

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 17 April 2008.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr Stokes declared the meeting open at 2.02pm.

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

Mr M.G. Oliver	Chief Executive Officer
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Visitors

Apologies

Nil

Leave of Absence

Cr M.K. Wheeldon	Member
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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 – 20 March 2008

STATUTORY IMPLICATIONS

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.

MIN 57/08 MOTION – Moved Cr Greenwood 2nd Cr Jefferies

That the minutes of the Ordinary Council meeting held on 20 March 2008 be confirmed as a true and correct record.

CARRIED 4/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 WE-ROC Executive (ORG-15)

Meeting held in Westonia on 26 March 2008 and attended by the CEO. Issues discussed relevant to the Shire of Tammin included:

- Draft Public Health Bill for WA
- Systemic Sustainability Study Report
- Executive Support.
- Memorandum of Understanding
- The *West Australian* – Wheatbelt Special Liftout

10.2 Great Eastern Country Zone of WALGA (OR-02)

Meeting held in Westonia on 27 March 2008 and attended by Cr Caffell and the CEO. Issues discussed relevant to the Shire of Tammin related essentially to the Report titled The Journey – Sustainability Into The Future. The Shire of Tammin's concerns were expressed as:

- The Process proposed was far too fast – more time required to absorb and consider the proposals and to consult with electors.
- Regional Council based on the Great Eastern Country Zone Councils is too large.
- Small Council's issues would be swallowed up.
- Local government picking up delivery responsibility for State and Federal government.
- No real evidence of savings but serious concerns regarding new compliance responsibilities.
- Need commitment from State Government to see the process through.
- Concern regarding power grab by WALGA.

A further meeting to resolve the Zone position on the recommendations is to be held in Merredin on 21 April 2008 (see Item 11.7).

10.3 LEMAC (ORGE-05)

Meeting held in Kellerberrin on 1 April 2008 and attended by Cr Stokes and the CEO. General discussion on the Local Emergency Plan, meeting frequency and an exercise.

Kellerberrin indicated that it had been using emergency funding to provide strategic water supply tanks for fire fighting throughout the Shire.

Support for the purchase of mobile lighting towers for use in an emergency.

The next meeting is to be held on 1 July 2008 (7pm) where there will be an AIIMS awareness session.

MIN 58/08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the CEO:

- *negotiate with the Chief Bushfire Control Officer the requirements for strategic water storage tanks and arrange for grant applications to be submitted if required; and*
- *arrange for a grant application to be made for the provision of a mobile emergency lighting facility.*

CARRIED 4/0

10.4 Roads Inspection

Roads inspection by Councillors (3) carried out on 15 April 2008 with the following issues noted:

1. Town Drain

Noted success of drain. Noted outstanding job to concrete bund headwall across the floodway at the corner of Shields St/Station Rd. Requires widening (noting issues of trees and road shoulders) and, if possible, deepening (noting issues of tree roots and pipes). Consider need for additional culvert at Station Rd entrance to oval.

2. Town Dam

Catchment dam full to overflow into storage dam. Noted outstanding job to concrete fence flap. Spillway into catchment dam requires rocking (consider machinery access to clear silt).

3. Turon Rd

Noted the floodway (SLK 1.63 km) still to be rocked and concreted (plus posts and signage).

Noted *Modified Intersection* sign (SLK 3.6 km) requires fixing (spinning)

Noted the eastern 500m requires widening with maintenance grading.

4. Bungulla North Rd

Noted the *Tammin* sign at the intersection with Turon Rd requires re-fixing.

Noted the shoulder widening works completed.

5. Nock Rd

Noted overhanging trees (Barry Cummins) immediately west of Nocks require pruning (Specialised Tree Services).

Noted that a Chevron sign was required on the Nock Rd/Tammin Wyalkatchem Rd intersection.

6. Tammin Wyalkatchem Rd

Noted that the floodway bitumen surface requires patching.

Noted the overlap on the widening requires patching.

Noted the priority to carry out the seal/reseal of past widening works over the priority to widen further sections – at risk of losing the prime on the widenings.

7. Packham Rd

Noted the storm damage between Golf Links Rd and Livesey North Rd requires repair.

8. Livesey North Rd

Noted that a Chevron sign was required on the Livesey North Rd/Packham Rd intersection.

Noted that gravel sheeting was required on the Livesey North Rd/Packham Rd intersection.

Noted that gravel sheeting was required on various sections

9. Franklin Rd

Noted that the *Franklin Rd* sign at the Gt Eastern Hwy intersection required replacing (missing).

Request to gravel sheet due to sandy sections (Bernie Stokes)

Noted that gravel sheeting was required on the SLK sections 0.99-1.5 km and 1.65-2.88 km.

10. Wyola South Rd

Request to request to gravel sheet from Franklyn Rd to Quinn Rogers Rd due to sandy sections (Bernie Stokes).

Noted that the culvert (SLK 4.4 km) has been shaved with the grader and requires repair and the road lifted to avoid future damage.

Noted that gravel sheeting was required on the sand blow-outs.

Noted that storm damage exposing a culvert requires attention at SLK 10 km.

Noted that a Chevron sign was required at the intersection of Goldfields Rd.

11. Rabbit Proof Fence Rd

Noted storm damage to culvert at Goldfields Rd intersection (100m south).

Noted storm damage to culvert at SLK 2.4 km.

Request to clear salmon trees 4.2km south east of Goldfields Rd, widen culverts and clear trees and scrub at intersection with Quartermaine Rd (Ivan Rogers).

Noted ability to clear trees and scrub at intersection with Quartermaine Rd.

12. Goldfields Rd

Noted that storm damage at culverts SLK 0.17, 1.53 and 5.66 km (wash away and blocked).

Noted the priority to carry out the seal/reseal of past widening works over the priority to widen further sections – at risk of losing the prime on the widenings.

13. South Tammin Rd

Noted the rough surface (poor gravel used for sheeting) between Dixon Rd and Moore Rd.

Noted guideposts required to replace witches hats adjacent to drain between Dixon Rd and Clarke Rd.

Noted table drains and V drains (if possible) need to be created on the shoulder widening north of Caffells.

Noted the potholes on the minor bend north of Caffells.

14. Goldfields Rd

Noted the rough surface (poor gravel used for sheeting) between Tammin South Rd and Syd Lucas' house.

15. Ralston Rd

Request to widen shoulders between Roy & Joan Buttons north to the top of the hill – (Bernie Stokes).

Noted Chevron sign required at bend before Goldfields Rd intersection.

16. Underwood Rd

Noted the storm damage SLK 3.33-3.68 km needs grading (Cr Caffell).

Noted that the *Stop* sign at SLK 3.33 requires standing up.

17. Uppill St

Noted that sealing (0.39 km) was required.

18. Nottage Way

Noted that sealing (0.2 km) was required.

MIN 59/08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the CEO:

- *prepare a draft roadworks program, including the gravel sheeting of Wyola South Rd, Franklin Rd and Tammin South Rd, for the 2008/09 Budget deliberations; and*
- *make application to the Kellerberrin Sub-Group of the Regional Road Group to change the 2008/09 works from widening/prime to seal/reseal of past widening/prime works.*

CARRIED 4/0

11. AGENDA ITEMS

11.1 Code of Conduct (ADM-52)

Author – MG Oliver, CEO, 21 March 2008 Interest – Nil

PREVIOUS REFERENCE

Items 11.8 – 8 March 2006, 11.3 – 20 December 2007, 11.1 – 21 February 2008 and 11.1 – 20 March 2008 refer.

BACKGROUND

Section 5.103 of the Act requires the adoption of a code of conduct to be observed by Councillors, committee members and employees. The code is required to be reviewed within 12 months after each ordinary election day.

In March 2006 Council resolved that WALGA's draft *Code of Conduct for Elected Members and Staff*, with the inclusion of \$250 in items 2.4(a) and 2.4(b), be adopted.

