

SHIRE OF WAGIN



MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 18th November 2003

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Shire of Wagin

Minutes of the Ordinary Council Meeting of the Council held in the Council Chambers on Tuesday 18th November 2003.

1. Declaration of Opening

The Shire President, Cr Brockway declared the meeting open at 7.01pm and thanked Deputy Shire President Cr Johnson for attending to the Shire Presidents duties in her absence and welcomed Cr Morgan to Council.

2. Attendance, Apologies and Leave of Absence (Previously Approved)

Present:	Cr M J Brockway	President	
	Cr R P Johnson	Deputy Shire President	
	Cr I C Cumming	Member	
	Cr P I Piesse	Member	7.07pm
	Cr A C Hansen	Member	
	Cr H D Rowell	Member	
	Cr G J Riseborough	Member	
	Cr D K Morgan	Member	
	Cr P J Blight	Member	
	Cr K M Draper	Member	
	Cr E N Pugh	Member	
Staff:	Mr I B Fitzgerald	Chief Executive Officer	
	Mr B K Fisher	Deputy Chief Executive Officer	
	Mr D A Archer	Principal Environmental Health Officer/ Building Surveyor	
	Mr G J Donhardt	Manager of Works	

Apologies/Leave of Absence: Nil

3. Response to Previous Public Questions taken on Notice.

Nil

4. Public Question Time

Nil

5. Application for Leave of Absence

Nil

6. Public Forum (petition/Deputation/Presentations)

Nil

7. Confirmation of Previous Meeting Minutes

10722 DRAPER/HANSEN

That the minutes of the Ordinary Council Meeting held on 21st October 2003 be confirmed as a true and correct record.

CARRIED
Vote 10/0

8. Disclosure of Financial and other Interests

Cr Rowell declared a financial interest in item 9.2.5.

9. Reports of Committees and Officers

9.1.1	Sale of Land
Location:	Lot 233 Victor Street Wagin – zoned Residential R30
Proponent:	Water Corporation
Reporting Officer:	Principal Environmental Health Officer/Building Surveyor
File:	DEP31/2, A301

Summary

The Water Corporation wishes to purchase 636m² of Lot 233 and create an easement through the remaining portion.

Background

The Water Corporation has fenced the 636m² portion and built a substantial pumping station some years ago and now wish to purchase this land so as to secure their asset.

Comment

The remaining portion of Lot 233 is traversed by Councils town drainage system and it was considered to be in our best interest to retain ownership of this portion.

The Water Corporation has offered \$5000 and explains this comprises \$4,400 for the land (636m²) and \$600 for the easement.

I requested P L Bolto & Co (Ian Bolto) to consider our offer and he advises that “the overall offer of \$5,000 is fair and should be accepted.”

Councillors will recall that prior to selling land Council has been required to give state wide notice, however, Section 30 (2), (c), (ii) of the Local Government (Functions and General) Regulations 1996 exempt Council from the requirements to give notice if the sale is to “a department, agency, or instrumentally of the Crown in right of the State or Commonwealth”.

Statutory Environment: Local Government Act 1995 Section 3.58 and Local Government (Functions and General) Regulations 1995 Section 30 (2), (c), (ii).

Policy Implications: Nil

Budget Implications: No provision has been made however it would be appropriate to place monies received into the Land Development Reserve.

Officer’s Recommendation

Council advise the Water Corporation that the sale may proceed subject to;

- 1) Payment of \$5000 plus GST.
- 2) Purchaser paying all costs associated with subdivision and creation of the easement.
- 3) Purchaser paying all costs associated with the sale and settlement.

Council Resolution

10723 HANSEN/RISEBROUGH

That the Officers Recommendation be adopted.

CARRIED

Vote10/0

9.1.2**Coolroom****Location:****Stockmans Bar – Reserve 6985 Wagin
Townsite – zoned Recreation****Proponent:****Wagin Agricultural Society****Reporting Officer:****Principal Environmental Health Officer/Building Surveyor****File:****PRO14**

Summary

The proponent wishes to brick in a free standing coolroom, improve security, provide additional storage space and erect a screen wall on the northern side of the bar.

Background

Council on 16th September 2003 approved bricking in of the coolroom only, as that was the request.

Comment

This proposal extends the building approx 600mm further east (towards the playground) than the original proposal but as the access way between the playground and the coolroom will be barricaded to prevent vehicle access there will still be sufficient separation of the bar/coolroom and playground.

The proposal was faxed to members of the Sportsground Advisory Committee, plus user groups and at the time of writing no adverse comment had been received.

