

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at Yorkrakine Hall,
Yorkrakine, on Wednesday, 7 April 2004

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1.44pm - The Shire President declared the meeting open.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Cr. B. Leslie	President (Presiding Person)
Cr. L. Caffell	Deputy President
Cr. D. Thomson	Member (until 3:02pm)
Cr. M. Wheeldon	Member
Cr. R Stokes	Member
Cr. R. Brooks	Member (until at 3:45pm)

Mr F. Peczka	Chief Executive Officer
Miss K Paleske	(Minutes)

Apologies

Nil

Leave of Absence

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil.

PUBLIC QUESTION – Nil

APPLICATIONS FOR LEAVE OF ABSENCE – Nil

FINANCIAL INTEREST

Cr Louise Caffell declared a financial interest in Item 11.1.6 cheque No. 10719
Cr Donald Thomson declared a financial interest in Item 11.1.6 cheque No. 10720
Cr Margaret Wheeldon declared a financial interest in Item 11.1.6 cheque No. 10721.

PRESENTATION – Nil

CONFIRMATION OF MINUTES PREVIOUS MEETING

MINUTES OF ORDINARY COUNCIL MEETING HELD ON FRIDAY, 5th MARCH 2004

Minutes of Ordinary Council Meeting held on Friday, 5 March 2004

MIN 0629/04 MOTION – Moved Cr. Stokes 2nd Cr. Caffell

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 5 March 2004 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 6/0

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

REPORTS OF COMMITTEES

JOINT WORKS AND SERVICES COMMITTEE MEETING

MIN 0630/04 MOTION – Moved Cr. Thomson 2nd Cr. Wheeldon

That the minutes of the Shire of Kellerberrin and Shire of Tammin Joint Works and Services Committee Meeting held at the Shire of Tammin Council Chambers, Tammin on Tuesday, 23 March 2004 be accepted.

CARRIED 6/0

AGENDA ITEMS

AGENDA ITEMS – CORPORATE SERVICES

Agenda Reference:	11.1.1
Subject:	Staff Training and Professional Development – External Studies
Location:	Shire of Tammin
Applicant:	Staff
File Ref:	Staff Induction Manual
Disclosure of Interest:	N/A
Date:	12 March 2004
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Currently, a number of staff seek to engage in external study qualification program to further develop their professional skills.

Council has two separate references to staff study/training:

1. Administration Staff Induction Manual

Section 5.7 – Study Leave

There is a provision under the Local Government Officers Award for the Shire to consider application from staff for time off to study certain subjects or courses without loss of pay. These conditions are detailed in the Local Government Officers (LGO) Award and any application for such leave should be made in writing, forwarded through your supervisor and are subject to Council approval.

Section 8 – Employee Training, Seminars and Courses

Council is committed to the training and multi skilling of its entire workforce. This includes all areas of in-house on the job training to attendance at relevant courses and seminars.

Your supervisors are constantly reviewing the need for attendance at seminars and training courses, however, should you have an interest in some particular training aspect or in learning more about another job or position you should indicate this to your supervisor.

2. Administration Manual

4.5 SEMINARS, CONFERENCES AND TRAINING - STAFF ATTENDANCE

To encourage staff members to pursue a recognised course of study, relevant to their position, Council acknowledges the value of attendance at conferences, seminars and training courses. Requests to attend such courses will each be considered on its merits. The Chief Executive Officer be authorised to allow staff attendance at conferences, seminars and training only in the cases where an immediate decision is required. Attendances to be reported at the next available Council Meeting.

Currently there is a number of staff showing interest in furthering their studies to enhance their knowledge and capabilities within their position.

COMMENT

Costs involved in completing these studies vary from course to course though most of the university courses are estimated at \$650 per unit not including text books which are purchased by the employee, TAFE course are estimated to cost around \$500 a semester with employees purchasing text books. Council has in its budget each year made an allowance for staff training. Courses that employees currently undertake range from \$200 to \$500 not including fuel, accommodation and meals. ie

	Finance Course through WALGA	Finance University/TAFE
Fees	\$200-\$450	\$650 \$70-\$200
Fuel	\$ 60	\$Nil
Accommodation	\$180	\$Nil
Meals	\$ 50	\$Nil
Wages	<u>\$120</u>	<u>\$Nil</u>
	\$610-850	\$650 \$70-\$200

Therefore for an employee to undertake study within there own time, the only cost to Council is the enrolment fee. There is no fuel, accommodation or meals as employees study within their own time. It is anticipated that two (2) units per employee per semester is a manageable program to commence and complete external studies.

The university fees that are paid up front receive a 25% discount on all units.

I believe Council should be encouraging staff to further their development and that Council will benefit from the study units undertaken.

FINANCIAL IMPLICATIONS

- Councils 2003/2004 Budget – Staff Training/Courses

POLICY IMPLICATIONS –

Administration Staff Induction Manual

- Section 5.7 – Study Leave
- Section 8 – Employee Training, Seminars and Courses

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

That Council:

1. Pay full cost of course and/or unit/s incurred by the employee and that the employee reimburse Council 50% of the unit/s cost within that same Semester.
or
2. Pay full cost of the course and/or unit/s completed within each Semester.
or
3. Pay the full cost of the course and or unit/s incurred by the employee and that the employee reimburse Council the full amount within that same semester.
or
4. Negotiate with the employee as part of remuneration packaging

Note: That any costs incurred by Council where any employee has not successfully passed the unit then that unit is to be fully reimburse from Staff member to Council.

The arrangement for payment by the employee will be a deduction from their payroll to ensure Council will receive all monies owed to them.

Where an employee is employed by Shire of Kellerberrin the split agreed upon in the Resource Sharing Agreement can apply. (The Shire of Kellerberrin passed in its March meeting that it pays 100% of training/study expenses)

STAFF / COUNCIL RECOMMENDATION

MIN0631 /04 MOTION - Moved Cr. Stokes 2nd Cr. Brooks

That Council:

1. *Pay full cost of the course and/or unit/s completed within each Semester.*
2. *That costs incurred by Council where any employee has not successfully passed the unit then that unit is to be 50% reimbursed from Staff member to Council.*
3. *The arrangement for payment by the employee will be a deduction from their payroll to ensure Council will receive all monies owed to them.*

4. Where an employee is employed by Shire of Kellerberrin the split agreed upon in the Resource Sharing Agreement can apply. (The Shire of Kellerberrin passed in its March meeting that it pays 100% of training/study expenses).

CARRIED 6/0
BY ABSOLUTE MAJORITY

REASON

Council supports improved qualifications on the basis of Resource Sharing Agreement percentage basis for non-payroll staff and 100% reimbursement to payroll staff.

Agenda Reference:	11.1.2
Subject:	Devastating Fires at Tenterden
Location:	Shire of Cranbrook and Plantagenet
Applicant:	WALGA
File Ref:	ADM00
Disclosure of Interest:	N/A
Date:	30 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

On the 27th and 28th of December 2003 devastating fires swept through the town of Tenterden in the South West which caused much destruction through the community.

As a result of the fire the following damage and loss occurred.

- 2 * Fatalities
- 3 Houses
- 2 Cottages
- 18 * Sheds (Various sizes, shapes and contents)
- Fencing – between 500km's and 750km's
- 4 Headers
- 2 Tractors
- Various sundry items and smaller equipment
- 15,000 sheep
- 150 * Cattle
- 600ha Crop
- 10,500ha Farmland
- Various Paddock and Garden Irrigation equipment
- 2,000 Rolls of Hay
- Stress, Injuries and Loss of Income

The Damage was estimated to be around \$12 million dollars.

COMMENT

That Council considers assisting in form of a monetary donation to assist in the relief and the recovery/strategy program to support those who have been impacted by the fire.

Due to the extent and the devastation of the fires in Tenterden a Statewide appeal is being conducted to assist in the relief and the recovery of those who have been impacted by the fire.

It is noted that Council has previously contributed to other communities and Councils in need of assistance that have been effected by a natural disaster. Eg. Shire of Moora for the floods and the North West for Cyclone Damage.

FINANCIAL IMPLICATIONS

- Un-budgeted donation for 2003/2004
- Funds can be transferred from Councils budgeted funds as follows:
 1. 41.1.315 (Members Expense Reimbursement) \$ 600
 2. 41.1.321 (Functions and Entertainment Materials) \$ 400

POLICY IMPLICATIONS -Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.8 (1) (b)

A Local Government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure – (b) is authorized in advance by resolution by Absolute Majority.

RECOMMENDATION

- 1 That Council donates \$_____ to assist in the relief and the recovery/strategy program to support those who have been impacted by the fires in the Shire of Cranbrook and Shire of Plantagenet.

By Absolute Majority

STAFF / COUNCIL RECOMMENDATION

MIN 0632/04 MOTION - Moved Cr. Thompson 2nd Cr. Caffell

- 1 *That Council donates \$500.00 direct to Shire of Cranbrook to assist in the relief and the recovery/strategy program to support those who have been impacted by the fires in the Shire of Cranbrook and Shire of Plantagenet.*

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.3
Subject:	Annual Report – Elector’s Meeting
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	FIN 02
Disclosure of Interest:	N/A
Date:	30 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Last month Council moved the following motions:

1. *That Council accept the audit report for the Financial Year 2002/2003*
2. *That Council adopt the Annual Financial Report for 2002/2003*
3. *That the Annual Elector's Meeting be held on Thursday, 22nd April 2004 commencing at 7.30pm in the Lessor Hall.*

To enable Council to set a date for the Annual Electors Meeting in accordance with the Local Government Act 1995 section 5.54 (2) the Annual Report is to be adopted.

