



# **Minutes of the Ordinary Council Meeting**

**held on 26 May 2009**

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## Shire of Wagin

Minutes of the Ordinary Council Meeting of Council held in the Council Chambers on Tuesday 26<sup>th</sup> May 2009.

### 1. DECLARATION OF OPENING

The Shire President Cr Blight declared the meeting open at 7.01pm.

#### **1031 Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr. KM Draper

That Council suspend Standing Orders.  
Carried 10/0

#### Statutory Declaration

Statutory Declarations were signed by all Councillors as resolved in Item 16.4 of the Ordinary Council Meeting 28 April 2009.

#### **1032 Council Decision**

Moved: Cr. GR Ball

Seconded: Cr. DK Morgan

That Council resume Standing Orders.  
Carried 10/0

### 2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

|                 |                     |   |
|-----------------|---------------------|---|
| <b>Present:</b> | Cr P J Blight       | President                                 |
|                 | Cr G R Ball         | Member                                    |
|                 | Cr A C Dohle        | Member                                    |
|                 | Cr J L C Ballantyne | Member                                    |
|                 | Cr D K Morgan       | Member                                    |
|                 | Cr J L Ewen         | Member                                    |
|                 | Cr I C Cumming      | Member                                    |
|                 | Cr K M Draper       | Member                                    |
|                 | Cr J P Reed         | Member                                    |
|                 | Cr G K B West       | Member                                    |
| <b>Staff:</b>   | Mr L J Calneggia    | Acting Chief Executive Officer            |
|                 | Mr A Pieterse       | Manager of Finance and Corporate Services |
|                 | Mr A D Hicks        | Manager of Works                          |

**Visitors:** Kelly Patterson, Allan Ward, Mike Ritchie, Ian & Wendy McDougall

**Apologies:** Nil

**Leave of Absence:**

Nil

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

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**6. PUBLIC FORUM (PETITIONS/DEPUTATIONS/PRESENTATIONS)**

Nil

**7. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**1033 Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. AC Dohle

That the Minutes of the Ordinary Council Meeting held on 28th April 2009 be confirmed as true and accurate.

Carried 10/0

**8. DISCLOSURES OF FINANCIAL AND OTHER INTERESTS**

*Cr L Ballantyne declared a financial interest in Item 12.8*

*Cr K Draper declared a financial interest in item 12.3*

*Cr J Ewen declared a financial interest in item 12.4*

*Cr J Reed declared a financial interest in item 12.9*

## 9. STATUS REPORT

### April 2009

| Date         | Resolution # | Officer | Description                                   | Action   | Status                                 | Questions & Comments     |
|--------------|--------------|---------|---|--|--|--------------------------|
|              |              |         | <b>FINANCE &amp; ADMINISTRATION</b>           |  |  |                          |
| 17 June 2008 | 734          | CEO     | Development and sale of industrial land       | Planning approval necessary  | Proceeding                             |                          |
| 21 Oct 2008  | 820          | CEO     | Water Corporation Agreement                   | Refer item to Works & Services Committee   |  |                          |
| 18 Nov 2008  | 842          | ADCEO   | Council Policies                              | Update Policies  | Ongoing                                |                          |
| 18 Nov 2008  | 846          | ADCEO   | Health Building and Planning Policies Amended | Remove any reference to the Health, Building and Town Planning Standing Committee  |  |                          |
| 18 Nov 2008  | 856          | CEO     | Waratah Lease                                 | Proceed with plans for a sub lease.  |  |                          |
| 18 Nov 2008  | 857          | CEO     | Youth Centre                                  | Establish a youth advisory committee, approach the Wagin Agricultural re: leasing 'old drive in' and provide assistance in set up. | Letter received from Youth Club        | Item to May 2009 Meeting |
| 16 Dec 2008  | 875          | CEO     | Warren Blackwood Proposals                    | Prepare and advertise request for proposals from interest parties for kerbside recycling and processing.                           |  |                          |
| 16 Dec 2008  | 878          | SPO     | Recycling for Farmers                         | Purchase a sea container and construct a recycling collection module   | Order issued for purchase of container | Completed                |

|             |                |      |   |   |  |   |
|-------------|----------------|------|---|---|--|---|
| 16 Dec 2008 | 894            | CEO  | Bus Stop Gardens                                      | Council to send a letter of appreciation to the Chamber of Commerce thanking them for their donation on completion of the project   |  | Completed   |
| 27 Jan 2009 | 923            | SPO  | Wagin an RV Friendly Town                             | Proceed with the discussions to implement the RV Friendly Town scheme   | Letter sent to Historical Society for support<br>Completed | Taken to Sportsground Advisory Meeting<br>RV Ordered<br>Completed |
| 24 Feb 2009 | 954            | ACEO | Community Infrastructure Fund                         | Process dealing with application agreed upon  | See item this - April                                      |   |
| 24 Feb 2009 | 957            | ACEO | Sportsground Advisory Committee                       | Refer terms of reference to the committee for comment   | Agreed to and next meeting scheduled                       | Complete  |
| 24 Feb 2009 | 958            | ACEO | Drug and Alcohol Management Plan                      | Investigate if a designated zone at the Aerodrome Reserve can be designated where alcohol can be consumed                           | With Consultant see 996                                    | Awaiting Report AMS   |
| 24 Mar 2009 | 977            | ACEO | Disposal of Ride On Mower                             | Advise Wagin Golf Club of donation  |  | Completed   |
| 24 Mar 2009 | 978            | ACEO | Proposed Water Harvesting Committee                   | Advertise for public nominations to be appointed to a Water Harvesting Committee  | Ad to be placed on website and Wagin Argus                 |   |
| 24 Mar 2009 | 979            | ACEO | Purchase of 5 Arnott Street                           | ACEO to negotiate terms of lease and present to the Finance & General Purposes  | Draft lease agreed to by Mr Batt see April agenda item     |   |
| 24 Mar 2009 | 980            | ACEO | Tender – Waratah Lodge Extension                      | Advise T Parson that Tender has been accepted   | Completed  |   |
| 24 Mar 2009 | 991, 992 & 993 | ACEO | 4WD Group Decision – Amalgamations & Resource Sharing | Establish a Project Team to progress the Shire of Wagin's response to Minister and send a letter to the Minister for an explanation |  | 1 <sup>st</sup> meeting held<br>Minutes in April Agenda           |

|                   |           |      | <b>Health, Building &amp; Planning</b>   |  |  |   |
|-------------------|-----------|------|--|--|--|---|
| 20<br>Nov<br>2007 | 599       | CEO  | Apply for regional headwork's grants in relation to the Lefroy/Vernal St subdivision                                       | Make grant application   | Requires design to be completed, awaiting development approval.  | With planners                           |
| 15<br>Apr<br>2008 | 697       | CEO  | Light Industrial Land – Lefroy/Vernal Streets  | Obtain cost estimates prior to submitting a head works grant application   | Letter sent to Planning Enterprises engineers contracted for revised cost estimates  | Await decision from Planning Commission |
| 20<br>May<br>2008 | 715 & 716 | CEO  | Lots 193 & 194 Vale Street   | Proceed to realign boundary creating a road reserve.   | Realignment proceeding   | Await decision from Planning Commission |
| 21<br>Oct<br>2008 | 816       | CEO  | Dedication of portion of Ventnor Street  | Place advert in local paper, contact all adjoining land owners   | Planning Enterprises have been supplied details of adjoining owners and letters have been sent and advert has been placed in local paper |   |
| 16<br>Dec<br>2008 | 897       | CEO  | Dedication of portion of Ventnor Street between Vernal Street and Vale Street & Revesting of Lot 192 & Lot 193 Vale Street | Request the Hon Minister for Lands grant final approval to dedicate the portion of Ventnor Street and to revest Lot 192 & Lot 193 Vale Street, Prepare required documentation for submission for consideration. Advise those that prepared submissions of Council resolution |  |   |
| 24<br>Mar<br>2009 | 984       | ACEO | Dedication of portion of Ventnor St between Vernal & Vale St   | Advise the Minister for Lands & Department of Planning & Infrastructure that council resolved to indemnify them of any costs and claims arising  |  |   |

|                   |     |      |   |   |  |           |
|-------------------|-----|------|---|---|--|-----------|
| 24<br>Mar<br>2009 | 985 | EHO  | Request to keep a Rooster Lot 878<br>(56) Upland St | Advise proponent request has been<br>approved subject to conditions   | Letter Sent  | Completed |
| 24<br>Mar<br>2009 | 986 | EHO  | Neglected Building – Lot 34 Tudhoe<br>Street        | Matter deferred   |  |           |
| 24<br>Mar<br>2009 | 989 | ACEO | Use of Motorbikes on Reserve                        | Item deferred for further investigation   |  |           |
| 24<br>Mar<br>2009 | 994 | ACEO | School Bus Pick Up/Ser Sown Area                    | Modify unsealed portion of Throssell St<br>and construct proposed crossover after<br>the 3 month trial period | Letter to school –<br>changed their minds,<br>waiting for their<br>advice. |           |