Statutory Environment:

Nil

Policy InformationReferred to Sportsground Advisory Committee – Faxed
11/11/03 (Health Building and Planning Policy No2).***Budget Implications:***

Nil

Officer's Recommendation

That Council grant approval to the Wagin Agricultural Society to build in a coolroom on the eastern end of the Stockmans Bar consistent with submission No2 dated 10th November 2003.

Council Resolution

10724 HANSEN/JOHNSON

That the Officer's Recommendation be adopted.

CARRIED

Vote 10/0

9.1.3**Diving Board****Location:****Wagin Swimming Pool – Lot 657 Trent Street Wagin
- Zoned Recreation****Proponent:****Staff****Reporting Officer:****Principal Environmental Health Officer/Building Surveyor****File:****PRO16**

Summary

The diving board at the pool has broken.

Background

Staff sought advice as to its stability several years ago but contrary to expectations the wooden board has broken, caused by moisture penetrating the board.

Comment

It is unfortunate that this has occurred in the first week of a new season as a replacement will cost \$9,000 and has not been budgeted for.

The diving pool is popular with our patrons and it would be disappointing should we not provide a new board.

Statutory Environment: Nil

Policy Implications: Nil

Budget Implications: Not provided for – requires Council authorisation for an over budget expenditure.

Officer's Recommendation

Council authorise an over – budget expenditure of \$9,000 to enable purchase of a new diving board to be installed at the Wagin Public Pool.

Council Resolution

10725 PUGH/DRAPER

That the Officer's Recommendation be adopted.

CARRIED

Vote 11/0

9.2.1 Appointment of Committee Members – Cr Morgan**Proponent:** Chief Executive Officer**Reporting Officer:** Chief Executive Officer

Summary

The resignation of Cr Kirk from Council has resulted in a number of vacancies on Council Committees or Committees to which Council appoints delegates. Cr Morgan as the newly elected replacement for Cr Kirk could fill these vacancies.

Background

Following the local government elections in May 2003 Council appointed delegates to Council Committees and to other committees and organisations outside of Council and at that time Cr Kirk was appointed to a number of committees. Cr Kirk subsequently has resigned from Council thus creating a number of vacancies.

Comment

Cr Morgan has been elected to fill the vacant Councillor position and it may be appropriate for him to be appointed to the vacancies created with Cr Kirk's resignation. The other option would be to have a complete spill of positions and re-appoint all delegates. As the committees and delegates were only appointed in May of this year this does not seem appropriate. Cr Morgan is willing to take on the positions currently filled by Cr Kirk.

Statutory Environment: Local Government Act 1995 section 5.10 (i) (2)

Policy Implications: Nil

Policy Implications: Nil

Officer's Recommendation

That Council appoint Cr Morgan to the following committees; Works and Services, Townscape and Tidy Towns, Rural Towns Rescue, Community Recreation Centre Management, Historical Village and Wagin Tourist Committee with a term expiring in May 2005.

Council Resolution

10726 JOHNSON/PUGH

That the Officer's Recommendation be adopted.

CARRIED

Vote 11/0

9.2.2 Public Interest Disclosure Act 2003

Proponent: Chief Executive Officer
Reporting Officer: Chief Executive Officer

Summary

The State Government passed new legislation that requires all public authorities, including local government to appoint Public Interest Disclosure Officers and to develop guidelines and procedures to be followed should a matter be reported.

Background

The Public Interest Disclosure Act 2003 commenced operations on 1st July 2003, without advice to or consultation with local government. The objectives of this Act are to:

- Facilitate the disclosure of public interest information.
- Provide protection for those who make disclosures.
- Provide protection for those who are the subject of a disclosure.

One of the requirements of the legislation is for authorities such as the Shire of Wagin to designate a Public Interest Disclosure Officer and develop procedures as to how any matter may be reported, is then investigated and actions to be taken as a result of the investigation.

Whilst it is unlikely an event will occur involving the Shire of Wagin we have a statutory obligation to abide by the legislation.

Draft Internal Procedures for the Public Interest Disclosure Act 2003 have been prepared for Council's consideration and adoption.

Statutory Environment: Public Interest Disclosure Act 2003 requires the appointment of a Public Interest Disclosure officer and guidelines for handling reported matters.

Policy Implications: The Internal Procedure should be included as a policy to give set guidelines should an incident occur.

Budget Implications: Nil – other than staff time.

Officer's Recommendation

That Council;

- a) Designate the Chief Executive Officer position as the Public Interest Disclosure Officer.
- b) Adopt the Draft Internal Procedure – Public Interest Disclosure Act 2003 as presented.

Council Resolution

10727 PUGH/CUMMING

That the Officer's Recommendation be adopted.

