

## **SHIRE OF TAMMIN**

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street, Tammin, on  
Wednesday, 2 November 2005, commencing at 1:00pm

### **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

2:06pm - The Presiding Person, Cr Leslie declared the meeting open.

### **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

#### **Present**

Cr. B. Leslie	President (Presiding Person)
Cr. L Caffell	Deputy President
Cr. R Stokes	Member
Cr. M Greenwood	Member
Cr M Wheeldon	Member
Cr S Jefferies	Member
Mr F. Peczka	Chief Executive Officer
Miss G. Stewart	Personal Assistant (Minutes)

#### **Apologies**

NIL

#### **Leave of Absence**

NIL

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil**

**PUBLIC QUESTIONS TAKEN ON NOTICE**

**APPLICATIONS FOR LEAVE OF ABSENCE - Nil**

**DECLARATION OF INTEREST**

**PRESENTATIONS - Nil**

**MEETING GUEST**

3:09pm - Audrey O'Dea addressed Council on various ideas and suggestions for increasing youth activities within the town.

**CONFIRMATION OF MINUTES PREVIOUS MEETING**

**MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 5 OCTOBER 2005**

**MIN 197/05 MOTION - Moved Cr. Wheeldon <sup>2<sup>d</sup></sup> Cr. Greenwood**

*That the minutes of the Ordinary Meeting of the Shire of Tammin held on 5 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record.*

CARRIED 6/0

**BUSINESS ARISING FROM MINUTES – Nil**

**MINUTES OF KELLERBERRIN TAMMIN RESOURCE SHARE MEETING HELD ON WEDNESDAY, 12 OCTOBER 2005**

**MIN 198/05 MOTION** - Moved Cr. Jefferies 2<sup>nd</sup> Cr. Wheeldon

*That the minutes of the Kellerberrin Tammin Resource Share Meeting of the Shire of Tammin held on 12 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record.*

CARRIED 6/0

**MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 OCTOBER 2005**

**MIN 199/05 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr. Stokes

*That the minutes of the Special Council Meeting of the Shire of Tammin held on 17 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record with the following amendment:*

MIN 192/05 to read:

*That the Chief Executive Officer interview questions be endorsed and formatted as indicated by Council.*

*That under present include Cr L Caffell (Minutes)*

CARRIED 6/0

**MINUTES OF TAMMIN EVENTS COMMITTEE,**

**MIN 200/05 MOTION** - Moved Cr. Wheeldon 2<sup>nd</sup> Cr. Caffell

*That the minutes of the Tammin Events Committee Meeting of the Shire of Tammin held on 15 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record.*

CARRIED 6/0

**MINUTES OF SPECIAL COUNCIL MEETING HELD ON FRIDAY, 21 OCTOBER 2005**

**MIN 201/05 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr. Greenwood

*That the minutes of the Special Council Meeting of the Shire of Tammin held on 21 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record with the following amendment:*

*That under present after Cr L Caffell insert (Minutes)*

CARRIED 6/0

**MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 27 OCTOBER 2005**

**MIN 202/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Caffell

*That the minutes of the Special Council Meeting of the Shire of Tammin held on 27 October 2005 at Council Chambers, Tammin be confirmed as a true and correct record with the following amendment:*

MIN 196/05 to read:

*That Council conduct the first three (3) of six (6) identified Chief Executive Officer interviews on Sunday, 6 November 2005 commencing at 9:00am.*

*That under present include:  
Gemma Stewart (Minutes)*

CARRIED 6/0

## ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

### 11. AGENDA ITEMS - CORPORATE SERVICES

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Harvest Ban Policy
<b>Location:</b>	Amended – Policy Manual
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	BUSH-00
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 <sup>th</sup> October 2005
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

#### BACKGROUND

At Councils September 2005 Ordinary Meeting of Council, Councils Manager Corporate Services reported outcomes following on from the DOAC (District Operations Advisory Committee – FESA) meeting recently held in Merredin regarding Harvest Bans.

##### *Harvest Bans*

*It was brought to the DOAC meetings attention the issue with respect to Harvest Bans and the regulations behind them. It was recognized that each Local Government within Wheatbelt WA is having the same problems and issues that we in Kellerberrin are currently having. It was requested that FESA advise whether or not they think that we as Council should split the Ban into two separate bans (Harvest and Movement in Paddock). The FESA representatives advised verbally that this would not be in the best interest of Council and all members of the committee were in agreeance.*

*It was however suggested that Council can allow having loading zones for the out loading of grain though this would need to be an approved site along side a road verge. Though again this brought many feelings to the table as well suggested that should this be the case farmers would still then operate in the paddock and this would also be very hard to police.*

*Mr Bruce Telfer produced a document (see attached) which is a draft version of minimum standards for the implementation of Harvest Bans and the way in which Fire Weather Recorders record the information for a Harvest Ban. FESA have recommended that each Local Government move to a 32 index utilising the **AVERAGE** wind speed. Currently Council utilise the index of 32 and **MAXIMUM** wind speed.*

*Council will also need to consider having a policy in place for Harvest Bans and investigate the means of a phone number in place where farmers can contact to see whether there is a Harvest Ban current in place and the progress of that ban. This is currently done within a few Local Governments with good success. This line can be utilised for any Council Emergency such as Road Closures.*

*Attached is the Shire of Yilgarn's Policy on Harvest Bans for Council review and information. It was suggested at the DOAC meeting that this specific Policy be issued by Council for review with the minutes of the meeting.*

#### COMMENT

Councils Manager Corporate Services has contacted Telstra and arranged the new Telephone contact system for this years Harvest season. Any person will be able to call 9487 6421 and be advised of the current position at that time for Harvest Bans. This line can be accessed by more than one person at any given time. The message will be recorded by one of Councils administration staff and updated when required. A suggestion for advertising of this new number and facility is to have magnets made up to sit in Header Cabs, Trucks or homes.

## **FINANCIAL IMPLICATIONS**

Shire of Tammin – 2005/2006 Budget – Approx \$200 per year to be funded by the Emergency Services Levy.

