

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 21 September 2006.

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

Cr Leslie declared the meeting open at 2.00pm.

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

**Present**

Cr B. Leslie	President (Presiding Person)
Cr L. Caffell	Deputy President
Cr M. Greenwood	Member
Cr S. Jefferies	Member
Cr R. Stokes	Member
Cr M. Wheeldon	Member

Mr M. Oliver	Chief Executive Officer
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**Apologies**

Nil

**Leave of Absence**

Nil

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

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 Cr Jefferies**

Cr Jefferies sought leave of absence for the November 2006 Ordinary Council meeting.

**MIN 243/06 MOTION – Moved Cr Caffell 2nd Cr Stokes**

*That Cr Jefferies be granted leave of absence for the November 2006 Ordinary Council meeting.*

CARRIED 6/0

**6. FINANCIAL INTEREST**

**6.1 Item 11.9 - SAT Appeal – Vineyard Development Proposal (J & D Dyer)**

Crs Leslie, Caffell and Greenwood declared an interest in the vineyard development proposal as owning land in the affected area.

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

**7.1 Ordinary Council Meeting Minutes – 17 August 2006**

**MIN 244/06 MOTION – Moved Cr Greenwood 2nd Cr Wheeldon**

*That the minutes of the Ordinary Council meeting held on 17 August 2006 be confirmed as a true and correct record.*

CARRIED 6/0

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

Nil

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

Nil

## 10. REPORTS OF COMMITTEES/COUNCILLORS

### 10.1 WE-ROC

Meeting held in Tammin on 23 August 2006 and attended by Cr Caffell together with the CEO.

The issue occupying the major discussion relevant to Tammin was CBH's Harvest Mass Management System – and the logic behind the proposal. WE-ROC resolved to:

- support the proposed CBH Harvest Mass Management Scheme
- support NEWROC in seeking an urgent legal opinion as to the status and effect of the proposed MOU.

From the meeting, there are a number of matters that need to be considered by Council for decision:

- Item 5.1 - WE-ROC MOU – A new draft Memorandum of Understanding (MOU) was approved by WE-ROC Council and now requires each local government to endorse the MOU for a further 2 year period.
- Item 5.2 - Emergency Management Planning – The Emergency Partnering Agreement requires consideration of endorsement. The concept of a single Emergency Recovery Management Plan, was not supported, but will look at preparing a template draft for as much consistency as possible
- Item 5.5 - Merredin & Districts Visitors Centre - the agreed Memorandum of Understanding between the Shire of Merredin and NEWROC has been provided. Comments are sought as to whether WE-ROC local governments would support a similar MOU.

### **STAFF RECOMMENDATIONS**

1. That the new Memorandum of Understanding be signed on behalf of the Shire of Tammin.
2. That the Emergency Partnering Agreement be endorsed.
3. That a similar Memorandum of Understanding to the Shire of Merredin : NEWROC MOU be supported.

### **MIN 245/06 MOTION – Moved Cr Caffell 2nd Cr Wheeldon**

1. That the new Memorandum of Understanding be signed on behalf of the Shire of Tammin.
2. That the Emergency Partnering Agreement be endorsed.
3. That a similar Memorandum of Understanding to the Shire of Merredin : NEWROC MOU be supported however the Shire of Tammin's exposure to financial contribution be limited to \$500 per annum.

CARRIED 6/0

### **REASON**

Council wished to limit it's financial exposure.

### 10.2 Wheatbelt Agcare Community Support Service

Meeting held in Nungarin on 23 August 2006 and attended by Cr Caffell together with the CEO.

### 10.3 TALEC (EDU-05)

Minutes from the meeting held on 13 September 2006 in Tammin are attached.

Included in the Minutes is the recommendation that:

- TALEC be run by a management committee of Council.
- the Management Committee consist of 3 Councillors, 3 members of the public, the education officer, a representative from Alcoa and a representative from the

Department of Agriculture – all appointed by Council. Appointments be reviewed following each Council ordinary election (every 2 years). The quorum for Management Committee meetings be set at 5. The CEO, or his representative, attend all Management Committee meetings and provide advice and guidance to the Committee. The Centre Manager attend Management Committee meetings as required by the Committee.

- the Management Committee have the power to co-opt relevant experts as required to provide advice.
- the Shire of Tammin provide secretarial services to the Management Committee.
- all accounting for the Centre be effected by the Shire of Tammin accounting staff.
- the Centre Manager be responsible for day-to-day caretaking of the site, housemaster for guests and Centre bookings.
- minutes of the Management Committee meetings be provided to Council.
- the Management Committee make recommendations to Council on the appropriate level of fees and charges. Council to set all fees and charges.
- the Management Committee make recommendations to Council on the annual budget.
- the Management Committee make recommendations to the CEO as the employer of the Centre Manager. The CEO exercise normal employment control over the Centre Manager including supervision, priority setting and review.
- the Management Committee co-ordinate and provide guidance on landcare education issues including:
  - Centre facilities;
  - site maintenance and improvements and brochures;
  - development of new sites;
  - Centre direction and promotion; and
  - inclusion of the promotion of Tammin into the Program.

**MIN 246/06 MOTION – Moved Cr Greenwood 2nd Cr Caffell**

1. That the TALEC Committee’s recommendation be adopted.

CARRIED 6/0

**MIN 247/06 MOTION – Moved Cr Stokes 2nd Cr Jefferies**

1. That the TALEC Committee be requested to advise the names of the 3 community representatives to be appointed to the Committee.

CARRIED 6/0

**10.5 Kellerberrin Sub Regional Road Group**

Meeting held in Tammin on 14 September 2006 and attended by Crs Caffell and Stokes together with the CEO.

The meeting’s purpose was to endorse various actions rather than debate new issues – however following the meeting there was significant discussion and debate on the issues of CBH’s Mass Management System and approvals of routes for oversize vehicle movements.

**11. AGENDA ITEMS**

<b>Agenda Reference:</b>	11.1
<b>Subject:</b>	Oversize Vehicle Movements
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Syd Matthews & Co P/L & Mitchell’s Livestock Transport
<b>File Ref:</b>	ENG-22
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	25 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

**PREVIOUS REFERENCE**

Item 11.8 – 20 April 2006 refers.

## BACKGROUND

Correspondence from Syd Matthews & Co P/L seeking approval for heavy haulage access for the following combinations:

Combination	Length	Classification
Prime Mover, semi trailer towing 5 or 6 axle dog trailer.	27.5m	Long Vehicle
Twin Steer Prime Mover towing 2 x 6 axle dog trailers.	27.5m	Long Vehicle
Rigid Truck towing 5 or 6 axle dog trailer.	<25.0m	Long Vehicle
B Double (livestock 4.6m)	<27.5m	Long Vehicle
Rigid Truck towing 2 x 5 or 6 axle dogs	<36.5m	Road Train

Access is sought to all farms in the Shire of Tammin.

Also, correspondence from Mitchell's Livestock Transport seeking approval for access to 27.5m livestock vehicles on all access roads to commercial livestock producers together with all suitable roads which connect to adjacent Shires.

Also correspondence from Main Roads WA providing further details on how the new Permit system works – a copy of which has been provided to Councillors.

## COMMENT

The current Main Roads WA Networks for Restricted Access Vehicles, in relation to the Shire of Tammin, appear to be:

Network 2 Class 2	Tammin Wyalkatchem Rd Yorkrakine Rd Bungulla North Rd Tammin South Rd
Network 3	Tammin Wyalkatchem Rd Bungulla North Rd
Network 4	Bungulla North Rd
Network 5	Bungulla North Rd

Main Roads WA was advised on 14 January 2005 of Council's endorsed list of approved routes for 27.5m maximum Heavy Vehicle Combinations as follows:

1. Rural Roads – 27.5m
  - a. Yorkrakine Road
  - b. Tammin-Wyalkatchem Road (Station Road)
  - c. Bungulla North Road (north of Great Eastern Highway)
  - d. South Tammin Road
  - e. Goldfields Road (main section to Quairading from Tammin Townsite)
  - f. General – all other classified local roads are subject to Heavy Vehicle Permit Application and Approval.
2. Urban Roads – 27.5m
  - a. McLaren Street – commencement from Walston Street to South Tammin and Goldfields Roads (Quairading) link (south entry to town).
  - b. McLaren Street, Walston Street, Underwood Road, link to CBH Facility (east side)
  - c. New Yorkrakine Road (most eastern road alignment – going north from Great Eastern Highway) and onto current Yorkrakine Road alignment. – link to CBH facilities.
  - d. Station Road – link from Great Eastern Highway onto Tammin-Wyalkatchem Road (northern access)
  - e. General – all other classified local roads are subject to Heavy Vehicle Permit Application and Approval.

3. General Conditions for Heavy Vehicle Permit Approval
  - a. Administration Fee of \$20.00 inclusive of GST payable to the Shire of Tammin for Permit Application and Approval.
  - b. Maximum Speed of Heavy Vehicle Combination travelling on Local Roads within the Shire of Tammin is 80km/hr.
  - c. General compliance with the requirements of the Road Traffic Act when operating extra mass vehicles on a permit system within the Shire of Tammin.
  - e. Driver Courtesy and Awareness be extended to all School Bus Routes at all times within the Shire of Tammin.
  - f. All Extra Mass Vehicle Users are to use the total width of the defined carriageway and not the centre of the road when travelling on ALL LOCAL ROADS under the approved permit system.
  - g. That the Permit be renewable for a twelve (12) month period per application (business operator), from 1st October to 30th September in any one year.
  - h. All or any road may be closed at the discretion of the Chief Executive Officer, being dependant upon local weather conditions, amount of rainfall incurred and standard of road surface to sustain heavy vehicle use at the time.
  - i. Council reserves the right to remove and/or add to the list of approved conditions of Road usage for Heavy Vehicle Operations within the Shire of Tammin and may approve or not nominated local roads due to sub standard condition of road. All transport contractors/operators are required to maintain heavy vehicle travel routes as designated. Breach of the designated conditions will result in forfeiture of Permit.
  
4. Short Term Permits
  - a. All other minor/local classified roads require short term heavy vehicle permits of up to a maximum of three (3) months, to cater for the harvest period.
  - b. Combinations over 27.5m will be considered and endorsed individually on the designated main arterial routes only and will only be considered in the most scrutinized manner.

The Shire of Tammin's Extra Mass Vehicle Permit Application form provides for roads not covered by Main Roads WA Extra Mass Vehicle permits subject to the following conditions:

1. Rural Roads
  - a. Yorkrakine Road
  - b. Tammin. -Wyalkatchem Road (Station Road)
  - c. Bungulla North Road (north of Great Eastern Highway)
  - d. South Tammin Road
  - e. Goldfields Road {main section to Quairading from Tammin Townsite}
  - f. General – all other classified local roads are subject to Heavy Vehicle Permit Application and Approval
  
2. Urban Roads
  - a. McLaren Street – commencement from Walston Street to South Tammin and Goldfields Roads (Quairading) link (south entry to town).
  - b. McLaren Street Walston Street, Underwood Road, link to CBH Facility (east side).
  - c. New Yorkrakine Road (most eastern road alignment – going north from Great Eastern Highway) and onto current Yorkrakine Road alignment. – link to CBH Facilities.
  - d. Station Road – link from Great Eastern Highway onto Tammin-Wyalkatchem Road (northern access)
  - e. General – all other classified local roads are subject to Heavy Vehicle Permit Application and Approval.
  
3. General Conditions for Heavy Vehicle Permit Approval
  - a. An Administration Fee of \$20.00 be introduced, GST inclusive payable to the Shire of Tammin for permit application and approval.
  - b. Maximum speed of vehicle travelling on local roads within the Shire of Tammin is 80km/hr.
  - c. General Compliance with the requirements of the Road Traffic Act when operating extra mass vehicles on a permit system within the Shire of Tammin
  - d. Driver Courtesy be extended to designated school bus routes at all times

- e. All Extra Mass Vehicle Users are to use the total width of the defined carriageway and not the centre of the road when travelling on all local roads under the permit system
- f. All or any road may be closed at the discretion of the Chief Executive Officer being dependant upon local weather conditions, amount of rainfall and standard of road surface to sustain extra mass vehicles at the time.
- g. That the Permit be renewable for a twelve (12) month period per application (business operator), from 1st October to 30th September in any one year.
- h. Council reserves the right to remove and/or add to the list of approved conditions of Road usage for Heavy Vehicle Operations within the Shire of Tammin and may approve or not nominated local roads due to sub standard condition of road. All transport contractors/operators are required to maintain heavy vehicle travel routes as designated. Breach of the designated conditions will result in forfeiture of Permit.

#### 4. Short Term Permits

All other Minor/Local Classified Roads require short term Heavy Vehicle permits of up to a maximum of three (3) months, to cater for the Harvest Period.

The issue is about routes and the type of vehicle using the route – rather than the individual vehicles using the routes. If permission is given to a type of vehicle to use a route, then it must be deemed suitable for all similar vehicles to use the route.

The route suitability determination process is one requiring detailed qualification – not a political decision. This is the role of Main Roads WA.

The application of conditions to address local issues is the role of Council.

Permits are issued to keep control for drivers not operating within the conditions.

Council resolved (Res 84/06) on 20 April 2006 that Main Roads WA be requested to assess all local roads within the Shire of Tammin for suitability for oversize (27.5m) vehicle movements. To date, that correspondence has only been acknowledged.

It is noted that the Shire of Cunderdin has been consulting with Main Roads WA regarding their roads that are approved for the issuing of permits to operate heavy haulage vehicles and has acknowledged that Main Roads WA will not be in a position to assess all Shire roads immediately. Further, that a number of Shire of Cunderdin roads would not be approved for permits because of overgrown trees and vegetation and narrow culverts. The Shire of Cunderdin is to develop a maintenance plan to improve roads to the standard required but this can only be planned over the next few years. To allow for a network of Shire roads for the 2006 harvest the Shire of Cunderdin has asked Main Roads to assess 23 (in addition to the existing 9) roads:

#### **DELEGATED AUTHORITY**

Council has delegated authority to the CEO to approve rigid and articulated vehicle movements, up to a maximum 27.5m. However, approvals can not be issued for roads and routes that have not been endorsed by Main Roads WA.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

## COMMUNITY CONSULTATION

2005/06 General Electors meeting.

