

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 20 November 2008.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr R Stokes declared the meeting open at 2.10pm.

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 B.F. Stokes Member

Cr M.K. Wheeldon Member

Mr M.G. Oliver Chief Executive Officer

Visitors

Nil

Apologies

Nil

Leave of Absence

Cr S.J. Jefferies JP Member

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

6.1 Item 11.11 – Tamma Village – Outside Power Point (ASS-1093)

Crs R Stokes, B Stokes and M Greenwood disclosed an Interest by Association in Tamma Village and declared that there may be a perception that their impartiality on the matter may be affected. Further, that they declared that they would consider the matter on its merits and vote accordingly.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 16 October 2008

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 16 October 2008 be confirmed as a true and correct record.

Simple Majority Required

MIN 187 /08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 TALEC Committee (EDU-04)

Minutes of the meeting held on 20 October 2008 have been provided to Councillors.

The Committee has recommended that the TALEC bus be sold at the end of the calendar year.

STAFF RECOMMENDATIONS

That the minutes of the TALEC Committee meeting held on 20 October 2008 be received.

Simple Majority Required

MIN 188 /08 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 5/0

That the TALEC bus be sold at the end of the calendar year.

Simple Majority Required

MIN 189 /08 MOTION – Moved Cr R Stokes 2nd Cr B Stokes

That the proposed sale of the TALEC bus lay the table until the December Ordinary Council meeting.

CARRIED 5/0

10.2 Golden Pipeline (HIST-05)

Meeting held in Tammin with Tom Perrigo and Anne Brake with Crs Jefferies and Wheeldon and the CEO.

The meeting discussed the progression of the Golden Pipeline project and assistance which the National Trust could provide local government. The resolution of the Tammin Town Hall ground water issue and the Shire of Tammin Municipal Inventory were projects nominated. Other subjects included the possibility of a museum and Hunts Well.

10.3 SEA-ROC

Meeting held in Quairading and attended by Crs R Stokes, Jefferies, Wheeldon and Greenwood (to morning tea break) together with the CEO. Also attending were Tony Brown from WALGA and Caroline Tuthill, Senior Project Officer from the Department of Local Government & Regional Development.

Following the Executive meeting, the SEA-ROC Officers met with the CEO attending.

Crs Caffell and B Stokes expressed an interest in attending the next meeting.

10.4 Tammin Art Prize (PUB-07)

The Event was held in the Tammin Town Hall on 25 October 2008. At the presentations, Cr Stokes congratulated the Committee and community for the Event and the CEO drew the raffle.

MIN 190/08 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the Tammin Art Prize Committee be congratulated on their efforts and achievements in creating another fantastic event for Tammin.

CARRIED 5/0

10.5 WE-ROC (ORG-15)

Meeting held in Southern Cross on 28 October 2008 and attended by Cr R Stokes, Cr B Stokes and Cr Wheeldon together with the CEO. Crs Caffell and Jefferies were apologies.

Issues relevant to Tammin included:

- 2008/09 Budget – as reported in October, subscriptions rising to \$6,000 with a pool of \$4,500 being created for unknown projects.
- Funding of 25% of the cost of a TV/DVD (\$500) from this projects pool to play DVDs of the region (Tammin could provide one) in the Central Wheatbelt Visitors Centre.
- Role of WE-ROC – the WE-ROC Executive Committee is to prepare a response to the SSS report for consideration at the next WE-ROC Council meeting.
- Economic Alliance – the WE-ROC Executive is progress the Economic Alliance project which was to establish a partnership of government, business and education institutions to attract new business and investment and create a sustainable Wheatbelt region.
- WE-ROC to assist in improved availability of fuel in the North Eastern Wheatbelt.

Whilst at the meeting, the opportunity to inspect the Senior Citizens Centre was provided. This Centre was constructed by Quality Builders and transported (11 loads) to site.

11. AGENDA ITEMS

11.1 Town Planning Scheme No 1 Amendment 1 (TPLAN-04)

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

PREVIOUS REFERENCE

Items 11.4 – 20 September 2007 and 11.25 – 21 February 2008 refer.

BACKGROUND

Council resolved in September 2007 to request an amendment to the Town Planning Scheme (as opposed to reviewing the Scheme) to address a number of zoning issues.

PlanWest prepared the Amendment which proposed to amend the scheme by:

1. Reclassifying Crown Reserve 43892 Booth Street, Tammin, from 'Residential R12.5' zone to 'Public Purposes – Community Housing' local scheme reserve;
2. Reclassifying Lots 82 and 89 Redmond Street, Tammin, from 'Residential R12.5' zone to 'Public Purposes – Depot' local scheme reserve;
3. Rezoning portion of Lot 100 Great Eastern Highway, Tammin, from 'Light Industry' zone to 'Special Use – Roadhouse' and 'Special Use – Caravan Park/ Short Term Accommodation' zone;
4. Rezoning Lots 33 and 34 Walston Street, Tammin, from 'Residential R12.5' zone to 'Special Use – CWA' zone;
5. Reclassifying Lot 19 Station Road, Tammin, from 'Rural' zone to 'Public Purposes – Waste Water Treatment Plant' local scheme reserve;
6. Rezoning Lot 129 Barrack Road, South Tammin, from 'Rural' zone to 'Special Use – Rural Accommodation' zone;
7. Reclassifying Lot 51 Station Road, North Tammin, from 'Rural' zone to 'Public Purposes – Water Supply' local scheme reserve;
8. Reclassifying Lot 861 Lowles Road, North Tammin, from 'Rural' zone to 'Special Use – Observatory' zone, and
9. Reclassifying Lots 168-173 Donnan Street, Tammin from 'Town Centre' zone to 'No zone'.

as more clearly shown on the Scheme Amendment Maps.