COMMENT

The Annual Report is to consist of the following as per the Local Government Act 1995 section 5.53 (2) (a-i)

- (a) a report from the mayor or president
- (b) a report from the Chief Executive Officer
- (c) a report of the Principal Activities commenced or continued during the financial year
- (d) as assessment of the local governments performance in relation to each principal activity
- (e) an overview of the principal activities that are proposed to commence or to continue in the next financial year
- (f) the financial report for the financial year
- (g) such information as may be prescribed in relation to the payments made to employees
- (h) the auditors report for the financial year; and
- (i) such other information as may be prescribed.

The date of the 22nd April 2004 can be maintained as this date still meets the 14 days public notice required under the Local Government Act 1995 section 5.29 (b).

STATUTORY IMPLICATIONS

The Local Government Act (1995)

Section 5.27 (2) A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.

Section 5.54 (2) If the auditors report is not available in time for the annual report for a financial year to be accepted by 31st December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the auditors report becomes available.

Section 5.55 The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.

Local Government (Financial Management) Regulations 1996 states;

Section 51 (2) A copy of the annual financial report of a Local Government is to be submitted to the Executive Director with 30 days of the receipt by the Chief Executive Officer of the auditors report on that financial report.

POLICY IMPLICATIONS- Nil

FINANCIAL IMPLICATIONS- Nil

RECOMMENDATION

1. That Council adopt the Annual Report for the Financial Year 2002/2003
2. That the Annual Elector's Meeting be held on _____ commencing at _____ in the Lessor Hall.

STAFF / COUNCIL RECOMMENDATION

MIN 0633/04 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

1. *That Council adopt the Annual Report for the Financial Year 2002/2003*
2. *That the Annual Elector's Meeting be held on Thursday 22nd April 2004 commencing at 7.30 in the Lessor Hall.*

CARRIED 6/0

Agenda Reference:	11.1.4
Subject:	Farmer Survey – Future of Tammin Saleyards
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	AGR11
Disclosure of Interest:	N/A
Date:	30 March 2004
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Council Minutes of December 3, 2003 Meeting reads;

MIN 0581/03 MOTION – Moved Cr Thomson 2nd Cr Stokes

“That the use of the Tammin Saleyards be monitored until 30th June 2004 and the views of Elders and Wesfarmers local dealerships be sought as to the future of the site”
CARRIED 4/0

Council Minutes of February 11, 2004 Meeting reads;

MIN 0611/04 MOTION – Moved Cr Caffell 2nd Cr Brooks

“That the Tammin Livestock Saleyards be closed temporarily and a survey of local farmers be conducted”
CARRIED 4/0

COMMENT

Council Administration completed a survey template for mailing out to 65 farmer mail addresses (as per advice from the Tammin Post Office).

Out of the 65 surveys mailed out, **11 (16.92% return rate) were returned – 8(12.31%) in favour (yes for retention and expend funds) and 3 (4.62%) against (no to discontinue saleyards and sell materials).**

Summary comments written in the surveys returned included ;

- *Retaining the saleyards may keep business in the town.*
- *Once gone never replaced, if Abattoirs open may need them.*
- *Some of the requirements seem excessive in regards to 3 and 4 in the summary. I think it would be a shame to lose this facility if in ten years time we had to build one at ten times the cost.*
- *Finance should be 25 cents for each hectare of which each farmer owns.*
- *No saleyards at Cunderdin or Kellerberrin.*
- *By no means remove the yards, maintain yards as economically as possible.*

Council has also received and considered responses from the two Rural Livestock Companies that undertake a majority of the livestock sales in the district and have commented on the Saleyards future usage.

Priority consideration needs to be given to compliance that Council must adhere to including but not exclusive;

- the Department of Environment for disposal lagoons for effluent (above a certain number of head per annum and compliance with license issue to operate.
- Occupational Health and Safety Act for handrails and a minimum of 600mm walking width boards.
- Health Act 1911 for the provision a public toilet facility by virtue of being a public event.
- Insurance Act for the conduct of the livestock sale in accordance with statutory requirements.

A sample of the farmer survey is attached to this agenda item and cost estimates to complete the desired works is at a minimum of \$10,000.00. It should be noted that Council cannot sub-lease the saleyards on the basis of reducing its financial cost of upgrading and compliance, Council is deemed the owner and is required to have the required standard in order for license issue. The alternative for Council is for sub-lessee to pay for the required upgrades and compliance as a condition of sub-leasing.

Council may initiate the outright sale of the complex and yards subject to negotiations with the owners of the Land, Public Transport Authority for a private investor to conduct the necessary sales.

Council needs to be considerate of the financial implications of upgrading the saleyards to the required standard versus current requirements to conduct sales versus other community programs requiring expenditure over the next twelve months.

FINANCIAL IMPLICATIONS

2004/2005 Budget Allocations – estimated expenditure of \$10,000.00 required for compliance works and operational expenditure to maintain the complex over a twelve month period.

POLICY IMPLICATIONS – N/A

STATUTORY IMPLICATIONS

- Health Act 1911 – for provision of Public Toilet Facilities
- Department of Environment for license issue and waste disposal
- Occupational Health and Safety Act – for provision of hand safety rails and minimum 600mm walk boards.

RECOMMENDATION

That Council retain the Tammin Saleyards Complex and allocates necessary funds in its 2004/2005 Budget, to comply with legislative requirements for saleyard ownership and operation.

STAFF / COUNCIL RECOMMENDATION

MIN 0634/04 MOTION - Moved Cr. Brooks 2nd Cr. Caffell

That the matter lay on the table and more information be presented to next Council Meeting.

CARRIED 6/0

REASON

Council request further information.

Agenda Reference:	11.1.5
Subject:	Loan Funding – Hydrology Model
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	FIN 19 & AGR19
Disclosure of Interest:	N/A
Date:	30 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

In Council's 2003/2004 Budget an allowance was made to raise a Loan for \$280,000 to cover the extra expenditure incurred in completing the Hydrology Model. This is based on a budget estimate of \$430,000. ie \$150,000 to come from Municipal Funds.

Council in 2002/2003 spent \$24,716.39. This money was allocated towards the planning costs for the Hydrology Model. Currently in 2003/2004 Financial Year Council has spent \$426,975.02 as at the 25th March 2004.

COMMENT

As per Manager Development Services Report it is expected that a further \$74,000 will be expended in this financial year taking the expected costs to around \$500,000 thus being \$70,000 over budget. With Council only allowing \$280,000 in Loan recovery does Council wish to increase the loan to \$350,000 to cover the over budget figure of \$70,000??

it is expected in the 2004/2005 financial year Council will need to expend an extra \$100,000 to complete the current project without adding in any other incidentals eg. Ablutions, Change rooms etc. Is this extra component to be funded via Municipal funds in next years budget or would Council wish to incorporate this into the loan that will be raised this financial year therefore making the loan to be raised around \$450,000.

This will bring the total cost of the project including the \$24,716.39 from previous financial year up to around \$600,000.

STATUTORY IMPLICATIONS

The Local Government Act (1995)

Section 6.20 (1) Subject to this Act, a local government may –

- (a) borrow or re-borrow money;
- (b) obtain credit; or

(c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in a financial year, a local government proposes to exercise a power under subsection (1) (“**power to borrow**”) and details of that proposal have not been included in the annual budget for that financial year –

- (a) unless the proposal is of a prescribed kind, the local government must give one months local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority

(3) Where a local government has exercised a power to borrow and

- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilised,

the local government may resolve by absolute majority to expend the money or to utilise the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

- (4) A local government is not required to give local public notice under subsection 3 –
 - (a) where the change of purpose has been disclosed in the annual budget of local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

Section 6.21 (1) Except in the case of –

- (a) Over drawings on current account from a bank or other financial institution; and
- (b) such other form of financial accommodation (if any) as is determined by the Treasurer and notified to local governments in the State,

a local government is only to exercise a power under section 6.20 (1) with the prior approval of the Treasurer or a person authorized in that behalf of Treasurer.

- (2) Where, under section 6.20 (1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20 (1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 –

“general funds” means the revenue or income from –

- (a) general rates
- (b) Government grants which were not given to the local government for a specific purpose; and
- (c) Such other sources as are prescribed

Section 6.2 (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for principal activities accepted by a local government under section 5.58 and to prepare a detailed estimate for the current year of –

- (a) the expenditure by the local government;

- (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (5) The annual budget is to incorporate
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government.

Local Government (Financial Management) Regulations 1996 states;

Section 29 (d) where, in the financial year to which the budget relates, it is proposed to exercise the power to borrow under section 6.20, details of –

- (i) the purpose for which the money is to be borrowed
- (ii) an estimate of the amount to be borrowed
- (iii) the nature of the proposed financial accommodation
- (iv) an estimate of the term of the repayment
- (v) an estimate of the interest rate and other charges payable;
- (vi) an estimate of the amount of the borrowings to be used during the financial year; and
- (vii) an estimate of the amount which will remain unused at 30 June;

POLICY IMPLICATIONS- Nil

FINANCIAL IMPLICATIONS

Shire of Tammin 2003/2004 Budget Document

RECOMMENDATION

- 1 That Council seek approval from the Treasury Department to raise a loan for \$_____ to cover the deficit from the Hydrology Model project.