CARRIED
Vote 11/0

9.2.3	Authorised Officer
Proponent:	Chief Executive Officer
Reporting Officer:	Chief Executive Officer

Summary

There is a need to update Council's Delegations Register to reflect the appointment of a new Chief Executive Officer.

Background

Council reviewed and amended the Delegations Register in May 2003 with several matters delegated to, or appointment made of Michael Parker the previous Chief Executive Officer.

Comment

As the Delegations Register in places nominates Michael Parker by name as an Authorised Officer there is a need for Council to amend the register to reflect the new appointment. This simply requires the deletion of Michael Anthony Parker and inclusion of Ian Basil Fitzgerald.

Statutory Environment: Local Government Act 1995 section 3.24, 3.25, 9.10 Dog Act 1976.

Policy Implications: A change of names only.

Budget Implications: Nil

Officer's Recommendation

That Council delete Michael Anthony Parker as an Authorised Officer under the Local Government Act and Dog Act in the Delegations Register and insert Ian Basil Fitzgerald.

Council Resolution

10728 BLIGHT/JOHNSON

That the Officer's Recommendation be adopted.

CARRIED
Vote 11/0

9.2.4	Community Sport and Recreation Grant – Wagin Motocross Club
Proponent:	Wagin Motocross Club
Location:	Wagin Motocross Club
Reporting Officer:	Chief Executive Officer

Summary

The Wagin Motocross Club is applying for a Community Sport and Recreation Facilities Grant to install an electricity generator and scheme water to their clubrooms on Lime Lake Road and seeks a contribution of \$6407.37 from Council for this project.

Background

The club has purchased clubrooms and has located them at their facility. Now that the rooms are on-site the club wishes to provide water and power.

The upgrade and installation of these facilities will help the Wagin Motocross Club to cater for a large users group who to date have continued to support the club without these basic facilities.

Comment

The provision of water and power will provide the Wagin Motocross Club with basic toilet and clubroom facilities. It is anticipated the addition of these facilities will help attract families and motocross enthusiasts to use the Wagin Motocross Club.

The club has chosen a generator for the power supply as the headworks charges from Western Power made it impractical to run power into the site.

With regards to the water a meter will be installed on the property boundary and 800 meters of 40mm poly pipe will be installed to run water to a tank at the clubrooms.

The total cost of the project is \$19,222.10, a third to come from the Wagin Motocross Club and third has been requested from Sport and Recreation.

The Wagin Motocross Club requests the Shire of Wagin contribute a third to their project.

Statutory Environment: Nil

Policy Implications: Nil

Budget Implications: The amount requested from the Shire of Wagin would not be required until 2004/05 financial year which would allow Council to include in budget deliberations.

Officer's Recommendation

That Council provide \$6407.37 towards the Wagin Motocross project and include this amount in the 2004/05 budget.

Council Resolution

10729 PUGH/ROWELL

That the Officer's Recommendation be adopted.

CARRIED
Vote 11/0

Cr Rowell declared a financial interest and left the meeting at 7.14pm.

9.2.5 Appointment of the Fire Control Officer and Fire Weather Officer

Proponent: Chief Bush Fire Control Officer
Reporting Officer: Chief Executive Officer

Summary

Chief Bush Fire Control Officer Ross Goldsmith has requested Council appoint Mr Keith Rowell as a Fire Control Officer and Fire Weather Officer to replace Mr Trevor Booth.

Background

Under the terms of the Bush Fires Act 1954 a local government has the authority to appoint persons to be Bush Fire Control Officer and/or Fire Weather Officer's.

Although a volunteer, a Bush Fire Control Officer is an officer of the local government and is subject to its general direction. There is a requirement for the Bush Fire Control Officer to be issued with a certificate of appointment by the local government.

Mr Rowell would be replacing Mr Booth who passed away recently.

Statutory Environment: Bush Fire Act 1954 section 38 refers.

Policy Implications: Nil

Budget Implications: Nil

Officer's Recommendation

That Council appoint Mr Keith Rowell as a Bush Fire Control Officer and a Fire Weather Officer.

Council Resolution

10730 HANSEN/PIESSE

That the Officer's Recommendation be adopted.

CARRIED
Vote 10/0

Cr Rowell returned at 7.15pm.

9.2.6**Sale of Abandoned Vehicles****Proponent:****Deputy Chief Executive Officer****Location:****Shire Depot****Reporting Officer:****Deputy Chief Executive Officer****File:****WRK24**

Summary

Council has two abandoned vehicles in its works depot that have been offered for sale by tender.

Background

Tenders have been advertised in the Wagin Argus for the sale of two abandoned vehicles and close at 4pm on Friday 4th December 2003. The vehicles have been impounded for some months and should be sold by tender to recover the towing costs charged to date.

