 – 15 November 2008 refer.

BACKGROUND

Council is required under legislation, to advertise its Ordinary meeting dates, time and place, once a year. It is appropriate that the *new* Council consider the issue.

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.

COMMENT

From Staff's prospective, 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 2010.

Council may also wish to consider holding an annual Council meeting at Yorkkrakine.

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.

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 date for Ordinary Council meetings continue as the third Thursday of the month 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.

Simple Majority Required

STAFF RECOMMENDATION 2

That the September 2010 Ordinary Council meeting be held at the Yorkrakine Hall.

Simple Majority Required

STAFF RECOMMENDATION 3

That no Ordinary Council meeting be held in January 2010.

Simple Majority Required

MIN 196/09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies

That Staff Recommendation 1, 2 and 3, be adopted.

CARRIED 6/0

11.2 Festive Season Closure

Author – Glenn Bone, Acting CEO, 8 October 2009 Interest – Nil

PREVIOUS REFERENCE

Item 12.6 – 15 November 2007 and Item 11.16 – 20 November 2008.

BACKGROUND

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

This year, Christmas Day (25 December 2009) falls on a Friday.

The third Thursday (Ordinary Council meeting date) falls on 17 December 2009.

In 2008 Council held Christmas celebrations with Staff and partners at Donnan Park on 12 December. The function was self-catered (with contributions from some Councillors).

COMMENT

It is proposed that the Shire of Tammin (inside and outside Staff) operations will cease on Wednesday 23 December 2009 and recommence on Monday, 4 January 2010.

It is proposed that an appropriate date to hold the celebrations would be Friday 11 December 2010.

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

That the Shire of Tammin's Christmas celebrations be again a self-catered function at Donnan Park, and that the date be set as Friday 11 December 2009.

Simple Majority Required

MIN 197/09 MOTION – Moved Cr Uppill 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

11.3 Stanley Bruce Best - Memorial Trust (ADM-58)

Author – M Henry, FO, 27 October 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

The "Stanley Bruce Best – Memorial Trust" was founded in October 1999 by Lindsay Best, to honour his father, Stanley Best. Stanley Best grew up in Tammin in the 1920's, and would often reminisce about his time in Tammin. Lindsay Best indicated that he would contribute funds each year, and specified that the money to be spent on either purchasing books on local and regional subjects and/or locally produced art.

COMMENT

Council does not appear to have made any past indication of what they would like to purchase with funds. With one of the objects of the funding directed towards to art, a purchase from the Tammin Art Prize could be appropriate. Unfortunately, this item will be considered too late for this year's show consequently a decision directed at 2010 would now be appropriate.

FINANCIAL IMPLICATIONS

Stanley Bruce Best Memorial Trust

| | |
|------------------------------|-----------------|
| Balance at 1 July 2009 | \$440.64 |
| Plus deposit 12 October 2009 | <u>\$103.47</u> |
| Sub-Total | \$544.11 |
| Less Funds utilised | <u>\$ 0.00</u> |
| Balance at 27 October 2009 | <u>\$544.11</u> |

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council make a purchase from the 2010 Tammin Art Prize and from the "Stanley Bruce Best – Memorial Trust", up to a value of \$600.

Simple Majority Required

MIN 198/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

11.4 Audit Committee (FIN-01)

Author – RG Bone, Acting CEO, 03 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 5 – 22 October 2009

BACKGROUND

At the Special Council meeting held on 22 October 2009, Council appointed committees and various delegates and representatives. For the Audit Committee, Crs R Stokes and Greenwood plus Mr D Thomson were appointed. However, unlike other Committees where three members will suffice, an Audit Committee must compose of at least three Council members. As a consequence a further Councillor will need to be appointed to the Committee.

COMMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 7.1A (2) of the Local Government Act 1995 stipulates that at least three members of the Audit Committee are to be Council Members.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Cr B Stokes be appointed to the Audit Committee.

Absolute Majority Required

MIN 199/09 MOTION – Moved Cr Jefferies 2nd Cr Uppill

That the Staff Recommendation be adopted.

CARRIED 6/0

11.5 Annual Report 2008/09 (Fin-02)

Author – RG Bone, Acting CEO, 03 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.12 – 15 October 2009

BACKGROUND

Gregory Froomes Wyllie, auditor for the Shire of Tammin, forwarded his audit report for the 2008/09 period on 5 October 2009. This was received by Council at the October meeting and we are now at the stage where the Annual Report for 2008/09 needs to be submitted for Council's consideration.