In February 2008 Council resolved, in pursuance of Section 75 of the Planning and Development Act 2005, to amend Town Planning Scheme No 1.

Approval to advertise was given by the WAPC on 25 March 2008 and by the Environmental Protection Authority on 25 June 2008.

The Amendment was advertised on the Shire of Tammin's Notice Board and in the West Australian on 23 July 2008 with submissions closing on 3 September 2008.

Seven responses/submissions were received which have been summarised (attached).

COMMENT

None of the submissions provide any arguments against the Scheme Amendment.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Locally advertised and adjoining neighbours invited to comment.

STAFF RECOMMENDATION

That all of the submissions be received, Town Planning Scheme 1 Amendment 1 be adopted and final approval of the Minister for Planning be sought.

Simple Majority Required

MIN 191 /08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

11.2 Firebreaks (BUSH-02)

Author – MG Oliver, CEO, 27 October 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.11 – 16 July 2008 refers.

BACKGROUND

Council resolved in July 2008 that the wording of the 2008/09 Firebreak Order be that of the 2007/08 Firebreak Order with the dates adjusted and that the requirement be enforced.

This followed on from the Tammin Volunteer Fire Service's comment that the reminder to rural property owners sent out in previous years prior to the commencement of the firebreak requirement include a *tick the box* question whether the requirement had support and the level of enforcement action which should be taken.

Rural property owners were invited to respond to the questions:

The Shire of Tammin Firebreak Order (in short) requires property owners to provide 3m firebreaks immediately inside all external boundaries and surrounding all buildings and to maintain these breaks clear of flammable material from 1 November through to 1 April.

- I support the Shire of Tammin Firebreak Order. 30 86%
- I think the Shire of Tammin Firebreak Order should be changed. 5 14%

An infringement notice is \$250 and enforcement works are charged at cost.

- I think property owners who fail to provide firebreaks should be warned and if the warning is not heeded, issued with an infringement notice. 31 91%
- I don't think infringement notices should be issued for the failure to install firebreaks. 3 9%

The survey was also noted in the Tammin Tabloid for Non-Rural residents to become involved.

COMMENT

Following up on the 4 returns who indicated that the Order should be changed, one indicated that the restricted and prohibited burning periods commenced too early at the start of the fire season (October/November) – some years the grass was still too green to allow burning. Also, the 3m firebreak width was considered too wide.

In relation to the commencement Section 18 of the Bush Fires Act provides local government, after consultation with CALM, the power to vary the closure of the restricted burning period or the associated prescribed conditions by up to 14 days (or further periods of up to 14 days). Such variations must be (Section 18(5)(c) and 17(8) of the Act) locally advertised and advised to:

- neighbouring local governments;
- any government departments with land in the municipality.

Section 17(10) provides Council with the authority to delegate to the President in conjunction with the Chief Bush Fire Control Officer, the power to vary restricted burning periods.

The Firebreak Order adopted for 2008/09 reads:

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required to clear of inflammable material, firebreaks not less than 3 metres in width in the following positions on all land owned or occupied by you and situated within the Shire of Tammin:

- Immediately inside all external boundaries of the said land.
- Immediately surrounding all buildings erected on the said land.

Firebreaks may be constructed by one or more of the following methods:

- Ploughing
- Cultivating
- Scarifying
- Burning
- Chemical Spraying

or other approved method and are to be cleared to the satisfaction of the Shire. In addition you may be required to carry out further works which may be deemed necessary by the Shire and specified by way of a separate written notice forwarded to the address as shown on the Shire of Tammin's rates records for the land.

If it is considered impracticable for any reason to clear firebreaks in the position required by this notice, the approval of the Council must be obtained to provide them in an alternative place. In the first instance, you are requested to contact the Chief Fire Control Officer and discuss the matter.

In some instances naturally occurring features such as rocky outcrops, natural water courses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for cleared firebreaks. This option must first be discussed with and approved by the Shire.

All firebreaks must be prepared on or before the 1 November 2008 (or within 14 days of you becoming the owner or occupier should this be after that date) and maintained clear of inflammable material up to and including the 1 day of April 2009.

Enforcement action will require an inspection of properties across the Shire of Tammin to establish compliance, the issue of an infringement and perhaps a demand that the firebreaks be installed within say 7 days, a further inspection to ensure compliance or to initiate breaks installation and a final inspection to ensure correct installation. All followed by recovery action – including prosecution for non-payment.