In December 2007 and February 2008 Council resolved that the review lay on the table pending the provision of a new draft from WALGA. In March 2008 Council resolved that the draft lay on the table until April 2008 to allow more time for Councillors to study it.

COMMENT

WALGA is still to provide an amended *Code of Conduct for Elected Members and Staff* following changes to the Local Government Act relating to Councillor behaviour.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Section 5.103 of the *Local Government Act* provides that:

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.
- (2) A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.
- (3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the draft *Code of Conduct for Elected Members and Staff* be adopted.

Simple Majority Required

MIN 60/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 4/0

11.2 L & S Mackin – Financial Support (ADM-00)

Author – MG Oliver, CEO, 21 March 2008 Interest – Nil

BACKGROUND

Advising of the selection of Simon Mackin by School Sport WA to represent Western Australia in the Under 15 Schoolboys Cricket team to compete in Maroochydore, Queensland at the end of March 2008 and seeking financial support.

The costs involved will exceed \$3,000. Fundraising is being carried out.

COMMENT

In August 2007 Council granted Casey York \$200 under the framework to represent WA in the WA State Schoolboys Under 15 football team competing in the National Championships in Sydney.

FINANCIAL IMPLICATIONS

Provision of \$500 was included in the 2007/08 Budget (Account E041040).

POLICY IMPLICATIONS

Council's Policy Manual - 1.3 Requests For Financial / Other Assistance – provides:

That a framework of eligibility criteria for assessing financial support applications (Individual Development) for people who have been selected to represent the State or Nation in interstate or international championships, competitions or significant cultural, academic or community service programs are:

- only residents of the Shire of Tammin are eligible to apply.
- applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural and educational activities.
- applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
- there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
- only one application per financial year may be funded for any one individual.
- a maximum of \$500 per year will be funded per family .
- funds will only be provided towards travel or accommodation expenses.
- priority will be given to applicants who have demonstrated initiative and endeavour in raising funds for themselves.
- The maximum grant that may be awarded in this category is \$200 for interstate travel and \$300 for international travel.

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Simon Mackin be congratulated on his selection to represent Western Australia and that a contribution of \$200 towards his travel costs be made.

Simple Majority Required

MIN 61/08 MOTION – Moved Cr Greenwood 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 4/0

11.3 WALGA – Roads And Transport Forum 2008

Author – MG Oliver, CEO, 25 March 2008 Interest – Nil

BACKGROUND

The Roads and Transport Forum 2008 Our Roads – The Journey will be held on Tuesday 6 May 2008 at the Hyatt Hotel, Perth

The event will also incorporate the Road Safety Awards, which acknowledges outstanding achievements by Local Government in the area of road safety. A flyer calling for nominations has been distributed to all Councils.

Topic to be covered include:

- Federal Government's direction in road funding and the future of R2R – Federal Minister
- State Government future directions and new State Federal Relationships – State Government Minister
- Shadow Minister's Address
- WALGA President Address and Summation
- Changes to the Main Roads Act – how this will create sustainable networks? – Commissioner of Main Roads
- Road Funding – Future Directions
- Road Management Act 2004, Victoria
- Lessons learnt for WA
- Transport impact assessments - How are local roads considered in industry developments?
- Local Government Case Study - DPI
- Off the tracks & on the road again...railroading the railways... 3 local government case studies (Murchison, Kwinana, Wheatbelt)
- The New Road Safety Strategy – safe systems and a role for Local Government
- Speed Enforcement – the road safety imperative and a role for Local Government
- IPWEA/WALGA Local Government Road Safety Awards

COMMENT

The Forum is considered appropriate to keep up with road funding issues.

FINANCIAL IMPLICATIONS

No registration costs involved – only travel and accommodation. Provision included in the 2007/08 Budget (Account E041070 (Members) & E045428 (Staff)).

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That interested Councillors and the CEO attend the Forum.

Simple Majority Required

MIN 62/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood*That the Staff Recommendation be adopted.*

CARRIED 4/0

Cr Jefferies declared an interest in Item 11.4 in relation to the Tammin Roadhouse leaving the meeting without a quorum to consider this item.

11.4 Postcards

Author – MG Oliver, CEO, 26 March 2008 Interest – Nil

BACKGROUND

During the discussion on the entrance statement signs in March, Councillors expressed an interest in using the same design for postcards.

COMMENT

A quote has been obtained (from Zacks Commercial Artists) as follows. All prices are exclusive of 10% GST and Delivery.

Size: 150mm x 100mm
 Paper: 310 gsm grade 1 stock
 Print: Full Colour to both sides
 Finish: Gloss laminate to front side

Quantity	Price	Price per card
500	\$210.00	\$0.42
1000	\$300.00	\$0.30
2000	\$400.00	\$0.20
5000	\$640.00	\$0.128

FINANCIAL IMPLICATIONS

No provision in the 2007/08 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That 500 postcards be purchased and that they be offered for resale to the Tammin Post Office and the Tammin Roadhouse.

Absolute Majority Required

11.5 Draft Policy – Sea Containers (ADM-52)

Author – MG Oliver, CEO, 26 March 2008 Interest – Nil

BACKGROUND

At the March Ordinary Council meeting discussion occurred on a Policy for the control of the use of sea containers. The EHO, Shire of Northam, has provided a copy of Northam's Policy – which has been reproduced and modified for Tammin as follows:

1 Sea Containers

Sea containers are now available from transport agencies at an affordable cost. They have the potential for reuse as a strong storage unit or as an outbuilding if modified appropriately. Containers are made in different sizes but are generally 2.4m in width, 2.4m in height and vary in length from 3m to 12m.

2 Purpose of Policy

The purpose of this policy is to manage the use of sea containers in the Town of Northam so as to ensure that the intent of the Town Planning Scheme is maintained.

3 Policy Provisions

- 3.1 The location of Sea Containers within the Shire of Tammin is regarded as development and will require Council's Development Approval;
- 3.2 All applicants will be required to obtain a Building Licence for development in areas where Building Control is exercised;
- 3.3 One smaller Sea Container (6m or less) may be located on a property in the Residential and Special Residential Zones subject to the following conditions:
 - (i) That the containers shall be fitted with a pitched roof;
 - (ii) That the containers shall be located to the rear of the dwelling and shall not be visible from the street;
 - (iii) That the containers shall be located within normal building setbacks;
 - (iv) That the containers shall be fitted with windows and doors that can be opened from inside to ensure safety of users;
 - (v) That the containers shall be painted to match the colour of the house;
 - (vi) That the containers may be used as outbuildings but not for ancillary accommodation;
 - (vii) That the containers shall not to be located over septic tanks, leach drains or utilities;
 - (viii) That applicants shall obtain the written consent of surrounding neighbours;
 - (ix) That the containers shall be landscaped to screen them from neighbours; and
 - (x) That if the containers fall into disrepair or become unsightly Council shall require their removal.
- 3.4. One larger Sea Container (up to 12m) may be used for storage only on a property in the Light Industrial Zone and Rural Zone with Council's approval subject to the following conditions:
 - (i) That the containers shall be located to the rear of buildings and that they are not prominently visible from the street;
 - (ii) That the containers shall be located within building setbacks in the current Town Planning Scheme;

- (iii) That the containers shall be able to be opened from inside to ensure safety of users;
- (iv) That the containers shall be painted to match the buildings on the lot;
- (v) That the containers shall not be located over septic tanks, leach drains or utilities;
- (vi) That the applicants obtain the written consent of the surrounding property owners; and
- (vii) That if the containers fall into disrepair and become unsightly, that Council shall require their removal.

3.5. Sea containers will generally not be permitted in the Town Centre Zone, Special Use Zone and on Local Reserves (including road reserves) without Council specific approval.

3.6. Temporary use of a sea container on building sites as an office or storage unit is permissible, subject to application to and approval of Council. Approval extends for the period of construction of the building only, and the sea container shall be removed within 14 days of completion of the building. As a component of the application, suitable safety mechanisms must be in place to allow emergency exit from the container, to the satisfaction of Council.