### STAFF RECOMMENDATIONS

1. That Syd Matthews & Co P/L & Mitchell's Livestock Transport be advised that Council has no objection to all local roads within the Shire of Tammin being used for oversize vehicles up to 27.5m subject to:
  - permission being obtained from Main Roads WA;
  - the maximum speed of vehicle travelling on local roads within the Shire of Tammin is 80km/hr;
  - driver courtesy being extended school buses on designated school bus routes at all times;
  - all Extra Mass Vehicle Users are to use the total width of the defined carriageway and not the centre of the road when travelling on all local roads; and
  - all or any road may be closed at the discretion of the Chief Executive Officer being dependant upon local weather conditions, amount of rainfall and standard of road surface.

Further, that Council reserves the right to remove and/or add to the list of approved conditions of road usage for Oversize Vehicle Operations within the Shire of Tammin and may approve or withdraw local roads due to the standard condition of road.

Simple Majority Required

#### MIN 248/06 MOTION – Moved Cr Caffell 2nd Cr Stokes

*That the Staff Recommendation be adopted.*

CARRIED 6/0

2. That Council determine a Main Roads WA roads survey priority list to expedite the creation of oversize vehicle routes within the Shire of Tammin

Simple Majority Required

#### MIN 249/06 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

*That the Staff Recommendation be adopted.*

CARRIED 6/0

The CEO requested Councillors to advise the names of the priority roads prior to the compilation of the next Council Agenda. Ralston Rd and Little Underwood Rd were nominated

<b>Agenda Reference:</b>	11.2
<b>Subject:</b>	Local Law – Repeal Local Law 2006
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-09
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

### PREVIOUS REFERENCE

Item 11.11 – 20 April 2006 refers.

### BACKGROUND

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be repealed, adopted or amended.

Council resolved (Res 87/06) on 20 April 2006 that:

- Council resolves to consider a local law – Repeal of Local Laws 2006.
- the proposed local law – Repeal of Local Laws 2006 – be advertised in accordance with the requirements of the Local Government Act 1995, Sections 3.12 – 3.19.
- the public submissions and proposed local law – Repeal of Local Laws 2006 – be presented to Council at the completion of the advertising period.

## COMMENT

This local law is titled – *Shire of Tammin Repeal Local Law 2006*. This local law revokes old local laws relating to various matters that have been replaced by more modern legislation or are no longer used by Council.

Many of the laws adopted previously have been replaced with more appropriate legislation or are considered discriminatory, superfluous and no longer applicable. For example – Swimming Pool Charges, Housing – numbering, disused materials, petrol pumps etc.

The Health Department has indicated that the Health Local Laws 1999 as amended on 2 February 2001 should be retained as it is a required amendment to Health Local Laws adopted in 1998 (following the Governor General requesting Parliament to remove the statutory approvals of Fire and Emergency Services and clauses from all Health Local Laws that permitted a lodging House keeper to be absent for up to 48 hours). Otherwise, all other By-laws on the following list are proposed to be rescinded.

<b>G.G</b>	<b>Page</b>	<b>Action</b>	<b>Particulars</b>
13/8/1920	1353/4	Adopt	Public Cemetery By-laws
22/7/1949	1603	Adopt	Long Service Leave
19/8/1949	2088/94	Adopt	General By-laws
23/9/1949	2356/65	Adopt	Buildings By-laws
24/11/1950	2632/3	Adopt	Tammin Town Hall, Buildings, Equipment and Property
1/6/1951	1530	Amend	Buildings By-laws - Ceiling Heights
6/7/1951	1976	Amend	General By-laws - Nuisances
14/3/1952	669	Amend	Building By-laws
10/10/1952	2509	Amend	Public Cemetery By-laws
30/3/1966	828	Adopt	Obstructing Animals and Vehicles - Draft Model By-Law No. 7
6/10/1970	3115	Adopt	Old Refrigerators & Cabinets - Draft Model By-Law No. 8
<b>G.G</b>	<b>Page</b>	<b>Action</b>	<b>Particulars</b>
6/10/1970	3116	Adopt	Prevention Of Damage To Streets - Draft Model By-Law No. 15
7/9/1971	3286	Adopt	Control Of Hawkers - Draft Model by-law No. 6
28/10/1971	4217	Adopt	Signs, Hoardings & Billpostings - Draft Model By-Law No. 13
6/5/1977	1342	Adopt	Nuisance - Limit Parking Of Vehicle Carrying Stock
15/7/1977	2266	Amend	Public Cemetery By-laws – Tammin
23/12/1977	4721	Amend	Public Cemetery By-laws – Metric Conversion
1/2/1980	332	Adopt	Petrol Pumps - Draft Model By-Law No. 10
4/9/1981	3886/8	Adopt/Repeal	Dogs
2/7/1982	2378/79	Adopt	Control and Storage of Old and Disused Motor Vehicles & Machinery
30/7/1982	3006/7	Adopt	Pest Plants
16/3/1990	1429	Adopt	Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish, Vehicle Bodies, Disused Materials & Unightly Items/Objects from Land



6/3/1992	1133	Amend	Dogs
20/8/1993	4500/3	Adopt	Fencing
2/2/2001	702-703	Adopt-Repeal	Health Local Laws 1999

The Purpose is to consolidate and ensure that all local laws adopted by the Shire of Tammin are current, appropriate, modern and the laws are not in conflict with or superseded by newer legislation.

The Effect is that all existing local laws as contained within the Registry, other than the Health Local Laws 1999 as amended on 2 February 2001, will be rescinded to allow replacement with more modern legislation as appropriate.

Implementation of Council's April 2006 decision was held off pending Staff resources. The Department of Local Government and Regional Development have since clarified the details of the existing By-laws.

### **FINANCIAL IMPLICATIONS**

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

### **POLICY IMPLICATIONS**

Nil.

### **STATUTORY IMPLICATIONS**

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;
5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **PRINCIPAL ACTIVITY PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

The proposed local law must be advertised in accordance with the Local Government Act 1995. Copies of the proposed local law must be available from the Shire Office and notices are required to be placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

### **STAFF RECOMMENDATION**

That:

- Council resolves to consider a local law – Repeal Local Law 2006.
- the proposed local law – Repeal Local Law 2006 – be advertised in accordance with the requirements of the Local Government Act 1995, Sections 3.12 – 3.19.
- the public submissions and proposed local law – Repeal Local Law 2006 – be presented to Council at the completion of the advertising period.

Simple Majority Required

### **MIN 250/06 MOTION – Moved Cr Stokes 2nd Cr Jefferies**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.3
<b>Subject:</b>	Local Laws - Dogs
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## PREVIOUS REFERENCE

Item 11.12 – 20 April 2006 refers.

## BACKGROUND

There are no local laws within the Shire of Tammin relating to the keeping of dogs, restrictions on numbers, control within Public Places and restrictions/conditions of operation of Kennels.

Council resolved (88/06) on 20 April 2006 that:

- Council resolves to consider a local law – Dogs Local Law 2006.
- the draft Local Law – Dogs Local Law 2006, with the inclusion of Memorial Park as a dog restricted area, be advertised in accordance with the provisions of the Local Government Act 1995.
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

Council's April 2006 decision was not implemented, pending Staff resources.

## COMMENT

The draft model local law provides the ability to control:

- the number of dogs kept;
- the number of kennels;
- dog exercise areas;
- dog restricted areas;
- pound fees;
- Infringement enforcement.

The draft model local law has been amended to reflect the Shire of Tammin, and clause 5 has inclusions restricting dogs from entering Kadjininy Kep, school grounds, oval, Memorial Park and the cemetery unless the animal is a guide dog for the blind.

An exercise area at Lot 13 Station Street has been included to permit individuals with dogs to exercise the animals off leash.

The following procedures are contained within section 31.12(2) of the Local Government Act 1995:

1. Council resolves to consider a local law;
2. Council advertises statewide proposing to make a local law and call for submissions with a minimum closing period of 42 days. A copy of all notices is to be provided to the Department of Local Government and Regional Development.
3. Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.
4. The local law is published in the Government Gazette, and the summary, purpose and intent of the law is summarized in advertisements in local and statewide newspapers.
5. Copies of the local law, explanatory memorandums and advertisements are provided to the Joint Standing Committee on Delegated Legislation for review.

The local laws become effective fourteen days after they have been published in the Government Gazette or such later date as determined within the local law.

The purpose and effect of the local law are: -

**Purpose** – To make provisions for the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping of those dogs and to prescribe areas that dogs are prohibited and dog exercise areas.

**Effect** – to extend the controls that exist under the Dog Act 1976.

#### **FINANCIAL IMPLICATIONS**

The gazettal of these local laws will involve advertising (approximately \$500), Gazettal (approximately \$500).

#### **POLICY IMPLICATIONS**

There are no policy implications associated with the resolution to adopt a Dog Local Law.

#### **STATUTORY IMPLICATIONS**

The provisions of Sections 3.12 – 3.19 of the Local Government Act are applicable.

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **PRINCIPAL ACTIVITY PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Community consultation has been undertaken Council via advertising (60 days).

#### **STAFF RECOMMENDATION**

That:

- Council resolves to consider a local law – Dogs Local Law 2006.
- the draft Local Law – Dogs Local Law 2006 be advertised in accordance with the provisions of the Local Government Act 1995.
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

Simple Majority Required

#### **MIN 251/06 MOTION – Moved Cr Greenwood 2nd Cr Jefferies**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.4
<b>Subject:</b>	Shire of Tammin Local Government Property Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-08
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **PREVIOUS REFERENCE**

Items 11.2.2 – 2 November 2005 refers.

#### **BACKGROUND**

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be repealed, adopted or amended. Council has resolved to repeal most of it's By-laws / Local Laws and adopt modern local laws as relevant.

Council resolved (Res 213/05) on 2 November 2005 that:

- Council resolves to consider a local law – Shire of Tammin Local Government Property Local Law;
- the draft Shire of Tammin Local Government Property Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995;
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

The proposed Shire of Tammin Local Government Property Local Law was advertised in the West Australian on 17 December 2005. There were no submissions received.

The Department of Local Government and Regional Development has responded to the copy forwarded with the following suggested amendments:

- **Preamble:** You may wish to change the italic format of the words “Shire of Tammin” to normal text - see example below.

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Tammin resolved on ..... to make the following local law.

- **1.1 Citation:** Best practice in written legislation requires all titles of legislation to be in italic print, see example below.

#### 1.1 Citation

This local law may be cited as the *Shire of Tammin Local Government Property Local Law*.

- **1.2 Definitions:** It would appear that the meaning for “building” should have the reference to a “jetty” deleted as the entire boat/jetty part is deleted from this local law. See example below.

“**building**” means any building which is local government property and includes a —  
(a) hall or room; and  
(b) corridor, stairway or annexe of any hall or room.

The year “1997” in the title of legislation should be in italics, see below —

“**local government property**” means anything except a thoroughfare —  
(a) which belongs to the local government;  
(b) of which ...etc ...etc ... Land Administration Act 1997; or

As the entire part on swimming pool is deleted from this local law, you may wish to delete the words “pool area or other” in the definition for “Manager”, see below —

“**Manager**” means the person for the time being employed by the local government to control and manage a facility which is local government property and includes the person’s assistant or deputy;

- **1.5 Repeal:** You presently have no laws listed for repeal. Please refer to clause 2.9(1) (signs on local government property) and ensure that any previous local laws that have included provisions relating to these matters are listed at clause 1.5 for repeal, if appropriate.
- **Clause 2.2(4)(b)(ii):** The long space before the words “not to continue” should be reduced so as to be in the same alignment as its preceding sub-paragraph (i).
- **Clauses 2.7(1)(e) and (f):** It would appear that these two sub-paragraphs should be deleted as they make references to ‘beach’ and ‘boat’. Consequently, the sub-paragraphs (g) to (h) should be renumbered (e) down to (h).

- **Clause 2.8(1)(e):** It would appear that this sub-paragraph should be deleted because the references to 'boat' and 'class of boat' do not apply in this local law. Consequently, the sub-paragraphs (f) to (h) should be renumbered (e) down to (g).
- **Clause 2.8(2)(c):** In this sub-paragraph, it would appear that the word "boat" in two instances should be deleted.
- **Clause 3.2(2)(d):** This sub-paragraph is out of alignment with the preceding sub-paragraphs (a), (b) and (c).
- **Clause 3.9(1):** The sub-heading "Renewal of permit" should be in bold, similar in the formatting for "Duration of permit" and "Transfer of permit", that is, "Renewal of permit".
- **Clause 3.13(1)(c):** The continuing text in this sub-paragraph is out of alignment in formatting with the preceding sub-paragraphs (a) and (b).
- **PART 5, Division 3 – Golf course:** The sub-heading "Interpretation" is out of alignment in formatting with similar sub-headings – for example, see the location of the word "Interpretation" for PART 7 of the draft.
- **Clause 7.5(2):** The words "sale yard" in the first line should be one word "saleyard".
- **Schedule 1:** In Schedule 1, please carefully check the clause numbering for the modified penalties and correct where necessary e.g. 5.2 should now be 5.1, 5.6 should be 5.2, etc and remove provisions such as for aerodromes.
- **Execution/Sealing clause:** If the Shire had a change in the CEO, you need to update the name of the CEO in the Execution/Sealing clause, located at the bottom of Schedule 3, before you present the final copy of this proposed local law to Council.
- **Table of Contents:** If the Shire intends to include the Table of Contents in the Gazette, the following formatting consistencies are suggested.

Items 2.7 and 2.8: The text may be continued on the same line rather than broken to the next line. (Have a look at the Items 9.2 and 9.4 where the text is not broken up.)

Item 5.1: The word "Food" should not be capitalized to be consistent with the format used in the body text, that is, "Consumption of food or drink may be prohibited".

#### **COMMENT**

There are no issues with the changes suggested by the Department.

#### **FINANCIAL IMPLICATIONS**

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

#### **POLICY IMPLICATIONS**

Nil.

#### **STATUTORY IMPLICATIONS**

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;
5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

## STRATEGIC PLAN IMPLICATIONS

Nil

## PRINCIPAL ACTIVITY PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

The proposed local law has been advertised in accordance with the Local Government Act 1995. Copies of the proposed local law have been available from the Shire Office and notices were placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

## STAFF RECOMMENDATION

That Council resolves to adopt the proposed Shire of Tammin Local Government Property Local Law incorporating the changes suggested by the Department of Local Government and Regional Development.