Comment

Details of the two vehicles are as follows;

Make	Body Type	Colour	Engine Number	Chassis Number
Ford Falcon	Sedan	Red	J623AW83891C	JG23FD63521C
Holden Commodore	Sedan	Dark Blue		

Council now has the option to delegate authority to the Chief Executive Officer to accept any tender on behalf of Council or refer the tenders to the December Council meeting for a decision.

Statutory Environment:

Local Government Act 1995

Budget Implications:

Nil

Officer's Recommendation

That Council delegate to the Chief Executive Officer the authority to accept any suitable tender for the purchase of either of the two abandoned vehicles.

Council Resolution

10731 PIESSE/HANSEN

That the Officer's Recommendation be adopted.

CARRIED

Vote 11/0

9.2.7 Financial Statements – October 2003**Reporting Officer: Deputy Chief Executive Officer**

Summary

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local authority is to prepare monthly financial reports in such a form as the local authority considers appropriate.

Background

The form of the monthly financial statements presented to Council has been an Operating Statement by function / activity, Statement of Financial Position, and an Operating Statement by Nature / Type. Council is also required to receive a list of payments made from all of Councils bank during the period from the last ordinary Council meeting onwards.

Comment

A copy of all three reports for the month ending 31st October 2003 have been included in the agenda along with a listing of all payments made from each of Councils bank accounts for this corresponding period.

Statutory Requirement: Local Government (Financial Management) Regulation 34(1)(a).

Budget Implications: Nil

Officer's Recommendation

That Council;

1. Receive the Operating Statement by Function / Activity, Statement of Financial Position, and Operating Statement by Nature / Type for the period ending 31st October 2003.
2. Approve for payment the following list of vouchers;

Municipal Account	from 17715 to 17821	total	\$ 201,744.84
Trust Account	from 1303	total	\$ 100.00
Municipal Account	(Direct Debit)	total	<u>\$ 201,283.45</u>
			<u>\$ 403,128.29</u>

Council Resolution

10732 PUGH/BLIGHT

That the Officer's Recommendation be adopted.

CARRIED
Vote 11/0

9.2.8**Wagin Medical Centre Financial Statements****Reporting Officer:** Deputy Chief Executive Officer

Summary

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local authority is to prepare monthly financial reports in such a form as the local authority considers appropriate.

Background

The Wagin Medical Centre has been running under the control of Council since 1st March 2003. Like the monthly financial reports Council already receives relating to the Municipal fund and list of payments made from the Municipal, Trust and Reserve accounts, Council is required to disclose the same information regarding the Wagin Medical Centre.

Comment

A Profit and Loss statement and Balance Sheet have been prepared for the period ending 31st October 2003, and a list of payments made from the cheque account are attached to this item.

Statutory Requirement: Local Government (Financial Management) Regulation 34(1)(a).
Budget Implications: Nil

Officer's Recommendation

That Council;

1. Receive the Profit and Loss Statement and Balance Sheet for the period ending 31st October 2003.
2. Approve for payment the following list of vouchers;

Wagin Medical Centre Account	from 000083 to 000093	\$38,157.03
	Including Direct Debit	

Council Resolution

10733 HANSEN/MORGAN

That the Officer's Recommendation be adopted.

CARRIED
Vote 11/0

9.4 Other Committees and Reports

9.4.1 Home and Community Report

Council Resolution

10734 ROWELL/HANSEN

That the Home and Community Report for November be received.

CARRIED
Vote 11/0

10 Announcement by the Shire President and Councillors

Cr Brockway advised;

- Attended the opening of the Waratah Lodge extensions.
- Attended a Wagin / Woodanilling Landcare Zone Meeting.

Cr Johnson advised;

- On 25th October he attended the Tidy Towns Award Ceremony.
- On 27th October he attended the CBH opening along with Cr Draper and the Chief Executive Officer.
- On 28th October he attended a Central South Tourism Meeting.
- On 14th November conducted the rural firebreak inspection with Cr Morgan.

Cr Rowell advised;

- That she had conducted the judging of the garden competition for the Shire of Woodanilling.

11. Elected Members Motions of which previous notice has been given

Nil

12 Urgent Business introduced by decisions of the meeting

a) Elected Members

Wagin Swimming Pool

10735 RISEBOROUGH/JOHNSON

That Council agree to discuss the Wagin Swimming Pool.

CARRIED
Vote 11/0

Landcare

10736 CUMMING/PUGH

That Council agree to discuss Landcare.

CARRIED

Vote 11/0

b) **Officers**

Nil

13. Confidential Business as per Local Government Act s5.23(2)

Nil

14. Closure

There being no further business to discuss the President thanked those in attendance and closed the meeting at 8.38pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed.

Dated _____