COMMENT

Effectively, a development and/or building permit would be required requiring the development to conform to the stated controls.

Consideration should be given to increasing building control to the whole of the Shire of Tammin – at least for Class 1 buildings (dwellings).

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

New Policy proposal

STATUTORY IMPLICATIONS

Section 4 and Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1960 Part XV (Exclusion) Order 2002 provides that Part XV applies only to the Tammin townsite and that Part XV of the Act does not apply to a local government district listed in column 1 of Schedule 1 except that it applies to a part of that district described in column 2.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- the draft Policy – Sea Containers be adopted; and
- the Department of Local Government and Regional Development be requested to gazette building control for Class 1 buildings for the whole of the Shire of Tammin.

Simple Majority Required

MIN 63/08 MOTION – Moved Cr Greenwood 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 4/0

11.6 Cr B Leslie – Resignation (ELE-03)

Author – MG Oliver, CEO, 28 March 2008 Interest – Nil

BACKGROUND

Cr Leslie has tendered his resignation effective 26 March 2008.

COMMENT

Cr Stokes, as President, has the option of fixing the Election Day date. If this is not done by this meeting, then Council should address the issue at this meeting. If Council fails to set the date then the Electoral Commissioner will set the date.

Prior to 80 days prior to the Election Day Council is to determine whether to use the postal voting system for the Election. 80 days prior to the Election Day is the first day for the period of statewide adverts for enrolment to vote.

80 days from 17 April is Saturday 5 July 2008.

Cr Leslie was appointed:

- Member to the Audit Committee (with Crs Stokes and Greenwood)
- Delegate to WALGA Great Eastern Country Zone (with Crs Caffell, General Deputy Cr Stokes)
- Deputy delegate to Kellerberrin Regional Road Sub Group (delegate Cr Stokes)
- Delegate to Golden Pipeline Planning Advisory Group (deputy Cr Jefferies)
- Delegate to WE-ROC Council (with Crs Caffell, deputy Cr Stokes)

FINANCIAL IMPLICATIONS

No provision in the 2007/08 Budget for the cost of advertising and, if necessary, Poll.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Section 4.9 of the *Local Government Act* (Election day for extraordinary election) provides:

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Vacancy will be advertised as part of the process to fill the vacancy.

STAFF RECOMMENDATION

That:

- if Cr Stokes, as President, has not fixed the Election Day date for the extra-ordinary vacancy then Council should fix the Election Day as a date after 5 July 2008;
- Council determine if the postal voting system is to be used for the Election; and
- Council appoint delegates/deputy delegates to replace Cr Leslie.

Simple Majority Required

MIN 64/08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That:

- *the Election Day date for the extra-ordinary vacancy be 10 July 2008;*
- *the in person voting system be used for the Election;*
- *Cr Jefferies be appointed Member to the Audit Committee (with Stokes and Greenwood);*
- *Cr Wheeldon be appointed Delegate to WALGA Great Eastern Country Zone (with Crs Caffell, General Deputy Cr Stokes);*
- *Cr Greenwood be appointed Deputy delegate to Kellerberrin Regional Road Sub Group (delegate Cr Stokes);*
- *Cr Jefferies be appointed Delegate to Golden Pipeline Planning Advisory Group (deputy Cr Wheeldon); and*
- *Cr Stokes be appointed Delegate to WE-ROC Council (with Crs Caffell, deputy Cr Jefferies).*

CARRIED 4/0

11.7 WALGA – The Journey (PROP-00)

Author – MG Oliver, CEO, 28 March 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.11 – 20 March 2008 refers.

BACKGROUND

Forwarding a copy of the 10 Year Industry Plan *The Journey: Sustainability into the Future* which was launched on 29 February 2008. Comments on the Plan were sought by 15 April 2008.

At the Great Eastern Country Zone meeting in Westonia on 28 March 2008 resolutions were passed to:

- hold further discussions in Merredin on 21 April 2008 – to determine a Zone response to the individual recommendations.
- request WALGA to convene a meeting of all Member Councils prior to 31 May 2008 to discuss the Report prior to it being considered by State Council.

COMMENT

The 233 page plan, which contains some 62 recommendations, is available for download from www.walga.asn.au. A copy of the Executive Report section together with the Recommendations was provided to Councillors in March. A copy of the Report (without the Appendices) has since been provided,

The Plan examines the issue of structural reform, amalgamations, regional councils and WALGA's relationship with local government. The Report sets a blueprint and plan for the future of Local Government as an alternative to forced amalgamations.

It is considered essential that Councillors familiarise themselves with the Report and canvass opinions in the community as the debate proceeds.

The meeting in Merredin will commence with morning tea at 9.30am and is anticipated to conclude for lunch at 12.45pm.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council:

- encourage all Councillors to attend the discussions in Merredin on 21 April 2008; and
- determine a position on the recommendations:

All recommendations marked () are considered intrinsic to the proposal for the creation of the Local Government Independent Assistance Commission discussed in the Revenue Section of this paper and should be considered in the context of that development.*

Recommendation 1

Amend the *Local Government Act* to require Local Governments to:

- Prepare and publish a Strategic Plan for a minimum of ten years, with a review required after each general election of Council;
- Create Asset Management Plans linked to the Strategic Plan;
- Prepare, as part of the published Strategic Plan, Financial Plans that allow for the implementation of the Strategic and Asset Management Plans;
- Create key performance indicators that are published as part of the planning process; and
- Report performance against these KPIs to their community on an annual basis.

Recommendation 2

Councillor and officer training to be developed to incorporate strategic planning issues and their relationship to asset management and long term financial plans.

Recommendation 3

That the current operating revenue classes for nature/type:

- a. Grants and subsidies
- b. Contributions, reimbursements & donations

Be changed as follows:

- c. Operating grants, subsidies and contributions
- d. Non-Operating grants, subsidies and contributions

Revenue received for reimbursements and donations that cannot be classified as operating/non operating contributions or Fees and Charges are to be classified as 'Other Revenue'.

Recommendation 4

The disclosure notes required under the *Local Government (Financial Management) Regulations 1996* are to be expanded to show the application of these revenues for operating, capital, reserve transfers and/ or debt servicing.

To support these changes to Sections 23, 24, 39 and 40 of the *Local Government (Financial Management) Regulations 1996* be amended to require these disclosures.

Recommendation 5

That the model financial reports disclose the restricted assets, by way of a note, so that funds not applied can be aligned with the appropriate financial year. Further, that the effects of restricted assets such as unspent operating grants are considered in assessing the operating result of Local Governments in preparing comparative financial indicators.

Recommendation 6

That the model financial reports disclose extra-ordinary financial transactions, by way of a note, so that funds not applied can be aligned with the appropriate financial year. Further, that the effects of extra-ordinary financial transactions are considered in assessing the operating result of Local Governments in preparing comparative financial indicators.

Recommendation 7

That the first release of an Industry Accounting Manual include a detailed guidance note on useful life, residual values and the resultant depreciation rates for all classes of fixed assets.

Recommendation 8

That disclosure notes required under the *Local Government (Financial Management) Regulations 1996* should be expanded to show the application of reserves for operating, capital and/ or debt servicing. The data collection sets include the classification of reserves held for the purpose of current liabilities, non-current liabilities, asset renewal, new assets, restricted funds (Special Area Rates/service charges, unspent grants) or future operating outlays. Amendments be made to Sections 27(h) and 38 of the *Local Government (Financial Management) Regulations 1996* to require these disclosures.

Recommendation 9*

In order to support the function of an independent Local Government Independent Assistance Commission a partnership arrangement to be entered into between the Department and WALGA to facilitate the production of comparative information for financial transactions for the sector. This information is to be compiled utilising a web based collection system that allows direct input and amendment of the information. An investment is required to enable data collection to commence in 2008.

Recommendation 10

That the *Local Government Act 1995* be amended to require the production of annual community financial reports on terms equivalent to those currently applying in Queensland.

Recommendation 11*

That from the collection of Local Government financial information a set of industry comparative financial indicators associated with financial sustainability be provided to the industry by July 2009.