## **POLICY IMPLICATIONS**

Shire of Tammin Policy Document – Inclusion of Shire of Tammin Harvest and Vehicle Movement Policy

## **STATUTORY IMPLICATIONS**

Bush Fires Act 1954 - Section 27

- 1) Subject to the provisions of subsection (2) a person shall not operate, during the prohibited burning times or the restricted burning times –
  - a) A tractor or self propelled harvester unless –
    - i) Its exhaust system including pipes, is maintained in sound and efficient condition;
    - ii) Its exhaust pipe is fitted with a spark arrester as prescribed by regulation; and
    - iii) Its exhaust pipe terminates so as to discharges exhaust emissions vertically upwards or, in the case of a self-propelled harvester the exhaust pipe of which terminates at least 2 metres above the ground, so as to discharge exhaust emissions horizontally or in a direction upwards of the horizontal plane;
  - b) An internal combustion engine, steam engine or other prescribed machinery or vehicle contrary to the regulations or otherwise than in accordance with the regulations.

Penalty: \$500

- 2) A local government may at any time permit the use in orchards within its district of tractors the exhaust pipes of which are not vertical, and in any district where permission is so given, a person may operate in an orchard during the times mentioned in subsection (1) a tractor the exhaust pipe of which is not vertical, so long as the person while operating that tractor complies with the other requirements specified in respect of a tractor in paragraph (a) of that subsection and with the requirements of any notice under subsection (3) having effect in the district for the time being.
- 3) A local government may, by notice published in its district by –
  - a) Publication in a newspaper circulating in that district;
  - b) Broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district; and
  - c) Display in prominent positions in that district

Prohibit the operation in its district of any tractor or self-propelled harvester other than a tractor or self-propelled harvester that is equipped with a fire extinguisher.

- 4) A notice under subsection (3) –
  - a) Shall have effect for such period during the prohibited burning times or the restricted burning times, or both, as is specified in the notice;
  - b) May be varied or cancelled by the local government by a notice published in the manner set out in that subsection.

- 5) During any period for which a notice under subsection (3) has effect in a district a person shall not operate a tractor or self-propelled harvester in that district unless a fire extinguisher as prescribed by regulation is carried on that tractor or self-propelled harvester, or in the case of a tractor, on a trailer, semi-trailer or agricultural machine or appliance being drawn or propelled by that tractor.

Penalty: \$500

#### **STRATEGIC PLAN IMPLICATIONS - Nil**

#### **PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil**

#### **STAFF RECOMMENDATION**

That Council adopt the following and that it be implemented for the coming 2005/2006 Harvest Season

1. adopt the Bushfire Index Rating of 32, the wind speed be the average wind speed and certified weather recording equipment, Kestral Meter be used as the adopted equipment standard.
2. Harvest Bans and Vehicle Movement Bans are not to be separated, however, designated out loading areas be confined to homestead shed based silo storage sites (not paddock storage sites).
3. That the Harvest Ban and Vehicle Movement Policy of the Shire of Yilgarn be presented to Council for implementation with the following amendments
  - a. Replace Shire of Yilgarn with Shire of Tammin
  - b. Replace six (6) with 2 (2) to initiate a Harvest Ban
  - c. Replace Fire Weather Officers with Fire Control Officers
4. That Council arranges for magnets are made for the advertising and reminder of Councils new contact details for Harvest Ban information.
5. That a flyer be prepared and placed at the Doodlakine, Kodj Kodjin, Kellerberrin, Tammin, Shackleton, Quairading, CBH Receival Points, including advice of the new Harvest Ban Information Line.

#### **COUNCIL RECOMMENDATION**

#### **MIN 203/05 MOTION - Moved Cr. Greenwood 2<sup>nd</sup> Cr. Wheeldon**

*That Council adopt the following and that it be implemented for the coming 2005/2006 Harvest Season*

1. *adopt the Bushfire Index Rating of 32, the wind speed be the average wind speed and certified weather recording equipment, Kestral Meter be used as the adopted equipment standard.*
2. *Harvest Bans and Vehicle Movement Bans are not to be separated, however, designated out loading areas be confined to homestead shed based silo storage sites (not paddock storage sites).*
3. *That the Harvest Ban and Vehicle Movement Policy of the Shire of Yilgarn be presented to Council for implementation with the following amendments*
  - a. *Replace Shire of Yilgarn with Shire of Tammin*
  - b. *Replace six (6) with 2 (2) to initiate a Harvest Ban*
4. *Replace Fire Weather Officers with Fire Control Officers*
5. *That Council arranges for magnets are made for the advertising and reminder of Councils new contact details for Harvest Ban information.*
6. *That a flyer be prepared and placed at the Kellerberrin, Tammin, Yorkrakine, Quairading, Cunderdin CBH Receival Points, including advice of the new Harvest Ban Information Line.*

CARRIED 6/0

#### **REASON**

Included and Deleted Receival Points for flyers to go.

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	WALGA Policy – Defence Reserves Leave
<b>Location:</b>	New Policy – Policy Manual
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	ADM-52
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 <sup>th</sup> October 2005
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

## BACKGROUND

The Western Australian Local Government Association State Council adopted a position in relation to the role of the Australian Defence Reserves and directed that a draft policy on this matter be provided to member Councils for consideration of their approach to the adoption of leave arrangements of their employees undertaking this role. The resolution stated:

### **“RESOLUTION 0051.ASM.3/2005**

- 1. That the Association make the following statement in support of the Australian Defence Reserves:**

*“That the Western Australian Local Government Association acknowledges the special place the Defence Reserves play in the Australian Defence Forces (ADF) and recognizes the important part that individual Local Governments can play in providing their employees with support to enable them to deliver this service.*

*The Association also recognizes that the ADF provides its employees with skills and training that enhances the individual and makes him or her a better employee for their civilian employer. It is acknowledged that the benefits to be gained by these employees include with leadership, management and teamwork development skills.*

*The role of Local Government, to provide service to the community, is strongly aligned with that of the ADF. In continuing the tradition of volunteer military service, our Defence Reserve play in important part in the security of our Country and Member Councils are encouraged to provide a similar level of support to them.”*

- 2. The Association’s Defence Reserves Policy is endorsed and a copy provided to each Member Council.”**

## COMMENT

Currently Council does not have a policy in place should an employee be registered with the Australian Defence Reserves.