Simple Majority Required

## MIN 252/06 MOTION – Moved Cr Stokes 2nd Cr Wheeldon

*That the proposed Shire of Tammin Local Government Property Local Law incorporating the changes suggested by the Department of Local Government and Regional Development lay on the table pending the final adoption of the Repeal Local Law 2006.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.5
<b>Subject:</b>	Shire of Tammin Local Laws Relating To Fencing
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-04
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## PREVIOUS REFERENCE

Items 11.2.4 – 2 November 2005 refers.

## BACKGROUND

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be repealed, adopted or amended. Council has resolved to repeal most of its By-laws / Local Laws and adopt modern local laws as relevant.

Council resolved (Res 215/05) on 2 November 2005 that:

- Council resolves to consider a local law – Shire of Tammin Fencing Local Law;
- the draft Shire of Tammin Fencing Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995;
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

The proposed Shire of Tammin Local Government Property Local Law was advertised in the West Australian on 17 December 2005. There were no submissions received.

The Department of Local Government and Regional Development has responded to the copy forwarded with the following suggested amendments:

- **Heading:** Please include the full titles of the relevant empowering Acts, located below the heading “LOCAL GOVERNMENT ACT 1995”, see example below -

LOCAL GOVERNMENT ACT 1995  
DIVIDING FENCES ACT 1961

- **Preamble:** You may wish to non-italicize the words “*Shire of Tammin*” to be in the same format of the normal text used in the preamble. (The bracketed italics in WALGA’s *pro forma* model are a prompt for filling in the blanks, not the style of the format.) See example below.

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Tammin resolved on ..... to make the following local law.

- **1. Citation:** The full name of the local law should be in italics. See example below.

**1. Citation**

These Local Laws may be cited as the *Shire of Tammin Local Laws Relating to Fencing*.

- **3. Interpretation** - Definition for “local government” The name “*Shire of Tammin*” to be changed to normal text format, that is, “Shire of Tammin”.
- **3. Interpretation** - Definition for “notice of breach”: The words “clause 16(1)” should be amended to “clause 15(1)”.
- **3. Interpretation** - Definition for “sufficient fence”: The words “clause 6” should be corrected to read “clause 5”.
- **13. Transfer of a Licence:** The words “clause 13” should read “clause 12”.
- **14. Cancellation of a Licence:** The words “clause 13(2) or clause 13(3)” should read “clause 12(2) or clause 12(3)”.
- **15(1), (2)(c) and (3) Notices of Breach:** Delete the words “or occupier” in the clauses (four instances). [Note: Under Items 4.(2) and 5.(3) of Schedule 3.1 of the *Local Government Act 1995*, notice cannot be given to occupiers who are not owners.]
- **15(3) Notices of Breach:** The JSCDL explored the issue of powers of entry in its 7th Report (May 2003) and found that local governments may only enter private property to repair a fence where it abuts onto public land or public thoroughfares as stated in Item 4.(1) of **Schedule 3.1 – Powers under notices to owners or occupiers of land** in the *Local Government Act 1995*. The reference to Schedule 3.1 is to be included in clause 15(3). See example below.
  - (3) Should an owner fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates under Division 1, Schedule 3.1 of the *Local Government Act 1995* and remedy the breach, and may recover the expenses of so doing from the owner of the lot in a court of competent jurisdiction.

- **FIRST SCHEDULE:** “Clause 6(2)(a)”, located at the top right corner of the page, should read “Clause 5(2)(a)”.

The words “clause 7” at the end of paragraph A should be corrected to read “clause 6”. This correction also applies to paragraphs B(d), C(d) and D.

- **SECOND SCHEDULE:** “Clause 6(2)(b)”, located at the top right corner of the page, should read “Clause 5(2)(b)”.
- **THIRD SCHEDULE:** “Clause 6(2)(c)”, located at the top right corner of the page, should read “Clause 5(2)(c)”.
- You should correct the formatting alignment of paragraph (2) to be consistent with the alignment in paragraph (1).

## COMMENT

There are no issues with the changes suggested by the Department.

## FINANCIAL IMPLICATIONS

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

## POLICY IMPLICATIONS

Nil.

## STATUTORY IMPLICATIONS

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;
5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

## STRATEGIC PLAN IMPLICATIONS

Nil

## PRINCIPAL ACTIVITY PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

The proposed local law has been advertised in accordance with the Local Government Act 1995. Copies of the proposed local law have been available from the Shire Office and notices were placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

## STAFF RECOMMENDATION

That Council resolves to adopt the proposed Shire of Tammin Local Laws Relating to Fencing incorporating the changes suggested by the Department of Local Government and Regional Development.

Simple Majority Required

## MIN 253/06 MOTION – Moved Cr Stokes 2nd Cr Wheeldon

*That the proposed Shire of Tammin Local Laws Relating to Fencing incorporating the changes suggested by the Department of Local Government and Regional Development lay on the table pending the final adoption of the Repeal Local Law 2006.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.6
<b>Subject:</b>	Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-04
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## PREVIOUS REFERENCE

Items 11.2.3 – 2 November 2005 refers.

## BACKGROUND

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be



repealed, adopted or amended. Council has resolved to repeal most of its By-laws / Local Laws and adopt modern local laws as relevant.

Council resolved (Res 214/05) on 2 November 2005 that:

- Council resolves to consider a local law – Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law;
- the draft Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995;
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

The proposed Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law was advertised in the West Australian on 17 December 2005. There were no submissions received.

The Department of Local Government and Regional Development has responded to the copy forwarded with the following suggested amendments:

- **Table of Contents, Division 7 - Firebreaks:** Insert the word “When” in “5.18 application for permit ...” to read “5.18 When application for permit cannot be approved” to be the same as the sub-heading in the body text.
- **Table of Contents, PART 7, Division 3 - General:** There are two “7.6” items. The second should read “7.7 Renewal of permit”.
- **Preamble:** You may wish to non-italicize the words “*Shire of Tammin*” to be in the same format of the normal text use in the preamble. See example below.

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Tammin resolved on ..... to make the following local law.

The same also applies for the words ‘Shire of Tammin’ in the definition of ‘local government’.

- **1.1 Citation:** You may wish to italicize the full name of the local law (the best practice format used in publications of written legislation). See example below.

#### **Citation**

This local law may be cited as the *Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law*.

- **1.2 Definitions:** In the meaning for “carriageway”, the words “Road Traffic Code 2000” should be in italics “*Road Traffic Code 2000*”, to be consistent with the format in use concerning the full title of written legislation.
- **1.4 Repeal:** You presently have no laws listed for repeal. Please refer to clauses 2.12 (existing verge treatments) and 2.18 (signs) and ensure that any previous local laws that may have included provisions relating to these matters are listed at Clause 1.4 for repeal, if appropriate.
- **Execution/Sealing clause:** You may wish to non-italicize the Shire’s name “*Shire of Tammin*” to be consistent with the normal body text format. See example below.

The Common Seal of the Shire of Tammin was affixed by authority of a resolution of the Council in the presence of:

#### **COMMENT**

There are no issues with the changes suggested by the Department.

## FINANCIAL IMPLICATIONS

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

## POLICY IMPLICATIONS

Nil.

## STATUTORY IMPLICATIONS

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;
5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

## STRATEGIC PLAN IMPLICATIONS

Nil

## PRINCIPAL ACTIVITY PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

The proposed local law has been advertised in accordance with the Local Government Act 1995. Copies of the proposed local law have been available from the Shire Office and notices were placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

## STAFF RECOMMENDATION

That Council resolves to adopt the proposed Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law incorporating the changes suggested by the Department of Local Government and Regional Development.

Simple Majority Required

## MIN 254/06 MOTION – Moved Cr Stokes 2nd Cr Wheeldon

*That the proposed Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law incorporating the changes suggested by the Department of Local Government and Regional Development lay on the table pending the final adoption of the Repeal Local Law 2006.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.7
<b>Subject:</b>	Shire of Tammin Management & Control of Tammin Cemetery Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-04
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## PREVIOUS REFERENCE

Items 11.2.5 – 2 November 2005 refers.

## BACKGROUND

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be repealed, adopted or amended. Council has resolved to repeal most of it's By-laws / Local Laws and adopt modern local laws as relevant.

Council resolved (Res 216/05) on 2 November 2005 that:

- Council resolves to consider a local law – Shire of Tammin Cemetery Local Law;
- the draft Shire of Tammin Cemetery Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995;
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

The proposed Shire of Tammin Cemetery Local Law was advertised in the West Australian on 17 December 2005. There were no submissions received.

The Department of Local Government and Regional Development has responded to the copy forwarded with the following suggested amendments:

- **Heading:** “Local Government Act 1995” should be included as one of the relevant empowering Acts in the heading of this local law, see example below.

LOCAL GOVERNMENT ACT 1995  
CEMETERIES ACT 1986  
Shire of Tammin  
Management and Control of Tammin Cemetery Local Law 2006

It is recommended that the year “2005” in the title of this law be changed to “2006” as it is the year this proposed local law is expected to complete the s. 3.12 process and come into operation. Please check and update the year where it appears throughout the proposed local law e.g. the “2006” change will be required in the two Schedules and in the Forms. There are two instances in the Second Schedule.

- **Preamble:** The preamble should be included. See example below.

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Tammin resolved on ..... to make the following local law.

- **1.1 Citation:** The year “2005” should be changed to “2006” and a full stop added.

#### 1.1 Citation

This Local Law may be cited as the *Management and Control of Tammin Cemetery Local Law 2006*.

- **1.2 Interpretation:** The definition for “Act” should be included. The full stop at the end of the definition for “Board” should be “;” and the second last definition should end with “; and”. See example below.

#### 1.2 Interpretation

**In this Local Law unless the context otherwise requires:**

“Act” means the Cemeteries Act 1986;  
“ashes” means ... etc ... etc ...  
etc  
“Board” means the Shire of Tammin;  
etc  
“single funeral permit” means ... etc ... etc ... named in the permit; and

In the definition for “set fee”, the name of the publication is to be in italics, that is, “*Government Gazette*”.

- **Clause 3.2:** Delete the words “and 3.2” because crematoriums do not apply. Change the words “clause 3.4” to read “clause 3.3”.

- **Clause 3.3:** Paragraph (2) requires designation “(a)” to be inserted for its first sub-paragraph – see below -

(2) Where:

- (a) in the opinion of ... etc ... to be viewed;  
or
- (b) after reasonable ... etc ...dead body,

- **PART 5 - FUNERALS:** “Division 3 – Placement of Ashes” should be “Division 2 – Placement of Ashes”.
- **Clause 5.8 Availability of ashes:** The words “clause 5.12” should be “clause 5.7”. It is suggested that the words “at the cemetery” at the end of the sentence should be deleted. Please check to ensure the wording of this clause fits your particular circumstances.
- **Clause 5.9(1)(b):** The words “clause 5.12” should be “clause 5.7”. You should also re-align this sub-para with sub-para (1)(a).
- **Clause 5.9(3):** The words “clause 5.12” should be “clause 5.7”.
- **Clause 7.12:** Please check sub-para (b) and considering removing the reference to “on the lawn” and/or “a lawn or” as appropriate to your particular situation.
- **“Division 4 – Licensing of Monumental Masons”:** This title should be “*Division 3 – Licensing of Monumental Masons*”.
- **Second Schedule:** In the second last sentence regarding payments, insert a full stop after the words “Shire of Tammin”, as follows –

“Please make cheques payable to Shire of Tammin. Payments by mail should be addressed to: ”

The closing square bracket at the end of the postcode address should be deleted.

- **Second Schedule and Forms 1 to 13:** These pages must be checked for the dates “19\_\_” or “199\_” and replaced with a blank space or “20\_\_” or “\_\_/\_\_/\_\_\_\_”.  
dd mm yyyy
- **Execution/Sealing clause:** The name of the CEO for the signature block will need to be updated.
- **Table of Contents or ARRANGEMENT:** The heading at the top should be amended to be the same as the heading located before the preamble, that is -

LOCAL GOVERNMENT ACT 1995  
CEMETERIES ACT 1986  
Shire of Tammin  
Management and Control of Tammin Cemetery Local Law 2006

#### ARRANGEMENT

Delete the section “Division 2- Cremation” and renumber the following Division in a sequential manner, that is -

Division 2 – Placement of Ashes

- 5.7 Disposal of ashes
- 5.8 Availability of ashes
- 5.9 Ashes held by the Board

- **General Comments - Spacing:** It is suggested that the local law be re-examined for consistency in line spacing, for example, clauses 5.1 to 7.15 have wide line spacing but clauses 7.16 to 9.2, and clause 2.1, are in single line spacing.

The associated forms need to be checked and updated to reflect the changes made to the local law. The following notes are included to provide examples of the changes that should be considered during the finalisation of the forms.

- **Form 1:** The words "Shire of Tammin" at the top left hand corner should be amended to consistently carry the same title "*Management and Control of Tammin Cemetery Local Law 2006*" as for Forms 2 to 13. The words "One thousand nine hundred and ninety" in item 1, and the figure "199\_" after item 3 should be changed to "20\_\_".
- **Form 6:** The words "(cl 3.4(1))" near the top right-hand corner should be amended to "(cl 3.3(1))".
- **Form 7:** The words "(cl 3.4(2))" near the top right-hand corner should be "(cl 3.3(2))".
- **Form 11:** The words "(cl 5.12)" near the top right-hand corner should be "(cl 5.7)".
- **Form 12:** The words "(cl 5.30)" near the top right-hand corner should be "(cl 7.1)".
- **Form 13:** The words "(cl 7.16)" near the top right-hand corner should be "(cl 7.14)".

#### **COMMENT**

There are no issues with the changes suggested by the Department.

#### **FINANCIAL IMPLICATIONS**

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

#### **POLICY IMPLICATIONS**

Nil.

#### **STATUTORY IMPLICATIONS**

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;
5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **PRINCIPAL ACTIVITY PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

The proposed local law has been advertised in accordance with the Local Government Act 1995. Copies of the proposed local law have been available from the Shire Office and notices were placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

#### **STAFF RECOMMENDATION**

That Council resolves to adopt the proposed Shire of Tammin Management and Control of Tammin Cemetery Local Law 2006 incorporating the changes suggested by the Department of Local Government and Regional Development.