| <b>WORKS &amp; SERVICES</b> |           |      |                                    |  |   |                   |
|-----------------------------|-----------|------|------------------------------------|--|---|-------------------|
| 24 Mar 2009                 | 973       | MOW  | Footpaths                          | Remove trees between Ventnor St to Boddington Lane to Tudhoe Street and replace footpath   | 80% trees removed waiting for contractor to remove the remaining 3. |                   |
| 24 Mar 2009                 | 975       | MOW  | Category 4 Network Upgrades        | Commence project as follows; Bullock Hills Rd, Jaloran Rd/Edwards Rd & Thompson & Noble Rd | Commenced work on Bullock Hills Road.                               |                   |
| 24 Mar 2009                 | 976       | MOW  | Intersection Regulatory Signs      | Be Noted   | Main Roads to install as time permits.                              |                   |
| 24 Mar 2009                 | 981       | MOW  | Wagin Library Car Park             | Commence landscaping as per resolution   | Waiting for Shire to make a decision on removal of trees.           | Agenda item April |
| 24 Mar 2009                 | 987       | SPO  | Blessing of Wagin Roads for Easter | SPO to arrange   | Completed   | Completed         |
| 24 Mar 2009                 | 995       | ACEO | Romans 2 – Asset Management System | Council agree in principal to participate in scheme and advise WALGA accordingly           | WALGA notified of support   |                   |
| 24 Mar 2009                 | 996       | ACEO | Wagin Airport Upgrade              | Engage services of Aerodrome Management Services and provide advice of proposed works      | Awaiting report   |                   |
| 24 Mar 2009                 | 997 & 998 | ACEO | Piesseville Standpipe              | Contact the Water Authority re: pressure reduction at the standpipe                        |   | Completed         |

**1034 Council Decision**

Moved: Cr. AC Dohle

Seconded: Cr. DK Morgan

That the Status Report be received.  
Carried 10/0

**10. REPORTS OF STANDING COMMITTEES****10.1 Finance and General Purposes Committee**

Attachment 10.1 is the minutes of the meeting held on 18 May 2009. Below are listed the recommendations from this committee for Council's consideration. The item numbers below correspond to the item numbers in the attached minutes.

**5.1 Budget Review****1035 Committee Recommendation / Council Decision:**

Moved: Cr. IC Cumming

Seconded: Cr. KM Draper

That Council receive this report.  
Carried 10/0

**Committee Recommendation:**

Moved: Cr.

Seconded: Cr.

That Staff contact ISIS Finance and request they provide all information and documentation regarding the lease of the new Isuzu truck.

**Note:** Staff followed this up with ISIS Finance and received all the needed information. It needs to be made clear that this is a hire agreement and that the new truck will not become shire property at the end of the 60 month term. The old truck was traded-in for \$67,708.55 (Excluding GST). An invoice for this amount was sent to JEM Trucks on 20 May 2009. This amount will be placed in the Plant replacement reserve. JEM Trucks will also refund \$17,978.70 which was an error on the original invoice and was not noticed when the agreement was originally signed.

**5.2 Hiring of a photocopier****1036 Committee Recommendation / Council Decision**

Moved: Cr. KM Draper

Seconded: Cr. GR Ball

That Council receive this report.  
Carried 10/0

### 5.3 The role of the Finance & General Purpose Committee

**1037 Committee Recommendation / Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. GR Ball

That the Finance and General Purposes Committee meetings be called in Consultation with the Manager Finance and Corporate Services and committee Chairman on an as needs basis.

Carried 10/0

### 5.4 Donation to Narrogin Hospital

**1038 Committee Recommendation / Council Decision**

Moved: Cr. GR Ball

Seconded: Cr. AC Dohle

That Council receive this report regarding the unbudgeted expenditure of \$4,000 to the WA Country Health Service for purchase of a new ECG machine at the Narrogin Hospital.

Carried 10/0

### 5.5 Statement of Financial Activity

**1039 Committee Recommendation / Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. JLC Ballantyne

That Council adopts the Statement of Financial Activity for the period ending 30th April 2009.

Carried 10/0

### 5.6 Statement of Payments – April 2009

**1040 Committee Recommendation / Council Decision**

Moved: Cr. AC Dohle

Seconded: Cr. GR Ball

That Council adopts the Statement of Payments for the month of April 2009 showing the following payment totals –

|   |               |
|---|---------------|
| Municipal cheque payments totalling     | \$ 38,149.53  |
| Municipal electronic payments totalling | \$ 282,019.06 |
| Trust cheque payments totalling         | \$ 900.00     |

Carried 10/0

**5.7 New Reserve Account – 5 Arnott Street Wagin****1041 Committee Recommendation / Council Decision**

Moved: Cr. KM Draper

Seconded: Cr. GKB West

That Council approves the creation of a new Reserve Account titled 5 Arnott Street Wagin and the surplus funds from the purchase of this property be placed in this Reserve for the ongoing maintenance of the property.

Carried by an absolute majority 10/0

**5.8 Write off of Various Outstanding Sundry Debts****1042 Committee Recommendation / Council Decision**

Moved: Cr. GKB West

Seconded: Cr. Ewen

That Council agree to write off the outstanding debts listed above.

Carried by an absolute majority 10/0

**10.2 WORKS AND SERVICES COMMITTEE.**

Attachment 10.2 contains the minutes of the Works and Services committee meeting held on 19 May 2009. Below are listed the recommendations from this committee for Council's consideration. The item numbers below correspond to the item numbers in the attached minutes.

**5.1.1 Heavy Haulage Routes and roads inspection****1043 Committee Recommendation / Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr. IC Cumming

That council invite Main Roads Department to attend a council meeting to explain the process involved in establishing a heavy haulage route for Wagin and that council write to CBH to find out about their plans for any future expansion.

Carried 10/0

### 5.1.2 Sutherland Road

**1044 Committee Recommendation / Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. JLC Ballantyne

That Council request traffic counts on Sutherland Road with a view to making an application for Black Spot funding to correct the intersection of Sutherland Rd & Behn-Ord Rd. Furthermore that Mr T Cronin be notified of council decision.

Carried 10/0

### 5.2 Removal of Trees

**1045 Committee Recommendation / Council Decision**

Moved: Cr. GKB West

Seconded: Cr. GR Ball

That Council approve the removal of several large trees on Painters Rd & Webb Rd to allow the movement of farm machinery at the Works Managers discretion.

Carried 10/0

### 5.3 Regional Road Group – Policy/Procedures & User's Manual

**1046 Committee Recommendation / Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. KM Draper

That Council advise MRD through Regional Roads Sub Group (Lakes) that Council endorses the Policy and Procedures Manual and Users Manual of the Regional Road Group Wheatbelt South.

Carried 10/0

### 5.4 Wagin Airport Upgrade

**Committee Recommendation**

Moved: Cr.

Seconded: Cr.

That Council adopt option one (1) of AMS Report as per option one (1) further that a RADS grant application be submitted.

**1047 Council Decision**

Moved: Cr.GKB West

Seconded: Cr. AC Dohle

That Council pursue funding opportunities with the view of adopting option two (2) of AMS Report

Carried 10/0

### 5.5 Blackspot Funding

**1048 Committee Recommendation / Council Decision**

Moved: Cr. GKB West

Seconded: Cr. IC Cumming

That Council make application for Blackspot funding in the 2010/11 year as at ACEO's discretion.

Carried 10/0

### 5.6 Recycled Water Supply Agreement

**1049 Committee Recommendation / Council Decision**

Moved: Cr. GKB West

Seconded: Cr. AC Dohle

That Council authorise the Shire President and ACEO to sign the agreement with the Water Corporation. Further that staff investigate a storing arrangement to install a 220,000kl storage tank to recover recycled water at the sportsground.

Carried by an absolute majority 10/0

### 5.7 Library Car Park and Garden

**1050 Committee Recommendation / Council Decision**

Moved: Cr. GKB West

Seconded: Cr. GR Ball

That Council accept the plan to seal and kerb car park area and new ablutions.

Carried 10/0

**1051 Council Decision**

Moved: Cr. GKB West

Seconded: Cr. KM Draper

That a further three trees be removed from the library carpark.

Carried 10/0

## 11. RECEIVABLE & ADOPTION OF ADVISORY/OCCASIONAL COMMITTEE MINUTES

**11.1 AUDIT COMMITTEE MEETING HELD ON 20 MAY 2009**

Attachment 11.1 contains the minutes of this meeting.

**1052 Committee Recommendation**

Moved: Cr. AC Dohle

Seconded: Cr. JL Ewen

That Council receive the Audit report for the 2007/2008 financial year and note the explanations from Council's Auditor – Greg Godwin.  
Carried 10/0

**11.2 STRUCTURAL REFORM PROJECT TEAM**

Attachment 11.2 contains the minutes of the Structural Reform Committee meeting held on 19 May 2009. Below are listed the recommendations from this committee for Council's consideration. The item numbers below correspond to the item numbers in the attached minutes.