COMMENT

It is proposed that Council hold its annual Electors' General meeting in the Tammin Lesser Hall on Tuesday 8 December 2009 commencing at 7.30pm.

FINANCIAL IMPLICATIONS

Last year it cost \$261 to post the householder newsletter.

POLICY IMPLICATIONS

Policy 1.22 – Annual Reports – provides that advertising of the Electors' General meeting be by householder newsletter two weeks in advance of the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.27 provides that:

- (1) a general meeting of the electors of a district is to be held once every financial year.
- (2) a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) the matters to be discussed at general electors' meetings are to be those prescribed.

Section 5.29 provides that the CEO is to convene an electors' meeting by giving —

- (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,
- of the date, time, place and purpose of the meeting.

The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Section 5.53 requires a local government to prepare an annual report containing:

- (a) a report from the mayor or president;
- (b) a report from the CEO;
- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- (f) the financial report for the financial year;
- (g) such information as may be prescribed in relation to the payments made to employees;
- (h) the auditor's report for the financial year;
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- (i) such other information as may be prescribed.

Section 5.54 requires the annual report to be accepted by the local government no later than 31 December after that financial year subject to that if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Section 5.55 requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

As per Policy 1.22.

STAFF RECOMMENDATION 1

That pursuant to section 5.54 of the Local Government Act 1995, the annual report for 2008/09, be accepted.

Absolute Majority Required

STAFF RECOMMENDATION 2

That the Annual Electors' meeting be held in Tammin Lesser Hall on Tuesday 8 December 2009, commencing at 7.30pm.

Simple Majority Required

MIN 200/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That Staff Recommendation 1 be adopted.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

MIN 201/09 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That Staff Recommendation 2 be adopted.

CARRIED 6/0

11.6 Rabbit Proof Fence Road (ENG-34)

Author – RG Bone, Acting CEO, 05 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.3 – 15 October 2009.

BACKGROUND

At the October meeting, the Acting CEO was requested to research and report on issues relating to hazards in the area 4km south of the Goldfields Road/ Rabbit Proof Fence Road intersection.

COMMENT

The Works Supervisor has reported to me that approximately 3.6km from Goldfields Road, several trees are causing a road hazard on two right hand bends some 200 metres apart.

It is proposed that the trees be removed and the road alignment be changed to suit. This would require three personnel and machines and would necessitate a temporary road closure of approximately 4-5 hours.

The road realignment could take place at the time of re-sheeting of Rabbit Proof Fence Road in the near future (Road #0059-Account #E112100).

FINANCIAL IMPLICATIONS

The cost of improvement works is estimated at \$2640.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council:

1. Authorise improvement works (estimate \$2640) to Rabbit Proof Fence Road (3.6km mark) to take place when re-sheeting works are carried out;
2. The cost of the works be charged to 'Road Maintenance'.

Simple Majority Required

MIN 202/09 MOTION – Moved Cr Jefferies 2nd Cr Uppill

That the Staff Recommendation be adopted.

CARRIED 6/0

11.7 Committee Appointment (ORGL-20)

Author – RG Bone, Acting CEO, 05 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

It has come to my notice that the Tammin Events Committee just seems to have evolved! The inaugural meeting of the Committee was convened by the then CDO on 22 February 2007 with a small attendance of community members for the purpose of "fleshing out" a variety of community events.

The Committee has functioned basically on a monthly basis since that time and no doubt assists the CDO greatly with the function of their role.

However, the facts of the matter are that the Committee is organising and committing Council to various events and activities, yet has not been appointed by Council.

COMMENT

From the Statutory Environment it can be seen there is a scope to appoint a "Tammin Community Events Committee" to operate along the lines that have prevailed over the last 2½ years.

Currently, the Committee membership lists two councillors (until October, it was three) and 14 community members. If all were appointed by Council, this would mean the quorum would be eight, which over the last year has been beyond attainment. Consequently, it would appear prudent to only appoint those who are really committed to being active.

Perhaps therefore, a committee of six or eight?

For information, those on the current list are:

- Stephen Jefferies - Pat Bell
- Joan Button - Louise Caffell
- Faye Christison - Mary Harrison
- Gloria Hutchins - Lisa McCreery
- Jeff Mills - Terry O'Dea
- Janet Stokes - Margaret Wheeldon
- Rosalie Packham - Tanya Nicholls
- Rose Crane - Libby Hutchinson

FINANCIAL IMPLICATIONS

Only to the extent of provisions made in the budget for events and activities of a community nature.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Part 5 of the Local Government Act 1995 enables a local government to establish committees, subject to the following:

Section 5.8 – a local government may establish committees of three or more persons to assist the council to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.9 (2) (c) – a committee can comprise of council members, employees and other persons.