Simple Majority Required

#### **MIN 255/06 MOTION – Moved Cr Stokes 2nd Cr Wheeldon**

*That the proposed Shire of Tammin Management and Control of Tammin Cemetery Local Law 2006 incorporating the changes suggested by the Department of Local Government and Regional Development lay on the table pending the final adoption of the Repeal Local Law 2006.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.8
<b>Subject:</b>	Shire of Tammin Parking & Parking Facilities Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-07
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## PREVIOUS REFERENCE

Items 11.2.6 – 2 November 2005 refers.

## BACKGROUND

Section 3.16 of the Local Government Act 1995 requires that a Local Government review all local laws within eight years of gazettal to determine whether or not it considers that the law should be repealed, adopted or amended. Council has resolved to repeal most of its By-laws / Local Laws and adopt modern local laws as relevant.

Council resolved (Res 216/05) on 2 November 2005 that:

- Council resolves to consider a local law – Shire of Tammin Parking and Parking Facilities Local Law;
- the draft Shire of Tammin Parking and Parking Facilities Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995;
- the proposed local law be submitted to Council at the completion of the advertising period for further consideration.

The proposed Shire of Tammin Parking and Parking Facilities Local Law was advertised in the West Australian on 17 December 2005. There were no submissions received.

The Department of Local Government and Regional Development has responded to the copy forwarded with the following suggested amendments:

- **PART 1 – DEFINITIONS AND OPERATION:** The Commencement clause and the Interpretation clause are merged together under the same sub-heading “1.1 Commencement”. The Interpretation clause should be separated and numbered “1.2 Interpretation”, and the clauses that follow should also be renumbered in a logical sequence.

For best practice in drafting local laws, you may wish to follow this example for PART 1.

### 1.1 Citation

This Local Law may be cited as the *Shire of Tammin Parking and Parking Facilities Local Law*.

### 1.2 Commencement

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

### 1.3 Interpretation

In this Local Law unless the context otherwise requires:

‘**ACROD sticker**’ has the meaning given to it by the Code:

‘**Act**’ means the Local Government Act 1995;

etc  
etc

### 1.4 Application of particular definitions

etc

### 1.5 Application and pre-existing signs

etc

## 1.6 Classes of vehicles

etc

## 1.7 Part of thoroughfares to which sign applies

etc

## 1.8 Powers of the local government

etc

Please note that in the Shire's draft, the format of the sub-heading for clause 1.2 should be in the same format as the sub-headings in the rest of the body text of the law, that is,

### 1.2 Application of particular definitions ←(only the first word has a capital letter)

and not

#### 1.2 Application of Particular Definitions

- **Interpretation:** In the definition for 'Act', the figure "1995" should be in italics as it forms part of the full title of "*Local Government Act 1995*".

Similarly, the figure "1974" in the definition for '**Road Traffic Act**' should be in italics as it forms part of the full title of "*Road Traffic Act 1974*".

In the definition for '**taxi**', the figures "1994" and "1966" should be in italics as these figures form part of the full titles of the Acts named in this definition.

- **1.3 Application and pre-existing signs:** The substantial paragraph numbering system for the two sub-paragraphs in clause 1.3(5)(i) and (ii) should be 1.3(5)(a) and (b).
- **1.5 Part of thoroughfare to which sign applies:** Designations (1), (2) and (3) should be changed to (a), (b) and (c) respectively.
- **3.10 Parking on private land:** The number "1997" should be in italics as it forms part of the full title of "*Land Administration Act 1997*" in clause 3.10(1)(b). Also, clause 3.10(1)(d) currently incorrectly refers to clause 1.5(2). This cross-reference needs to be checked once the renumbering of clause 1 is complete.
- **Schedule 3:** In Form 3, the designation '(8)' needs to be corrected to be '(7)' immediately before 'Name and title of authorized person giving notice' in the last line.
- **Execution/Sealing clause:** If the Shire had a change in the CEO, you need to update the name of the CEO before you present the final copy of this proposed local law to Council. The change applies to all the draft local laws.

#### COMMENT

There are no issues with the changes suggested by the Department.

#### FINANCIAL IMPLICATIONS

Advertising costs. Provision of \$1,000 for advertising was included in the 2006/07 Budget – Account E053010.

#### POLICY IMPLICATIONS

Nil.

#### STATUTORY IMPLICATIONS

Section 3.12 (2) of the Local Government Act details the procedures required for the review of the local laws. The steps required to review local laws are:

1. Council resolves to review the local law;
2. Council advertises Statewide that it intends to review the local law;
3. Submissions are called with a minimum period of 60 days;
4. Council considers the submissions and amends/adopts local law;

5. Council advertises the adopted local law;
6. Administration procedures – eight copies to Department of Local Government and the Joint Committee on Delegated Legislation.

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **PRINCIPAL ACTIVITY PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

The proposed local law has been advertised in accordance with the Local Government Act 1995. Copies of the proposed local law have been available from the Shire Office and notices were placed on the Shire of Tammin Notice Board and advertised in a statewide and local newspaper.

### **STAFF RECOMMENDATION**

That Council resolves to adopt the proposed Shire of Tammin Management Parking and Parking Facilities Local Law 2006 incorporating the changes suggested by the Department of Local Government and Regional Development.

Simple Majority Required

### **MIN 256/06 MOTION – Moved Cr Stokes 2nd Cr Wheeldon**

*That the proposed Shire of Tammin Management Parking and Parking Facilities Local Law 2006 incorporating the changes suggested by the Department of Local Government and Regional Development lay on the table pending the final adoption of the Repeal Local Law 2006.*

CARRIED 6/0

Crs Leslie and Caffell left the Chamber at 2.39 pm.

The CEO called for nominations to Chair the meeting. Cr Jefferies nominated Cr Stokes. There being no further nominations, the CEO declared Cr Stokes elected and Cr Stokes assumed the Chair.

Cr Greenwood again declared his interest as a property owner within the affected area. The CEO advised the meeting that the Director General had approved (under section 5.69(3) of the Local Government Act) Cr Greenwood to participate in the discussion and decision making process.

<b>Agenda Reference:</b>	11.9
<b>Subject:</b>	SAT Appeal – Vineyard Development Proposal (J & D Dyer)
<b>Location:</b>	Avon Location 12932 Bungulla
<b>Applicant:</b>	Civic Legal
<b>File Ref:</b>	ASS-54
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	23 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

### **INTERESTS**

Dispensation has again been sought for one or all of Councillors Leslie, Caffell and Greenwood.

### **PREVIOUS REFERENCE**

Item 11.17 – 20 April 2006 refers.

### **BACKGROUND**

Correspondence providing an update on the Appeal and advising that Council needs to consider each of the recorded previous resolutions and provide a list of conditions which Council would seek to impose if the Tribunal finds that one or more of the previous decisions was in fact an approval.

### **COMMENT**

Council's previous resolutions in relation to this Application are as follows:



**Item 11.2.6 – 2 June 2004 (MIN 0688/04)**

*That the application from Mr. David and Jonathon Dyer to establish a winery on location 12932 Goldfields Road be approved subject to the following conditions: -*

- 1. The provision of information relating to the application of pesticides on the vines.*
- 2. That the proposed winery does not impact on neighbouring general farming practices.*
- 3. Prior to establishment of the winery information regarding waste disposal of by products be advised to Council and the Department of the Environment;*
- 4. The approval is subject to the requirements of any statutory authority including the Departments of the Environment, Conservation and Land Management and the Department of Agriculture.*

**Item 11.2.1 – 7 July 2004 (MIN 1708/04)**

- 1. That the views of the Shire of Kellerberrin be sought.*
- 2. That the views of the Department of Environmental Protection and Department of Agriculture be sought.*
- 3. That the views of surrounding landowners to location 12932 be sought on the establishment of a winery.*

**Item 11.2.3 – 13 September 2004 (MIN 1745/04)**

*That the information regarding the establishment of a vineyard be received, and the matter is to be brought back to Council once the response from the Department of Agriculture is received.*

**Item 11.2.3 – 3 November 2004 (MIN 1780/04)**

*That the information regarding the progress of the application to establish a winery on Avon Location 12932, advising that several responses had been received and the Administration is waiting a response from the Agriculture Department, be received.*

**Item 11.2.1 – 1 December 2004 (MIN 1796/04)**

- 1. That the correspondence received from Mr. Hocking relating to the establishment of the winery on Avon Location 12932 be acknowledged and Mr. Hocking be advised of Council's decision in writing.*
- 2. That the Shire of Tammin approve in principle the establishment of a winery on location 12932 subject to the following conditions: -*
  - a. The Applicant is to submit a detailed plan of the proposed development addressing the Environmental Management Guidelines for Vineyards 2002 and providing Council with supporting documentation that the development has been designed to comply with these requirements.*
  - b. The applicant is to submit a report from a suitably qualified Engineer that the liquid waste disposal system is designed to accommodate the proposed production and is compliant with the Department of the Environment requirements.*
- 3. That the Applicant be given advice as to the requirements of the Environmental Management Guidelines for Vineyards 2002 and Agriculture and Related Resources Protection (Spraying Restrictions) Act 1981 and the requirements to comply with this legislation.*
- 4. That Council invites a representative from the Department of Agriculture to address Council at their February 2005 Ordinary Meeting on the use of various herbicides and pesticides on broadacre farming versus viticulture farming and implications for application.*

**Late Item 2 – 11 May 2005 (MIN 63/05)**

*That Council reject the application by Mr Jonathan Dyer to establish a winery on Location 12932.*

**Item 11.2.1 – 2 November 2005 (MIN 212/05)**

- 1. That Council seek to hold a meeting with the Department of Agriculture in February 2006.*
- 2. That Council write to Mr J Dyer advising him that Council are requesting to meet with the Department of Agriculture in February 2006 and neighbouring landowners be invited to attend.*

**Item 11.17 – 20 April 2006 (MIN 94/06)**

*That the applicants be advised that the application under the Shire of Tammin Town Planning Scheme No 1 is refused due to the adverse effect such development would have on surrounding land operations. Further, that the applicants be advised on their right of appeal.*

Civic Legal has provided, in it's draft submission, suggested interpretations of each of Council's previous decisions.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That Civic Legal be advised that Council supports the interpretation of it's previous decisions as contained in it's draft submission to the State Administrative Tribunal.

Simple Majority Required

The CEO reported that correspondence from Dyer withdrawing the appeal action to the State Administrative Tribunal by Dyer had been received.

#### **MIN 257/06 MOTION – Moved Cr Jefferies 2nd Cr Greenwood**

*That the correspondence be received*

CARRIED 4/0

Crs Leslie and Caffell entered the Chamber at 2.42pm and Cr Leslie assumed the Chair.

<b>Agenda Reference:</b>	11.10
<b>Subject:</b>	Write-Off – Rate Arrears
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Mussared Nominees P/L
<b>File Ref:</b>	ASS-136
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	25 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **BACKGROUND**

Rate arrears of \$278.06 are shown against Assessment 136. Mussared Nominees P/L has indicated their cheque was written out and posted well before the close of discount.

#### **COMMENT**

Investigation has revealed that the arrears relate to the discount deducted by Mussared Nominees P/L in it's payment of the account together with subsequent penalty interest. Further, that payment was received (mail register) on Monday 3 October 2005.

Rates were raised on 26 August 2005 with the rates being due on Thursday, 29 September 2005.

In the normal course of events, rates received after the due date would not be eligible for the discount or entry into the Early Payment Of Rates competition however ....

Mussared Nominees P/L were one of the winners of the Early Payment Of Rates Competition.

In discussion with Mr Griffiths, it appears that some discretion was being allowed for late payments and in this case it appears that the necessary journal to correct the error was not completed.

There does not appear to be any provision for discretion in either legislation or Council Policy (which without legislative power would be ultra vires).

To overcome this situation, the rate arrears should be written-off. Staff have been re-instructed on the situation regarding the due date for rates and discount.

### **FINANCIAL IMPLICATIONS**

2006/07 Budget.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY IMPLICATIONS**

Nil

### **STRATEGIC PLAN IMPLICATIONS**

Nil

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **STAFF RECOMMENDATION**

That the rate arrears on Assessment 136 – totalling \$278.56 as at 30 June 2006 together with any accumulated interest since that date, be written off.

Simple Majority Required

### **MIN 258/06 MOTION – Moved Cr Greenwood 2nd Cr Wheeldon**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.11
<b>Subject:</b>	Locality Boundaries
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Dept. Of Land Information
<b>File Ref:</b>	PROP-21
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	28 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

### **PREVIOUS REFERENCE**

Item 11.1.19 – 8 February 2006

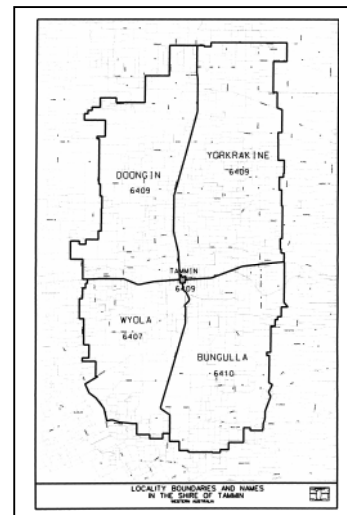
### **BACKGROUND**

Correspondence advising that the locality names of Tammin, North Tammin and South Tammin have been approved.

Further, seeking to amend the boundaries of the Tammin locality by:

- the inclusion of lots 1-4 Barrack Rd on the western end of the Tammin townsite
- the inclusion of CBH land on the eastern end of the Tammin townsite.

Council expressed concern in December 2005 regarding the locality names - Tammin, Doongin, Yorkrakine, Wyola and Bungulla.



Following advice from the Department of Land Information, Council resolved on 8 February 2006 to refer a proposal to change the locality boundaries to Tammin (townsite), North Tammin (north of Great Eastern Hwy) and South Tammin (south of Great Eastern Hwy) to the General Electors meeting on 1 March 2006. The proposal was supported at the General Electors meeting.

#### **COMMENT**

A copy of the Department's letter has been provided to all mail recipients within the Shire of Tammin, in accordance with the Department's conditions.