**3.1 Structural Review Project****1053 Committee Recommendation / Council Decision**

Moved: Cr. KM Draper

Seconded: Cr. GR Ball

- That the A/CEO propose at the next 4WD meeting that a financial projection report be undertaken to compare any benefits (or otherwise) of merging all or some of the member councils into one Local Authority compared with the existing structures and that funding offered by the Department of Local Government be used for this purpose.
- That the Shire President commences dialogue with counterparts in neighbouring Local Authorities to determine each council's position regarding possible mergers.
- That the Wagin Shire Council looks at a preferred position regarding this issue notwithstanding any of the above actions.

Carried 10/0

**12. REPORTS OF OFFICERS****12.1 CEO's REPORT**

**PROPONENT:** Shire of Wagin  
**LOCATION:**  
**REPORTING OFFICER:** Chief Executive Officer

**Summary**

This month has been another busy one, once again. All Staff have been "putting in" some long hours. I am pleased to report that good progress is being made and Staff morale has improved measurably.

**Background****TOWNSCAPE COMMITTEE**

It was disappointing to not have a quorum for the Townscape and Tidy Towns Committee scheduled for the 18<sup>th</sup> May 2009. There is a need to obtain new members into this committee and an advertisement will be placed for this purpose.

**STAFF**

Resignation of John Case: It was disappointing to receive this resignation however; there may be an opportunity in the future for further assistance from this officer.

Brian Roderick's return is most welcomed and needed. The finance team will see quality work being undertaken.

Workplace Solutions: The Quote from John Phillips was quite expensive and Anton has agreed to conduct this review of the structure of Works and Services and Community Services areas.

Torre Evans has resigned from Town Supervisor Position, to take on a position with the Town of Mosman Park and Richard White has been promoted to Leading Hand – Town Works.

Andy Taylor has been employed full time as Plant Operator.

Tracey Simms has been appointed as Casual Plant (Roller) Operator.

Peter Inglis is away on sick leave for an undetermined period.

**Diary**

|               |  |
|---------------|--|
| 29 April 2009 | Sport and Recreation Department – Various Issues           |
| 4 May 2009    | Structural Reform Workshop                                 |
| 5 May 2009    | URP – Planning Matters                                     |
| 5 May 2009    | T Parsons – Building – Signing contract Waratah Extensions |
| 13 May 2009   | RRG Meeting – Kulin  |
| 14 May 2009   | Water Corporation – Albany – Recycled Water                |
| 18 May 2009   | Townscape & Tidy Towns Committee                           |
| 19 May 2009   | Works and Services Committee                               |
| 19 May 2009   | Structural Reform Project Team                             |
| 20 May 2009   | Audit Committee Meeting                                    |
| 20 May 2009   | Community Centre Meeting                                   |
| 22 May 2009   | Zero Waste Group Meeting (Wagin)                           |
| 26 May 2009   | 4WD Meeting – Dumbleyung                                   |
| 26 May 2009   | Council Meeting  |

**Comment**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil



**1054 Officer's Recommendation / Council Decision**

Moved: Cr.GKB West

Seconded: Cr. KM Draper

That Council receive and endorse this report.

Carried 10/0

**12.2 OVERSIZE SHED AT LOT 6 (5) UMBRA STREET**

**LOCATION:** Lot 6 (5) Umbra Street Wagin  
**PROPONENT:** J and W Farrow  
**REPORTING OFFICER:** Steve Friend Health and Building Officer

**Summary**

A request to build an extension to a shed that will exceed policy 16 of Health, Building and Planning in that the shed will exceed 110m<sup>2</sup>.

**Background**

A request has been received from the owners of lot 6 (5) Umbra Street to be able to add an extension to the existing colorbond clad shed.

The existing shed is 10.8m x 6.15m (66.42m<sup>2</sup>).

The proposed extension will be 8m x 6.15m (49.2m<sup>2</sup>).

This will make a total area of 115.62m<sup>2</sup>.

Councils policy on shed sizes limits the size of sheds to 45m<sup>2</sup> if reflective materials and 110m<sup>2</sup> if non reflective (colorbond).

The lot in question is 2002m<sup>2</sup>.

**Comment**

Council has had a policy on shed sizes and materials for some years now and has increased the size of non reflective material sheds in the past.

In most cases the sheds are adequate in size however there have been instances where the owner has applied for a larger shed to be approved, or to be able to place a shed on a lot without having a house on the lot (vacant lot).

Council has sometimes agreed and sometimes disagreed with the request.

In this instance the shed exceeds the policy by 5.62m<sup>2</sup>.

The lot is 2002m<sup>2</sup> and there is a laneway running down the rear of the lot.

**Statutory Environment**

Shire of Wagin Town Planning Scheme #2, Policy Manual.

## Policy Implications

The policy is in place to give some guidelines as to what is acceptable and what is not in relation to shed sizes.

However the policy does not differentiate between a 500m<sup>2</sup> lot and a 200m<sup>2</sup> lot.

## Budget Implications

N/A

### 1055 Officer's Recommendation / Council Decision

Moved: Cr.DK Morgan

Seconded: Cr. GKB West

That the owners of lot 6 (5) Umbra Street Wagin be permitted to add another 49.2m<sup>2</sup> colorbond extension to the existing shed, making a total of 115.62m<sup>2</sup>, subject to the issue of a building permit.

Carried 10/0

*Cr Draper left the meeting at 9.29pm.*

### 12.3 OVERSIZE SHED AT LOT 2 (32) TAVISTOCK STREET

**LOCATION:** Lot 2 (32) Tavistock Street Wagin  
**PROPONENT:** K and J Draper  
**REPORTING OFFICER:** Steve Friend Health and Building Officer

#### Summary

A request to be able to build a shed that is larger and higher than that permitted by the Shire policy regarding Residential Outbuildings.

#### Background

A request has been received to be able to erect an 11.29m x 9.96m x 3.5m (112.45m<sup>2</sup>) colorbond clad shed on lot 2 (32 Tavistock Street Wagin. The reason given for the larger shed is to house a caravan and other vehicles.

The height of the shed will exceed the policy by 500mm at the eave and 579mm at the ridge as well as 2.45m<sup>2</sup> in area. The increased eave height is to allow the caravan to enter the shed with a roof top air conditioner attached. Council's policy regarding shed sizes restricts sheds in the residential zone to 110m<sup>2</sup> and 3m eave height if constructed out of non reflective materials.

#### Comment

Increasingly the policy regarding shed sizes is being questioned as people get bigger and better caravans and other equipment.

The policy does not distinguish between a 500m<sup>2</sup> lot and a 2000m<sup>2</sup> lot.

In this case the lot is 1011m<sup>2</sup> and has a laneway running down the rear of the property. The proposed shed is only marginally larger than the policy.

**Statutory Environment**

Shire of Wagin Town Planning Scheme #2, Policy Manual

**Policy Implications**

The shed exceeds the parameters of the policy, however only just. Increasingly it is being found that the restrictions on shed sizes necessitate Council's determination to allow the development to continue.

**Budget Implications**

N/A

**1056 Officer's Recommendation / Council Decision**

Moved: Cr.GR Ball

Seconded: Cr. GKB West

That the applicant be permitted to erect an 11.29m x 9.96m x 3.5m colorbond clad shed on lot 2 (32) Tavistock Street Wagin subject to the issue of a building permit.  
Carried 9/0

*Cr Draper returned to the meeting at 9.30pm.*

*Cr Ewen left the meeting at 9.30pm.*

**12.4 PROPOSED INDUSTRIAL SUBDIVISION**

**(Construction Cost Estimate & Future Possible Funding Arrangements)**

**PROPONENT:** Shire of Wagin  
**LOCATION:** Lots 1876 (HN.19) Vernal Street (Reserve 48538) & Lots 1839, 1840 & 1841 (HN.7-15) Vernon Street, Wagin.  
**REPORTING OFFICERS:** Joe Douglas & Carlo Famiano - Consultant Town Planners (Urban & Rural Perspectives)

**Summary**

The report summarises the findings of a recent engineering investigation by JDSi Consulting Engineers regarding the future servicing requirements and construction costs for the proposed subdivision development of Lot 1876 (HN.19) Vernal Street (Reserve 48538) and Lots 1839, 1840 & 1841 (HN.7-15) Vernon Street, Wagin to create nine (9) new individually titled light industrial lots (see attached Plans 1 to 4). It also provides information regarding a future possible source of headworks funding assistance under the 'Royalties for Regions' program.

**Background**

On 13 September 2007 the Western Australian Planning Commission (WAPC) granted conditional approval to subdivide Lot 1876 Vernal Street to create ten (10) new individually titled light industrial lots, including the construction of a new internal subdivisional road. A preliminary construction cost estimate was then prepared by civil engineers McDowall Affleck for consideration by the Wagin Shire Council at its Ordinary Meeting held on 20 November 2007 (Item 9.1.3).

Following a detailed assessment of the cost of constructing the subdivision in accordance with the Commission's requirements, the Wagin Shire Council resolved not to proceed with the project in accordance with the approved plan due to its concerns regarding the overall cost.