It should also be noted Council does not have in place a Policy for employees volunteering in the capacity of Ambulance Drivers, Bush Fire Brigades or Fire and Rescue Volunteers

**FINANCIAL IMPLICATIONS - Nil**

## POLICY IMPLICATIONS

Shire of Tammin Policy Document – Inclusion of WALGA policy into Shire of Tammin Policy Document

**STATUTORY IMPLICATIONS – Nil**

## STRATEGIC PLAN IMPLICATIONS - Nil

## PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil

## STAFF RECOMMENDATION

- 1 That Council create a Policy on Defence Reservist Leave.
- 2 That the endorsed Defence Reservist Leave Policy as presented by WALGA become the Policy of the Shire of Tammin.

## COUNCIL RECOMMENDATION

### MIN 204/05 MOTION - Moved Cr. Stokes 2<sup>nd</sup> Cr. Wheeldon

1. *That Council create a Policy on Defence Reservist Leave.*
2. *That the endorsed Defence Reservist Leave Policy as presented by WALGA become the Policy of the Shire of Tammin.*

CARRIED 6/0

### MIN 205/05 MOTION - Moved Cr. Caffell 2<sup>nd</sup> Cr. Stokes

*That Council staff prepare a policy for the December meeting for employees volunteering their services for emergency services.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	Annual Christmas/New Year Office Closure
<b>Location:</b>	Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	ADM
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	31 October 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## BACKGROUND

Council has in the past, kindly considered an application from the Administration, to close the Office of Council over the declared Christmas/New Year period. This has been considered and approved by the Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions that may apply and the Rostered Days Off entitlements for the month of December and/or January.

## COMMENT

Declared Public Holidays are as follows;

Christmas Day Sunday 25th December 2005  
Boxing Day Monday 26th December 2005  
New Years Day Sunday 1st January 2006  
Public Service Holiday Monday 2nd January 2006

The days in question, are the days in between Christmas and New Years ie Wednesday 28<sup>th</sup> December, Thursday 29<sup>th</sup> December and Friday 30<sup>th</sup> December 2005. The three mentioned days are viewed as Rostered Days entitlements for December and January and the third day is considered as an Annual Leave debit day or another option is for the December Rostered Day to apply and two Annual Leave Days for the balance.

The practice of closing the Office of Council is a common one for rural local governments and given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments should be sufficient notice of the approved office closure.

### **FINANCIAL IMPLICATION**

Nil against Councils Budget, other than normal entitlements for staff in reference to Annual Leave and Rostered Days Off debits and a small cost for local and required advertising.

### **POLICY IMPLICATIONS**

Nil other than past history and tradition for consideration of Office Closure for the interim period between Xmas and New Year.

### **STATUTORY IMPLICATIONS**

Nil, other than to advertise the closure of normal council business during the described period.

### **STAFF RECOMMENDATION**

That the Office of the Council be approved for closure inclusive of the following dates over the Christmas/New Year Holiday period and that local advertising be completed;

Monday 26th December 2005	Public Holiday
Tuesday 27th December 2005	Public Holiday
Wednesday 28th December 2005	Public Service Holiday
Thursday, 29th December 2005	RDO/Annual Leave
Friday 30th December 2005	RDO/Annual Leave
Monday 2nd January 2006	Public Holiday

**By Absolute Majority**

### **COUNCIL RECOMMENDATION**

**MIN 206/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Greenwood

*That the Office of the Council be approved for closure inclusive of the following dates over the Christmas/New Year Holiday period and that local advertising be completed;*

<i>Monday 26th December 2005</i>	<i>Public Holiday</i>
<i>Tuesday 27th December 2005</i>	<i>Public Holiday</i>
<i>Wednesday 28th December 2005</i>	<i>Public Service Holiday</i>
<i>Thursday, 29th December 2005</i>	<i>RDO/Annual Leave</i>
<i>Friday 30th December 2005</i>	<i>RDO/Annual Leave</i>
<i>Monday 2nd January 2006</i>	<i>Public Holiday</i>

**CARRIED 6/0**  
**By Absolute Majority**



<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Council Meeting Dates 2006 – Public Notice
<b>Location:</b>	Shire of Tammin – Council Chambers
<b>Applicant:</b>	Administration, Shire of Tammin
<b>File Ref:</b>	ADM-41
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	31 October 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

**COMMENT**

Council is required under legislation, to advertise its meeting, Date, Time and Place, once a year. It is generally this time of the year that Council should consider its schedule of Meeting for the following twelve months.

Council needs to remain mindfull of continuing on its meetings in an efficient and timely manner to complete required business.

**FINANCIAL IMPLICATIONS**

2005/2006 Budget – expense for statutory advertising.

Cost of local advertising of Council meeting times. Current budget general ledger expense account for advertising will be utilised.

**POLICY IMPLICATIONS – NIL**

**STATUTORY IMPLICATIONS**

Local Government (Administration) Amendment Regulations (No. 2) 2005 – regulation 12

Regulation 12 (2) A local government is to give local public notice of any change to the date, time or place of a meeting. ie change of time from 1:00pm to 2:00pm commencement.

Regulation 12 (1) relates to Council. At least once each year a local government is to give local public knowledge on the dates on which and the time and place at which –

The ordinary council meetings; and

The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Local Government Act (LGA) – section 5.25 relates to Regulations about Council and Committee meetings and committees.

LGA sub section 5.25 (1) (g) relates to the requirement of giving of public notice of the date and agenda for Council or committee meetings.

**CONSULTATION – Nil**

**STRATEGIC PLAN IMPLICATIONS - Nil**

**FUTURE PLAN IMPLICATIONS - Nil**

## STAFF RECOMMENDATION

That Council adopts the following meeting commencement time, public question time and Council Meeting dates for 2006.

Councillors Briefing Session on Agenda 1:00pm

Meeting Commencement time at 2:00pm.