There is no issue with the proposed change on the western end of the Tammin townsite – it is understood that these lots are in the townsite.

On the eastern end of the townsite, the issue appears to be the use of old plans (prior to the highway realignment) and also the townsite boundary. The proposal still does not pick up the land through to Little Underwood Rd.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That the Geographic Names Committee of the Department of Land Information be advised that Council supports the change in the Tammin locality boundary to include:

- lots 1-4 Barrack Rd; and
- all CBH land east to Little Underwood Rd.

Simple Majority Required

#### **MIN 259/06 MOTION – Moved Cr Greenwood 2nd Cr Jefferies**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.12
<b>Subject:</b>	WE-ROC Landcare
<b>Location:</b>	Great Eastern Wheatbelt
<b>Applicant:</b>	Shire of Merredin
<b>File Ref:</b>	AGR-10
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	30 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **BACKGROUND**

Within the WE-ROC Future Directions is the target to build stronger working relationships and partnerships between WEROC natural resource management officers with the measure of the establishment of a WE-ROC NRM Group which meets on a regular basis.

A meeting of WE-ROC NRMOs/CLCs has resolved to develop a Strategic Plan and has sought \$1,000 from each Council to facilitate the development of the Plan.

#### **COMMENT**

The Shire of Tammin does not currently have landcare involvement – the Cunderdin-Tammin Group is in the process of resolving surplus funds, the completion of the book and the winding up of the Group. The Shire of Tammin does not currently have a representative on this Group.

#### **FINANCIAL IMPLICATIONS**

No provision is included in the 2006/07 Budget for this request.

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That Council provides direction.

Simple Majority Required

#### **MIN 260/06 MOTION – Moved Cr Greenwood 2nd Cr Stokes**

*That the Shire of Tammin decline to participate in the WE-ROC Landcare Strategic Plan.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.13
<b>Subject:</b>	Trust Fund Balances
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	FIN-05
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	5 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **PREVIOUS REFERENCE**

Item 11.2 – 17 August 2006

#### **BACKGROUND**

Continuing with the reconciliation of the Trust Fund saga further balances have been researched and require action.

#### **COMMENT**

Tammin Tourist Promotion has a balance of \$2,218. This was created, by journal entry, 28 March 2002 – with no detail. These funds could be used to replace the Tammin townsite entry statements and/or the reprint of the Eastern Wheatbelt map.

Tammin Arts Prize has a balance of \$231.00 from pre-1998 – with no detail. It is recommended that these funds be given to the Tammin Arts Prize Committee to disburse.

Tammin Agricultural Society has a balance of \$3,197.00. This was created, by journal entry, 31 January 2000 with no detail. It is recommended that these funds be given to the Kellerberrin Districts Agricultural Society to disburse.

Significant research has been carried out through the minutes of Council and financial statements – with no success.

#### **FINANCIAL IMPLICATIONS**

2006/07 Budget.

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That the following Trust balances be disbursed as follows:

- Tammin Tourist Promotion \$2,218.00 Municipal Fund
- Tammin Arts Prize \$231.00 Tammin Arts Prize Committee
- Tammin Agricultural Society \$3,197.00 Kellerberrin & Districts Agricultural Society Inc  
Simple Majority Required

#### **MIN 261/06 MOTION – Moved Cr Jefferies 2nd Cr Greenwood**

*That the following Trust balances be disbursed as follows:*

- *Tammin Tourist Promotion \$2,218.00 Municipal Fund*
- *Tammin Arts Prize \$231.00 Tammin Arts Prize Committee*
- *Tammin Agricultural Society \$3,197.00 Town beautification.*

CARRIED 6/0

#### **REASON**

Council considered that the funds from the Agricultural Society would be more appropriately disbursed on Town beautification.

<b>Agenda Reference:</b>	11.14
<b>Subject:</b>	New Years Eve Celebrations
<b>Location:</b>	Kadjiny Kep
<b>Applicant:</b>	T O'Dea
<b>File Ref:</b>	ADM-19
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	7 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **BACKGROUND**

Correspondence seeking the use of Kadjiny Kep, free of charges, to provide New Years Eve music and entertainment for the people of the Shire of Tammin and neighbouring areas.

The entertainment would be free of charge to patrons and would be similar to that provided in 2005.

**COMMENT**

Nil

**FINANCIAL IMPLICATIONS**

Fees & Charges would be \$100 (without liquor) or \$200 (with liquor) and a bond of \$300.

**POLICY IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Nil

**STRATEGIC PLAN IMPLICATIONS**

Nil

**FUTURE PLAN IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**STAFF RECOMMENDATION**

That as the function proposed is *free of charge* to patrons and is open to the whole district (*open house*) the venue be provided free of charge on the proviso that the venue be cleaned following use by the applicant.

Simple Majority Required

**MIN 262/06 MOTION – Moved Cr Stokes 2nd Cr Jefferies**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.15
<b>Subject:</b>	Systemic Sustainability Study
<b>Location:</b>	Western Australia
<b>Applicant:</b>	Professor Greg Craven
<b>File Ref:</b>	PROP-00
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	8 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

**PREVIOUS REFERENCE****BACKGROUND**

Correspondence inviting Councillors and Local Government Officers to discuss remedies to the challenges facing the sector with sustainability

The Panel will discuss the strategies and actions to address the issues raised in the report with the insights gained being invaluable in shaping the objective advice the Panel will take forward to the Association in their final report. This represents an opportunity for Councillors and Officers to help shape the future of reform in the sector.

The Panel will be at Bruce Rock on the 28 September between 1:00pm and 4:00pm and will also conduct online forums (accessible via the website [www.systemicsustainabilitystudy.com.au](http://www.systemicsustainabilitystudy.com.au)):

- 14th September between 3:00 and 4:30 pm;
- 20th September between 3:00 and 4:30 pm;
- 21st September between 7:00 and 8:30 pm; and
- 22nd September between 6:30 and 8:00 pm.

## COMMENT

The Chairman of the Systemic Sustainability Study presented it's assessment of the sustainability of local government in Western Australia at Local Government Week on 5 August. The report: *In Your Hands: Shaping the future of Local Government in Western Australia* attempts to provide local government with a strong, evidence based, understanding of the status, condition and prospects for Local Government in this State.

## FINANCIAL IMPLICATIONS

Nil

## POLICY IMPLICATIONS

Nil

## STATUTORY IMPLICATIONS

Nil

## STRATEGIC PLAN IMPLICATIONS

Nil

## FUTURE PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

Nil

## STAFF RECOMMENDATION

That interested Councillors and the CEO attend the Forum in Bruce Rock on 28 September 2006.

Simple Majority Required

Crs Leslie and Caffell expressed an interest.

## MIN 263/06 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.16
<b>Subject:</b>	Child Health & Wellbeing Survey
<b>Location:</b>	Tammin
<b>Applicant:</b>	Department of Health – WA Country Health Service
<b>File Ref:</b>	OSGOV-23
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

## BACKGROUND

Correspondence drawing attention to Professor Fiona Stanley, Director of the Institute for Child Health Research, concern in persuading political and community leaders to invest in children in the first 5 years of their life – which significantly reduces adult crime, graffiti, obesity, suicide and drug addition in later life – and seeking from local government a contribution of \$275 per school across Western Australia to fund the provision of teacher relief time to allow the teachers to collect the data.

It is proposed that the data will be completed in September 2006 with the results available to local government and their community in November 2006.

The project is being organised by the Eastern Wheatbelt Early Years Network (EWEYN).

## COMMENT

The letter is dated 31 August 2006 and was received on 12 September 2006. With the planned data collection in September 2006 it would seem a lot of thought has gone into the process.



Once again, local government is being asked to fund issues which are outside its responsibility. Whilst there is no doubt it may be good for the community – and may return the investment many times over – it is clearly the responsibility of over tiers of government.

Similarly, the request is made at late notice and is clearly set out to embarrass local governments who decline.

#### **FINANCIAL IMPLICATIONS**

No provision was made in the 2006/07 Budget for this expenditure.

#### **POLICY IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That the request for funding of relief teachers to allow teachers to compile statistical data on children for the Eastern Wheatbelt Early Years Network be declined.

Simple Majority Required

#### **MIN 264/06 MOTION – Moved Cr Greenwood 2nd Cr Caffell**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.17
<b>Subject:</b>	Structural Reform
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	PROP-00
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **BACKGROUND**

On 22 August 2006 a letter was sent to all residents and ratepayers within the Shire of Tammin seeking comment on the issue of structural reform / amalgamation.

Specifically, people were asked to indicate their agreement or disagreement with four statements and invited to add additional comment on the statements or subject generally. 40 responses were received as follows:

*I believe the Shire of Tammin should remain a separate local government and distance itself from the amalgamation debate.*

Strongly Agree	28
Agree	3
No Opinion	6
Disagree	1
Strongly Disagree	2

### Comments Made

- Unfortunately too small to stay isolated.
- Our last effort at resource sharing (CEO) was a disaster. Would be complications to many, with amalgamations, need to be our own decision makers.
- We are lucky having Mick – he will come and do small jobs for the ones at the Units.
- From what I've seen total amalgamation does not really work. The Shire you amalgamate with seems to come off top dog.

*I believe the Shire of Tammin should remain a separate local government but work closer with neighbouring local governments.*

Strongly Agree	15
Agree	11
No Opinion	9
Disagree	0
Strongly Disagree	5

### Comments Made

- This is the thin edge of the wedge.
- If possible and makes sound financial sense.
- Do agree, but if working with neighbouring local governments must be to our advantage (it shouldn't be using our resources, if we don't get back equivalent or better advantage).

*I believe the Shire of Tammin should remain a separate local government but should explore options.*

Strongly Agree	18
Agree	11
No Opinion	8
Disagree	1
Strongly Disagree	2

### Comments Made

- I could live with this.
- We have tried amalgamation with another town and it didn't work and under our new CEO our town is doing just nicely.
- Need to be realistic and consider all options.
- Need open mind to ventures (e.g. rubbish sorting) to improve income and employment opportunities within the Shire.
- Resource sharing should be investigated and managed equally by both parties.

*I support amalgamation and rationalisation of local government and believe the Shire of Tammin should be negotiating with the Shire of \_\_\_\_\_ and / or the Shire of \_\_\_\_\_.*

Strongly Agree	1
Agree	1
No Opinion	10
Disagree	3
Strongly Disagree	25

### Comments Made

- No amalgamations, different Shires have different agendas they prefer, most probably to the disadvantage of the other amalgamated Shires.
- Review the situation in 3 years time.
- Should look at amalgamation as a last resort as the venture with Kellerberrin failed.
- We have had a little dabble with resource sharing which we feel didn't give us the services required. It also cost us plenty.

- Consider geographic and economic , sporting allegiances. Hold referendum. Should be negotiating with Kellerberrin or Wyalkatchem, not Quairading or Cunderdin.
- We have tried this once and had no progress in the town. Roads were getting worse. Since we've had our own CEO there is noticeable progress within the Shire.

A further general comment was made:

- I believe the Shire of Tammin should be the centre body and ask the Shires to the North and South of Tammin to join the Shire of Tammin along with using the most productive staff from all 3 Shires to head the new Tammin Shire and have one main Shire depot to keep maintenance cost for Shire down and have multi skilled people on their Staff and less on-lookers.

#### **COMMENT**

The four questions were phrased and ordered to reflect opinions moving from strongly agreeing to strongly disagreeing – and vice versa. However, in examining individual responses, this was not always the case, suggesting there may have been some misunderstanding. Similarly, it was expected that people would respond to all 4 questions. Again, this was not always the case.

However...

the overwhelming majority of responses clearly support the Shire of Tammin remaining a separate identity.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil – but should provide guidance to Councillors.

#### **STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC PLAN IMPLICATIONS**

Nil

#### **FUTURE PLAN IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

Nil

#### **STAFF RECOMMENDATION**

That the information be received.

Simple Majority Required

#### **MIN 265/06 MOTION – Moved Cr Jefferies 2nd Cr Caffell**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.18
<b>Subject:</b>	Leave Liability – Mr F Peczka
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM-26
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	22 August 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

#### **PREVIOUS REFERENCE**

Item 11.2 – 18 May 2006 (RES 139/06) & Item 9.1.1 – 27 July 2006 (RES 214/06).

## BACKGROUND

Correspondence advising of the re-issue of the outstanding sundry debtor invoice totalling \$5,815.39 relating to the claimed leave liability for Mr Peczka in order to finalise the matter.

## COMMENT

Council resolved in May 2006 that the Shire of Tammin disagrees with the Shire of Kellerberrin's interpretation in relation to the liability for accrued leave for the CEO, citing:

- the terms of the Resource Sharing Agreement;
- Annual Leave accrual provisions; and
- Long Service Leave accrual provisions.

In July, 2006 Cr Rod Giles, President, Shire of Kellerberrin, addressed Council on the issue and asked Council to reconsider its position. Council resolved that the Shire of Kellerberrin be advised that as the Shire of Tammin had not received a response to reasons it previously rejected liability nor any other information to change its position, it again denies liability.

The Shire of Kellerberrin subsequently provided a *primer* on leave liability and cash backed reserve funds for liability – however no explanation as to why there was not provision for the claimed liability by the Shire of Tammin to the Shire of Kellerberrin.

## FINANCIAL IMPLICATIONS

2006/07 Budget – no provision has been made for this payment.

## POLICY IMPLICATIONS

Nil

## STATUTORY IMPLICATIONS

Nil

## STRATEGIC PLAN IMPLICATIONS

Nil

## FUTURE PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

Nil

## STAFF RECOMMENDATION

That the Shire of Kellerberrin's claim for Mr Peczka's leave liability, including both annual and long service leave, be again rejected.

Simple Majority Required

## MIN 266/06 MOTION – Moved Cr Greenwood 2nd Cr Wheeldon

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.19
<b>Subject:</b>	Cheque List
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	FIN-05
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	14 September 2006
<b>Author:</b>	Liz McDonald, Finance Officer

## BACKGROUND

Accounts for Payment from 1 July 2006 to 31 July 2006 and from 1 August 2006 to 31 August 2006.