A less costly subdivision design layout was then prepared by the Shire's consultant town planners in accordance with the Shire's instructions (see Plan 4 – Plan of Proposed Subdivision). The alternative design layout reduced the total number of lots to be created, deleted the need for an internal subdivisional road and provided opportunity for the amalgamation of some land into existing adjoining privately owned industrial lots to allow for the future possible expansion of the established businesses thereon.

Following Council's endorsement of the revised plan, a subdivision application was then prepared and lodged with the WAPC for consideration on 14 October 2008. The Commission granted conditional approval to the revised plan on 18 March 2009.

### Comment

JDSi Consulting Engineers were recently engaged to prepare a preliminary construction cost estimate for the proposed subdivision based on current market contract rates. In preparing the preliminary construction cost estimate JDSi Consulting Engineers have:

- i) not included the effect of GST in the costings;
- ii) assumed that construction will be undertaken in one (1) stage only;
- iii) based Water Corporation headworks for water reticulation to SRE (Single Residential Equivalent) per lot only;
- iv) applied Water Corporation headworks at the June 2009 rates;
- v) estimated underground power on a per lot basis only, with final prices to be determined upon detail design layout and subsequent advice from Western Power (including headworks charges);
- vi) assumed that costs are based on the geotechnical investigation being acceptable and have not made allowance for the treatment of difficult soil conditions during development (e.g. limestone, rubble, clay/peat materials);
- vii) made no allowance for treatment of Acid Sulphate Soil (ASS) which is unlikely to be required;
- viii) made no allowance for remediation works to the site which again is unlikely to be required; and
- ix) made no allowance for other consultants (eg. Planning, Surveying, Environmental, Landscaping).

The following table provides a summary of the key construction components and preliminary construction costs as determined by JDSi Consulting Engineers, a full copy of which is provided at Attachment 12.4:

| <b>Subdivision Development Component</b>                    | <b>Cost (\$)</b>                 |
|---|----------------------------------|
| <b>Mobilisation</b>   | <b>33,900</b>                    |
| <b>Management</b>   | <b>8,570</b>                     |
| <b>Water Reticulation</b>                                   | <b>25,253</b>                    |
| <b>Electrical Power Reticulation – Option B</b>             | <b>237,500</b>                   |
| <b>Provisional Sums</b>                                     | <b>34,670</b>                    |
| <b>Sub Total – Construction Contract (+15% contingency)</b> | <b>339,893</b>                   |
|   | <b>(50,984)</b>                  |
| <b>Total Civil Construction</b>                             | <b>390,877</b>                   |
| <b>Water Corporation Contributions &amp; Fees</b>           | <b>40,762</b>                    |
| <b>Western Power Fees</b>                                   | <b>3,794 (+ headworks costs)</b> |
| <b>JDSi Professional Fees</b>                               | <b>31,500</b>                    |
| <b>Total Fees &amp; Charges</b>                             | <b>76,056</b>                    |
| <b>TOTAL BUDGET ESTIMATE</b>                                | <b>Approx. 466,933</b>           |
| <b>Average Cost per lot</b>                                 | <b>Approx. 51,900</b>            |

The cost estimate prepared in 2007 by civil engineers McDowall Affleck for the previous subdivision design layout comprising ten (10) new lots concluded that the project would cost approximately \$765,010 at an average cost of \$76,501 per lot. It should be noted that this

figure is likely to be slightly higher today as construction costs have increased by approximately 10% since the 2007 estimate (i.e. approximately \$841,511 at an average cost of \$84,151 per lot).

In comparing the construction cost estimates for the two (2) subdivision options formulated to-date, and accounting for inflation over the last two years, it is clear that the latest approved design option will result in a total cost saving to the Shire of approximately \$374,500.

In considering the project's total cost Council should also note that there is now significant opportunity for the Shire to secure a higher level of funding assistance than was previously available under the 'Regional Headworks Program (RHP)'. The recent establishment of the 'Royalties for Regions' program and, more specifically, the new 'Regional Grants Scheme' means that there is more money available to local government authorities to help cover the headworks costs associated with projects of this type. The preparation and lodgement of an application for funding assistance to the Wheatbelt Development Commission for the next round of funding under the 'Regional Grants Scheme' in late 2009 it is therefore strongly recommended should Council wish to proceed with the project.

### **Conclusion**

It is concluded from the above assessment that the alternative subdivision plan for the subject land approved by the WAPC in March 2009 is:

- i) more cost effective than the original 2007 design layout;
- ii) requires less effort in terms of design and construction and can therefore be constructed within a shorter timeframe;
- iii) will be of significant benefit to the current owners of existing adjoining privately owned industrial lots who have expressed an interest in acquiring a portion of the subdivided land for amalgamation into their existing properties; and
- iv) can be funded with higher levels of assistance from the State Government than that previously available to the Shire under the now defunct 'Regional Headworks Program (RHP)'.

Notwithstanding the above conclusions a final decision by Council on whether or not to proceed with the project will be contingent upon the following:

- Receipt of valuation advice from a local real estate agent or licensed property valuer to determine the likely sale price of the proposed lots;
- Confirmation from the State Land Services Division of the Department for Planning and Infrastructure as to whether or not the Shire is required to pay for Lot 1876 which is currently owned by the State of Western Australia and if so how much; and
- The Wheatbelt Development Commission's approval to the project under new 'Regional Grants Scheme' including details regarding the exact amount of funding assistance to be made available to the Shire and any conditions associated with such funding.

### **Statutory Environment**

- Land Administration Act 1997
- Land Administration Regulations 1998
- Town Planning and Development Act 2005
- Town Planning Regulations 1967
- Environmental Protection Act 1986
- Shire of Wagin Town Planning Scheme No.2

### **Policy Implications**

- WAPC Development Control Policy No.4.1 – *Industrial Subdivision*
- WAPC State Planning Policy No.4.1 – *State Industrial Buffer Policy*

## **Community Consultation**

Not required.

## **Financial Implications**

- Construction of the proposed subdivision in accordance with the details of the alternative subdivision plan is estimated to cost a total of approximately \$467,000 at an average cost of approximately \$51,900 per lot.
- The preliminary construction cost estimate prepared by JDSi Consulting Engineers is based on current contract rates and may vary following completion of the detailed design phase of the project, the commencement of which is contingent upon a contour and feature survey of the land and the preparation of a site specific geotechnical report to confirm that the land is physically capable of development for light industrial purposes.
- The total cost of the project to the Shire has potential to be reduced substantially if the Shire is successful in securing headworks funding assistance under the new 'Regional Grants Scheme'. The exact amount of this assistance is yet to be determined but is likely to be greater than that previously available under the now defunct 'Regional Headworks Program (RHP)'.
- The State Land Services Division of the Department for Planning (DPI-SLS) and Infrastructure may require the Shire to pay for Lot 1876 which is currently owned by the State of Western Australia. The requirement to pay for the land and details of exactly how much may be payable needs to be determined through further discussion and negotiation with (DPI-SLS).
- The likely sale price of the proposed lots and total sales revenue needs to be determined through consultation with a local real estate agent or licensed property valuer. Advice in this regard has been arranged and is due to be submitted to the Shire in late May / early June 2009. This advice will assist Council to determine the commercial viability of the project and whether or not to proceed.

## **Strategic Implications**

The project is consistent with Council's strategic direction for future land development in the Wagin townsite; will provide significant opportunity for the establishment of a wide range of industrial uses to support the local economy and will help to satisfy the growing demand for suitable, vacant industrial land in the town.

## **Voting Requirements**

Simple majority required.

**1057 Officers Recommendation / Council Decision**

Moved: Cr.GR Ball

Seconded: Cr. JLC Ballantyne

That Council resolve to:

1. Receive the preliminary construction cost estimate prepared by JDSi Consulting Engineers for the proposed subdivision of Lot 1876 (HN.19) Vernal Street (Reserve 48538) and Lots 1839, 1840 & 1841 (HN.7-15) Vernon Street, Wagin.
2. Authorise the Shire Administration to seek written confirmation from the State Land Services Division of the Department for Planning and Infrastructure as to whether or not the Shire will be required to pay for Lot 1876 which is currently owned by the State of Western Australia and if so how much.
3. Authorise the Shire Administration to prepare and lodge an application for headworks funding assistance to the Wheatbelt Development Commission for the next round of funding under the 'Regional Grants Scheme'.
4. Authorise the Shire Administration to engage:
  - i) a licensed surveyor to undertake a contour and feature survey of the land; and
  - ii) a suitably qualified consultant to prepare a site specific geotechnical report in July/ August 2009 as required by the Western Australian Planning Commission and the Department of Health as a condition of subdivision approval to confirm that the land is physically capable of development for light industrial purposes, with funding for these preliminary works to be allocated in Council's 2009/2010 budget to help avoid any potential delays to the project's future implementation should Council resolve to proceed.