Public question time commencing at 2.15pm and limited to 15 minutes.

Meeting dates for 2006:

January 2006 – No Meeting

Wednesday, 1 February 2006 – Tammin Council Chambers

Wednesday, 1 March 2006 – Tammin Council Chambers

Wednesday, 5 April 2006 – Tammin Council Chambers

Wednesday, 3 May 2006 – Tammin Council Chambers

Wednesday, 7 June 2006 – Tammin Council Chambers

Wednesday, 5 July 2006 – Tammin Council Chambers

Wednesday, 2 August 2006 – Tammin Council Chambers

Wednesday, 6 September 2006 – Tammin Council Chambers

Wednesday, 4 October 2006 – Tammin Council Chambers

Wednesday, 1 November 2006 – Tammin Council Chambers

Wednesday, 6 December 2006 – Tammin Council Chambers

Voting Requirement carried by absolute majority.

## COUNCIL RECOMMENDATION

**MIN 207/05 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr. Wheeldon

*That Council adopt the second Wednesday of the month for Ordinary Meeting day commencing in 2006.*

CARRIED 6/0

**BY ABSOLUTE MAJORITY**

## COUNCIL RECOMMENDATION

**MIN 208/05 MOTION** - Moved Cr. Jefferies 2<sup>nd</sup> Cr. Wheeldon

*That Council adopts the following meeting commencement time, public question time and Council Meeting dates for 2006.*

Councillors Briefing Session on Agenda 1:00pm

Meeting Commencement time at 2:00pm.

Public question time commencing at 2.15pm and limited to 15 minutes.

Meeting dates for 2006:

January 2006 – No Meeting

Wednesday, 8 February 2006 – Tammin Council Chambers

Wednesday, 8 March 2006 – Tammin Council Chambers

Wednesday, 12 April 2006 – Tammin Council Chambers

Wednesday, 10 May 2006 – Tammin Council Chambers

Wednesday, 14 June 2006 – Tammin Council Chambers

Wednesday, 12 July 2006 – Tammin Council Chambers

Wednesday, 9 August 2006 – Tammin Council Chambers

Wednesday, 17 September 2006 – Tammin Council Chambers

Wednesday, 11 October 2006 – Tammin Council Chambers

Wednesday, 8 November 2006 – Tammin Council Chambers

Wednesday, 13 December 2006 – Tammin Council Chambers

CARRIED 6/0

**BY ABSOLUTE MAJORITY**

3:09pm – Audrey O’Dea entered Council Chambers.

Audrey addressed Council on some ideas for activities for young people including; discos, cadets, Youth group, holiday activities, indoor basketball, badminton, table tennis, pool table, indoor netball, indoor volleyball.

3:20pm – Audrey left Council Chambers.

3:40pm – Council adjourned for afternoon tea.

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Electoral Reform Survey
<b>Location:</b>	WALGA, Perth
<b>Applicant:</b>	Western Australian Local Government Association
<b>File Ref:</b>	ELE03/OLGOV03
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 <sup>st</sup> November 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## **BACKGROUND**

On Tuesday 4<sup>th</sup> October 2005, the Minister for Local Government and Regional Development, the Hon. John Bowler MLA, announced that the Local Government Advisory Board would carry out an investigation of structural and electoral reform issues in local government.

The purpose of the survey as presented by the Western Australian Local Government Association (WALGA) is to ascertain local government’s views on the electoral reform issues. This is separate to the structural reform issues as this will be dealt with separately by WALGA.

## **COMMENT**

The main matters that local government will no doubt concentrate on is summarised hereunder;

- Voluntary Voting vs Compulsory Voting
- Postal Voting – compulsory vs current provisions adopted by local government
- Preferential Voting Result vs First Past the Post Result
- Election method for Mayor or Presidents – uniform or remain discretionary
- Total Spill of Councillors or staggered as per current practise

**FINANCIAL IMPLICATIONS:** Nil (not known at this time)

**POLICY IMPLICATIONS:** Nil (not known at this time)

## **STATUTORY IMPLICATIONS**

- Local Government Act (as amended) 1995
- Local Government (Election) Amendment No2 Regulations 2005

**STRATEGIC PLAN IMPLICATIONS:** Nil (not known at this time)

**FUTURE PLAN IMPLICATIONS:** Nil (not known at this time)

## **COMMUNITY CONSULTATION**

Councillors – at their Ordinary Meeting of November 2005

**STAFF RECOMMENDATION**

That Council completes the Survey as circulated by the Western Australian Local Government Association as follows and this be presented as the endorsed position of the Council in relation to Electoral Reform proposals;

Eligibility to Vote:

Yes/No

Comment .....

Yes/No

Comment

Yes/No

Comment .....

Voluntary Voting:

a) Yes/No

Comment .....

Type Of Election

a) Yes/No

Comment .....

Voting System (Part 1):

a) Yes/No

Comment .....

Voting System (Part 2)

a) Yes/No

Comment .....

Election of Mayor or President:

Yes/No

Comment .....

Frequency of Ordinary Elections:

Yes/No

Comment .....

Yes/No

Comment .....

Other Electoral Matters:

Comment: .....

**COUNCIL RECOMMENDATION**

**MIN 209/05 MOTION - Moved Cr. Caffell 2<sup>nd</sup> Cr. Jefferies**

*That Council completes the Survey as circulated by the Western Australian Local Government Association as follows and this be presented as the endorsed position of the Council in relation to Electoral Reform proposals;*

1. Eligibility to Vote:

Yes

Comment: Only Resident/Owner paying rates or Non-resident/Owner paying rates

2. Restrictions on Voting



12419			TEST RUN
12420	-	12467	\$ 70,154.67
12468			TEST RUN
12469	-	12504	\$ 69,356.89
			<u>\$150,509.07</u>

### Trust Fund

Nil

### COMMENT

During the month of September 2005 the Shire of Tammin made the following significant purchases:-