ABSOLUTE MAJORITY REQUIRED

STAFF / COUNCIL RECOMMENDATION

MIN 0635/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

That the matter lay on the table and further detailed research of costings be completed for Council's May Meeting.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

REASON

Council request further information.

COMMUNITY PRESENTATION

2:45pm - Mrs Libby Hutchinson entered Yorkrakine Hall. (*Queried security at the Yorkrakine Hall and exit signage, fencing around the hall due to distance to road – unsafe for children. Submission to be made for budget*)

2:53pm - Mrs Hutchison left Yorkrakine Hall.

Councillors Wheeldon, Caffell and Thompson declared a Financial Interest in Item 11.1.6.

Agenda Reference:	11.1.6
Subject:	February Cheque List
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	5 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Accounts for Payment from 1st February 2004 to 29th February 2004

Municipal Fund

10714	-	10723	\$	4,432.61
14121				TEST RUN
14122	-	14155	\$	83,136.56
14156				TEST RUN
14157	-	14189	\$	39,200.52
				<u>\$ 126,779.69</u>

Trust Fund - Nil

COMMENT

During the month of February 2004 the Shire of Tammin made the following significant purchases:

Woodstock Electrical	-	Part of Electrical Quote at Hydrology Model	\$20,623.02
		(Relating to January Invoices)	
Be Active	-	Shire Contribution	\$ 5,500.00

FINANCIAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996 Reg 13 – List of Accounts

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

- 1 That the accounts submitted from 1st February 2004 to 29 February 2004 be accepted.

VOTING REQUIREMENT – ABSOLUTE MAJORITY

STAFF / COUNCIL RECOMMENDATION

MIN 0636/04 MOTION - Moved Cr. Caffell 2nd Cr. Thomson

- 1 *That the accounts submitted from 1st February 2004 to 29th February 2004 be accepted.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

3:02pm - Cr Thompson left the Yorkrakine Hall and Council Meeting.

Council brought item 11.2.2 forward.

REASON

Councillor Brooks wished to vote on this item and needed to leave the meeting early.

Agenda Reference:	11.2.2
Subject:	Tammin Hall, Required Improvements
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	ASS1063
Disclosure of Interest:	Nil.
Date:	29 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council has budgeted funds to commence improvements to the Hall. These improvements include \$7,000 for renovation of the kitchen floor, \$7,000 for upgrade of the fuse board, and minor issues such as exit signs and improvements to the rear toilets. To date \$4,000 has been spent on non budgeted repairs.

COMMENT

At the August 2003 meeting Council considered a report from the Administration regarding the potential issues with the Hall. As a result of that report, the Administration contacted several firms who specialize in floor repairs. One firm (Lectros) attended the site and their report appends.

The previous engineer, Mr. Nicholls, has not submitted his report and a new engineer has been engaged to complete the assessment. His advice onsite raises concerns with the

structural integrity of the kitchen and the rear wall (northern) of the hall, which is not secured adequately to the rest of the building.

There is extreme rising damp in all walls throughout the building. Additionally the Engineer's report, due shortly, may raise concerns with the rear wall of the hall, extreme cracking of the walls in the kitchen and the condition of the floor in the kitchen.

The primary issue prior to addressing the upgrade required is the control and removal of the rising damp. The new floor boards installed last year have already commenced to buckle and unless the dampness is addressed the floor will become so deteriorated as to require replacement.

The Manager, Development Services requested that Lectros investigate the building and suggest solutions to the rising damp. It should be noted that this will address the rising damp issue in the walls but not the stumped floor.

I am currently seeking solutions to the water seepage to the timber floor. I do not see this as a simple solution as I am advised that underground creeks run through the building.

Lectros quotation to remove all rising damp from the walls is \$28,490.

The kitchen area is of concern to the Building Surveyor as the floor has lifted causing a trip hazard. Additionally the walls have severe cracking throughout. The kitchen should be closed to use until the condition of the floor is resolved.

The building will continue to deteriorate unless action is taken.

A potential solution to the overall provisions of facilities for both the Hall and Hydrology model are: -

1. Demolish the rear hall portion comprising the kitchen as this portion is non compliant and the floor is lifting. Additionally the fit out is non compliant with current legislation and as such must be upgrade. The Engineers report should be available for the meeting.
2. Reinstate this portion taking into account toilets, changerooms and facilities for the hall and model.

FINANCIAL IMPLICATIONS

Replacement of the floor is estimated at in excess of \$50,000.00.

Works required on the building include: -

1. A food grade kitchen;
2. Improved septic system. The systems from the Administration building and hall
3. Replace the floor in the kitchen.
4. Address the rising damp of the floor timbers and walls.
5. Ablution upgrade. An inspection of the facilities is recommended.
6. Completion of the electrical upgrade.

The above improvements required can also assist the works needed to complete the hydrology model and the engagement of a suitably qualified person to prepare an upgrade concept is recommended.

Alternatively Council may wish to consider a single building incorporating the needs of the hydrology model and an enclosed area for public use. This may be impractical considering distances.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The building is substandard with floors uneven, slippery access ways and major areas of non compliance. Council would be hard pressed to defend any litigation as a result of accidents from use of the facility.

RECOMMENDATION

1. That the rising damp issues of the Tammin Hall be acknowledged and further requests for contractors to review the issues be required.”
2. “That the repair works on the kitchen floor be deferred pending a decision as to the proposed upgrade and the kitchen be closed for use.”
3. “That as part of the hydrology model completion an architect be engaged to prepare a concept plan of the upgrade of the hall.”

STAFF / COUNCIL RECOMMENDATION

MIN 6437/04 MOTION - Moved Cr. Brooks 2nd Cr. Wheeldon

1. *That no further action to commence upgrade/restoration works to the Tammin Hall is considered, until a Structural Engineering Report is received or considered by the Council.*
2. *That upon receipt of the Structural Engineering Report, Council seeks advice/direction from the Heritage Council of WA and in regards to Heritage Classification of the Building.*

CARRIED 5/0

REASON

Council wish to receive the Structural Engineer’s Report and advice from the Heritage Council of WA in reference to alterations/renovations to building.

3:45pm - Cr. Brooks left Yorkrakine Hall and Council Meeting.

Agenda Reference:	11.1.7
Subject:	February Financials
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	5 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Enclosed is the monthly reports for the month of February 2004.

Direct Debit list for the month of February 2004

Municipal Fund

02 nd February 2004	National On-line Fees	\$	48.44
11 th February 2004	Net Pay for F/E 11.02.04	\$	8,706.73
15 th February 2004	Lease Payment for Toyota KE 216	\$	385.19
15 th February 2004	Lease Repayment CAT Grader	\$	5,641.53
25 th February 2004	Net Pay for F/E 25.02.2004	\$	8,248.99
29 th February 2004	Deposit Book Fee	\$	5.00
29 th February 2004	Municipal Fund Interest Charged	\$	7.99
29 th February 2004	Reserve Fund Bank Fees	\$	20.00
29 th February 2004	Trust Fund Bank Fees	\$	48.80
29 th February 2004	Municipal Fund Bank Fees	\$	76.70

Trust Fund

29 th February 2004	Police Licensing for February	\$	14,535.20
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COMMENT

There were no significant capital purchases made during the month of February 2004.

FINANCIAL IMPLICATIONS

- Financial Management of 2003/2004 budget
- Statutory Audit requirements for prudent financial reporting.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

1. That Council approve the Monthly Financial Statements for the period ending 29 February 2004.
2. That the Direct Debit List be accepted for the month of February 2004.

STAFF / COUNCIL RECOMMENDATION

MIN 0638/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

1. *That Council approve the Monthly Financial Statements for the period ending 29th February 2004.*
2. *That the Direct Debit List be accepted for the month of February 2004.*

CARRIED 4/0

Agenda Reference:	11.1.8
Subject:	Financial Reports - Miscellaneous
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	26 March 2004
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Regular reporting on status of Miscellaneous Reports for consideration/information of the Council.

COMMENT

FINANCIAL IMPLICATIONS

- General Financial Management of Council
- General Reporting Procedure of Council

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

RECOMMENDATION

- 1 That the following Reports for the period ending 29th February 2004 be approved.
 - Capital Status Report
 - Bank Reconciliation
 - Outstanding Sundry Debtors
 - Loan Register Report

STAFF / COUNCIL RECOMMENDATION

MIN 0639/04 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

- 1 *That the following Reports for the period ending 29th February 2004 be approved.*

- *Capital Status Report*
- *Bank Reconciliation*
- *Outstanding Sundry Debtors*
- *Loan Register Report*

CARRIED 4/0

AGENDA ITEMS – DEVELOPMENT SERVICES

Agenda Reference:	11.2.1
Subject:	Building Returns - March 2004
Location:	Tammin
Applicant:	N/A
File Ref:	BUILD03
Disclosure of Interest:	Nil
Date:	4 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council has provided delegated authority under part 15 of the Local Government (Miscellaneous Provisions) Act to approve building applications.

A condition of the delegation is the submission of regular returns to Council for endorsement or noting.

COMMENT

No building licences have been received for March 2004.

Would Council permit the provision of a report when applications are received and building licences issued only?

FINANCIAL IMPLICATIONS - Nil.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS - Nil.

RECOMMENDATION

1. "That Council note that no building applications were received for the period March 2004."
2. "That the Manager Development Services be required to report to Council only when Building Licences have been issued."

STAFF / COUNCIL RECOMMENDATION

MIN 0640/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

1. "That Council note that no building applications were received for the period March 2004."

2. "That the Manager Development Services be required to report to Council only when Building Licences have been issued."