Carried 9/0

***Cr Ewen returned to the meeting at 9.38pm.*****12.5 DEDICATION OF PORTION OF VENTNOR STREET****(Between Vernal Street and Vale Street & Revesting of Lot 192 [balance portion] & Lot 193 Vale Street, Wagin).****PROPONENT:****Shire of Wagin****LOCATION:****Lot 198 Venice Street, Lots 192 & 193 Vale Street and Lots 1705, 1811 & 1813 Ventnor Street, Wagin.****REPORTING OFFICERS:****Joe Douglas & Carlo Famiano - Consultant Town Planners (Urban & Rural Perspectives)****Summary**

This report has been prepared following receipt of correspondence from the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS) requesting that Council indemnify the Minister for Lands against all costs and/or claims associated with the proposed dedication of that portion of the Ventnor Street road carriageway between Vernal Street and Vale Street through Lots 198 Venice Street, Lot 192 Vale Street, Lots 1705, 1811 & 1813 Ventnor Street, Wagin as a public road.

**Background & Comment**

The Shire of Wagin is currently following the relevant procedures under the *Land Administration Act 1997* to help resolve the legal liability issues associated with that portion of the Ventnor Street road carriageway previously constructed between Vernal and Vale Street, Wagin. A portion of Ventnor Street (approximately 200 metres) between Vernal and Vale Streets was constructed by the Shire some time ago through various freehold lots and Crown land in order to improve vehicle access and circulation within the nearby industrial area (see attached Plans 5 to 8).



Notwithstanding completion of the physical construction works, the relevant portion of Ventnor Street has never been dedicated as a public road and is therefore currently classified as a private road under the *Land Administration Act*.

At its Ordinary Meeting held on 16 December 2008 Council resolved to note all submissions received during public advertising of the proposal and request the Minister for Lands to grant final approval to the project.

In response to the Shire's request to the Minister, DPI-SLS has requested that the Wagin Shire Council resolve to indemnify the Department and the Crown against any costs and/or claims associated with the dedication of the road. Council's indemnification will ensure that DPI-SLS and the Crown are not held liable for any costs and/or claims arising from the project.

Given the Shire's previous actions and responsibilities in this matter, it is considered appropriate that Council agree to the indemnification requested in order to enable the project to proceed. It should be noted that the risk of any claims arising from the proposed road dedication is considered minimal given that all the land affected by the proposal is either owned by the Crown or the Shire of Wagin.

Should Council not agree to indemnify DPI-SLS and the Crown as requested, the road dedication process may not proceed any further in which case the Shire may be required to close the relevant portion of Ventnor Street in order to minimise the current legal liability issues associated with the general public's use of this portion of the roadway.

### **Conclusion**

Given the need to resolve the legal liability issues associated with the current alignment of Ventnor Street between Vernal and Vale Streets, it is considered prudent for Council to agree to indemnify DPI-SLS and the Crown against any costs and/or claims associated with the project.

### **Statutory Environment**

- Land Administration Act 1997
- Land Administration Regulations 1998
- Town Planning and Development Act 2005

### **Policy Implications**

Nil

### **Community Consultation**

Completed. No objections received.

### **Financial Implications**

- Road Dedication: \$3,500.00 excluding GST to cover the Shire's administrative costs including all required reports and public advertising. The survey works and administrative costs associated with creating the new road reserve area will be met directly by DPI-SLS.
- Proposed new 1,591m<sup>2</sup> Industrial Lot: DPI-SLS has confirmed that it will meet all administrative costs associated with re-vesting and creating the proposed new industrial lot except those costs associated with providing the necessary essential service infrastructure. Specific details of these costs will be conveyed to the Shire during the Crown survey process but are not expected to exceed \$5,000.00 excluding GST.



**Strategic Implications**

Nil

**Voting Requirements**

Simple majority required.

**1058 Officers Recommendation / Council Decision**

Moved: Cr. IC Cumming

Seconded: Cr. KM Draper

That Council resolve to indemnify the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS), the State of Western Australia and the Minister for Lands against all costs and/or claims arising from the dedication of that portion of the Ventnor Street road carriageway between Vernal and Vale Streets, Wagin as a public road.

Carried 10/0

**12.6 PROPOSED ROAD CLOSURE****PROPONENT:****Shire of Wagin****LOCATION:****Portion of Arnott Street, Wagin (between Ware Street and Piesse Lane)****REPORTING OFFICERS:****Joe Douglas & Steve Pandevski - Consultant Town Planners (Urban & Rural Perspectives)****Summary**

This report provides details and recommendations in respect of the proposed closure of that portion of Arnott Street, Wagin immediately abutting the western boundary of the Wagin Hospital between Ware Street to the north and Piesse Lane to the south (see attached Plans 9 & 10).

**Background & Comment**

At its Ordinary Meeting held on 16 September 2008 Council resolved to not proceed with tasks necessary to close that portion of Arnott Street, Wagin between Ware Street to the north and Piesse Lane to the south (Resolution No.793).

At its Ordinary Meeting held on 16 December 2008 Council reconsidered its previous resolution dated 16 September 2008 in the context of the need for potential alterations and additions to the Waratah Lodge facility and resolved to:

- *Proceed with the closure of the northern part of Arnott Street that was considered by Council at its September 2008 meeting;*
- *Proceed with the purchase of 5 Arnott Street as expeditiously as possible and that authority to attend to the details of the purchase, including affixing the seal if need be, be delegated to a committee made up of the Shire President, the Chair of this committee and the Chief Executive Officer, conditional on part 7 of this recommendation; and*
- *Actively pursue the subdivision or a long term lease of Health Department land currently leased by the Shire.*

With respect to the second dot point above it is prudent to note that the Shire has entered into a contract with the current owner to purchase No.5 Arnott Street and tasks are currently being undertaken to transfer ownership of the property to the Shire.

In accordance with Council's resolution to proceed with the project and the specific requirements of the *Land Administration Act 1997* and *Land Administration Regulations 1998*, the Shire advertised the proposal for public comment a minimum period of 35 days ending on 20 February 2009.

The proposal was advertised by the following means:

- i) Public advertisement in the Local Government Notices section of the 20 December 2008 edition of the West Australian newspaper;
- ii) Display of the proposal at the Shire Administration Centre;
- iii) Individual referral letters to the owners of ten (10) surrounding and nearby properties; and
- iv) Individual referral letters to the following agencies:
  - Water Corporation
  - Western Power
  - Telstra
  - Department for Planning and Infrastructure – State Land Services
  - Department for Planning and Infrastructure – Great Southern Office
  - Department of Health

At the close of public advertising a total of two (2) written submissions had been received by the Shire, the details of which are summarised as follows:

1. Western Power – Advised that low and high voltage power lines are located within the proposed road closure area and that these lines will need to be relocated at a total estimated cost of \$88,200.
2. Mr A. Lord of 8 Warwick Street, Wagin – Advised that although he supports the proposed extensions to Waratah Lodge he is of the view that the extensions could be accommodated within the boundaries of the existing hospital site. To that extent Mr Lord advised of his objection to the proposed road closure and his preference for Arnott Street to retain its "open nature".

Mr Lord also submitted the following comments in support of his views:

*"Arnott Street is a wide and appealing street appropriate in status as the front for important facilities such as the Catholic Church and the Hospital"; and*

*"It is important to have very good access to the hospital from all directions, and as well, it gives good access to the heritage precinct of St Joseph's Church, the former school and former convent of which I am the current owner."*

The submission by Mr Lord also recommends that other smaller roads should perhaps be closed to manage the movement of "undesirable" elements of the community. (A full copy of all submissions received is provided at Attachment 12.6.)

In considering the above submissions this report forms the following opinions for Council's consideration:

- Extensions to Waratah Lodge could be accommodated within the existing hospital site boundary without the need to close Arnott Street.
- Contemporary town planning and urban design principles encourage road frontage and accessibility to civic uses such as hospitals.
- Finalising the road closure process, including
  - acquisition of the land comprising the closed road reserve area from the Crown;
  - legal survey works and preparation of the required documentation and plans;

- relocation of the existing overhead power lines located in the Arnott Street road reserve area;
- preparation of all legal instruments, such as easements, to protect the existing telecommunications and water supply infrastructure located in the Arnott Street road reserve area, is likely to cost the Shire in the order of \$150,000. This is in addition to the purchase price for No.5 Arnott Street, Wagin which is currently being acquired by the Shire to provide for the project's effective implementation.
- The relevant portion of Arnott Street, once closed, will continue to be constrained by underground service infrastructure thereby limiting the amount of land available to accommodate any future proposed extensions to Waratah Lodge.

### Options & Implications

The following options and their associated implications are presented to assist Council to determine whether or not to proceed with the road closure proposal.

#### Option 1 - Proceed with Road Closure

If Council forms the view that the proposed road closure is a suitable and acceptable outcome, it may resolve to request the Minister for Lands to close the relevant portion of the Arnott Street road reserve area.

#### Implications

- The total cost of closing the road is estimated to be in the order of \$150,000. This is in addition to the purchase price for No.5 Arnott Street which is currently being acquired by the Shire to provide for the project's effective implementation.
- Much but not all of the land comprising the closed road reserve area will become available to accommodate the proposed extensions to Waratah Lodge.
- The exact amount of land that will become available for future development cannot be determined until such time as all relevant essential service authorities have determined and advised of their specific easement requirements.
- The current levels of accessibility and permeability around the western part of the hospital and to nearby areas of the Wagin townsite will be significantly reduced.