Motorcharge Limited Fuel Account - August 2005	\$ 9,493.54
Municipal Insurance Broking Service Property Insurance 50% Payment	\$ 10,809.56
Shire of Kellerberrin Resource Sharing	\$ 7,258.31
Specialised Tree Service Verge Pruning And Removals	\$ 12,100.00
Country Housing Authority Principal & Interest Repayment(S) for Loan 75	\$ 12,450.34
Central Districts Airconditioning Plumbing & Elect. Supply and Install Daikin Aircon - 20 Ridley St	\$ 8,726.00
North City Holden 4x2 Crew Cab Utility	\$ 27,000.55
Shire of Kellerberrin Resource Sharing Costs	\$ 6,514.53
Western Australian Treasury Corporation Principal Repayment for Loan 75 & 73	\$ 14,378.04

### FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Operating Budget

### POLICY IMPLICATIONS - Nil

### STATUTORY IMPLICATIONS

The requirement for reporting Council Cheque List is no longer a statutory requirement under the Local Government (Financial Regulations) 1996. This requirement was withdrawn in the review of the act and other regulations in 2004.

Although this is no longer a requirement it would be prudent for Council to have the ability to have a summary of payments for the reporting period. It is suggested that the cheque list be made as an attachment to the Managers Report or included in the Information Bulletin or Copies made available at Council Meeting or Keep the current reporting format

**STRATEGIC PLAN IMPLICATIONS - Nil**

**FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION**

**STAFF RECOMMENDATION**

- That the accounts submitted from 1<sup>st</sup> September 2005 to 30<sup>th</sup> September 2005 be accepted.

**VOTING REQUIREMENT – ABSOLUTE MAJORITY**

**COUNCIL RECOMMENDATION**

**MIN 210/05 MOTION - Moved Cr. Stokes 2<sup>nd</sup> Cr.Caffell**

- *That the accounts submitted from 1<sup>st</sup> September 2005 to 30<sup>th</sup> September 2005 be accepted.*

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	September Financial Management Report
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	14 <sup>th</sup> October 2005
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

**BACKGROUND**

Enclosed is the monthly report for the month of September 2005.

Direct Debit list for the month of September 2005:-

**Municipal Fund**

01.09.2005	National On-Line Fees for September 2005	61.48
07.09.2005	Net Pay for F/E 07/09/2005	10,325.08
21.09.2005	Net Pay for F/E 21/09/2005	10,243.33
26.09.2005	Lease Repayment for 928 H Cat Grader	5,641.53
30.09.2005	Municipal Fund Bank Fees to 30/09/2005	134.30
30.09.2005	Trust Fund Bank Fees to 30/09/2005	58.40
30.09.2005	Reserve Fund Bank Fees to 30/09/2005	20.00

## Trust Fund

30.09.2005 Police Licensing Debits for September 2005 16,946.30

## COMMENT

The following capital purchases were made during the month of September 2005.

Central Districts Airconditioning Plumbing & Elect. \$ 8,726.00  
Supply And Install Daikin Aircon – 20 Ridley Street

North City Holden \$ 27,000.55  
4x2 Crew Cab Utility (note private sale for trade vehicle)

## FINANCIAL IMPLICATIONS

➤ Financial Management of 2005/2006 budget

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Amendment Regulations (No. 2) 2005

Regulation 34 – Financial reports to be prepared – s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
  - a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - b. Budget estimates to the end of the month to which the statement relates;
  - c. Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - d. Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - e. The net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing –
  - a. An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - b. An explanation of each of the material variances referred to in sub regulation (1)(d); and
  - c. Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown –
  - a. According to nature and type classification;
  - b. By program; or
  - c. By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
  - a. Presented to the council –
    - i. At the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - ii. If the statement is not prepared in time to present it to the meeting referred to in sub paragraph (i), to the next ordinary meeting of the council after that meeting;and
  - b. Recorded in the minutes of the meeting at which it is presented.



- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation –  
“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;  
“restricted assets” has the same meaning as in AAS 27.

**STRATEGIC PLAN IMPLICATIONS - Nil**

**FUTURE PLAN IMPLICATIONS**

**COMMUNITY CONSULTATION**

**STAFF RECOMMENDATION**

- 1 That Council approve the Monthly Financial Statements for the period ending 30<sup>th</sup> September 2005.
- 2 That the Direct Debit List be accepted for the month of September 2005.

**COUNCIL RECOMMENDATION**

**MIN 211/05 MOTION - Moved Cr. Stokes 2<sup>nd</sup> Cr. Jefferies**

*That Council approve the Monthly Financial Statements for the period ending 30<sup>th</sup> September 2005.*

*That the Direct Debit List be accepted for the month of September 2005.*

CARRIED 6/0

**DEVELOPMENT SERVICES AGENDA ITEMS**

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Vineyard/Winery Application Town Planning Refusal
<b>Location:</b>	Avon Location 12932
<b>Applicant:</b>	J & D Dyer
<b>File Ref:</b>	ASS-54
<b>Disclosure of Interest:</b>	Nil.
<b>Date:</b>	26 <sup>th</sup> October 2005
<b>Author:</b>	John Mitchell, Manager Development Services

**BACKGROUND**

At the May 2005 meeting Council refused the Town Planning application to establish a winery on the above location.

Council’s reasons for refusal were they had concerns with Broadacre Farming practices in comparison to intensive agriculture practices.

Attached is correspondence received from Mr. Dyer relating to Council’s decision.

Previous reports relating to this application append.

## **COMMENT**

The Manager, Development Services has liaised with the applicant and the Town Planning Consultant relating to Council's decision. The following comments are provided: -

1. Mr. Dyer has sought legal advice and will pursue the matter through the judicial system if required.
2. The Town Planning Consultant agrees with the decision of the Administration in recommending approval of the application;
3. If the matter was placed at an appeal the Administration would be in conflict with Council at a State Government level and could not support Council's decision.