Rural properties will require input from the local fire control officer or Chief Bush Fire Control Officer.

FINANCIAL IMPLICATIONS

Significant resources.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 33 of the *Bush Fires Act 1954* provides that:

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so — as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.

- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.
- Penalty: \$5 000.
- (4) (a) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice, the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with.
- (b) The bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.
- (5) (a) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount.
- (b) The local government may recover the amount in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
- (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
- (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
- (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
- (a) a debt due from each subsequent owner in succession;
- (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
- (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.

- (9) In this section —
“owner or occupier of land” includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That enforcement action, including infringement notice issue and firebreak installation, for non-compliance with the Shire of Tammin Firebreak Order be taken.

Simple Majority Required

MIN 192/08 MOTION – Moved Cr Wheeldon 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.3 GMO Trials (AGR-21)

Author – MG Oliver, CEO, 27 October 2008 Interest – Nil

PREVIOUS REFERENCE

Item 10.1 – 16 July 2008 refers.

BACKGROUND

The Shire of Tammin has a Policy of opposition to GMO trials – arising from trials carried out in the Region some years ago.

There has been some discussion in Council that this Policy should be changed.

As part of the *tick the box* Topical Issues Rural Landowner Survey the question (and response) was posed:

- I support Council’s opposition to GMO trials. 20 57%
- I think Council’s opposition to GMO trials should be changed. 15 43%

All rural property owners were invited to respond to the questions and the survey was also noted in the Tammin Tabloid for Non-Rural residents to become involved.

COMMENT

Without a clear direction Council would be advised to proceed with caution on any position change.

FINANCIAL IMPLICATIONS

No provision or Staff resources were provided for in the 2008/09 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Rural landowners survey and comment in the Shire Notes section of the Tammin Tabloid (twice).

STAFF RECOMMENDATION

That the status quo – Shire of Tammin’s opposition to GMO trials – remain.

Simple Majority Required

MIN 193/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 4/1

11.4 Saleyards – Lease 1971 Great Eastern Hwy (AGR-11; Lease 304)

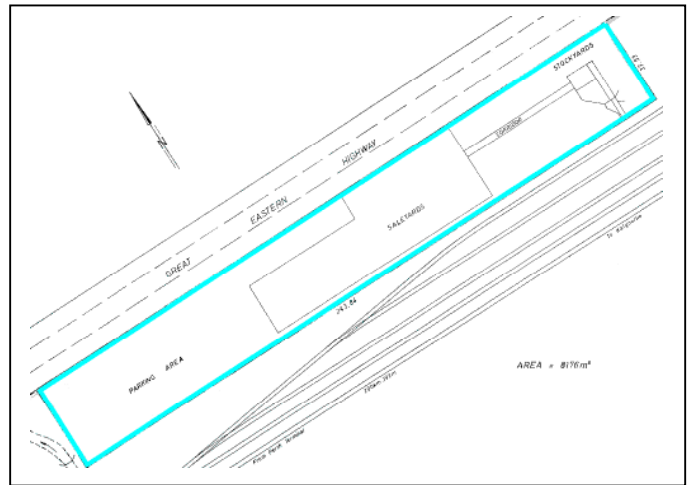
Author – MG Oliver, CEO, 27 October 2008 Interest – Nil

PREVIOUS REFERENCE

Items 12 May 2004 and 11.8 – 18 September 2008 refer.

BACKGROUND

Following an Item from Cr B Stokes that the on going lease of the sale yards be listed for consideration with the view that the yards be sold and the lease cancelled, Council resolved in September 2008 that the community be invited to comment on the proposal to close the yards and sell the associated infrastructure prior to the expiry of the lease on 30 September 2009.



As part of the *tick the box* Topical Issues Rural Landowner Survey the rural landowners were advised that the lease for the land on which the saleyards (on Great Eastern Hwy on the western side of Tammin) expires in September 2009. It is noted that the yards have not been used for many years and that there is little chance of future use. A proposal exists to close the yards and sell the associated infrastructure prior to allow the site to be cleaned up prior to September 2009. If the proposal proceeds, the yards will likely be sold at tender in job lots. The following question (and response) was posed:

- I think the sheep yards should be closed and the yards sold. 20 59%
- I think the sheep yards should be retained. 14 41%

The survey was also noted in the Tammin Tabloid for Non-Rural residents to become involved.

As part of the responses (and included in the results), were two letters:

My first inclination in regards to the saleyards was to have them removed. However, having inquired about the current cost per year to the Council and realising it is minimal, I have changed my opinion. Whilst in the short term the yards may not be used, nobody can say the sheep/cropping mix will not change in the future, but the return to the Shire by pulling them down would not be much over the cost of dismantling and removal. To my knowledge there are no yards now between Merredin and Northam. Maybe the Agents are to blame to some extent. It is easier to load sheep to Midland than organise a sale. In summary, my reasoning is that if a decision is made to remove the yards it is irreversible, they would never be replaced and the nett return to the Shire would, I think, be minimal.

I would like to see the yards remain for future use in the event that farming practices change over the next few years and sheep numbers again build up in the district.

COMMENT

Without a clear direction Council would be advised to proceed with caution on any position change.