CARRIED 4/0

Agenda Reference:	11.2.3
Subject:	Hydrology Model - Update
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	AGR19
Disclosure of Interest:	Nil.
Date:	29 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council will be aware that works by Council employees on the project have ceased. The outstanding works are completion of the pathway, and finishes.

The report discusses future options.

COMMENT

Provision of toilet facilities

In discussions with the FESA District Officer on Friday 26th March 2004, it was advised that FESA did not have issues with Council contributing to the cost of the new fire station particularly with respect to the provision of toilet facilities. FESA will only require one set of toilets for each sex.

The Hydrology Model will require three toilets for each sex and a disabled facility in order to comply with the requirements of the Building Code of Australia and the Public Building Regulations 1992. this provides a facility capable of holding an event for 600 persons.

In addition the toilets in the hall and behind the hall are deteriorated and these facilities must also be addressed.

Council will need to determine whether all the toilets are to be upgraded. Additionally there are concerns with the structural integrity of the Hall and it is likely that the rear stage wall will require bracing and support. It is cracked horizontally for its entire length. The kitchen area is dilapidated and requires a major upgrade.

Prior to commencing an agreement with FESA to support and install the additional facilities it is strongly recommended that a precinct/site survey be undertaken to determine the total extent of facilities that are required and their location.

Currently there is a need for the following facilities and unless the project is properly planned and documented there is the risk that the overall project will not be as attractive as Council wants. The facilities required are: -

1. Formal entry and ticket box.

2. Ablution facilities
3. Kitchen and Drink servery
4. Changerooms
5. Storage facilities
6. Parking for up to 100 vehicles.

A precinct survey will obtain the views of all interested parties and provide a base document to ensure the proper planning and costing of stage two of the project. Additionally it may help to attract additional grant monies.

Painting of the Ponds

Several firms have been requested to supply information on painting of the ponds.

Initial quotations suggested a cost of \$50,000 for contractors to clean, prime and paint the ponds. Council's budget is \$8,000.00. This budget item was based on volunteers painting the ponds.

An alternative has been provided where Council prepares and applies the sealer and the contractor applies the top coats at a cost of \$20,824 + GST.

To supply the paint - \$6,900.

Council direction is requested.

FINANCIAL IMPLICATIONS

2003/04 Budget – Capital Expenditure

- Municipal - \$430,000
- Loan Borrowings - \$280,000
- Capital Revenue - NIL
- Dotars Grant - \$110,000.00 - \$55,000 02/03

Expenditure to date is \$427,000

Outstanding accounts are: -

Hydrology Model \$34,000

Canopy \$30,000

Electrical installation \$10,000

Items not yet costed but reported to Council for completion are estimated at \$100,000. Costings can be completed once the total extent of paving, capping and materials are known. The following requires completion as per the plans and can be called stage one: -

1. internal and external paths;
2. rock formation to walls and spillways;
3. painting of buildings;
4. painting of ponds;
5. realignment of fences and replacing galvanised fencing materials;
6. plantings and reticulation of the plants;
7. formal entrance definition including a plan of the entrance;
8. completion of affixement of the header course to the retaining wall.

Council will also need to budget for maintenance and operating costs.

Based on a Swimming Pool installation (as a guide) the following is required: -

1. Power supply – allowance only \$4,000
2. Water Supply – fill and evaporation – allow \$4,000
3. Cleaning and maintenance labour \$10,000
4. Insurance - \$1,000
5. Materials/consumables - \$3,000

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The main issue is the completion and confirmation to DOTAR of the extent of works carried out to ensure that the second round of funds (\$50,000) are not lost. The RAP application has been completed and sent to DOTAR.

RECOMMENDATION

1. "That expressions of interest be sought from suitably qualified contractors to prepare a plan overview of the hydrology model including placement of facilities and to address the following issues: -
 - a. Formal entry and ticket box.
 - b. Ablution facilities
 - c. Kitchen and Drink servery
 - d. Changerooms
 - e. Storage facilities
 - f. Parking for up to 100 vehicles.
2. "That additional funds (\$21,000) be budgeted to permit the ponds to be prepared and sealed by Council and the final coats of paint for the ponds be applied by qualified and experienced suppliers."
3. "That \$100,000 be included in the draft 2004/05 budget for completion of the hydrology model as presented in the plans."

STAFF / COUNCIL RECOMMENDATION

MIN 0641/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

1. *"That Council prepare a plan overview of the Hydrology Model and seek external advice in regards to placement of facilities including the following issues: -*
 - a. Formal entry and ticket box.*
 - b. Ablution facilities*
 - c. Kitchen and Drink servery*
 - d. Changerooms*
 - e. Storage facilities*
 - f. Parking for up to 100 vehicles.*

2. *That \$100,000 be considered in drafting the 2004/05 budget for completion of the Hydrology Model, as presented in the plans, subject to costing details being presented to Council's May Ordinary Meeting.*
3. *That maintenance/operating funds be allocated in the 2004/2005 budget for the Hydrology Model.*

CARRIED 4/0

REASON

Council has local and/or alternative resources available to complete a concept plan for the Hydrology Model precinct.

Agenda Reference:	11.2.4
Subject:	Landfill Site – Draft Management Plan
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	ENVH15
Disclosure of Interest:	Nil.
Date:	29 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

At the March 2003 and August 2003 meetings, Council was advised of actions to date with respect to achieving a management plan for the Tammin Landfill Site and the engagement of City and Regional Waste Services.

Correspondence was sent to Mr. Williams (City and Regional Waste Services), however for six months from June 2003 Mr. Williams had personal health issues and did not respond.

Recently Mr. Williams has considered the agreement and has agreed to sign. The draft agreement appends. Copies of correspondence sent to Mr. Williams appends. Previously (approx 4 years ago) Council requested the Administration to prepare the documents. The extent of works undertaken by that Administration was that of a single letter as per attached.

COMMENT

The agreement provides Mr. Williams with an opportunity to represent the Shire to achieve waste contracts to support a regional waste recycling scheme. Current sources of waste include Kellerberrin \$15/tonne, and potentially Cunderdin and Merredin. Mr. Williams will pursue the Merredin contract. The Manager, Development Services is liaising with the Shire of Cunderdin with respect to their waste. The introduction of Cunderdin has been discussed since the appointment of Health, Building and Planning by the Scheme Administrators.

On Friday 19th March 2004 the CEO and the Manager attended the meeting at Quairading to consider a regional approach to waste recycling. The main points from that meeting were: -

1. The requirement for large amounts of waste to ensure the viability of a venture.
2. The need to assess all Councils current approach to waste disposal.

3. The need for all Council's to provide information on tonnages and materials disposed at the individual sites.
4. The extreme cost to provide a site. Tammin currently expends approximately \$10,000 per annum to provide a service whereas the majority of Councils were expending upwards of \$40,000 per annum.

Interestingly, Tammin is in the forefront for recycling activities. Examples include the use of the same disposal pits for five years and the continual removal of 100's of tonnes of waste to recycling activities. Additionally the current program of farm cleanups was well received at the Regional Waste Forum meeting and several Councils are interested in the Shire of Tammin approach.

A formal document is currently being prepared by the facilitator for all Councils to review. The Chief Executive Officer, Mr. Peczka volunteered Tammin for the next meeting to discuss the potential for a regional approach. There is also a request (from that meeting) for Council to budget \$1,000 towards the cost of the facilitator and the proposed meetings.

Due to distances it may well be that two central points are created. Currently Mr. Williams is responsible for maintenance of the Brookton Landfill Site and several others on that route. This provides Tammin with an opportunity with respect to the location of central processing points.

The main issue is the volume of waste and securing the waste to Tammin. The contractor will need to prove viable markets. Currently no individual Council has sufficient waste to justify a recycling program. The closest is Tammin with Kellerberrin and potentially Cunderdin. The main task for a successful venture is volume. Increased fees on existing contributors may jeopardise the viability of the venture.

It has been advised to the Administration that the Shire of Kellerberrin waste disposal does not form part of the joint resourcing agreement and they should pay the same fees as other local governments. I must advise that the Kellerberrin Administration may consider alternatives should steep increases occur.

The draft Shire of Tammin/Williams agreement proposal includes: -

1. The waste received from Kellerberrin whether individual household or the transfer station does not form part of the general fee structure.
2. The contribution from Tammin will be 80% of income to the contractor with 20% retained as Council's income.
3. During the second five years Council's fixed management fee will be reduced to nil.
4. The Contractor is responsible for fire maintenance with the Shire providing a water source (Hunts Well) and additional materials to fence and lock the site.

Areas of responsibility have been defined and are listed below: -

Contractor Obligations

1. The Contractor at all times maintain the site to the requirements of the DEP licence.
2. The Contractor shall maintain all firebreaks required around the site.
3. The Contractor shall minimise at all times Council's public liability component thru the use of the public at the site. ie maintain the site to OCC Health requirements and the licence conditions.

4. Maintain current liabilities relevant to his operation and the recycling ventures.
5. Provided a safety manual for employed staff at the site as required by legislation and ensure that all staff have received the proper medical examination prior to commencement of employment. E.g. Hep B, Tetanus.

Shire of Tammin Obligations

1. Maintain the insurances relevant to the site with the exception of liabilities thru waste recycling activities and contractors liabilities.
2. Perform regular inspections to ensure that the site is operated in accordance with licence conditions and to immediately advise the contractor of potential breaches.
3. Ensure the contractor is advised of any Council disposed product and that the product is placed correctly at the site.
4. Advise staff of the procedures for referral of waste to the site from external sources, maintain current records of the passes issued and refer large volumes to be received to the contractor for additional information.