The concerns raised by the affected properties can be addressed through existing legislation. The decision using the broadacre vs intensive agriculture reason is also not supported by the Administration or consultant for the following reasons: -

1. The definition of intensive agriculture within the scheme text includes a vineyard, nursery, tree growing and other activities. All of which operate within the region currently.
2. The definition of rural pursuit includes the growing of trees – for residential, commercial or industrial gardens – but not for farms. Although the “use” as a vineyard is subject to a discretionary approval of Council, there are still insufficient reasons to refuse the application.
3. The existing “uses” on farms within the rural area therefore is not approved. A precedent is set.
4. Section 4.3.4 states a “wide range of rural/agricultural uses” that determine the purpose and intent of the rural zone, implying that intensive and broadacre are compatible.
5. Section 4.4 of the Scheme text determines that developments are limited by liquid waste disposal and therefore Council can require that information be provided to satisfy themselves that the drainage is adequate. This section permits the local government to restrict development, but not refuse it for these purposes until satisfaction is achieved. This can be achieved through the Department of Environment licences.

If subject to an appeal Council's decision would most likely be overturned.

**FINANCIAL IMPLICATIONS - Nil**

**POLICY IMPLICATIONS**

There are no policies applicable to this development application.

**STATUTORY IMPLICATIONS**

The Shire of Tammin Town Planning Scheme No.1

**STRATEGIC PLAN IMPLICATIONS - Nil**

**PRINCIPAL ACTIVITY PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION**

Community consultation has been undertaken. The concerns raised by the public relate to the application of pesticides and can be addressed through existing legislation.

## STAFF RECOMMENDATION

Council should resolve: -

1. That the decision of Council to refuse the application to establish a vineyard on location 12932 be rescinded." – Absolute majority vote required.
2. "That the recommendations contained in the Manager, Development Services report of May 2005 be adopted."

## COUNCIL RECOMMENDATION

**MIN 212/05 MOTION** - Moved Cr. Jefferies 2<sup>nd</sup> Cr. Caffell

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.*

CARRIED 6/0

## REASON

Council wished to speak to the Department of Agriculture and neighbouring landowners before progressing with a motion.

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Local Law - Local Government Property Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	LLAW-11
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	30 <sup>th</sup> August 2005
<b>Author:</b>	John Mitchell, Manager Development Services

## 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 or amended.

Council, in 2000, joined the Local Laws Committee formed under the leadership of the Western Australian Municipal Association.

Previous Bylaws adopted by Council were: -

- Use of Hall – Bruce Rock – 18/9/35
- Swimming Pool – Management and Control – 19/1/59
- Bruce Rock Hall – 22/7/88

The proposed local law – Local Government Property Local Law will provide for the control and management of all Council buildings without reference to a particular building.

## COMMENT

The majority of local government within Western Australia has adopted and modified the draft local law Local Government Property, prepared by the Western Australian Municipal Association.

The attached draft local law – Local Government Property, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and it's purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Local Government Property as a base.

There have been no amendments other than changing the shire name and adoption procedures. Adoption would be on the basis of – adoption of Shire of Dalwallinu local law with the amendments. One page of the gazette would be sufficient for gazettal.

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

- Council resolves to consider a local law;
- 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.
- Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.
- 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.
- 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.

Council will need to determine an area for dog exercising or ignore the section.

The President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

### **Summary of Local Law – Local Government Property**

The purpose of the local law is to regulate the care, control and management of all property of the local government except thoroughfares.

#### **Effect:**

To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

## FINANCIAL IMPLICATIONS

Financial costs of \$50.00 per page in the Government Gazette.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Nil. Ensures compliance with Section 3.12 of the Local Government Act 1995, relating to the review and adoption of modern and relevant local laws.

## STAFF RECOMMENDATION

1. "That Council resolve to make a local law – Shire of Tammin Local Government Property Local Law."
2. "That the draft Shire of Tammin Local Government Property Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."
3. "That the Shire of Tammin Local Law – Local Government Property be considered by Council once the public submission period closes."

## COUNCIL RECOMMENDATION

**MIN 213/05 MOTION** - Moved Cr. Greenwood 2<sup>nd</sup> Cr. Caffell

1. *"That Council resolve to make a local law – Shire of Tammin Local Government Property Local Law."*
2. *"That the draft Shire of Tammin Local Government Property Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."*
3. *"That the Shire of Tammin Local Law – Local Government Property be considered by Council once the public submission period closes."*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.3
<b>Subject:</b>	Activities in Thoroughfares and Public Places and Trading Local Law
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	LLAW-06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	20 <sup>th</sup> March 2003
<b>Author:</b>	John Mitchell, Manager Development Services

## 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 or amended.

Council, in 2000, joined the Local Laws Committee formed under the leadership of the Western Australian Municipal Association.

Previous Bylaws adopted by Council were: -

1. Hawkers– 27/3/31
2. Vehicles on Roads– 25/6/48
3. Some aspects of bylaws relating to dogs, parking, house numbering and signage.

The proposed local law – Activities in Thoroughfares and Public Places and Trading Local Law will provide for the control and management of all activities in thoroughfares and public places and trading.

## COMMENT

The majority of local government within Western Australia has adopted and modified the draft local law Local Government Property, prepared by the Western Australian Municipal Association.

The attached draft local law – Activities in Thoroughfares and Public Places and Trading Local Law, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and its purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Local Government Property as a base.

There have been no amendments other than changing the shire name and adoption procedures. Adoption would be on the basis of – adoption of Shire of Dalwallinu local law with the amendments. One page of the gazette would be sufficient for gazettal.

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 President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

### **Summary of Local Law – Activities in Thoroughfares and Public Places and Trading Local Law**

The proposed local law – Activities in Thoroughfares and Public Places and Trading Local Law will provide for the control and management of all activities in thoroughfares and public places and trading.

#### **Effect:**

Some activities are prohibited, some activities are permitted only under permit in thoroughfares and public places. Also, the local law enables a local government to require house numbering and the erection of fences in certain situations.

## FINANCIAL IMPLICATIONS

Financial costs of \$50.00 per page in the Government Gazette.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Nil. Ensures compliance with Section 3.12 of the Local Government Act 1995, relating to the review and adoption of modern and relevant local laws.