To support this development WALGA develop training programs for Councillors on the importance and interpretation of financial sustainability indicators.

Recommendation 12

That suitable debt management indicators for Local Government be developed in consultation with the WA Treasury Corporation to form part of the proposed comparative data set for Local Government. Each debt indicator should include a range by which Local Governments can manage debt in a prudent fashion.

Recommendation 13*

That comparative information be reported for debt and debt management. This information is to be compiled using a web based collection system that allows direct input and amendment of the information. The information is to provide state, region and size analysis online for the following debt matters:

- general statistics to include amount of new debt raised, refinancing amounts, debt service amounts and outstanding debt
- performance indicators be published for:
 - debt service costs as a percentage of general funds
 - debt service costs as a percentage of LG revenue
 - debt outstanding as a percentage of general funds
 - debt outstanding as a percentage of LG revenue
 - weighted average interest rate of debt
 - gross debt to economically realisable assets
 - untied cash reserves as a percentage of outstanding debt
 - net financial liabilities.

Performance indicators for debt management be incorporated in the disclosure requirements for the long term financial plan, the annual report and the annual budget.

Recommendation 14*

That the roll out of an asset management program to all Local Governments is recommended. The process should be facilitated on a regional basis for smaller Local Governments.

- The implementation of the program needs to be supported with resources that permit the timely implementation of the program.
- Consistent with the proposed practices included in the accounting manual, industry guidance be provided on service standards and intervention levels.

Information for the annual road survey by WALGA should be collated through a web based collection portal and undertaken in conjunction with information collected through the proposed industry bureau.

These listed activities should also be referred to the jurisdiction of the Local Government Independent Assistance Commission should that body be created.

Recommendation 15*

That a partnership to be established with the Department of Local Government and Regional Development, Main Roads WA, and WALGA for a bureau to be established or the collection and management of road infrastructure data for all Local Governments. The establishment costs of the bureau to be initially funded from the State road fund allocations. Following the first five years the costs of the bureau is to be met from Local Government contributions.

These listed activities should also be referred to the jurisdiction of the Local Government Independent Assistance Commission should that body be created.

Recommendation 16

That a schedule of recommended depreciation rates for each class of fixed assets be incorporated into the first release of the accounting manual. Disclosure requirement for asset acquisitions be expanded to show the value of acquisitions for new assets and outlays on the renewal of existing assets. The definitions used in the WAAMI model will be used as the basis for defining 'new' or 'renewal'.

Recommendation 17

That a system of revaluation of assets such as buildings and infrastructure on a five yearly basis be incorporated into the annual financial accounts prepared by a Local Government.

Recommendation 18

That WALGA continue investigation of the possible creation of a Local Government Finance Authority.

Recommendation 19

That WALGA support the rate setting process as outlined Section 6.22 as an example of best practice in rate setting.

Recommendation 20

- a. That WALGA in conjunction with the ABS constructs and maintains a revised WA Local Government Cost Index using average actual expenditure and appropriate cost and price indices.
- b. That the WA Local Government Cost Index be delivered via a website that allows members to input individual expenditure to customise their weightings and develop an index tailored to their circumstances.
- c. That Local Governments use a revised WA Local Government Cost Index as part of their budget calculations and communications.

Recommendation 21

That Local Governments use the principles of: transparency, timeliness, comparability and pricing policy as key elements of best practice in setting fees and charges.

Recommendation 22

The LGIAC is the reference panel for the purpose of setting standard costs for like goods and services provided by Local Governments. The LGIAC to include representation from the Department of Local Government and Regional Development, Industry Organisations including WALGA and the WA Department of Treasury and Finance to overview the relativity, accuracy, applicability and methodology of standard costs, which would be available for Local Governments to adopt. The LGIAC would conduct reviews of best practice in pricing policy and suggest methodologies for setting discounted community fees and charges to ensure industry consistency. The default unit for analysis and fee setting should be regional.

Recommendation 23

That Sec 6.16 (3) of the *Local Government Act (1995)* be amended to allow Local Governments to set fees and charges other than at the time of adopting the annual budget and provide sufficient time to be applicable from 1 July each year.

Recommendation 24

That Section 6.16 of the *Local Government Act (1995)* be amended to cater for circumstances where Local Governments operate a commercial undertaking selling fast moving consumer goods and where marketing imperatives require line managers to make pricing and discounting decisions.

Recommendation 25

That Local Governments use the WA Local Government Cost Index (as enhanced by Recommendation 20) to approximate cost increases as part of their annual review of fees and charges cost levels.

Recommendation 26

That LGIAC establishes a website for the purpose of providing Local Governments with access to comparable information on rates in terms of the ratios outlined in this report.

Recommendation 27

That WALGA continue supporting ALGA in their push for Financial Assistance Grants to be allocated based upon a percentage of Commonwealth Taxation as the most effective way of increasing financial assistance to WA.

Recommendation 28

WALGA and LGMA seek approval to present a joint submission to State Government focusing on the benefits gained from the \$3m investment and seeking to expand the scope of the fund, as set out in this report, to cover sustainability issues and increase the amount of the financial allocation to an indicative \$6m per annum for 5 years.

Recommendation 29

That WALGA endorse the Principles and methodologies contained in the document *Guidelines: Levying Development Contributions for Community Infrastructure* and seek funding from the State Government for the expansion of the Community Infrastructure Planning framework proposed in that document. Further, WALGA recommend that Councils experiencing significant levels of growth and development should prepare as part of their strategic planning process Community Infrastructure Plans.

Recommendation 30

That WALGA advocate change to Sections 6.41((2)(b) of the *Local Government Act (1995)* to increase a Local Government's flexibility to offer a monthly payment of property rates without a individual instalment notice.

Recommendation 31

- a. That the *Local Government Act (1995)* be amended to mandate implementation of formal standardised long term asset management planning for Local Governments as soon as possible, and as part of that implementation confirm the annual preservation maintenance gap and establish the extent of the infrastructure backlog.
- b. That the *Local Government Act (1995)* be amended to require Local Governments to publish the result of their asset management plans in their annual report in a prescribed format.
- c. That WALGA advocate for the current Roads to Recovery program to be established as a permanent funding source and escalated each year based upon the increase in Commonwealth Taxation Revenue.

Recommendation 32

That the proposals contained in the Report *Achieving Best Practice in Urban Regeneration: A review of statutory constraints to Local Government guided outcomes* be adopted and the *Local Government (Functions and General) Regulations 1996* be amended as proposed in the Report to enable a Local Government to form a corporate entity (such as a company, partnership or joint venture) providing that any amendment contains restrictions and safeguards, as outlined in this discussion, in relation to an appropriate governance model.

Proposals are outlined as follows:

for insertion in the *Local Government (Functions and General) Regulations 1996*

32A. Local government permitted to form corporate entities

(1) In this regulation:

approved commercial enterprise means an enterprise to which subregulation (8) applies and which has been approved by the Minister.

approved development project means a project approved by the WA Planning Commission as meeting the criteria for an Improvement Plan under section 37A of the Metropolitan Region Planning Scheme Act, and by the Minister for the purposes of this Act.

approved investment scheme means an investment scheme to which subregulation (9) applies and which has been approved by the Minister.

control and **controlled** have the meanings contained in [Corporations Law]
independent Board member means a person other than an elected member of the local government, or an employee of the local government, who is appointed to the Board of a local government corporate entity

local government corporate entity means a corporate entity (including an incorporated company or a trust) that is owned or controlled by a local government and has been approved by the Minister in accordance with this regulation.