The agreement provides that Council does not have to man the site and or supply infrastructure for the site. This responsibility to provide a regional centre lies with the Contractor. For example manning the site will be the responsibility of Mr. Williams, as will the erection of fences and other infrastructure.

Council will need to consider the future of the site particularly with respect to manning the site to prevent illegal disposal. Recently 400 tyres were disposed of at the site without knowledge. The cost of this service is a loss to Council of \$1,600 and the additional cost of disposal which is estimated at \$1,000. Additionally persons disposed of approximately 50 tonnes of general waste and recyclables and deposited them at the main gate.

Council endorsement of the agreement is sought.

FINANCIAL IMPLICATIONS

Council will lose a percentage of the funds received from the Shire of Kellerberrin, however should make an income of 20% of the waste received from Cunderdin and Merredin if agreements for disposal can be reached.

The Shire of Cunderdin has been offered a reduced rate from Avon Waste to dispose of materials at Tammin. Based on estimates of 45tonnes/month at \$25.00/tonne Council can expect to receive \$2,700 from Cunderdin per annum and additional funds from Merredin if an agreement can be reached. It is strongly recommended that Council adopt a softer approach than other Councils to ensure a market with fees to rise when there are no further options for those participating local governments.

The Administration is currently researching an appropriate fee for disposal by large contractors and local government to ensure the viability of a regional processing centre. It is not proposed to increase fees to the Shire of Kellerberrin, as that Council may have an alternative to the current disposal arrangements.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

The Department of the Environment licences the Tammin site to receive between 0 – 5,000 tonnes of waste per annum. The site will be scrutinized by the Department to ensure the site does not exceed its licence requirements and the waste is properly disposed of.

RECOMMENDATION

1. "That the draft agreement signed by the Chief Executive Officer and Mr. Williams of City and Regional Waste be adopted."
2. "That Council agree to hold the next Regional Waste Forum at Tammin."
3. "That the actions of the Administration in liaising with the Shires of Cunderdin and Merredin to secure a waste stream for the project be endorsed and the Chief Executive Officer be authorized to agree to a waste disposal fee."
4. That the Shire of Kellerberrin waste disposal fees be retained at the same cost for the next year."
5. "That Council support in principle restricting access to the Tammin Regional Processing Centre to predetermined hours to ensure the correct disposal of waste and advertise in the Tammin Tabloid newsletter."

STAFF / COUNCIL RECOMMENDATION

MIN 0642/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

Amendments to Draft Agreement

1. *Draft Agreement Page 53.3 Fees Allocation and Sharing of Income II) be changed to "Income obtained directly from disposal fees produced from sources (other than the Shire of Tammin) for the site will be allocated 20% to Council and 80% to the Contractor. Disposal of household waste from residential and farming properties within the Shire of Tammin shall be free."*
2. *Draft Agreement Page 53.2 Initial Commitment 6), line 6: include the words "for a rebate" after the word "proposal".*
3. *"That the draft agreement (as amended) be presented to Mr Williams of City and Regional Waste for execution by the Shire of Tammin and by City and Regional Waste.*

CARRIED 4/0

REASON

Clarify Shire residents receiving free tip pass only and Shire of Kellerberrin residents deleted.

MIN 0643/04 MOTION – Moved Cr. Caffell 2nd Cr. Wheeldon

1. *That Council budget \$1,000.00 towards the Regional Waste Forums to be held during the 2004/05 year and that Council agree to hold the next Regional Waste Forum at Tammin."*
2. *"That Council agree to hold the next Regional Waste Forum at Tammin."*

3. *“That the actions of the Administration in liaising with the Shires of Cunderdin and Merredin to secure a waste stream for the project be endorsed and that the Chief Executive Officer recommend a waste disposal fee to Council.*
4. *That the Shire of Kellerberrin waste disposal fees be retained at the same cost for the 2004/2005.”*
5. *“That Council support in principle restricting access to the Tammin Regional Processing Centre to predetermined hours to ensure the correct disposal of waste and advertise in the Tammin Tabloid and Kellerberrin Pipeline newsletters.”*

CARRIED 4/0

REASON

Increase local advertising of site management within the Shire of Kellerberrin.

Agenda Reference:	11.2.5
Subject:	Shire of Cunderdin – Waste Disposal
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	ENVH16
Disclosure of Interest:	Nil.
Date:	29 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

The Shire of Cunderdin has corresponded requesting information on waste disposal fees for the Shire of Tammin Regional Waste Processing Site.

Currently Council charges \$15.00/tonne for the receipt of waste from the Shire of Kellerberrin. It is not known how that fee structure was determined. Council pays no additional fees to the Refuse Site Contractor for the receipt of that waste.

The Contractor suggests a fee of \$20.00 - \$25.00 + GST for receiving the waste. The main issue with the disposal is setting a fee which offsets the costs of additional mileage to Cunderdin to dispose of the waste.

COMMENT

Cunderdin currently pays \$30.00 per tonne for waste disposal and \$2,500 per month for transport. Discussions with Avon Waste suggest an additional of \$200/week for two collections of waste from the Waste Transfer Station. In order to be competitive Council should be aware of these costs.

In December 2003, Cunderdin paid the Town of Northam \$2181.30 for the receipt of 66.1tonnes of waste from the transfer station and \$2472 for transport costs. In order to obtain the contract Council must be mindful of actual costs and proposed costs. Refuse disposal fees are \$30.00/tonne at Northam.

I would suggest a fee of \$20/tonne. The main issue to address from this stage is the cost of transport. The table below is based on 66.1 tonnes of waste received from the transfer station and 25.7 tonnes of MGB waste.

Shire of Cunderdin

Cost Centre	Current Cost \$	Proposed Cost \$	Savings \$
Transport Transfer Station Waste	2,472.00	3,240.00	-768
Disposal Fees	2181.30	1,454.20	727.30
Transport fees MGB	Unknown	0.00	
Disposal Fees MGB	848.10	514.00	334.10

The minimum savings to Cunderdin would be approximately \$300.00/month or \$3,520.80 per annum.

The matter is submitted for consideration.

STAFF / COUNCIL RECOMMENDATION

MIN 0644/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

That Council will consider a proposal from the Shire of Cunderdin for waste disposal at the Shire of Tammin Regional Waste Processing Site.

CARRIED 4/0

Agenda Reference:	11.2.6
Subject:	Land Allocation – New Three Bedroom Residence
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	ASS
Disclosure of Interest:	Nil.
Date:	29 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

The Administration has been requested to provide recommendations on the preferred site for the three bedroom residence. Council was provided with a townsite map and a schedule of Council owned properties to assist with preference for a suitable site.

A survey was sent to all senior managers requesting an opinion as to the preferred location in addition to Council's input.

COMMENT

The attached list details the available land to Council.

From the three (3) sites identified two sites were preferred. These being lot 119 Draper or lot 3 or 5 Dreyer Street, Tammin.

As the Building Surveyor I have concerns with the placement of residences in the three lots in Nottage Way as I am advised the area floods. I will review the area after a major storm to assess the suitability of construction of residences on the Nottage Way lots.

The majority view was lot 119 Draper Street.

The matter is referred to Council for action.

FINANCIAL IMPLICATIONS

Not applicable in this report.

Note: Councils budget for 2003/2004 allows for the receipt of \$20,000.00 from Country Housing Authority for house and construction in June 2004.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS - Nil.

RECOMMENDATION

“That Council constructs the Country Housing Authority three bedroom residence on lot 119 Draper Street, Tammin.”

STAFF / COUNCIL RECOMMENDATION

MIN 0645/04 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

That Council constructs the Country Housing Authority three bedroom residence on lot 119 Draper Street, Tammin.

CARRIED 4/0

Agenda Reference:	11.2.7
Subject:	House Unfit for Habitation
Location:	22 Walston Street, Tammin
Applicant:	N/A
File Ref:	ASS 385
Disclosure of Interest:	Nil.
Date:	28 March 2004
Author:	John Mitchell, Manager Development Services

THIS REPORT IS PROVIDED IN CONFIDENCE AS THE MATTER MAY BE REFERRED TO COUNCIL’S SOLICITORS FOR LEGAL ACTION. THE REPORT STATES PROPOSED STRATEGIES TO RESOLVE THE ONGOING ISSUES AND INFORMATION GIVEN TO THE DEFENDANT MAY JEOPRODISE COUNCILS POSITION.

The matter is referred back to Council from the October 2003 meeting as it would appear that the owner is reluctant to comply immediately with Council’s direction.

BACKGROUND

At the Council meeting held on 14th November 2001 a report was presented by the Environmental Health Officer regarding the untidy condition of the property. Part of that report related to an inspection of the internal of the residence and in the opinion of the EHO was unfit and did not comply with the requirements of the Health Act 1911.

COMMENT

Council can require that a residence be inspected. It is the opinion of the Manager, Development Services that the external appearance of the dwelling is sub standard and an inspection is warranted.

Council's direction to inspect is requested. It is acknowledged that the Administration has delegated powers and can inspect without reference to Council (initially), although Council support for the order is required.

The reason for the inspection is two fold: -

1. The residence and grounds have not been cleaned up after 10 years of effort by Council and little effort has been made to maintain the site to a suitable condition. If the residence warrants an unfit for Human Habitation order than there is additional incentive to resolve the issues.
2. The Health Act provisions should require the entire site to be cleaned up and if necessary an order from the court issued to ensure the site is cleaned.