If this is Council's preferred option then it should resolve to:

- i) Note the submissions received from Western Power and the owner of 8 Warwick Street, Wagin in respect of the proposed closure of portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- ii) Dismiss the objection received from the owner of 8 Warwick Street, Wagin;
- iii) Request the Hon. Minister for Lands to formally close that portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- iv) Indemnify the State Land Services Division of the Department for Planning and Infrastructure (DPI-SLS), the State of Western Australia and the Minister for Lands against all costs and/or claims arising from the road closure action;
- v) Advise those agencies and persons that made a submission on the proposal during public advertising of Council's resolution to proceed with the road closure; and
- vi) Grant the Chief Executive Officer the right of carriage and conduct to progress and finalise the project.

#### Option 2 – Not Proceed with Road Closure

If Council forms the view that the proposed road closure is not a suitable and acceptable outcome, it may resolve not to proceed to request the Minister for Lands to close the relevant portion of the Arnott Street road reserve area.

Implications

- The Shire will not need to commit the substantial financial resources required to progress the project. This money could be used for other purposes.
- The Shire will need to identify and assess alternative site options to accommodate the future proposed extensions to the Waratah Lodge.
- The Shire may need to reconsider its impending acquisition of No.5 Arnott Street given that this land will no longer be required.
- The current high levels of accessibility and permeability around the western part of the hospital and to nearby areas of the Wagin townsite will be maintained.

If this is Council's preferred option then it should resolve to:

- i) Note the submissions received from Western Power and the owner of 8 Warwick Street, Wagin in respect of the proposed closure of portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- ii) Uphold the objection received from the owner of 8 Warwick Street, Wagin;
- iii) Not proceed to request the Hon. Minister for Lands to formally close that portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- iv) Advise those agencies and persons that made a submission on the proposal during public advertising of Council's resolution not to proceed with the road closure; and
- v) Authorise the Shire Administration to investigate and submit a report to Council on alternative possible site options for the future proposed extensions to Waratah Lodge.

Option 3 - Deferral

If Council forms the view that it currently has insufficient information to make an informed decision on whether or not to proceed with the proposed road closure, it may resolve to defer making a final decision until the Shire Administration has investigated and submitted a report on alternative possible site options for the future proposed extensions to Waratah Lodge.

Implications

- The Shire will need to commit the resources and time required to comprehensively investigate, assess and report on alternative possible site options to accommodate the future proposed extensions to Waratah Lodge. This work is estimated to cost approximately \$3,000.
- Further investigation and assessment of all possible site options will cause a delay to the future proposed extensions to Waratah Lodge but will enable Council to make a fully informed decision on whether or not to proceed with the proposed road closure.

If this is Council's preferred position then it should resolve to:

- i) Note the submissions received from Western Power and the owner of 8 Warwick Street, Wagin in respect of the proposed closure of portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- ii) Defer any decision on whether or not to proceed to request the Hon. Minister for Lands to formally close that portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
- iii) Advise those agencies and persons that made a submission on the proposal during public advertising of Council's resolution to defer consideration of the proposal pending further detailed investigation and assessment; and

- iv) Authorise the Shire Administration to investigate and submit a report to Council regarding the feasibility, costs and implications of all possible site options for the future proposed extensions to Waratah Lodge.

### Conclusion

Having regard for:

- i) the substantial costs associated with the project;
- ii) the comments and objection received during public advertising;
- iii) the implications of the proposal in terms of the current levels of accessibility and permeability around the western part of the hospital and to nearby areas of the Wagin townsite;
- iv) the limited amount of investigation undertaken with respect to alternative site options for the future proposed extensions to Waratah Lodge; and
- v) the significant amount of vacant land currently available within the boundaries of the existing hospital site to accommodate the proposed extensions to Waratah Lodge,

this report recommends that Council resolve not to proceed with the project.

### **Statutory Environment**

- Land Administration Act 1997
- Land Administration Regulations 1998

### **Policy Implications**

Nil

### **Community Consultation**

Completed. Two (2) submissions received.

### **Financial Implications**

Discussed in detail above.

### **Strategic Implications**

A key objective of the Shire of Wagin's 'Plan for the Future 2006/2007 to 2015/20' is "to continue providing a vital Home and Community Care Service that meets the requirements of our Aging Community needs". The proposed closure of the relevant portion of Arnott Street is intended to accommodate proposed extensions to Waratah Lodge which is consistent with the abovementioned objective.

It should however be noted that there may be other opportunities, besides closing a portion of Arnott Street, to accommodate the proposed extensions to Waratah Lodge and at far less cost.

### **Voting Requirements**

Simple majority required.

**1059 Officers Recommendation / Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr. GR Ball

**That Council resolves to:**

- i) Note the submissions received from Western Power and the owner of 8 Warwick Street, Wagin in respect of the proposed closure of portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
  - ii) Uphold the objection received from the owner of 8 Warwick Street, Wagin;
  - iii) Not proceed to request the Hon. Minister for Lands to formally close that portion of the Arnott Street road reserve between Ware Street to the north and Piesse Lane to the south;
  - iv) Advise those agencies and persons that made a submission on the proposal during public advertising of Council's resolution not to proceed with the road closure; and
  - v) Authorise the Shire Administration to investigate and submit a report to Council on alternative possible site options for the future proposed extensions to Waratah Lodge.
- Carried 10/0

**12.7 UNAUTHORISED TRANSACTIONS****PROPONENT:** Shire of Wagin**LOCATION:****REPORTING OFFICER:** Manager Finance & Corporate Services**Summary**

The aim of this report is give Council the opportunity to openly express its position regarding a number of financial transactions which were unbudgeted and done without Council's approval.

**Background**

First of all I want to make it clear that the current Acting CEO (Appointed in April 2009) and the Manager of Finance & Corporate Services (also appointed in April 2009) had no involvement in these transactions. This new management team brought these transactions to Council's attention and is in the process of getting legal advice on how to proceed from here on. It is also worth noting that new management team is made up of professionals with many years of experience in the management of local government funds. The Council and community can therefore be assured that the current management team will not engage in these types of practices and that much more stringent financial controls are in the process of implementation. The details of the transactions are:

|   |  |
|---|--|
| Telstra contract for IP Telephony data/voice network service  | \$ 6,269.00 (Excl GST) per month<br>For 36 months                            |
| Alliance e-finance for the hire of a photocopier. Linked to this transaction is also the unauthorised disposal of the old photocopier which was purchased outright in November 2006 for more than \$15,000. | \$ 553.00 (Excl GST) per month<br>For 60 months.<br><br>Plus a fee per page. |
| White pages advertising (Got published with wrong information in it)  | \$ 3,778.00 (Excl GST)<br>Once off payment                                   |

|  |             |
|--|-------------|
| A donation to Narrogin Hospital whilst this request was rejected by Council when formally presented to Council at the ordinary meeting of Council on 16/12/2008. | \$ 4,000.00 |
|--|-------------|

**Comment**

The members of the Finance and General Purpose Committee requested that these transactions be presented to Council in this way.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Purchasing policy. (Will be reviewed together with all other finance policies)

**Financial Implications**

These transactions not only impact negatively on the current budget, but will also have to be provided for in future budgets as Council is now committed to make monthly payments for up to 5 years into the future.

**1060 Officer's Recommendation / Council Decision**

Moved: Cr: GKB West

Seconded: Cr. GR Ball

That Council make it known that Council had no knowledge of the following transactions which were conducted and will therefore not endorse them:

- Telstra contract signed on 13/02/2009 for the provision of IP Telephony data/voice network service.
  - Alliance e-finance contract signed on 18/2/2009 for the hire of photocopier.
  - The recent placement of an advertisement in the White Pages of 2009 page 371.
  - The donation to Narrogin Hospital processed on 18/02/2009.
- Carried 10/0

**12.8 REFINEMENT OF THE ORGANISATIONAL STRUCTURE**

**PROPONENT:**

**Shire of Wagin**

**LOCATION:**

**REPORTING OFFICER:**

**Manager Finance & Corporate Services**

**Summary**

This report outlines a way for Council to refine the existing organisation structure by:

- Deleting a number of positions.
- Adding administrative positions.
- Moving some of the loosely structured functions into a more formal arrangement.
- Renaming of the 2<sup>nd</sup> level management positions to better reflect the roles.

**Background**

At the April 2009 Ordinary meeting of Council it was resolved that a partial structural review be undertaken. Initially the idea was to have this review done by Workplace Solutions and that the cost would be minimal as the Shire subscribes to the Workplace Solutions services. After receiving a formal quotation for this partial review, it seemed far too expensive, especially



when taken into account the amount of money spent on unplanned (and unbudgeted) items in this financial year.

After consulting with the Shire President, it was decided to present Council with a practical solution which will cost very little to implement but at the same time improve the management of a range of key functions.