- (2) Where a local government wishes to undertake or participate in commercial activities (including ownership of commercial property or participation in a property development project primarily for investment or income-producing purposes) within its boundaries that involve, or have the potential to involve or to create the impression of, a conflict of interest between the regulatory and investment activities of the local government, the local government shall have regard to such measures as may be necessary to remove the existence or appearance of a conflict of interest.
- (3) A local government may form, or participate in forming, or control a local government corporate entity established in accordance with this regulation with the approval of the Minister on such terms as the Minister may see fit to impose for any of the following purposes:
 - (i) to participate in an approved development project; or
 - (ii) to participate in an approved commercial enterprise; or
 - (iii) to participate in an approved investment scheme.
- (4) Every local government corporate entity established in accordance with this regulation shall be placed under the control of a Board appointed by the local government and shall:
 - (i) be governed by the applicable law governing the type of entity to which it conforms; and
 - (ii) have a Constitution approved by the Minister; and
 - (iii) operate in accordance with an annual Statement of Intent agreed between the Board and the local government; and
 - (iv) be subject to [Public Sector Finance provisions].
- (5) The Board of a local government corporate entity shall comprise not fewer than 3 nor more than 5 persons appointed for their expertise, knowledge and experience relevant to the nature of the business of the local government corporate entity.
- (6) A person who is an elected member of the local government, or an employee of the local government, may be appointed to the Board of a local government corporate entity if he has the requisite expertise, knowledge and experience to qualify for appointment under subregulation (5). However, under no circumstances may the number of independent Board members be fewer than one half of the total membership of the Board.
- (7) Every local government corporate entity must prepare an annual Statement of Intent describing its proposed business activities for the following year, including the performance measures by which it proposes to measure the success of those activities. The Statement of Intent must be approved by the local government and thereafter made available for public inspection.
- (8) If a local government believes that an enterprise is:
 - (i) essential to the well-being of its local community; and
 - (ii) but for the intervention or participation of the local government, the services and facilities provided by that enterprise would not be reasonably available or accessible to residents of its area the local government may apply to the Minister stating reasons why, in the opinion of the local government, the enterprise should be declared an approved commercial enterprise for the purposes of this Act.
- (9) Where a local government wishes to hold investments that involve, or have the potential to involve or to create the impression of, a conflict of interest between the regulatory and investment activities of the local government, the local government may apply to the Minister stating reasons why, in the opinion of the local government, the enterprise should be declared an approved investment scheme for the purposes of this Act.

- (10) The approval of the Minister to the formation or control of a local government corporate entity may be given on such terms as the Minister sees fit, and may be limited as to term. The Minister may direct that the local government seek the views of its ratepayers by the conduct of a poll on the proposed establishment of the local government corporate entity, and may take the results of such poll into consideration, although not bound to do so.
- (11) Where more than one local government jointly forms, or participates in forming, or controls a local government corporate entity, the provisions of this regulation apply jointly and severally to each local government.
- (12) The transfer of property to a local government corporate entity is an exempt transaction under section 3.58 (5)(d) and section 3.59(10) of the Act.
- (13) The approval of the Minister to participate in an approved investment scheme meets the requirement for approval under section 6.14(1)(b) of the Act.

Recommendation 33

That WALGA seek to establish a Local Government Independent Assistance Commission for the purposes outlined in this discussion and seeks funding from the nominated sources to achieve this task.

Recommendation 34

That when discussing the future of Local Government the definition of sustainability of Local Government should include social, environmental, economic, financial and cultural factors.

Recommendation 35

That the diversity of Local Government not be used as a reason to avoid taking responsibility to address issues impacting on sustainability and to improve outcomes through innovation and change, and determine the future direction and sustainability of the sector.

Recommendation 36

That each Local Government must place emphasis on achieving good value in the use of the community's resources entrusted to it through continually improving service delivery.

Recommendation 37

That each Local Government conduct a self assessment of its sustainability by 30 June 2009 and thereafter annually utilising the Sustainability Checklist in Section 10.1.

Recommendation 38

That the following amendments be made to the *Local Government Act 1995* (LGA) and the *Local Government (Functions and General Regulations) 1996*

a. **Local Government Act**

Issue: Principle of LGA is supposed to be 'general competence'. The level of prescription in the Act and regulations limits the degree of flexibility to a level which is more like *ultra vires*.

Proposal: Review or evaluation of the Act in relation to 'general competence' powers.

b. **Local Government Act**

Issue: To implement improved service delivery initiatives will quite probably create a 'major trading undertaking'. Local Government is then required to prepare and publish business plans. Disadvantages community by requiring disclosure of commercially significant information. Limits the potential to be innovative in seeking different and more effective ways to do LG business.

Proposal: Clarify Act to remove any requirement where the initiative is for delivery of Local Government services by an individual Local Government or by joint arrangements. Review the requirements to remove any requirement which

requires disclosure of commercially important information (including to potential competitors).

c. **Local Government Act**

Issue: A Local Government must employ a person to be the CEO. Other provisions relate to annual review and contract of employment. The provisions are drafted envisaging one CEO working for one LG. New opportunities such as sharing a CEO between two or more Local Governments, including on a regional or district basis, require a new approach in the Act.

Proposal: Revise the LGA so that it recognises the shared CEO option and reduce the level of direction so that local arrangements can be made and entered into by contract.

d. **Local Government (Functions and General) Regulations**

Issue: Local Government is required in prescribed circumstances to call competitive tenders. The assumption of the requirement is a competitive market place. In reality this is often not the case where a number of supplies are either monopolised or oligopolised, particularly in regional areas. The Regulations may also place impediments on innovated service arrangements by Local Government, especially if they involve some form of long term commercial arrangements. Although the tender threshold was recently lifted to \$100,000 this amount varies across Local Governments and is not defined to the extent that minor purchasing will not eventually be subject to competitive public tender.

The tender provisions of the Functions and General Regulations require revision to remove obstacles to innovative service delivery options and foster sustainability.

Proposal: Amendments to the Local Government Functions and General Regulations that focus on the underlying purpose and effect of Local Government Purchasing:

- Establishment of varying tender thresholds based on organisation size and turnover, or alternatively the ability for each Local Government to nominate and submit its tender threshold through its purchasing policy which is lodged with the Department for approval.
- Enhanced exemptions to competitive public tendering in areas of limited supply, and the establishment of the capacity for Local Government to issue closed tenders (non-public requests) in specialised areas.
- Foster regional cooperation and shared service delivery by creating new regulatory provisions which provide for the establishment of panel contracts, and regional buying groups.
- Establish regulatory capacity to directly source market suppliers in the instance that no tenders are received, or that no compliant submissions within 20% of Councils budget are received.

Recognition of the advisory services, model documentation, training, and managed tender services of WALGA through its procurement program by enhancing the definition of (11) (2) (b) of Part 4 of the current regulations.

Recommendation 39

That WALGA seek a partnership with the Department of Local Government and Regional Development so that stakeholders work together in pursuing the goal of achieving a long term sustainable Local Government model, with particular emphasis on reviewing and modernising the Local Government Act to remove obstacles and foster sustainability.

Recommendation 40

That WALGA proceed to establish a bureau service (potentially on fee for service basis) which draws together expert teams to support members to examine and progress service options.

Recommendation 41

That WALGA provide leadership and support by:

- Continuing to encourage and promote the reform of the sector by the sector.
- Developing resources to support members in identifying and investigating opportunities, including:¹
- A website which has examples of alternatives with case studies and contact details for more information.
 - A range of 'toolkits' for the range of options available (similar to the Department of Local Government and Regional Development handbook for Local Governments *Implementing Amalgamations*).

Recommendation 42

That the *Local Government Act 1995* be reviewed with the objective of amending unnecessary impediments and existing sources of inflexibility for regional Local Government structures.

Recommendation 43

That WALGA seek funding to develop a pilot Regional Council to progress the Regional Model concept.

Recommendation 43

That WALGA commence negotiation with State and Commonwealth Governments to secure funding for Local Governments to establish regional service provision (software costs, shared service agreements, etc).

Recommendation 44

That the WALGA State Council initiate quarterly reviews of progress in achievement in the shift to regional platforms to support and review ongoing dialogue with State and Commonwealth Governments.

Recommendation 45

That WALGA engage regional workforce planning processes for the Local Government sector in collaboration with Regional Development Commissions (RDCs). The engagement should extend to involvement in regular reviews of existing plans.