The matter has been discussed with Council's solicitors who agree the Health Act approach will be more satisfactory.

Councils support of the administration approach is requested to ensure that the matter proceeds smoothly. The owner has given every indication and agreement to comply with Council and court directions. However, the agreed timeframes are not being met in order for satisfactory progress to be made.

STAFF / COUNCIL RECOMMENDATION

MIN 0646/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

That Council endorse undertaking of an external/internal inspection of the dwelling on property located at 22 Walston Street, Tammin.

CARRIED 4/0

Agenda Reference:	11.2.8
Subject:	New Local Law - Shire of Tammin Parking and Parking Facilities
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	LLAW07
Disclosure of Interest:	Nil
Date:	20 March 2004
Author:	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.

No previous Bylaws were adopted by Council.

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, ACROD 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 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 – 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: -

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 – Shire of Tammin Parking and Parking Facilities Local Law

Purpose:

1. Constitute a parking region,
2. Enable to 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.

RECOMMENDATION

1. "That Council resolve to make a local law – Shire of Tammin Local Government Parking and Parking Facilities Local Law."
2. "That the draft Shire of Tammin Local Government Parking and Parking Facilities 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 Parking and Parking Facilities be considered by Council once the public submission period closes."

STAFF / COUNCIL RECOMMENDATION

MIN 0647/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

1. "That Council resolve to make a local law – Shire of Tammin Local Government Parking and Parking Facilities Local Law."
2. "That the draft Shire of Tammin Local Government Parking and Parking Facilities 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 Parking and Parking Facilities be considered by Council once the public submission period closes."

CARRIED 4/0

Agenda Reference:	11.2.9
Subject:	New Local Law - Local Government Property
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	LLAW08
Disclosure of Interest:	Nil
Date:	20 March 2004
Author:	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. Use of Hall – Tammin – 24/11/50
2. Prevention of damage to streets – 6/10/70

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: -

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.

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 – Shire of Tammin Local Government Property

Purpose:

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.

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."

STAFF / COUNCIL RECOMMENDATION

MIN 0648/04 MOTION - Moved Cr. Stokes 2nd 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 4 /0

Agenda Reference:	11.2.10
Subject:	New Local Law - Cemetery
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	LLAW02
Disclosure of Interest:	Nil
Date:	21 March 2004
Author:	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 indicates that the Shire of Tammin adopted a bylaw for the cemetery.

1. Cemetery – 13/8/20
2. Cemetery amendments 10/10/52
3. Cemetery – Tammin amendments 15/7/77
4. Metrication - 23/12/77

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. It should be noted that the fees and charges are those suggested by the Department of Local Government and may require review.

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: -

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 – Tammin Cemetery

Purpose:

The purpose 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.

RECOMMENDATION

1. "That Council resolve to make a local law –Cemetery Local Law."
2. "That the draft 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 Local Law – Cemetery be considered by Council once the public submission period closes."

STAFF / COUNCIL RECOMMENDATION

MIN 0649/04 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

1. *"That Council resolve to make a local law –Cemetery Local Law."*
2. *"That the draft 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 Local Law – Cemetery be considered by Council once the public submission period closes."*

CARRIED 4 /0

Agenda Reference:	11.2.11
Subject:	Introduction – Keeping and Control of Cats
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	LLAW00
Disclosure of Interest:	Nil.
Date:	20 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

Over the last few years many local governments have introduced Cat Local Laws to control the keeping of cats, promote responsible ownership of cats, reduce the ecological impact of an introduced species and provide for the impounding and disposal of nuisance cats.

Attached is the Shire of Northam proposed local laws relating to this matter.

COMMENT

Under existing legislation Council has limited powers and controls to contain the number of cats per property and to provide rights to affected neighbours.

Council's Local Health Local Laws provide for numbers that can be kept and for cattery's control. The attached local law provides for the registration of cats and identification thru a collar and/or microchip.

Experience within local government has shown that elderly persons tend to accumulate a variety of animals including stray cats and numerous dogs. In my time I have been involved in the removal of over 100 cats from individual properties on more than one occasion.

Does Council wish to consider a local law for the keeping and control of cats?

A suggested approach is to canvas the views of the public and surrounding local governments to assess the level of nuisance and known issues that cannot be resolved through existing legislation.

FINANCIAL IMPLICATIONS

The preparation of the local law including advertising and subsequent gazettal are estimated at \$500.00.

POLICY IMPLICATIONS

I am not aware of any Council policy affecting the keeping of cats.

STATUTORY IMPLICATIONS

Provides a firmer legislative ground for control of nuisances created by cats.

RECOMMENDATION

“That the proposed local law for the Keeping of Cats be advertised locally and the Administration review the requirement for the local law and the extent of the local law within local government.”

STAFF / COUNCIL RECOMMENDATION

MIN 0650/04 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

That the proposed local law for the Keeping of Cats be advertised locally and the Administration review the requirement for the local law and the extent of the local law within local government.

CARRIED 4/0

Agenda Reference:	11.2.12
Subject:	Amendment to the Metropolitan Regional Town Planning Scheme
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	ENG13
Disclosure of Interest:	Nil.
Date:	30 March 2004
Author:	John Mitchell, Manager Development Services

BACKGROUND

The Hon. Frank Hough JP MLC has corresponded seeking Council support for the proposed Metropolitan Regional Scheme Primary Roads Reservation for the Fremantle Eastern Bypass from the Perth Metropolitan Region Town Planning Scheme in relation to heavy haulage routes.

COMMENT

The correspondence advises that the State Government proposes to delete the proposed reservation in favour of the alternative Stock Road/Leach Highway option. The proposal will result in the cancellation of the completion of the Roe Highway Ring Road.

The Hon. Hough MLC advises that the option proposed by the Government will force large volumes of over length vehicles into areas adjacent to Tourism centres and potentially create hazards and pollution for residents and users of the road system.

The Hon Hough MLC states that an executive summary from Connell Wagner, ERM, Clifton Coney Stevens concluded that the Fremantle Eastern Bypass option will result in greater reductions of traffic volumes on the existing road network and provide a dedicated regional road network to connect the eastern and southern metro areas to the Fremantle inner harbour.

Council has an opportunity to comment.

FINANCIAL IMPLICATIONS - Nil.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS - Nil.

RECOMMENDATION

“That the Shire of Tammin advise the State Government that it supports the retention of the Fremantle Eastern Bypass/Roe Highway option from the Perth Metropolitan Region Town Planning Scheme.”

STAFF / COUNCIL RECOMMENDATION

MIN 0651/04 MOTION - Moved Cr. Stokes 2nd Cr. Wheeldon

That the Shire of Tammin advise the State Government that it supports the retention of the Fremantle Eastern Bypass/Roe Highway option from the Perth Metropolitan Region Town Planning Scheme.

CARRIED 4/0

Agenda Reference:	11.2.13
Subject:	Shire of Tammin Local Law – Repeal of By-laws
Location:	Tammin
Applicant:	Shire of Tammin
File Ref:	LLAW00
Disclosure of Interest:	N/A
Date:	4 March 2004
Author:	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 it should be repealed or amended.

Council at the Ordinary Meeting held on 10th April 2003 resolved to adopt the local law.

COMMENT

This local law is titled : - **Shire of Tammin Repeal of Bylaws Local Law 2003**

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 procedures for adoption and revocation of local laws is contained in sections 3.12 – 3.19 of the Local Government Act 1995 (“the Act”), and in summary are: -

- 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 proposed local law has been advertised as required by the Local Government Act 1995.

No submissions were received. The local law as proposed at the April 2003 meeting is unchanged.

Section 3.12(2) of the Local Government Act 1995 (LGA95) requires the following: -

The Presiding Member shall cause to be read aloud the summary of the local law and the effect of the local law (section 3.12(2) of the LGA95): -

Repeal of By-Laws

Purpose

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 superceded by newer legislation.

Effect

All existing local laws as contained within the Registry will be rescinded and replaced with more modern legislation.

FINANCIAL IMPLICATIONS

The majority of works will be undertaken in-house with financial implications limited to gazettal fees of \$50.00 per Government Gazette page. It is proposed to repeal all laws as shown on the attached list.

POLICY IMPLICATIONS - Nil.

STATUTORY IMPLICATIONS

Section 3.12 (2) of the 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.