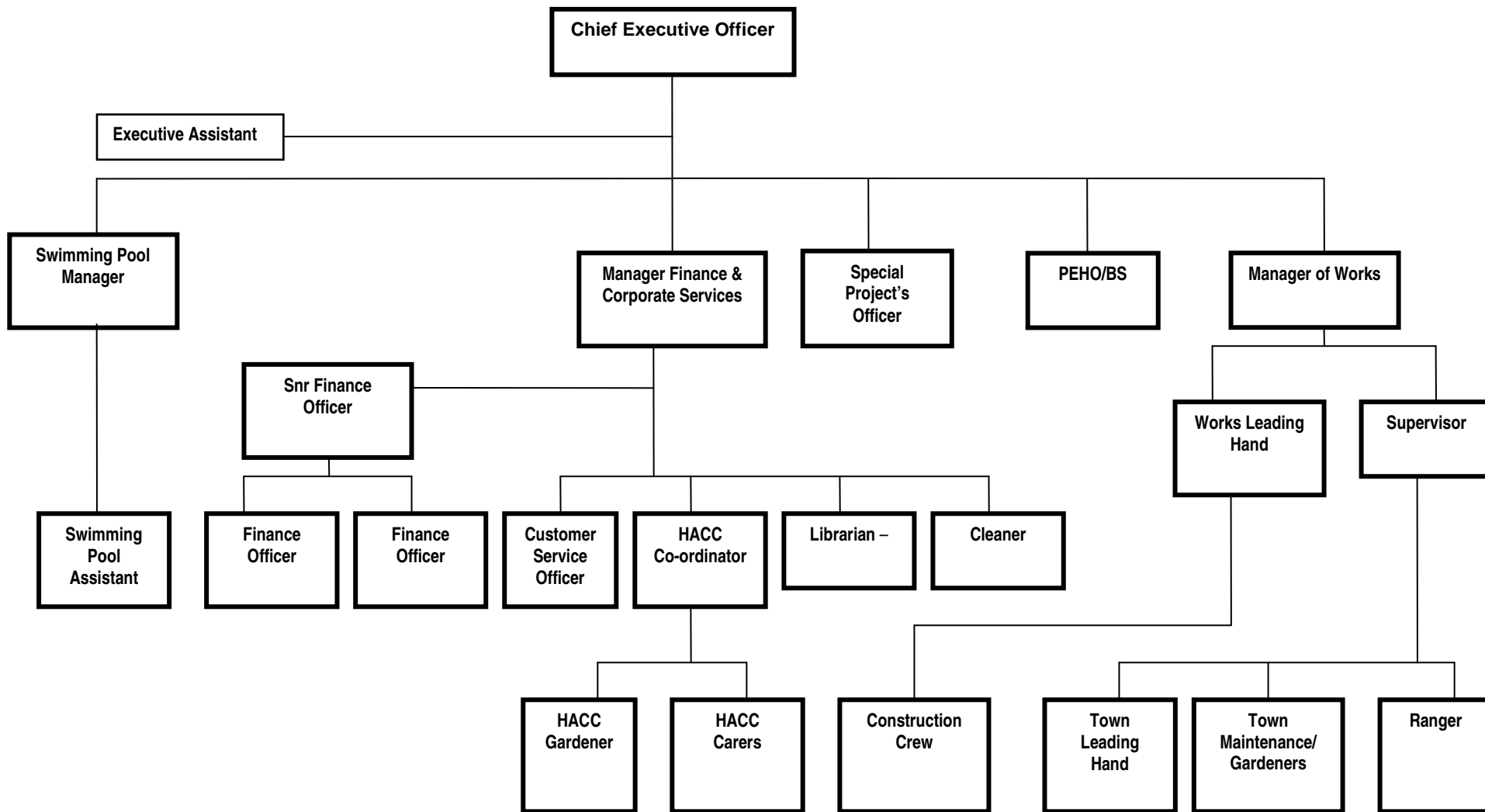
When looking at the existing structure it is very apparent that this Shire has no administrative staff. Administrative tasks are shared by other staff and are therefore not high priority. A large number of compliance matters are therefore not properly done, the shire records are in a poor state, while operational staff and management are bogged down trying to cope with this administrative burden. If this situation is not addressed, it will eventually put the Shire's operations at risk.

The existing structure also has more positions directly reporting to the CEO than what is normally the case.

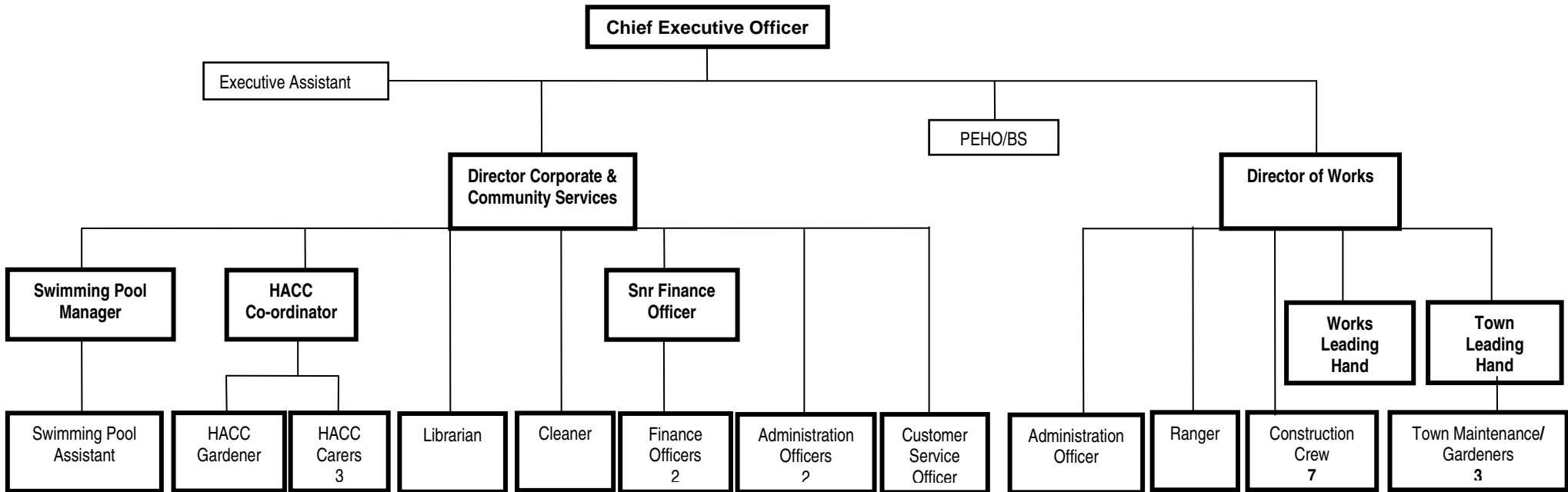
It is therefore suggested that Council consider the following changes to the structure:

- Delete the **Special Project Officer** position (vacant) Level 8
- Delete the **Town Crew Supervisor** position (vacant) Level 8
- Create a **Leading Hand** position
- Create an **Administrative Officer** Position Level 3/4  
To support the Works Department
- Create **2 Administrative Officer** Positions Level 3/4  
Records management, Occupational Health & Safety, Insurances, Building Maintenance, Emergency Management, Maintenance of statutory registers, executive support of committees, admin support to management, relief for Customer Service Officer and a range of other tasks.
- Change the Title of the Manager **Finance and Corporate Services** to **Director Corporate and Community Services**. It is worth noting that in the current structure this position is already responsible for the management of community related functions like the Library and HACC.
- Change the reporting structure of the Pool/Recreation Manager.
- Change the title of the **Manager of Works** to **Director of Works** and refine the reporting structures in the Works department to better reflect the current operational needs.





**Figure 1  
CURRENT STRUCTURE**



**Figure 2  
PROPOSED STRUCTURE**

## Statutory Environment

Local Government Act 1995

### Section 5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

## Policy Implications

A number of policies and delegations will have to be updated as a result of the proposed changes to the organisational structure.

## Financial Implications

The creation of the new administration officer positions (Level 3/4 ) will result in an additional cost, which will to a large extent be financed from the savings as a result of the deletion of two Level 8 positions. The current managers support these changes on the basis that it will greatly improve operations and not for any personal gain. The Managers are therefore willing to continue in the revised roles for the initially agreed salaries.

### 1061 Officer's Recommendation / Council Decision

Moved: Cr. GR Ball

Seconded: Cr. KM Draper

That Council approve the implementation of the proposed organisational structure as outlined in Figure 2 of this report.

Carried 10/0

*Cr Ballantyne left the meeting at 10.32pm.*

### 12.8b ADDENDUM TO ITEM 12.8

**Proponent:** Shire of Wagin

**Location:**

**Reporting Officer:** Manager Finance & Corporate Services

## Summary

This report is providing Council with addition information that Council should consider in relation to the refinement of the organisational structure and the possible creation of a Building Maintenance Officer position.

## Background

This Shire maintains a large number of buildings and is at the moment using contractors to get all the maintenance and repairs done.