**Municipal Fund**

1 – 2 and 6 – 10  
3 – 5 and 11 – 114

\$28,546.88  
\$248,543.02

**Trust Fund**

000867

\$6,049.18

**COMMENT**

No abnormal expenditure.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Nil

**STRATEGIC PLAN IMPLICATIONS**

Nil

**FUTURE PLAN IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**STAFF RECOMMENDATION**

That the cheques issued for July 2006 and August 2006 be endorsed.

Simple Majority Required

**MIN 267/06 MOTION – Moved Cr Jefferies 2nd Cr Caffell**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.20
<b>Subject:</b>	Emergency Co-ordinators
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	FESA
<b>File Ref:</b>	ORGE-00
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	14 September 2006
<b>Author:</b>	Mick Oliver, Chief Executive Officer

**BACKGROUND**

Correspondence advising that under the provisions of the Emergency Management Act 2005 District and Local Emergency Coordinators are required to be appointed and that local government is to be consulted. Further, it is proposed to appoint the District Police Superintendent to be the District Emergency Coordinator (DEC) and to appoint the Officer in Charge of each Police sub-district throughout the State as the Local Emergency Coordinator (LEC). The LEC is to be a member of the Local Emergency Management Committee and is required:

- to provide advice and support to the Local Emergency Management Committee for the district in the development and maintenance of emergency management arrangements for the district;
- to assist hazard management agencies in the provision of a coordinated response during an emergency in the district; and
- to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.

**COMMENT**

It is understood that the arrangements proposed effectively mirror previous arrangements – only the position titles have been changed.

The Shire of Tammin is part of the Kellerberrin Tammin LVES with the Kellerberrin Police being part of the Committee,

**FINANCIAL IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Nil

**STRATEGIC PLAN IMPLICATIONS**

Nil

**FUTURE PLAN IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**STAFF RECOMMENDATION**

That the information be received and no submission on the proposal be made.

Simple Majority Required

**MIN 268/06 MOTION – Moved Cr Wheeldon 2nd Cr Stokes**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.21
<b>Subject:</b>	Financial Report
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	FIN-05
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	14 September 2006
<b>Author:</b>	Liz McDonald, Finance Officer

**BACKGROUND**

It is anticipated that the Financial Report will be available to be tabled at the meeting.

**COMMENT**

Whilst the day to day accounting has been completed, the resolution of the Asset Register is holding up the finalisation of the 2005/06 accounts and consequently the finalisation of the 2006/07 Budget and opening balances.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Nil

## STRATEGIC PLAN IMPLICATIONS

Nil

## FUTURE PLAN IMPLICATIONS

Nil

## COMMUNITY CONSULTATION

Nil

## STAFF RECOMMENDATION

That the Financial Report for August 2006 be received.

Simple Majority Required

### **MIN 269/06 MOTION – Moved Cr Jefferies 2nd Cr Wheeldon**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

## **12. REPORTS OF OFFICERS – For period up to 9 August 2006**

### **12.1 Chief Executive Officer's Report**

#### **12.1.1 Minor Plant & Equipment**

The damaged (Item 12.1.6 – 20 April 2006) Pizey post hole borer has been scrapped and replaced with a 3PL driven unit incorporating a hydraulic ram together with 150mm and 250mm augers at a cost of \$4,670 utilising the \$7,100 provision in the 2006/07 Budget (E168500).

A SA99 3PL Road Broom with hydraulic drive and manual angle adjustment has been purchased at a cost of \$7,730 (Ex) utilising the \$8,000 provision in the 2006/07 Budget (E168500).

The 5KVA gen set, stolen from Doodlakine in January 2004, has been replaced following the insurance claim settlement and utilising the \$1,600 provision in the 2006/07 Budget (E168500).

#### **12.1.2 Staff Training (PERS-15)**

The outside staff were given training in Tammin on the use of flashing lamps (warning lamps) on 5 September 2006.

Training in the use and operation of elevated work platforms (Squirrel) has been arranged for 18 September 2006 in Tammin. Staff from Kellerberrin and Cunderdin will also be participating.

M.G. (Mick) Oliver  
Chief Executive Officer

### **12.2 Community Development Officer's Report**

#### **12.2.1 NOW Program**

Meeting held on the 8th of September at Kellerberrin Memorial Hospital. This Federal initiative has been funded through the Family and Community services. This program is aimed at young mothers in an attempt to offer them the opportunity to have "Now time" and to provide opportunities to enhance positive parenting skills, to provide opportunities to improve economic self-reliance, health, education and social networks. It is hoped this will lead to effective and positive relationships within family units with a focus on wellbeing.

Tammin was identified as one of ten communities that could benefit from this program. The meeting I attended at the Kellerberrin Hospital was to set up how the group would be formed and how each of the participants would be identified and included. It was my opinion

which I discussed with the group that it would not work with the two communities together. Economically the target group would not use valuable petrol every week to “get together” in Kellerberrin and the idea of using the Community Bus is very daunting for those who lack confidence initially. My suggestion to the group was that if the program could be successfully set up in Kellerberrin that Tammin could “piggy back” on the idea further down the track. The actual funding for this program ceases in January 2007 however the coordinator – Marilyn Alborough – was confident that further funding could be gained from other sources.

#### **12.2.2 Quairading Senior Citizens**

On 14 September the Quairading Senior Citizens travelled across on their community bus to look at Kadjininy Kep. In the absence of Cr Leslie I was able to show the group around and give them some information on the facility and what we have been doing over the last 12 months and give a preview of shows and events that are planned for the rest of the year.

They were very appreciative of the venue and enjoyed their visit.

#### **12.2.3 Araluen**

The Shire of Tammin has been successful in receiving funding from the Council on the Ageing to take the Tammin Seniors on the Community Bus to Perth to visit Araluen during Bank West Seniors Week in November. The funding for this covers the hire of the bus, fuel and entry into Araluen along with hire of any gophers required.

#### **12.2.4 Footpaths**

The Department of Planning and Infrastructure has advised that the application for funding to install footpaths along Shields Street and Station Road has been unsuccessful. The Department received 20 applications from the Wheatbelt and only 7 were approved. The applications were ranked in order of priority which included population, maximum benefit to residents etc. Tammin was ranked 14.

#### **12.2.5 Kadjininy Kep**

The Centre seems to be operating smoothly now. New timers have been installed to try to alleviate the issue of power failures changing the time that the pumps and lights turn on and off. The chemical readings are now steady and the algae has been brought under control.

#### **12.2.6 Tammin Arts Prize**

Together with the Art Prize Committee, the Shire of Tammin was able to organise a digital camera course. The course was held at TALEC and included 7 participants.

#### **12.2.7 Stay On Your Feet Program**

Application has been made to the Stay on Your Feet program for \$500 to run an information day for the Tammin Seniors. This will be run in conjunction with the Wheatbelt Public Health Unit and will involve a dietician, exercise instructor and other informative speakers.

#### **12.2.8 La La Luna**

This show will be presented at the Tammin Town Hall on Thursday, 21 September 2006. The senior students of the Tammin Primary School will run a small canteen for the show to raise funds for their 2006 school camp. Interest has been widespread for the show and we have been able to do some intensive advertising and subsidise the cost of the show thanks to the funding from Lotterywest.

Carol Crane  
Community Development Officer

#### **STAFF RECOMMENDATION**

That Council receive the Officers' Reports

Simple Majority Required



**MIN 270/06 MOTION – Moved Cr Greenwood 2nd Cr Caffell**

*That the Staff Recommendation be adopted.*

CARRIED 6/0

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

Nil

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

Cr Greenwood declared an interest and left the Chamber at 3.20pm.

**14.1 Lot 90 – 5 Strang St**

The CEO reported that interest had been received in the acquisition of the house at 5 Strang St.

**MIN 271/06 MOTION – Moved Cr Jefferies 2nd Cr Caffell**

*That the CEO be delegated authority to dispose of 5 Strang St at market value.*

CARRIED BY ABSOLUTE MAJORITY 5/0

Cr Greenwood entered the Chamber at 3.25pm.

**15. CLOSURE OF MEETING**

There being no further business the Chairman closed the meeting at 3.26pm.

Tabled before the Ordinary Council meeting on 19 October 2006.

CR B LESLIE, Chairman

# COUNCILLORS INFORMATION BULLETIN – SEPTEMBER 2006

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><b>Fire Brigade Shed and Siren Tower</b>  <b>Minute 87/05 – 15/6/2005</b>            That Council agrees to relocate the Fire Brigade Shed and Siren Tower to Lot 5 Shields Street providing Council obtain ownership of the above property. Action: That Cr Leslie contact Mr Russell to hand land into the Shire.</p> <p><b>Emergency Services Building</b>  <b>Minute 241/05 – 7/12/2005</b>            That the Shire of Tammin:</p> <ol style="list-style-type: none"> <li>will provide a sand pad and levelling of the site of the new Consolidated Emergency Services Building, waive the building licence fees and BCITF levy, and site supervision of the project.</li> <li>will investigate effluent disposal systems and provide advice to FESA for the proposed new Consolidated Emergency Services building.</li> </ol> <p>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>	MCS	<p>Council resolved (Res115/06 item 11.30 – 20 April 2006) to offer the purchase of lot 5 Shields St, together with a number of other lots, in return for the outstanding rates.</p> <p>Mr Russell has given written approval for the temporary storage of the shed pending discussions with the Russell family regarding the future ownership of the land.</p> <p>FESA has appointed the Shire of Tammin to project manage the works and has accepted the estimate of around \$80,000.</p> <p>The Tender from Dempster Steel has been accepted.</p> <p>The old red fire shed has been demolished.</p> <p>Plans are in hand to provide the levelling of the site and sand pad.</p> <p>Quairading Plumbing have been contracted to provide the septic system – which will include provision for the effluent from the future change rooms for Kadjininy Kep.</p>																				
<p><b>Tamma Village – Emergency Keys</b>            An outstanding item inherited by the CEO from an unknown Council resolution was to obtain originals of the unit's keys for security and in the case of emergencies.</p>	CEO	<p>Keys are in the Shire Office for units:</p> <table border="0"> <tr><td>1</td><td>Hedde Knol</td></tr> <tr><td>3</td><td>Beryl Greenwood</td></tr> <tr><td>5</td><td>May Reyne</td></tr> <tr><td>6</td><td>Marge Hocking</td></tr> <tr><td>7</td><td>Mary Caffell</td></tr> <tr><td>8</td><td>Daisy Harrison</td></tr> <tr><td>9</td><td>Stephan Krieger</td></tr> <tr><td>10</td><td>Ann Batchelor</td></tr> </table> <p>Keys are required for units:</p> <table border="0"> <tr><td>2</td><td>Mary Stokes</td></tr> <tr><td>4</td><td>Isabelle Newbury</td></tr> </table>	1	Hedde Knol	3	Beryl Greenwood	5	May Reyne	6	Marge Hocking	7	Mary Caffell	8	Daisy Harrison	9	Stephan Krieger	10	Ann Batchelor	2	Mary Stokes	4	Isabelle Newbury
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<p><b>Local Government Property Local Law</b>  <b>Minute 213/05 – 2/11/2005</b>            That Council resolve to make a local law – Shire of Tammin Local Government Property Local Law.</p>	MDS	<p>The Department of Local Government and Regional Development has provided suggestions for improvement.</p>																				

<p><b>Activities in Thoroughfares and Public Places and Trading Local Law</b>  <b>Minute 214/05 – 2/11/2005</b>  That Council resolve to make a local law – Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law.</p>	MDS	The Department of Local Government and Regional Development has provided suggestions for improvement.
<p><b>Fencing Local Law</b>  <b>Minute 215/05 – 2/11/2005</b>  Council resolve to make a local law – Shire of Tammin Fencing Local Law.</p>	MDS	The Department of Local Government and Regional Development has provided suggestions for improvement.
<p><b>Cemetery Local Law</b>  <b>Minute 216/05 – 2/11/2005</b>  That Council resolve to make a local law – Shire of Tammin Cemetery Local Law.</p>	MDS	The Department of Local Government and Regional Development has provided suggestions for improvement.
<p><b>Parking and Parking Facilities Local Law</b>  <b>Minute 217/05 – 2/11/2005</b>  That Council resolve to make a local law – Shire of Tammin Local Government Parking and Parking Facilities Local Law.</p>	MDS	The Department of Local Government and Regional Development has provided suggestions for improvement.
<p><b>Northam Regional Saleyards Project</b>  <b>Minute 233/05 – 7/12/2005</b>  1. That Council “participates” in providing an underwritten financial amount of \$50,000 towards to Northam Regional Saleyards Project.  2. That Council agree to execute an Agreement to identify commitment and contribution towards the Project subject to:  a) Councils approval of the business plan and;  b) acceptance of the legal agreement.</p> <p><b>Minute 10/06 – 8/2/2006</b>  That:  • the Business Plan and draft Agreement be accepted; and  • authority be given for the signing and affixing of the Common Seal to the Agreement.</p>	CEO	<p>Site works completed (with Shire of Tammin assistance).</p> <p>Project with the State Government seeking financial contribution to complete funding.</p> <p>Tenders called and found within Budget however full funding not available.</p> <p>The Shire of Northam is pursuing commitments from additional local governments.</p>
<p><b>Donnan Park Reticulation</b>  <b>Minute 250/05 – 7/12/2005</b>  That Administration obtains quotations for the design of an oval watering system (Donnan Park).</p>	CEO	Water Dynamics (Quinti & Co) has provided a quotation to irrigate the oval (\$55,000), pump (\$38,000), dam pump (\$3,900), wicket irrigation (\$4,800), pipework (\$4,000) and freight (\$2,500) together with a suggested provision for Western Power (\$20,000) which has been used to seek grant funding.