## STAFF RECOMMENDATION

1. "That Council resolve to make a local law – Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law."
2. "That 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 for a minimum period of 50 days."
3. "That the Shire of Tammin Local Law – Activities in Thoroughfares and Public Places and Trading Local Law be considered by Council once the public submission period closes."

## COUNCIL RECOMMENDATION

**MIN 214/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Wheeldon

1. *"That Council resolve to make a local law – Shire of Tammin Activities in Thoroughfares and Public Places and Trading Local Law."*
2. *"That 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 for a minimum period of 50 days."*
3. *"That the Shire of Tammin Local Law – Activities in Thoroughfares and Public Places and Trading Local Law be considered by Council once the public submission period closes."*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.4
<b>Subject:</b>	Local Law - Fencing
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	LLAW-12
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	30 <sup>th</sup> August 2005
<b>Author:</b>	John Mitchell, Manager Development Services

## 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 or amended.

Council, in 2000, joined the Local Laws Committee formed under the leadership of the Western Australian Municipal Association.

Council has never gazetted a bylaw or local law to control boundary fences.

## COMMENT

The majority of local government within Western Australia has adopted and modified the draft local law fencing, prepared by the Western Australian Municipal Association.

The attached draft local law – Fencing, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and it's

purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Fencing as a base.

There have been no amendments other than changing the shire name and adoption procedures. Adoption would be on the basis of – adoption of Shire of Dalwallinu local law with the amendments. One page of the gazette would be sufficient for gazettal.

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

Council resolves to consider a local law;

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.

Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.

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.

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 President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

### **Summary of Local Law – Fencing**

The purpose of the local law is to provide a sufficient fence for the purposes of the Dividing Fences Act 1961 and to state materials to be used and safety measures to be taken for some types of fencing.

#### **Effect:**

These local laws enlarge the compliance requirements of the Local Government (Miscellaneous Provisions) Act 1960 in the erection and maintenance of fencing.

### **FINANCIAL IMPLICATIONS**

Financial costs of \$50.00 per page in the Government Gazette.

### **POLICY IMPLICATIONS**

It will be impossible to require repairs, upgrading or determine appropriate fencing without a local law.

### **STATUTORY IMPLICATIONS**

Ensures compliance with Section 3.12 of the Local Government Act 1995, relating to the review and adoption of modern and relevant local laws.

### **STAFF RECOMMENDATION**

1. “That Council resolve to make a local law – Shire of Tammin Fencing Local Law.”



2. "That the draft Shire of Tammin Fencing Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."
3. "That the Shire of Tammin Local Law –Fencing be considered by Council once the public submission period closes."

## COUNCIL RECOMMENDATION

### MIN 215/05 MOTION - Moved Cr. Greenwood 2<sup>nd</sup> Cr. Caffell

1. *"That Council resolve to make a local law – Shire of Tammin Fencing Local Law."*
2. *"That the draft Shire of Tammin Fencing Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."*
3. *"That the Shire of Tammin Local Law –Fencing be considered by Council once the public submission period closes."*

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.5
<b>Subject:</b>	New Local Law - Cemetery
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	LLAW-02
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	30 <sup>th</sup> August 2005
<b>Author:</b>	John Mitchell, Manager Development Services

## 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 or amended.

Proper management of the cemetery requires the implementation of a modern local law.

Council, in 2000, joined the Local Laws Committee formed under the leadership of the Western Australian Municipal Association.

## COMMENT

The Department of Local Government Local Laws registry does not indicate that the Shire of Tammin ever adopted a bylaw for the cemetery. However, it must be assumed that an adoption occurred as the Department approved of amendments in 1976 and 1985. As the eight year period has expired the local law must be reviewed.

The majority of local government within Western Australia has adopted and modified the draft local law prepared by the Western Australian Municipal Association.

The attached draft local law – Cemetery, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and its purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Cemetery as a base.

There have been no amendments other than changing the shire name and adoption procedures. Adoption would be on the basis of – adoption of Shire of Dalwallinu local law with the amendments. One page of the gazette would be sufficient for gazettal.

The new local law permits the placement of headstones without a casket or body and provides for fees to be amended without amendment to the local law. This issue will need to be addressed as the main cemetery in Perth is requiring the removal of headstones in certain situations and current laws do not permit the re-establishment of a memorial site.

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

Council resolves to consider a local law;

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.

Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.

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.

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 President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

### **Summary of Local Law – Tammin Cemetery**

The objective of the local law is to provide for the orderly management of the Tammin Cemetery in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds.

#### **Effect:**

All persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery, are to comply with the provisions of the local law.

#### **FINANCIAL IMPLICATIONS**

Financial costs of \$50.00 per page in the Government Gazette.

#### **POLICY IMPLICATIONS - Nil**

#### **STATUTORY IMPLICATIONS**

Section 3.12 – 3.19 of the Local Government Act 1995 are applicable for the review and adoption of local laws.

#### **STAFF RECOMMENDATION**

1. "That Council resolve to make a local law – Shire of Tammin Cemetery Local Law."
2. "That the draft Shire of Tammin Cemetery Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."

3. "That the Shire of Tammin Local Law – Cemetery be considered by Council once the public submission period closes."

## COUNCIL RECOMMENDATION

### MIN 216/05 MOTION - Moved Cr. Stokes 2<sup>nd</sup> Cr. Jefferies

1. "That Council resolve to make a local law – Shire of Tammin Cemetery Local Law."
2. "That the draft Shire of Tammin Cemetery Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."
3. "That the Shire of Tammin Local Law – Cemetery be considered by Council once the public submission period closes."

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.6
<b>Subject:</b>	Shire of Tammin Parking and Parking Facilities Local Laws
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	LLAW-07
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	30 <sup>th</sup> August 2005
<b>Author:</b>	John Mitchell, Manager Development Services

## BACKGROUND

In 2004 Council considered a report from the Manager, Development Services regarding the proposal to adopt new local laws. Unfortunately the proposed local laws were taken from the WAMA template and the Joint Standing Committee on Delegated Legislation raised concerns with the local laws. For example the ability of Council to carry out the works without reference to an adjudicator. Accordingly the Manager resolved to ensure one Council's local laws were published and then the other member councils local laws would be proceeded with.