In the 2008/9 building maintenance plan \$82,840 was allocated towards contractors of which about 20% is for payments for work that cannot be performed by a general maintenance person. This leaves about \$66,272 of work that gets contracted out which I belief we can get done by employing our own Building Maintenance Officer.

These cost savings are not the only benefit. The Shire currently have a huge backlog of maintenance issues mainly because it is very difficult to get trades people to come and to these jobs. Many small jobs will take a very long time to be completed or will just not get done. As a result the general condition of our buildings is therefore gradually deteriorating.

#### **Comment**

The Building Maintenance Officer can also generate income by doing maintenance and repair work for other shires/organisations in the area.

#### **Statutory Environment**

Local Government Act 1995

##### **Section 5.2. Administration of local governments**

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

#### **Policy Implications**

Nil

#### **Financial Implications**

Substantial saving in payments to contractors together with the possibility of income generated by doing building maintenance work for other shires/organisations in the area. The wages for this position will have to be budgeted for in the 2009/10 budget.

#### **1062 Officer's Recommendation / Council Decision**

Moved: Cr. GR Ball

Seconded: Cr. JL Ewen

That Council approve the implementation of the proposed organisational structure as outlined in Figure 2 of this report.

Carried 9/0

*Cr Ballantyne returned to the meeting at 10.40pm*

*Cr Reed left the meeting at 10.40pm.*

#### **12.9 DEVELOPMENT APPLICATION – GRAIN SILOS – MORTON SEEDS**

**PROPONENT:** Morton Seeds  
**LOCATION:** Lot 6 / Loc 518 Stewart Rd  
**REPORTING OFFICER:** Environmental Health/Building Officer

#### **Summary**

An application by Morton Seeds to install five (5) 4000 tonne grain silos on lot 6 / location 518 Stewart Rd.

#### **Background**

Morton Seeds, which operates a grain milling operation on the Stewart Road, has applied to be able to erect five (5) 4000 tonne silos on site for grain storage.

The proposal is considered development hence the approval of Council is required.

A copy of the letter accompanying the application is attached, which sets out the reasons for the application.

**Comment**

As can be seen from the accompanying site diagram, there is already extensive infrastructure on site. Mortons' have had ongoing problems with grain dust migrating off site and they believe that this proposal will assist to alleviate some of the problems.

There have also been complaints of mice coming from the premises so a closed silo system should also help to stem this particular problem.

It is their expectation that one of the unenclosed bunkers will not be needed if the grain is stored in these silos, cutting down on handling times and subsequent grain dust blowing off site.

The silos will be significant in size and bulk and will impact on the horizon.

As can be seen from the plans the height of the silos is approximately 24 metres, the top of the drag elevator another 1.5 metres higher with the elevator being approximately 52 metres high.

The length of the silo complex will be approximately 136 metres with the diameter of each silo being 25 metres.

Council could: grant approval for the development; grant approval after advertising the approval or reject the proposal.

The business has been established for some years now and I believe there could be an expectation that the business would or could expand and that this could include infrastructure of this type and magnitude.

**Statutory Environment**

Shire of Wagin Town Planning Scheme # 2

**Policy Implications**

N/A

**Financial Implications**

N/A

**Officer's Recommendation**

Moved: Cr.

Seconded: Cr.

That Council grant planning approval for Morton Seeds to build five (5) four thousand tonne grain silos on lot 6 / loc 518 Stewart Road Wagin on the site as indicated on their site diagram.

**1063 Council Decision**

Moved: Cr. AC Dohle

Seconded: Cr. GR Ball

That Council grant planning approval for Morton Seeds to build five (5) four thousand tonne grain silos on lot 6 / loc 518 Stewart Road Wagin on the site as indicated on their site diagram on the condition that this application is locally advertised and that any objections be brought back to Council.

Carried 9/0

*Cr Reed returned to the meeting at 10.50pm.*

**12.10 RFDS – DONATION – 2009 OUTBACK AIR RACE**

**PROPONENT:** RFDS – Donation – 2009 Outback Air Race  
Glen Forest Medical Centre

**LOCATION:****REPORTING OFFICER:** Acting Chief Executive Officer**Summary**

To agree (or not) to donate \$100.00 to the 2009 Outback Air Race for the Royal Flying Doctor Service.

**Background**

Council has been approached to make a donation of \$100.00 (or more) to this annual event which has raised more than \$1 million dollars since 1996 and used to provide aircraft and specialist medical equipment.

The requester, Dr Frank Kotai, will be flying his own plane at his expense in the Air Race and any donations made will go directly to the Royal Flying Doctor Service.

**Comment**

As this is a worthy cause the author is of the opinion that the request should be supported.

**Statutory Environment**

N/A

**Policy Implications**

N/A

**Financial Implications**

Budgeted for under item E041070 \$3,000.00 with \$1,341.37 left in the current budget.

**Officer's Recommendation**

Moved: Cr.GKB West

Seconded: Cr.

That Council donate \$100.00 towards the 2009 Outback Air Race to be used for fund raising to the Royal Flying Doctor Service.

Motion Lapsed

### 12.11 DONATION TOWARDS THE VI BARHAM AWARD

**Proponent:** Vi Barham Award  
**Location:** Narrogin District Education Office  
**Reporting Officer:** Acting Chief Executive Officer

#### Summary

To decide or otherwise to make a donation toward Vi Barham Scholarship.

#### Background

Council have previously agreed to donate money to this award and have over the past three (3) years given \$400 per year.

#### Comment

The attached letter (attachment 12.11) explains very well the purpose of the award which appears to be a worthy cause, as it provides educational assistance to our youth.

#### Statutory Environment

N/A

#### Policy Implications

N/A

#### Financial Implications

Budgeted for under item E081010 \$400.00 in the current budget.

#### Officers Recommendation

Moved Cr Seconded Cr

That Council donate \$400.00 to Vi Barham Award for Excellence.

#### 1064 Council Decision

Moved: Cr. DK Morgan Seconded: Cr. AC Dohle

That Council donate \$150.00 to Vi Barham Award for Excellence.  
 Carried 10/0

### 12.12 RESIGNATION CR B ANDERSON

**Proponent:** L Calneggia  
**Location:**  
**Reporting Officer:** Acting Chief Executive Officer

Attachment 12.11 Letter of Resignation

#### Summary

To accept the resignation of Cr B Anderson and determine a replacement.

**Background**

Section 2.31 of the Local Government Act 1995 states that a resignation of Councillor shall be in writing and delivered to the CEO.

Cr Anderson was elected to office in 2007 with the term ending in October 2011.

**Comment**

The A/CEO received Cr Anderson's resignation in writing (see Attached) on 18 May 2009. With Local government Elections due in October 2009 it is the authors opinion that there would be good cause to seek approval from the Electoral Commissioner to defer the filling of the vacancy in council created by this resignation until then.

**Statutory Environment**

Sect 4.17 Local Government Act 1995

**Policy Implications**

N/A

**Financial Implications**

An extraordinary election may cost \$500 – 1000 Plus staff time.

**1065 Officer's Recommendation / Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr. GR Ball

That Council seek the approval of the Electoral commissioner to allow the vacancy in council to remain unfilled until the October 2009 Local Government Elections.

Carried 10/0

**13. ANNOUNCEMENT OF PRESIDENT AND COUNCILLORS**

The Shire President advised that he had attended the following;

- 13/05/09 Kulin Regional Road Group Meeting
- 15/05/09 Presentation Loyal Service Award - Helen Severn
- 15/05/09 Farewell John Case
- 18/05/09 Finance and General Purposes Meeting
- 19/05/09 Works and Services – Tour of Inspection of Roads
- 20/05/09 Structural Reform Project Team
- 20/05/09 Audit Committee
- Lease – 5 Arnott Street
- Lease – Waratah Lodge

**14. ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15. URGENT BUSINESS INTRODUCED BY DECISIONS OF THE MEETING**

- a) Elected Members



Council Committees**1066 Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr AC Dohle

The Councillor West be appointed to the following Committees;

- Works and Services
- Finance and General Purposes
- Townscape

Carried by an absolute majority 10/0

b) Officer's

Statutory Declaration**1067 Council Decision**

Moved: Cr. DK Morgan

Seconded: Cr. GR Ball

That the Acting Chief Executive Officer write to Brian Anderson requesting he sign the Statutory Declaration as per resolution #1029 of the Ordinary Council Meeting 28<sup>th</sup> April 2009.

**16. CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT s5.23(2)**

*The Acting Chief Executive Officer left the meeting at 11.11pm.*

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

*(2) If a meeting is being held by Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered in to, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
 
  - (i) a trade secret;*
  - (ii) information that has a commercial value to a person; or*
  - (iii) information about the business, professional, commercial or financial affairs of a person;**

*Where the trade secret or information is held by, or is about, a person other than the local government.*

- (f) a matter that if disclosed, could be reasonably expected to:
 
  - (i) impair the effectiveness of any lawful method or procedure for preventing, defecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) endanger the security of the local government's property; or*
  - (iii) prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) such other matters as may be prescribed.*