<p><b>Sight Distance Hazard – Bamboo in Town Drain Line – West end Town Rail Crossing</b>  <b>Item 11.4.11 – 7/12/2005</b>  Works instruction was issued for Staff to completely remove bamboo plantation on the east and west side of the Towns’ Westnet Rail (formerly Westrail) crossing point. Further instruction has been issued to ascertain ownership of the major drain and the responsible organization/body for annual maintenance attention. At this stage ownership of the Drain appears to be with Westnet Rail as the owner of the Rail Reserve.</p>	<p>CEO</p>	<p>Following discussions with CBH, who have denied responsibility, further discussions are required with the owner of the rail reserve.</p>
<p><b>Sale of land for non-payment of rates</b>  <b>Minute 34/06 – 8/3/2006</b>  That:</p> <ul style="list-style-type: none"> <li>• The Shire of Tammin take formal possession of lots 31 &amp; 32 Walston Street pursuant to section 6.64(1) of the Local Government Act;</li> <li>• formal notice be served on JI &amp; KM Arnold at their last known addresses advising that the Shire of Tammin has taken possession of the land pursuant to section 6.64(2) of the Local Government Act;</li> <li>• a caveat be lodged on the titles of the land to preclude dealings in respect of the land pursuant to section 6.64(3) of the Local Government Act; and</li> <li>• Staff be instructed to take whatever administrative action necessary to sell the land for non-payment of rates pursuant to section 6.64(1)(b) of the Local Government Act.</li> </ul>	<p>CEO</p>	<p>Title search carried out on 5 April 2006.</p> <p>Form 2 served on owner on 17 April 2006.</p> <p>Form 3 erected on site on 17 April 2006.</p> <p>Mayberry Hammond lodged Caveats on 13 June 2006.</p> <p>3 months notification period expired on 16 July 2006.</p> <p>Application has been made for an occasional auctioneer’s license for the CEO to allow the property to be economically sold at auction.</p>
<p><b>22 Walston Street</b>  <b>Item 11.21 – 8 March 2006</b>  That the Manager, Development Services be requested to provide a report on the condition of 22 Walston Street.</p>	<p>MDS</p>	<p>Council resolved (75/06) on 20 April 2006 that the issue lay on the table pending the appointment of an Environmental Health Officer.</p>

<p><b>Education House Relocation</b> <b>Item IB 5 – March 2006</b></p> <p>The Department of Housing and Works has advised that the contract (96728/2005) for the relocation of the transportable house from Doodlakine to Tammin has not been let as no expressions of interest were received (on two occasions). The Department is hopeful that a contract will be able to be let in the near future.</p>	CEO	Negotiations between Departments regarding the high cost of relocation has progressed and that the matter is progressing.... slowly.
<p><b>Storage &amp; Catchment Dams</b> <b>Item 11.6 – 20 April 2006</b></p> <p>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	
<p><b>Storage &amp; Catchment Dams</b> <b>Item 11.6 – 20 April 2006</b></p> <p>That research continue into the method of pumping (reticulation) of the dam water, the use of the dam water on the Donnan Park couch and the transfer of water from Hunts Well.</p>	CEO	Water pipe from Hunts Well bore now connected to town dam.
<p><b>Storage &amp; Catchment Dams</b> <b>Item 11.6 – 20 April 2006</b></p> <p>That the collection into the Storage Dam of the run-off from the CBH hardstand and the drain on the southern side of the railway be researched.</p>	CEO	<p>CBH has given approval for the levels to be taken on their property.</p> <p>FR Rodda &amp; Co has been commissioned to take levels.</p>
<p><b>Kadjiny Kep</b> <b>Item 11.14 – 20 April 2006</b></p> <p>That:</p> <ul style="list-style-type: none"> <li>• a non-return valve be sourced and fitted to the stage area water trough; and</li> <li>• stainless steel covers be installed over the speakers.</li> </ul>	CEO	<i>Off the shelf</i> steel speaker covers have been installed.
<p><b>Properties Inspection</b> <b>Item 11.18 – 20 April 2006</b></p> <ul style="list-style-type: none"> <li>• Locate memorabilia or small cardboard buildings for historic photo cabinet. Seek advice from Ron York regarding displaying the existing photos.</li> <li>• Install additional shelving on southern wall of Office (EHO)</li> <li>• Address inadequate airconditioner in CEO's Office</li> <li>• Arrange for photograph of Joan Button and Barry Leslie for President's photos</li> <li>• Arrange for updated aerial photograph of Tammin town site</li> <li>• Prepare septic and storm water drainage plans</li> <li>• Repair broken window on north east corner of hall stage</li> </ul>	CEO	

<ul style="list-style-type: none"> <li>• Prepare electrical diagram, including WIN re-broadcast equipment</li> <li>• Install new electric BBQ</li> <li>• That RCD protection be installed on the Town Hall kitchen and Lesser Hall sub-boards</li> <li>• That the CEO, in liaison with Cr Wheeldon, determine the wording for the sign at Frearson Park.</li> <li>• Lattice be erected (replaced) on Tamma Village units 3 &amp; 5.</li> </ul>		
<p><b>Donnan Park</b>  <b>Item 11.33 – 20 April 2006</b>  That a meeting be convened between interested Councillors, the CEO and members of the Clubs to resolve the various issues.</p>	CEO	
<p><b>Roads Inspection</b>  <b>Item – 20 April 2006</b></p> <ul style="list-style-type: none"> <li>• that improvements be made to the fencing to seal the dam spillways, noting the issue of debris blocking any serious water movements</li> <li>• additional rock and cement slurry on upstream and downstream sides of Turon Rd. Culvert (Bungulla Creek Crossing) to prevent scouring</li> <li>• 300m section on York Rd west of Shaw Rd and around 50m adjacent to western dam to be gravel sheeted.</li> <li>• Culvert scouring under cement slab on both upstream and downstream on Wyola North Rd to be rock filled with a loose cement slurry. Relocate table drain on south-east side to prevent scouring adjacent to spillway slab.</li> <li>• that pedestrian ramps (concrete slab) over curb be provided at the intersection of Ridley &amp; Redmond Streets (south west corner).</li> </ul>		<p>Cabling replacement and the erection of two additional lighting towers on the east side of the oval are nearing completion.</p>
<p><b>Bush Fire Advisory Committee</b>  <b>Item 10.3 – 18 May 2006</b>  1. That the restricted burning period be changed to 15 October through to 15 March in the following year and that the prohibited burning period be changed to 1 November through to 14 February in the following year.</p>	CEO	<p>1. FESA has been requested to gazette the new dates.</p>

<p>2. That:</p> <ul style="list-style-type: none"> <li>• The phone number for the harvest or vehicle movement ban recorded message be advertised;</li> <li>• A SMS service to advise farmers of a harvest or vehicle movement ban be introduced; and</li> <li>• <i>The UHF two-way radio continue to be used to announce a harvest or vehicle movement ban.</i></li> </ul>		<p>2. Details of the SMS service have been requested from Linking Councils and Communities.</p>
<p><b>Tandem Axle Truck / Side Tipping Trailer / Dolly</b>  <b>Item 11.6 – 18 May 2006</b>  That a further report by an independent driver assessment be made.</p>	<p>CEO</p>	<p>An independent driver assessment has been carried out which has found that, when the turntable is greased, the operation of the vehicle is satisfactory. However, it has been recommended that to improve tracking of the trailer, the drawbar of the dolly should be extended. This will be carried out when time permits.</p>
<p><b>Street Lighting – Tammin Roadhouse</b>  <b>Item 11.15 – 18 May 2006</b>  That the Western Power/Synergy be requested to provide a design and cost to extend street lighting to the roadhouse entrance for consideration in the draft 2006/07 Budget.</p>	<p>CEO</p>	<p>Western Power has been requested to provide a quotation.</p> <p>Western Power has indicated that the design needs to be provided by Main Roads WA. A request has been submitted.</p> <p>The CEO met with Main Roads WA who appear interested in installing the lighting.</p> <p>On 29 June 2004 a quote of \$5,099 (ex) was provided to provide street lighting at the intersection of Shields St and Station Rd (ENG-03).</p>
<p><b>Municipal Inventory, Statements &amp; Plans</b>  <b>Item 11.13 – 21 June 2006</b>  That the CEO research and complete/update draft plans when time permits for Council's consideration.</p> <ul style="list-style-type: none"> <li>• Municipal Inventory</li> <li>• Recordkeeping Plan</li> <li>• Disability Services Plan</li> <li>• Equal Employment Management Plan</li> <li>• Health &amp; Safety Plan</li> <li>• Severance &amp; Redundancy Plan</li> <li>• Gratuity Plan</li> <li>• Future Plan</li> <li>• Strategic Plan</li> <li>• Review of Wards &amp; Representation</li> </ul>	<p>CEO</p>	



<p><b>Tammin Town Hall</b>  <b>Item 11.3 – 17 August 2006</b>  That further information be provided to Council (regarding test drilling of the Hall surrounds) as it comes to hand.</p>	CEO	Drilling contractor away until 20 September 2006.
<p><b>Kellerberrin &amp; Districts Agricultural Society Inc – Financial Support</b>  <b>Item 11.7 – 17 August 2006</b>  That provision of \$50 for a donation to the Kellerberrin and Districts Agricultural Society Inc be included in the draft 2006/07 Budget (account E041065).</p>	CEO	Letter sent on 21 August 2006 seeking Tax Invoice to allow donation to be made.

**IB 2 Office of the Gene Technology Regulator – GM Cotton (OSGOV-24)**

Correspondence advising of the unrestricted commercial release of *Liberty Link* cotton.

**IB 3 WALGA – Heritage Loan Scheme (OLGOV-03)**

Correspondence advising of amendments to the Scheme including the ability of successful applicants to borrow from a financial institution of their choice and the Scheme will provide reimbursement of 4% of the interest rate for a maximum of 5 years.

Further, advising that the Shire of Tammin may join the Scheme at any time by contributing a once only payment of 0.5% of it's rate revenue or \$25,000 (whichever is the lesser amount).

**IB 4 WALGA – Issues Update No 31.06 (OLGOV-11)**

Correspondence providing an update on issues including:

- Local Government Week Convention
- Main Roads to Clarify Heavy Vehicle Permits
- Training Update
- National Assembly
- SBS Self Help Retransmission Subsidy Scheme
- Local Government Sustainable Development Conference
- Email Title Search Now Available

**IB 5 WALGA – Issues Update No 32.06 (OLGOV-11)**

Correspondence providing an update on issues including:

- Current Vacancies on Boards and Committees
- Waste Workshops
- Research Associate – Cross Sectoral Study of Community Services and Community Development Relationships
- Corporate Wardrobe
- Training Update
- Local Government Financial Sustainability Summit

**IB 6 Shire of Kellerberrin Dyer SAT Appeal (ASS-54)**

Correspondence advising that it is undertaking a review of it's Town Planning Scheme and all matters associated with it. As such, a final decision in relation to the Shire of Tammin's request for financial assistance in defending the Appeal has not been made.

**IB 7 Shire of Kellerberrin – Joint Owned Plant (ADM-26)**

Correspondence advising of it's bid (value) for the purchase of the jointly owned plant as follows:

- CAT Smooth Drum Vibrating SP Roller \$16,000 (\$32,000) plus GST
- TORO Front Mounted Deck SP Mower \$8,000(\$20,000) plus GST

**Comment**

The Shire of Tammin bid a value of \$42,000 plus GST (owned 50:50) and \$25,000 plus GST (owned Kellerberrin 60:40 Tammin) respectively.

Transfer occurred on 1 September 2006.

**Financial Implications**

Provision of \$60,000 was included in the 2006/07 Budget – with the net cost being (\$21,000 plus \$15,000) being \$36,000.

**IB 8 WALGA – Current Vacancies**

Correspondence advising of current vacancies and seeking nominations closing on 15 September 2006 as follows:

- FESA Board
- WA Environmental Health Officers Professional Review Board
- Local Health Authorities Analytical Committee
- Board of Australia's Golden Outback
- Rural and Remote Education Advisory Council
- Urban Development Advisory Committee
- Keep Australia Beautiful Council
- WA Aged Care Advisory Council

**IB 9 WALGA – AGM Minutes**

Correspondence forwarding the minutes of the AGM held On 6 August 2006.

**Comment**

Included in the Minutes is the resolution (moved by Cr Leslie, seconded Cr Caffell) that WALGA:

- lobby the Minister for Education, and the Department for the continuation of Landcare and environmental education within the Education Department; and
- the retention and funding of the Tammin Alcoa Landcare Education Centre as a major deliverer of education for students and in-service courses for teachers from both metropolitan and rural areas.

**IB 10 WALGA – Land Clearing (AGR-10)**

Correspondence advising that the Department of Environment and Conservation (DEC) has advised that on 7 July 2006 the amendments to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 relating to clearing for maintenance within existing transport corridors were gazetted. The key changes to the Regulations include:

- Making the transitional exemption permanent and removing reference to the code of practice.
- Amending the extent of clearing for the "maintenance and protection of transport corridor infrastructure" to provide that clearing is exempt to the extent necessary to maintain road user safety.
- Enabling the clearing of a new crossover and an existing crossover area without a permit.
- Defining "previously cleared".
- Amending the definition of "public road side facility" to include footpaths and cycle paths.
- Extending the time allowed for removal of clearing vegetation or debris to within 90 days of the clearing.

**IB 11 Dept of Environment & Conservation – Waste Avoidance (ENVH-52)**

Correspondence advising of the release of the draft *Waste Avoidance and Resource Recovery Bill 2006* and the *Waste Avoidance and Resource Recovery Levy Bill 2006* for public review for 14 weeks and inviting comment by 27 November 2006.

**IB 12 Wheatbelt Development Commission – Education Working Party (OSGOV-12)**

Correspondence acknowledging Council's comments in relation to the Working Party and advising that:

- The WDC Local Government Working Party Terms of Reference have been modified to reflect some of the recommendations for change; and
- The WDC has agreed with the WALGA Wheatbelt Zones Executive Officer that a Charter (or similar instrument) be developed between the WDC and Wheatbelt local governments to outline the relationships between these two government entities.

Further, noting Council's interest in WDC operations, expressing an interest in an invitation to attend a future Shire of Tammin Council meeting.

**IB 13 WALGA – Issues Update No 33.06 (OLGOV-11)**

Correspondence providing an update on issues including:

- Overseas Skills Expos Proposal
- Inquiry into Fire and Emergency Services Legislation
- Waste & Recycle 2006 – Registration Out Now
- Waste Workshops Reminder
- Diesel Fuel Supplies
- The Australian Crime Prevention Council WA Branch 2006 AGM
- Launch Pad Grants Open
- Sustainable Transport Awards
- New Local Activity Grants Round Open

**IB 14 WALGA – Report On Road Assets & Expenditure (OLGOV-03)**

Correspondence forwarding its report for 2004/05 which provides information on local government's expenditure on local roads throughout the State.