FINANCIAL IMPLICATIONS

Minimal – although no Budget provision exists.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the status quo – the Shire of Tammin’s saleyards on Lease 1971 Great Eastern Hwy – remain and that negotiations be carried out with the land owner for the renewal of the lease.

Simple Majority Required

MIN 194/08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 4/1

11.5 Shire of Cunderdin - Bushfire Officer Appointments (BUSH-00)

Author – MG Oliver, CEO, 30 October 2008 Interest – Nil

BACKGROUND

Seeking the appointment of fire control officers:

- Todd Harris
- Neville Burges
- Ashley Teakle
- Doug Kelly
- Stewart Mussared

as dual fire control officers in the Shire of Tammin.

COMMENT

Appointments are required to provide protection and authority for Cunderdin Officers to continue with a fire into the Shire of Tammin.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

In relation to Fire Control Officers, Section 38 of the *Bush Fires Act 1954* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
(c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
(d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
(e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5) (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
(b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
(c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6) (a) In this section —
“approved local government” means a local government approved under paragraph (b) by the Authority.
(b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the Government Gazette —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

In relation to Dual Bushfire Control Officers, Section 40 of the *Bush Fires Act 1954* provides that:

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

In relation to Permits to Burn, Section 18 of the *Bush Fires Act 1954* provides that:

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.

- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
- (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
 - (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Cunderdin fire control officers:

- Todd Harris
- Neville Burges
- Ashley Teakle
- Doug Kelly
- Stewart Mussared

be appointed as dual fire control officers in the Shire of Tammin and that they be reminded that the authority does not extend to the issue of Permits to Burn.

Simple Majority Required

MIN 195 /08 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

11.6 Harvest & Vehicle Movement Ban (BUSH-13)

Author – MG Oliver, CEO, 3 November 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.10 – 20 December 2008 refers.

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 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, 2008, 26 December, 2008 and 1 January 2009.

Simple Majority Required

MIN 196 /08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.7 Ordinary Council Meeting Dates (ADM-41)

Author – MG Oliver, CEO, 3 November 2008 Interest – Nil

PREVIOUS REFERENCE

Item 12.2 – 15 November 2007 refers.

BACKGROUND

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

Since March 2006 Ordinary Council meetings have been held on the third Thursday of the month commencing at 2pm (public question time 2.15pm) with Councillor briefing sessions commencing at 1pm. There has not been a meeting in January and the September meeting has been held at Yorkrakine.

COMMENT

From Staff's perspective, the third Thursday of the month continues to work well – providing time for the end of the month reports to be provided to Council.

FINANCIAL IMPLICATIONS

Cost of local advertising of Council meeting times.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

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.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATIONS

That:

- the date for Ordinary Council meetings continue as the third Thursday of the month;
- the meetings commence at 2pm (public question time commencing at 2.15pm) with a Councillor briefing session preceding the meeting and commencing at 1pm;
- the September Ordinary Council meeting be held at Yorkrakine; and
- no Ordinary Council meeting be held in January.

Further, that the Ordinary Council meeting dates be advertised in accordance with Regulation 12 of the *Local Government (Administration) Regulations*.

Simple Majority Required

MIN 197 /08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.8 Delegations Manual Review

Author – MG Oliver, CEO, 4 November 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.1 – 20 December 2007 refers.

BACKGROUND

The Local Government Act 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

Section 5.42 of the *Local Government Act* 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.

Section 17(10) of the Bush Fires Act 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.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- pursuant to section 5.42 of the *Local Government Act* and section 48 of the *Bush Fires Act*, 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*.

- In accordance with Sections 17(10) and 18(5)(c) of the *Bush Fires Act* 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 198/08 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.9 Policy Manual Review (ADM-52)

Author – MG Oliver, CEO, 4 November 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.2 – 20 December 2007 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.

Section 5.50 of the *Local Government Act* requires a Policy in relation to payments to employees in addition to contract or award. The following is proposed:

Gratuity Payments

Council does not favour gratuity payments on termination of employment but reserves the right in cases of exceptional service to make a gratuity payment through the normal budget process in accordance with Section 5.50(1) and (2) of the *Local Government Act*.

Recognition of Long and Outstanding Service

When Long or Outstanding Service has been reached by an employee, the CEO is to inform Council, in order that the service may be recognised appropriately.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 5.50 of the *Local Government Act* provides, in relation to payments to employees in addition to contract or award:

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —
 - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
 - (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.
- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

- (2) A local government may make a payment —
- (a) to an employee whose employment with the local government is finishing; and
 - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- all Policies of the Shire of Tammin be those contained in the Policy Manual, the Purchasing Policy and the Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme Health Policy; and
- the Policies on Gratuity Payments and Recognition of Long and Outstanding Service be included in the Policy Manual.

Simple Majority Required

MIN 199 /08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.