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 or amended.

Council, in 2000, joined the Local Laws Committee formed under the leadership of the Western Australian Municipal Association.

Previous Bylaws adopted by Council were: -

Parking - 21/10/38 as amended

The proposed local law – Local Government Parking and Parking Facilities Local Laws will provide for the control and management of parking including driving on and parking on footpaths, ACCROD bays and provide penalties and avenues for compensation where Council property e.g. footpaths are damaged.

## COMMENT

The majority of local government within Western Australia has adopted and modified the draft local law Local Government Parking and Parking Facilities Local Laws, prepared by the Western Australian Municipal Association.

The attached draft local law – Parking and Parking Facilities Local Laws, is a suggested format by the local laws committee and has been widely adopted by local government. The process of adoption is to consider the local law and it's purpose within the region, amend the local law where required and adopt by reference to an existing gazetted local law.

This process will save in excess of \$3,000 in printing and gazettal fees. In this example I have used the Shire of Dalwallinu Local Law – Parking and Parking Facilities Local Laws as a base.

There have been no amendments other than changing the shire name and adoption procedures. Adoption would be on the basis of – adoption of Shire of Dalwallinu local law with the amendments. One page of the gazette would be sufficient for gazettal.

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

Council resolves to consider a local law;

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.

Council considers submissions received and amends, revokes or adopts the proposed local law without significant differences.

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.

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 President, in accordance with section 3.12(2) of the Local Government Act 1995 shall cause to be read aloud the following: -

### **Summary of Local Law – Parking and Parking Facilities Local Laws**

The purpose of the local law is to:

1. constitute a parking region,
2. enable the local government to regulate the parking of vehicles within the parking region; and
3. provide for the management and operation of parking facilities occupied by the local government.

**Effect:**

A person parking a vehicle in the region is to comply with the provisions of this local law.

### **FINANCIAL IMPLICATIONS**

Financial costs of \$50.00 per page in the Government Gazette.

### **POLICY IMPLICATIONS - Nil**

### **STATUTORY IMPLICATIONS**

Nil. Ensures compliance with Section 3.12 of the Local Government Act 1995, relating to the review and adoption of modern and relevant local laws.

## STAFF RECOMMENDATION

1. "That Council resolve to make a local law – Shire of Tammin Local Government Property Local Law."
2. "That the draft Shire of Tammin Local Government Property Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."
3. "That the Shire of Tammin Local Law – Local Government Property be considered by Council once the public submission period closes."

## COUNCIL RECOMMENDATION

**MIN 217/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Wheeldon

1. *"That Council resolve to make a local law – Shire of Tammin Local Government Property Local Law."*
2. *"That the draft Shire of Tammin Local Government Property Local Law be advertised in accordance with Section 3.12 of the Local Government Act 1995 for a minimum period of 50 days."*
3. *"That the Shire of Tammin Local Law – Local Government Property be considered by Council once the public submission period closes."*

CARRIED 6/0

## WORKS & SERVICES AGENDA ITEMS

No Items

## COUNCIL RECOMMENDATION

**MIN 218/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Jefferies

*That Council accept the Chief Executive Officers Report and the following Sub reports:*

*Manager Corporate Services Report  
Manager Development Services Report  
Manager Works and Services Report  
Community Development Officer Report*

CARRIED 6/0

## LATE BUSINESS ITEMS OR AN URGENT NATURE

## COUNCIL RECOMMENDATION

**MIN 219/05 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr. Jefferies

*That Council accept late Agenda items.*

CARRIED 6/0

6:40pm – Cr Stokes left Council Chambers.

6:42pm – Cr Stokes returned to Council Chambers.

6:58pm - Cr Wheeldon left Council Chambers.

7:06pm – Cr Wheeldon returned to Council Chambers.

7:33pm – Council adjourned.

7:46pm – Council resumed. All those present remained present.

## IDENTIFIED CONTRACT SERVICES FROM THE SHIRE OF KELLERBERRIN

### RESOLVED

*That the Shire of Tammin put forward the following amendments to proposed Scope of Works:*

*Inclusion of a general condition as follows:*

#### **Contracts Register**

*All contractors are to sign in and out at the Shire Office (clock in and clock out priority). This includes Building Services, Mechanical Services and Parks & Gardens provided by the Shire of Kellerberrin. If they commence work or complete work out of hours contact must be made with the Chief Executive Officer of the Shire of Tammin for approval and/or acknowledgment.*

#### **Under Building Services:**

- *Shire of Kellerberrin provides provision of a **Qualified Builder** to read Provision of a Competent Builder*
- *Include provision for the builder to take a lunch break.*
- *General Condition: **That the contract services be for a two year period** to read: *That the contract services be for a six (6) month period.**

#### **Under Mechanical Services:**

- *Under General Conditions change the word **Building Services** to read Mechanical Services.*
- *Includes a General Condition as follows:*

*The Shire of Tammin has the option to utilize other mechanical services. ie if unable to complete urgent and priority mechanical Works, alternate arrangements to be made by the Shire of Tammin.*

- *General Condition: **That the contract services be for a two year period** to read: *That the contract services be for a six (6) month period.**

#### **Under Parks & Gardens:**

- *Under General Conditions change the word **Building Services** to read Parks & Gardens Services (Oval and Turf Wicket)*
- *General Condition: **That the contract services be for a two year period** to read: *That the contract services be for a six (6) month period.**

NOTE: The Shire of Tammin wish to not identify required financial services until further research with the new Chief Executive Officer is completed and upon completion the appointment of the new Chief Executive Officer.

**General Conditions:**

*Change words from “Contract Services” too “Preferred Services” where it appears in the submission from the Shire of Kellerberrin.*

The Shire of Tammin to further consider contract services submission from the Shire of Kellerberrin at their December Ordinary Meeting and finalise services required by the Shire of Tammin.

**CLOSURE OF MEETING**

9:15pm – There being no further business the Presiding Person, Cr Barry Leslie closed the meeting.

**NEXT MEETING DATES**

- Ordinary Council Meeting - Wednesday, 7 December 2005