Recommendation 46

That WALGA develop a policy where recruitment is undertaken using the Regional Model framework and not purely based on a local model framework.

Recommendation 47

That WALGA request the State Government to amend the *Local Government Act (1995)* to require Councillors to undertake training within their first term.

Recommendation 48

That WALGA urgently pursue State Council endorsement of the mandatory four core training modules.

Recommendation 49

That WALGA develop on-line delivery of the core modules required for Councillor accreditation.

Recommendation 50

That WALGA establish and support regional training programs for Councillors.

Recommendation 51

That WALGA implement information sessions for prospective candidates and non-mandatory networking for new Councillors. These events to be delivered on a regional/WALGA Zone basis.

Recommendation 52

That 'New Councillor Weekends' be re-established.

Recommendation 53

That WALGA request the State Government to amend the *Local Government Act 1995* to require Councillors to undertake 'refresher training' every four years after initial training to ensure that Councillors are familiar with any changes in compliance requirements and best practice models.

Recommendation 54

That formal mentoring arrangements, and supporting training, be established to support new Councillors and be delivered on a regional/WALGA Zone basis.

Recommendation 55

WALGA produce a discussion paper on the creation of an Industry Training Fund during 2008, with full implementation by 2010.

Recommendation 56

That WALGA develop an appropriate Local Government 'work experience' program and/or explore other relevant labour force interventions.

Recommendation 57

That WALGA immediately develop a discussion paper on the creation of an Industry Training Council focused on the needs of Local Government.

Recommendation 58

That WALGA seek to work with the State Government to develop a training fund specifically designed to work with Indigenous communities increasing the pool of employees.

Recommendation 59

That a key theme for industry promotion in 2010-2011 be flexible employment options. WALGA to showcase and promote through industry forums models and options which have demonstrated success.

Recommendation 60

That should the State Government engage in external intervention to restructure Local Government prior to completion of the voluntary change process by Local Government, the 10 Year Plan explored in this paper should be used as the WALGA negotiating position.

Recommendation 61

That WALGA advocate and seek initial funding to develop a pilot Regional Council and \$30m to progress the Regional Model concept.

Simple Majority Required

MIN 65/08 MOTION – Moved Cr Jefferies 2nd Cr Greenwood

That:

- all Councillors be encouraged to attend the discussions in Merredin on 21 April 2008;
- *Recommendation 1 be opposed;*
- *Recommendation 2 be opposed;*
- *Recommendation 3 be supported;*
- *Recommendation 4 be supported;*

- *Recommendation 5 be supported;*
- *Recommendation 6 be supported;*
- *Recommendation 7 be supported;*
- *Recommendation 8 be supported;*
- *Recommendation 9 be opposed;*
- *Recommendation 10 be researched further;*
- *Recommendation 11 be supported;*
- *Recommendation 12 be researched further;*
- *Recommendation 13 be researched further;*
- *Recommendation 14 be opposed;*
- *Recommendation 15 be opposed;*
- *Recommendation 16 be supported;*
- *Recommendation 17 be supported (but note the cost);*
- *Recommendation 18 be supported providing on a user pay basis;*
- *Recommendation 19 be supported;*
- *Recommendation 20 be supported;*
- *Recommendation 21 be supported;*
- *Recommendation 22 be opposed;*
- *Recommendation 23 be supported;*
- *Recommendation 24 be supported;*
- *Recommendation 25 be supported;*
- *Recommendation 26 be supported;*
- *Recommendation 27 be supported – but aim for 2%;*
- *Recommendation 28 be researched further;*
- *Recommendation 29 be researched further;*
- *Recommendation 30 be opposed;*
- *Recommendation 31(a) be opposed;*
- *Recommendation 31(b) be opposed;*
- *Recommendation 31(c) be supported;*
- *Recommendation 32 be researched further;*
- *Recommendation 33 be opposed;*
- *Recommendation 34 be supported as the most relevant recommendation;*
- *Recommendation 35 be supported;*
- *Recommendation 36 be deleted;*
- *Recommendation 37 be opposed and the checklist be further developed;*
- *Recommendation 38 be supported;*
- *Recommendation 39 be supported provided WALGA undertakes to listen;*
- *Recommendation 40 be supported provided it is on an optional basis;*
- *Recommendation 41 be supported;*
- *Recommendation 42 be supported;*
- *Recommendation 43 be supported provided the funds do not go to WALGA;*
- *Recommendation 43 be researched further;*
- *Recommendation 44 be opposed;*
- *Recommendation 45 be opposed;*
- *Recommendation 46 be opposed;*
- *Recommendation 47 be supported provided it is not mandatory;*
- *Recommendation 48 be supported provided it is not mandatory;*
- *Recommendation 49 be supported;*
- *Recommendation 50 be supported;*
- *Recommendation 51 be supported;*
- *Recommendation 52 be supported utilising existing time at Local Government Week;*
- *Recommendation 53 be supported provided it is not mandatory;*
- *Recommendation 54 be supported provided it is not mandatory;*
- *Recommendation 55 be opposed;*
- *Recommendation 56 be opposed;*
- *Recommendation 57 be opposed;*
- *Recommendation 58 be opposed;*

- Recommendation 59 be supported;
- Recommendation 60 be opposed; and
- Recommendation 61 be supported.

CARRIED 4/0

11.8 Lots 12 & 19 Donnan St - Sale (ASS-1062)

Author – MG Oliver, CEO, 1 April 2008 Interest – Nil

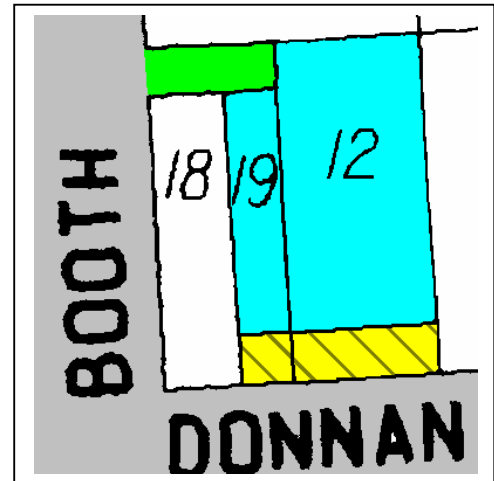
PREVIOUS REFERENCE

Item 11.14 – 21 February 2008 refers.

BACKGROUND

In February 2008 in responding to an offer to purchase lots 12 & 19 Donnan Street, Council resolved that:

1. a market valuation be obtained; and
2. the land be offered for private sale at the market valuation price subject to:
 - the purchaser being responsible for payment of the costs involved in the legal protection of Frearson Park (solicitor preparation and lodging);
 - the purchaser being responsible for the maintenance of the fence at the rear of Frearson Park;
 - the water supply (meter) to Frearson Park be restricted to Frearson Park and that the service be paid for by the Shire of Tammin; and
 - the necessary statutory requirements being complied with.



A market value of \$11,020 (inc GST) has now been obtained. The Valuer has made the following comments:

- At the date of inspection the lot was vacant except for part bitumen and part gravel hardstand.
- There is galvanised pipe, netting and barb wire security fencing to sides and rear. Approximately 231m² at the front is set aside for small park known as "Frearson Park" and is divided from the remainder by a fibro fence.
- Council has received a proposal from the adjoining owner to purchase these two lots. Lot 19 in particular has special value to the adjoining owner as its sewage disposal system is in fact located on this lot.
- The shop/storage development on Lot 18 covers the whole site and relocation of the sewage disposal system would be difficult. These lots would also have the advantage of providing extra storage area and further development potential in the future, however given the nature of Tammin further development is unlikely. It is noted that Lot 18 is presently vacant and for sale.
- Due to the Council's desire to retain "Frearson Park" no access is available from the front. A right of way at the rear of Lot 19 is the only access available. For this reason the most likely purchaser would be the adjoining owner.
- Council also intends to place a caveat or easement over the portion known as "Frearson Park" to prevent an development on this area.
- The subject Lots are located on the main through road of Tammin and surrounded by single storey commercial and residential developments. It is also opposite the grain receival facility and railway line.
- Value has been determined using a rate/m² over the available area of both lots without the portion reserved for the park (1160m²).