CARRIED 5/0

11.10 Main Roads WA – Restricted Access Vehicle Routes (ENG-22)

Author – MG Oliver, CEO, 5 November 2008 Interest – Nil

BACKGROUND

Correspondence advising it is reviewing roads contained in the existing individual approvals with a view to including these roads, where possible, into approved road networks. Specifically, in relation to Tammin, it is proposed to add to the Class 2 network:

Class	Category	Vehicle Description & Configuration	Axle Spacing Table	Length (m)	Mass Maximum Permitted Mass (T)	Height (i) = See Notes (m)	Steer Axle Group	Axle Groups	Network
2	1	(A)  Prime Mover, Semi Trailer Towing Pig Trailer	(A)	>0, <=20	50	≤4.6(4), ≤3.3(5)	EITHER	4	1
2	1	(B)  Prime Mover Towing A Multi Deck Semi Trailer	(A)	>0, <=19	42.5	≤4.6(4)	SINGLE	3	1
2	1	(C)  Truck Towing 1,2 or 3 Axle Carrier	(A)	>0, <=20	42.5	≤4.6(4)(iii)	SINGLE	3	1
2	1	(D)  Truck - Livestock or Vehicle Carrier	(A)	>0, <=12.5	27.5	≤4.6(4)	EITHER	2	1

the following roads:

- Barrack South Rd
- Blakiston Rd
- Boulton Rd
- Bungulla Siding Rd
- Bungulla South Rd
- Carter Rd
- Chappell-Wheeldon Rd
- Christison Rd
- Clark Rd
- Doongin Peak Rd

- Dunn Rd
- Dyer Rd
- Ellis Rd
- Finey Rd
- Forsythe Rd
- Gardner Rd
- Gardner Reserve Rd
- Golf Links Rd
- Gunn Rd
- Harris Rd
- Hinsley Rd
- Hocking Rd
- Lind Rd
- Lowles Rd
- Mackin Rd
- McQueen Rd
- Moore Rd
- Nock Rd
- Packham Rd
- Palmer Rd
- Parrawilla Rd
- Rabbit Proof Fence South Rd
- Saunders Rd
- Shaw Rd
- Thomson Rd
- Tremlett Rd
- Wheeldon Rd
- Wyola North Rd
- Yorkrakine East Rd

Council has the option of classifying all or any of the roads as:

- *Local Access* – which would require an operator to seek a letter of approval from the Shire of Tammin prior to operating on the road.
- *General Access* – no intervention on operators from Shire of Tammin; or
- *No Access* – not include the roads on the RAV network. The existing permit system would continue.

COMMENT

Council has previously directed Main Roads WA be responsible for the control of vehicles on the Shire of Tammin's road network.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Main Roads WA be advised that the Shire of Tammin supports the roads being categorised as Class 2 – General Access.

Simple Majority Required

MIN 200/08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.11 Tamma Village – Outside Power Point (ASS-1093)

Author – MG Oliver, CEO, 5 November 2008 Interest – Nil

BACKGROUND

Cr Jefferies has requested an item be included on the Agenda to discuss the provision of outside power points to the Tamma Village units following an approach from Barry Norris (Unit 7) as there are several gophers there than need charging.

Cr Jefferies has indicated he has been approached in his capacity as their representative as a Tammin Councillor.

COMMENT

A couple of years ago Mr Knol was given permission to install an external power point in Unit 1 for charging his gopher.

Mr Norris has also been granted permission to install an external power point in Unit 7 for his train set.

The Seniors Committee (which Mr Norris is member) has made the point that improvements to the Village should be discussed with them.

FINANCIAL IMPLICATIONS

There is no provision in the 2008/09 Budget for these works. The Village is running at a loss. Provision has been included for the upgrade of the bathroom in Unit 1 and the provision of fencing between the Village and Donnan Park.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the proposal of provision of external power points to each unit be referred to the Seniors Committee for further consideration in the draft 2009/10 Budget.

Simple Majority Required

MIN 201/08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.12 2009 Local Government Convention – Accommodation (OLGOV-12)

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

BACKGROUND

2009 Local Government Convention will return to the Perth Convention Exhibition Centre on Thursday, 6 – Saturday, 8 August 2009. The one-day Roads & Transport Forum 2009 will be held on Wednesday, 5 August 2009 prior to commencement of the Convention.

It is appropriate that Council gives consideration to its accommodation requirements to allow, if required, accommodation to be reserved.

COMMENT

In 2008 private accommodation was used by all who attended.

Daily room rates for accommodation sourced and negotiated by WALGA are:

- Somerset (formally Chifley) \$175-\$200
- Medina Apartments \$300-\$375
- Mounts Bay Road Waters Apartments \$248-\$354
- Mercure Hotel \$175
- Novotel Hotel 20% off best unrestricted rate
- Parmelia Hilton \$275-\$355
- Rydges Hotel \$219-268

FINANCIAL IMPLICATIONS

2009-10 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That accommodation for interested Councillors and the CEO be reserved at ... for the 2009 Local Government Convention and the Roads & Transport Forum 2009 and that provision be included in the draft 2009/10 Budget.

Simple Majority Required

MIN 202/08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That accommodation for all Councillors and the CEO be reserved at a hotel selected by the CEO (with parking facilities) for the 2009 Local Government Convention and for the President and CEO for the Roads & Transport Forum 2009 and that provision be included in the draft 2009/10 Budget.