RECOMMENDATION

1. "That Council note that there were no submissions regarding the proposed local law – Repeal of Bylaws received.
2. "That Council resolve to make the following law to rescind the following local laws: -

Shire of Tammin Local Laws Register				
G.G	Page	Action	Particulars	Revoked
13/8/20	1353/4	*	Cemetery	*
22/7/49	1603	*	Long Service Leave	*
19/8/49	2088/94	*	General	*
23/9/49	2356/65	*	Buildings	*

24/11/50	2632/3	*	Halls	*
1/6/51	1530	Amend	Buildings - Ceiling Heights	*
6/7/51	1976	*	Nuisances	*
14/3/52	669	Amend	Buildings	*
10/10/52		Amend	Cemetery	*
16/10/53	2096/7	Amend	Hawkers	revoked
30/3/66	828	Adopt	Obstructing Animals and Vehicles - Draft Model By-Law No. 7	*
6/10/70	3115	Adopt	Old Refrigerators & Cabinets - Draft Model By-Law No. 8	*
6/10/70	3116	Adopt	Prevention Of Damage To Streets - Draft Model By-Law No. 15	*
7/9/71	3286	Adopt	Control Of Hawkets - Draft Model by-law No. 6	*
28/10/71	4217	Adopt	Signs, Hoardings & Billpostings - Draft Model By-Law No. 13	*
28/2/75	173/6	Adopt	Dogs	4/9/81
6/5/77	1342	Adopt	Nuisance - Limit Parking Of Vehicle Carrying Stock	*
15/7/77	2266	Amend	Cemetery - Tammin	*
23/12/77	4721	Amend	Tammin Cemetery - Metrication	*
1/2/80	332	Adopt	Petrol Pumps - Draft Model By-Law No. 10	*
4/9/81	3886/8	*	Dogs	*
2/7/82	2378/79	*	Motor Vehicles Control & Storage - Old Disused	*
30/7/82	3006/7	*	Pest Plants	*
16/3/90	1429	*	Trees, Scrub, Undergrowth, Refuse, Rubbish, Vehicle Bodies, Disused Materials & Unsightly Items & Objects Clearing & Removal of	*
6/3/92	1133	Amend	Dogs	*
19/8/93	4500/3	Adopt	Fencing	*
2/02/01	702-703	Adopt-Repeal	Health	*

STAFF / COUNCIL RECOMMENDATION

MIN 0652/04 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

1. *“That Council note that there were no submissions regarding the proposed local law – Repeal of Bylaws received.*
2. *“That Council resolve to make the following law to rescind the following local laws: -*

Shire of Tammin Local Laws Register

G.G	Page	Action	Particulars	Revoked
13/8/20	1353/4	*	Cemetery	*
22/7/49	1603	*	Long Service Leave	*
19/8/49	2088/94	*	General	*
23/9/49	2356/65	*	Buildings	*
24/11/50	2632/3	*	Halls	*
1/6/51	1530	Amend	Buildings - Ceiling Heights	*
6/7/51	1976	*	Nuisances	*
14/3/52	669	Amend	Buildings	*
10/10/52		Amend	Cemetery	*
16/10/53	2096/7	Amend	Hawkers	revoked
30/3/66	828	Adopt	Obstructing Animals and Vehicles - Draft Model By-Law No. 7	*
6/10/70	3115	Adopt	Old Refrigerators & Cabinets - Draft Model By-Law No. 8	*
6/10/70	3116	Adopt	Prevention Of Damage To Streets - Draft Model By-Law No. 15	*
7/9/71	3286	Adopt	Control Of Hawkets - Draft Model by-law No. 6	*
28/10/71	4217	Adopt	Signs, Hoardings & Billpostings - Draft Model By-Law No. 13	*
28/2/75	173/6	Adopt	Dogs	4/9/81
6/5/77	1342	Adopt	Nuisance - Limit Parking Of Vehicle Carrying Stock	*
15/7/77	2266	Amend	Cemetery - Tammin	*
23/12/77	4721	Amend	Tammin Cemetery - Metrication	*
1/2/80	332	Adopt	Petrol Pumps - Draft Model By-Law No. 10	*
4/9/81	3886/8	*	Dogs	*
2/7/82	2378/79	*	Motor Vehicles Control & Storage - Old Disused	*
30/7/82	3006/7	*	Pest Plants	*
16/3/90	1429	*	Trees, Scrub, Undergrowth, Refuse, Rubbish, Vehicle Bodies, Disused Materials & Unsightly Items & Objects Clearing & Removal of	*
6/3/92	1133	Amend	Dogs	*

19/8/93	4500/3	Adopt	Fencing	*
2/02/01	702-703	Adopt- Repeal	Health	*

CARRIED 4/0

Chief Executive Officer's Report For the period February/March 2004

1. Human Resource Management

Clerical Finance Officer – Liz McDonald has been approved for accrued Annual Leave Entitlements for a three month period ending around early June 2004. The accrued leave needs to be reduced in order for better management of leave periods and to protect Council's future liability in respect to budgeted expenditure.

Vacant Supervisor Works & Services position – advertising of this position was commenced and closes on Wednesday 31st March 2004. Assessment of applications received will be undertaken by end of the week to determine a short list of applicants for interview purposes. The successful applicant has been allocated the 4 bedroom Ridley Street Residence for occupancy and hopefully, during the next week or so an appointment will be made to fill this position.

2. Chief Executive Officer Performance Appraisal Process

All Councillors have been advised of the date for completing this process, set for Friday 23rd April 2004. Facilitator John Phillips, Executive Manager, Workplace Solutions has arranged this next phase in association with the Presidents of Tammin and Kellerberrin. My understanding is that all Councillors of both local governments will be involved to agree on a Performance Appraisal Proforma and to undertake this task for the first time. This follows the process of all Councillors having an opportunity for input to setting the "template" for completing this task.

3. Proposed Dam Storage Project

Monday 29th March 2004, a meeting was convened with landowner Bruce Carter on the north side of the Recreation Oval to consider construction of a Dam. In attendance were Manager Works & Services, Crs Thompson and Stokes and the Chief Executive Officer to discuss the proposed dam site/location with Mr Carter.

The following matters were raised :

- General agreement for the project on identified land
- Agreement for survey, testing and excision of required land and including roaded catchment if required.
- Agreed market value for the land including fencing, power connection, titles, surveying, etc. Mr Carter was in agreement to commence the desired works as soon as possible in respect to constructing a dam prior to the full winter period.
- Onsite assessment of water courses were identified.
- Landowner in support of identifying the required land and paddock working was not a major concern for cropping purposes.

In general, a positive meeting to move forward with this project with priority on completing onsite testing of soil and to prove up the drain lines for maximum benefit of stormwater catchment. Council discussion is invited.

4. Summary Report on Inaugural Regional Waste Forum Shire of Quairading

The Shire of Quairading hosted a Regional Waste Forum inviting surrounding local governments, applicable Government Agencies, insurance responsibilities and case studies from smaller communities.

The case studies involved the communities of Boyup Brook, Wickepin and recent improvements to the Quairading Refuse Site. A Bus Tour of Quairading programs was conducted and whilst it is all new, some \$60,000.00 was expended on reconstructing the site for improved waste disposal and separation.

No answers was able to be given by the Waste Management Branch of the Department of Environment of ensuring that markets were sustainable in the future, other wise the real issue of stockpiling our own waste may become a reality. This is a major reason of why private enterprise be encouraged and supported to establish and maintain markets for sustainability of recycling and separation activities for the benefit of users and the local community.

The State Government has set an Agenda of achieving zero waste by the year 2020, whilst this is going to be a difficult target to achieve, greater incentives and increased regulation needs to be introduced to ensure that the community has an incentive to achieve this in partnership.

Funding opportunities via the Waste management Branch has been frozen by the Government, some \$4.8 million and the only current avenue is via the National Packaging Covenant program.

The promotion of kerbside collection is available however, this should be offset with the affordability of introducing this program and not rely on industry benchmarks that are relative to high population areas. There are no case studies in terms of cost and success rates of communities less than 10,000 population and any consideration should be met with caution as to affordability and the preparedness of the community to pay.

A high concern of participants was the “boundary dumping” issue in that if a neighbouring site was staffed and/or fees imposed, consumers will go that little further to dump waste, legally or illegally. The meeting agreed to work towards a uniform acceptance that fees should be charged at sites to deter the indiscriminate dumping and to ensure some control of the site is maintained where the real possibility of license breach may occur due to outside influences.

Other matters raised included compliance issues, container deposits (this is a political matter) funding incentives, staffing of sites and protection of future markets in terms of their development, regional use of a Chipper Machine, developing products from waste plastics, etc.

5. Central Wheatbelt Enterprise Scheme (BEC) – Vacant Position of Manager

To date, Council has not been advised of whether the interviews have been conducted and if so, the successful applicant and Council has not been advised of its registration of interest to “host” the Business in Tammin. When information becomes available, Council will be advised. For the information of Council.

6. Council clarification on Payroll Totals in Payments made – March 04 Meeting

Clarification was requested on the differing totals for payroll periods of the Council.

Summarised hereunder are samples of the differences in payroll amounts certified;

- Fortnight ending 05/11/03 = \$10,915.92 (payment of staff bonus pays/TALEC Managers pay adjustment)
- Fortnight ending 19/11/03 = \$8,619.91 (standard pay calculations)
- Fortnight ending 14/01/04 = \$6,855.25 (Cleaner on Annual Leave and truck Driver took unpaid leave, plus one Staff on annual leave)
- Fortnight ending 28/01/04 = \$10,022.34 (payment of outside staff bonus pays, additional TALEC Building cleaning wages)

The sample of explanations can and does vary from pay to pay and Staff are conscious of certifying the correct amounts through correct procedures adopted for payroll preparation. Councillors are encouraged to raise any clarification with the Chief Executive Officer, at your convenience.

7. Tammin Hydrology Model/Outdoor Function Center

Council needs to address the issue of costs expended against this project in reference to its budget parameters. If loan borrowings is not finalised then Council will encounter a budget deficit going into 2004/2005 financial year. An Agenda item is listed for Council consideration and direction.