COMMENT

Lot 12 is 1,012m² (with a 20.12m frontage) and Lot 19 is 379m² (with a 8.57m frontage). Frearson Park is approximately 231m² (coloured hatched yellow on the adjacent plan).

The land at the rear of Lots 18 & 19 (coloured green on the adjacent plan) is actually a ROW (Lot 66) providing rear access to Lots 19 and 12.

To allow a *private* sale to proceed local public notice is required describing the property, giving details of the sale (names of parties, the consideration and market value) and inviting submissions.

Settlement costs are involved and GST is applicable.

The septic drain for the septic system of Lot 18 is located on Lot 19 (immediately behind the Frearson Park fence).

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act provides:

- (1) In this section —
 - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 - and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil – but the offer will be required to be advertised.

STAFF RECOMMENDATION

That the proposal for the sale of lots 12 & 19 proceed provided no submissions are received from the public advertising and that the CEO be instructed take the necessary administrative action required.

Simple Majority Required

MIN 66/08 MOTION – Moved Cr Jefferies 2nd Cr Caffell

That the proposal for the sale of lots 12 & 19 proceed on the basis of the market valuation (\$11,020) subject to:

- the purchaser being responsible for payment of the costs involved in the legal protection of Frearson Park (solicitor preparation and lodging) with Cr Greenwood to source advice on behalf of the Shire of Tammin;*
 - the purchaser being responsible for the maintenance of the fence at the rear of Frearson Park;*
 - the water supply (meter) to Frearson Park be restricted to Frearson Park and that the service be paid for by the Shire of Tammin;*
 - the necessary statutory requirements being complied with; and*
 - the purchaser being responsible for the statutory advertising of the sale;*
- provided no submissions are received from the public advertising and that the CEO be instructed take the necessary administrative action required.*

CARRIED 4/0

11.9 Tammin P&C – School Lawn Mowing (ORGL-04)

Author – MG Oliver, CEO, 2 April 2008 Interest – Nil

BACKGROUND

Seeking a quote for the upkeep of the School oval by weekly mowing the area and fertilising monthly.

COMMENT

The Association has indicated that the School does not have the appropriate equipment nor the resources to replace the equipment.

FINANCIAL IMPLICATIONS

Unknown.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council provide direction regarding this proposal.

Simple Majority Required

MIN 67/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Tammin P&C be advised the Shire of Tammin will undertake the mowing and fertilising of the lawn through to 31 January 2009 at no charge and that the situation will be reviewed at that time.

CARRIED BY AN ABSOLUTE MAJORITY 4/0

11.10 Financial Report (FIN-05)

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

BACKGROUND

The Financial Report for 2007/08 to 31 March 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.

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% or \$5,000 be adopted for reporting material variances.

STATUTORY IMPLICATIONS

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 March 2008 be received.

Simple Majority Required

MIN 68/08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 4/0

MIN 69/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That:

- *the cost of the re-build of the motor (including removal and re-installation) be withdrawn from the Plant Replacement Reserve; and*
- *arrangements be made for the anticipated overdraft requirements through to 30 September 2008.*

CARRIED 4/0

11.11 List Of Accounts Paid (FIN-05)

Author – Carol Crane, Finance Officer, 4 April 2008 Interest – Nil

BACKGROUND

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

Municipal Fund	numbers 1599 – 1689	\$365,478.32
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COMMENT

No abnormal expenditure has occurred.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

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 March 2008 be endorsed.

Simple Majority Required

MIN 70/08 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 4/0

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

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 6.20 pm.

Tabled before the Ordinary Council meeting on 15 May 2008.

Cr R.J. Stokes, Chairman

COUNCILLORS INFORMATION BULLETIN – APRIL 2008

Councillors are invited to view any of the information listed by seeking a copy of the document at the Shire Office.

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IB 1 Status Report

The following is an update on items considered relevant to Council either in progress or completed. Those items marked with an asterisk (*) are new for this month.

	Council Resolution	Officer	Action
	<p>Consolidated Emergency Services Building Item 11.2.2 – 7 December 2005 That the Shire of Tammin proceed to acquire 15m of the rear of the lot for the Consolidated Emergency Services building lot for amalgamation into the Hydrology Model land for the purposes of change rooms and infrastructure for the model.</p>	CEO	<p>FM Surveys Northam quoted \$6,150 (November 2005) and have been requested to prepare the necessary documentation for the acquisition.</p> <p>Application has been made to DLI.</p>
	<p>Storage & Catchment Dams Item 11.6 – 20 April 2006 That the gravel bund at the corner of Shields Street and Station Road be replaced with a concrete wall with an emergency removable section.</p>	CEO	Discussions being held with Alex Peron.
	<p>Kadjininy Kep Item 11.14 – 20 April 2006 That a non-return valve be sourced and fitted to the stage area water trough.</p>	CEO	
	<p>Properties Inspection Item 11.18 – 20 April 2006</p> <ul style="list-style-type: none"> • Locate memorabilia or small cardboard buildings for historic photo cabinet. Seek advice from Ron York regarding displaying the existing photos. • Prepare septic and storm water drainage plans for the Office and Hall. • Repair broken window on north east corner of Hall stage. • Prepare electrical diagram, including WIN re-broadcast equipment. • That RCD protection be installed on the Town Hall kitchen and Lesser Hall sub-boards. 	CEO	<p>Office septic plan completed, Hall system has not been researched.</p> <p>Electrical diagram has been put on hold pending the replacement of the Hall power board. Order for the RCD protection has been issued to Peter Mitchell.</p>
	<p>Roads Inspection Item – 20 April 2006</p> <ul style="list-style-type: none"> • that improvements be made to the fencing to seal the dam spillways, noting the issue of debris blocking any serious water movements • additional rock and cement slurry on upstream and downstream sides of Turon Rd. Culvert (Bungulla Creek Crossing) to prevent scouring 		Barry Leslie requested.

	<ul style="list-style-type: none"> that pedestrian ramps (concrete slab) over curb be provided at the intersection of Ridley & Redmond Streets (south west corner). 		Barry Leslie requested.
	<p>Municipal Inventory, Statements & Plans Item 11.13 – 21 June 2006 That the CEO research and complete/update draft plans when time permits for Council's consideration.</p> <ul style="list-style-type: none"> Municipal Inventory Equal Employment Management Plan Health & Safety Plan Severance & Redundancy Plan Gratuity Plan Future Plan Strategic Plan Review of Wards & Representation 	CEO	
	<p>Tammin Town Hall Item 11.25 – 15 February 2007 That two ventilation shafts be installed on the southern end of the main hall area to extract under floor air.</p>	CEO	Keith Johnson requested to install the ventilation shafts.
	<p>Roads Inspection Item 10.7.6 – 19 April 2007 That the hole in the culvert on Yorkrakine Rd be filled with concrete and that the section of road be lifted using fill from the windrows immediately to the south of the culvert.</p> <p>Item 10.7.13 – 19 April 2007 That Staff patch the joins in the widening on Goldfields Rd and also the surface damage.</p> <p>Item 10.7.14 – 19 April 2007 That the overgrowth on Harris Rd be cleared when time permits.</p> <p>Item 10.7.17 – 19 April 2007 That Staff would clear the existing prunings and carry out further clearing to allow Mr Ralston to replace the section of fence. Note to keep the culvert clear and avoid the water pipe running through the culvert.</p>	Team Leader	