Section 5.10 – a committee is to have as its member's persons appointed by the local government to be members of the committee.

Section 5.12 – the members of a committee are to elect a presiding member from amongst themselves.

Section 5.16 – under and subject to section 5.17, a local government may delegate any of its power and duties other than power of delegation.

Section 5.17 (1) (c) – a local government can delegate to a committee referred to in section 5.9 (2) (c), any of the local government's powers or duties that are necessary or convenient for the proper management of –

- (i) the local government's property; or
- (ii) an event in which the local government is involved.

Section 5.18 – a local government is to keep a register of the delegations made to committees and review the delegations at least once every financial year.

Section 5.19 – the quorum for a committee is at least 50% of the number of offices (whether vacant or not) of member of the committee.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council:

1. Appoint a Tammin Community Events Committee consisting of: Jefferies, Caffell, Wheeldon, O'Dea, Lisa McCreery and Community Development Officer.
2. Delegate to the Committee pursuant to section 5.9 (2) (c) (ii) of the Local Government Act 1995, power to organise community events that are provided for in the annual budget.

Absolute Majority Required

MIN 203/09 MOTION – Moved Cr Jefferies 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

11.8 Property Improvements – 45 Draper Street (ASS 1050)

Author – RG Bone, Acting CEO, 05 November 2009 Interest – Nil

PREVIOUS REFERENCE

Items 11.5 – 21 May 2009 and 11.4 – 17 September 2009

BACKGROUND

Arising from Minute 166/09, Council resolved that a costing be obtained on providing split systems (air conditioning) for the three bedrooms of the Shire owned residence at 45 Draper Street, Tammin.

COMMENT

Presently this residence only has air conditioning to the lounge/family room.

FINANCIAL IMPLICATIONS

A quote of \$6050 (incl. GST) has been received from CDA Air Conditioning and Refrigeration for the installation of 3x2.5kw reverse cycle air conditioners. There is no capital provision in the 2009/10 budget for housing improvements.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provides direction.

Simple Majority Required

MIN 204/09 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That Council note for consideration in the draft 2010/11 budget, the installation of 3x2.5kw reverse cycle air conditioning units at 45 Draper Street.

CARRIED 6/0

11.9 Tender 05 – Sale of Tractor (TEND-05)

Author – RG Bone, Acting CEO, 06 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

Tenders closing on 28 October 2009 were called for the outright purchase of the Shire's 1977 Chamberlain tractor. The following tenders were received:

- Debra Mullen \$4500
- Simon Frith \$5300
- Fred Batchelor \$4200

COMMENT

Nil

FINANCIAL IMPLICATIONS

By way of information, the 2008/09 budget listed a proceed of \$5000 for the sale of the Chamberlain 3380 tractor, however the machine was not sold at the time.

The current budget does not indicate a provision for sale of this item.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 30 (3) (a) of the Local Government (Functions & General) Regulations 1996, enables a local government to sell plant and equipment as an exempt disposition if the market value is less than \$20,000.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Advertisement of tender.

STAFF RECOMMENDATION

That Simon Frith's tender of \$5300 for the Chamberlain 3380 Tractor, be accepted.
Simple Majority Required

MIN 205/09 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

11.10 Harvest & Vehicle Movement Ban (BUSH-13)

Author – RG Bone, Acting CEO, 06 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.10 – 20 December 2008.

BACKGROUND

It is appropriate that Council considers harvest and vehicle movement in paddock bans over the festive season.

COMMENT

In previous years the ban has been applied to Christmas Day, Boxing Day and New Years' Day.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Regulation 38C of the Bush Fire Regulations provides that:

- (1) A local government may declare that the use by a person of any harvesting machinery on any land under crop during the whole or part of any –
 - (a) Sunday; or
 - (b) public holiday,in the whole or a specified part of the district of that local government during the prohibited burning times or the restricted burning times is prohibited unless the person has obtained the written consent of a bush fire control officer of that local government.
- (2) A declaration under sub-regulation (1) –
 - (a) shall be made by notice in a newspaper circulating in the area affected by the prohibition; and;

(b) may be revoked or varied in the manner in which it was made, and the local government shall forward a copy of a declaration or of a revocation or variation of a declaration to the Authority.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That pursuant to Regulation 38C of the Bush Fire Regulations, a harvest and vehicle movement ban in paddocks (except for the purpose of feeding and watering stock) be imposed on 25 December 2009, 26 December 2009 and 1 January 2010.