CARRIED 5/0

11.13 Recognition Of Land Under Roads (FIN-01)

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

BACKGROUND

Recent changes to the *Local Government (Financial Management) Regulations* did not amend Regulation 16 which specifically requires local governments not to recognise vested crown land under roads as an asset. This is despite the recently released Australian

Accounting Standard AASB 1051 Land Under Roads requiring local governments to add their assets to their balance sheets effective from 1 July 2008.

In circumstances where there is conflict between the Standards and the Regulations, in accordance with Regulation 4(2), the Regulations prevail to the extent of any inconsistency.

This inconsistency has potential to cause issues for local government Auditors as they are obliged, by professional standards, to qualify general purpose financial reports where there is materially non-compliance with the Standards. Such a conflict and potential qualification could be an issue for financial reports ending 30 June 2009.

Local governments have an opportunity, this financial year, to take action to lessen the potential impact of this inconsistency. The Standards allow a local government to make an election to recognise, or not, land under roads acquired before 1 July 2008. This option acknowledges the potentially onerous demands of retrospectively identifying, assessing and measuring land under roads acquired in previous reporting periods.

Electing not to recognise land acquired before 1 July 2008 will greatly reduce the level of conflict between the Standards and the Regulations. This is particularly the case for local governments having little prospect of acquiring significant area of land under roads in the near future. The continuation of the protection offered by the Regulations does not override the importance of making this election and its contribution to reducing the potential for a qualified Audit Report in the future.

COMMENT

AASB 1051 paragraph 11 also requires a local government to disclose their current accounting policy in relation to land under roads as a note to the annual financial report as at 30 June 2009.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 16 of the *Local Government (Financial Management) Regulations* provides that the annual financial report of a local government —

(a) is not to include as an asset —

- (i) Crown land that is a public thoroughfare, the responsibility for managing which is vested in the local government; or
- (ii) land that is not owned by the local government but which is under the control or management of the local government (whether that land is Crown land or is owned by another person, or not);

and

(b) is to include as an asset a structure or any other improvement placed by the local government on land referred to in paragraph (a).

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Shire of Tammin elect under Australian Accounting Standard AAS 1051 paragraph 8 not to recognise land under roads acquired prior to 1 July 2008.

Simple Majority Required

MIN 203/08 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

Cr Wheeldon declared a financial interest in Item 11.14 as President of Coinda and left the Chamber at 3.25pm.

11.14 B & B Howard – Access Across Lot 15 (ASS-354)

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

BACKGROUND

Correspondence seeking access across Lot 15 Donnan Street into the rear of their property (Lot 14 Donnan Street) noting that the owner of Lot 128 Donnan Street does not want them to use the lot as access and they don't want to park their six vehicles in the street.

COMMENT

Lots 15 and 16 is where Coinda operates from.

Coinda previously had access across Lot 7 (the fence line is deceptive). This access was recently denied by the new owner and a crossover was then constructed to Lot 15 to allow Coinda access to the rear storage shed.

The Howards are seeking access through Lot 15 to a gateway left in the new dividing fence at the rear of Lot 14.

There are legal issues associated with allowing continuous right of access across private property.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

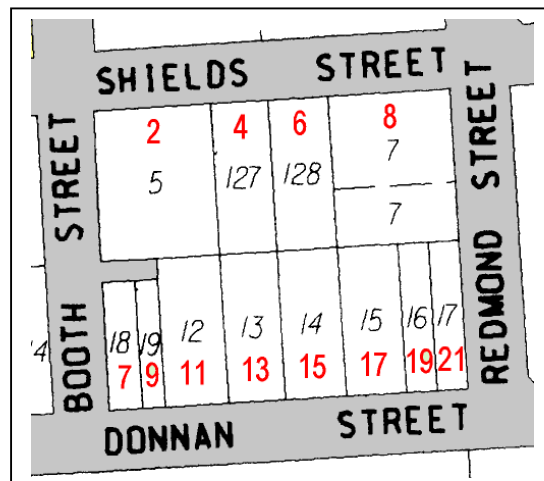
Nil

STAFF RECOMMENDATION

That Council consent to B & B Howard having access across Lot 15 into Lot 14 on the basis that:

- access is at Council's pleasure and may be withdrawn at any time without providing a reason;
- it is not general access but restricted to B & B Howard's vehicles only;
- access is not to interfere with the general public's use of Lot 15 for parking;
- access is not to interfere with Coinda's use of Lot 15 for access; and
- access is withdrawn on one day per year – Good Friday.

Simple Majority Required



MIN 204/08 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the CEO be authorised to consent to B & B Howard having access across Lot 15 into Lot 14 once satisfied regarding compliance issues on the basis that:

- access is at Council's pleasure and may be withdrawn at any time without providing a reason;
- it is not general access but restricted to B & B Howard's vehicles only;
- access is not to interfere with the general public's use of Lot 15 for parking;
- access is not to interfere with Coinda's use of Lot 15 for access; and
- access is withdrawn on one day per year – Good Friday – to ensure that a legal right of access to the Howards or the general public is not created.