	<p>Item 10.7.22 – 19 April 2007 That a crossover be installed into the School vehicle gate off Booth Street and a footpath crossover in Ridley St across Redmond St (both sides) to allow gopher on the footpath.</p>		Barry Leslie requested.
	<p>Properties Inspection Item 10.3 – 17 May 2007</p> <ul style="list-style-type: none"> • Re-nail timber slat in lesser hall ceiling and also in kitchen. • Replace missing tiles in Donnan Park umpires room. • Replace broken floodlight (250W/500W) in Donnan Park carpark (protect with mesh). • Track down wording for Heritage Park plaque never installed (Joan Button). • Install saddles on reticulation wiring in TALEC west accommodation wing. 	CEO	Waiting on Joan Button / Glenys Batchelor
	<p>House Inspections Item 10.3 – 17 May 2007</p> <ul style="list-style-type: none"> • 4 Old Yorkrakine Rd - Timber skirting fallen off eaves. • 11 Nottage Way - Smoke alarm required. • 9 Nottage Way - Smoke alarm required. • 22 Ridley Street - Paving of path to clothes to be installed. • 45 Draper Street – complete fencing/gates. 	CEO	Order issued, work partially completed.
	<p>Equipment Hire Item 11.9 – 18 July 2007 That Staff provide details of items of equipment that should not be available for hire together with items of equipment that are available for hire but are currently not on the fees and charges list for further consideration by Council.</p>	CEO	
	<p>Outstanding Projects Item 12.1.3 – 21 December 2007</p> <ul style="list-style-type: none"> • Kadjininy Kep completion. • Acquisition of land from FESA • Dam completion – plan to stabilise inlet to catchment dam and plan to transfer of water to storage dam are required. Headwall (with relief gate) to be installed across the creek on the corner of Station Rd and Shields Street. Northern section of the drain (between the Donnan Park gate and the dam) requires 		The outstanding realignment of the southern fence (between Memorial Park and Kadjininy Kep is preventing the commencement of the pathways, hard pan area, additional lawns and kerbing and new garden beds (see July 2006 design) <i>With Landgate.</i>

	<p>widening. Consideration of the width of the drain at the crossover into Donnan Park has been mentioned. Provision of a security flap across the drain in the fence still to be completed.</p> <ul style="list-style-type: none"> • Oval reticulation – connection of the delivery tank to the Hunts Well. • TALEC – conversion of boiler room to laundry. • Donnan Street off street parking – power supply to be resolved. • Building maintenance program – program to consider heavy maintenance and improvements to the Shire’s buildings. • Rubbish collection contract – the contract with Avon Waste expired in June 2007. It is proposed to call tenders in conjunction with the Shires of Kellerberrin and Cunderdin. • 4 Old Yorkrakine Rd – bathroom refit – tiler to be sourced. • Tamma Village – Unit 1 bathroom – tiler to be sourced. • Painting – 4 Old Yorkrakine Rd interior 		
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IB 2 Yorkrakine Hall Committee – Liquor Consumption (ASS-1091)

Correspondence seeking consent to consume liquor at the Yorkrakine Hall as part of the Centenary celebrations on 11 October 2008.

Comment

Using the delegated authority, approval was given subject to the following conditions:

- the requirements of the Liquor Licensing Act are fully complied with;
- the liquor is consumed in an orderly manner;
- no liquor is served or consumed by persons under the age of 18 years; and
- all rubbish (including drink containers) is placed in the receptacles provided before departing the property

IB 3 Common Seal

On 12 March 2008 the Common Seal was affixed to the Agreement with Country Arts for the 2008 WA Intrastate tour of *The Gun*.

IB 4 Tammin Golf Club – Community Crop (ORGL-21)

Correspondence expressing appreciation to the Shire of Tammin for the opportunity to participate in the Tammin Community Cropping Program. The success of the Program will enabled the Club to complete the Clubhouse works, purchase a new mower and start the 2008 season in a sound financial position.

IB 5 WALGA – Issues Update No 10.08 (OLGOV-11)

Correspondence providing an update on issues including:

- New Public Health Bill seminars
- Captivate – Participation for all workshops
- HR seminar – The Moving Landscape
- Bus shelter grant scheme
- Illegal dumping workshop
- Community Facilities Grants program
- Constitutional recognition
- University and beyond survey presentation

IB 6 WALGA – Issues Update No 11.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Roads and Transport Forum 2008
- New NRM Funding Arrangements
- Banners in the Terrace 2008 – Final Call
- HR Seminar – Final Call for Registrations
- Local Government Road Safety Awards 2008 - Extension to Award Nominations
- Complete Guide to the Local Government Act – Model Code of Conduct
- Local Government Peer Support Team
- New Road Safety Fact Sheets Available
- Community Cultural Planning Fund

IB 7 DLGRD – AAS27 (FIN-00)

Correspondence advising that Australian Accounting Standard (AAS) 27 has been withdrawn and that the Department was preparing Regulation amendments to reflect its withdrawal.

Comment

The consequence and effect of the withdrawal will be picked up by Staff when attending the Haines Norton workshop later in the year.

IB 8 Shire of York – Road Verge Clearing (AGR-10)

Correspondence advising that at the WALGA Road Verge Clearing Workshop, Goldfields Rd in the Shires of York, Cunderdin and Tammin has been selected as a pilot project to assess the suitability of current legislation and processes for clearing permits. The project will be managed by WALGA and the Roadside Conservation Committee at no cost to the local governments except for Staff time.

IB 9 Western Power – Street Lighting (ENG-46)

Correspondence providing an amended quote (following discussions) for the street lighting upgrade and extension in Donnan Street was for \$67,227 (inc).

Comment

The quote has been accepted and an invoice for 50% forwarded to Main Roads WA. The nett cost to the Shire of Tammin is:

Main Roads WA	\$30,557.25
Office of Crime Prevention	\$20,000.00
Shire of Tammin	\$10,557.75
GST	\$6,111.55
Total	\$67,227.00

The 2007/08 Budget provided for a contribution of \$30,940 from Main Roads WA and a net cost to Tammin of \$11,810.

IB 10 WALGA – Issues Update No 12.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Roads and Transport Forum 2008
- HR Seminar – The Moving Landscape
- Breakfast with Karl O’Callaghan (Commissioner for Police) – 2 May 2008
- Attendance of Elected Members at State Administrative Tribunal Matters
- State Crime Prevention Strategy Renewal
- Local Government/Business Partnership Projects
- CAN WA Cultural Planning Course
- Ray Ward

IB 11 WALGA – Council of Australian Governments Reform Agenda (OLGOV-06)

Correspondence providing an update on WALGA’s involvement in the Reform Agenda and on proposals by the Federal Government including:

- Proposal that there be four categories of funding from the Commonwealth to the States:
 1. GST revenues, distributed among the States by the Commonwealth Grants Commission according to the principles of horizontal fiscal equalisation as per the current arrangements;
 2. General Revenue Assistance;
 3. Specific Purpose Payments; and
 4. National Partnership Payments for:
 - a. Specific projects; and
 - b. Reform-linked facilitation or incentive payments.
- Proposal to remove some payments currently made through the States to third parties from the scope of payments to the States, on the basis that these do not directly support State service delivery efforts. Two large payments in this category are Financial Assistance Grants (FAG's) to local governments and funding for non-government schools. The Commonwealth propose to consider the mechanism for distribution of FAG's to local government after the Productivity Commission releases its study, *Assessing Local Government Revenue Raising Capacity*, in April 2008.

7 Working Groups, each chaired by a Commonwealth Minister and comprising senior bureaucrats from State and Commonwealth Departments, have been established to lead key areas for reform:

- Business Regulation and Competition
- Climate Change and Water
- Health and Aging
- Housing
- Indigenous Reform
- Productivity
- Infrastructure

To date these Working Groups appear to have been focussed on processes associated with implementing election commitments, identifying performance indicators and consultative mechanisms. Substantial policy work is still to be done, particularly concerning future reform agenda, and consultation with a range of stakeholders is anticipated in the coming months.

IB 12 LGIS – Bullying & Harassment Training (PERS-15)

Training for all Staff was provided by LGIS on Bullying and Harassment on 2 April 2008 in Tammin.

IB 13 Staff

Mrs Crane has tendered her resignation.

The CDO’s position remains unable to be filled due to accommodation.

The plant operator’s position remains unfilled.