Simple Majority Required

MIN 206/09 MOTION – Moved Cr Uppill 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

11.11 Delegations Manual Review

Author – RG Bone, Acting CEO, 10 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.1 – 20 December 2007 and 11.8 – 20 November 2008 refers.

BACKGROUND

The Local Government Act 1995 requires local governments to review their delegation of powers/authority to the Chief Executive Officer at least once in every twelve months and then for the Chief Executive Officer to review his delegation of authority within the same review period.

COMMENT

A copy of the Delegations Manual is appended.

Additional delegations are proposed for:

- bushfire infringements
- restricted/prohibited burning times

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 5.42 provides that:

- (1) A local government may delegate (by absolute majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 provides that a local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

Section 5.44 provides that:

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Section 5.46(2) of the Local Government Act provides that:

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Bush Fires Act 1954

Section 17(10) provides that a local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

Section 17(7)(a) provides that subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
- (ii) imposing a further period of prohibited burning times.

- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

Section 17(8) provides that where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —

- (a) the local government —
- (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
- (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
- (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.

Section 17(9) For the purposes of subsections (7) and (8) “publish” means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent in that district, or to publish by such other method as the Authority may specify in writing.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- pursuant to section 5.42 of the *Local Government Act 1995* and section 48 of the *Bush Fires Act 1954*, the indefinite delegations in the Delegations Manual be made to the Chief Executive Officer; and
- the Chief Executive Officer be delegated authority to issue and withdraw infringement notices under the *Bush Fires Act 1954*.
- In accordance with Sections 17(10) and 18(5)(c) of the *Bush Fires Act 1954* authority to vary prohibited and restricted burning times be delegated to the President and Chief Bush Fire Control Officer jointly in conjunction with the Chief Executive Officer.

Absolute Majority Required

MIN 207/09 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

11.12 Policy Manual Review (ADM-52)

Author – RG Bone, Acting CEO, 10 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.2 – 20 December 2007 and 11.9 – 20 November 2008 refers.

BACKGROUND

It is appropriate that the Policy Manual be reviewed each 12 months.

COMMENT

A copy of the Policy Manual, the Purchasing Policy and the Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme Health Policy, are appended.

The Shire's pamphlet "Notes on Building and Planning states:

- Sheds in the town site are limited, without express approval of Council, to 70m² area and 2.4m high.

For effective administration it would now be desirable to enshrine this into Council Policy.

No amendments are proposed for existing Policies.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Consideration and review of all Policies.

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the Local Government Act 1995 provides that one of the roles of a council is to determine local government Policies.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

1. existing Policies of the Shire of Tammin and being those contained in the Policy Manual, the Purchasing Policy and the Central Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme Health Policy, be re-affirmed; and
2. Policy 9.6 – Sheds:
"Sheds in the town site are limited, without express approval of Council, to 70m² area and 2.4m high"; be adopted.

Simple Majority Required

MIN 208/09 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 6/0

11.13 Tender 04/09 Seal/Reseal of Roads (TEND-30)

Author – RG Bone, Acting CEO, 09 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

| Summary of Tendered Prices | | | RNR Contracting | | Bitumen Surfacing | | Pioneer | | Boral | |
|----------------------------|---|---------------|--------------------------|---------------------|--------------------------|---------------------|--------------------------|---------------------|--------------------------|---------------------|
| ITEM | DESCRIPTION OF WORK | QUANTITY UNIT | RATE (PER KM INC OF GST) | AMOUNT (INC OF GST) | RATE (PER KM INC OF GST) | AMOUNT (INC OF GST) | RATE (PER KM INC OF GST) | AMOUNT (INC OF GST) | RATE (PER KM INC OF GST) | AMOUNT (INC OF GST) |
| 1 | Seal/Reseal Tammin Wyalkatchem Rd between SLK 17.778 and 20.730 to 7m seal (10mm aggregate). | 2.952 km | \$26,500.00 | \$78,228.00 | \$29,750.00 | \$82,822.00 | \$21,700.00 | \$65,058.40 | \$21,945.00 | \$64,781.64 |
| 2 | Seal/Reseal Tammin Wyalkatchem Rd between SLK 21.998 and 22.216 to 7m seal (10mm aggregate). | 0.218 km | \$26,500.00 | \$5,777.00 | \$19,750.00 | \$6,485.50 | \$21,700.00 | \$4,730.60 | \$21,945.00 | \$4,784.01 |
| 3 | Seal/Reseal York Tammin (Goldfields) Rd between SLK 7.104 and 10.274 to 7m seal (10mm aggregate). | 3.17 km | \$26,500.00 | \$84,005.00 | \$29,750.00 | \$94,307.50 | \$21,700.00 | \$68,789.00 | \$21,945.00 | \$69,565.65 |
| TOTAL (INC of GST) | | | | \$168,010.00 | | \$188,615.00 | | \$137,578.00 | | \$139,131.30 |