8. Meetings/Appointments of CEO –March /April 04 period

The following is a summary of meetings/appointments committed by the Chief Executive Officer for the reporting period:

DATE	MEETING/APPOINTMENT	VENUE
02.03.04	Meeting with Rob and Julie Doncon Re: House at Restdown Estate	Kellerberrin
02.03.04	Recreation Facility Steering Committee Meeting	Kellerberrin
03.03.04	Inspection of Ex BP Building Tammin	BP Building
03.03.04	Inspection of Tammin Golf Club	Tammin Golf Club
05.03.04	Tammin Council Meeting	Council Chambers
07.03.04	Recreation Facility Steering Committee Tour	Narrogin, Kulin, Bruce Rock
08.03.04	Meeting with Steve Alcock Re: Building Maintenance Position	Council Office
09.03.04	Meeting with the Proposed Centre/Museum For Contemporary Art – Country Arts WA	Council Chamber
11.03.04	District Welcome Function	Kellerberrin
12.03.04	Meeting with President, Cr Scott	Council Office
15.03.04	Meeting with Craig Stevens (Ampol-KE)	Kellerberrin
15.03.04	TALEC Meeting	Council Chambers
15.03.04	Meeting with David Jones (Dryandra)	Kellerberrin
16.03.04	Kellerberrin Works & Services Meeting	Kellerberrin
17.03.04	Football Club Committee Meeting	Tammin Hotel
18.03.04	Wallatin CDI Sundowner	Doodlakine
19.03.04	Waste Management Seminar	Quairading
23.03.04	Meeting with Anne Brake	Hydrology Model, Tammin
23.03.04	Joint Works & Services Committee Meeting	Tammin Council Chambers
25.03.04	Open Morning at KDHS	Kellerberrin DHS
25.03.04	General Discussions with Jane York	Tammin Office

25.03.04	Discussion with Paul Blechynden CALM	Tammin
25.03.04	Meeting with Steve Williams	Tammin Office
25.03.04	6MD Breakfast Radio Sundowner	Merredin
26.03.04	Citizenship Ceremony	Kellerberrin
29.03.04	Onsite assessment Carter Dam Site	Bruce Carters, Tammin
30.03.04	Meeting with Kevin Reid, Bowling Club KE	Kellerberrin office
01.04.04	Great Eastern Country Zone Meeting	Bencubbin

Manager Corporate Services Report

Rates

Instalment notices were printed and sent out on the 19th March 2004. This instalment is the final instalment and payments are due on the 14th May 2004.

Council has currently as at the 30th March 2004 \$24,040.88 outstanding rates, of the \$24,040.88 there is \$1,053.52 of instalments. Council is only three thousand dollars off being below last year's outstanding rates amount. This is a good reflection on Council as we have worked hard to reduce our outstanding amounts owed to Council.

Councils debt level is low and recovery of outstanding rates is improving.

This is a good indication of how the changes in which Management have put in place have made with respect to the follow up procedures for any outstanding account.

Along with the \$1,053.52 being on instalments we have a further \$5,333.67 being paid off as these rate payers can not afford to pay the outstanding amount out in full.

Debtors

Please find below a listing and details to accounts that are 60 days and over that Council is in the process of follow ups.

Debtor 1572 – Hire of Grader (Private Works). Contact was made with the client and they are unsure why this has not been paid and are going to forward a cheque to us ASAP. They apologise for the delay.

Debtor 254 – Hire of Truck for removal of dust. Council has been in contact with Debtor and there is confusion in what has happened with respect to the allocation of a payment. We are currently in the process of researching this and it is to be finalized by the next Council meeting.

Debtor 907 – Hire of Grader. Debt Collector has been in contact with us and advised that they are having difficulty in contacting this client again though they have now found one of the owners and they are currently putting a summons on this owner. They will be in contact to advise us of the outcome. Should this option not bring any monies forward I feel that at Council's next ordinary meeting this be prepared in agenda format for write off.

Debtor 1409 – Accommodation at TALEC. Contact was made with the client on the 30th March 2004 and we were advised that they have issued the cheque and the person in control of it hasn't forwarded it to us as yet. They are very disappointed in this and they are contacting them today to sort this matter out.

The remainder of the outstanding accounts are accounts that have been raised in the month of February 2004.

General

State Government has forced Councils into creating a Recordkeeping Plan for the Shire administration. This recordkeeping plan was to be completed and received by the State Records Office of Western Australia by the 7 March 2004. This information was forwarded to the State Records Office and received on the 02nd March 2004. Our registration number for this is RKP 2004159.

Be-Active, On the 2nd March 2004 I went to Merredin to attend the Be-Active meeting for the Management Group. I also attended interviews for the new Be-Active as part of the interview panel representing the Shires of Tammin and Kellerberrin. There were 4 interviewees and the position was offered to Mr Rodney Thornton who is currently employed in this position in the Roe Districts Scheme (Kulin).

FESA, On the 15th March 2004 I attended the District Operations Advisory Committee meeting in Merredin. Throughout this meeting there were many concerns with respect to FESA taking ownership of all the old vehicles once the brigades take ownership of their new bush fire fighting vehicle. FESA advised the group that as long as they receive a vehicle that are not concerned.

The FESA operating budgets have been completed in consultation with all the brigades and has been forwarded to FESA for consideration. FESA contacted me on Thursday on last week via mobile phone and advised that our operating budget was accepted and passed.

MIBS – On the 22nd March 2004 Jordan Reid from Municipal Insurance Brokers visited to discuss all of the Shire of Tammin's insurance needs for 2004/2005. The insurance information is to be forwarded back to MIBS by the 31st March 2004 for them to obtain quotes on all of our insurance requirements for the forth coming financial year.

Staff

Starting on the 19th March 2004 Liz McDonald our Clerical Finance Officer will be on leave until the 8th June 2004. In Liz's absence Michelle McDonnell will be relieving for 2 days a week for the first 4 weeks and then 2 – 4 days till Liz arrives back from her well deserved break.

Manager Development Services Report

Abattoirs

Recent discussions with the Manager, have determined that the abattoirs proposes to commence trial operations during the week after Easter. The Meat Inspector has been appointed and Value Added Meats (VAM) have been advised that fortnightly payments of accounts are required. The cost to Council to provide the service is \$1350/week.

VAM have been advised that there has been no additional administration costs added to the account. VAM will be responsible for all direct costs of operation only.

The main hurdle now is the requirement for Department of the Environment approval.

22 Walston Street – Edwin Houghton – State of Play

Mr Houghton is very slowly commencing a cleanup of the yard. Recently however it has been noticed that additional materials have been brought in and where the old truck has been removed it has been replaced with an old FORD.

Mr. Steve Williams of City and Regional Waste is liaising with Mr. Houghton regarding the removal of waste from the yard. I have discussed the matter with Mr. Williams who has advised he will make one last effort to address the issues and save Council the cost of a prosecution. Mr. Williams is representing Mr. Houghton at Mr Houghton's request.

I have placed the previous report on the agenda again for Council consideration and request that Council provide the Administration with the authority to commence a second round of action to resolve the issues.

BP Garage – Proposed Uses

General rumour around Tammin has suggested that the owner proposes to operate a truck depot from the garage. The Administration has written to the owner and advised that a 1.8m mesh fence may be installed, however the use of the site is limited to commercial uses and the proposed use as a truck depot is not approved. The applicant has liaised with the CEO and a site in Barracks Road is being considered.

Local Law – Activities in Thoroughfares and Trading in Public Places

The Local Law is currently being advertised as required by the Local Government Act 1995

Manager, Works & Services Report March 2004

1.0 ROAD MAINTENANCE

- 1.1 Cubbine Road
- 1.2 South Tammin Road (South End)
- 1.3 Rogers Kitto Road
- 1.4 Quinn Rogers Road

2.0 STORM DAMAGE REPAIR

- 2.1 Quartermain Road
- 2.2 Moore Road
- 2.3 Yorkrakine Road
- 2.4 Doodgin Peak Road
- 2.5 Wheeldon Road
- 2.6 York Cross Road
- 2.7 Golf Links Road

3.0 STARTING GRAVEL SHEETING

- 3.1 Doodgin Peak Road
- 3.2 Lowles Road
- 3.3 Turon Road

4.0 GENERAL MAINTENANCE

- 4.1 Mowing Park
- 4.2 Watering, Mowing Oval
- 4.3 Water Wicket
- 4.4 Replant patch on oval by south end goals

- 4.5 Clean up streets
- 4.6 Paving in front and at rear of Shire Office
- 4.7 Watering of lawn and mowing at Hydrology Model
- 4.8 Waste pick up in town
- 4.9 New sliding door at Shire Office
- 4.10 Lights repaired at TALEC

5.0 PRIVATE WORK

- 5.1 G.Charlton, hired wacker packer
- 5.2 School, rubbish
- 5.3 Abattoirs, mowing lawn
- 5.4 T. Crogan, grader hire
- 5.5 L. Steber, hire cherry picker

FRANK PECZKA

Chief Executive Officer

STAFF / COUNCIL RECOMMENDATION

MIN 0653/04 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

That the Chief Executive Officers Report including the following sub reports be accepted:

1. *Manager Corporate Services Report*
2. *Manager Development Services Report*
3. *Manager Works and Services Report*

CARRIED 4/0

TAMMIN ROADHOUSE STAFF HOUSING REQUIREMENTS

STAFF / COUNCIL RECOMMENDATION

MIN 0654/04 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

That Council offer vacant residential lots at \$10.00 per lot to United Bay Holdings Pty Ltd, for the purpose of immediate construction of new dwellings, for the purpose of Tammin Roadhouse staffing requirements.

CARRIED 4/0

CLOSURE OF MEETING

6:35pm - There being no further business to discuss President, Cr Leslie thanked Members for their attendance and closed the meeting.

NEXT MEETING DATE

Wednesday, 5 May 2004 commencing at 1:00pm at Council Chambers.