CARRIED 5/0

Cr Wheeldon entered the Chamber at 3.35pm.

11.15 WIN Television – Lease (Agreements File 34)

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

BACKGROUND

Correspondence expressing a desire to continue occupancy of the Town Hall and seeking to formalise a new Deed of License to continue occupancy.

COMMENT

It would seem that the original lease was entered into in November 1998 with the five year option exercised in November 2003.

The proposed Deed of License provides for:

- a term of 5 years with an option of a further 5 years;
- no rent (electricity usage to be paid by Licensee).

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Deed of License with WIN Television be signed and the Common Seal affixed.

Simple Majority Required

MIN 205/08 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.16 Festive Season Arrangements

Author – MG Oliver, CEO, 10 November 2008 Interest – Nil

BACKGROUND

The consensus for the Christmas Party is for it to be held at Donnan Park with a mixture of BBQ, cold meats and salad and seafood.

Two Councillors have offered to assist with catering.

COMMENT

Council's December meeting is on Thursday, 18 December.

Staff are to stand down on Friday 19 December 2008 and return to work on Monday 5 January 2009.

FINANCIAL IMPLICATIONS

Provision (Account E041035) was made in the 2008/09 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Christmas Party be held on Friday 5 December 2008 at Donnan Park.
Simple Majority Required

MIN 206 /08 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Christmas Party be held on Friday 12 December 2008 at Donnan Park.
CARRIED 5/0

11.17 Annual Financial Report & Audit Report (FIN-02)

Author – MG Oliver, CEO, 12 November 2008 Interest – Nil

BACKGROUND

The final audit was undertaken on 20 October 2008.

Butler Settineri, Shire of Tammin auditors, has undertaken to provide the Audit Report to the meeting.

COMMENT

No issues are anticipated from the Report.

It is noted that the Annual Report is required to be adopted by Council by 31 December – or within 2 months of the Auditor's Report being received and that the General Electors meeting is required to be held greater than 14 days and within 56 days of Council adopting the Annual Report.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

It is noted that Council's Policy provides that that the advertising for the Electors meeting be by householder newsletter 2 weeks in advance of the meeting. As in recent years, it is proposed to send out a copy of the Annual Report to all residents.

STATUTORY ENVIRONMENT

Section 5.27 of the *Local Government Act* 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.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATIONS

That:

- the Annual Financial Report be adopted;
- the Audit Report and Audit Management Report be received;
- pursuant to section 5.54 of the *Local Government Act*, the draft Annual Report be accepted.

Absolute Majority Required

MIN 207 /08 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

That:

- the General Electors meeting be held in the Lesser Hall on Tuesday, 9 December, 2008 commencing at 8pm; and
- Council determine any issues for consideration at the General Electors meeting.

Simple Majority Required

MIN 208 /08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.18 Department of Housing and Works – Community Housing (ASS-1093)

Author – MG Oliver, CEO, 12 November 2008 Interest – Nil

BACKGROUND

The Department of Housing and Works is seeking feedback on a proposed new legislative framework for community housing in Western Australia.

The overarching intent of the legislative proposals is to grow and strengthen the community housing sector, to improve organisations' capacity to work in partnership with government and the private sector, and to have an increased focus on organisational performance and quality outcomes for tenants.

The closing date for submissions is 19 December 2008.

COMMENT

The legislation will require that all providers in receipt of funding assistance from the Housing Authority meet the registration criteria and compliance requirements set out in the amended Act and regulations within 2 years of the commencement of the legislation.

The Shire of Tammin's Joint Venture agreements in relation to the two houses in Nottage Way and the Tamma Village units are likely to cause the Shire of Tammin to be affected by the proposed changes. The extent of the affect is unknown.

A representative from the Department is scheduled to meet with WE-ROC Executive on 26 November 2008 to shed some light on the consequences of the registration process.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That if considered appropriate, a submission be made to the Department of Housing and Works by the CEO following the WE-ROC Executive meeting.

Simple Majority Required

MIN 209 /08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

11.19 Staff (Personnel)

Author – MG Oliver, CEO, 12 November 2008 Interest – Mr Oliver declares an interest in this item as the incumbent.

PREVIOUS REFERENCE

Items 11.1 – 18 September 2008 and 11.8 – 16 October 2008 refer.

BACKGROUND

Council resolved in September 2008 that the Shire of Tammin accept WALGA's quote to undertake the performance appraisal of the CEO prior to entering into the new 5 year contract.

Council met with WALGA prior to the Council meeting on 16 October 2008 for a briefing on the appraisal process.

Councillors subsequently provided WALGA with a response to WALGA's questionnaire which WALGA has summarised.

WALGA further met with Councillors and the CEO and jointly on 13 November 2008.

COMMENT

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provide direction.