| Selection Criteria | % weighting | RNR Contracting | Bitumen Surfacing | Pioneer | Boral |
|--|-------------|-----------------|-------------------|---------|-------|
| Completion of tendered documents | 2 | 1.2 | 1.2 | 1.2 | 1.2 |
| Tendered rate (clause 1.3.2) | 70 | 28.0 | 0 | 70 | 56 |
| Demonstrated Ability to manage & Complete Project (clause 1.3.3) | 15 | 9.0 | 9.0 | 9.0 | 9.0 |
| Condition of Plant (clause 1.3.4) | 6 | 4.8 | 4.8 | 6.00 | 6.00 |
| Scheduling of Works (clause 1.3.5) | 7 | 1.4 | 5.6 | 5.6 | 5.6 |
| TOTAL SCORE | 100 | 44.4 | 28.6 | 91.8 | 77.8 |

BACKGROUND

Tenders to perform bitumen sealing works for the Tammin/Wyalkatchem Rd and York/Tammin (Goldfields) Rd were recently called. Tenders closed on 28 October 2009. Each road has a reseal provision of 3.17km.

COMMENT

Pioneer's tender of \$137,578.00 is the most advantageous tender both on price and specification requirements. Pioneer is closely followed by Boral with \$139,131.30.

FINANCIAL IMPLICATIONS

Budget provisions are:

Tammin/Wyalkatchem Rd \$79,365
 York/Tammin (Goldfields Rd) \$79,365
 \$158,730

POLICY IMPLICATIONS

Shire of Tammin Purchasing Policy (adopted 20 November 2008).

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995 and Regulation 11 (1) of the Local Government (Functions & General) Regulations 1996 require all goods and services with a value in excess of \$100,000 to be the subject of a public tender process.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

The Request for tender was advertised in the *West Australian* on 7 October 2009.

STAFF RECOMMENDATION

That Council accept Pioneer Road Services tender of \$137,578.00 for the seal/reseal works to the Tammin/Wyalkatchem Rd and York/Tammin (Goldfields) Rd.

Simple Majority Required

MIN 209/09 MOTION – Moved Cr B Stokes 2nd Cr Uppill

That the Staff Recommendation be adopted.

CARRIED 6/0

11.14 Barracks – Maintenance Issues (ASS-1545)

Author – RG Bone, Acting CEO, 10 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.2 – 20 August 2009 & Item 11.8 – 15 October 2009

BACKGROUND

The Shire recently completed arrangements for the lease of 81 Barrack Rd (Barracks) with Pentacle Holdings P/L (Glen & Lynne Carpenter).

Since then the lessees have submitted a list of maintenance/functional issues which they believe should be attended to as a part of the Shire handing over the Barracks in a fair condition. The list is as follows:

BARRACKS

1. Operation instructions for main air-conditioning.
2. How to operate reticulation, no key to open control box.
3. Operation instructions for solar hot water and gas hot water systems.
4. Broken solar hot water panel/tank.
5. Two toilet cisterns not working.
6. Hot plate in kitchen not igniting.
7. Timber cornice fallen from ceiling in room 16.
8. Leak from urinal waste pipe.
9. Broken shower head in shower 3 in men's ablution.
10. Information on and repairs to high pressure down pipe located near western entrance door.
11. Broken glass pane in ladies bathroom.
12. Various damage to ceilings in ladies and men's ablutions.
13. Exhaust fans in ladies showers not working.
14. Operation instructions for bathroom waste/sewer waste connection.
15. Various areas of wall damage/cracks throughout the building.
16. Various door locks not working to rooms.

MANAGER'S HOUSE

1. Damage to bay window bench top to kitchen inside and under side.
2. Cold water tap in bathroom sink dripping, hot water not operational.
3. Various damage to shower cubicle walls near base.
4. Flyscreen damage to both rear doors and office window (room next to bathroom).