**IB 15 Missing Title Deeds (PROP-06)**

Item 11.12 – 21 June 2006 refers.

The issue of the missing Duplicate Title Deeds for lots 20 & 19 (4 & 6) Old Yorkrakine Rd has been resolved.

Lots 4-21 Old Yorkrakine Rd and Nottage Way were originally released on one title. One by one these have been issued with a separate title – leaving lots 20 & 19 Old Yorkrakine Rd and lot 10 Nottage Way remaining on the partially cancelled title. In this state of transfer, there is no duplicate title for this land – hence the missing titles.

With the sale of lot 10, separate titles will be sought for the remaining lots 19 & 20 Old Yorkrakine Rd.

The Duplicate Deeds for lots 8 & 9 Nottage Way (which have previously been issued) are still missing.

**IB 16 WALGA – Acid Sulphate Soils (TPLAN-02)**

Correspondence providing details of a *manual* style document for the identification and investigation of Acid Sulphate Soils prepared by the Department of the Environment and Conservation and inviting comment by 1 September 2006.

**IB 17 WALGA – Environmental Protection Act (OLGOV-03)**

Correspondence forwarding details of proposals to amend the Act designed to improve the workability and enforceability of the legislation and inviting submissions by 14 August 2006.

**IB 18 Hunts Well (ASS-22)**

The Department of Justice prisoners have completed the cleanup of Hunts Well. New BBQs (½ 44s) were supplied by Shire Staff and have been refurbished by the prisoners. A replacement plaque has been made and is ready for installation.

**Comment**

This issue was identified during the properties inspection earlier in the year.

**IB 19 Rate Modelling**

A little bit of interesting (or useless) information – depending on your viewpoint – as collected and collated by the Shire of Wickepin.

Shire of	Rate Yield (+)	2006/2007 Budget GRV rate in dollar	Annual Rates for residence based on \$5,000 GRV	2006/2007 Minimum GRV Rate	% Split of Total Rates Raised			Total Rates Raised 2004/05 (Municipal Directory)
					2006/07 GRV	2006/07 UV	Total	
Beverley	4.0%	\$0.1555300	\$777.65	\$550.00	24.40%	75.60%	100.00%	\$1,452,396
Brookton	3.0%	\$0.1061240	\$530.62	\$375.00	20.15%	79.85%	100.00%	\$786,037
Bruce Rock	3.5%							
Coorow		\$0.1305800	\$652.90	\$450.00	37.30%	62.70%	100.00%	\$1,567,270
Corrigin	4.2%	\$0.1039560	\$519.78	\$100.00	16.58%	83.42%	100.00%	\$1,115,214
Cranbrook	10.0%							
Cuballing	4.2%	\$0.0825500	\$412.75	\$340.00	23.00%	77.00%	100.00%	\$555,000
Dowerin		\$0.0945800	\$472.90	\$316.00	18.30%	81.70%	100.00%	\$605,648
Dumbleyung	4.0%	\$0.1092040	\$546.02	\$75.00	8.91%	91.09%	100.00%	\$865,000
Goomalling		\$0.1185000	\$592.50	\$400.00	17.40%	82.60%	100.00%	\$929,725
Kellerberrin		\$0.0961010	\$480.51	\$220.00	20.62%	79.38%	100.00%	\$707,000
Kondinin		\$0.0951300	\$475.65	\$275.00	14.00%	86.00%	100.00%	\$1,045,000
Koorda		\$0.1070000	\$535.00	\$170.00	10.30%	89.70%	100.00%	\$552,660
Kulin	4.0%	\$0.1271960	\$635.98	\$248.00	9.75%	90.25%	100.00%	\$903,000
Lake Grace	10.0%	\$0.0949900	\$474.95	\$272.00	13.74%	86.26%	100.00%	\$2,294,000
Merredin	5.0%							
Mukinbudin		\$0.1359120	\$679.56	\$130.00	13.34%	86.66%	100.00%	\$560,000
Narembeen	4.0%	\$0.1048030	\$524.02	\$65.00	10.71%	89.29%	100.00%	\$940,000
Nungarin		\$0.1038500	\$519.25	\$150.00	6.50%	93.50%	100.00%	\$303,000
Pingelly	4.2%	\$0.1408200	\$704.10	\$400.00	32.00%	68.00%	100.00%	\$815,000
Quairading	4.2%	\$0.1376480	\$688.24	\$315.00	20.00%	80.00%	100.00%	\$936,100
Tammin	4.0%	\$0.1323920	\$661.96	\$140.00	7.53%	92.47%	100.00%	\$453,428
Wagin	4.0%	\$0.1074800	\$537.40	\$250.00	40.00%	60.00%	100.00%	\$1,132,000
Wickepin	2.0%	\$0.0675000	\$337.50	\$200.00	6.63%	93.37%	100.00%	\$957,992
Wongan Hills	4.7%	\$0.0957500	\$478.75	\$400.00	18.18%	81.82%	100.00%	\$1,716,000
Wyalkatchem	4.2%	\$0.1106934	\$553.47	\$150.00	13.34%	86.66%	100.00%	\$547,041
York	9.0%							
<b>Average</b>		<b>\$0.111230</b>	<b>\$556.15</b>	<b>\$260.48</b>	<b>\$0.1751</b>	<b>\$0.8249</b>		

**Comment**

To put these figures into perspective, 10 Old Yorkrakine Rd is valued (GRV) close to \$5,000.

**IB 20 Department of Environment – Contaminated Sites (ENVH-52)**

Correspondence advising that the *Contaminated Sites Act 2003* and *Contaminated Sites Regulations 2006* will come into effect on 1 December 2006. The Act requires mandatory reporting of known or suspected contaminated sites by an owner, occupier, a person who contributed to the contamination and a contaminated sites auditor.

The Act provides for Memorials to be placed on land titles and owners of contaminated sites will be required to disclose details to potential owners, mortgagees or lessees.

**IB 21 Livesey North Road / Great Eastern Hwy Intersection (ENG-03)**

Item 11.21 – 20 April 2006 refers.

On 21 August 2006 Cr Stokes and the CEO met with Mr Gren Putland from Main Roads WA regarding the issue of vision to the west when exiting Livesey North Rd onto Great Eastern Hwy.

The agreed solution was the relocation of the intersection to the east within the existing road reserve with the first step being carried out by Main Roads WA – preparation of a design for further consideration.

**IB 22 Great Eastern Hwy Street Lighting (ENG-30)**

Item 11.15 – 18 May 2006 refers.

On 21 August 2006 the CEO met with Mr Gren Putland from Main Roads WA regarding the issue of inadequate street lighting on Great Eastern Hwy adjacent to the roadhouse / CBH.

A second letter has been written to Main Roads WA seeking assistance in the installation of lighting.

**IB 23 2006/07 Budget**

Item 11.16 – August 2006 refers.

Following Council's August resolution (240/06) work has been carried out on preparing the complete 2006/07 Budget. It is anticipated the document will be presented to Councillors at the September 2006 Ordinary Council meeting.

**IB 24 WALGA – Issues Update No 34.06 (OLGOV-11)**

Correspondence providing an update on issues including:

- Association Meeting with Leader of the Opposition The Hon Paul Omodei MLA
- Food Bill 2005 Update
- Land Clearing Permits and Regulations
- Training Update
- Composite Advertising for Planning Schemes
- Convention Competition Winners
- Community Culture Cultural Planning Fund

**IB 25 Wheatbelt Tourism Association – AGM (ORG-17)**

Correspondence advising that the AGM is to be held in Narrogin on 25 September 2006 and forwarding a copy of the Agenda.

**IB 26 Dept. Of Health – EHO Appointment (PERS)**

Correspondence confirming appointment of Mr Phil Steven as Environmental Health Officer to the Shire of Tammin.

**IB 27 National Trust – Golden Pipeline (HIST-05)**

Correspondence advising that the Trust's application (on behalf of the 8 local governments associated with the pipeline) for a grant to prepare a marketing plan for the Golden Pipeline was not successful and that further opportunities to fund this project were being identified.

**IB 28 WALGA – Issues Update No 35.06 (OLGOV-11)**

Correspondence providing an update on issues including:

- Access Economics Report
- Systemic Sustainability Study Engagement Process
- Investment Advisory Services
- The Butt Littering Trust
- Proposed Regulation of Prepaid Funerals
- Community Cultural Arts Facilities Fund
- Stay on Your Feet Week Grants Extended
- Transitions in Ageing Research Project 2006

**IB 29 WALGA – Bush Boost (OLGOV-01)**

Correspondence advising of a campaign involving more than 30 State departments, community groups and local government via LGMA and WALG as a show of support to those rural areas experiencing both the driest cropping seasons on record and an impending locust plague.

**IB 30 Land Transactions Update**

Agreements have been entered into to sell the following land:

<b>Property</b>	<b>Purchaser</b>	<b>Price</b>
Lot 35 – 15 Dreyer Street	APB Lawrence	\$5,000
Lot 150 – 8 McLaren Street	KP Mozgova	\$2,000
Lots 10-13 – 13-19 Nottage Way	KP Mozgova	\$8,000
Lot 119 – 43 Draper Street	M Mausolf	\$1,000
Lot 152 – 4 McLaren Street	M Mausolf & B Brown	\$1,000
Lot 59 – 3 Dreyer St	BJ Mausolf	\$1,000
Lot 58 – 5 Dreyer St	DL Mausolf	\$1,000

The non-payment of rates sale (Arnold) for lots 31-32 – 32-24 Walston St and lot 39 – 31-33 Dreyer Street is being held up pending the issue of an auctioneer's license to the CEO.

A response is awaited from the Russell family regarding the Shire of Tammin's purchase of lots 5, 127, 128 & 7 Shields Street and lot 13 Donnan Street.

The *Application For Subdivision* for the Observatory Site has been signed by all parties and forwarded to F R Rodda & Co (surveyor) for submission.

The survey for the finalisation of the dam site has been carried out and the submission for the grant of title is with F R Rodda & Co.

**IB 31 WALGA – Genetically Modified Organisms (OLGOV-01)**

Correspondence advising that the Office of the Gene Technology Regulator has sought comment in relation to a Risk Assessment and Risk Management Plan for the commercial release of GM cotton.

**IB 32 WALGA – Emergency Management Act (OLGOV-01)**

Correspondence advising of the results of the survey of local government in relation to the impact of the Emergency Management Act 2005 and providing a copy of a submission for funding of it's implementation.

**IB 33 Dept of Local Government & Regional Development – Building Surveyors**

Correspondence providing details of the proposed transitional (1 January 2007 through 31 December 2011) provisions regarding required qualifications of building surveyors as follows:

- i. Existing local government building surveyors staying in their current employment don't need to do anything. Their current roles and delegations can continue indefinitely.
- ii. A local government wishing to make a new appointment or a new delegation can only do so to a person with an appropriate State (Municipal Building Surveyor Certificate of Qualification (MBSCQ) or Building Surveyor Technician (BST)) or national (Level 1 or Level 2) accreditation. This applies to existing building surveyors changing employment.
- iii. Existing building surveyors can get an appropriate accreditation from the Building Surveyors Qualification Committee that reflects their experience at the time of application, and can use the transitional period to build up the required experience or upgrade accreditation.

**IB 34 Dept. Of Health - Review Of Pesticide Legislation And Policy**

Correspondence advising that it has been conducting a review of pesticide legislation and policies over the last twelve months. Following the release of a Discussion Paper in mid 2005 and the receipt of stakeholder and public comments, a Policy and Recommendations Report has now been compiled and provided. The focus of the review was to develop a legislative model for the whole of government, control of use of pesticides that can be implemented relatively quickly, utilise existing legislation and agency/local government skill bases, and provide a comprehensive source of information to pesticide users that would allow them to use pesticides legally and safely.

It is proposed to adopt a model, based on that used in the United Kingdom, in which various State legislations call up either the whole of, or parts of, a comprehensive Code of Practice as the basis of regulatory control of pesticide use in this State.

To support the proposal, a new 'Coordinating Committee' will be created to replace the existing Pesticides Advisory Committee, the membership of which will be expanded to include all government agencies that have a role in pesticide regulation, and some key non-government stakeholders, such as WALGA.

Comments on the proposal and recommendations are sought by Friday 1 December 2006.

**IB 35 Waste & Recycle 2006 Conference (ENVH-15)**

Item 11.10 – 17 August 2006 refers.

Cr Greenwood was the only Councillor to express an interest in attending either the Waste & Recycle 2006 Conference or the Alternative Waste Workshop. Unfortunately, other commitments forced Cr Greenwood had to apologise at the last moment resulting in the Shire of Tammin not being represented at either the Conference or the Workshop.

**IB 36 LGMA Annual State Conference (OLGOV-00)**

The CEO has registered to attend the Local Government Managers Australia Annual State Conference to be held in Fremantle from 25-27 October 2006.

**IB 37 WALGA – Contaminated Sites (OLGOV-11)**

Correspondence advising of the coming into effect of the *Contaminated Sites Act 2003* together with the associated *Contaminated Sites Regulations 2006* from 1 December 2006 and of public information forums. The closest forum was held in Perth on 6 & 7 September 2006 – with the correspondence being received on 13 September 2006.

**IB 38 Office of Crime Prevention – Designing Out Crime (LAW-00)**

Correspondence forwarding a copy of the new *Designing Out Crime Planning Guidelines* which provide guidelines to assist crime reductions through improved urban design.

**IB 39 Common Seal**

The Common Seal was affixed on 13 September 2006 to the *Transfer Of Land* document relating to sale of Lot 35 Dreyer Street to APB Lawrence (signed by Cr Caffell).

**IB 40 Prohibited & Restricted Burning Times (BUSH-14)**

Correspondence advising that the change to the Shire of Tammin's prohibited and restricted burning times were gazetted on 7 July 2006.

The Prohibited Burning Time now extends from 1 November to 14 February whilst the Restricted Burning Period from 15 October thru to 15 March (with the Prohibited Burning Period taking out the section in the middle.

**IB 41 Tammin Primary School – Athletics Carnival (EDU-00)**

Correspondence expressing appreciation for the assistance in setting up the oval for the Tammin-Meckering Faction Athletics Carnival held on 7 September 2006.