MIN 210 /08 MOTION – Moved Cr Wheeldon 2nd Cr B Stokes

That Council:

- *notes that the review of Mr Oliver' performance has been undertaken in accordance with statutory and contractual obligations for 2007/08;*
- *endorses the overall rating of "Satisfactory";*
- *affirms that the next review of performance is to be conducted by 19 November 2009; and*
- *notes that updated key result areas will be tabled for adoption a the December Ordinary Council meeting.*

CARRIED 5/0

11.20 Financial Report (FIN-05)

Author – JS Oliver, Senior Finance Officer, 8 November 2008 Interest – Nil

BACKGROUND

The Financial Report for 2008/09 to 31 October 2008 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 11.8 – 23 August 2007) 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 2008 be received.

Simple Majority Required

MIN 211 /08 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.21 List Of Payments (FIN-05)

Author – JS Oliver, Senior Finance Officer, 8 November 2008 Interest – Nil

BACKGROUND

Accounts paid and for payment for October 2008 are listed totalling:

Municipal Fund	Voucher numbers 1747 – 2246	\$463,577.72
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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 2008 be endorsed.

Simple Majority Required

MIN 212/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

11.22 CEO Sedan Replacement (TN.1)

Author – MG Oliver, CEO, 19 November 2008 Interest – CEO declares an interest as the vehicle is provided as part of his contract agreement.

BACKGROUND

City Motors has provided quotations to replace the Holden Statesman sedan as follows (ex GST):

	Option 1	Option 2
Wm Statesman sedan	\$53,902	\$51,898
Trade	<u>\$36,000</u>	<u>\$36,000</u>
Nett	\$17,902	\$15,898
Without GST	\$16,654	\$13,707

Option 1 includes *same for same* – except sunroof whilst Option 2 excludes sunroof and navigation system.

City Motors further advises that the value placed on the trade-in offered as part of this quotation is based on the vehicle age, condition and the market at date of appraisal. Values are current and firm for a period of 14 days from date of this letter or 1,000kms, whichever occurs first. If acceptance of our tender and/or delivery of the new vehicle is beyond this timeframe, the vehicle offered as a trade-in is to be revalued prior to completion of the transaction. To avoid any potential of negative adjustment, clients are offered the opportunity to hand over the vehicle 30 days or 1,750kms after initial valuation. In such circumstances replacement vehicle arrangements are to be made by the client at their cost.

City Motors further advises that Holden has announced some big promotions on new retail Statesmans, which may affect the resale values of these in the used market. Our valuer has had to consider this when valuing the vehicle. Hopefully it is still viable to you at this point.

COMMENT

The sunroof and navigation system were provided in the current vehicle as a bonus.

A replacement vehicle is not available until mid February 2009 raising the question of trade-in value.

FINANCIAL IMPLICATIONS

The 2008/09 Budget provided (E045497) for a changeover cost of \$15,000.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That a new replacement vehicle (without sunroof and navigation system) be ordered and the trade-in value negotiated at the time of delivery.

Simple Majority Required

Mr Oliver tabled a further quotation from City Motors for an in-stock Caprice sedan.

MIN 213/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That City Motors be offered \$15,000 (ex GST) changeover for the Caprice sedan and that if the offer is not accepted, the CEO is to seek quotes from another Holden dealer for a Statesman sedan and that the lowest offer be accepted.

CARRIED 5/0

11.23 Federal Government - \$300m Fund (OFGOV-12)

Author – MG Oliver, CEO, 19 November 2008 Interest – Nil

BACKGROUND

Reported that at the Prime Minister's inaugural Mayors & Presidents Forum in Canberra, an announcement was made that \$300m for new infrastructure spending was to be made available to local government conditional on it being spent by September 2010.

Councils can apply for the funds which will be available as part of two different programs.

Around \$250m is available for new initiatives separate from those already planned by Councils. Councils must submit a proposal which meets program guidelines and funds will be allocated according to a Government formula based on factors such as expected population growth of the Shire. Each allocation would be at least \$100,000 for smaller councils and up to \$2.9m for the largest.

Another \$50m is available for large scale projects such as new sport or entertainment precincts.

Funds will be delivered by 30 June 2009.

Also announced was that future Commonwealth infrastructure funding may be conditional on an increased transparency from councils on asset management – the implementation of nationally consistent asset management systems. Mr Rudd said that he wants long term reform of local government management of infrastructure stating that "Councils that plan and manage their assets effectively are councils that can deliver value for money to their communities. The quality and transparency of financial management varies greatly across different local governments."

COMMENT

As a starting point for discussions, the items previously identified by Council and pruned from the draft 2008/09 Budget are attached. WE-ROC is working through the issue of asset management systems with the Shire of Tammin including a provision in the 2008/09 Budget (Account E045430) of \$12,000 for external costs.

FINANCIAL IMPLICATIONS

New project/s not provided for in the 2008/09 Budget but fully funded.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provide direction to allow cost estimated to be prepared for consideration at the December Ordinary Council meeting.

Simple Majority Required

MIN 214 /08 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That Council indicate the priority for the Federal funds as:

- *Donnan Park covered way/BBQ area;*
- *Depot facilities; and*
- *Tammin Town Hall.*

CARRIED 5/0

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

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

15. CLOSURE OF MEETING

There being no further business the Chairman closed the meeting at 5.15 pm.

Tabled before the Ordinary Council meeting on 18 December 2008.

Cr R.J. Stokes, Chairman