SHED

1. Please note there is no air-conditioner installed in the shed though a box is present.

As can be seen, quite a number of the items relate to operating instructions.

COMMENT

As can be seen from expenditure below, most of the budget provision has already been spent.

However, it would be a reasonable expectation that the premises should have been turned over to the lessees in a fair operating condition.

FINANCIAL IMPLICATIONS

A sum of \$10,600 has been provided at Account E148109 for Barracks expenditure. The principle items for this include Shire wage allocations (\$5340) and Termite inspection and treatment (\$3380).

Expenditure to date includes:

| | |
|-------------------------------|----------------------|
| Building Insurance | \$3321(not budgeted) |
| Termite inspection & treating | \$3380 |
| Other expenditure | <u>\$1673</u> |
| Total | \$8374 |

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Shire instigate repairs/maintenance to items 4,6-13,15 & 16 of the above for the Barracks & items 1-4 for the Manager's House.

Simple Majority Required

MIN 210/09 MOTION – Moved Cr Jefferies 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 6/0

11.15 Financial Report (FIN-05)

Author – M Hand, Finance Officer, 9 November 2009 Interest – Nil

BACKGROUND

The Financial Report for 2009/10 to 31 October 2009 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* 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.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Financial Report for October 2009, be received.

Simple Majority Required

MIN 211/09 MOTION – Moved Cr Jefferies 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

11.16 List Of Payments (FIN-05)

Author – C Wilks, Administration Officer, 11 November 2009 Interest – Nil

BACKGROUND

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

| | | |
|----------------|-----------------------------|--------------|
| Municipal Fund | Voucher numbers 3052 – 3108 | \$450,212.44 |
|----------------|-----------------------------|--------------|

COMMENT

No abnormal expenditure has occurred.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO

- is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the list of accounts for October 2009, be endorsed.

Simple Majority Required

MIN 212/09 MOTION – Moved Cr Stokes 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

11.17 Tender Documentation – Second Hand Two Way Tipper (ENG-31)

Author – RG Bone, Acting CEO, 12 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

Provision has been made in the current budget for the purchase of a second hand 11m³ two way tipper and the sale/trade-in of the Shire's Mitsubishi Truck.

COMMENT

Tender documentation in accordance with regulatory requirements, has been prepared initialising the generic proforma developed by WALGA. This includes:

- Request for Tender
- General Conditions of Contract (For the Supply of Goods)

The proposed documentation is enclosed with the agenda material. It is also proposed that tenders be invited within a timeframe that will allow consideration at the December Council Meeting.

FINANCIAL IMPLICATIONS

The Budget provides for a purchase price of \$210,000, with a \$15,000 (trade-in) provision for the disposal of the Mitsubishi Truck.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 states:

Section 3.57 – Requires that a local government is required to invite tenders before it enters into a contract of a prescribed kind.

Local Government (Functions & General) Regulations 1996 states:

Regulation 11 (1) – Tenders are to be publically invited before a local government enters into a contract expected to be more than \$100,000.

Regulation 14 (2a) – A local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

(3) The notice, whether under subregulation (1) or (2), is to include –

- (a) a brief description of the goods or services required;
- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
- (c) information as to where and how tenders may be submitted; and
- (d) the date and time after which tenders cannot be submitted.

(4) In subregulation (3)(b) a reference to detailed information includes a reference to –

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
- (b) detailed specifications of the goods or services requires;
- (c) the criteria for deciding which tender should be accepted;
- (d) whether or not the local government has decided to submit a tender; and
- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Regulation 15 – Statewide public notice of the tender has to be at least 14 days after the notice is first published in the newspaper.

Regulation 17(2)(b) – The tenders register is to include for each invitation to tender, particulars of the making of the decision to invite tenders.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council:

1. adopt the tender documentation distributed with the agenda for the purchase of a second hand 11m³ two way tipper, viz:
 - Request for Tender
 - General Conditions of Tender; and
2. invite tenders for the supply of the above mentioned vehicle.

Simple Majority Required

MIN 213/09 MOTION – Moved Cr Uppill 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

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

Nil

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

14. CLOSURE OF MEETING

NEXT MEETING DATES

Ordinary Council Meeting - Thursday, 17 December 2009.

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

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

Tabled before the Ordinary Council meeting on 17 December 2009.

Cr R.J. Stokes, Presiding Person